



**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

1700 Second Street, Suite 268  
Napa, California 94559  
(707) 259-8645 Telephone  
<http://napa.lafco.ca.gov>

Bill Dodd, Chair  
Lewis Chilton, Vice Chair  
Joan Bennett, Commissioner  
Brian J. Kelly, Commissioner  
Brad Wagenknecht, Commissioner  
Juliana Inman, Alternate Commissioner  
Mark Luce, Alternate Commissioner  
Gregory Rodeno, Alternate Commissioner

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**REGULAR MEETING AGENDA**

Monday, October 3, 2011  
County of Napa Administration Building  
1195 Third Street, Board Chambers  
Napa, California 94559

**1. CALL TO ORDER BY CHAIR; ROLL CALL: 4:00 P.M.**

**2. PLEDGE OF ALLEGIANCE**

**3. AGENDA REVIEW**

The Chair will consider any requests by Commissioners or staff to remove or re-arrange agenda items at this time.

**4. PUBLIC COMMENTS**

In this time period, anyone may comment to the Commission regarding any subject over which the agency has jurisdiction. No comments will be allowed involving any subject matter that is scheduled for hearing, action, or discussion as part of the current agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented at this time.

**5. CONSENT ITEMS**

All items calendared as consent are considered ministerial or non-substantive. With the concurrence of the Chair, a Commissioner may request discussion of an item on the consent calendar.

**a) Proposed Budget Amendment to the Fiscal Year 2011-12 Budget (Action)**

The Commission will consider approving a proposed amendment to its fiscal year budget to increase three accounts in the salaries and benefits expense unit by a combined total of \$3,277. The proposed amendment would provide sufficient funds to cover expenses tied to the County of Napa's recent approval of a 1.5% cost-of-living increase for all employees.

~~**b) Approval of Meeting Minutes (Action)**~~

The Commission will consider approving minutes prepared by staff for the August 1, 2011 meeting.

**c) Current and Future Proposals (Information)**

The Commission will receive a report summarizing current and future proposals. The report is being presented for information. No new proposals have been submitted since the August 1, 2011 meeting.

**6. PUBLIC HEARING ITEMS**

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than five minutes unless additional time is permitted by the Chair.

**a) Garfield Lane No. 2 Annexation to the Napa Sanitation District**

The Commission will consider two related actions concerning a proposal from an interested landowner to annex approximately 1.33 acres of incorporated territory to the Napa Sanitation District. The affected territory is located at 48 Garfield Lane in the City of Napa and the purpose of the annexation is to establish permanent public sewer service to an existing single-family residence; a residence currently receiving public sewer from the District through a temporary outside service extension previously approved by the Commission. The first recommended action is for the Commission to adopt a negative declaration consistent with the findings of an initial study concluding the annexation will not have any significant impacts on the environment. The second recommended action is for the Commission to approve the proposed annexation with standard conditions. The County of Napa Assessor's Office identifies the affected parcel as 038-160-034.

**7. ACTION ITEMS**

Items calendared for action do not require a public hearing before consideration by the Commission. Applicants may address the Commission. Any member of the public may receive permission to provide comments on an item at the discretion of the Chair.

**a) Adoption of Policy on Social Media Use**

The Commission will review a draft policy prescribing the use of social media tools in proactively communicating agency activities to the public. The draft policy includes authorizing and establishing specific standards with respect to utilizing Facebook and Twitter. The draft policy is being presented to the Commission for adoption.

**b) Amendment to the General Policy Determinations**

The Commission will consider a draft amendment to its General Policy Determinations to establish an additional exemption to its current declaration discouraging annexation proposals involving undeveloped or underdeveloped lands unless the affected territory is subject to a specific development plan or agreement. The draft amendment would further exempt city annexation proposals involving lands that are part of an unincorporated island. The draft amendment is being presented to the Commission for adoption.

**8. DISCUSSION ITEMS**

A member of the public may receive permission to provide comments on any item calendared for discussion at the discretion of the Chair. General direction to staff for future action may be provided by Commissioners.

**a) Legislative Report**

The Commission will receive a report on the first year of the 2011-2012 session of the California Legislature as it relates to bills directly or indirectly effecting Local Agency Formation Commissions. The report also previews legislative matters for the upcoming second year.

**b) Report on the 2011 CALAFCO Annual Conference**

The Commission will receive a report summarizing the activities associated with the CALAFCO Annual Conference held at the Silverado Resort and Spa between August 31 and September 2, 2011. The report includes survey results from attendees. The report also notes Commissioner Inman won reelection to the CALAFCO Board.

**9. EXECUTIVE OFFICER REPORT**

The Commission will receive a verbal report from the Executive Officer regarding current staff activities, communications, studies, and special projects. This includes, but is not limited to, the following topics:

- Commission Biennial Workshop, November 7, 2011
- Central Napa County Municipal Services Review

**10. CLOSED SESSION**

None

**11. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS**

**12. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING:**

December 5, 2011

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Materials relating to an item on this agenda that have been submitted to the Commission after distribution of the agenda packet are available for public inspection at the LAFCO office during normal business hours. Commissioners are disqualified from voting on any proposals involving entitlements of use if they have received campaign contributions from an interested party. The law prohibits a Commissioner from voting on any entitlement when he/she has received a campaign contribution(s) of more than \$250 within 12 months of the decision, or during the proceedings for the decision, from any interested party involved in the entitlement. An interested party includes an applicant and any person with a financial interest actively supporting or opposing a proposal.

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**October 3, 2011**  
**Agenda Item No. 5a (Consent/Action)**

September 27, 2011

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Proposed Budget Amendment to the Fiscal Year 2011-12 Budget**

The Commission will consider approving a proposed amendment to its fiscal year budget to increase three accounts in the salaries and benefits expense unit by a combined total of \$3,277. The proposed amendment would provide sufficient funds to cover expenses tied to the County of Napa's recent approval of a 1.5% cost-of-living increase for all employees.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 mandates operating costs for Local Agency Formation Commissions (LAFCOs) shall be annually funded by the affected counties, cities, and, if applicable, special districts. In most instances, the county is responsible for one-half of the LAFCO's annual budget with the remaining amount proportionally shared by the cities based on a weighted calculation of population and tax revenues. LAFCOs are also authorized to establish and collect fees for purposes of offsetting agency contributions.

**A. Background**

LAFCO of Napa County's ("Commission") adopted final budget as amended for the current fiscal year totals \$424,992. This amount represents the total approved operating expenditures for the fiscal year within the Commission's two expense units: salaries/benefits and services/supplies. Budgeted revenues total \$395,441 within three revenue units: agency contributions; applicant fees; and investments. Markedly, an operating shortfall of \$ (29,551) has been intentionally budgeted to reduce the funding requirements of the local agencies given the recession and to be covered by drawing down on accumulated unreserved funds; the latter totaling \$166,305 as of July 1, 2011.

Lewis Chilton, Vice Chair  
Councilmember, Town of Yountville

Joan Bennett, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

Bill Dodd, Chair  
County of Napa Supervisor, 4th District

Brad Wagenknecht, Commissioner  
County of Napa Supervisor, 1st District

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

## B. Discussion/Analysis

The County of Napa entered into a new three-year labor agreement with employees on August 16, 2011. The new agreement became effective on August 6<sup>th</sup> and includes 1.5% cost-of-living (COLA) increases for all employees over each of the three covered years. Importantly, the salary adjustment is intended to keep take-home pay close to current levels as employee-paid benefit contributions will also increase over each of the three covered years. The approved COLA for the current fiscal year will generate \$3,277 in new costs to the Commission within its salaries and benefits expense unit. Nearly four-fifths of the increase will go to regular salaries with the remaining one-fifth going to cover correlating rises in retirement and medicare expenditures as shown below.

| Salaries and Benefits Unit | Budgeted     | Post COLA    | Difference |
|----------------------------|--------------|--------------|------------|
| Regular Salaries           | 199,647.20   | 202,387.60   | 2,740.40   |
| Retirement                 | 36,204.85    | 36,701.99    | 497.14     |
| Medicare                   | 2,894.88     | 2,934.62     | 39.74      |
|                            | \$238,746.93 | \$242,024.21 | \$3,277.28 |

Staff believes it would be appropriate for the Commission to amend and increase its current fiscal year budget by a total of \$3,277.28 to accurately reflect revised cost-estimates for the agency within its salaries and benefits unit due to the COLA approval. This proposed amendment, markedly, will help maintain public transparency with respect to showing the Commission's true expected costs in 2011-2012. No corresponding amendments to adopted revenues are merited. Accordingly, the net effect in absorbing the added COLA expense to the Commission will result in a slight increase in the agency's already-budgeted operating shortfall from \$(29,551) to \$(32,829). The end result of this revised operating shortfall is an expected end-of-year unreserved fund balance of \$133,476; an amount that continues to exceed the Commission three month reserve policy.

## D. Alternatives for Action

The following three alternative actions are outlined for Commission consideration.

**Alternative One:** Approve by motion an amendment to the 2011-2012 budget to increase the following accounts within the salaries and benefits expense unit for a combined total of \$3,277.28: (a) regular salaries by \$2,740.40 (#51100000); (b) retirement by \$497.14 (#51300100); and (c) medicare by \$39.74 (#51300300).

**Alternative Two:** Continue consideration to a future meeting and provide direction to staff for more information as needed.

**Alternative Three:** Take no action.

**E. Recommendation**

It is recommended the Commission proceed with Alternative One as outlined in the preceding section.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachments:

- 1) Adopted FY 2011-2012 Budget
- 2) Proposed Amended FY 2011-2012 Budget



# Local Agency Formation Commission of Napa County

## Subdivision of the State of California

# ATTACHMENT ONE

## ADOPTED BUDGET

### FY2011-12 FINAL BUDGET

Amended as of August 1, 2011

#### Expenses

##### Salaries and Benefits

| Account  | Description             | Adopted FY08-09 | Actual FY08-09 | Adopted FY09-10 | Actual FY09-10 | Adopted FY10-11 | Actual FY10-11 | Final FY11-12 | Difference |
|----------|-------------------------|-----------------|----------------|-----------------|----------------|-----------------|----------------|---------------|------------|
| 51100000 | Regular Salaries        | 168,905.43      | 152,952.55     | 195,580.00      | 193,055.65     | 198,346.60      | 198,280.00     | 199,647.20    | 1,300.60   |
| 51300500 | Group Health Insurance  | 40,148.04       | 21,405.57      | 36,471.00       | 29,210.94      | 37,953.96       | 33,873.00      | 45,648.12     | 7,694.16   |
| 51300100 | Retirement: Pension     | 34,550.93       | 26,282.61      | 34,064.00       | 33,015.37      | 34,991.95       | 33,955.00      | 36,204.85     | 1,212.89   |
| 51200500 | Commissioner Per Diem   | 9,600.00        | 4,400.00       | 9,600.00        | 5,100.00       | 9,600.00        | 4,900.00       | 9,600.00      | -          |
| 51300120 | Retirement: Non-Pension | 11,295.00       | 11,296.00      | 8,706.00        | 8,706.00       | 9,138.00        | 9,138.00       | 9,341.00      | 203.00     |
| 51300300 | Medicare                | 2,826.27        | 2,440.46       | 2,836.00        | 2,657.51       | 2,876.49        | 2,739.00       | 2,894.88      | 15.40      |
| 51301800 | Cell Phone Allowance    | 840.00          | 845.14         | 840.00          | 843.50         | 840.00          | 843.00         | 840.00        | -          |
| 51301200 | Workers Compensation    | 149.00          | 149.00         | 168.00          | 168.00         | 226.00          | 226.00         | 327.00        | 101.00     |
| 51200100 | Extra Help              | 26,010.00       | 26,283.11      | -               | -              | -               | -              | -             | -          |
| 51200200 | Overtime                | 294,324.67      | 246,054.44     | 288,265.00      | 272,756.97     | 293,973.00      | 283,954.00     | 304,503.05    | 10,530.05  |
|          |                         |                 |                |                 |                |                 |                |               | 3.6%       |

##### Services and Supplies

| Account  | Description                     | Adopted FY08-09 | Actual FY08-09 | Adopted FY09-10 | Actual FY09-10 | Adopted FY10-11 | Actual FY10-11 | Final FY11-12 | Difference |
|----------|---------------------------------|-----------------|----------------|-----------------|----------------|-----------------|----------------|---------------|------------|
| 52240500 | Property Lease                  | 27,000.00       | 27,000.00      | 29,280.00       | 29,280.00      | 29,280.00       | 29,280.00      | 29,280.00     | -          |
| 52180500 | Legal Services                  | 26,320.00       | 19,129.61      | 24,990.00       | 17,938.31      | 26,010.00       | 17,660.00      | 22,540.00     | (3,470.00) |
| 52180200 | Information Technology Services | 17,768.00       | 17,768.04      | 22,438.00       | 19,182.50      | 18,438.91       | 17,625.00      | 24,630.83     | 6,191.91   |
| 52170000 | Office Expenses                 | 15,000.00       | 10,916.66      | 15,000.00       | 9,697.20       | 15,000.00       | 9,628.00       | 12,000.00     | (3,000.00) |
| 52180510 | Audit and Accounting Services   | 7,507.00        | 6,182.37       | 7,883.00        | 7,819.33       | 8,277.15        | 7,301.00       | 8,691.01      | 413.86     |
| 52250800 | Training                        | 4,000.00        | 2,530.53       | 4,000.00        | 5,475.00       | 4,000.00        | 3,969.00       | 4,000.00      | -          |
| 52250000 | Transportation and Travel       | 4,000.00        | 1,716.91       | 3,500.00        | 4,510.88       | 3,500.00        | 5,172.00       | 3,500.00      | -          |
| 52070000 | Communications                  | 3,500.00        | 1,720.96       | 3,500.00        | 1,205.16       | 3,500.00        | 1,585.00       | 4,470.00      | 970.00     |
| 52150000 | Memberships                     | 2,000.00        | 2,000.00       | 2,275.00        | 2,200.00       | 2,275.00        | 2,200.00       | 2,275.00      | -          |
| 52190000 | Publications and Notices        | 1,500.00        | 2,490.22       | 1,500.00        | 1,112.17       | 1,500.00        | 1,433.00       | 1,500.00      | -          |
| 52235000 | Special Departmental Purchases  | 56,000.00       | 50,081.73      | 1,000.00        | 1,095.25       | 1,000.00        | 2,482.00       | 1,000.00      | -          |
| 52251200 | Private Mileage                 | 1,000.00        | 1,051.07       | 1,000.00        | 533.60         | 1,000.00        | 1,298.00       | 1,000.00      | -          |
| 52243900 | Filing Fees                     | 850.00          | 300.00         | 850.00          | 250.00         | 850.00          | 450.00         | 850.00        | -          |
| 52250700 | Meals Reimbursement - Taxable   | -               | -              | 500.00          | 588.92         | 500.00          | 172.00         | 500.00        | -          |
| 52100300 | Insurance: Liability            | 546.00          | 545.00         | 347.00          | 347.00         | 444.00          | 444.00         | 321.00        | (123.00)   |
| 53980200 | Capital Replacement*            | -               | -              | -               | 3,931.30       | 3,931.40        | 3,931.40       | 3,931.40      | -          |
|          |                                 | 167,191.00      | 143,633.10     | 118,063.00      | 105,166.62     | 119,506.46      | 104,630.40     | 120,489.23    | 982.77     |
|          |                                 |                 |                |                 |                |                 |                |               | 0.8%       |

##### Contingencies and Reserves

| Account  | Description            | Adopted FY08-09 | Actual FY08-09 | Adopted FY09-10 | Actual FY09-10 | Adopted FY10-11 | Actual FY10-11 | Final FY11-12 | Difference |
|----------|------------------------|-----------------|----------------|-----------------|----------------|-----------------|----------------|---------------|------------|
| 54000900 | Operating Reserve      | 40,651.57       | -              | 40,632.80       | -              | -               | -              | -             | -          |
| 54001000 | Consultant Contingency | 50,000.00       | -              | 50,000.00       | -              | -               | -              | -             | -          |
|          |                        | 90,651.57       | -              | 90,632.80       | -              | -               | -              | -             | -          |
|          |                        | 552,167.24      | 389,687.54     | 496,960.80      | 377,923.59     | 413,479.46      | 388,584.40     | 424,992.28    | 11,512.82  |
|          |                        |                 |                |                 |                |                 |                |               | 2.8%       |

EXPENSE TOTALS





**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

**ATTACHMENT TWO**  
**PROPOSED AMENDMENT TO ADOPTED BUDGET**

**FY2011-12 FINAL BUDGET**

Amended as of October 3, 2011

**Expenses**

**Salaries and Benefits**

| Account  | Description                   | FY2008-09       |                | FY2009-10       |                | FY2010-11       |                | FY2011-12       |               |
|----------|-------------------------------|-----------------|----------------|-----------------|----------------|-----------------|----------------|-----------------|---------------|
|          |                               | Adopted FY08-09 | Actual FY08-09 | Adopted FY09-10 | Actual FY09-10 | Adopted FY10-11 | Actual FY10-11 | Adopted FY11-12 | Final FY11-12 |
| 51100000 | Regular Salaries              | 168,905.43      | 152,952.55     | 195,580.00      | 193,055.65     | 198,346.60      | 198,280.00     | 202,387.60      | 202,387.60    |
| 51300500 | Group Health Insurance        | 40,148.04       | 21,405.57      | 36,471.00       | 29,210.94      | 37,953.96       | 33,873.00      | 45,648.12       | 45,648.12     |
| 51300100 | Retirement: Pension (CalPERS) | 34,550.93       | 26,282.61      | 34,064.00       | 33,015.37      | 34,991.95       | 33,955.00      | 36,701.99       | 36,701.99     |
| 51200500 | Commissioner Per Diems        | 9,600.00        | 4,400.00       | 9,600.00        | 5,100.00       | 9,600.00        | 4,900.00       | 9,600.00        | 9,600.00      |
| 51300120 | Retirement: Non-Pension       | 11,295.00       | 11,296.00      | 8,706.00        | 8,706.00       | 9,138.00        | 9,138.00       | 9,341.00        | 9,341.00      |
| 51300300 | Medicare                      | 2,826.27        | 2,440.46       | 2,836.00        | 2,657.51       | 2,876.49        | 2,739.00       | 2,934.62        | 2,934.62      |
| 51301800 | Cell Phone Allowance          | 840.00          | 845.14         | 840.00          | 843.50         | 840.00          | 843.00         | 840.00          | 840.00        |
| 51301200 | Workers Compensation          | 149.00          | 149.00         | 168.00          | 168.00         | 226.00          | 226.00         | 327.00          | 327.00        |
| 51200100 | Extra Help                    | 26,010.00       | 26,283.11      | -               | -              | -               | -              | -               | -             |
| 51200200 | Overtime                      | 294,324.67      | 246,054.44     | 288,265.00      | 272,756.97     | 293,973.00      | 283,954.00     | 307,780.33      | 307,780.33    |
|          |                               |                 |                |                 |                |                 |                |                 | 4.7%          |

**Services and Supplies**

|          |                                 |            |            |            |            |            |            |            |            |
|----------|---------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 52240500 | Property Lease                  | 27,000.00  | 27,000.00  | 29,280.00  | 29,280.00  | 29,280.00  | 29,280.00  | 29,280.00  | 29,280.00  |
| 52180500 | Legal Services                  | 26,320.00  | 19,129.61  | 24,990.00  | 17,938.31  | 26,010.00  | 17,660.00  | 22,540.00  | (3,470.00) |
| 52180200 | Information Technology Services | 17,768.00  | 17,768.04  | 22,438.00  | 19,182.50  | 18,438.91  | 17,625.00  | 24,630.83  | 6,191.91   |
| 52170000 | Office Expenses                 | 15,000.00  | 10,916.66  | 15,000.00  | 9,697.20   | 15,000.00  | 9,628.00   | 12,000.00  | (3,000.00) |
| 52180510 | Audit and Accounting Services   | 7,507.00   | 6,182.37   | 7,883.00   | 7,819.33   | 8,277.15   | 7,301.00   | 8,691.01   | 413.86     |
| 52250800 | Training                        | 4,000.00   | 2,530.53   | 4,000.00   | 5,475.00   | 4,000.00   | 3,969.00   | 4,000.00   | -          |
| 52250000 | Transportation and Travel       | 4,000.00   | 1,716.91   | 3,500.00   | 4,510.88   | 3,500.00   | 5,172.00   | 3,500.00   | -          |
| 52070000 | Communications                  | 3,500.00   | 1,799.96   | 3,500.00   | 1,205.16   | 3,500.00   | 1,585.00   | 3,500.00   | -          |
| 52150000 | Memberships                     | 2,200.00   | 2,200.00   | 2,275.00   | 2,200.00   | 2,275.00   | 2,200.00   | 2,275.00   | 970.00     |
| 52190000 | Publications and Notices        | 1,500.00   | 2,490.22   | 1,500.00   | 1,112.17   | 1,500.00   | 1,433.00   | 1,500.00   | -          |
| 52235000 | Special Departmental Purchases  | 56,000.00  | 50,081.73  | 1,000.00   | 1,095.25   | 1,000.00   | 2,482.00   | 1,000.00   | -          |
| 52251200 | Private Mileage                 | 1,000.00   | 1,051.07   | 1,000.00   | 533.60     | 1,000.00   | 1,298.00   | 1,000.00   | -          |
| 52249900 | Filing Fees                     | 850.00     | 300.00     | 850.00     | 250.00     | 850.00     | 450.00     | 850.00     | -          |
| 52250700 | Meals Reimbursement - Taxable   | -          | -          | 500.00     | 588.92     | 500.00     | 172.00     | 500.00     | -          |
| 52100300 | Insurance: Liability            | 546.00     | 545.00     | 347.00     | 347.00     | 444.00     | 444.00     | 321.00     | (123.00)   |
| 53980200 | Capital Replacement*            | -          | -          | -          | 3,931.30   | 3,931.40   | 3,931.40   | 3,931.40   | -          |
|          |                                 | 167,191.00 | 143,633.10 | 118,063.00 | 103,166.62 | 119,506.46 | 104,630.40 | 120,489.23 | 982.77     |
|          |                                 |            |            |            |            |            |            |            | 0.8%       |

**Contingencies and Reserves**

|          |                        |            |            |            |            |            |            |            |           |
|----------|------------------------|------------|------------|------------|------------|------------|------------|------------|-----------|
| 54000900 | Operating Reserve      | 40,632.80  | -          | 40,632.80  | -          | -          | -          | -          | -         |
| 54001000 | Consultant Contingency | 50,000.00  | -          | 50,000.00  | -          | -          | -          | -          | -         |
|          |                        | 90,632.80  | -          | 90,632.80  | -          | -          | -          | -          | -         |
|          |                        | 552,167.24 | 389,687.54 | 496,960.80 | 377,923.59 | 413,479.46 | 388,584.40 | 428,269.56 | 14,790.10 |
|          |                        |            |            |            |            |            |            |            | 3.6%      |

EXPENSE TOTALS



**Revenues**

**Intergovernmental Contributions**

| Account  | Description             | FY2008-09 |            | FY2009-10 |            | FY2010-11  |            | FY2011-12  |           |
|----------|-------------------------|-----------|------------|-----------|------------|------------|------------|------------|-----------|
|          |                         | Adopted   | Actual     | Adopted   | Actual     | Adopted    | Actual     | Adopted    | Final     |
| 45080600 | County of Napa          | -         | 176,382.73 | -         | 153,965.70 | 178,009.77 | 178,010.00 | 191,550.50 | 13,540.73 |
| 45082200 | City of Napa            | -         | 119,820.40 | -         | 105,428.75 | 119,646.81 | 119,647.00 | 126,330.38 | 6,683.57  |
| 45082400 | City of American Canyon | -         | 27,179.61  | -         | 22,010.54  | 27,468.37  | 27,468.00  | 32,912.04  | 5,443.66  |
| 45082300 | City of St. Helena      | -         | 12,134.39  | -         | 11,135.35  | 12,656.54  | 12,657.00  | 12,997.37  | 340.83    |
| 45082100 | City of Calistoga       | -         | 9,714.01   | -         | 8,742.73   | 10,642.45  | 10,642.00  | 11,393.34  | 750.90    |
| 45082500 | Town of Yountville      | -         | 7,534.31   | -         | 6,648.33   | 7,595.60   | 7,596.00   | 7,917.37   | 321.77    |
|          |                         | -         | 352,765.45 | -         | 307,931.40 | 356,019.55 | 356,020.00 | 383,101.00 | 27,081.45 |
|          |                         |           |            |           |            |            |            |            | 7.6%      |

**Service Charges**

| Account  | Description                | Adopted | Actual    |
|----------|----------------------------|---------|-----------|
| 46003400 | Standard Applications Fees | -       | 16,155.00 |
| 46003300 | Special Application Fees   | -       | 120.00    |
| 48040000 | Miscellaneous              | -       | -         |
|          |                            | -       | 16,275.00 |

**Investments**

| Account  | Description | Adopted | Actual     |
|----------|-------------|---------|------------|
| 44000300 | Interest    | -       | 10,458.70  |
|          |             | -       | 10,458.70  |
|          |             | -       | 370,941.18 |
|          |             | -       | 386,070.00 |

REVENUE TOTALS

|   |                   |                   |                   |                   |
|---|-------------------|-------------------|-------------------|-------------------|
| <b>DIFFERENCE</b>                             | (10,188.39)       | (43,051)          | (2,514)           | (32,828.56)       |
| <b>FUND BALANCE</b>                           |                   |                   |                   |                   |
| Beginning:                                    | 222,059.00        | 211,870.61        | 168,819.50        | 166,305.10        |
| Ending:                                       | 211,870.61        | 168,819.50        | 166,305.10        | 133,476.54        |
| <b>Minimum Three Month Operating Balance:</b> | <b>138,041.81</b> | <b>124,240.20</b> | <b>103,369.87</b> | <b>107,067.39</b> |

**NOTES**

- 1) This account budgets one-part time (Secretary) and two fulltime (Executive Officer and Analyst) employees. The budgeted increase reflects a scheduled merit raise for Analyst Freeman. The budget increase also, byway of a October 3, 2011 amendment, reflects a 1.5% COLA.
- 2) This account funds the Commission's monthly contribution for employee healthcare and dental insurance costs provided by Kaiser and Delta Dental, respectively. The budgeted increase reflects higher provider premiums with the largest percentage raise tied to an addition to the Executive Officer's health coverage plan.
- 3) This account funds the Commission's monthly contribution for employee retirement benefits managed by CalPERS. The budgeted increase is tied to the scheduled merit increase for Analyst Freeman.
- 4) This account funds the Commission's apportionment for post employment benefits, such as retiree health care insurance. These costs are calculated by the County of Napa.
- 5) It is expected the Commission's need for County Counsel in 2011-12 will decrease from 170 to 140 total hours based on recent usage. An approximate 5.0% raise in the hourly rate from \$153 to \$161 is budgeted.
- 6) This account primarily funds network services provided by the County of Napa's Information Technology Services (ITS) Department. This portion of the account is budgeted to increase by 35% as part of countywide increases in ITS expenses tied to software updates. A prior year reporting error also has been identified with respect to increasing the number of LAPCO computers from three to four. Other funds tied to this account remain stagnant and support website hosting and electronic document management costs with contacted vendors.
- 7) This account funds the Commission's regular office supply purchases. A decrease from \$15,000 to \$12,000 is budgeted based on actual recent expenses in this account.
- 8) The budgeted amount anticipates a 5.0% across the board increase in hourly rates for the County of Napa Auditor's Office in 2011-12.
- 9) This account funds the Commission's office telephone expenses. An increase was subsequently budgeted byway of a 8/1/2011 amendment to fund video recording services with Napa TV.



**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

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<http://napa.lafco.ca.gov>

**October 3, 2011**

**Agenda Item No. 5c (Consent/Information)**

September 27, 2011

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer  
Brendon Freeman, Analyst

**SUBJECT: Current and Future Proposals**

The Commission will receive a report summarizing current and future proposals. The report is being presented for information. No new proposals have been submitted since the August 1, 2011 meeting.

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 delegates Local Agency Formation Commissions (LAFCOs) with regulatory and planning duties to coordinate the logical formation and development of local governmental agencies. This includes approving or disapproving proposals involving the formation, expansion, merger, and dissolution of cities and special districts.

**A. Information**

There are currently two active proposals on file with LAFCO of Napa County (“Commission”). A summary of these active proposals follows.

**Silverado Trail/Zinfandel Lane Annexation to the City of St. Helena**

The City of St. Helena proposes the annexation of approximately 100 acres of unincorporated territory located northwest of the intersection of Silverado Trail and Zinfandel Lane. The affected territory consists of one entire parcel and a portion of a second parcel, which are both owned and used by St. Helena to discharge treated wastewater from an adjacent treatment plant through a spray irrigation system. Both subject parcels are located outside the City’s sphere of influence. Rather than request concurrent amendment, St. Helena is proposing only the annexation of a portion of the second parcel to ensure the affected territory is non-contiguous to its incorporated boundary and therefore eligible for annexation under Government Code Section 56742. This statute permits a city to annex non-contiguous land it owns and uses for municipal purposes without consistency with its sphere of influence. However, if sold, the statute requires the land be automatically detached. The two subject parcels are identified by the County Assessor as 030-240-017 (portion) and 030-250-018.

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Lewis Chilton, Vice Chair  
Councilmember, Town of Yountville

Joan Bennett, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

Bill Dodd, Chair  
County of Napa Supervisor, 4th District

Brad Wagenknecht, Commissioner  
County of Napa Supervisor, 1st District

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
*Executive Officer*

Status: Staff has completed its review of the proposal. St. Helena has filed a request with the Commission to delay consideration of the proposal in order to explore a separate agreement with the County to extend the current Williamson Act contract associated with the affected territory.

**Formation of the Villa Berryessa Water District**

This application has been submitted by Miller-Sorg Group, Inc. The applicant proposes the formation of a new special district under the California Water District Act. The purpose in forming the new special district is to provide public water and sewer services to a planned 100-lot subdivision located along the western shoreline of Lake Berryessa. A tentative subdivision map for the underlying project has already been approved by the County. The County has conditioned recording the final map on the applicants receiving written approval from the United States Bureau of Reclamation to construct an access road and intake across federal lands to receive water supplies from Lake Berryessa. Based on their own review of the project, the Bureau is requesting a governmental agency accept responsibility for the construction and perpetual operation of the water and sewer systems serving the subdivision.

Status: Staff is currently awaiting a response to an earlier request for additional information from the applicant.

There are three new proposals expected to be submitted to the Commission in the immediate future. A summary of these anticipated proposals follows.

**Matt Drive/Easum Drive Annexation to the City of Napa**

An interested landowner within a completely surrounded unincorporated island located near the intersection of Matt Drive and Easum Drive in the City of Napa has inquired about annexation. The landowner owns and operates a bed and breakfast and is interested in annexation in response to an informational mailer issued by LAFCO earlier this year outlining the cost benefits to annexation. Subsequent follow up indicates the other two landowners within the island are agreeable to annexation. Staff is working with the City in preparing an application for consideration by the City Council.

**Imola Avenue/Tejas Drive Annexation to the City of Napa**

An interested landowner within a substantially surrounded unincorporated island located near the intersection of Imola Avenue and Tejas Avenue in the City of Napa has inquired about annexation. The interested landowner owns an approximate 1.5 acre undeveloped lot and is interested in ultimately pursuing a development project, although no specific plans exist at this time. Staff is currently working with the landowner and City in developing an outreach program to gauge interest to expand the annexation to further reduce or eliminate the entire island.

**Formation of a Community Services District at Capell Valley**

An interested landowner has inquired about the formation of a new special district for purposes of assuming water responsibilities from an existing private water company. The affected area includes the 48-space mobile home park adjacent to Moskowite Corners as well as two adjacent parcels that are zoned for affordable housing by the County. Staff has been working with the landowner in evaluating governance options as well as other related considerations under LAFCO law.

**B. Commission Review**

The Commission is invited to discuss any of the proposals identified in this report.

Attachments: none



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**October 3, 2011**  
**Agenda Item No. 6a (Public Hearing)**

September 26, 2011

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Garfield Lane No. 2 Annexation to the Napa Sanitation District**

The Commission will consider two related actions concerning a proposal from an interested landowner to annex approximately 1.33 acres of incorporated territory to the Napa Sanitation District. The affected territory is located at 48 Garfield Lane in the City of Napa and the purpose of the annexation is to establish permanent public sewer service to an existing single-family residence; a residence currently receiving public sewer from the District through a temporary outside service extension previously approved by the Commission. The first recommended action is for the Commission to adopt a negative declaration consistent with the findings of an initial study concluding the annexation will not have any significant impacts on the environment. The second recommended action is for the Commission to approve the proposed annexation with standard conditions.

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Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving proposed changes of organization, such as boundary changes, consistent with adopted policies and procedures pursuant to California Government Code (G.C.) Section 56375. LAFCOs are authorized with broad discretion in establishing conditions in approving changes of organization as long as they do not directly regulate land use, property development, or subdivision requirements.

**A. Proposal Summary**

LAFCO of Napa County (“Commission”) has received a proposal from landowner Ralph Lippert requesting the annexation of approximately 1.33 acres of incorporated territory in the City of Napa (“City”) to the Napa Sanitation District (NSD). The affected territory comprises one residential parcel located at 48 Garfield Lane adjacent to its intersection with Old Vine Way. The existing single-family residence is 1,500 square feet in size with two bedrooms built in 1950. The County of Napa’s Assessor’s Office identifies the affected parcel as 038-160-034.

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Councilmember, City of Napa

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Keene Simonds  
*Executive Officer*

As detailed in the following section, the single-family residence occupying the affected territory currently receives public sewer service from NSD through a temporary outside service extension approved by the Chair in June 2011 and formally ratified by the Commission in August 2011. The outside service extension expires on January 1, 2012. Annexation would provide permanent public sewer service to the single family residence as well as be made available to the rest of the affected territory if and when it is further developed as contemplated under the City's General Plan and Zoning Ordinance. An aerial map of the affected territory is provided below.



## **B. Discussion**

### ***Agency Profile***

NSD was formed in 1945 as a dependent enterprise district to provide public sewer service for the City and the surrounding unincorporated area. NSD presently provides sewer service to most of the City along with several surrounding unincorporated areas, including Silverado, Napa State Hospital, and the Napa County Airport. NSD currently serves 31,829 residential customers with an estimated resident service population of 83,392.<sup>1</sup>

<sup>1</sup> The resident service projection based on the 2011 California Department of Finance population per household estimate (2.62) assigned to Napa County and multiplied by the number of residential sewer connections within NSD (31,829). NSD also serves 4,409 non-residential customers, including industrial and commercial users.

NSD's current operating budget is \$15.3 million. NSD anticipates collecting \$19.4 million in general revenues resulting in an operating surplus of \$4.1 million. NSD's fund balance as of the beginning of the fiscal year totaled \$8.8 million.<sup>2</sup> Markedly, this unrestricted fund balance is sufficient to cover over six months of operating expenses.

### ***Proposal Purpose***

The underlying purpose of the proposal before the Commission is to provide permanent public sewer service to a residential parcel located within the City's "Vintage" neighborhood. As mentioned in the preceding section, the single-family residence occupying the affected territory currently receives public sewer service from NSD through a temporary outside service extension that was approved by the Chair on June 24, 2011 and ratified by the Commission on August 1, 2011. Markedly, the Chair's approval was conditioned on the landowner first submitting an application to annex the entire residential parcel; a condition satisfied on July 1, 2011.<sup>3</sup> Additionally, though no development plans presently exist, the annexation of the entire residential parcel could facilitate the future division of the affected territory to include a total of 11 lots under the City's General Plan and Zoning Ordinance. Consideration of the service needs and related impacts associated with the future potential development of the affected territory, accordingly, are incorporated into the following analysis section.

### **C. Analysis**

G.C. Section 56375 delegates LAFCOs the responsibility to approve or disapprove, with or without amendment, proposals for change of organization or reorganization consistent with its adopted written policies, procedures, and guidelines. LAFCOs are also authorized to establish conditions in approving proposals as long as they do not directly regulate land uses. Underlying LAFCOs' determination in approving or disapproving proposals for change of organization or reorganization is to consider the logical and timely development of the affected agencies in context with statutory objectives and local circumstances.

#### ***Required Factors for Review***

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G.C. Sections 56668 and 56668.3 require the Commission to consider 16 specific factors anytime it reviews proposals for change of organization or reorganization involving special districts. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process. An evaluation of these factors as it relates to the proposal follows.

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<sup>2</sup> NSD expects its operating fund balance to increase at the end of the fiscal year from \$8.8 to \$9.5 million following all budgeted transfers.

<sup>3</sup> The landowner officially connected his single-family residence to NSD on July 17, 2011.

**1) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.**

Less than one-twentieth of the affected territory is currently developed. The developed portion is dedicated to a two-bedroom single-family residence built in 1950. The remaining undeveloped portion is dedicated to natural vegetation complimented by ornamental landscaping and a 3,500 square foot man-made pond. The landowner is the only resident. The current assessed value of the entire affected territory totals \$69,881.



Topography within the affected territory is relatively flat with the exception of a berm encircling the man-made pond located towards the northern end of the parcel. The peak terrain point is estimated at 35 feet above sea-level. Salvador Creek lies close to 800 feet to the west of the affected territory; a natural boundary resulting in the western terminus of Garfield Lane.

The affected territory is located within a developing residential area highlighted by the construction of the adjacent 37-lot “Old-Vine” subdivision completed in 2003. Although no development plans currently exist, the affected territory could be divided into a total of 11 residential lots under the City’s General Plan and Zoning Ordinance with an estimated population of 29 at buildout.<sup>4</sup> Further, three lots immediately adjacent to the west and south are also subject to further division and could accommodate a total of 15 new lots, though no development inquiries have been made to the City as of the date of this report.

**2) The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

The present need for municipal services within the affected territory is tied to the existing two-bedroom single-family residence that comprises less than one-twentieth of the subject land. Core municipal services already provided or available to the affected territory directly or indirectly by the City include fire, emergency medical, police, roads, and garbage collection; all at levels deemed adequate given

<sup>4</sup> Buildout population of the affected territory is based on the 2011 California Department of Finance population per household estimate (2.62) assigned to Napa County.

current and planned uses.<sup>5</sup> NSD also recently extended municipal sewer service to the single-family residence through a temporary outside service extension approved and ratified by the Commission in August 2011. Notably, the outside service extension was approved by the Commission in response to a failed septic system reported by the landowner and verified by County Environmental Management.

NSD’s ability to adequately accommodate sewer demands within the affected territory consistent with the land’s current and planned uses is the central focus of the Commission in assessing municipal service needs given the proposed action. A review of current usage patterns within NSD’s jurisdictional boundary indicates the typical single-family residence produces average-day and peak-day sewer flows of 210 and 525 gallons, respectively. Based on these assumptions, the estimated flows at baseline and buildout will have *negligible* impacts on NSD’s overall infrastructure system as depicted in the following table (emphasis added).

**NSD’s Sewer System**

| <b>Period Type</b> | <b>Systemwide Flows<br/>(Baseline @ 48 Garfield)<sup>1</sup></b> | <b>Systemwide Flows<br/>(Buildout @ 48 Garfield)<sup>2</sup></b> | <b>Total Treatment<br/>Capacity</b> |
|--------------------|--|--|-------------------------------------|
| Average Day:       | 6,700,200  | 6,702,310  | 15,400,000                          |
| Peak Day:          | 33,700,500   | 33,705,775   | 126,200,000 <sup>6</sup>            |

<sup>1</sup> Assumes the current residence within the affected territory produces an average and peak-day sewer demand of 210 and 525 gallons, respectively. These amounts are consistent with current average single-family uses within NSD.

<sup>2</sup> Assumes the buildout of the affected territory will result in 11 total single-family residences with combined average and peak-day demands at 2,310 and 5,775 gallons.

**3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.**

The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory. These ties were initially established in 1975 when the Commission included the affected territory in NSD’s sphere of influence, marking an overt expectation the site would eventually develop for urban type uses and require public sewer from the region’s sole service provider, the District. These ties were further formalized earlier this year with the Commission authorizing NSD to provide public sewer to the affected territory through an outside service agreement in explicit expectation of a future annexation.

No alternative boundaries – specifically as it relates to expansions – are warranted given the affected territory is entirely surrounded by NSD’s jurisdictional boundary.

<sup>5</sup> The term “planned” for purposes of this section refers to the City’s General Plan and Zoning Ordinance.

<sup>6</sup> Capacity during peak-day incorporates 340 acre-feet of adjacent pond storage.

**4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.**

The proposal is generally consistent with the Commission's policies as codified under its General Policy Determinations. This includes conforming urban land use designations for the affected territory under the County and City General Plans, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. The proposal is inconsistent, however, with the General Policy Determination Section II/B/3 in prescribing the timing of urban development. This provision discourages annexing undeveloped or underdeveloped lands to cities or special districts providing water, sewer, emergency response, or police and fire protection unless subject to a specific development plan or agreement under consideration by a land use authority.<sup>7</sup> The affected territory, notably, is not subject to a known development project or agreement and could be divided to include a total of 11 residential lots under the City's land use authority.

In reviewing the proposal, staff believes it would be appropriate for the Commission to waive General Policy Determination Section II/B/3 given the following considerations:

- The affected territory is located within a developing residential area of the City and is entirely surrounded by NSD's jurisdictional boundary. Connection to public sewer systems are generally preferred alternatives to maintaining septic tanks in protecting public health given the increased susceptibility of leakage and breakdowns associated with the latter option.
- The affected territory already receives public sewer service from NSD through a temporary outside service extension approved and ratified by the Commission in August 2011; an action taken by the Commission to abate a public health threat given the home's septic system had failed despite corrective actions taken by the landowner.
- Annexations are inherently preferred alternatives to outside service extensions in terms of memorializing an agency's long-term service commitment to affected lands in an accountable and transparent manner.

The affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is not substantially unimproved and devoted to an open-space use under the County or City General Plan.

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<sup>7</sup> As a separate matter, the Commission's Ad Hoc Committee on Policies and Procedures is proposing an amendment to Section II/B/3 as part of Agenda Item No. 7a. The proposed amendment does not affect or change the application of this policy statement as it relates to the proposed annexation.

**5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.**

The affected territory does not qualify as “agricultural land” under LAFCO law. Specifically, the affected territory is not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program.

**6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.**

A draft map and geographic description have been prepared by a licensed surveyor as part of the application materials and adequately depicts the boundary of the affected territory to include one entire legal parcel identified by the County Assessor’s Office as 038-160-034. (The adjacent right-of-ways are already within NSD.) Proposal approval would include a standard term requiring the landowner submit a final map and geographic description of the approved annexed territory in conformance with the requirements of the Board of Equalization.

**7) Consistency with the city or county general plans, specific plans, and adopted regional transportation plan.**

The proposal would provide permanent public sewer service to the affected territory. The availability of this municipal service is consistent with the City General Plan, which designates the affected territory for moderately dense single-family residential uses (*Single-Family Residential – 33C*). The design and development standards associated with these residential uses are further outlined in the City’s Big Ranch Specific Plan.

**8) The sphere of influence of any local agency affected by the proposal.**

The affected territory is located entirely within NSD’s sphere of influence, which was comprehensively updated by the Commission in August 2006.

**9) The comments of any affected local agency or other public agency.**

LAFCO staff circulated copies of the application materials for review and comment to affected local governmental agencies on July 6, 2011. All written comments received are summarized below.

- **Napa Sanitation District**

NSD has adopted a resolution consenting to the annexation and waiver of protest proceedings subject to the inclusion of certain conditions. These conditions primarily address payments needed to finalize the annexation and are incorporated into the draft resolution of approval as Exhibit “B.”

- **County of Napa**

The County’s Environmental Management Department has provided written support of the proposed annexation as well as confirming the landowner has removed the septic tank in accordance with a Department permit.

**10) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.**

Information collected in the Commission’s recent municipal service review on NSD indicates the District has established adequate administrative controls and capacities in maintaining appropriate service levels. This includes regularly reviewing and amending, as needed, NSD’s two principal user fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) connection fees and (b) user fees. The connection fee is currently \$5,660 and serves as NSD’s buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The user fee for a single-family unit is currently \$435 annually and is intended to proportionally recover NSD’s ongoing maintenance and operation expenses. The landowner for the affected territory has already paid a connection fee as a result of the earlier outsider service extension and the user fee will be pro-rated and billed at the end of the calendar year.

Supplemental information collected and analyzed as part of this proposal shows NSD’s current operating budget is \$15.3 million. NSD anticipates collecting \$19.4 million in general revenues resulting in an operating surplus of \$4.1 million. NSD’s unrestricted fund balance as of the beginning of the fiscal year totaled \$8.8 million.<sup>8</sup> This balance is sufficient to cover over six months of operating expenses.

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<sup>8</sup> NSD expects its operating fund balance to increase at the end of the fiscal year from \$8.8 to \$9.5 million following all budgeted transfers.

**11) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.**

The affected territory currently receives water from an onsite private well. Staff estimates the single-family residence's annual groundwater demand is approximately 0.3 acre-feet.<sup>9</sup> It is reasonable to assume the affected territory's projected annual water demand would increase to 3.3 acre-feet if developed to its maximum density of 11 residential lots as allowed under the City's General Plan and Zoning Ordinance. It is also reasonable to assume any new development would require connection to the City's potable water system in order to satisfy recently updated fire-flow standards.

The City's water supplies are drawn from three sources: 1) Lake Hennessey; 2) Milliken Reservoir; and 3) the State Water Project. The City's most recent Urban Water Management Plan (UWMP) estimates its total annual water supply generated from these three sources during normal and multiple-dry years is 29,296 and 16,957 acre-feet, respectively.<sup>10</sup> The City also reports its annual water demand over the last five years is approximately 16,100 acre-feet. Accordingly, water demands tied to the future potential development of the affected territory would not adversely impact the City and existing customers.

**12) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.**

The affected territory is located entirely within the City. All current and potential units associated with the site are already assigned to the City as part of the Association of Bay Area Governments regional housing needs allocation system.

**13) Any information or comments from the landowner or owners, voters, or residents of the affected territory.**

The landowner of the affected territory has petitioned the proposal. There are no other residents occupying with affected territory.

**14) Any information relating to existing land use designations.**

See analysis on page seven of this report.

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<sup>9</sup> The estimated current water demand assumes 250 gallons per day and based on average use information collected by staff during the inaugural round of municipal service review.

<sup>10</sup> The City's UWMP defines a multiple-dry year period as a period generally considered to have the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903.

- 15) The extent to which the proposal will promote environmental justice. As used in this subdivision, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the local of public facilities and the provision of public services.**

There is no documentation or evidence suggesting the proposed annexation will have a measurable effect with respect to promoting environmental justice.

- 16) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.**

The proposed annexation will benefit current and future landowners and residents associated with the affected territory by providing permanent access to public sewer service. The provision of permanent public sewer service will eliminate set-aside land requirements previously dedicated to the septic system, which will assist in intensifying future residential development opportunities within the site.

#### ***Property Tax Agreement***

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California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider a change of organization. This statute states jurisdictional changes affecting the service areas or service responsibilities of districts must be accompanied by a property tax exchange agreement, which shall be negotiated by the affected county on behalf of the districts.

In 1980, the County adopted a resolution on behalf of NSD specifying no adjustment in the allocation of property taxes shall occur as a result of jurisdictional changes involving the District. This resolution has been applied to all subsequent changes of organization involving NSD. In processing this proposal, staff provided notice to the affected agencies the Commission would apply this resolution again unless otherwise informed. No comments were received.

#### ***Environmental Review***

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The Commission serves as lead agency for the proposal under the California Environmental Quality Act (CEQA) given it is solely responsible for approving the underlying activity: annexation. Staff has determined the activity is a project under CEQA and no existing categorical or statutory exemptions apply. Accordingly, staff has prepared an initial study to assess the environmental impacts associated with the annexation. The initial study identifies the annexation may generate future indirect impacts given it does remove an obstacle in accommodating the future division and development of the site to include up to 11 total single-family lots as allowed under the City’s General Plan and Zoning Ordinance. None of the indirect impacts identified

with the annexation, however, are deemed significant and therefore a draft negative declaration has been prepared.

A copy of the initial study and notice of intent to adopt a negative declaration were circulated for a 21-day review to local agencies as well as all adjacent neighbors to the affected territory.<sup>11</sup> No comments were received. A copy of the initial study is attached for Commission review along with a draft resolution adopting a negative declaration.

### ***Conducting Authority Proceedings***

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The affected territory is uninhabited under LAFCO law and the sole landowner has consented to the proposal. NSD has also consented to the annexation with the inclusion of its terms and conditions, which staff has incorporated into the attached draft resolution of approval. Conducting authority proceedings, accordingly, may be waived under G.C. Section 56663.

### **D. Alternatives for Commission Action**

The following alternative actions are available for Commission consideration with respect to (a) making an environmental determination and (b) considering the proposed annexation.

#### ***Environmental Determination***

Option 1A: Adopt the draft resolution identified as Attachment Three approving a negative declaration for the proposed annexation. If this option is selected, the Commission can consider making a determination on the proposed annexation.

Option 1B: Continue consideration of the negative declaration for the proposed annexation to a future meeting. If this option is selected, the Commission cannot consider making a determination on the proposed annexation.

#### ***Proposal Determination***

Option 2A: Adopt the draft resolution identified as Attachment Four approving the proposed annexation as submitted with standard terms and conditions.

Option 2B: Continue consideration of the proposed annexation to a future meeting if more information is required.

Option 2C: Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year.

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<sup>11</sup> A copy of the initial was also sent to the California Department of Fish and Game as part of a request for the agency to waive their filing fee in anticipation of recording the adopted negative declaration. DFG has approved the fee waiver.

## **E. Recommendation**

Staff recommends the Commission adopt draft resolutions approving the negative declaration and proposed annexation as identified in the preceding sections as Options 1A and 2A. Markedly, annexation approval is generally consistent with the Commission's established policies with the lone exception the affected territory is underdeveloped and not subject to a known project or development agreement; factors that conflict with General Policy Determinations Section II/B/3. Nevertheless, as detailed on page six, staff believes it would be appropriate to waive this policy consideration given the permanent connection to a public sewer line is a preferred alternative to maintaining a septic system within a developing urban area given public health considerations. The corresponding analysis provided in this report also independently confirms NSD has established adequate controls and capacities to provide public sewer to the affected territory at its maximum density allowance without adversely affecting other ratepayers.

## **F. Procedures for Consideration**

The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff;
- 2) Open hearing and receive public comment; and
- 3) Close hearing and consider action on recommendation.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

Attachments:

- 1) Application Materials
- 2) Initial Study
- 3) Draft Resolution Approving the Negative Declaration
- 4) Draft Resolution Approving the Proposal

FORM D

Date Filed: \_\_\_\_\_  
Received By: \_\_\_\_\_

JUSTIFICATION OF PROPOSAL  
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Ralph Lippert  
 Contact Person \_\_\_\_\_ Agency/Business (If Applicable) \_\_\_\_\_

Address: 48 Garfield Lane, Napa CA 94558  
 Street Number \_\_\_\_\_ Street Name \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

Contact: 707-224-8701  
 Phone Number \_\_\_\_\_ Facsimile Number \_\_\_\_\_ E-Mail Address \_\_\_\_\_

B. Applicant Type: (Check One)  
 Local Agency       Registered Voter       Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: NSD 935 Hantle Court, Napa CA 94559  
 Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

Annexation       Detachment       City Incorporation       District Formation

City/District Dissolution       City/District Merger       Service Activation (District Only)       Service Divestiture (District Only)

C. Purpose Statement: (Specific)  
Annex existing home to NSD to connect to public sewer line; concurrently processing outside service agreement to expedite connection due to failing septic.

III. GENERAL INFORMATION

A. Location:

|                    |                        |                   |
|--------------------|------------------------|-------------------|
| Street Address     | Assessor Parcel Number | Acres             |
| <u>48 Garfield</u> | <u>038-160-034</u>     | <u>1.33 acres</u> |
| Street Address     | Assessor Parcel Number | Acres             |
| Street Address     | Assessor Parcel Number | Acres             |
| Street Address     | Assessor Parcel Number | Acres             |

Total Location Size  
(Including Right-of-Ways) \_\_\_\_\_

B. Landowners:

(1) Assessor Parcel Number : 038-160-034 Name: Ralph Lippert  
Mailing Address: 48 Garfield Lane, Napa Ct 94558  
Phone Number: 707-224-8701 E-mail: \_\_\_\_\_

(2) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

(3) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

(4) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Use Additional Sheets As Needed

C. Population:

(1) Total Number of Residents: 1

(2) Total Number of Registered Voters: 1



IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

(1) Enumerate and Describe Services to Be Provided to the Affected Territory:

Annexation will facilitate connection to MSD sewer line

(2) Level and Range of Services to Be Provided to the Affected Territory:

Consistent w/ residential service

(3) Indication of When Services Can Feasibly Be Extended to the Affected Territory:

ASAP

(4) Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory:

Lateral box has already been installed on property; connection would involve minor line extension from lateral to collection line.

(5) Information On How Services to the Affected Territory Will Be Financed:

Connection fee to be paid to MSD

**V. ENVIRONMENTAL INFORMATION**

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**A. Environmental Analysis**

(1) Lead Agency for Proposal:

LAFCO

Name

(2) Type of Environmental Document Previously Prepared for Proposal:

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption:

Type

None

Initial Study  
to be completed

*Provide Copies of Associated Environmental Documents*

**VI. ADDITIONAL INFORMATION**

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**A. Approval Terms and Conditions Requested For Commission Consideration:**

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*Use Additional Sheets As Needed*

**B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:**

(1) Recipient Name:

Ralph Lippert, Owner

Mailing Address:

E-Mail:

(2) Recipient Name:

Mailing Address:

E-Mail:

(3) Recipient Name:

Mailing Address:

E-Mail:

**VII. CERTIFICATION**

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I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature: Ralph H. Lippert  
Printed Name: Ralph H. Lippert  
Title: Land owner  
Date: 6/15/11



**Local Agency Formation Commission of Napa County**  
LAFCO of Napa County  
1700 Second Street, Suite 268  
Napa, California 94559  
Telephone: 707-259-8645  
Facsimile: 707-251-1053

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**August 16, 2011**

**NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION**

**Project Name:** Garfield Lane No. 2 Annexation to the Napa Sanitation District

**Project Description:** Local Agency Formation Commissions (LAFCOs) are responsible for administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. LAFCOs are located in all 58 counties in California and are directed to coordinate the logical formation and development of cities and special districts. This includes approving proposals to form, expand, merge, or dissolve cities and special districts.

LAFCO of Napa County has received an application from the property owner of 48 Garfield Lane to annex the approximate 1.33 acre residential lot to the Napa Sanitation District. The purpose of the annexation is to establish permanent public sewer service to an existing single-family residence, which is already connected to the District through a temporary outside service agreement approved by LAFCO on August 1, 2011 to address a failed septic system. The initial study assesses the environmental impacts associated with the annexation and concludes the project will not have any direct or indirect significant effects. Copies of the initial study and proposed negative declaration are available for viewing at <http://napa.lafco.ca.gov>. Copies are also available for review at the LAFCO office.

**Project Location:** The project location comprises all of 48 Garfield Lane (038-160-034) lying entirely within the City of Napa.

**Review Period:** The period for accepting written comments on the initial study and negative declaration recommendation extends from August 16, 2011 to September 16, 2011. Written comments should be directed to Keene Simonds by mail or by e-mail at [ksimonds@napa.lafco.ca.gov](mailto:ksimonds@napa.lafco.ca.gov).

**Hearing Date:** It is anticipated the Commission will consider staff's recommendation to adopt a negative declaration for the project as part of a regular meeting calendared for October 3, 2011. The meeting is scheduled to begin at 4:00 PM in the Board Chambers at the County of Napa Administration Building located at 1195 Third Street, Napa.

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## Local Agency Formation Commission of Napa County

1700 Second Street, Suite 268

Napa, California 94559

<http://napa.lafco.ca.gov>

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August 16, 2011

### INITIAL STUDY OF ENVIROMENTAL SIGNIFICANCE

- 1. Project Title:** Garfield Lane No. 2 Annexation to the Napa Sanitation District
- 2. Lead Agency:** Local Agency Formation Commission (LAFCO) of Napa County  
1700 Second Street, Suite 268  
Napa, California 94559
- 3. Contact Person:** Keene Simonds, Executive Officer  
LAFCO of Napa County  
(707) 259-8645  
[ksimonds@napa.lafco.ca.gov](mailto:ksimonds@napa.lafco.ca.gov)
- 4. Project Location:** The project location consists of 1.33 acres of incorporated territory in the City of Napa. It includes one residential lot located at 48 Garfield Lane (County of Napa Assessor Number 038-160-034), hereinafter referred to as the “project site.” A map depicting the project site is depicted in Figure “A” on page three.
- 5. Project Sponsor:** Ralph Lippert, Property Owner  
c/o Sudhir Chaudhary, Designated Representative  
851 Napa Valley Corporate Way, Suite G  
Napa, California 94558
- 6. General Plan Designation:** The City of Napa designates the entire project site as *Single Family Residential – 33C*. This designation contemplates a density range of three to six dwelling units for every acre.
- 7. Zoning Standard:** The City of Napa zones the project site *Residential Single 5*. This zoning standard requires a minimum lot size of 0.11 acres.
- 8. Background/ Project Description** Ralph Lippert has filed an application with LAFCO to annex the project site to the Napa Sanitation District (NSD). The purpose of the annexation is to establish permanent public sewer service to an existing single-family residence, which is already connected to NSD as a result of a recently approved outside service agreement (OSA). LAFCO approved the OSA to expedite sewer service to the project site given the affected residence’s septic system had failed causing a public health threat. The OSA expires on January 1, 2012.
- 9. Surrounding Land Uses:** The project site is entirely surrounded by existing incorporated residential uses within the City of Napa’s “Vintage” neighborhood.
- 10. Other Agency Approval:** NSD

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below potentially would be significantly affected by this project, as indicated by the checklist on the following pages.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Aesthetics             | <input type="checkbox"/> Hazards/ Hazardous Materials | <input type="checkbox"/> Public Services           |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology/Water Quality      | <input type="checkbox"/> Recreation                |
| <input type="checkbox"/> Air Quality            | <input type="checkbox"/> Land Use and Planning        | <input type="checkbox"/> Transportation/Traffic    |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Mineral Resources            | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources     | <input type="checkbox"/> Noise                        | <input type="checkbox"/> Findings of Significance  |
| <input type="checkbox"/> Geology and Soils      | <input type="checkbox"/> Population and Housing       |  |

**DETERMINATION:**

On the basis of information analyzed in this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis described in the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project. Nothing further is required.



\_\_\_\_\_  
Signature

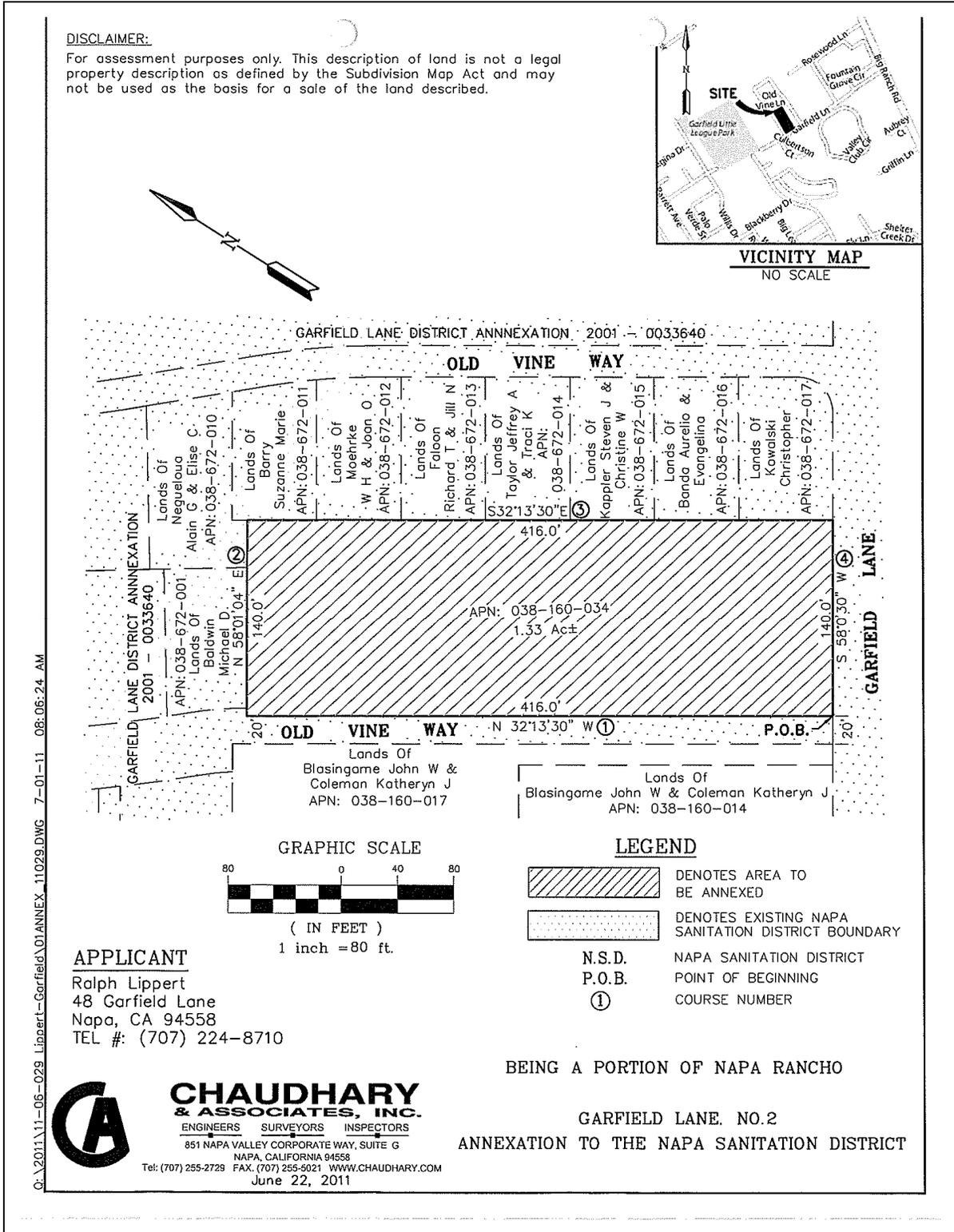
Keene Simonds  
Preparer's Name

August 16, 2011

\_\_\_\_\_  
Date

LAFCO of Napa County  
Lead Agency

**FIGURE  
 "A"**



## ENVIRONMENTAL CHECKLIST

The following is the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the potential environmental impacts of the proposed project with respect to 17 factors prescribed for consideration. A brief discussion follows each environmental issue identified in the checklist. For this checklist, the following four designations are used:

- **Potentially Significant Impact:** An impact that may be significant, and for which no mitigation has been identified.
- **Potentially Significant Unless Mitigation Incorporated:** An impact that requires mitigation measures to reduce the effect to a less-than-significant level.
- **Less-Than-Significant Impact:** Any impact that may not be considered significant under CEQA relative to baseline conditions.
- **No Impact.** Baseline conditions remain unchanged.

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
|--------|--------------------------------|--|------------------------------|-----------|

**1. AESTHETICS**

Would the project:

- a. Have a substantial adverse effect on a scenic vista? ■
- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? ■
- c. Substantially degrade the existing visual character or quality of the site and its surroundings? ■
- d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? ■

Discussion/Analysis:

The project will not directly impact aesthetics with regard to effecting scenic vistas, damaging scenic resources, degrading visual character, or creating new sources of light given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to potentially include a total of 11 single-family lots as allowed under the City’s General Plan and Zoning Ordinance. This accommodation highlights the potential the project may generate future indirect impacts on aesthetics due to the construction of additional structures and facilities. An assessment on aesthetic impacts relating to planned citywide development was addressed in the FEIR prepared for the City General Plan on pages 3.6-1 to 3.6-5. Pertinent mitigating policies and implementation measures to manage citywide aesthetic impacts are outlined in the General Plan’s Land Use, Housing, and Natural Resources Elements and include: LU-1.2; LU-1.4; LU-1.5; LU-1.8; LU-1.B; LU-1.C; LU-4.10; LU-4.11; LU-4.A; LU-4.B; LU-10.1; LU.10.2; LU-10.3; LU-10.4; LU-10.5; LU-10.A; LU-10.C; H-3.1; H-3.2; H-3.3; H-3.7; H-3.A; H-3.B; H-3.C; H-3.I; H-3.J; NR-1.6; NR-1.7; NR-1.C; and NR-1.E. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 197 to 211. Applicable mitigation measures identified in the Specific Plan’s EIR include 4.10-2 and 4.10-4. These documents provide reasonable assurances any potential future indirect impacts on aesthetics associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a, b, c, and d).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
|--------|--------------------------------|--|------------------------------|-----------|

**2. AGRICULTURE RESOURCES**

Would the project:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ■
- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? ■
- c. Involve other changes in the existing environment which, due to their location or nature, could result in loss of Farmland, to non-agricultural use? ■

Discussion/Analysis:

The project will not have direct or indirect impacts on agricultural resources. The project site is identified as urban land by the California Natural Resources Agency (a). The project site is not subject to an agricultural zoning standard or a Williamson Act contract or involve any other changes that could result in prime, unique, or statewide important farmland losses (b and c).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
|--------|--------------------------------|--|------------------------------|-----------|

**3. AIR QUALITY**

Would the project:

- a. Conflict with or obstruct implementation of the applicable air quality plan? ■
- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ■
- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ■
- d. Expose sensitive receptors to substantial pollutant concentrations? ■
- e. Create objectionable odors affecting a substantial number of people? ■

Discussion/Analysis:

The project will not directly impact air quality with regard to conflicting with applicable air quality plans and standards or cause objectionable odors and pollutants given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to potentially include a total of 11 single-family lots as allowed under the City’s General Plan and Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts during construction phases as well as from additional vehicular emissions to and from the project site. An assessment on air quality impacts relating to planned citywide development was addressed in the FEIR prepared for the City General Plan on pages 3.10-1 to 3.10-5. Pertinent mitigating policies and implementation measures to manage citywide air quality impacts consistent with Bay Area Air Quality Management District standards are outlined in the General Plan’s Natural Resources and Transportation Elements and include: NR-5.1; NR-5.2; NR-5.3; NR-5.4; NR-5.5; NR-5.6; T-1.1; T-5.1; T-5.2; T-5.13; T-5.B; T-6.1; T-6.2; and T-6.10. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 140 to 151. Applicable mitigation measures identified in the Specific Plan’s EIR include 4.7-4. These documents provide assurances any potential future indirect impacts on air quality associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a, b, c, d, and e).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
|--------|--------------------------------|--|------------------------------|-----------|

**4. BIOLOGICAL RESOURCES**

Would the project:

- a. Have a substantial adversely effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the State Fish and Game or U.S. Fish and Wildlife Service? ■
- b. Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by State Fish and Game or U.S. Fish and Wildlife Service? ■
- c. Have a substantial adverse effect on federally protected wetlands as defined by the Clean Water Act through direct removal, filling, hydrological interruption, or other means? ■
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? ■
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ■
- f. Conflict with an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan? ■

Discussion/Analysis:

The project will not have any direct or indirect impacts on biological resources. There are no endangered, sensitive, or special status species, riparian habitat, sensitive communities, or protected wetlands within the project site listed in federal, state, or local agency indices (a, b, and c). The project would not substantially effect in impeding the movement of any habitat within the project site (d). The project does not conflict with any local policies or ordinances protecting biological resources or the provisions of a habitat conservation plan or natural community conservation plan (e and f).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
|--------|--------------------------------|--|------------------------------|-----------|

**5. CULTURAL RESOURCES**

Would the project:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? ■
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? ■
- c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? ■
- d. Disturb any human remains, including those interred outside of formal cemeteries. ■

Discussion/Analysis:

The project will not have direct or indirect impacts on cultural resources. No historical, archeological, or paleontological resources have been identified within the project site in state or local registries (a, b, c, and d).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
|--------|--------------------------------|--|------------------------------|-----------|

**6. GEOLOGY AND SOILS**

Would the project:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i. Rupture of a known earthquake fault as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ■
  - ii. Strong seismic ground shaking? ■
  - iii. Seismic-related ground failure, including liquefaction? ■
  - iv. Landslides? ■
- b. Result in substantial soil erosion or the loss of topsoil? ■
- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ■
- d. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? ■
- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? ■

Discussion/Analysis:

The project will not directly impact geology and soils given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to potentially include a total of 11 single-family lots as allowed under the City's General Plan and Zoning Ordinance. This accommodation highlights the potential the project may create future indirect geology and soil impacts due to soil erosion and topsoil losses due to grading activities associated with new development along with damage to man-made structures due to the presence of expansive soils.

An assessment on all geology and soil impacts relating to planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.8-1 to 3.8-3. Pertinent mitigating policies and implementation measures to manage citywide impacts on soil erosion and topsoil losses are outlined in the General Plan's Health and Safety Element and include: HS-2.1; HS-2.2; and HS-2.A. A more focused review of these types of impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 72 to 77. Applicable mitigation measures identified in the Specific Plan's EIR include 4.3-1, 4.3-2, 4.3-3, and 4.3-4. These documents provide reasonable assurances any potential future indirect impacts relating to soil erosion, top soil losses, and damages tied to expansive soils associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (b and d). The project site is not located within an Alquist Priolo Earthquake Fault Zone, which protects against soil liquefaction, subsidence, and landslide, nor underlain by an unstable geological unit or soil (a and c). Public sewer service is currently available and provided to the project site by NSD through an OSA (e).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
|--------|--------------------------------|--|------------------------------|-----------|

**7. HAZARDS & HAZARDOUS MATERIALS**

Would the project:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ■
- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ■
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ■
- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ■
- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? ■
- f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ■
- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ■
- h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ■

Discussion/Analysis:

The project will not directly create impacts in terms of emitting or transporting hazards or hazardous materials. The project does remove an obstacle in accommodating the future division and development of the site to potentially include up to 11 single-family lots as allowed under the City's General Plan and Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts in creating, emitting, or transporting hazards or hazardous materials due to their handling during construction, such as storing diesel fuel for ancillary equipment. However, preexisting local and state regulations concerning the use and storage of these materials result in a less-than significant impact (a, b, and c). The project site is not included in a list of hazardous material sites compiled by the California Department of Toxic Substances Control, commonly known as the "Cortese List" (d). The project site is not located within a high wildland fire risk area or near a private or public airstrip or physically interfere with an adopted emergency plan (e, f, g, and h).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
|--------|--------------------------------|--|------------------------------|-----------|

**8. HYDROLOGY & WATER QUALITY**

Would the project:

- a. Violate any water quality standards or waste discharge requirements? ■
- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ■
- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or-offsite? ■
- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? ■
- e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems to control? ■
- f. Otherwise substantially degrade water quality? ■
- g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? ■
- h. Place within a 100-year floodplain structures which would impede or redirect flood flows? ■
- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? ■
- j. Inundation by seiche, tsunami, or mudflow? ■

Discussion/Analysis:

The project will not directly or indirectly impact hydrology and water quality as it relates to violating or degrading water quality standards or waste discharge requirements (a and f). The project will also not directly or indirectly impact hydrology and water quality given it does not alter a stream or river, lie within 100 year floodplain, or located within reasonable distance of a dam or levee (c, g, h, i, and j). The project does remove an obstacle in accommodating the future division and development of the site to potentially include a total of 11 single-family lots as allowed under the City's General Plan and Zoning Ordinance. This accommodation highlights the potential the project may create future indirect hydrology and water quality impacts with regard to increasing groundwater withdraws, increasing surface runoff that could contribute to on or offsite flooding, and adding demands on the storm water drainage system due to the construction of impervious surfaces. An assessment on all hydrology and water quality impacts relating to planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.9-1 to 3.9-3. Pertinent mitigating policies and implementation measures to manage citywide impacts on groundwater, runoff, and storm water drainage systems are outlined in the General Plan's Natural Resources and Community Services Elements and include: NR-4.1; CS-11.1; CS-11.2; CS-11.3; CS-11.4; CS-11.5; CS-11.6; CS-11.7; and CS-11.A. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 78 to 97. Applicable mitigation measures identified in the Specific Plan's EIR include 4.4-2, 4.4-3, and 4.4-4. These documents provide reasonable assurances any potential future indirect impacts on groundwater, storm water drainage systems, and runoff tied to the project have already been adequately assessed for purposes of avoidance and mitigation, and therefore deemed less-than-significant (b, d, and e).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
|--------|--------------------------------|--|------------------------------|-----------|

**9. LAND USE PLANNING**

Would the project:

- a. Physically divide an established community? ■
- b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect? ■
- c. Conflict with any applicable habitat conservation plan or natural communities conservation plan? ■

Discussion/Analysis:

The project will not have direct or indirect impacts on land use planning. The project does not physically divide an established community (a). The project is consistent with the City’s land use policies as well as LAFCO’s adopted sphere of influence for NSD (b). The project does not conflict with any applicable conservation plan (c).

| <b>Issues</b> | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Potentially<br>Significant<br>Less-Than-<br>Significant<br>Impact | No<br>Impact |
|---------------|--------------------------------------|--|---|--------------|
|---------------|--------------------------------------|--|---|--------------|

**10. MINERAL RESOURCES**

Would the project:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? ■
- b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ■

Discussion/Analysis:

The project will not have direct or indirect impacts on mineral resources. There are no known mineral resources of value or locally important within the project site as delineated under the City or County General Plans (a and b).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
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**11. NOISE**

Would the project result in:

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ■
- b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? ■
- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ■
- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ■
- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ■
- f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? ■

Discussion/Analysis:

The project will not directly create noise impacts given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to potentially include a total of 11 single-family lots as allowed under the City’s General Plan and Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts involving temporary or periodic increases in noise levels and groundborne vibrations. An assessment on all noise related impacts associated with planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.11-1 to 3.11-9. Pertinent mitigating policies and implementation measures to manage citywide impacts relating to noises are outlined in the General Plan’s Health and Safety Element and include: HS-9.1; HS-9.2; HS-9.3; HS-9.4; HS-9.5; HS-9.6; HS-9.7; HS-9.8; HS-9.9; HS-9.10; HS-9.11; HS-9.12; HS-9.13; HS-9.14; HS-9.A; and HS-9.B. A more focused review of these impacts relating to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 152 to 167. Applicable mitigation measures

identified in the Specific Plan's EIR include 4.8-3. These documents provide reasonable assurances any potential future indirect impacts on creating noises and groundborne vibrations associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a, b, and d). The project site is surrounded by existing urban uses with typical residential noise environment, and therefore potential new permanent noises associated with its development would be considered non-substantial (c). The project is not located within an airport land use plan or in the vicinity of a private airstrip, and thereby negating any potential direct or indirect noises associated with aircraft (e and f).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
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**12. POPULATION AND HOUSING**

Would the project:

- a. Induce substantial growth in an area, either directly or indirectly? ■
- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ■
- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ■

Discussion/Analysis:

The project will not directly create impacts on population and housing given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to potentially include a total of 11 single-family lots as allowed under the City’s General Plan and Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts in terms of fostering new growth. An assessment on growth impacts associated with planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.2-1 to 3.2-8. Pertinent mitigating policies and implementation measures to manage growth impacts are outlined throughout the General Plan’s Land Use and Housing Elements. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 59 to 67, which does not identify any needed applicable mitigation measures. These documents provide reasonable assurances any potential future indirect impacts on growth associated with the project have been adequately assessed for purposes of mitigation, and therefore deemed less than significant (a). There is no evidence to suggest the project will directly or indirectly displace substantial numbers of existing housing or people either in the short or long term (b and c).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
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**13. PUBLIC SERVICES**

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a. Fire protection? ■
- b. Police protection? ■
- c. Schools? ■
- d. Parks? ■
- e. Other public facilities? ■

Discussion/Analysis:

The project will not directly create impacts on public services given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to potentially include a total of 11 single-family lots as allowed under the City’s General Plan and Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts on public fire, police, schools, park, and emergency medical services. An assessment on public service impacts associated with planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.4-1 to 3.4-17. Pertinent mitigating policies and implementation measures to manage impacts on these public services are outlined in the General Plan’s Community Services Element and include: CS-1.1 through CS-1.7; CS-1.A through CS-1.B; CS-2.1 through CS-2.2; CS-3.1 through CS-3.3; CS-4.1 through CS-4.4; CS-4.A through CS-4.D; CS-5.1 through CS-5.8; CS-5.A through CS-5.C; CS-6.1 through CS-6.8; CS-6.A through CS-6.B; CS-7.1 through CS-7.5; CS-7.A; CS-8.1 through CS-8.3; CS-9.1 through CS-9.9; CS-9.A; CS-10.1 through CS-10.3. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 168 to 196. Applicable mitigation measures identified in the Specific Plan’s EIR include 4.9-1, 4.9-2, 4.9-3, 4.9-4, 4.9-5, 4.9-6, and 4.9-12. These documents provide reasonable assurances any potential future indirect impacts on these public services associated with the project have been adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a, b, c, d, and e).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
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**14. RECREATION**

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ■
- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ■

Discussion/Analysis:

The project will not directly impact recreational resources given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to potentially include a total of 11 single-family lots as allowed under the City’s General Plan and Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts on recreational resources in terms of increasing the use of existing parks and related facilities. An assessment on all recreational related impacts associated with planned citywide development was addressed in the City General Plan’s Parks and Recreation Element FEIR. Pertinent mitigating policies and implementation measures to manage citywide impacts on existing parks and related facilities are outlined in the General Plan’s Parks and Resources Element and include: PR-1.1 through PR-1.24; PR-1.A through PR-1.G; PR-2.1 through PR-2.15; PR-2.A through PR-2.D; PR-3.1 through PR-3.11; PR-3.A; PR-4.1 through PR-4.17; PR-4.A through PR-4.C; PR-5.1 through PR-5.19; PR-5.A; PR-7.1 through PR-7.10; and PR-7.A through PR-7.C. No specific significant impacts on existing parks and related facilities concerning the future development of the project site and surrounding area were identified in the FEIR prepared for the Big Ranch Road Specific Plan. These documents provide reasonable assurances any potential future indirect impacts on parks and related facilities associated with the project have been already adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a). The project does not include any recreational facilities nor would it require construction or expansion of existing facilities (b).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
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**15. TRANSPORTATION AND TRAFFIC**

Would the project:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system? ■
- b. Exceed, either individually or cumulatively, a level of service standard established by the County Congestion Management Agency for designated roads or highways? ■
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ■
- d. Substantially increase hazards due to a design? ■
- e. Result in inadequate emergency access? ■
- f. Result in inadequate parking capacity? ■
- g. Conflict with adopted policies supporting alternative transportation? ■

Discussion/Analysis:

The project will not directly impact transportation or traffic given no physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to potentially include a total of 11 single-family lots as allowed under the City’s General Plan and Zoning Ordinance. This accommodation highlights the potential the project may create future indirect impacts on roadway traffic in terms of increasing vehicle trips to and from the site over current conditions. An assessment on all transportation and traffic impacts relating to planned citywide development has been addressed in the FEIR prepared for the City General Plan on pages 3.3-1 to 3.3-15. Pertinent mitigating policies and implementation measures to manage citywide impacts on traffic trips and capacities as well as parking capacity are outlined in the General Plan’s Transportation Element and include: T-1.1 through T-1.11; T-1.B through T-1.E; T-1.G; T-2.1 through T-2.7; T-4.1 through T-4.5; and T-4.A through T-4.C. A more focused review of these impacts as it relates to the potential future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 115 to 139. No applicable mitigation measures are identified in the Specific Plan’s EIR relative to the project site. These documents provide reasonable assurances any potential future indirect impacts on vehicle trips associated with the project have been already adequately assessed for purposes of avoidance and/or mitigation, and therefore deemed less than significant (a). The

project would not result in traffic volumes exceeding the current level of service standard for nearby roads nor alter air tariff patterns (b and c). The project would not directly or indirectly create a design hazard, impede emergency access, generate inadequate parking capacity, or conflict with any policies promoting alternative transportation given the site is located within an existing urbanized area (d, e, f, and g).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
|--------|--------------------------------|--|------------------------------|-----------|

**16. UTILITIES & SERVICE SYSTEMS**

Would the project:

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ■
- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ■
- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ■
- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ■
- e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? ■
- f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? ■
- g. Comply with federal, state, and local statutes and regulations related to solid waste? ■

Discussion/Analysis:

The project will not directly impact water, sewer, and solid waste service utilities given no substantive physical changes to the environment shall occur as a result of the annexation. The project does remove an obstacle in accommodating the future division and development of the site to potentially include a total of 11 single-family lots as allowed under the City’s General Plan and Zoning Ordinance. This accommodation highlights the potential the project may create future indirect and cumulative impacts on water, sewer, solid waste, and storm drainage service utilities in terms of increasing uses. An assessment on water, sewer, and solid waste service utility impacts relating to planned citywide development have been addressed in the FEIR prepared for the City General Plan on pages 3.4-2 through 3.4-15. An assessment on impacts on

storm drainage service relating to planned citywide growth and development is addressed on pages 3.9-1 to 3.9-3 in the FEIR. Pertinent mitigating policies and implementation measures to manage impacts on water, sewer, solid waste, and storm drainage service utilities are outlined in the General Plan's Community Service Element and include: CS-9.1 through CS-9.10; CS-9.A; CS-10.1 through CS-10.3; CS-11.1 through CS-11.9; CS-11.A; CS-12.1 through CS-12.2; and CS-12.A. A more focused review of these impacts as it relates to the future development of the project site and surrounding area was addressed in the FEIR prepared for the Big Ranch Road Specific Plan on pages 78 to 97 and 168 to 184. Applicable mitigation measures identified in the Specific Plan's EIR include 4.4-2, 4.4-3, 4.4-4, 4.9-1, 4.9-2, 4.9-4, 4.9-5, 4.9-6, 4.9-7, and 4.9-8. Further, NSD also has prepared a recent master plan to inform current and future capital improvement planning activities through 2030, which markedly contemplates serving the project site at its maximum assigned densities allowed under the City General Plan. These documents provide reasonable assurances any potential indirect impacts on the referenced service utilities tied to the project have been adequately assessed for purposes of avoidance, mitigation, and accommodation, and therefore deemed less-than-significant (a, b, c, d, e, f, and g).

| Issues | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|--|------------------------------|-----------|
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**17. MANDATORY FINDINGS OF SIGNIFICANCE**

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples major periods of state history or prehistory? ■
- b. Does the project have impacts that are individually limited, but cumulatively considerable? ■
- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ■

Discussion/Analysis:

The project will not have direct or indirect impacts on biological resources, such as fish or wildlife species, as analyzed on page eight of this initial study. The potential future development of the project site may result in individually limited impacts on humans as well as on aesthetics, air quality, biological resources, hydrology, noise, population, public services, recreation, traffic, and utilities. These individual impacts would not be substantial or cumulatively considerable given any future development of the project site will need to comply with previously approved mitigating policies and programs of the City as the legal land use authority, and therefore result in de minimis contributions (a, b, and c).

## SOURCES

### Documents

- City of Napa, *General Plan Policy Document*, December 1998
- City of Napa, *General Plan Final Environmental Impact Report*, December 1998
- City of Napa, *Parks and Recreation Element Final Environmental Impact Report*, October 1993
- City of Napa, *Big Ranch Road Specific Plan*, August 1996
- City of Napa, *Big Ranch Road Specific Plan Final Environmental Impact Report*, August 1996
- City of Napa, Municipal Code: Section 17.08, *Residential Zoning Districts*, 2008
- City of Napa, *Combined Historic Resources List*, January 2000
- County of Napa, *Napa County Baseline Data Report*, November 2005
- LAFCO of Napa County, *Sphere of Influence Update: Napa Sanitation District*, August 2006
- LAFCO of Napa County, *Municipal Service Review and Sphere of Influence Update of the City of Napa*, June 2005
- LAFCO of Napa County, *Comprehensive Study of Sanitation and Wastewater Treatment Providers*, 2005-2006
- Bay Area Air Quality Management District, *CEQA Guidelines*, Prepared December 1999
- State of California, Natural Resources Agency, *Napa County Important Farmland Map*, 2010.

These documents are available for review at the LAFCO administration office located at 1700 Second Street, Suite 268, Napa.

### Websites

- State of California: California Environmental Resources Evaluation System; Environmental Information by Geographic Area; Napa County; Historical and Cultural Resources: "California Historical Landmarks in Napa County," [http://ceres.ca.gov/geo\\_area/counties/Napa/landmarks.html](http://ceres.ca.gov/geo_area/counties/Napa/landmarks.html)
- State of California: California Environmental Protection Agency; Cortese List of Hazardous Material Sites, <http://www.calepa.ca.gov/sitecleanup/corteselist/default.htm>
- State of California: California Geological Survey; Alquist-Priolo Earthquake Fault Zones; <http://www.consrv.ca.gov/CGS/rghm/ap/index.htm>
- County of Napa GIS Parcel Mapping application <http://2kgisweb/gisweb/InteractiveMap3.asp>

- State of California: Department of Fish and Game, California Natural Diversity Database <http://www.dfg.ca.gov/biogeodata/cnddb/> (Accessed through County of Napa)
- State of California: Department of Toxic Substances Control, Toxic Substance Database <http://www.dtsc.ca.gov>
- State of California: Department of Toxic Substances Control, Cortese Hazardous Waste and Substances Sites List Database <http://www.envirostor.dtsc.ca.gov>
- State of California: State Water Resources Control Board, GeoTracker Database <http://www.geotracker.swrcb.ca.gov>
- State of California: Department of Resources Recycling and Recovery, Solid Waste Information System Database <http://www.calrecycle.ca.gov>

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE  
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MAKING DETERMINATIONS AND  
ADOPTING A NEGATIVE DECLARATION PURSUANT TO THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**GARFIELD LANE NO. 2 ANNEXATION TO THE  
NAPA SANITATION DISTRICT**

**WHEREAS**, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, an application by Ralph Lippert, landowner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

**WHEREAS**, the Executive Officer has assigned the said annexation proposal the short-term designation of Garfield Lane No. 2 Annexation to the Napa Sanitation District; and

**WHEREAS**, annexations are projects and subject to the provisions of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Commission has determined that, pursuant to CEQA, it is the lead agency for the proposed annexation, hereinafter referred to as the “project”; and

**WHEREAS**, in accordance with Title 22 of the California Code of Regulations Section 15074, the Commission has been presented with and duly considered an initial study assessing the impact of the project on the environment; and

**WHEREAS**, the Commission held a duly noticed public hearing on October 3, 2011 to consider the initial study and has determined that the project could not have a significant effect on the environment.

**NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

1. The Commission has read and considered the Executive Officer’s report and initial study prepared for the project in accordance with the provisions of CEQA.

2. The Commission finds the initial study shows there is no substantial evidence in the record as a whole the project shall have any significant environmental impact given existing mitigation measures adopted by the City of Napa as the affected land use authority. The Commission therefore adopts each of the environmental findings set forth in the initial study and finds there is no significant impact on the environment that will result from the project.
3. The Commission hereby adopts a negative declaration for the project and finds this is based on its independent judgment and analysis.
4. The Executive Officer is the custodian of the records of these environmental proceedings on which this determination is based. The records upon which these findings and determination are made are located at the office of the Commission at 1700 Second Street, Suite 268, Napa, California.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on October 3, 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSTAIN: Commissioners

ABSENT: Commissioners

ATTEST: Keene Simonds  
Executive Officer

Recorded by: \_\_\_\_\_  
Kathy Mabry  
Commission Secretary

RESOLUTION NO. \_\_\_\_

RESOLUTION OF  
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MAKING DETERMINATIONS

GARFIELD LANE NO. 2 ANNEXATION TO THE  
NAPA SANITATION DISTRICT

**WHEREAS**, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, an application by Ralph Lippert, landowner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

**WHEREAS**, the Executive Officer reviewed said proposal and prepared a written report, including his recommendations thereon; and

**WHEREAS**, said proposal and the Executive Officer’s report have been presented to the Commission in a manner provided by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a public meeting held on said proposal; and

**WHEREAS**, the Commission considered all the factors required by law under Section 56668 of the California Government Code; and

**WHEREAS**, the Commission found the proposal consistent with the sphere of influence established for the Napa Sanitation District; and

**WHEREAS**, the Commission determined to its satisfaction that all owners of land included in said proposal consent to the subject annexation; and

**WHEREAS**, in accordance with applicable provisions of the California Environmental Quality Act, the Commission determined there to be no significant effect to the environment from the proposed annexation and adopted a negative declaration concerning this project at a hearing held on October 3, 2011.

**NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER** as follows:

1. The proposal is APPROVED.
2. This proposal is assigned the following distinctive short-term designation:

**GARFIELD LANE NO. 2 ANNEXATION TO THE  
NAPA SANITATION DISTRICT**

3. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit "A".
4. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
5. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
6. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
7. The proposal shall be subject to the terms and conditions specified in the attached Exhibit "B."
8. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56663(c).
9. Recordation is contingent upon receipt by the Executive Officer of the following:
  - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
  - (b) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.
  - (c) An indemnification agreement signed by the landowner in a form provided by Commission Counsel.
  - (d) Written confirmation by Napa Sanitation District that its terms and conditions outlined in Exhibit "B" have been satisfied.
10. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on the October 3, 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSTAIN: Commissioners

ABSENT: Commissioners

ATTEST: Keene Simonds  
Executive Officer

Recorded by: \_\_\_\_\_  
Kathy Mabry  
Commission Secretary

June 22, 2011  
#11-06-029

**EXHIBIT "A"**  
**GARFIELD LANE NO. 2**  
**ANNEXATION TO NAPA SANITATION DISTRICT**  
**GEOGRAPHIC DESCRIPTION**

(This annexation territory located within the Napa Rancho, City of Napa)

**Beginning** at the Southeast corner of the existing 20' wide section of Garfield Lane District Annexation, Recorded September 27, 2001 in Document No. 2001-0033640, filed in the Office of the Napa County Recorder, said point being on the Northwesterly right of way line of Garfield Lane;

thence (1) N 32° 13' 30" W, 416.0 feet along Garfield Lane Annexation to the Northwest corner of the existing District boundary;

thence (2) N 58° 01' 04" E, 140.0 feet along said existing District boundary to the Northeast corner of the existing Garfield Lane Annexation;

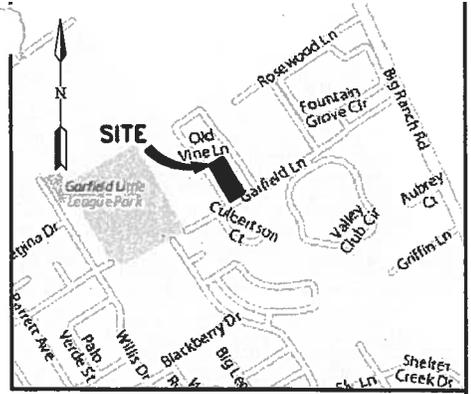
thence (3) S 32° 13' 30" E, 416.0 feet along said existing District boundary to the Southeast corner of the existing District boundary on the Northwesterly right of way line of Garfield Lane;

thence (4) S 58° 00' 30" W, 140.0 feet along Garfield Lane to the **POINT OF BEGINNING** and containing 1.33 acres, more or less.

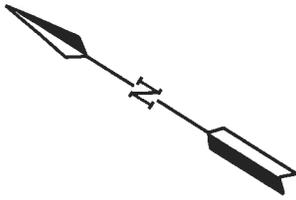
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

**DISCLAIMER:**

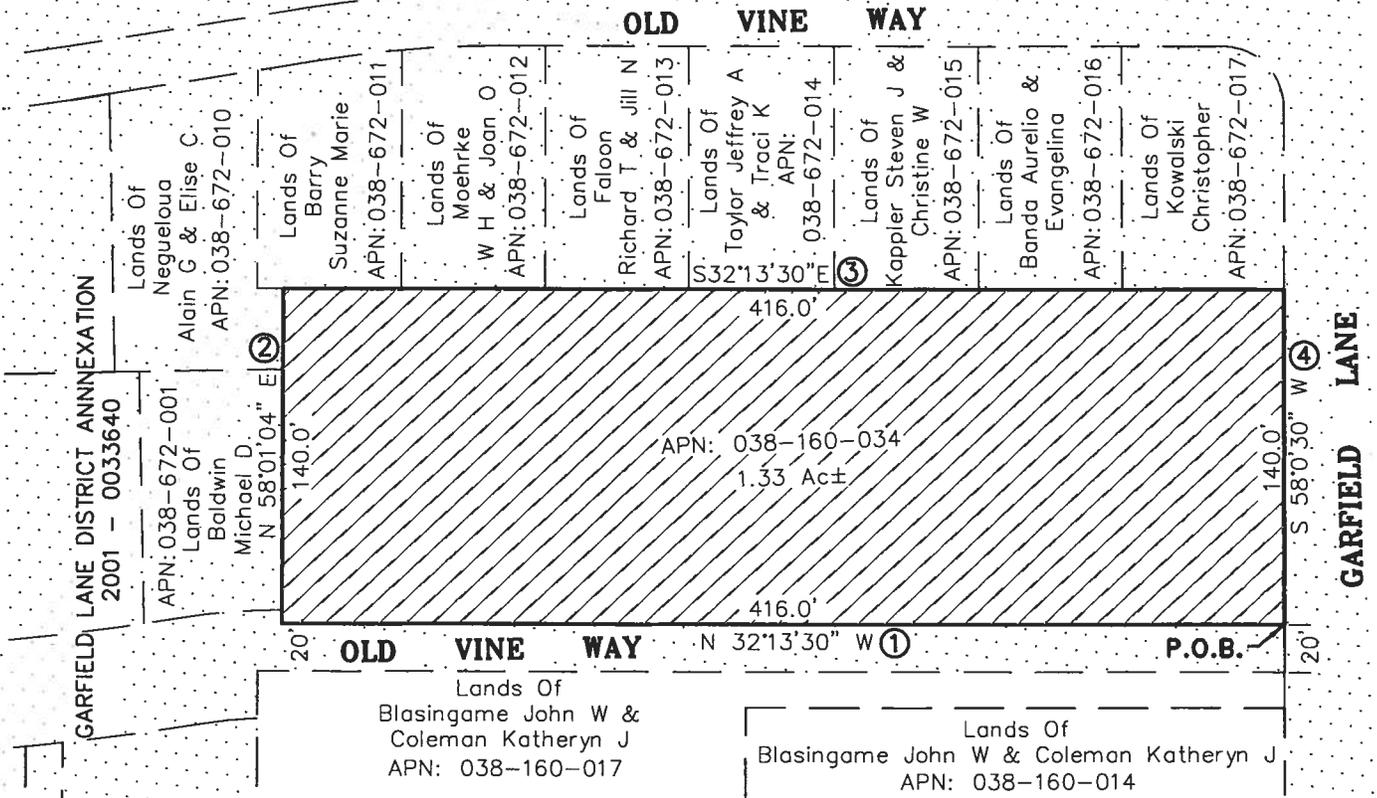
For assessment purposes only. This description of land is not a legal property description as defined by the Subdivision Map Act and may not be used as the basis for a sale of the land described.



**VICINITY MAP**  
NO SCALE



**GARFIELD LANE DISTRICT ANNEXATION 2001 - 0033640**



**GRAPHIC SCALE**



( IN FEET )  
1 inch = 80 ft.

**LEGEND**

- DENOTES AREA TO BE ANNEXED
- DENOTES EXISTING NAPA SANITATION DISTRICT BOUNDARY
- N.S.D. NAPA SANITATION DISTRICT
- P.O.B. POINT OF BEGINNING
- ① COURSE NUMBER

**APPLICANT**

Ralph Lippert  
48 Garfield Lane  
Napa, CA 94558  
TEL #: (707) 224-8710

BEING A PORTION OF NAPA RANCHO

**EXHIBIT A**

GARFIELD LANE, NO.2

ANNEXATION TO THE NAPA SANITATION DISTRICT



**CHAUDHARY & ASSOCIATES, INC.**  
ENGINEERS SURVEYORS INSPECTORS

851 NAPA VALLEY CORPORATE WAY, SUITE G  
NAPA, CALIFORNIA 94558  
Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM  
June 22, 2011

EXHIBIT "B"

**TERMS AND CONDITIONS**

48 GARFIELD LANE DISTRICT ANNEXATION – 2011-1

1. Upon and after the effective date of said annexation, the Territory, all inhabitants within such Territory, and all persons entitled to vote by reason of residing or owning land with the Territory, shall be subject to the jurisdiction of the Napa Sanitation District, hereinafter referred to as "the District"; shall have the same rights and duties as if the Territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest, and any other amounts which shall become due on account of any outstanding or then authorized by thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and ordinances of the District, as now or hereafter amended.
2. In the event that pursuant to rules, regulations or ordinances of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or ordinances of the District, as now or hereafter amended.
3. The property owner shall file with LAFCO a check in the amount of \$350.00 made payable to the State Board of Equalization.
4. The property owner shall pay to the Napa County Assessor's Office a Mapping Services Fee of \$125.00.
5. The property owner shall eliminate the privately owned sewage disposal system located on the subject property property to the Napa County Division of Environmental Health requirements.
6. The property owner shall comply with the conditions of the Outside Service Agreement (OSA) between the owner and the District dated July 11, 2011. The District collected a capacity charge, inspection fee, and District annexation fee from the owner on July 11, 2011. The OSA will become void upon completion of the annexation of the parcel into the District boundary.
7. The property owner shall agree to conditions 1, 2, 5 and 6 and fulfill conditions 3 and 4 prior to the District's issuance of a letter to LAFCO authorizing recordation of subject annexation, and in no case more than 1 year after LAFCO's adoption of a resolution approving subject annexation, unless extended by LAFCO. Any extensions granted shall in total not exceed 1 year.



**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

1700 Second Street, Suite 268  
Napa, California 94559  
Telephone: (707) 259-8645  
Facsimile: (707) 251-1053  
<http://napa.lafco.ca.gov>

**October 3, 2011**  
**Agenda Item No. 7a (Action)**

September 26, 2011

**TO:** Local Agency Formation Commission

**FROM:** Ad Hoc Committee on Policies and Procedures (Luce, Rodeno, and Simonds)

**SUBJECT: Adoption of Policy on Social Media Use**

The Commission will review a draft policy prescribing the use of social media tools in proactively communicating agency activities to the public. The draft policy includes authorizing and establishing specific standards with respect to utilizing Facebook and Twitter. The draft policy is being presented to the Commission for adoption.

Local Agency Formation Commissions (LAFCOs) are political subdivisions of the State of California located in all 58 counties in California. LAFCOs are responsible for regulating the formation and development of local governmental agencies under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”). LAFCOs inform their regulatory responsibilities through various regional planning activities, namely designating spheres of influence for all cities and special districts. CKH directs LAFCOs to establish written policies and procedures and exercise all of their delegated powers in a manner consistent with those policies and procedures. CKH also directs LAFCOs to actively engage citizens in considering the current and future needs of local communities. This includes requiring LAFCOs to maintain an internet website to help ensure pertinent agency information is readily available to the public. Further, subsequent to CKH’s enactment in January 1, 2001, advances in internet-based programs have significantly expanded the type and scope of social media tools available in engaging the public. Several of the new social medial tools or sites – specifically Facebook and Twitter – are now commonly used to promote government information and services to a continuously increasing audience.

**A. Background**

LAFCO of Napa County (“Commission”) principally relies on its website to disseminate information to the public concerning current and pending agency activities. Towards this end, the website was comprehensively updated in 2009 by Planeteria (Santa Rosa) to include more user-friendly layouts as well as incorporate certain interactive features, such as an internal search site and online forms. Other interactive features added more recently to the website include on-demand video recordings of Commission meetings. Information disseminated through the website is complemented by more traditional outreach efforts that continue to be employed, albeit in a secondary role to the website. This includes in order of frequency sending e-mails to self-registered groups, making presentations at local agency and community meetings, and publishing announcements or notices in the newspaper.

Lewis Chilton, Vice Chair  
Councilmember, Town of Yountville

Joan Bennett, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

Bill Dodd, Chair  
County of Napa Supervisor, 4th District

Brad Wagenknecht, Commissioner  
County of Napa Supervisor, 1st District

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

## **B. Discussion**

The Ad Hoc Committee on Policies and Procedures (“Committee”), consistent with its directive to review and make related recommendations, believes the Commission’s public outreach efforts would be measurably enhanced by making use of social media sites. With this in mind, the Committee has prepared a draft policy on social media use for Commission consideration. The Committee has designed the draft policy with assistance from Counsel to incorporate two distinct components: (a) establish general standards in making use of social medial sites to enhance communication with the public and (b) authorize specific protocols with respect to using Facebook and Twitter. The draft policy, importantly, borrows passages in the County of Napa’s own recently adopted policy on social media use while tailored to address the Commission’s own unique interests as a relatively small governmental agency; the latter being an important distinction, among other reasons, in ensuring appropriate monitoring is continuous.

Key provisions included in the draft policy on social media use are summarized below.

- The Executive Officer will be solely responsible for implementation. This includes maintaining all user accounts and associated passwords for the social media sites *authorized* by the Commission (emphasis added).
- The Executive Officer or designee will be responsible for regularly monitoring the Commission’s social media sites to ensure appropriate content standards are maintained. Prohibitive comments necessitating removal are outlined under Section VII/C of the draft policy.
- Implementation will be done in conjunction with all related administrative policies adopted directly by the Commission or applicable through its staff support services agreement with the County. Pertinent examples of the latter include County policies covering information technology and security use as well as harassment and discrimination matters.
- The Commission shall exercise discretion in deferring to its own written policies on social media use if a conflict emerges with respect to County policies.
- The Commission authorizes staff to establish and manage Facebook and Twitter social media accounts in communicating agency activities with the public subject to specified standards and protocols as outlined in Section X of the draft policy.

## **C. Analysis**

The Committee believes the draft policy on social media use establishes appropriate guidelines in improving the Commission’s efforts to proactively engage the public relating to agency activities; a desired goal given most agency activities have been performed in the past with little or no direct input from the public. The draft policy specifically authorizes the use of Facebook and Twitter in engaging the public and establishes measured standards to control the inherent conversational manner of these sites to maintain proper professional

standards. Markedly, Facebook and Twitter provide the Commission with two distinctive and complementary tools in enhancing communication with the public that ultimately can be used to redirect users to visit the agency's website for more detailed information. Specifically, Facebook allows the Commission to maintain an ongoing public forum in disseminating a broad range of agency information to the public while providing for two-way conversations through comment postings. Twitter allows the Commission, conversely, to provide instant and brief notifications concerning specific agency activities, such as notices of review, special meetings, and news releases.

The Committee recognizes irrespective of the preceding comments there are unique challenges for the Commission in using social media sites meriting special consideration. The most pertinent challenge, arguably, involves the Commission's desire to use social media sites to actively engage the public while potentially needing to censor comments that are deemed inappropriate without violating freedom of speech rights. The Committee believes the best approach in addressing this challenge is to simply accept inappropriate postings will occur and should be allowed to remain without deletion unless the content is explicitly prohibited under policy (i.e., profanity, physical threats, sexual language, etc.). This approach will presumably allow most inappropriate comments to remain, but will help remove the most egregious posts while avoiding freedom of speech missteps. This approach will also place a premium on staff to correct misinformation on social media sites in an even-toned and timely manner, allowing users to evaluate the information as presented.

#### **D. Alternatives for Commission Action**

The following two actions are available for Commission consideration with respect to considering the proposed draft policy.

**Alternative One:** Approve by motion the attached draft policy with or without modifications as specified.

**Alternative Two:** Continue consideration of the draft policy to a future meeting while providing additional direction to the Committee as needed.

#### **E. Recommendation**

The Committee recommends Alternative One as outlined in the preceding section.

**F. Procedures for Consideration**

The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from the Committee;
- 2) Invite public comment; and
- 3) Discuss item and consider action on recommendation.

Respectfully submitted on behalf of the Committee,

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Keene Simonds  
Executive Officer

Attachment:

- 1) Draft Policy on Social Media Policy



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Social Media Use*

Adopted: \*\*\*\*\*

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization (“CKH”) Act of 2000, pursuant to California Government Code Section 56300, directs the Commission to exercise its regulatory and planning responsibilities consistent with its written policies and procedures. The Commission is also directed under subsection (f) to maintain an internet website to ensure pertinent agency information is readily available to the public; a provision consistent with a key premise underlying CKH for commissions to improve engagement with citizens in their respective jurisdictions. Further, subsequent to CKH’s enactment in January 1, 2001, advances in internet-based programs have significantly expanded the type and scope of social media tools available in engaging the public. Several of the new social medial tools or sites are now commonly used by public agencies to promote government information and services to a continually increasing audience.

#### **II. Purpose**

The purpose of this policy is to provide clear and concise direction to Commission staff regarding the appropriate use of authorized social media sites in disseminating information to the public. This includes establishing standards and protocols in managing authorized social media sites to help ensure appropriate decorum is continuously maintained in communicating with the public.

#### **III. Policy Statement**

The Commission shall use authorized social media sites to maintain and enhance effective communication with Napa County agencies and all members of the public. This policy shall be reviewed on a regular basis to ensure consistency with industry practices.

#### **IV. Administration**

- A) The Executive Officer shall be responsible for maintaining user accounts and passwords for all social media sites authorized by the Commission for use by staff. The Executive Officer or designee will be responsible for posting, monitoring, and removing content consistent with this policy.
- B) This policy shall be implemented in conjunction with all related administrative policies adopted by the Commission or as applicable through the Commission’s contract with the County of Napa for staff support services. This includes, but is not limited to, complying with the County’s policies concerning the use of computers pursuant to County Policy Manual Section 31A.

- C) The Commission shall exercise discretion in reconciling inconsistencies or conflicts between Commission and County policies as it relates to the use of social media sites.

#### **V. Compatibility with Website**

- A) The Commission's website (<http://napa.lafco.ca.gov>) shall continue to serve as the agency's primary and predominant internet presence. Towards this end, whenever possible, content posted on the Commission's social media sites will also be made available on the agency website.
- B) Content published by staff on the Commission's social media sites shall not be offered in lieu of information on the agency's website. The Commission's social media sites shall all contain hyperlinks to the agency's website.

#### **VI. Records Retention**

- A) Posts published by staff on the Commission's social media sites will be archived and managed in accordance with the agency's Records Retention Policy.
- B) Posts published by visitors on the Commission's social media sites are deemed transitory in nature and are not considered records under CKH.

#### **VII. Disclaimer Notice**

- A) The Commission's social media sites shall all include a disclaimer notice informing visitors that all postings must comply with content standards as they are outlined in Section VIII.C. This include advising visitors that the Commission disclaims responsibility and liability for any materials the agency deems inappropriate for posting that cannot be removed in an expeditious and otherwise timely manner.

#### **VIII. General Content Standards**

- A) The Executive Officer or designee shall regularly monitor the Commission's social media sites to ensure content standards as established in this policy are continually maintained.
- B) The Commission's social media sites shall notify visitors the intended purposes of the sites are to facilitate communication between the Commission and the public. Sites must provide clear statements of the discussion topics introduced for public comments so that the public is aware of the limited nature of the discussion and that inappropriate posts are subject to removal.

C) The Executive Officer or designee shall remove any postings, comments, or other communications on its social media sites that are deemed inappropriate if any of the following forms of content are present:

- (1) Profane language or content;
- (2) Content promoting, fostering, or perpetuating discrimination on the basis of race, creed, color, age, religion, gender, sexual orientation, marital status, status with regard to public assistance, national origin, genetic information, or physical or mental disability;
- (3) Sexual content or hyperlinks to sexual content;
- (4) Comments in support of or opposition to political campaigns or ballot measures;
- (5) Solicitations of commerce;
- (6) Conduct or encouragement of illegal activity;
- (7) Information that may compromise the safety or security of the public or public infrastructure; and
- (8) Content violating a legal ownership interest of any other party.

#### **IX. Authorized Social Media Sites**

A) The social media sites authorized by the Commission for use by staff are identified by their short-term designation below and corresponding address.

- (1) Facebook / <http://facebook.com>
- (2) Twitter / <http://twitter.com>

#### **X. Specific Standards and Protocols for Authorized Social Media Sites**

A) Facebook

- (1) The Executive Officer shall hold and maintain the Commission's Facebook account. Account information, including the password, will be kept by the Executive Officer and registered to his or her work e-mail address.
- (2) The Commission will have only one Facebook account.
- (3) Postings and all related applications, including "likes," will not be added to the Commission's Facebook page(s) without the approval of the Executive Officer or designee.
- (4) The Commission's Facebook page(s) will be described as "government" and depict the agency's adopted logo and mission statement in the introduction box. The following description will be included on each Facebook page:

“This is an official Facebook page of LAFCO of Napa County. More information about LAFCO is available on our agency’s website, <http://napa.lafco.ca.gov>. This page is intended to facilitate broad and enhanced communication between LAFCO and the public and compliment and direct visitors to the agency website.”

- (5) The Executive Officer will determine when to turn on the comment option on the Facebook page(s). If comments are allowed, the Facebook page(s) shall include the following disclaimer on content:

“Comments posted to this page will be monitored and inappropriate content will be removed as soon as possible consistent with the agency’s Policy on Social Media Use [hyperlink to view policy included]. LAFCO disclaims responsibility and liability for any inappropriate postings that cannot be removed in an expeditious and otherwise timely manner.”

- (6) The Executive Officer or designee shall monitor comments on the Facebook page(s) no less than once a week. If monitoring is not available, the Executive Officer or designee shall turn off the comment option.
- (7) The Executive Officer or designee may add photographs or videos to the Facebook page(s). However, all postings of photographs or videos of the public must be accompanied by written waivers of the affected individuals.
- (8) Visitors to the Facebook page(s) shall not be allowed to post photographs, videos, or hyperlinks. Notification will be provided through a disclaimer.

#### B) Twitter

- (1) The Executive Officer shall hold and maintain the Commission’s Twitter account. Account information, including the password, will be kept by the Executive Officer and registered to his or her work e-mail address.
- (2) The Commission will have only one Twitter account.
- (3) Postings and retweets will not be added to the Commission’s Twitter page without the approval of the Executive Officer or designee.
- (4) The Commission’s biography summary on its Twitter page will include a hyperlink to the agency’s website along with the following disclaimer:

“This is an official Twitter page of LAFCO of Napa County. More information about LAFCO is available on our agency’s website, <http://napa.lafco.ca.gov>. This page is intended to facilitate specific and enhanced communication between LAFCO and the public by immediately disseminating interesting and important information.”

- (5) Postings and retweets shall be relevant, timely, and informative. Postings shall also remain professional and incorporate proper grammar and avoid the use of jargon or abbreviations.



**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

1700 Second Street, Suite 268  
Napa, California 94559  
Telephone: (707) 259-8645  
Facsimile: (707) 251-1053  
<http://napa.lafco.ca.gov>

**October 3, 2011**  
**Agenda Item No. 7b (Action)**

September 26, 2011

**TO:** Local Agency Formation Commission

**FROM:** Ad Hoc Committee on Policies and Procedures (Luce, Rodeno, and Simonds)

**SUBJECT: Amendment to the General Policy Determinations**

The Commission will consider a draft amendment to its General Policy Determinations to establish an additional exemption to its current declaration discouraging annexation proposals involving undeveloped or underdeveloped lands unless the affected territory is subject to a specific development plan or agreement. The draft amendment would further exempt city annexation proposals involving lands that are part of an unincorporated island. The draft amendment is being presented to the Commission for adoption.

Local Agency Formation Commissions (LAFCOs) are political subdivisions of the State of California located in all 58 counties in California. LAFCOs are responsible for regulating the formation and development of local governmental agencies under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”). LAFCOs inform their regulatory responsibilities through various regional planning activities, namely designating spheres of influence for all cities and special districts. CKH directs LAFCOs to establish written policies and procedures and exercise all of their delegated powers in a manner consistent with those policies and procedures. Furthermore, in adopting policies and procedures, LAFCOs are encouraged to establish specific standards for evaluating change of organization of organization or reorganization proposals, such as annexations and detachments. This includes establishing definitions or other quantifiable criteria to assist in assessing the merits of proposed local government boundary changes.

**A. Background**

LAFCO of Napa County’s (“Commission”) General Policy Determinations serve as the agency’s core policy document with respect to establishing basic principles and standards in administering LAFCO law in Napa County. Key provisions include deferring to the County of Napa General Plan in determining agricultural and open-space land use designations in reviewing all types of proposals, requests, and other types of applications. The document also directs the Commission to designate cities and special districts’ spheres of influence as explicit guides to urban development with limited exceptions; the latter declaration discouraging, among other things, the inclusion of municipal greenbelts into city spheres.

Lewis Chilton, Vice Chair  
Councilmember, Town of Yountville

Joan Bennett, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

Bill Dodd, Chair  
County of Napa Supervisor, 4th District

Brad Wagenknecht, Commissioner  
County of Napa Supervisor, 1st District

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
*Executive Officer*

In April 2011, the Commission adopted a comprehensive update to its General Policy Determinations consistent with the recommendation of the Ad Hoc Committee on Policies and Procedures (“Committee”). The update was the first of its kind since the early 1980s and addressed several new responsibilities of the Commission. This included establishing new policies, procedures, and review standards as it relates to preparing sphere of influence updates and municipal service reviews along with overseeing outside service extensions. The update also included new policies concerning long-standing responsibilities to better reflect the present preferences and objectives of the Commissioners in administering their regulatory and planning responsibilities. Most notably, this led the Commission to include a new policy statement to further manage the *timing* of urban development (emphasis added). Specifically, the Commission decided to explicitly discourage proposals involving the annexation of undeveloped or underdeveloped lands to cities and special districts that provide core urban services unless subject to a specific development plan or agreement. This statement is codified in the General Policy Determinations under Section II/B/3.

## **B. Discussion**

The Committee believes an amendment to General Policy Determinations Section II/B/3 is warranted to establish a second exemption for city annexation proposals in which the affected lands are part of an unincorporated island. The amendment, if adopted, would help reconcile two distinct and equally important Commission policy objectives. This reconciliation, in particular, involves memorializing the Commission’s dual interest in (a) discouraging undeveloped or underdeveloped land annexations to cities and districts without known development projects or agreements while (b) encouraging the reduction or elimination of unincorporated islands; the latter of which generally involve underdeveloped lands relative to city zoning standards. The proposed draft amendment language is as follows.

### Timing of Urban Development:

The Commission discourages proposals involving the annexation of undeveloped or underdeveloped lands to cities and special districts that provide potable water, sewer, fire protection and emergency response, or police protection services. This policy does not apply to proposals in which the affected lands are subject to a specific development plan or agreement under consideration by a land use authority. This policy does not apply to city annexation proposals in which the affected lands are part of an unincorporated island.

### **C. Analysis**

The proposed draft amendment to General Policy Determinations Section II/B/3 is a measured approach in addressing an unintended disconnect in policy objectives tied to the adoption of the referenced policy statement by the Commission in April 2011. The Committee belatedly recognizes this policy statement as currently written to narrow the timing of urban development facilitated by annexations to developed or developing lands is at odds with the interest of the Commission to encourage city island annexations. In particular, the policy statement dissuades annexations involving islands given the affected lands generally qualify as undeveloped relative to city zoning standards; an action that conflicts with the Commission's ongoing efforts to encourage city annexations to reduce or – and preferably – eliminate islands and the governance inefficiencies they perpetuate. Markedly, the proposed draft amendment clarifies the Commission's equal interest in narrowing urban development facilitated by annexations to developed or developing lands while encouraging city annexations involving unincorporated islands.

It is important to note the proposed draft amendment to General Policy Determinations Section II/B/3 is intentionally broad in the sense it would apply to city annexations involving both (a) entire islands and (b) portions of islands. This intentional broadening is consistent with the practice of the Commission to approve city annexations involving a portion of an island if, among other matters, reasonable efforts have been in exploring expansion to eliminate the entire island (i.e., something is better than nothing).<sup>1</sup> However, if interested in reflecting a more absolute position, the Commission may consider narrowing the proposed draft amendment to apply only to city annexations involving entire islands.

### **D. Alternatives for Commission Action**

The following two actions are available for Commission consideration with respect to considering the proposed draft amendment to General Policy Determinations Section II/B/3.

**Alternative One:** Approve by motion the attached draft amendment with or without modifications as specified.

**Alternative Two:** Continue consideration of the draft amendment to a future meeting while providing additional direction to the Committee as needed.

### **E. Recommendation**

The Committee recommends Alternative One as outlined in the preceding section.

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<sup>1</sup> Reasonable efforts include documented outreach to neighboring island landowners and residents.

**F. Procedures for Consideration**

The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from the Committee;
- 2) Invite public comment; and
- 3) Discuss item and consider action on recommendation.

Respectfully submitted on behalf of the Committee,

---

Keene Simonds  
Executive Officer

Attachment:

- 1) General Policy Determinations with Proposed Draft Amendment to Section II/B/3 (track-changes)



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *General Policy Determinations*

Adopted: August 9, 1972  
Last Amended: \*\*\*\*\*

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 specifies the Commission's principal objectives are discouraging urban sprawl, preserving open-space and agricultural resources, and encouraging the orderly formation and development of cities and special districts and their municipal services based on local conditions. Regulatory duties include approving or disapproving proposals involving the formation, reorganization, expansion, and dissolution of cities and special districts. The Commission's regulatory actions must be consistent with its adopted written policies and procedures. The Commission must also inform its regulatory duties through a series of planning activities, which includes establishing and updating spheres of influence.

#### **II. General Policies**

The intent of these policies is to serve as the Commission's constitution with regards to outlining clear goals, objectives, and requirements in uniformly fulfilling its prescribed duties. The Commission reserves discretion in administering these policies, however, to address special conditions and circumstances as needed.

##### **A) Legislative Declarations**

The Commission acknowledges and incorporates into its own policies, the policies of the Legislature regarding the promotion of orderly, well-planned development patterns that avoid the premature conversion of agricultural and open-space lands and ensure effective, efficient, and economic provision of essential public services. The Commission wishes to specifically note the following declarations and policies contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

- (1) The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. (G.C. §56000)

- (2) It is the intent of the Legislature that each commission, not later than January 1, 2002, shall establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures, and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns. (G.C. §56300)
- (3) In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:
  - a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
  - b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.  
(G.C. §56377)

## **B) Commission Declarations**

The Commission declares its intent not to permit the premature conversion of designated agricultural or open-space lands to urban uses. The Commission shall adhere to the following policies in the pursuit of this intent, and all proposals, projects, and studies shall be reviewed with these policies as guidelines.

- (1) Use of County General Plan Designations:  
In evaluating a proposal, the Commission will use the Napa County General Plan to determine designated agricultural and open-space lands. The Commission recognizes that inconsistencies may occur between the County General Plan and the affected city general plan with respect to agricultural and open-space designations. Notwithstanding these potential inconsistencies, the Commission will rely on the Napa County General Plan in recognition of the public support expressed in both the incorporated and unincorporated areas of Napa County for the County's designated agricultural and open-space lands through enactment of Measure "J" in 1990 and Measure "P" in 2008.

- (2) Location of Urban Development:  
The Commission shall guide urban development away from designated agricultural or open-space lands until such times as urban development becomes an overriding consideration as determined by the Commission.
- (3) Timing of Urban Development:  
The Commission discourages proposals involving the annexation of undeveloped or underdeveloped lands to cities and special districts that provide potable water, sewer, fire protection and emergency response, or police protection services. This policy does not apply to proposals in which the affected lands are subject to a specific development plan or agreement under consideration by a land use authority. [This policy does not apply to city annexation proposals in which the affected lands are part of an unincorporated island.](#)
- (4) Factors for Evaluating Proposals Involving Agricultural or Open-Space Lands:  
The Commission recognizes there are distinct and varying attributes associated with agricultural and open-space designated lands. A proposal which includes agricultural or open-space designated land shall be evaluated in light of the existence of the following factors:
- a) "Prime agricultural land", as defined by G.C. §56064.
  - b) "Open-space", as defined by G.C. §56059.
  - c) Land that is under contract to remain in agricultural or open-space use, such as a Williamson Act Contract or Open-Space Easement.
  - d) Land which has a County General Plan agricultural or open-space designation (Agricultural Resource or Agriculture, Watershed and Open-Space).
  - e) The adopted general plan policies of the County and the affected city.
  - f) The agricultural economic integrity of land proposed for conversion to urban use as well as adjoining land in agricultural use.
  - g) The potential for the premature conversion of adjacent agricultural or open-space designated land to urban use.
  - h) The potential of vacant non-prime agricultural land to be developed with a use that would then allow the land to meet the definition of prime agricultural land under the Williamson Act.

(5) Encouragement of Reorganizations:

The Commission encourages reorganization proposals as a means of coordinating actions of local governmental agencies involving, but not limited to, annexation of land to two or more public agencies. The Commission recognizes the usefulness of the reorganization concept as a vehicle designed to simplify and expedite such actions.

### **III. Policies Concerning Spheres of Influence**

It is the intent of the Commission to establish spheres of influence that promote the orderly expansion of cities and special districts to ensure effective, efficient and economic provision of essential public services, including public sewer and water, fire protection and emergency response, and police protection.

#### **A) Legislative Declarations**

The Commission acknowledges and incorporates into its own policies, the policies of the Legislature as they relate to spheres of influence. The Commission wishes to specifically note the following declarations and policies contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

- (1) "Sphere of influence" means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission. (G.C. §56076)
- (2) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the Commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere. (G.C. §56425(a)).
- (3) The Commission encourages cities and the County to meet and agree to sphere of influence changes. The Commission shall give "great weight" to these agreements to the extent they are consistent with its policies. (G.C. §56425(b) and (c))
- (4) On or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update each sphere of influence. (G.C. §56425(g))

## **B) General Guidelines for the Review of Spheres of Influence**

It is the intent of the Commission to consider the following factors whenever reviewing a proposal that includes the adoption, amendment, or update of a sphere of influence.

- (1) The Commission incorporates the following definitions:
  - a) An “establishment” refers to the initial development and determination of a sphere of influence by the Commission.
  - b) An “amendment” refers to a limited change to an established sphere of influence typically initiated by a landowner, resident, or agency.
  - c) An “update” refers to a comprehensive change to an established sphere of influence typically initiated by the Commission.
- (2) The Commission discourages proposals from residents, landowners, and agencies proposing amendments to spheres of influence unless justified by special conditions and circumstances.
- (3) The Commission shall consider the following land use criteria in establishing, amending, and updating spheres of influence:
  - a) The present and planned land uses in the area, including designated agricultural and open-space lands.
  - b) Consistency with the County General Plan and the general plan of any affected city.
  - c) Adopted general plan policies of the County and of any affected city that guide future development away from designated agricultural or open-space land.
  - d) Adopted policies of affected agencies that promote infill of existing vacant or underdeveloped land.
  - e) Amount of existing vacant or underdeveloped land located within any affected agency’s jurisdiction and current sphere of influence.
  - f) Adopted urban growth boundaries by the affected land use authorities.

- (4) The Commission shall consider the following municipal service criteria in establishing, amending, and updating spheres of influence:
  - a) The present capacity of public facilities and adequacy of public services provided by affected agencies within the current jurisdiction and the adopted plans of these agencies to improve any municipal service deficiency, including adopted capital improvement plans.
  - b) The present and probable need for public facilities and services within the area proposed for inclusion within the sphere of influence and the plans for the delivery of services to the area.
- (5) The Commission shall endeavor to maintain and expand, as needed, spheres of influence to accommodate planned and orderly urban development. The Commission, however, shall consider removal of land from an agency's sphere of influence if any of the two conditions apply:
  - a) The land is outside the affected agency's jurisdictional boundary but has been within the sphere of influence for 10 or more years.
  - b) The land is inside the affected agency's jurisdictional boundary, but is not expected to be developed for urban uses or require urban-type services within the next 10 years.

### **C) City Spheres of Influence**

The Commission shall adhere to the following policies in the establishment, amendment, or update of a city's sphere of influence.

- (1) Location of Urban Development:  
It shall be a basic policy of the Commission is that the sphere of influence shall guide and promote the affected city's orderly urban growth and development.
- (2) Sphere of Influence to Reflect Service Capacities:  
A city's sphere of influence should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission.
- (3) Use of County General Plan Agricultural and Open-Space Designations:  
The Commission shall use the most recently adopted County General Plan as the basis to identify designated agricultural and open-space lands in establishing, amending, and updating a city's sphere of influence.

- (4) Avoidance of Inclusion of Agricultural and Open-Space Lands:  
Land specifically designated as agricultural or open-space lands shall not be approved for inclusion within any city's sphere of influence for purposes of urban development unless exceptions are warranted based on the criteria outlined in Section B(3) and (4).
- (5) Preference for Infill:  
The Commission will consider the amount of vacant land within the established sphere of influence of a city when considering amendments and updates. The Commission encourages sphere of influence proposals that promote the infill of existing vacant or underdeveloped land thereby maximizing the efficient use of existing city services and infrastructure as well as discouraging urban sprawl. Conversely, the Commission discourages sphere of influence proposals involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill is more appropriate.
- (6) Spheres of Influence as Guides for City Annexations:  
A city's sphere of influence shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.
- (7) Joint Applications:  
When an annexation is proposed outside a city's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.
- (8) Cooperative Planning and Development:  
Spheres of influence shall be developed by the Commission in cooperation with input from the cities and the County.
- a) The urban areas as delineated by the spheres of influence or other boundary adopted by the Commission should be recognized and considered as part of planning and development programs of the affected cities as well as any affected special districts and the County.
  - b) The Commission shall encourage cities to first develop existing vacant and underdeveloped infill lands located within their jurisdictions and spheres of influence to maximize the efficient use of available services and infrastructure and discourage the premature conversion of agricultural and open-space lands to urban uses. The Commission shall encourage the development of vacant or underdeveloped infill

lands located within cities' jurisdictions before the annexation of lands requiring the extension of urban facilities, utilities, and services.

- c) No urban development should be permitted by the County to occur on unincorporated lands within a city's sphere of influence. If approval of urban development in such areas is legally required of the County, such development should conform to applicable city standards and be the subject of a joint city-County planning effort.

#### **D) Special District Spheres of Influence**

The Commission shall adhere to the following policies in the establishment, review, amendment, or update of a special district's sphere of influence.

- (1) Urbanizing Effect of Services:  
It shall be a basic policy of the Commission that the establishment, amendment, or update of a special district's sphere of influence serves to promote urban development with limited exceptions.
- (2) Sphere of Influence to Reflect Service Capacities:  
A special district's sphere of influence should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission.
- (3) Exclusion of Agricultural and Open-Space Lands:  
Land designated agricultural or open-space by the applicable city or County general plan shall not be approved for inclusion within any special district's sphere of influence for purposes of urban development through the extension of essential public services. Such designations shall be recognized by the Commission as designating the land as non-urban in character in regard to the existing use of the area or its future development potential. The Commission may consider exceptions to this policy based on evidence provided by the affected special district demonstrating all of the following:
  - a) The expansion is necessary in order to provide potable water or sewer to the territory to respond to a documented public health or safety threat.
  - b) The affected special district can provide adequate potable water or sewer service to the affected territory without extending any mainline more than 1,000 feet.
  - c) The expansion will not promote the premature conversion of agricultural or open-space land to urban use.

- (4) Sphere of Influence as a Guide to Special District Annexations:  
A special district's sphere of influence shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.
- (5) Joint Applications:  
When an annexation is proposed outside a special district's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the proposed annexation.
- (6) Cooperative Planning and Development Programs:  
Spheres of influence shall be developed by the Commission in cooperation with any affected cities and the County.
  - a) The service area of a special district as delineated by the sphere of influence or other boundary adopted by the Commission should be recognized and considered as part of the planning and development programs of any affected district, city, and the County.

#### **IV. Policies Concerning the County Of Napa**

##### **A) Location of Urban Development**

- (1) Development of an urban character and nature should be located within areas designated as urban areas by the County General Plan in close proximity to a city or special district which can provide essential public services.
- (2) Urban development should be discouraged if it is apparent that essential services necessary for the proposed development cannot readily be provided by a city or special district.
- (3) The Commission shall review and comment, as appropriate, on the extension of services or the creation of new service providers to furnish services into previously unserved territory within unincorporated areas.

**B) Use of County Service Areas and Community Services Districts**

- (1) In those unincorporated urban areas where essential urban services are being provided by the County, the Board of Supervisors should consider the establishment of county service areas or community services districts so that area residents and landowners pay their fair and equitable share for the services received.

**V. Policies Concerning Cities**

**A) Incorporations**

- (1) The Commission discourages proposals to incorporate communities unless substantial evidence suggests the County and any affected special district are not effectively meeting the needs of the community.
- (2) The Commission discourages proposals to incorporate communities involving land that is not already receiving essential public services from a special district.
- (3) Any community proposed for incorporation in Napa County shall have at least 500 registered voters residing with the affected area at the time proceedings are initiated with the Commission as required under G.C. §56043.

**B) Outside Service Agreements**

- (1) Commission approval is needed for a city to provide new or extended services outside its jurisdictional boundary by contracts or agreements. A Request by a city shall be made by resolution of application and processed in accordance with G.C. §56133.
- (2) The Commission shall incorporate the following definitions in administering these policies:
  - a) “Services” shall mean any service provided by a city unless otherwise exempted under G.C. 56133.
  - b) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land. Exceptions include non-jurisdictional land in which the city or County has adequately contemplated the provision of the subject service on or before January 1, 2001 as determined by the Commission.

- c) “Extended” shall mean the intensification of an existing municipal service provided to non-jurisdictional land associated with a land use authority’s redesignation or rezoning after January 1, 2001 as determined by the Commission.
- (3) The Commission shall establish policies and procedures in the review of outside service agreement requests involving a city.

**VI. Policies Concerning Special Districts**

**A) In Lieu of New District Creation**

- (1) Where a limited-purpose special district exists and additional services are required for an unincorporated area designated as urban by the County General Plan, the Commission encourages reorganizations to provide the extended services of the existing limited services special district.

**B) Preference for Districts Capable of Providing All Essential Services**

- (1) All new special districts proposed for formation in the unincorporated urban areas as designated under the County General Plan should be capable of providing essential urban type services which include, but are not limited to, water, sanitation, fire protection, and police protection.

**C) Establishing New Services or Divestiture of Existing Service Powers**

- (1) Commission approval is required for a special district to establish new services or divest existing service powers within all or parts of its jurisdictional boundary. Requests by a special district shall be made by adoption of a resolution of application and include all the information required and referenced under G.C. §56824.12.
- (2) The Commission incorporates the following definitions in administering these policies:
  - a) “New” shall mean activating a latent service not previously authorized.
  - b) “Divestiture” shall mean deactivating a service power previously authorized.
- (3) The Commission shall consider the effect of the proposal in supporting planned and orderly growth within the affected territory.

## **D) Outside Service Agreements**

- (1) Commission approval is needed for a special district to provide new or extended services outside its jurisdictional boundary by contracts or agreements. Requests made by special districts shall be made by resolution of application and processed in accordance with G.C. §56133.
- (2) The Commission shall incorporate the following definitions in administering these policies:
  - a) “Services” shall mean any service provided by a special district subject to the jurisdiction of the Commission unless otherwise exempted under G.C. 56133.
  - b) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land. Exceptions include non-jurisdictional land in which the special district or land use authority has adequately contemplated the provision of the subject service on or before January 1, 2001 as determined by the Commission.
  - c) “Extended” shall mean the intensification of an existing municipal service provided to non-jurisdictional land associated with a land use authority’s redesignation or rezoning after January 1, 2001 as determined by the Commission.
- (3) The Commission shall establish policies and procedures in the review of outside service agreement requests involving a special district.

## **VII. Policies Concerning Annexations**

### **A) General Policies Concerning Annexations to a City**

- (1) Inclusion in Sphere of Influence:  
The affected territory shall be included within the affected city sphere of influence prior to issuance of the Executive Officer's certificate of filing for the subject annexation proposal. The Executive Officer may amend both a sphere of influence amendment and annexation application for Commission consideration and action at the same meeting.

- (2) Substantially surrounded:  
For the purpose of applying the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act, most notably G.C. §56375, the affected territory of an annexation proposal shall be deemed “substantially surrounded” if the following two conditions apply:
- a) The affected territory lies within the city’s sphere of influence.
  - b) The affected territory is surrounded by no less than 66.6% by the city, as set forth in a boundary description accepted by the Executive Officer.

**B) Policies Concerning Island Annexations**

- (1) Boundary of Areas Not 100% Surrounded by City:  
The outside boundary of an unincorporated island less than 100% surrounded shall be the affected city sphere of influence boundary line.
- (2) Criteria for Determining a Developed Island:  
A developed island shall substantially meet all the following criteria:
- a) The island shall have a housing density of at least 0.5 units per gross acre.
  - b) All parcels within the island can readily receive from the affected city or any affected special district basic essential services including but not limited to police protection, fire protection, potable water and sanitation.
- (3) Policy Regarding Annexations Within an Identified Island Area:  
When an annexation proposal includes territory within a developed island, the Commission shall invite the affected city to amend the boundary of the proposed annexation to include the entire island. To the extent permitted by law, the Commission reserves the right to expand the boundaries of the proposed annexation to include the entire island.

**C) Policies Concerning Annexation of Municipally-Owned Land**

- (1) Restricted Use Lands Owned by Public Agencies:  
The Commission shall disapprove annexation of publicly-owned land designated agricultural or open-space or subject to a Williamson Act contract unless the land will be used for a municipal purpose and no suitable alternative site reasonably exists within the affected city’s sphere of influence.

- (2) Facilities Exempt from Policy:  
Municipal purpose shall mean a public service facility which is urban in nature such as water and sewage treatment facilities and public buildings, but shall not include land which is vacant or used for wastewater reclamation irrigation, a reservoir, or agricultural, watershed or open-space.

**D) Concurrent Annexation Policies**

It is the intent of the Commission to promote concurrent annexations to cities and special districts whenever appropriate. The Commission may waive its concurrent annexation policies based on unique conditions or circumstances surrounding the annexation proposal which make application of the policy impractical and will not result in the annexation of lands designated agricultural or open-space by the applicable city or County General Plan.

(1) City of Napa and Napa Sanitation District

a) Annexations to the District:

All annexation proposals to the Napa Sanitation District located outside of the City of Napa shall first be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission, is located within the City Residential Urban Limit Line (RUL) as adopted by the City, and annexation is legally possible.

b) Annexations to the City:

All 100% consent annexation proposals to the City of Napa located outside of the Napa Sanitation District shall be required to annex to the Napa Sanitation District if the affected territory is located within the District's sphere of influence and if sanitation service is available.

(2) City of American Canyon and American Canyon Fire Protection District

a) Annexations to the District:

All annexation proposals to the American Canyon Fire Protection District located outside of the City of American Canyon shall be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission and if annexation is legally possible.

b) Annexations to the City:

All annexation proposals to the City of American Canyon located outside of the American Canyon Fire Protection District shall be required to annex to the District if the affected territory is located within the District's sphere of influence.

(3) County Service Area No. 4

a) Annexations to Cities:

All annexation proposals to a city shall be required to concurrently detach from County Service Area No. 4 unless the affected territory has been, or is expected to be, developed to include planted vineyards totaling one acre or more in size.



**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

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**October 3, 2011**  
**Agenda Item No. 8a (Discussion)**

September 26, 2011

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Legislative Report**

The Commission will receive a report on the first year of the 2011-2012 session of the California Legislature as it relates to bills directly or indirectly effecting Local Agency Formation Commissions. The report also previews legislative matters for the upcoming second year.

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The Executive Officer and Commissioner Inman are appointed members of the California Association of Local Agency Formation Commissions' (CALAFCO) Legislative Committee. The Committee meets on a regular basis to review, discuss, and offer recommendations to the CALAFCO Board of Directors relating to new legislation that have either a direct impact on LAFCO law or the laws LAFCO helps to administer. Committee actions are guided by the Board's adopted policies, which are annually reviewed and amended to reflect current year priorities.

**A. Discussion and Analysis**

*Current Legislative Items*

The first year of the California Legislature's 2011-2012 session generated approximately 2,500 bills. The Committee has been tracking 26 of these bills given they directly or indirectly impact LAFCOs. A complete list of the bills under track by the Committee and their current status is attached to this staff report. Three bills the Committee believes have the greatest potential for impacting LAFCOs – SB 244, AB 54, and AB 912 – are summarized below for Commission review and discussion.

**Senate Bill 244 (Lois Wolk): Disadvantaged Unincorporated Communities**

This legislation passed the Legislature on September 9, 2011 and currently awaits action by the Governor. If enacted, the bill would require LAFCOs to consider disadvantaged unincorporated communities as part of the municipal service review and sphere of influence update processes. LAFCOs' consideration would begin in July 2012 and includes making determinative statements on the infrastructure needs as well as the feasibility of annexing disadvantaged communities that lie within or adjacent to the affected agency's sphere of influence. The bill defines disadvantaged unincorporated communities as areas with an annual median household income that is

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Lewis Chilton, Vice Chair  
Councilmember, Town of Yountville

Joan Bennett, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

Bill Dodd, Chair  
County of Napa Supervisor, 4th District

Brad Wagenknecht, Commissioner  
County of Napa Supervisor, 1st District

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

less than 80 percent of the statewide annual median household income. (No definition has been provided with respect to “adjacent.”) The intent of the bill is for LAFCOs to proactively address the service needs of predominately poor minority communities by facilitating annexations to nearby cities. Concurrent changes to planning law are also proposed to require cities and counties to identify and provide specific information regarding disadvantaged unincorporated communities inside or near their jurisdictions in their housing elements beginning in January 2014; an aspect that has been strongly opposed by the California League of Cities.

It is important to highlight SB 244, if enacted, would further direct LAFCOs to focus on environmental justice issues; a focus that began in January 2008 with the requirement that LAFCOs consider the effect of boundary changes in promoting environmental justice. It is unclear at this time whether the bill would measurably impact municipal service reviews and sphere of influence updates in Napa County given the referenced definition of disadvantaged unincorporated communities. The author, however, has made considerable changes to the original bill to provide LAFCOs more discretion in implementing the proposed new requirements. This includes striking an initial threshold that would have directed LAFCOs to address any qualifying disadvantaged unincorporated community lying within 10 acres of a sphere of influence. This and other changes to the bill have prompted CALAFCO to change its position from “oppose” to “objection removed.” The California State Association of Counties also removed its original objection as result of subsequent rewrites.

**Assembly Bill 54 (Jose Solorio): Mutual Water Companies**

This legislation passed the Legislature on September 8, 2011 and currently awaits action by the Governor. If enacted, the bill would require mutual water companies to file boundary maps with LAFCOs. The bill would also require mutual water companies to respond in writing to information requests made by LAFCOs as part of the municipal service review process within 45 days of notice.

It appears AB 54’s core objective is to make mutual water companies more accountable to the public. (Additional requirements included in the bill involve mandatory board training and establishing fund reserve minimums.) Locally, there is little information presently available regarding the extent of mutual water companies operating in Napa County. With this in mind, requiring mutual water companies to file boundary maps with LAFCOs as well as respond to information requests would be extremely beneficial. CALAFCO has adopted a “support” position.”

**Assembly Bill 912 (Rich Gordon): Special District Dissolution**

This legislation passed the Legislature on July 11<sup>th</sup> and was signed by the Governor on July 25<sup>th</sup>. The bill will take effect January 1, 2012 and establishes an expedited process to dissolve special districts if it is consistent with an earlier recommendation made by LAFCO. Two specific authorizations are created. First, LAFCO can order the dissolution at a noticed hearing without holding protest or election proceedings for applications initiated by the affected district. Second, LAFCO can order the

dissolution at a noticed hearing if no majority protest exists and without holding election proceedings for applications not initiated by the affected district.

AB 912's focal aim is to help make it easier in amicable situations for dissolving special districts by creating a mechanism to avoid the uncertainty and costs tied to holding elections. This bill may prove helpful to the Commission in addressing the ongoing governance issues affecting the Napa River Reclamation District No. 2109; governance issues highlighted in a 2008 report prepared by the Commission that concluded, among other matters, the District should reorganize into a community services district. CALAFCO actively supported this bill.

The Legislature adjourned the first session on September 9<sup>th</sup> and our now at recess. All outstanding bills that passed the Legislature before the recess are now before the Governor. The Governor has 30 days from the bills arrival to his office to either (a) sign into law, (b) allow it to become law without signature, or (c) veto. No new bills will be considered this calendar year unless the Governor calls for an extraordinary or special session to address a specific issue.

### ***Potential Legislative Items in 2012***

The Legislature is set to reconvene for the second session on January 4, 2012. The Committee anticipates the following legislative matters of interest to LAFCOs will be pursued directly (legislation) or indirectly (budget/ballot initiative) in the second session:

- **Restore Vehicle License Fee Funding to Cities**

As the Commission is aware, SB 89 was a trailer bill tied to the State's adopted budget for 2011-2012 that immediately transferred approximately \$130 million in motor vehicle license fees (VLF) from cities to fund public safety programs. Significantly, the loss of VLF is expected to severely undermine the near-term solvency of recently incorporated cities – four of which lie in Riverside County – as well as cities that have recently annexed large incorporated areas.<sup>1</sup> Further, unless the effects of SB 89 are reversed, it is reasonable to assume all potential incorporation and large inhabited annexation filings – including most notably island annexations – will be abandoned. The most recent effort to restore VLF to cities was introduced on September 14<sup>th</sup> as part of XBX1-41 (Jose Solorio), but died after the Governor chose not to call an extraordinary session. It is expected restoring VLF funding to cities will be a key issue in the next budget negotiations.

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<sup>1</sup> The Cities of American Canyon, Calistoga, Napa, St. Helena, and Yountville lost an estimated \$60,332, \$18,795, \$281,918, \$21,144, and \$14,252, respectively, in VLF funding due to SB 89 based on analyses prepared by the League of California Cities.

- **Special District Consolidations**

The Legislative Analyst Office (LAO) is expected to issue a report by the end of the calendar year regarding its statewide review of special districts. The LAO has specifically been reviewing opportunities and challenges associated with special district consolidations and whether legislative changes are appropriate. Towards this end, as part of their research, LAO meet with staff to discuss the opportunities and challenges tied to special districts' operations in Napa County. Issues of specific interest to LAO include understanding the local challenges associated with special district consolidations and whether LAFCOs should follow a standardized approach in preparing municipal service reviews involving special districts. It also appears a key issue under consideration by LAO is whether special districts should have mandatory representation on LAFCOs.

- **California Forward Initiatives**

California Forward (“CAFWD”) is a non-profit organization formed in 2007 dedicated to restructuring governance relationships and duties throughout the state.<sup>2</sup> CAFWD’s advocacy efforts have evolved and the organization is now working on drafting statewide ballot initiatives with the goal of qualifying for the general election in November 2012. Underlying the initiative effort is implementing CAFWD’s “Smart Government Framework Plan” consisting of five tiered proposals aimed at restructuring and improving governance performance. The fifth proposal – encouraging integration and consolidation – is particularly relevant to the Commission given it would further empower LAFCOs in fulfilling existing mandates with increased focus on performance measures as part of the municipal service review process. The fifth proposal would also make joint-powers authorities (JPAs) subject to LAFCO review as well as direct county offices of education to work with LAFCOs in reviewing the boundaries and organization of local school districts. In response, the Commission authorized a comment letter to CAFWD at its August 1, 2011 meeting (attached). A representative from CAFWD acknowledged receipt of the Commission’s letter at the CALAFCO Annual Conference and reported the group is nearing completion on ballot initiatives for circulation later this year. It remains unclear at this time whether CAFWD’s initiatives will outline general policy directives and or include specific implementing changes to statutes, including LAFCO law.

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<sup>2</sup> Funding for CAFWD is principally drawn from the California Endowment, Evelyn and Walter Haas, Jr. Fund, William and Flora Hewlett Foundation, James Irvine Foundation, and the David and Lucile Packard Foundation.

- **Amending California Government Code Section 56133**

As directed by the Commission, staff has worked with CALAFCO since early 2008 in developing interest and consensus on amending Government Code (G.C.) Section 56133 to expand LAFCOs existing authority in approving new and extended outside services beyond agencies' spheres of influence. Markedly, LAFCOs are currently allowed to approve outside services beyond the affected agencies' spheres of influence *only* to respond to existing or impending public health or safety threats based on documentation provided by the agency (emphasis added). This existing threshold has proven problematic given LAFCOs and agencies may disagree on the constitution of a public health and safety threat. The existing threshold is also misplaced given it does not recognize there are instances when it is logical for local agencies to provide new or extended services beyond their spheres of influence simply based on local conditions, such as proximity to existing service lines coupled with appropriate land use restrictions.

Staff is pleased to report significant progress has been made in accomplishing the Commission's interest in making G.C. Section 56133 more flexible in addressing local conditions and circumstances. Most notably, both the Committee and Board have unanimously approved a proposal from a working group chaired by the Executive Officer to establish a new division – 2 – to G.C. Section 56133. This new division would authorize LAFCOs to approve new or extended services beyond agencies' spheres of influence without making a public health or safety threat finding so long as LAFCO determines at a noticed public hearing the extension was:

- (A) considered in a municipal service review;
- (B) will not result in adverse impacts on agricultural and open-space lands or growth inducement; and
- (C) a later change of organization is not expected based on local policies.

Staff continues working with CALAFCO in disseminating information to all LAFCOs with respect to the proposed changes to G.C. Section 56133. This includes preparing and circulating an information packet on the proposed changes to all LAFCOs. Staff will also be making a presentation to the Santa Barbara LAFCO on November 3<sup>rd</sup> to discuss the proposed changes and address specific questions of their agency. Staff also anticipates reaching out to potential legislative authors, including Senator Noreen Evans, in the near future.

## **B. Commission Review**

The Commission is invited to discuss any of the current or anticipated legislative matters outlined in this report or in the attached report prepared by CALAFCO. The Commission may also provide direction to staff with respect to returning with comment letters on any current or future legislation.

Attachments:

- 1) CALAFCO Legislative Policies
- 2) CALAFCO Status Report on Current Legislation
- 3) Comment Letter to CAFWD



# CALAFCO 2011 Legislative Policies

Adopted by Board of Directors on 18 February 2011

## 1. LAFCo Purpose and Authority

- 1.1. Support legislation which enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et. seq.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et. seq. based on local needs and conditions, and oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities which require expansion of current local funding sources. Oppose unrelated responsibilities which dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies which may have overlapping responsibilities in orderly growth, preservation, and service delivery, and oppose legislation or policies which create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

## 2. LAFCo Organization

- 2.1. Support the independence of LAFCo from local agencies.
- 2.2. Oppose the re-composition of any or all LAFCos without respect to the existing balance of powers that has evolved within each commission or the creation of special seats on a LAFCo.

- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond a LAFCo's boundaries.

## 3. Agricultural and Open Space Protection

- 3.1. Support legislation which clarifies LAFCo authority to identify, encourage and insure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies which encourage cities, counties and special districts to direct development away from prime agricultural lands.
- 3.4. Support policies and tools which protect prime agricultural and open space lands.

## 4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as the management tool to provide better planning of growth and development, and to preserve agricultural, and open space lands.
- 4.2. Support adoption of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the boundaries of agencies.
- 4.4. Support communication between cities, counties, and special districts

through a collaborative process that resolves service, housing, land use, and fiscal issues prior to application to LAFCo.

- 4.5. Support cooperation between counties and cities on decisions related to development within the city's designated sphere of influence.

**5. Service Delivery and Local Agency Effectiveness**

- 5.1. Support the use of LAFCo resources to prepare and review Regional Transportation Plans and other growth plans to ensure reliable services, orderly growth, sustainable communities, and conformity with LAFCo's legislative mandates.
- 5.2. Support LAFCo authority and tools which provide communities with local governance and efficient service delivery options, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support the creation or reorganization of local governments in a deliberative, open process which will fairly evaluate the proposed agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.

**2011 Legislative Priorities**

**Primary Issues**

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**Viability of Local Governments** Support legislation that maintains or enhances LAFCo's ability to review and act to assure the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs. Support legislation which provides LAFCo and local communities with options for local governance and service delivery, including incorporation as a city or formation as a special district. Support efforts which provide tools to local agencies to address fiscal challenges and maintain services.

**Authority of LAFCo** Support legislation that maintains or enhances LAFCo's authority to condition proposals to address any or all financial, growth, service delivery, and agricultural and open space preservation issues.

**Agriculture and Open Space Protection** Preservation of prime agriculture and open space lands that maintain the quality of life in California. Support policies that recognize LAFCo's ability to protect and mitigate the loss of prime agricultural and open space lands, and that encourage other agencies to coordinate with local LAFCos on land preservation and orderly growth.

**Water Availability** Promote adequate water supplies and infrastructure planning for current and planned growth. Support policies that assist LAFCo in obtaining accurate and reliable water supply information to evaluate current and cumulative water demands for service expansions and boundary changes including impacts of expanding private and mutual water company service areas on orderly growth.

**Issues of Interest**

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|   |   |
|---|---|
| <b>Housing</b>  | Provision of territory and services to support affordable housing and the consistency of regional land use plans with local LAFCo policies.   |
| <b>Transportation</b>                                     | Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.  |
| <b>Flood Control</b>                                      | The ability and effectiveness of local agencies to maintain and improve levees and the public safety of uninhabited territory proposed for annexation to urban areas which is at risk for flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair. |
| <b>Adequate Municipal Services in Inhabited Territory</b> | Expedited processes for inhabited annexations should be consistent with LAFCo law and be fiscally viable. Funding sources should be identified for extension of municipal services to underserved inhabited communities, including option for annexation of contiguous disadvantaged unincorporated communities.        |

## CALAFCO Daily Legislative Report as of 9/26/2011

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### AB 54 (Solorio D) Drinking water.

**Current Text:** Enrolled: 9/21/2011 [pdf](#) [html](#)

**Introduced:** 12/6/2010

**Last Amended:** 8/30/2011

**Status:** 9/21/2011-Enrolled and presented to the Governor at 3:30 p.m.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Would specify that any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes, and any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for domestic use that provides in its articles or bylaws that the water shall be sold, distributed, supplied, or delivered only to owners of its shares and that those shares are appurtenant to certain lands shall be known as a mutual water company. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Support Letter](#)

**Position:** Support

**Subject:** Water

**CALAFCO Comments:** Requires mutual water companies to respond to LAFCo requests for information, requires Mutuels to provide a map of boundaries to LAFCo, adds authority for LAFCo to request MSR data from mutuels and include compliance with safe drinking water standards in MSRs.

### AB 912 (Gordon D) Local government: organization.

**Current Text:** Chaptered: 7/25/2011 [pdf](#) [html](#)

**Introduced:** 2/17/2011

**Last Amended:** 5/27/2011

**Status:** 7/25/2011-Chaptered by the Secretary of State, Chapter Number 109, Statutes of 2011

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires a local agency formation commission, where the commission is considering a change of organization that consists of a dissolution, disincorporation, incorporation, establishment of a subsidiary district, consolidation, or merger, to either order a change of organization subject to confirmation of the voters, as specified, or order the change of organization without an election if the change of organization meets certain requirements. This bill would authorize the commission, where the commission is considering a change of organization that consists of the dissolution of a district that is consistent with a prior action of the commission, to immediately order the dissolution if the dissolution was initiated by the district board, or if the dissolution was initiated by an affected local agency, by the commission, or by petition, hold at least one noticed public hearing on the proposal, and order the dissolution without an election, unless a majority protest exists, as specified.

**Attachments:**

[CALAFCO Support Letter](#)

[CALAFCO Request for Governor's Signature](#)

**Position:** Support

**Subject:** Special District Consolidations, Special District Powers

**CALAFCO Comments:** Allows a commission to dissolve a special district - under specific circumstances - without a vote unless there is a majority protest.

### AB 1430 (Committee on Local Government) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 omnibus bill.

**Current Text:** Chaptered: 9/21/2011 [pdf](#) [html](#)

**Introduced:** 4/5/2011

**Last Amended:** 8/17/2011

**Status:** 9/21/2011-Chaptered by the Secretary of State, Chapter Number 300, Statutes of 2011

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Current law defines various terms for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This bill would revise various definitions within that act, and would make other conforming and technical changes. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Letter of Support](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** CALAFCO Sponsored bill. Makes technical, non-substantive changes to Cortese-Knox-Hertzberg. Includes major definitions update.

[ABX1 36](#) **(Solorio D) Vehicle license fees.**

**Current Text:** Introduced: 7/1/2011 [pdf](#) [html](#)

**Introduced:** 7/1/2011

**Status:** 9/12/2011-Died at Desk.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Current law, as proposed to be amended by SB 89 of the 2011-12 Regular Session, would require that a specified amount of motor vehicle license fees deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund be allocated by the Controller, as specified, according to a specified order, with moneys allocated on or after July 1, 2004, but before July 1, 2011, first to the County of Orange, next to each city and county meeting specified criteria, and on or after July 1, 2011, to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, for allocation to cities, counties, and cities and counties. This bill would instead require for all of those times that a specified portion of those revenues be distributed first to the County of Orange. By authorizing within the Motor Vehicle License Fee Account in the Transportation Tax Fund, a continuously appropriated fund, to be used for a new purpose, the bill would make an appropriation. This bill would become operative only if SB 89 is chaptered, as provided. This bill contains other related provisions and other current laws.

**Position:** Watch

**Subject:** Tax Allocation

**CALAFCO Comments:** This bill is under consideration as a fix to the SB 89 shift of VLF from cities to law enforcement programs. It would unwind the SB 89 transfer of VLF funds that dramatically affect incorporations and inhabited annexations. Currently only affects Orange county.

[ABX1 41](#) **(Solorio D) Vehicle license fees.**

**Current Text:** Introduced: 8/31/2011 [pdf](#) [html](#)

**Introduced:** 8/31/2011

**Status:** 9/12/2011-Died at Desk.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

The Vehicle License Fee Law, in lieu of any ad valorem property tax upon vehicles, imposes an annual license fee on any vehicle subject to registration in this state in the amount, on and after July 1, 2011, of 0.65% of the market value of that vehicle, as provided. For all initial and renewal registrations due on and after May 1, 2009, but before July 1, 2011, current law also imposes an additional fee equal to 0.15% of the market value of specified vehicles, as determined by the Department of Motor Vehicles, to be deposited in the General Fund and transferred to the Local Safety and Protection Account. Current law continuously appropriates all moneys in the Local Safety and Protection Account without regard to fiscal year, to the Controller for allocation, as provided. This bill would, for all initial and renewal registrations due on and after January 1, 2012, impose an additional vehicle license fee equal to 0.15% of the market value of the above-described vehicles, as specified. It would also require all

revenues from the additional license fee to be deposited in the General Fund. During the 2011-12 fiscal year, the bill would transfer an amount to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, a continuously appropriated fund, for allocation to cities, counties, and cities and counties, as specified. The bill would require a transfer of revenues, during the 2012-13 fiscal year and each fiscal year thereafter to be allocated according the following order: first to be transferred to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, as specified; and second, a total of \$35,000,000 to be transferred to the Bureau of Narcotics Enforcement and Bureau of Investigation and Intelligence Fund, which the bill would create as a continuously appropriated fund. Funds not transferred would continue to be General Fund moneys. By depositing moneys into a continuously appropriated fund and by establishing a new, continuously appropriated fund, the bill would make an appropriation. This bill contains other related provisions and other current laws.

**Position:** None at this time

**Subject:** Financial Viability of Agencies

**CALAFCO Comments:** This bill is designed to fix the SB 89 cut in VLF funding to inhabited annexations and city incorporations since 2004.

**SB 89 (Committee on Budget and Fiscal Review) Vehicles: vehicle license fee and registration fee.**

**Current Text:** Chaptered: 7/1/2011 [pdf](#) [html](#)

**Introduced:** 1/10/2011

**Last Amended:** 6/27/2011

**Status:** 6/30/2011-Chaptered by Secretary of State - Chapter 35, Statutes of 2011.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Would require the Legislature to determine and appropriate annually an amount for the use of the DMV and the FTB for the enforcement of the Vehicle License Fee Law. The bill would deem, for the 2011-12 fiscal year, \$25,000,000 as the cost to the DMV for the collection of the motor vehicle license fee. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Veto Request](#)

**Position:** Oppose

**Subject:** Annexation Proceedings, Incorporation Proceedings

**CALAFCO Comments:** This budget-related bill redirects VLF from cities to statewide public safety programs. Most impacted are cities formed after 2006 and inhabited annexations after 2006. Will likely result in disincorporations. Significantly this will also make most all future incorporations and inhabited annexations financially impossible. This language was added at the last minutes and voted on by the Members with little knowledge of the content of the bill. No one outside of the Capital was aware of the language until after the bill passed.

**SB 244 (Wolk D) Local government: land use: general plan: disadvantaged unincorporated communities.**

**Current Text:** Enrolled: 9/16/2011 [pdf](#) [html](#)

**Introduced:** 2/10/2011

**Last Amended:** 9/8/2011

**Status:** 9/16/2011-Enrolled and presented to the Governor at 10:30 a.m.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to contain specified mandatory elements, including a housing element for the preservation, improvement, and development of the community's housing. This bill would require, on or before the next adoption of its housing element, a city or county to review and update the land use element of its general plan to include an analysis of the presence of island, fringe, or legacy unincorporated communities, as defined, and would require the updated general plan to include specified information. This bill would also require the city or county planning agency, after the initial revision and update of the general plan, to review, and if necessary amend, the general plan to update the information, goals, and program of action relating to these communities therein. By adding to the duties of city and county officials, this bill would

impose a state-mandated local program. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Letter of Concern - 29 March 2011](#)

**Position:** None at this time

**Subject:** Disadvantaged Communities

**CALAFCO Comments:** Amended to require LAFCo review of disadvantaged unincorporated communities. It adds a definition for disadvantaged unincorporated communities, requires LAFCo to review water, sewer and fire services to the communities in the next SOI update, places more emphasis on LAFCo recommendations on reorganizations for efficient and effective services, requires LAFCo to identify service deficiencies to these communities in MSR, and specifically requires LAFCo to assess alternatives for efficient and affordable infrastructure and services, including consolidations, in MSR. Bill requires LAFCo to look at communities "in or adjacent to the sphere of influence."

2

**AB 46 (John A. Pérez D) Local government: cities.**

**Current Text:** Amended: 6/28/2011 [pdf](#) [html](#)

**Introduced:** 12/6/2010

**Last Amended:** 6/28/2011

**Status:** 8/29/2011-Read third time. Refused passage. (Ayes 13. Noes 17. Page 2084.)

| 2Year<br>Dead | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf.<br>Conc. | Enrolled | Vetoed | Chaptered |
|---------------|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
|               | 1st House |        |        |       | 2nd House |        |        |       |                |          |        |           |

**Summary:**

Would provide that every city with a population of less than 150 people as of January 1, 2010, would be disincorporated into that city's respective county as of 91 days after the effective date of the bill, unless a county board of supervisors determines, by majority vote within the 90-day period following enactment of these provisions, that continuing such a city within that county's boundaries would serve a public purpose if the board of supervisors determines that the city is in an isolated rural location that makes it impractical for the residents of the community to organize in another form of local governance. The bill would also require the local agency formation commission within the county to oversee the terms and conditions of the disincorporation of the city, as specified. This bill contains other related provisions.

**Position:** None at this time

**Subject:** Disincorporation/dissolution

**CALAFCO Comments:** As written this bill applies only to Vernon, California. It bypasses much of the C-K-H disincorporation process, leaving LAFCo only the responsibility of assigning assets and liabilities following disincorporation.

**AB 119 (Committee on Budget) State government.**

**Current Text:** Chaptered: 6/29/2011 [pdf](#) [html](#)

**Introduced:** 1/10/2011

**Last Amended:** 6/8/2011

**Status:** 6/29/2011-Chaptered by the Secretary of State, Chapter Number 31, Statutes of 2011

| 2Year<br>Dead | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf.<br>Conc. | Enrolled | Vetoed | Chaptered |
|---------------|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
|               | 1st House |        |        |       | 2nd House |        |        |       |                |          |        |           |

**Summary:**

Would delete the requirement that the California Victim Compensation and Government Claims Board provide notice to the chairpersons of the committees in each house of the Legislature that consider appropriations and the annual budget act, and the chairperson of the Joint Legislative Budget Committee, prior to allowing either the use of a current year appropriation to pay claims for prior year costs of \$500,000 or more, or claims from a single provider of goods or services with respect to a single department that exceed \$500,000 within one year. This bill contains other related provisions and other current laws.

**Position:** None at this time

**Subject:** Service Reviews/Spheres, Special District Principle Acts

**CALAFCO Comments:** Language has been added to this budget bill which changes the requirement for special districts to respond to SOI requests for information from a state mandate to a local requirement. This change would eliminate the state requirement to

reimburse special districts for the costs of responding to a LAFCo request. It is not anticipated to have any actual change in process.

**AB 187 (Lara D) State Auditor: audits: high-risk local government agency audit program.**

**Current Text:** Enrolled: 9/14/2011 [pdf](#) [html](#)

**Introduced:** 1/25/2011

**Last Amended:** 8/15/2011

**Status:** 9/14/2011-Enrolled and presented to the Governor at 3 p.m.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Would authorize the State Auditor to establish a high-risk local government agency audit program to identify, audit, and issue reports on any local government agency, including any city, county, or special district, or any publicly created entity that the State Auditor identifies as being at high risk for the potential of waste, fraud, abuse, or mismanagement or that has major challenges associated with its economy, efficiency, or effectiveness. The bill would also authorize the State Auditor to consult with the Controller, Attorney General, and other state agencies in identifying local government agencies that are at high risk.

**Position:** None at this time

**Subject:** Financial Viability of Agencies, Service Reviews/Spheres

**CALAFCO Comments:** Would allow the State Auditor to audit and issue reports on any local agency it identifies at being at high risk for waste, fraud, abuse or mismanagement.

**AB 307 (Nestande R) Joint powers agreements: public agency: federally recognized Indian tribe.**

**Current Text:** Chaptered: 9/7/2011 [pdf](#) [html](#)

**Introduced:** 2/9/2011

**Last Amended:** 6/22/2011

**Status:** 9/6/2011-Chaptered by the Secretary of State, Chapter Number 266, Statutes of 2011

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Current law authorizes 2 or more public agencies, as defined, to enter into an agreement to exercise common powers. Current law also permits certain federally recognized Indian tribes to enter into joint powers agreements with particular parties and for limited purposes. This bill would include a federally recognized Indian tribe as a public agency that may enter into a joint powers agreement. This bill would also make conforming changes by conforming related code sections. This bill contains other related provisions.

**Position:** Watch

**Subject:** Municipal Services

**CALAFCO Comments:** Would allow any federally recognized Indian tribe to act as a public agency to participate in any Joint Powers Authority. Significantly expands current law on Indian tribe participation in a JPA. NOTE: There is a LAFCo question on whether this would allow a tribe to enter into a JPA with a city and district and circumvent the LAFCo process for delivery of municipal services. Counsel is currently evaluating this potential and the options for LAFCo.

**AB 781 (John A. Pérez D) Local government: counties: unincorporated areas.**

**Current Text:** Amended: 8/29/2011 [pdf](#) [html](#)

**Introduced:** 2/17/2011

**Last Amended:** 8/29/2011

**Status:** 8/30/2011-Measure version as amended on August 29 corrected.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Would authorize the board of supervisors of a county in which a city that will be disincorporated pursuant to statute is located to vote to continue that city if, after receipt of an audit conducted by the State Auditor, the board of supervisors determines that the territory to be disincorporated is not expected to generate revenues sufficient to provide public services and facilities, maintain a reasonable reserve, and pay its obligations during the 5 years following disincorporation. The bill would require a city that is audited pursuant to these provisions to reimburse the State Auditor for the costs incurred to perform the audit, thereby

imposing a state-mandated local program. This bill contains other related provisions and other current laws.

**Position:** Watch

**Subject:** Disincorporation/dissolution, Special District Principle Acts

**CALAFCO Comments:** This bill was gutted and amended on 20 June to create a CSD in any unincorporated area that was previously a city and was disincorporated by the legislature. It is specifically targeted at Vernon. It also contains language directing LAFCo on the terms and conditions of the disincorporation.

**[AB 1265](#) (Nielsen R) Local government: Williamson Act.**

**Current Text:** Chaptered: 7/15/2011 [pdf](#) [html](#)

**Introduced:** 2/18/2011

**Last Amended:** 6/30/2011

**Status:** 7/15/2011-Chaptered by the Secretary of State, Chapter Number 90, Statutes of 2011

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Current law, the Williamson Act, authorizes a city or county to enter into 10-year contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation. Current law sets forth procedures for reimbursing cities and counties for property tax revenues not received as a result of these contracts. This bill would, beginning January 1, 2011, and until January 1, 2016, authorize a county, in any fiscal year in which payments authorized for reimbursement to a county for lost revenue are less than 1/2 of the participating county's actual foregone general fund property tax revenue, to revise the term for newly renewed and new contracts and require the assessor to value the property, as specified, based on the revised contract term. The bill would provide that a landowner may choose to nonrenew and begin the cancellation process. The bill would also provide that any increased revenues generated by properties under a new contract shall be paid to the county. This bill contains other related provisions.

**Attachments:**

[CALAFCO Support Letter](#)

[CALAFCO Letter of Support - Senate](#)

[CALAFCO Request for Governor's Signature](#)

**Position:** Support

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** Creates an interim solution to the loss of state subventions for Williamson Act lands by giving counties and alternative landowner-funding approach.

**[ACA 17](#) (Logue R) State-mandated local programs.**

**Current Text:** Introduced: 2/15/2011 [pdf](#) [html](#)

**Introduced:** 2/15/2011

**Status:** 4/14/2011-Referred to Com. on L. GOV.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, the state is required to provide a subvention of funds to reimburse the local government. With regard to certain mandates imposed on a city, county, city and county, or special district that have been determine to be payable, the Legislature is required either to appropriate, in the annual Budget Act, the full payable amount of the mandate, determined as specified, or to suspend the operation of the mandate for the fiscal year. The California Constitution provides that the Legislature is not required to appropriate funds for specified mandates.

**Position:** None at this time

**Subject:** LAFCo Administration

**CALAFCO Comments:** Changes state mandate law in a proposed constitutional amendment. Included is specific language that releases mandate responsibility if the local agency can change an individual or applicant for the cost of providing the mandated service. Would likely exempt some mandates to LAFCo from state funding.

**SB 46 (Correa D) Public officials: compensation disclosure.****Current Text:** Amended: 6/2/2011 [pdf](#) [html](#)**Introduced:** 12/9/2010**Last Amended:** 6/2/2011**Status:** 8/22/2011-In Assembly. Read first time. Held at Desk.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Would, commencing on January 1, 2013, and continuing until January 1, 2019, require every designated employee and other person, except a candidate for public office, who is required to file a statement of economic interests to include, as a part of that filing, a compensation disclosure form that provides compensation information for the preceding calendar year, as specified. This bill contains other related provisions and other current laws.

**Attachments:**[CALAFCO Opposition Letter](#)**Position:** Oppose**Subject:** LAFCo Administration**CALAFCO Comments:** Similar to a 2010 bill, this would require all those who file a Form 700 to also file an extensive compensation and reimbursement disclosure report. Would require all local agencies, including LAFCo, to annually post the forms on their website.**SB 191 (Committee on Governance and Finance) Validations.****Current Text:** Amended: 5/16/2011 [pdf](#) [html](#)**Introduced:** 2/8/2011**Last Amended:** 5/16/2011**Status:** 6/6/2011-Ordered to inactive file on request of Senator Wolk.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

This bill would enact the First Validating Act of 2011, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

**Attachments:**[CALAFCO Support Letter](#)**Position:** Support**Subject:** LAFCo Administration**CALAFCO Comments:** One of three annual acts which validate the boundaries of all local agencies.**SB 192 (Committee on Governance and Finance) Validations.****Current Text:** Amended: 5/16/2011 [pdf](#) [html](#)**Introduced:** 2/8/2011**Last Amended:** 5/16/2011**Status:** 8/30/2011-Ordered to inactive file on request of Senator Wolk.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

This bill would enact the Second Validating Act of 2011, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

**Attachments:**[CALAFCO Support Letter](#)**Position:** Support**Subject:** LAFCo Administration**CALAFCO Comments:** One of three annual acts which validate the boundaries of all local agencies.**SB 193 (Committee on Governance and Finance) Validations.****Current Text:** Chaptered: 9/21/2011 [pdf](#) [html](#)

**Introduced:** 2/8/2011

**Last Amended:** 5/16/2011

**Status:** 9/21/2011-Chaptered by the Secretary of State, Chapter Number 303, Statutes of 2011

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

This bill would enact the Third Validating Act of 2011, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**

[CALAFCO Support Letter](#)

[CALAFCO Request for Governor's Signature](#)

**Position:** Support

**Subject:** LAFCo Administration

**CALAFCO Comments:** One of three annual acts which validate the boundaries of all local agencies.

**[SB 436](#) (Kehoe D) Land use: mitigation lands: nonprofit organizations.**

**Current Text:** Enrolled: 9/14/2011 [pdf](#) [html](#)

**Introduced:** 2/16/2011

**Last Amended:** 9/2/2011

**Status:** 9/14/2011-Enrolled and presented to the Governor at 11:30 a.m.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Would, until January 1, 2022, require a special district or nonprofit organization that holds funds on behalf of a local agency, for the long-term management of land, to comply with certain requirements. The bill would also state the findings and declarations of the Legislature with respect to the preservation of natural resources through mitigation, and would state that it is in the best interest of the public to allow state and local public agencies and nonprofit organizations to utilize the tools and strategies they need for improving the effectiveness, cost efficiency, and durability of mitigation for California's natural resources.

**Attachments:**

[CALAFCO Support Letter](#)

**Position:** Support

**Subject:** Ag/Open Space Protection

**CALAFCO Comments:** Would allow a local agency to provide funds to a non profit to acquire land or easements to satisfy an agency's mitigation requirements. May be an important tool for LAFCo in agricultural and open space preservation.

**[SB 668](#) (Evans D) Local government: Williamson Act.**

**Current Text:** Chaptered: 9/7/2011 [pdf](#) [html](#)

**Introduced:** 2/18/2011

**Last Amended:** 6/22/2011

**Status:** 9/6/2011-Chaptered by the Secretary of State, Chapter Number 254, Statutes of 2011

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Would, until January 1, 2016, authorize a nonprofit land-trust organization, a nonprofit entity, or a public agency to enter into a contract with a landowner who has also entered into a Williamson Act contract, upon approval of the city or county that holds the Williamson Act contract, to keep that landowner's land in contract under the Williamson Act, for a period of up to 10 years in exchange for the open-space district's, land-trust organization's, or nonprofit entity's payment of all or a portion of the foregone property tax revenue to the county, where the state has failed to reimburse, or reduced the subvention to, the city or county for property tax revenues not received as a result of Williamson Act contracts.

**Position:** None at this time

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** Would allow an open space district, land trust or non profit to

contract with a Williamson Act landowner to keep land in Williamson Act in exchange for paying all or a portion of the foregone property tax to the county if the state has failed to provide subventions.

### 3

#### [AB 506](#) ([Wieckowski D](#)) **Local government: bankruptcy: neutral evaluation.**

**Current Text:** Enrolled: 9/23/2011 [pdf](#) [html](#)

**Introduced:** 2/15/2011

**Last Amended:** 9/8/2011

**Status:** 9/23/2011-Enrolled and presented to the Governor at 3:30 p.m.

| 2Year<br>Dead | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf.<br>Conc. | Enrolled | Vetoed | Chaptered |
|---------------|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
|               | 1st House |        |        |       | 2nd House |        |        |       |                |          |        |           |

**Summary:**

Would prohibit a local public entity from filing under federal bankruptcy law unless the local public entity has participated in a specified neutral evaluation process with interested parties, as defined, or the local public entity has declared a fiscal emergency and has adopted a resolution by a majority vote of the governing board at a noticed public hearing that includes findings that the financial state of the local public entity jeopardizes the health, safety, or well-being of the residents of the local public entity's jurisdiction or service area absent bankruptcy protections.

**Position:** Watch

**Subject:** Financial Viability of Agencies

**CALAFCO Comments:** This bill creates a complex "neutral evaluator" process which a local agency must follow prior to being able to file Chapter 9 bankruptcy.

#### [AB 1266](#) ([Nielsen R](#)) **Local government: Williamson Act: agricultural preserves: advisory board.**

**Current Text:** Introduced: 2/18/2011 [pdf](#) [html](#)

**Introduced:** 2/18/2011

**Status:** 7/14/2011-From consent calendar. Ordered to third reading. Ordered to inactive file at the request of Senator La Malfa.

| 2Year<br>Dead | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf.<br>Conc. | Enrolled | Vetoed | Chaptered |
|---------------|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
|               | 1st House |        |        |       | 2nd House |        |        |       |                |          |        |           |

**Summary:**

Current law, the Williamson Act, authorizes a city or county to enter into contracts to establish agricultural preserves. Current law also authorizes the legislative body of a city or county to appoint an advisory board to advise the legislative body on agricultural preserve matters. This bill would specify matters on which the advisory board may advise the legislative body of a county or city. This bill would also state that the advisory board is not the exclusive mechanism through which the legislative body can receive advice on or address matters regarding agricultural preserves.

**Position:** None at this time

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** Specifies additional responsibilities for the county or city Williamson Act advisory board. May also be a placeholder for more significant modifications to the Williamson Act.

#### [SB 235](#) ([Negrete McLeod D](#)) **Water conservation districts: reduction in number of directors.**

**Current Text:** Chaptered: 7/25/2011 [pdf](#) [html](#)

**Introduced:** 2/9/2011

**Last Amended:** 6/9/2011

**Status:** 7/25/2011-Chaptered by the Secretary of State, Chapter Number 122, Statutes of 2011

| 2Year<br>Dead | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf.<br>Conc. | Enrolled | Vetoed | Chaptered |
|---------------|-----------|--------|--------|-------|-----------|--------|--------|-------|----------------|----------|--------|-----------|
|               | 1st House |        |        |       | 2nd House |        |        |       |                |          |        |           |

**Summary:**

The Water Conservation District Law of 1931 generally governs the formation of water conservation districts and specifies the powers and purposes of those districts. This bill would authorize a water conservation district with a board of directors consisting of 7 directors, to reduce the number of directors to 5, consistent with specified requirements. The bill would not apply to districts within the County of Ventura.

**Position:** None at this time

**Subject:** Special District Principle Acts

**CALAFCO Comments:** Allows specified water districts to reorganize their board of directors to reduce the number of directors, by action of the Board.

**SB 288 (Negrete McLeod D) Local government: independent special districts.**

**Current Text:** Chaptered: 7/8/2011 [pdf](#) [html](#)

**Introduced:** 2/14/2011

**Last Amended:** 3/29/2011

**Status:** 7/8/2011-Chaptered by Secretary of State - Chapter 66, Statutes of 2011.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Current law authorizes the governing board of a special district, by resolution, to provide for the establishment of a revolving fund, in an amount not to exceed \$1,000, to be used to make change and pay small bills directly, and requires the resolution establishing the fund to make specified designations relating to the purposes for which the fund may be expended, the district officer with authority and responsibility over the fund, the necessity for the fund, and the maximum amount of the fund. This bill would additionally authorize the governing board of an independent special district, as defined, to provide, by resolution, for the establishment of a revolving fund in an amount not to exceed 110% of 1/12 of the independent special district's adopted budget for that fiscal year, and would require the resolution establishing the fund to make specified designations relating to the purposes for which the fund may be expended, the district officer with authority and responsibility over the fund, the necessity for the fund, and the maximum amount of the fund. This bill contains other current laws.

**Position:** None at this time

**Subject:** Special District Powers, Special District Principle Acts

**CALAFCO Comments:** Allows special districts as defined by C-K-H to set up special revolving funds.

**SB 618 (Wolk D) Local government: solar-use easement.**

**Current Text:** Enrolled: 9/16/2011 [pdf](#) [html](#)

**Introduced:** 2/18/2011

**Last Amended:** 9/8/2011

**Status:** 9/16/2011-Enrolled and presented to the Governor at 3 p.m.

| 2Year | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| Dead  | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Would authorize the parties to a Williamson Act contract, after approval by the Department of Conservation, in consultation with the Department of Food and Agriculture, to mutually agree to rescind the contract in order to simultaneously enter into a solar-use easement that would require that the land be used for solar photovoltaic facilities for a term no less than 20 years, except as specified. The bill would require the city or county to charge the property owner a rescission fee based upon the fair market value of the property at the time of the rescission, as specified. This bill would require a city or county to include certain, and authorizes a city or county to include other, restrictions, conditions, or covenants in the deed or instrument granting a solar-use easement. This bill would provide that a solar-use easement would be automatically renewed annually, unless either party filed a notice of nonrenewal. This bill would provide that a solar-use easement may only be extinguished on all or a portion of the parcel by nonrenewal, termination, or by returning the land to its previous contract under the Williamson Act. This bill would require that if the landowner extinguishes the contract either by filing a notice of nonrenewal or by terminating the solar-use easement, the landowner shall restore the property to the conditions that existed before the easement by the time the easement terminates. This bill would authorize a landowner to terminate a solar-use easement by complying with certain procedures, and paying a termination fee based upon the termination value of the property, as determined by the county assessor. This bill would provide that specified parties may bring an action to enforce the easement if it is violated. This bill contains other related provisions and other current laws.

**Position:** None at this time

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** Allows renewable energy generation (wind, solar farms) as an acceptable use for Williamson Act lands.

**SB 878 (DeSaulnier D) Regional planning: Bay Area.****Current Text:** Amended: 6/9/2011 [pdf](#) [html](#)**Introduced:** 2/18/2011**Last Amended:** 6/9/2011**Status:** 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was T. & H. on 6/9/2011)

| 2Year       | Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
|-------------|-----------|--------|--------|-------|-----------|--------|--------|-------|-------|----------|--------|-----------|
| <b>Dead</b> | 1st House |        |        |       | 2nd House |        |        |       | Conc. |          |        |           |

**Summary:**

Would require the joint policy committee to submit a report to the Legislature by January 31, 2013, on, among other things, methods and strategies for developing and implementing a multiagency set of policies and guidelines relative to the Bay Area region's sustainable communities strategy, including recommendations on organizational reforms for the regional agencies. The bill would require preparation of a work plan for a regional economic development strategy to be submitted to the Legislature on that date. The bill would also require the member agencies to report on public outreach efforts that they individually or jointly perform. The bill would require public meetings in each of the region's 9 counties and creation of advisory committees, as specified. By imposing new duties on local agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other current laws.

**Position:** None at this time**Subject:** Sustainable Community Plans**CALAFCO Comments:** Provides legislative direction to the Bay Area counties on development of their sustainable communities strategy and requires the "joint committee" to report back to the Legislature by 1 January 2013.**Total Measures: 26****Total Tracking Forms: 26**

9/26/2011 4:01:30 PM



**Local Agency Formation Commission of Napa County**  
**Subdivision of the State of California**

1700 Second Street, Suite 268  
 Napa, California 94559  
 Telephone: (707) 259-8645  
 Facsimile: (707) 251-1053  
<http://napa.lafco.ca.gov>

August 1, 2011

Mr. James P. Mayer, Executive Director  
 California Forward  
 1107 9th Street, Suite 650  
 Sacramento, California 95814

COPY

**SUBJECT: California Forward's Smart Government Framework Plan**

Mr. Mayer:

The Local Agency Formation Commission (LAFCO) of Napa County has reviewed California Forward's (CAFWD) July 11, 2011 update to its Smart Government Framework Plan and its five tiered proposals to restructure and improve governance performance. Napa LAFCO is particularly interested in the fifth proposal – encouraging integration and consolidation – given its direct impact on the role and function of LAFCOs. Specifically, the fifth proposal seeks to further empower LAFCOs in fulfilling existing mandates with increased focus on performance measures as part of the municipal service review process. The fifth proposal would also make joint-powers authorities (JPAs) subject to LAFCO review as well as empower county offices of education to work with LAFCOs in reviewing the boundaries and organization of local school districts.

Napa LAFCO understands CAFWD is currently working to finalize its Smart Government Framework Plan as part of an actual initiative(s) for circulation later this year in anticipation of qualifying as a ballot initiative for the November 2012 general election. With these preceding factors in mind, Napa LAFCO respectfully offers the following comments as it relates to both the Smart Government Framework Plan and the public policy issues underlying this effort.

- Napa LAFCO agrees with a key premise underlying the Smart Government Framework Plan's fifth proposal to make it easier to reorganize and consolidate local governmental agencies and their services *when appropriate*; the latter emphasis relevant given bigger government does not always lead to better government. Possible solutions meriting review include expanding LAFCOs' authority under Government Code Section 56375 with regard to initiating changes of organization as well as streamlining Revenue and Taxation Code Section 99 to help expedite property tax exchange agreements for jurisdictional changes.

Lewis Chilton, Vice Chair  
 Councilmember, Town of Yountville

Joan Bennett, Commissioner  
 Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
 Councilmember, City of Napa

Bill Dodd, Chair  
 County of Napa Supervisor, 4th District

Brad Wagenknecht, Commissioner  
 County of Napa Supervisor, 1st District

Mark Luce, Alternate Commissioner  
 County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner  
 Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
 Representative of the General Public

Keene Simonds  
 Executive Officer

- Expanding LAFCOs' municipal service review process to include JPAs appears reasonable since these arrangements have increasingly assumed more responsibility in delivering essential municipal services in support of urban development; a trend that will presumably continue within the indefinite future given the economy and restraints on local funding resources. However, since many of these arrangements function only to facilitate shared ownership in public facilities and equipment, it would be appropriate to provide LAFCOs discretion in determining which JPAs should be included in the municipal service reviews based on local conditions.
- Similar to the preceding comment, directing county offices of education to work with LAFCOs in preparing studies on local schools districts has merit in terms of establishing a formal intertie in addressing the relationship between LAFCO-facilitated growth and development and local school resources. The extent of LAFCOs participation, though, would need to be carefully defined given the political dynamics existing between communities and their school districts.
- LAFCOs funding is generally dependent on annual apportionments from local agencies; a small amount of cost-recovery is also generated from service charges. Expanding LAFCOs' responsibilities raises the potential for requiring more funding from local agencies at a time many are struggling to remain solvent. CAFWD, accordingly, should explore revenue enhancement opportunities to help ensure any new LAFCO requirements are appropriately funded.

Napa LAFCO appreciates the opportunity to provide comments on CAFWD's Smart Government Framework Plan. Napa LAFCO also appreciates the time and effort expended by your staff in addressing this important public policy issue. Should you have any questions, please contact Napa LAFCO Executive Officer Keene Simonds at your earliest convenience by telephone at (707) 259-8645 or by e-mail at [ksimonds@napa.lafco.ca.gov](mailto:ksimonds@napa.lafco.ca.gov).

Sincerely,



Bill Dodd  
Chair

cc: William Chiat, Executive Director, CALAFCO  
SR Jones, Executive Officer, CALAFCO



**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

1700 Second Street, Suite 268  
Napa, California 94559  
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**October 3, 2011**  
**Agenda Item No. 8b (Discussion)**

September 27, 2011

**TO:** Local Agency Formation Commission

**FROM:** Juliana Inman, Commissioner and 2011 CALAFCO Conference Chair  
Keene Simonds, Executive Officer

**SUBJECT: Report on the 2011 CALAFCO Annual Conference**

The Commission will receive a report summarizing the activities associated with the CALAFCO Annual Conference held at the Silverado Resort and Spa between August 31 and September 2, 2011. The report includes survey results from attendees. The report also notes Commissioner Inman won reelection to the CALAFCO Board.

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California Association of Local Agency Formation Commissions (CALAFCO) was established in 1971 to assist members in fulfilling their duties to coordinate the orderly formation and development of governmental agencies and services. Key services include facilitating information sharing among members by organizing annual conferences and workshops as well as providing technical assistance through training classes. CALAFCO's membership currently includes 57 of the 58 LAFCOs.

**A. Background/Discussion**

LAFCO of Napa County ("Commission") served as host for the 2011 CALAFCO Annual Conference held at the Silverado Resort and Spa between August 31<sup>st</sup> and September 2<sup>nd</sup>. The Conference was well attended with approximately 330 registered members, associates, and guests; the highest attendance total in several years with representation from 49 of the 57 LAFCOs that are part of CALAFCO. The Conference also benefited from higher-than-normal sponsorships with generous contributions provided locally by the Jack Davies Agricultural Fund and Chaudhary and Associates.

The Conference's theme was aptly titled "Exploring New Boundaries," and reflective of LAFCOs' evolving role in overseeing regional growth management. In all, 26 general and breakout sessions were scheduled with several focusing on "big picture" growth management factors, such as exploring demographic changes, municipal service funding, and balancing smart urban growth with agricultural preservation. Notable speakers included Bill Fulton, President of Solimar Research Group and City of Ventura Mayor, Fred Silva, Senior Policy Analyst with California Forward, and John H. Knox, municipal finance attorney and son of LAFCO patriarch and former Assemblymember John Knox.

---

Lewis Chilton, Vice Chair  
Councilmember, Town of Yountville

Bill Dodd, Chair  
County of Napa Supervisor, 4th District

Brian J. Kelly, Commissioner  
Representative of the General Public

Joan Bennett, Commissioner  
Councilmember, City of American Canyon

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County of Napa Supervisor, 1st District

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

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Councilmember, City of Napa

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Keene Simonds  
Executive Officer

The Conference also proved successful showing attendees the unique qualities and virtues underlying Napa’s approach to sustainable growth and development. This included organizing two concurrent mobile workshops for 110 guests on the morning of the first day and appropriately assigned the touring names of “Cabernet” and “Chardonnay.” The two groups were led by Commissioners Inman and Wagenknecht, respectively, and were warmly hosted for private tours at the following local venues:

| <b>Cabernet Group</b>  | <b>Chardonnay Group</b>  |
|--|--|
| <p><b>Far Niente Winery, Oakville</b><br/>           Received tour from winemaker Greg Allen and discussed Far Niente’s gravity-flow winery system and visited its floating solar panel site.</p>        | <p><b>River Ranch Farmworker Center, St. Helena</b><br/>           Received tour from CSA No. 4 Manager Nancy Johnson and discussed the cross-governance planning for the farmworker housing center.</p> |
| <p><b>Frog’s Leap Winery, Rutherford</b><br/>           Received tour from owner/winemaker John Williams and discussed the ideals and practices underlying organic farming at Frog’s Leap.</p>           | <p><b>UC Cooperative Vineyard Site, Oakville</b><br/>           Received a tour from UC Cooperative Farm Advisor John Roncoroni and discussed trends and challenges in local agricultural practices.</p> |
| <p><b>River Ranch Farmworker Center, St. Helena</b><br/>           Received tour from CSA No. 4 Manager Nancy Johnson and discussed the cross-governance planning for the farmworker housing center.</p> | <p><b>Honig Winery, Rutherford</b><br/>           Received tour from owner Michael Honig and discussed Honig’s sustainability practices as well as emerging trends in the wine business.</p>             |
| <p><b>Beringer Vineyards, St. Helena</b><br/>           Received tour from VP of Government Relations Debra Dommen discussing Beringer’s history and business practices. Lunch included.</p>             | <p><b>Grgich Hills Estates, St. Helena</b><br/>           Received tour from owner Mike Grgich and discussed his background and thoughts on the evolution of Napa Valley wines. Lunch included.</p>      |

In addition to the mobile workshop hosts, several other local groups and individuals also contributed to making the Conference a successful Napa showing. This included the Napa Valley Destination Council providing 300 complimentary copies of its visitor guidebooks as well as musician Tommy Hill and sommelier Peter Marks entertaining attendees at the Wednesday night wine reception. Further, and with special thanks to Chair Dodd for making the arrangements, Margrit Mondavi and Andy Beckstoffer served as the special speakers at the Thursday luncheon.

The results of the Conference survey prepared by CALAFCO are attached for Commission review. The survey summarizes received responses from close to one-fifth of all attendees and notes the Conference was well-received with an overall rating of 5.3 based on a scale of 1 (poor) to six (outstanding). Attendee comments on the Conference are also included in the survey.

Finally, as part of the Conference activities, Commissioner Inman won reelection to the 16-member CALAFCO Board. Commissioner Inman will begin a new two-year term on January 1, 2012 and serves as the lone “city” member on CALAFCO’s coastal region. A full listing of the CALAFCO Board for 2012 is attached.

**B. Commission Review**

The Commission is invited to discuss this report as well as provide any comments or direction to staff with respect to related activities or actions.

- Attachments:  
 1) Conference Survey Results  
 2) 2012 CALAFCO Board Rosters

# CALAFCO 2011 Conference EVALUATION



Exploring New Boundaries  
August 31, 2011 – September 2, 2011  
Silverado Resort/Napa  
Longitude: 38.3° / Latitude: -122.3°

**Thank you for attending the 2011 CALAFCO Conference.** The planning committee, staff and the Board appreciate your feedback on this conference. It will help us continue to improve!

Please check the appropriate box to describe yourself:

**40** Commissioner **21** LAFCo Staff **2** Associate Member/Sponsor **2** Other Agency staff **9** Guest

Please use a scale of 1-6, with **1 = Poor** and **6 = Outstanding**, to respond to the following:

- |                       |            |                               |            |
|-----------------------|------------|-------------------------------|------------|
| 1. Meeting Facilities | <b>5.5</b> | 4. Pre-conference Information | <b>5.0</b> |
| 2. Location (Napa)    | <b>5.7</b> | 5. Networking Opportunities   | <b>5.2</b> |
| 3. Food Quality       | <b>4.9</b> | 6. Conference Materials       | <b>5.0</b> |

Please tell us about the quality and content of the sessions you attended, using the same 1-6 scale.

|  |  | <b>QUALITY</b> | <b>CONTENT</b> |
|--|--|----------------|----------------|
| 7. <i>Pre Session:</i>   | <input type="checkbox"/> Mobile Workshop                             | <b>5.8</b>     | <b>5.8</b>     |
|  | <input type="checkbox"/> LAFCo 101 (if attended)                     | <b>4.9</b>     | <b>4.6</b>     |
| 8. <i>General Session: The Big Picture: Exploring California's Growth Trends (Wed.)</i>        |  | <b>5.4</b>     | <b>5.4</b>     |
| 9. <i>Roundtable Discussion (please indicate the session you attended on Wednesday)</i>        | <input type="checkbox"/> Commissioner                                | <b>4.9</b>     | <b>4.8</b>     |
|  | <input type="checkbox"/> Staff                                       | <b>4.9</b>     | <b>4.8</b>     |
|  | <input type="checkbox"/> Counsel                                     | <b>4.9</b>     | <b>4.8</b>     |
|  | <input type="checkbox"/> Associates                                  | <b>n/a</b>     | <b>n/a</b>     |
| 10. CALAFCO Regional Caucuses and Annual Meeting (Thurs.)                                      |  | <b>4.9</b>     | <b>4.9</b>     |
| 11. <i>Concurrent Session (please indicate the session you attended on Thursday morning)</i>   | <input type="checkbox"/> Agriculture/Urban Interface                 | <b>5.1</b>     | <b>5.0</b>     |
|  | <input type="checkbox"/> Stanislaus Experience: Fire Agencies        | <b>5.4</b>     | <b>5.4</b>     |
|  | <input type="checkbox"/> Next Generation of MSRs                     | <b>5.2</b>     | <b>4.9</b>     |
|  | <input type="checkbox"/> LAFCo 201: Ethics and LAFCo                 | <b>5.6</b>     | <b>5.6</b>     |
| 12. <i>General Session: Disincorporation/Consolidation of Cities (Thurs.)</i>                  |  | <b>4.8</b>     | <b>4.8</b>     |
| 13. <i>Concurrent Session (please indicate the session you attended on Thursday afternoon)</i> | <input type="checkbox"/> Dissolution/Consolidation/Insolvency Issues | <b>4.9</b>     | <b>4.9</b>     |
|  | <input type="checkbox"/> Recycled Water                              | <b>5.1</b>     | <b>5.1</b>     |
|  | <input type="checkbox"/> Making California Work Again                | <b>3.9</b>     | <b>3.7</b>     |
|  | <input type="checkbox"/> Environmental Justice Issues/Case Studies   | <b>4.8</b>     | <b>4.5</b>     |
| 14. Achievement Awards Reception and Banquet (Thurs.)  |  | <b>5.1</b>     | <b>5.1</b>     |
| 15. <i>General Session: Terms and Conditions: How Far Can/Should We Go? (Fri.)</i>             |  | <b>5.4</b>     | <b>5.3</b>     |
| 16. <i>General Session: Legislative Update (Fri.)</i>  |  | <b>5.4</b>     | <b>5.4</b>     |

Overall Rating of the Conference: **5.3** Was this time well-spent for you? **YES**



Exploring New Boundaries  
August 31, 2011 – September 2, 2011  
Silverado Resort/Napa  
Longitude: 38.3° / Latitude: -122.3°

## Two things you really liked:

### Commissioner:

Networking and great presentations with no media failure; Great information and outstanding networking opportunities; The quality of the speakers and the location; The location and the facilities; MSR review and terms and conditions sessions; Focus of breakout sessions and the location; Awesome location and more session content than previous conference; Great information and discussions. The information on Creative Pollutions from Other LAFCo's and Communities; The locations and the new topics; The Napa location and the quality of the speakers; The location and the staff; The mobile workshop; The general session group discussions about LACFo issues and it was a well ran conference!; The presenters and the topics; The presenters and the quality of information; The location, hospitality and staff; The locations and diversity of sessions; The mobile workshop and both concurrent sessions; The location, wine and programs; The condo type rooms at the location. The special guest, Mrs. Mondavi and Andy Berkstoffer; Andy Berkstoffer! Met great people due to networking; Mobile Workshop and the Next Generation of MSR's; The location in the wine country and the outside functions; The MSR on Thursday by Ben and Joe very well done; Well organized packets and presentations; Water related topics; The quality of speakers and topics; I liked the condition assessment and dissolution discussion;

### LAFCo Staff:

The mobile workshop and dinner; The food and networking; Mobile workshop, the Silverado location and accommodations; It had a good mix of speakers, solid conference with excellent and timely sessions. There was a great turnout with a lot of new faces; The location, facility and Juliana's Tour; The locations and sessions; The breaks were adequate and walking opportunities between sessions; The Next Generation MSR was a great show (it put the laugh in LAFCo); The networking; The staff at Silverado were fabulous and the host was great!; The cost was kept to a minimum with no increase in registration cost; The topical discussion of current issues like insolvency, dissolution and consolidation. Appreciated John Knox, Michael Colantuono, and Bill Fulton; Varsity of topics and interactive activities in terms and conditions; The conference venue, the keynote speakers, in particular, Bill Fulton and the lunch speakers; Banquet dinner and the growth trend session; The location was great;

### Associate Member/Sponsor:

The wine tasting was a great way to mix, the grove was good along with the speakers, and the water provided was appreciated;

### Other Agency Staff:

The networking opportunities and information given



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**Other:**

Enjoyed the case study work on Friday morning; The mobile workshop and lunch speakers; The location and conference format quality; The Napa location and wine competition. The outside venue for lunch and the speakers at the luncheon on Thursday; Meeting new people; The location and content of presentations

**Two things that need to change:**

**Commissioner:**

Venue was too luxurious and hard to navigate from the rooms to meetings, and to the outside events. There needed to be more seating at the beer and wine tasting. I am an elderly person; Very pricey for small counties; Do not call a continental breakfast a buffet; Take away materials from breakout sessions; John Knox did not make effective use of the sound system in the dissolution session; The award banquet was too long; The more time for roundtable discussions; More copies of presentations and more specific examples needed; The wine provided by CALAFCO at banquet; More time for roundtable discussions; More wine and have extra wine; Disappointed with CA Forward speaker; Make dinner a little earlier; The hotel room was very small and a long way away. Also the hotel food was marginal; More time in Roundtable discussions; More time for regional caucuses to actually discuss issues rather than just report; The program time and dates were confusing; Business meetings need another good speaker; More time needed for Q and A; There was an AV glitch with 1 ½ power point was not presented; Keep the conference away from three day weekend;

**LAFCo Staff:**

Extend social networking time; There was too many concurrent sessions; Go back to just having three concurrent breakouts and add another day of conference; Have a later start to the day, 7:30 am is too early. Have fewer concurrent sessions, some of the concurrent session had very few participants. The concurrent sessions need to be limited to three; Shorter awards banquet or start the awards part earlier. There needs to be more time for networking; Introductions of the speakers were too lengthy; Wish we would have had a little more time for Q and A discussion in concurrent sessions; The breakout sessions, maybe a choice of three instead of four; Have an earlier start to the golf tournament and start the dinner service and finish by nine; Have more time at the roundtable; At the annual meeting the checkers did not always read the correct vote. I could tell when my category of ED listed 100% support when I voted "No" and one of our commissioners had a similar experience

**Associate Member/Sponsor:**

I did not feel safe in my room because the patio was accessible to the street

**Other Agency Staff:**

The power point of presentations needed to change.



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**Other:**

The distance from the room to the conference; There needs to be more information and interaction; More materials in advance needed; Please post the workshop handouts before conference verses at the end. Most of us would like to follow the presentation with our P.C's or I.P.O.D's. Also, the food was dry and of poor quality; Have breakout on tax exchange agreements.

**Comments:**

**Commissioner:**

It was a great conference overall; I enjoyed every session I attended; It was a great conference; Great job!; Thank you all for the great conference!; It was a great place to meet but there are other resort that are available; Kudos to conference committee and staff - Especially Bill and Jamie; I could not read the map to find our way; The locations need to be closer to the airport; Outstanding conference; More time for larger regions to caucus; Thank you and good job!; It was hard to suggest things that needed to change it was a well ran conference;

**LAFCo Staff:**

The mobile workshop was great the best ever; Napa LAFCo staff did a fantastic job; Thank you, Bill and Jamie, for another successful conference! You have perfected your craft!; Bill and Jamie are terrific, thank you for all the personal help; The décor at dinner was very creative! I loved the beer and wine comp! It was a great way to meet folks; There should be a little more time between the mobile workshop and the general session. The schedule seems to be too tight;

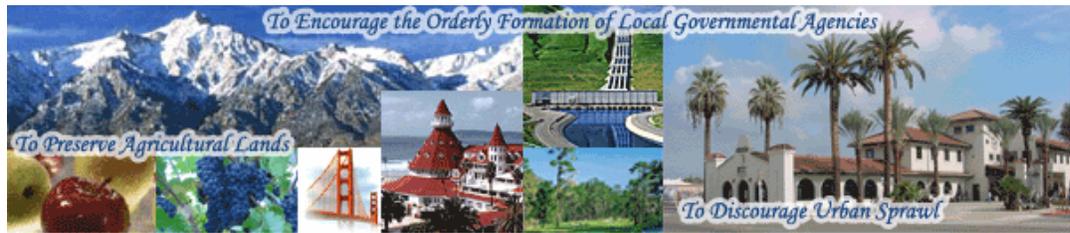
**Associate Member/Sponsor:**

There needed to be more direction to the location of different sessions, also needed extra programs or larger posted programs.

**Other Agency Staff:**

**Other:**

Good job and keep up the good work. The conference was great and the location was excellent. A great place for future conferences; Napa LAFCo was a wonderful host an excellent conference; I enjoyed my visit; The venue was beautiful but the rooms were too spread out; Breakfast was great



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### 2012 CALAFCO Board of Directors

| Board Member                       | LAFCo (affiliation)      | Term | E-Mail   |
|------------------------------------|--------------------------|------|--|
| Jerry Gladbach, <b>Chair</b>       | Los Angeles (District)   | 2013 | <a href="mailto:jgladbach@calafco.org">jgladbach@calafco.org</a>       |
| Ted Novelli, <b>Vice Chair</b>     | Amador (County)          | 2012 | <a href="mailto:tnovelli@calafco.org">tnovelli@calafco.org</a>         |
| Mary Jane Griego, <b>Secretary</b> | Yuba (County)            | 2013 | <a href="mailto:mjgriego@calafco.org">mjgriego@calafco.org</a>         |
| John Leopold, <b>Treasurer</b>     | Santa Cruz (County)      | 2012 | <a href="mailto:jleopold@calafco.org">jleopold@calafco.org</a>         |
| Julie Allen                        | Tulare (Public)          | 2013 | <a href="mailto:jallen@calafco.org">jallen@calafco.org</a>             |
| Pat Bates                          | Orange (County)          | 2013 | <a href="mailto:pbates@calafco.org">pbates@calafco.org</a>             |
| Louis Cunningham                   | Ventura (Public)         | 2013 | <a href="mailto:lcunningham@calafco.org">lcunningham@calafco.org</a>   |
| Larry R. Duncan                    | Butte (District)         | 2013 | <a href="mailto:lduncan@calafco.org">lduncan@calafco.org</a>           |
| John Edney                         | Imperial (City)          | 2012 | <a href="mailto:jedney@calafco.org">jedney@calafco.org</a>             |
| Kay Hosmer                         | Colusa (City)            | 2012 | <a href="mailto:khosmer@calafco.org">khosmer@calafco.org</a>           |
| Juliana Inman                      | Napa (City)              | 2013 | <a href="mailto:jinman@calafco.org">jinman@calafco.org</a>             |
| Gay Jones                          | Sacramento (District)    | 2012 | <a href="mailto:gjones@calafco.org">gjones@calafco.org</a>             |
| Cathy Schlottmann                  | Santa Barbara (District) | 2012 | <a href="mailto:cschlottmann@calafco.org">cschlottmann@calafco.org</a> |
| Stephen Souza                      | Yolo (City)              | 2013 | <a href="mailto:ssouza@calafco.org">ssouza@calafco.org</a>             |
| Josh Susman                        | Nevada (Public)          | 2012 | <a href="mailto:jsusman@calafco.org">jsusman@calafco.org</a>           |
| Andy Vanderlaan                    | San Diego (Public)       | 2012 | <a href="mailto:avanderlaan@calafco.org">avanderlaan@calafco.org</a>   |

### Board of Directors Agendas, Board Packets and Minutes

The CALAFCO Board of Directors meeting agendas, staff reports and minutes are available in the Members section of the website.