



Local Agency Formation Commission of Napa County

Subdivision of the State of California

We Manage Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

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

Administrative Office

1030 Seminary Street, B
Napa, California 94559
Telephone: 707-259-8645
www.napa.lafco.ca.gov

REGULAR MEETING AGENDA

Monday, April 1, 2013

County of Napa Administration Building
1195 Third Street, Board Chambers, 3rd Floor
Napa, California 94559

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

The Chair will consider a motion to approve the agenda as prepared by the Executive Officer with any requests to remove or rearrange items by members or staff.

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 scheduled for hearing, action, or discussion as part of the current agenda other than to request discussion on a specific consent item. Individuals will be limited to three minutes. 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 and subject to single motion approval. With the concurrence of the Chair, a Commissioner may request discussion of an item on the consent calendar.

a) Progress Report on Strategic Plan (Action)

The Commission will receive a report on progress made to date in meeting goals and implementing strategies in the current two-year strategic plan. The report is being presented to the Commission to formally accept.

b) Approval of Meeting Minutes (Action)

The Commission will consider approving minutes prepared by staff for the February 4, 2013 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.

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) Proposed Budget for Fiscal Year 2013-2014

The Commission will consider adopting a proposed budget for 2013-2014 nearly identical to the draft approved in February and subsequently circulated for review among local funding agencies. Proposed operating expenses total \$448,800 and represent a 3.8% increase over the current fiscal year. Proposed operating revenues total \$435,937 with the majority coming from local funding agencies; the latter of which would increase by 3.1%. The anticipated shortfall – (\$12,863) – would be covered by drawing down on agency reserves.

b) Proposed Annexation of 2012 Imola Avenue to the City of Napa

The Commission will consider a proposal filed by the City of Napa to annex an approximate 1.9 acre unincorporated lot located at 2012 Imola Avenue (046-311-013). Staff recommends approval of the proposal with two discretionary amendments. The first amendment would expand the annexation boundary to include 0.4 acres of additional unincorporated land covering two adjacent lots at 2008 (046-311-007) and 2010 (046-311-008) Imola Avenue along with all of the adjacent public right-of-way. The second amendment would concurrently detach the affected territory from County Service Area No. 4. Approval of the proposal with the recommended amendments would be subject to separate protest proceedings absent 100% landowner consent.

PUBLIC HEARING ITEMS CONTINUED...

c) Napa Berryessa Resort Improvement District Sphere of Influence Update

The Commission will consider taking two separate actions relating to the agency's scheduled sphere of influence update on the Napa Berryessa Resort Improvement District. The first proposed action is for the Commission to formally receive and file a final report on the sphere update. The second proposed action is for the Commission to adopt a draft resolution enacting the final report's central recommendation to affirm the District's sphere designation with the addition of 130 acres comprising Oakridge Estates.

7. ACTION ITEMS

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

a) Request to Amend Adopted Study Schedule

The Commission will consider a request from the City of St. Helena to amend the agency's current study schedule calendaring municipal service reviews and sphere of influence updates. The request seeks to advance the scheduled study of the north valley region by one year to 2013-2014 to accommodate and address increasing community interest in possible amendments to St. Helena's sphere of influence.

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) Guest Presentation from the California Association of Local Agency Formation Commissions

The Commission will receive a presentation from the new Executive Director for the California Association of Local Agency Formation Commission (CALAFCO), Pamela Miller, with respect to current and planned activities.

b) Legislative Report

The Commission will receive a report from staff summarizing notable items under discussion as the 2013-2014 legislative session commences. The report is being presented for discussion with possible direction for staff with respect to issuing comments on specific items. It is anticipated the Commission will consolidate consideration of this item with the preceding presentation from CALAFCO (8a).

9. EXECUTIVE OFFICER REPORT

The Commission will receive a verbal report from the Executive Officer regarding current staff activities.

10. CLOSED SESSION

None

11. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS

12. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING: June 3, 2013

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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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

April 1, 2013

Agenda Item No. 5a (Consent/Action)

March 26, 2013

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Progress Report on Strategic Plan

The Commission will receive a report on progress made to date in meeting goals and implementing strategies in the current two-year strategic plan. The report is being presented to the Commission to formally accept.

Local Agency Formation Commissions (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). Commonly exercised regulatory actions include forming, expanding, and reorganizing cities and special districts for the purpose of facilitating orderly urban growth and efficient municipal service. LAFCOs inform their regulatory powers through various planning activities, namely preparing municipal service reviews. All regulatory and planning actions undertaken by LAFCOs may be conditioned and must be consistent with written policies.

A. Discussion

Adoption and Vision

LAFCO of Napa County's ("Commission") strategic plan was adopted on June 4, 2012. The strategic plan is the byproduct of an earlier workshop discussion and intended to guide the agency's near-term resources in a manner consistent with the collective preference of current members. The strategic plan is anchored by a vision statement orienting the Commission to proactively fulfill its duties and responsibilities under CKH in a manner responsive to local conditions.

Near-Term Goals

The strategic plan identifies five near-term goals to be accomplished through the 2013 calendar year. The first goal directs the Commission to focus its activities – external and internal – on improving service efficiencies. The second goal directs the Commission to proactively expand the use and relevance of the municipal service reviews. The third goal directs the Commission to emphasize partnering with local agencies in coordinating planning activities. The fourth and fifth goals direct the Commission to participate in regional and statewide discussions impacting local agencies and services as well as improve the general public's understanding of the agency and its various functions.

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

Joan Bennett, Commissioner
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Brian J. Kelly, Vice Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Implementing Strategies

The strategic plan prescribes one or more implementing strategies in support of achieving each identified near-term goal. An underlying intent of the implementing strategies is to serve as a public performance measurement for the Commission in reconciling its goals with actions for subsequent review and reset at the end of the two year timeframe. A summary of the implementing strategies for each near-term goal follows.

Goal: Improve Service Efficiencies

- Prepare a cost-analysis to transition agenda packets to electronic tablets.
- Expand website to allow for online applications and updates.

Goal: Expand Use and Relevance of Municipal Service Reviews

- Establish formal process in soliciting scoping comments on studies.
- Conduct scoping workshop for pending study on central county region.

Goal: Renew and Strengthen Coordination with Local Government Agencies

- Invite local agencies to present current/future planning activities.
- Present updates to local agencies on current/planned activities.
- Prepare an informational report on local school districts and boards.

Goal: Anticipate and Evaluate Regional/Statewide Issues

- Prepare an informational report on private water services.
- Provide reports on relevant regional agency activities.

Goal: Improve the Public's Understanding of the Commission

- Prepare annual agency newsletters for public distribution.

B. Analysis

The Commission is halfway through the current two-year strategic plan and the agency has made substantive progress with respect to completing several of the implementing strategies. Summary of key activities to date follows.

- Chair Chilton and the Executive Officer made a formal presentation to the County Planning Committee in November 2012 outlining LAFCO's policies and programs and discussed shared interests in regional growth management.
- An informational report on the location and scope of private community water systems operating in Napa County was presented at the December 2012 meeting. The informational report, notably, incorporated the new directives established under the recent enactment of Assembly Bill 54 requiring, among other items, LAFCOs identify and make related assessments concerning the operation of mutual water companies as part of municipal service reviews.

- A newsletter summarizing recent and pending Commission activities was circulated to all local agencies and other pertinent community stakeholders in January 2013. The newsletter included articles on the Legislative Analyst's Office recent review of the Commission, key conclusions in the recently completed law enforcement service review, and ongoing efforts to annex and eliminate the 20 unincorporated islands existing within the City of Napa.
- Staff conducted a scoping meeting for the staff of the affected agencies as part of the pending central county study in mid January 2013. The meeting was well attended and served as a collaborative opportunity among staff to discuss evaluation criteria to be used in preparing the municipal service review as well as potential study areas for the sphere of influence updates.
- Formal presentations on Commission activities have been made to Congress Valley Water District, Silverado Community Services District, and Spanish Flat Water District.

With regard to other implementing strategies, staff anticipates the Commission will be holding a public workshop on the central county study as early as the June meeting. (Staff is currently meeting with various community stakeholders to identify and assess pertinent planning and service issues underlying potential sphere changes.) Staff also anticipates working with the Chair in scheduling guest presentations among local agencies and other regional bodies during the remainder of the calendar year. This includes a scheduled visit as part of today's meeting from the new Executive Director with the California Association of LAFCOs, Pamela Miller. Also of note, and consistent with recent comments from Commissioners to focus resources on the central county study, staff will defer preparing an informational report on local school boards and districts to another strategic plan cycle.

C. Recommendation

It is recommended the Commission formally accept the report as presented.

D. Alternatives for Action

The following two alternatives are available to the Commission:

Alternative Action One (Recommended)

Accept the report as presented with any further direction as specified.

Alternative Action Two:

Continue consideration of the report to a future meeting and provide direction for more information as needed.

E. Procedures for Consideration

This item has been agendized as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

- 1) Adopted Strategic Plan for Calendar Years 2012 and 2013



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

Strategic Plan 2012-2013

Vision Statement

Provide effective oversight of local government agencies and their municipal service consistent with the tenets and ideals of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and in a manner responsive to local character and circumstances. The Commission will strive diligently to achieve this vision by emphasizing the following core values at all times.

a) Professional

The Commission will be accountable and transparent in developing, implementing, and communicating its policies, procedures, and programs.

b) Principled

The Commission will maintain a higher set of standards in fulfilling its prescribed duties and responsibilities with integrity and fairness in facilitating orderly growth.

c) Reasonable

The Commission will be objective in its decision-making with particular focus in considering the “reasonableness” of all potential actions before the agency.

Goals and Strategies

The Commission’s goals supporting its vision statement along with corresponding implementation strategies for the 2012-2013 planning period follow.

1. Improve Service Efficiencies

The Commission shall focus its prescribed duties and responsibilities in assisting local governmental agencies in pursuing efficiencies relative to available resources to reduce costs and enhance services. The Commission, accordingly, will lead by example and use creativity and innovation in improving its own service efficiencies by doing more with less for the benefit of both local funding agencies and the general public. This includes:

- a) Prepare a cost-benefit analysis for the Commission to purchase electronic tablets for purposes of converting all agenda packets to digital-only copies.
- b) Expand the use of the Commission website to allow applicants to submit all required proposal forms on-line. The website should also be expanded to allow each applicant to log-in with a personal password to check the status of their proposal.

2. Expand Use and Relevance of Municipal Service Reviews

The Commission shall proactively expand the use and relevance of municipal service reviews by focusing on issues of local significance within each affected community. This includes:

- a) Formally invite all affected local agencies and the general public to submit comments on governance and service related issues for consideration before the start of each scheduled municipal service review. Include a summary of the comments received along with staff responses in the final report.
- b) Conduct a scoping workshop for the pending central county municipal service review (City of Napa, Napa Sanitation District, Silverado Community Services District, and Congress Valley Water District) to help inform the report's direction and focus on specific areas of analysis as it relates to potential sphere of influence changes.

3. Renew and Strengthen Coordination with Local Governmental Agencies

The Commission shall fulfill its prescribed duties and responsibilities in partnership with local governmental agencies. To this end, and given the significant change in boards, councils, directors, and senior staff over the last several years, the Commission shall make a concerted effort to renew and strengthen its coordination with local agencies to help ensure appropriate communication relative to current and planned activities exists. This includes:

- a) Invite the County of Napa, cities, and special districts to make individual presentations to the Commission summarizing their current and future planning activities. Presentations will be scheduled by the Executive Officer and subject to the Chair's approval.
- b) Present formal updates to the County of Napa, cities, and special districts on current and future activities relevant to the affected agency. Updates should be scheduled in consultation with the affected agency's director/manager.
- c) Prepare a report for Commission use on local school districts and boards. The report shall be prepared in consultation with the affected agencies and address, among other items, the relationship between current/planned growth and school resources. The report shall also be distributed to all local agencies for review and file.

4. Anticipate and Evaluate Regional and Statewide Issues Impacting Municipalities and their Services

The Commission shall participate and provide, as appropriate, its expertise and perspective in regional and statewide discussions on critical issues that have the potential for significantly affecting local municipalities and their services. The Commission shall also, as appropriate, assume a leadership role in convening discussions among multiple stakeholders on critical service and growth issues affecting Napa County. This includes:

- a) In conjunction with Assembly Bill 54, prepare a report on private water companies operating in Napa County. The report shall be limited initially to identifying the location, service area, and general service capacity/demand of each private water company and distributed to all local agencies for their review and file.
- b) Actively follow the Association of Bay Area Governments and Metropolitan Transportation Commission. Provide annual reports on these agencies' current and planned activities as it relates to issues of interest to the Commission.

5. Improve the Public's Understanding of the Commission

The Commission shall make a concerted effort to improve the public's awareness and understanding of the agency's responsibilities and activities. This includes:

- a) Actively utilize print and social media resources in expanding the public's understanding of the role and function of the Commission.
- b) Prepare an annual newsletter for public distribution summarizing recent and planned Commission activities. The annual newsletter will be made available on the Commission website and directly e-mailed out through the agency's distribution list.



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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

April 1, 2013

Agenda Item No. 5b (Consent/Action)

March 26, 2013

TO: Local Agency Formation Commission

FROM: Kathy Mabry, Commission Secretary

SUBJECT: Approval of Minutes for Regular Meeting on February 4, 2013

A. Discussion and Recommendation

Attached are summary minutes prepared for the Commission's Regular Meeting on February 4, 2013. Staff recommends approval.

Respectfully submitted,

Kathy Mabry
Commission Secretary

Attachment: as stated

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

Joan Bennett, Commissioner
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Brian J. Kelly, Vice Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MEETING MINUTES OF FEBRUARY 4, 2013**

1. CALL TO ORDER; ROLL CALL

Chair Wagenknecht called the regular meeting of February 4, 2013 to order at 4:00P.M. At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Brad Wagenknecht, Chair	Juliana Inman	Keene Simonds, Executive Officer
Brian J. Kelly, Vice-Chair	Mark Luce	Jackie Gong, Commission Counsel
Lewis Chilton	Gregory Rodeno	Brendon Freeman, Analyst
Joan Bennett		Kathy Mabry, Secretary
Bill Dodd		

2. PLEDGE OF ALLEGIANCE

Chair Wagenknecht led the Pledge of Allegiance.

3. AGENDA REVIEW

There were no requests to rearrange the agenda.

4. PUBLIC COMMENT

Chair Wagenknecht invited members of the audience to provide public comment. No comments were received.

5. CONSENT ITEMS

a) Second Quarter Budget Report for 2012-2013

The Commission reviewed a second quarter budget report for 2012-2013. The report compared budgeted versus actual transactions through one-half of the fiscal year. The report projected the Commission is on pace to improve its year-end financial position by eliminating its budgeted funding gap of (\$8,811) and finish with an overall operating surplus of \$12,163. The report was presented to the Commission to formally accept.

b) Progress Report on Strategic Plan

The Commission received a report on progress made to date in meeting goals and implementing strategies in the current two-year strategic plan. The report was presented to the Commission to formally accept.

c) Approval of Meeting Minutes

The Commission received minutes prepared by staff for the January 7, 2013 meeting.

d) New Legislation in 2013

The Commission reviewed a report from staff summarizing new legislation affecting LAFCOs in 2013. The report was presented to the Commission for information only.

e) Current and Future Proposals

The Commission received a report summarizing current and future proposals. No new proposals have been submitted since the January 7, 2013 meeting.

Upon motion by Commissioner Dodd and second by Commissioner Chilton, the consent items were unanimously approved.

6. PUBLIC HEARING ITEMS

There was no discussion of this item.

7. DISCUSSION ITEMS

a) Approval of Draft Proposed Budget for Fiscal Year 2013-2014

The Commission reviewed a draft proposed budget for 2013-2014. The draft's operating expenses total \$448,755 and represent a 3.8% increase over the current fiscal year. The draft's operating revenues total \$435,915 with the remaining shortfall (\$12,841) to be covered by drawing down on agency reserves. The draft was presented to the Commission for approval and authorization to circulate to local funding agencies for their review in anticipation of adopting a proposed budget in April.

Staff provided a verbal report to the Commission in regards to the increase in the budget which is mainly tied to non-discretionary expenses relating to County contract costs, salaries, insurance, retirement, in addition to a per diem increase, and retaining a consultant for the next biennial strategic workshop.

Chair Wagenknecht invited the public to comment. No comments were received.

Chair Wagenknecht closed the comment period.

Upon motion by Commissioner Kelly and second by Commissioner Bennett, the Commission unanimously approved the following three actions:

- (a) Approve the draft proposed budget for 2013-2014 as provided in Attachment One of the staff report.
- (b) Direct the Executive Officer to circulate the approved draft proposed budget to funding agencies for review and schedule a public hearing on April 1, 2013 for consideration of adoption.
- (c) Direct the Policy Committee to incorporate the recommendations of the Budget Committee in preparing policy revisions to address the proposed changes in per diem payments.

b) Proposed Annexation of 29 Forest Drive to the City of Napa

The Commission considered a proposal from the City of Napa on behalf of interested landowners to annex an approximate 6.0 acre unincorporated lot at 29 Forest Drive (APN 041-720-003). Staff provided a verbal report and noted their recommendation to approve with two discretionary amendments to expand the proposed annexation boundary to include an additional 0.4 acre portion of adjacent right-of-way, as well as concurrent detachment of the affected territory from County Service Area No. 4 for reasons detailed in the staff report. The special conditions of approval, as noted in the staff report and the accompanying resolution, will be delegated to the Executive Officer to determine when the requested actions have been sufficiently satisfied before proceeding with a recordation of the proposal.

Chair Wagenknecht invited the public to comment. No comments were received.

Chair Wagenknecht closed the comment period.

Upon motion by Commissioner Chilton and second by Commissioner Dodd, the Commission approved the proposal with the conditions identified in the resolution (**Resolution #2013-03**).

8. DISCUSSION ITEMS

a) Napa Berryessa Resort Improvement District Sphere of Influence Update

The Commission received a draft report on its scheduled sphere of influence update on Napa Berryessa Resort Improvement District. The focus of the draft report was to consider whether it is appropriate to expand the current sphere of influence designation to include the entire jurisdictional boundary. A draft report was presented for initial review and discussion. Staff provided a verbal report that, among other items, highlighted a recommendation for the actions identified as Option Four. This option – updating with no changes and tabling policy related considerations to the next study cycle – would serve to signal the Commission’s interest and intent in prioritizing the conclusion of the pending reorganization proceedings before making any other determinations on possible changes to the sphere. Further, this option would provide the Commission, NBRID, and the community the opportunity to continue to collectively consider the merit of sphere changes in step with the District’s anticipated facility improvements over the next five year period.

The following comments were made by the Commission:

- Commissioner Rodeno stated that he would like to see more open discussion about the Oakridge Estates and asked staff if that area is out of the jurisdiction of the District. Staff replied that area is within the jurisdiction of the Napa Berryessa Resort Improvement District, and that those lands would be subject to bonds if ever converted to a Community Services District (CSD). Staff noted that Oakridge Estates should be brought into the sphere, as it doesn’t make sense that it was not included in the sphere back in 1985.
- Commissioner Kelly expressed concern about the financial strength of the District, but suggested waiting until after the pending reorganization of the region before proceeding with that issue.
- Stu Williams, resident of Berryessa Highlands and member of the region’s Transition Committee spoke to the Commission stating that all residents up in the Berryessa area are impacted by the recent assessment imposed on the District, and many residents are further impacted because they own more than 1 dwelling. Mr. Williams said the District is anxious to achieve their goal of becoming a CSD, but realizes it needs to be done in a measured way. He stated that NBRID currently does not have certain powers because it is not a CSD. He told the Commission that it may take years to realize what Steele Park is going to do as a concessionaire, and given that the Berryessa Highlands area is doing all that it can; he believes that these areas should be included in NBRID’s sphere of influence boundaries.
- Commissioner Chilton stated that if he had a preference he would choose Option 2 (expand the Sphere to include A-1’s Oakridge Estates, as shown on map in the report).

Staff will incorporate the Commission’s comments into the final report for consideration at the next regularly scheduled meeting.

Staff will also issue a 30-day public review notice on the draft report to all interested parties – including landowners and the Bureau of Reclamation. The comments received during the 30-day review period will be incorporated into the final report.

8. DISCUSSION ITEMS – continued:

b) Legislative Report

The Commission received a report from staff summarizing notable items under discussion as the 2013-2014 legislative session commences. In addition to the items noted in the staff report, staff mentioned an important vote coming up regarding proposed amendments to CA Government Code Section 56133 at the CALAFCO Board Meeting on February 8th in Irvine, CA, at which Commissioner Inman will vote (CALAFCO Board Member) and the Napa LAFCO Executive Officer will attend.

9. EXECUTIVE OFFICER REPORT

There was no verbal report from the Executive Officer regarding current staff activities.

10. CLOSED SESSION

There was no closed session.

11. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS

There was no discussion of this item.

12. ADJOURNMENT

The meeting was adjourned at 4:36 p.m. The next regular LAFCO meeting is scheduled for Monday, April 1, 2013 at 4:00 p.m.

Brad Wagenknecht, Chair

ATTEST: Keene Simonds, Executive Officer

Prepared by:

Kathy Mabry, Commission Secretary



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April 1, 2013

Agenda Item No. 5c (Consent/Information)

March 26, 2013

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. One new proposal has been submitted since the February 4, 2013 meeting.

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 four active proposals on file with LAFCO of Napa County (“Commission”). A summary of these active proposals follows.

Proposed Annexation of 2012 Imola Avenue to the City of Napa

The City of Napa filed a proposal with the Commission on February 21, 2013 to annex an approximate 1.9 acre unincorporated lot located at 2012 Imola Avenue. The underlying purpose of the proposal is to facilitate a future development project, which under the City’s existing land use policies could accommodate up to 13 single-family residential lots. Staff recommends the proposal be reorganized to expand the boundary to include an additional 0.4 acres comprising 2008 Imola, 2010 Imola, and the adjacent right-of-way as well as concurrent detachment from County Service Area No. 4.



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Councilmember, Town of Yountville

Joan Bennett, Commissioner
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Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Status: Staff has completed its review of the proposal pursuant to Commission policies and factors required by the Legislature. A public hearing has been scheduled for Commission consideration as part of today's meeting.

Proposed Annexation of 820 Levitin Way to the City of Napa

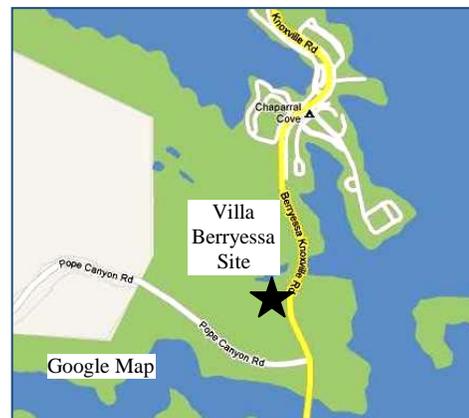
The City of Napa filed a proposal with the Commission on December 12, 2012 to annex six unincorporated lots totaling 18.6 acres. The affected territory is assigned a common situs address of 820 Levitin Way and owned and used by the City to remove reusable materials from curbside collected refuse. The affected territory is located outside the sphere of influence and non-contiguous to existing City limits. Approval is being sought under Government Code Section 56742; a statute permitting LAFCOs to approve annexations of non-contiguous territory to a city without requiring consistency with the sphere of influence so long as the subject lands are owned and used by the annexing agency for municipal purposes. The underlying purpose of the proposal is to eliminate an approximate \$50,000 annual property tax obligation.



Status: Staff continues to review the proposal. This includes the possible merits of reorganizing the proposal to include concurrent detachment from County Service Area No. 3. A property tax agreement between the City and County is also required before consideration by the Commission.

Formation of the Villa Berryessa Water District

This proposal has been filed by Miller-Sorg Group, Inc with the Commission on May 7, 2008. 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

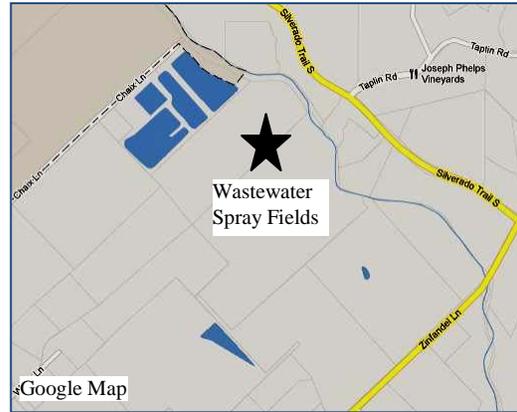


applicants receiving written approval from the United States Bureau of Reclamation to construct an access road and intake across federal lands to receive water supplies from Lake Berryessa. Based on their own review of the project, the Bureau is requesting a governmental agency accept responsibility 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. It appears the prolonged delay is attributed to the ongoing settlement of a family estate following the death of the initial trustee.

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

The City of St. Helena filed a proposal with the Commission on November 19, 2008 to annex approximately 100 acres of unincorporated territory located northwest of the intersection of Silverado Trail and Zinfandel Lane. The subject 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 subject 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.

Status: 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 subject territory. The negotiation remains pending completion.

There are four potential new proposals that may be submitted to the Commission in the near future based on extensive discussions with proponents. A summary of these anticipated proposals follows.

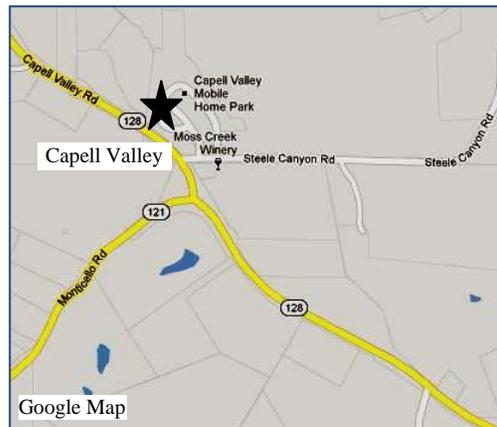
Sibsey Annexation to the City of Napa

A representative for an interested landowner of a 0.77 acre unincorporated property located at 2138 Wilkins Avenue has inquired about re-initiating annexation to the City of Napa. This property was conditionally approved for annexation by the Commission on February 2, 2009. The conditions, however, were never satisfied and annexation proceedings were formally abandoned on April 5, 2010. Staff is working with the landowner's representative and the City to discuss resuming annexation proceedings. This includes preparing a new application in consultation with the City.



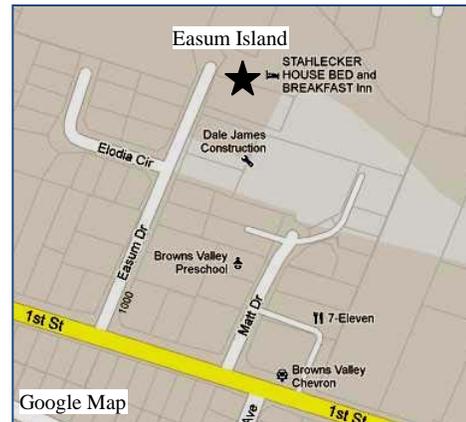
Formation of a Community Services District at Capell Valley

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 subject area includes the 58-space mobile home park adjacent to Moskowitz 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. This includes presenting at a community meeting earlier this year. The meeting was attended by approximately 25 residents and provided staff the opportunity to explain options and processes available to residents with respect to forming a special district as well as to answer questions. Commissioner Dodd was also in attendance. The landowner subsequently requested a fee waiver for the cost of submitting an application to form a new special district at the Commission's June 4th meeting. The Commission denied the request without prejudice and noted the opportunity exists for the landowner to return at a future date with additional information to justify a fee waiver request as well as the underlying action: forming a new special district.



Stahlecker Annexation to the City of Napa

An interested landowner within a completely surrounded unincorporated island located near 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 outlining the cost benefits to annexation. Subsequent follow up indicates one of the other two landowners within the island is also agreeable to annexation if there is no financial obligation. Staff is working with the City on its interest/willingness to reduce or waive fees associated with adopting a resolution of application in order to initiate “island proceedings”.



Airport Industrial Area Annexation to County Service Area No. 3

LAFCO staff recently completed a sphere of influence review and update for County Service Area (CSA) No. 3. This included amending CSA No. 3’s sphere to add approximately 125 acres of unincorporated territory located immediately north of the City of American Canyon in the Airport Industrial Area. The County of Napa is expected to submit an application to annex the 125 acres to CSA No. 3 by the end of the fiscal year. The subject territory is completely uninhabited and includes seven entire parcels along with a portion of an eighth parcel. This eighth parcel, notably, comprises a railroad track owned and operated by Southern Pacific. The subject territory also includes segments of Airport Drive, Devlin Road, and South Kelly Road. Annexation would help facilitate the orderly extension of street and fire protection services to the subject territory under the land use authority of the County.



B. Commission Review

This item has been agendaized as part of the consent calendar for information only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

Attachments: none



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

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

April 1, 2013

Agenda Item No. 6a (Public Hearing)

March 26, 2013

TO: Local Agency Formation Commission

FROM: Budget Committee (Chilton, Kelly, and Simonds)

SUBJECT: Proposed Budget for Fiscal Year 2013-2014

The Commission will consider adopting a proposed budget for 2013-2014 nearly identical to the draft approved in February and subsequently circulated for review among local funding agencies. Proposed operating expenses total \$448,800 and represent a 3.8% increase over the current fiscal year. Proposed operating revenues total \$435,937 with the majority coming from local funding agencies; the latter of which would increase by 3.1%. The anticipated shortfall – (\$12,863) – would be covered by drawing down on agency reserves.

Local Agency Formation Commissions (LAFCOs) are responsible under State law for annually adopting a proposed budget by May 1st and a final budget by June 15th. State law specifies the proposed and final budgets shall – at a minimum – be equal to the budget adopted for the previous fiscal year unless LAFCO finds the reduced costs will nevertheless allow the agency to fulfill its prescribed regulatory and planning duties. LAFCOs must adopt their proposed and final budgets at noticed public hearings.

A. Background

Prescriptive Funding Sources

LAFCO of Napa County's ("Commission") annual operating expenses are principally funded by the County of Napa and the Cities of American Canyon, Calistoga, Napa, St. Helena, and Yountville. State law specifies the County is responsible for one half of the Commission's operating expenses while the remaining amount is to be apportioned among the five cities. The current formula for allocating the cities' shares of the Commission's budget was adopted by the municipalities in 2003 as an alternative to the standard method outlined in State law and is based on a weighted calculation of population and general tax revenues. Additional funding – typically representing less than one-fifth of total revenues – is budgeted from application fees and interest earnings.

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

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

Brian J. Kelly, Vice Chair
Representative of the General Public

Joan Bennett, Commissioner
Councilmember, City of American Canyon

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

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

Keene Simonds
Executive Officer

Adopted Budget Policies

It is the policy of the Commission to utilize a Budget Committee (“Committee”) to inform the agency’s decision-making process in adopting an annual operating budget. The Commission establishes a Committee for each fiscal year to include two appointed Commissioners and the Executive Officer. The Committee’s core responsibilities are divided between three distinct and sequential phases as summarized below.

- The Committee’s initial responsibility is to present a draft proposed budget for Commission approval in February before it is circulated for comment to each funding agency for no less than 21 days. The draft proposed budget, notably, is the opportunity for the Committee to identify and propose recommendations on changes in baseline expenditures for Commission feedback. It also provides the funding agencies an early opportunity to review and comment on the Commission’s anticipated budget needs relative to their own budgeting processes.
- The Committee’s second formal action is to incorporate the comments received from the funding agencies during the initial review along with any updated cost/revenue projections into a proposed budget for Commission adoption in April. The adopted proposed budget is subsequently circulated to the funding agencies for review and comment for another 21 day period. The adopted proposed budget is also posted for public review and comment on the Commission’s website.
- The Committee’s third and final formal action is to incorporate the comments received from the funding agencies and general public on the proposed budget into a final budget for Commission adoption in June. Significantly, and in terms of intent, any changes incorporated into the final budget in June are generally limited to relatively minor updates or to address new information on budgetary needs that was not previously known or addressed by the Committee.

Two specific policy determinations underlie the Committee’s work and related recommendations to the Commission. First, it is the policy of the Commission to ensure the agency is appropriately funded to effectively and proactively meet its prescribed duties while controlling operating expenses whenever possible to limit the financial impact on the funding agencies. Markedly, and by practice, this means utilizing reserves when appropriate to offset increases in agency contributions. Second, it is the policy of the Commission to retain sufficient reserves to equal no less than three months of budgeted operating expenses in the affected fiscal year less any capital depreciation.

Draft Proposed Budget for 2013-2014

The 2013-2014 Committee (Chilton, Kelly, and Simonds) conducted a noticed public meeting on January 14, 2013 to review and develop draft recommendations on the Commission's operating expenses and revenues for the upcoming fiscal year.¹ Four specific budget factors permeated the Committee's review. First, the Committee considered baseline agency costs to maintain the current level of services at next year's projected price for labor and supplies. Second, the Committee considered whether adjustments – increases or decreases – in baseline agency costs are appropriate to accommodate changes in need or demand. Third, upon a preliminary setting of operating expenses, the Committee considered the need for increases in agency contributions and whether agency reserves should be utilized to lower contribution requirements. Fourth, the Committee compared the preliminary setting of operating expenses and revenues to previous fiscal years and the current consumer price index for the region.

The Committee incorporated the four described budget factors – existing baseline costs, warranted changes in baseline costs, revenue needs, and relationship to the price index – in presenting a draft proposed budget at the Commission's February 4, 2013 meeting. The draft represented a "status-quo" in terms of generally maintaining existing service levels and highlighted by preserving current staff at 2.5 fulltime equivalent employees. The draft contemplated an increase in operating expenses of 3.8% to \$448,755. The draft also contemplated an increase in operating revenues of 2.9% to \$435,915 with the remaining shortfall – (\$12,841) – to be covered by drawing down on agency reserves.

The Commission approved the draft proposed budget as submitted at the February 4th meeting and directed the Committee to seek comments from the funding agencies in anticipation of considering formal adoption – with or without changes – in April. Notice of the draft approval was electronically circulated to all six funding agencies the following week inviting comments through March 11th. No comments were received.

B. Discussion

The Committee returns with a proposed budget in line-item form for consideration by the Commission as part of a noticed public hearing. The proposed budget is essentially identical to the earlier approved draft from February with nominal adjustments to both operating expenses and operating revenues to account for updated projections. A detailed summary of the proposed budget's operating expenses and revenues follows with the corresponding general ledger showing all affected accounts provided as an exhibit to the attached draft resolution of approval.

¹ The Commission appointed Commissioners Chilton and Kelly to the 2013-2014 Budget Committee at its December 3, 2012 meeting.

Operating Expenses

The Committee proposes operating expenses increase from \$432,461 to \$448,800; a difference of \$16,339 or 3.8% over the current fiscal year. The proposed amount includes an additional \$45 in operating expenses post the February draft to account for an adjusted increase in the Commission's membership cost for the California Association of LAFCOs ("CALAFCO"). No other changes from the February draft have been made.

Almost all of the total increase in operating expenses proposed by the Committee lies in the salaries/benefits unit with the majority tied to non-discretionary line-items associated with the Commission's staff support services agreement with the County of Napa.² Specifically, four-fifths of the total increase is attributed to rises in salary, group insurance, and retirement costs. The first of these three labor costs – salary – represents the largest single item increase and is projected to rise by approximately \$8,800 or 4.3%. The increase in salary incorporates three distinct changes in employee compensation: providing an automobile allowance for the Executive Officer (mistakenly absent from the present fiscal year budget); accommodating a pending job reclassification for the Secretary position; and budgeting a 1.5% cost-of-living adjustment for all employees.³

Along with the referenced increases tied to the Commission's staff support services agreement, the Committee proposes a limited number of changes in discretionary line-item expense accounts. Most of the proposed changes are minor and reflect current fiscal year expense trends with the notable exception of the following two recommendations.

- The Committee proposes increasing the per diem expense account from \$6,400 to \$10,000. The proposed change represents a \$3,600 or 56% increase and would accommodate two anticipated amendments in the manner in which stipends are provided to members for attending meetings on behalf of the agency. The first anticipated change is an increase in the per diem amount from \$100 to \$125; a change – if enacted – that would represent the first increase since 2006. The second anticipated change is to begin providing per diems for Commissioner attendance at outside meetings in which members are representing the agency. A prominent example includes Commissioners attending the annual conferences hosted by CALAFCO. Actual implementation of these anticipated changes, and in particular providing per diems for outside meetings, is subject to adopted policy revisions.⁴

² The term "non-discretionary" infers the associated cost increases are not directly the purview of the Commission to amend given they are a byproduct of the decision to contract with the County of Napa for staff support services. The Commission retains the right, however, to reconsider its staffing support services agreement with the County at its own discretion.

³ The automobile allowance for the Executive Officer is provided under County of Napa's Management Compensation Plan and totals \$5,280 annually. The pending job reclassification is to promote the agency's current Secretary to Administrative Secretary under the County of Napa's Job Classification System; a reclassification that generates an additional \$1,238 in annual pay. The 1.5% cost-of-living adjustment is drawn from the County of Napa's memorandum of understanding with employees and would generate an additional \$2,318 annually.

⁴ At the February 4th meeting, the Commission directed the Policy Committee to incorporate and offer recommendations on implementing the recommended per diem changes as part of their ongoing work in updating the agency's policies and procedures.

- The Committee proposes decreasing the special expense account from \$3,500 to \$2,500. The proposed change represents a \$1,000 or 29% decrease and reflects the difference in one-time purchases anticipated between the current and pending fiscal years. The Commission will recall this account – which by practice is budgeted at \$1,000 unless additional monies are allocated for specific one-time purposes – was budgeted with an additional \$2,500 in 2012-2013 to purchase software programming and related training from Granicus to begin live-streaming meetings on the internet. The Committee believes \$1,500 should be added to the account in 2013-2014 to fund the services of an outside consultant to facilitate the Commission’s scheduled biannual workshop. This amount parallels the charge incurred in utilizing an outside consultant at the last workshop in 2011.

The Committee notes two other discretionary expense increases appear merited, but have not been included in the proposed budget to control overall costs and more specifically agency contributions in 2013-2014. Most notably, and in terms of future prioritizing, this includes allocating approximately \$6,500 to purchase a wide-format printer for producing full size and appropriately scaled maps of all agency boundaries and spheres of influence in Napa County.⁵ The Committee believes it would be appropriate for the Commission to revisit this expense during the course of the fiscal year to consider whether any accumulated savings achieved in other operating accounts can be applied for a mid-year purchase.⁶ The Committee also believes there would be merit to revisit the purchase of electronic tablets for members and staff to replace paper agenda packets as part of an effort to reduce the agency’s resource consumption. The estimated cost to purchase tablets and related software for all members and staff totals \$7,000 to \$8,000; an amount that may significantly decrease if the appointing authorities provide and allow members to use their agency-issued tablets as Commissioners.⁷

The following table summarizes operating expenses in the proposed budget.

Expense Unit	Adopted FY12-13	Proposed FY13-14	Change \$	Change %
1) Salaries/Benefits	311,287	329,236	17,949	5.8
2) Services/Supplies	121,174	119,564	(1,610)	-1.3
3) Contingencies	0	0	0	0.0
	\$432,461	\$448,800	\$16,339	3.8

⁵ As needed, staff currently utilizes the County of Napa Planning Department’s wide-format printer for producing large scale maps. This arrangement is problematic, however, given the constraints of the optic data line connecting the two agencies network drives results in lengthy print times and prone to printing errors.

⁶ The Executive Officer must receive Commission approval for any purchases exceeding \$3,000.

⁷ Other discretionary expenses considered by the Committee included purchasing a software program to improve the preparation of meeting minutes and establishing a website application to allow users to file proposals electronically. The Committee believes the estimated costs of these two purchases based on vendor responses, however, substantially exceed the anticipated benefit to the Commission at this time.

Operating Revenues

The Committee proposes operating revenues increase from \$423,650 to \$435,937; a difference of \$12,287 or 2.9% over the current fiscal year. The proposed amount includes an additional \$22 in operating revenues post the February draft to account for the proportional increase in expenses as described in the preceding section. No other changes from the February draft have been made.

The Committee proposes nearly the entire amount of new operating revenues to be collected – \$422,415 – would be drawn from agency contributions and would exceed the current fiscal year total by \$12,883 or 3.1%. The rationale for the increase in agency contributions is directly tied to the projected rise in operating expenses. The amount of projected agency contributions, however, has been reduced by the Committee by raising the budgeted use of reserves as offsetting revenues in 2013-2014. Specifically, and given the benefit of current cost-savings, the Committee is recommending the Commission increase its budgeted use of reserves from \$8,811 this fiscal year to \$12,862 in the next fiscal year; the latter amount representing exactly one-half of the increase to the funding agencies if no reserves were used with the resulting charges purposefully aligning with the consumer price index for the region.⁸

Budgeted service charges and interest earnings on the fund balance invested by the County Treasurer represent the remaining portion of operating revenues in the proposed budget. A moderate 5% increase in service charges is budgeted to reflect the collection of mapping service fees consistent with the recent amendments to the adopted study schedule. A 26% decrease in interest earning is budgeted based on current fiscal year collection amounts.

The following table summarizes operating revenues in the proposed budget.

Revenue Unit	Adopted FY12-13	Proposed FY13-14	Change \$	Change %
1) Agency Contributions	409,574	422,437	12,287	3.1
(a) County of Napa	204,787	211,219	6,431	3.1
(b) City of Napa	136,583	141,051	4,468	3.3
(c) City of American Canyon	33,321	34,005	685	2.1
(d) City of St. Helena	14,153	14,060	(93)	(0.7)
(e) City of Calistoga	12,095	12,480	385	3.2
(f) Town of Yountville	8,635	9,622	987	11.4
2) Service Charges	10,000	10,500	500	5.0
3) Interest Earnings	4,076	3,000	(1,076)	(26.4)
Total	\$423,650	435,937	12,287	2.9

⁸ The recommendation to budget \$12,863 in reserves as offsetting revenue would mark the first related increase since the Commission began budgeting revenues in 2010-2011 (\$42,460 in 10-11; \$32,829 in 11-12; and \$8,811 in 12-13). Importantly, the small increase in reserve use recommended in 2013-2014 suggests the Commission has – as intended – achieved an appropriate balance going forward with respect to matching operating costs with agency contributions after an extended vacancy in the analyst position in the late 00s created an artificial reduction in contribution requirements.

C. Analysis

The proposed budget for 2013-2014 accomplishes the Committee's two core objectives to (a) provide sufficient resources to maintain current service levels while (b) minimizing impacts on the funding agencies by limiting overall contribution increases. In particular, the proposed budget preserves present staff and service levels the Committee believes are merited given the agency's prescribed and expanding duties. The proposed budget also provides additional monies to retain an outside consultant to facilitate the next biannual workshop as well as provide per diems for members to represent the Commission at outside events and meetings, such as the CALAFCO annual conferences.

Three other pertinent and related takeaways underlie the proposed budget before the Commission. First, the projected increase in the funding agencies' combined contribution – 3.1% – has been purposefully managed by applying new reserves accumulating this fiscal year as a result of cost-savings to stay below the region's consumer price index, which is currently at 3.2% over the last 12 months. Second, while this would mark the fourth year in which the contribution totals for the funding agencies have increased, the percentage changes have continued to decrease. This dynamic suggests the Commission is closer to achieving an appropriate balance going forward in matching operating costs with agency contributions after an extended vacancy in the analyst position had previously and artificially lowered allocation requirements. Third, and despite allocating almost \$13,000 as offsetting revenues, the proposed budget positions the Commission to finish the fiscal year with an available fund balance of \$118,269; an amount more than sufficient to meet the Commission's policy to retain reserves equal to no less than three months of operating expenses.

D. Alternatives for Action

The following alternative actions are available to the Commission.

Alternative Action One (Recommended):

(a) Adopt the proposed budget for 2013-2014 as provided in Attachment One with any desired changes. (b) Direct the Committee to circulate the adopted proposed budget to funding agencies as well as make available to the general public for review and comment. (c) Direct the Committee to return with recommendations for a final budget for adoption at a noticed public hearing on June 3, 2013.

Alternative Action Two:

Continue the item to a special meeting scheduled no later than May 1, 2013 and provide direction to staff with respect to providing additional information as needed.

E. Recommendation

It is recommended the Commission take all three of the actions provided in Alternative One as outlined in the preceding section.

F. Procedures for Consideration

This item has been agendized as part of a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration:

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

Respectfully submitted on behalf of the Committee,

Keene Simonds
Executive Officer

Attachments:

- 1) Draft Resolution of Approval
(General Ledger Provided as Exhibit "A")
- 2) Calculation of Local Agency Contributions



Local Agency Formation Commission of Napa County

Subdivision of the State of California

FY2013-2014 OPERATING BUDGET / PROPOSED

Prepared on March 26, 2013

Expenses		FY2010-11		FY2011-12		FY2012-13		FY2013-14	Difference	
		Adopted FY10-11	Actual FY10-11	Adopted FY11-12	Actual FY11-12	Adopted FY12-13	Estimate FY12-13	Proposed FY13-14		
Salaries and Benefits										
<u>Account</u>	<u>Description</u>									
51100	Salaries and Wages	198,346.60	198,280.48	202,387.60	203,108.73	203,183.19	207,931.00	212,019.15	8,835.96	4.3%
51400	Employee Insurance: Premiums	37,953.96	33,872.67	45,648.12	37,643.35	47,646.00	41,382.04	51,202.80	3,556.80	7.5%
51600	Retirement	34,991.95	34,924.41	36,701.99	36,871.55	37,736.30	37,003.66	39,595.42	1,859.12	4.9%
51605	Other Post Employment Benefits	9,138.00	9,138.00	9,341.00	9,341.00	12,139.00	12,139.00	12,166.00	27.00	0.2%
51210	Commissioner/Director Pay	9,600.00	4,900.00	9,600.00	5,700.00	6,400.00	6,100.00	10,000.00	3,600.00	56.3%
51300	Medicare	2,876.49	2,738.20	2,934.62	2,790.20	2,946.16	2,792.54	3,012.22	66.06	2.2%
51205	Cell Phone Allowance	840.00	843.50	840.00	843.50	840.00	840.00	840.00	-	0.0%
51405	Workers Compensation	226.00	226.00	327.00	327.00	396.00	396.00	400.00	4.00	1.0%
51110	Extra Help	-	-	-	-	-	-	-	-	-
51115	Overtime	-	-	-	-	-	-	-	-	-
		293,973.00	284,923.26	307,780.33	296,625.33	311,286.65	308,584.24	329,235.60	17,948.95	5.8%
Services and Supplies										
<u>Account</u>	<u>Description</u>									
52605	Rents and Leases: Building/Land	29,280.00	29,280.00	29,280.00	29,280.00	25,560.00	27,560.00	25,560.00	-	0.0%
52140	Legal Services	26,010.00	17,659.74	22,540.00	17,593.30	22,540.00	11,188.00	22,540.00	-	0.0%
52130	Information Technology Services	18,438.91	17,625.42	24,630.83	23,385.87	22,009.00	22,008.96	22,374.00	365.00	1.7%
52125	Accounting/Auditing Services	8,277.15	7,301.48	8,691.01	7,340.78	9,125.56	9,025.00	9,125.56	-	0.0%
52600	Rents and Leases: Equipment	-	-	-	-	6,500.00	5,732.14	6,000.00	(500.00)	-7.7%
53100	Office Supplies	15,000.00	9,628.08	12,000.00	14,508.46	5,500.00	5,500.00	5,000.00	(500.00)	-9.1%
52905	Business Travel/Mileage	4,500.00	6,469.45	5,000.00	2,253.35	5,000.00	5,841.61	5,000.00	-	0.0%
52900	Training/Conference	4,500.00	4,140.97	4,000.00	5,141.00	4,000.00	7,051.00	4,000.00	-	0.0%
53600	Special Departmental Purchases	1,000.00	2,482.00	1,000.00	426.64	3,500.00	918.00	2,500.00	(1,000.00)	-28.6%
53415	Computer Software/License	-	-	-	-	3,487.13	5,884.87	3,487.73	0.59	0.0%
52800	Communications/Telephone	3,500.00	1,640.02	4,470.00	2,329.81	2,970.00	2,608.00	2,950.00	(20.00)	-0.7%
53120	Memberships/Certifications	2,275.00	2,200.00	2,275.00	2,200.00	2,248.40	2,248.00	2,292.96	44.56	2.0%
53205	Utilities: Electric	-	-	-	-	1,500.00	1,163.00	1,500.00	-	0.0%
52830	Publications and Notices	1,500.00	1,433.43	1,500.00	2,255.64	1,500.00	1,500.00	1,500.00	-	0.0%
52830	Filing Fees	850.00	450.00	850.00	237.50	850.00	850.00	850.00	-	0.0%
53110	Postage/Freight	-	-	-	-	800.00	800.00	800.00	-	0.0%
52700	Insurance: Liability	444.00	444.00	321.00	321.00	153.00	148.00	153.00	-	0.0%
52105	Election Services	-	-	-	-	-	250.00	-	-	-
53105	Office Supplies: Furniture/Fixtures	-	-	-	-	-	500.00	-	-	-
54600	Capital Replacement/Depreciation*	3,931.40	3,931.40	3,931.40	3,931.40	3,931.40	3,931.40	3,931.00	(0.40)	0.0%
		119,506.46	104,685.99	120,489.23	111,204.75	121,174.49	114,707.98	119,564.25	(1,610.24)	-1.3%
Contingencies and Reserves										
<u>Account</u>	<u>Description</u>									
58100	Appropriation for Contingencies	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-
EXPENSE TOTALS		413,479.46	389,609.25	428,269.56	407,830.08	432,461.14	423,292.22	448,799.84	16,338.70	3.8%

Revenues

		FY2010-11		FY2011-12		FY2012-13		FY2013-14		
		Adopted FY10-11	Actual FY10-11	Adopted FY11-12	Actual FY11-12	Adopted FY12-13	Estimate FY12-13	Proposed FY13-14	<u>Difference</u>	
Intergovernmental										
Account	Description									
43910	County of Napa	178,009.77	178,010.00	191,550.50	191,550.50	204,787.17	204,787.17	211,218.55	6,431.38	3.1%
43950	Other Governmental Agencies	178,009.77	178,010.00	191,550.50	191,550.50	204,787.17	204,787.17	211,218.55	6,431.38	3.1%
----	<i>City of Napa</i>	<i>119,646.81</i>	<i>119,647.00</i>	<i>126,330.38</i>	<i>126,330.38</i>	<i>136,583.40</i>	<i>136,583.40</i>	<i>141,051.27</i>	<i>4,467.87</i>	<i>3.3%</i>
----	<i>City of American Canyon</i>	<i>27,468.37</i>	<i>27,468.00</i>	<i>32,912.04</i>	<i>32,912.04</i>	<i>33,320.64</i>	<i>33,320.64</i>	<i>34,005.70</i>	<i>685.06</i>	<i>2.1%</i>
----	<i>City of St. Helena</i>	<i>12,656.54</i>	<i>12,657.00</i>	<i>12,997.37</i>	<i>12,997.37</i>	<i>14,152.67</i>	<i>14,152.67</i>	<i>14,059.59</i>	<i>(93.08)</i>	<i>-0.7%</i>
----	<i>City of Calistoga</i>	<i>10,642.45</i>	<i>10,642.00</i>	<i>11,393.34</i>	<i>11,393.34</i>	<i>12,095.39</i>	<i>12,095.39</i>	<i>12,479.95</i>	<i>384.56</i>	<i>3.2%</i>
----	<i>Town of Yountrille</i>	<i>7,595.60</i>	<i>7,596.00</i>	<i>7,917.37</i>	<i>7,917.37</i>	<i>8,635.00</i>	<i>8,635.00</i>	<i>9,622.04</i>	<i>987.04</i>	<i>11.4%</i>
		<u>356,019.55</u>	<u>356,020.00</u>	<u>383,101.00</u>	<u>383,101.00</u>	<u>409,574.34</u>	<u>409,574.34</u>	<u>422,437.09</u>	<u>12,862.75</u>	<u>3.1%</u>
Service Charges										
42690	Application/Permit Fees	10,000.00	24,293.00	10,000.00	8,562.00	10,000.00	23,078.00	10,000.00	-	
46800	Charges for Services	-	3,187.00	-	475.00	-	500.00	500.00	500.00	500.00
47900	Miscellaneous	-	-	-	50.00	-	88.00	-	-	-
		<u>10,000.00</u>	<u>27,480.00</u>	<u>10,000.00</u>	<u>9,087.00</u>	<u>10,000.00</u>	<u>23,666.00</u>	<u>10,500.00</u>	<u>500.00</u>	<u>5.0%</u>
Investments										
45100	Interest	5,000.00	2,570.00	2,340.00	2,472.66	4,076.00	2,662.00	3,000.00	(1,076.00)	-26.4%
		<u>5,000.00</u>	<u>2,570.00</u>	<u>2,340.00</u>	<u>2,472.66</u>	<u>4,076.00</u>	<u>2,662.00</u>	<u>3,000.00</u>	<u>(1,076.00)</u>	<u>-26.4%</u>
	REVENUE TOTALS	<u>371,019.55</u>	<u>386,070.00</u>	<u>395,441.00</u>	<u>394,660.66</u>	<u>423,650.34</u>	<u>435,902.34</u>	<u>435,937.09</u>	<u>12,286.75</u>	<u>2.9%</u>

OPERATING DIFFERENCE

(42,459.91)	(3,539)	(32,828.56)	(13,169.42)	(8,810.80)	12,610.12	(12,862.75)
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Negative Balance Indicates Use of Reserves

	2012-2013 Actual	2012-2013 Actual	2012-2013 Actual	2013-2014 Proposed
PERCENTAGE OF OPERATING EXPENSES				
Salaries/Benefits	73.1%	72.7%	72.9%	73.4%
Services/Supplies	26.9%	27.3%	27.1%	26.6%

UNRESERVED/UNRESTRICTED FUND BALANCE

Beginning:	134,344.00	131,692.00	118,522.58	131,132.70
Ending:	131,692.00	118,522.58	131,132.70	118,269.95

MINIMUM THREE MONTH RESERVE GOAL

102,387.02	106,084.54	107,132.44	111,217.21
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Local Agency Formation Commission of Napa County

Subdivision of the State of California

ATTACHMENT TWO

2013-2014 Agency Contributions Calculation

Step 1 Total Agency Contributions							
	<u>FY12-13</u>	<u>FY13-14</u>	<u>FY13-14</u>	Difference	Difference		
Total	409,574.34	448,799.84	<u>Adjusted</u>	<u>Dollar</u>	<u>Percentage</u>		
			422,437.09	\$ 12,862.75	3.1%		
Step 2 Allocation Between County and Cities							
	<u>FY12-13</u>	<u>FY13-14</u>	<u>FY13-14</u>	Difference	Difference		
50% to the County of Napa	\$ 204,787.17	\$ 211,218.55	\$ 211,218.55	\$ 6,431.38	3.1%		
50% to the 5 Cities	\$ 204,787.17	\$ 211,218.55	\$ 211,218.55	\$ 6,431.38	3.1%		
Step 3a Cities' Share Based on Total General Tax Revenues (FY2010-2011)							
<u>General Tax Revenues</u>	<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>	
Secured & Unsecured Property Tax	6,049,610.00	1,282,769.00	14,327,620.00	2,648,790.00	557,680.00	24,866,469.00	
Voter Approved Indebtedness Property Tax	-	-	-	-	-	-	
Other Property Tax	1,284,257.00	402,800.00	9,327,213.00	483,887.00	359,888.00	11,858,045.00	
Sales and Use Taxes	1,492,056.00	583,927.00	8,596,583.00	1,500,441.00	556,754.00	12,729,761.00	
Transportation Tax	-	-	-	-	-	-	
Transient Lodging Tax	784,127.00	3,431,407.00	9,871,985.00	1,465,172.00	4,035,425.00	19,588,116.00	
Franchises	546,528.00	157,604.00	1,684,730.00	161,652.00	104,339.00	2,654,853.00	
Business License Taxes	140,049.00	139,896.00	2,572,293.00	150,397.00	7,060.00	3,009,695.00	
Real Property Transfer Taxes	57,286.00	18,013.00	314,459.00	29,372.00	10,444.00	429,574.00	
Utility Users Tax	-	-	-	-	-	-	
Other Non-Property Taxes	473,554.00	162,980.00	2,862,595.00	503,912.00	209,263.00	4,212,304.00	
Total	\$ 10,827,467	\$ 6,179,396	\$ 49,557,478	\$ 6,943,623	\$ 5,840,853	\$ 79,348,817	
Percentage of Total Taxes to all Cities	13.6%	7.8%	62.5%	8.8%	7.4%	100%	
Step 3b Cities' Share Based on Total Population (1/1/12)							
	<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>	
Population	19,809	5,200	77,805	5,875	2,999	111,688	
Population Percentage	17.74%	4.66%	69.66%	5.26%	2.69%	100%	
Step 4 Cities Allocation Formula							
	<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>	
Cities' Share Based on Total General Taxes	13.6%	7.8%	62.5%	8.8%	7.4%	100%	
Portion of LAFCO Budget	11,528.65	6,579.57	52,766.80	7,393.29	6,219.10	40%	
Cities' Share Based on Total Population	17.74%	4.66%	69.66%	5.26%	2.69%	100%	
Portion of LAFCO Budget	22,477.05	5,900.38	88,284.47	6,666.30	3,402.93	60%	
Total Agency Allocation	\$ 34,005.70	\$ 12,479.95	\$ 141,051.27	\$ 14,059.59	\$ 9,622.04	\$ 211,218.55	
Allocation Share	16.0998%	5.9086%	66.7798%	6.6564%	4.5555%	100%	
Step 5 FY13-14 Invoices							
	<u>County of Napa</u>	<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Agencies</u>
	\$ 211,218.55	\$ 34,005.70	\$ 12,479.95	\$ 141,051.27	\$ 14,059.59	\$ 9,622.04	\$ 422,437.09
<i>Difference From FY12-13:</i>	\$ 6,431.38	\$ 685.06	\$ 384.56	\$ 4,467.87	\$ (93.08)	\$ 987.04	\$ 12,862.75
	3.14%	2.06%	3.18%	3.27%	-0.66%	11.43%	3.14%



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

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

April 1, 2013

Agenda Item No. 6b (Public Hearing)

March 26, 2013

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Brendon Freeman, Analyst

SUBJECT: Proposed Annexation of 2012 Imola Avenue to the City of Napa

The Commission will consider a proposal filed by the City of Napa to annex an approximate 1.9 acre unincorporated lot located at 2012 Imola Avenue. Staff recommends approval of the proposal with two discretionary amendments. The first amendment would expand the annexation boundary to include 0.4 acres of additional unincorporated land covering two adjacent lots at 2008 and 2010 Imola Avenue with all of the adjacent public right-of-way. The second amendment would concurrently detach the affected territory from County Service Area No. 4. Approval of the proposal with the recommended amendments would be subject to separate protest proceedings absent landowner consent.

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 service areas. This includes approving or disapproving proposed changes of organization, such as boundary changes, consistent with adopted policies and procedures. Two or more of these actions tied to a single proposal are referred to as reorganizations. LAFCOs are authorized with broad discretion in amending and conditioning change of organizations or reorganizations as long as the latter does not directly regulate land uses or subdivision requirements.

A. Background

LAFCO of Napa County (“Commission”) has received a proposal from the City of Napa (“City”) on behalf of the affected landowner to annex an approximate 1.9 acre unincorporated lot located at 2012 Imola Avenue. The subject lot lies entirely within the adopted sphere of influence for the City and is identified by the County of Napa Assessor’s Office as 046-311-013. The subject lot is partially developed with an approximate 1,300 square foot unoccupied single-family residence. The remainder of the subject lot is undeveloped with no improvements with the exception of a paved driveway.

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

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

Brian J. Kelly, Vice Chair
Representative of the General Public

Joan Bennett, Commissioner
Councilmember, City of American Canyon

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

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

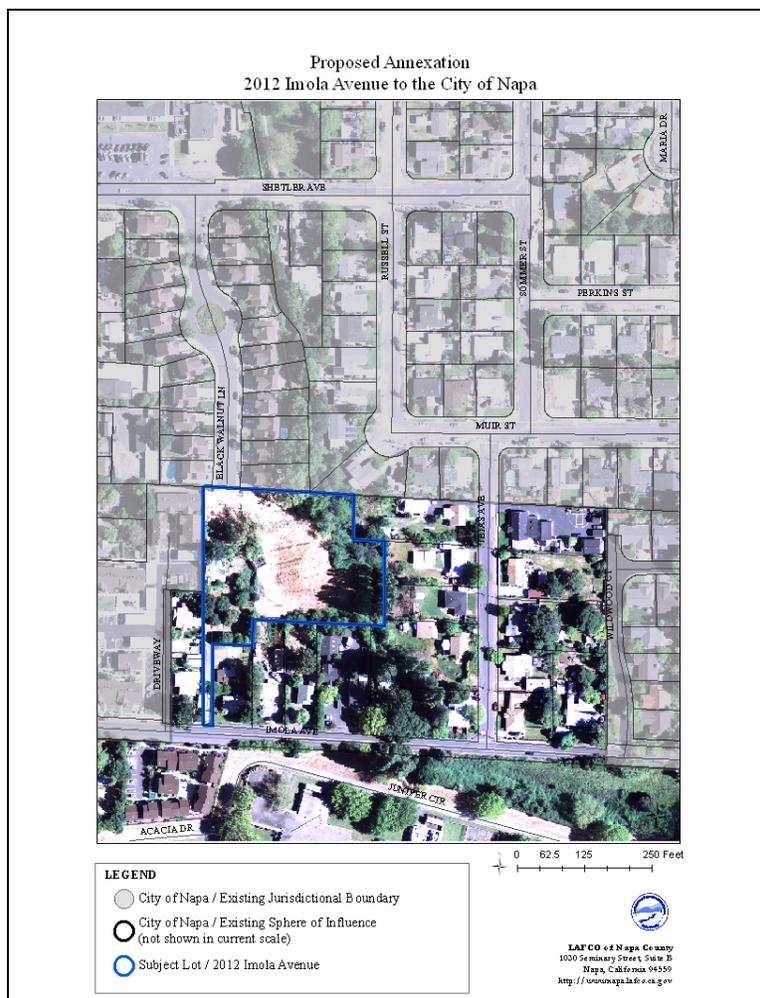
Mark Luce, Alternate Commissioner
County of Napa Supervisor, 2nd District

Keene Simonds
Executive Officer

B. Discussion

Proposal Purpose

The subject lot was purchased by the current landowner – Gary Garaventa – in 2011 as part of a legal settlement with the prior landowner.¹ The existing single-family residence has been reportedly left unoccupied since the late 2000s due to disrepair. The stated purpose of the proposal is to enable Mr. Garaventa to file a future development application with the City, which by practice does not accept project filings for lands lying outside its jurisdictional boundary. The City’s existing land use policies would allow the subject lot to be divided into a maximum of 13 single-family residential lots less any dedications.² Mr. Garaventa would presumably market an approved development plan as part of a future property sale. Towards this end, Mr. Garaventa has retained Randy Gularte with Heritage Realty to represent the proposal before the Commission.



¹ The legal ownership title for the subject lot is Garaventa Florists and Gifts.

² LAFCO law prohibits annexed territory to be rezoned by a city for 24 months following recordation unless special findings are made by the council at a public hearing.

Commission Focus

The Commission included the subject lot in the establishment of the City's sphere of influence in 1972. The existing inclusion of the subject lot in the sphere of influence, importantly, reflects a standing Commission expectation the lands be annexed into the City to facilitate orderly urban development when the *timing* is deemed appropriate (emphasis). The underlying consideration of the Commission, consequently, is whether the members collectively believe the timing of the proposed boundary change is justified relative to its review of the factors prescribed by local policies and the Legislature.

C. Analysis

The analysis of the proposal is organized into three sections. The first section considers the proposal relative to the factors prescribed for consideration under local policy with specific focus on whether amendments are merited to comply with the established preferences in implementing LAFCO law in Napa County. The second section considers the proposal relative to the factors mandated for review by the Legislature anytime LAFCOs review boundary changes. The third section considers issues required by other applicable State statutes in processing boundary changes and highlighted by making a determination on environmental impacts.

Local Policies / Discretionary Amendments

A review of the submitted application materials relative to the Commission's adopted policies merits the membership considering two distinct amendments. These amendments – both of which are discretionary on the part of the Commission – involve (a) expanding the annexation boundary and (b) detaching the affected territory from County Service Area (CSA) No. 4. An evaluation of these amendments follows.

Expansion of Annexation Boundary

The subject lot is part of a 19-lot (8.5 acres) unincorporated island substantially surrounded by the City as defined by Commission policy; an island already receiving water from the City through grandfathered outside service extensions and sewer from Napa Sanitation District (NSD) byway of earlier annexations.³ Accordingly, and consistent with policy and practice, written surveys were circulated to the remaining landowners to gauge interest in expanding the annexation to either eliminate or further reduce the island. Over half of these landowners responded to the survey with nearly all opposing the expansion of the annexation to include their respective lots with one notable exception involving 2008 Imola Avenue; one of two island properties located immediately to the west of the subject lot. To this latter end, the landowner at 2008 Imola Avenue – Julio Ramirez – has provided his written consent for the Commission to expand the annexation boundary to include his lot with the underlying applicant agreeing to remain responsible for all annexation costs.

³ Commission policy defines a substantially surrounded island as unincorporated territory with 66.6% of its perimeter immediately adjacent to a city and within the agency's sphere of influence.



As illustrated in the above vicinity map, the volunteer consent of the landowner at 2008 Imola Avenue to add his lot to the annexation is advantageous in further reducing the existing island and providing a more orderly boundary for the City. The consent of 2008 Imola Avenue also positions the Commission – importantly – to consider a further expansion of the annexation to include 2010 Imola Avenue and the adjacent public right-of-way without triggering *successful* protest proceedings (emphasis).⁴ Markedly, the addition of 2008 and 2010 Imola Avenue to the proposal would provide a cleaner City/County line on Imola Avenue and avoid the creation of a new substantially surrounded island; an outcome that is not explicitly prohibited as it is for entirely surrounded areas, but implicitly discouraged under LAFCO law.⁵

⁴ Adding 2010 Imola Avenue to the annexation boundary without the written consent of the landowner would necessitate the Commission conditioning approval on the completion of protest proceedings. Protest proceedings would require a separate hearing conducted by the Executive Officer in which each affected landowner would be given the opportunity to file a written objection to the proceedings. Protests would be counted based on each landowner having one vote for each dollar his or her property is assessed. Annexation approval would be terminated if protests were received from one or more landowners holding 50% or more of the total assessed value for the affected territory.

⁵ It is pertinent to note the creation of a substantially surrounded island would occur under either of the following two approval scenarios: (a) annexation of only 2012 Imola Avenue or (b) annexation of 2012 and 2008 Imola Avenue.

With assistance from Mr. Gularte, staff made contact with the landowner at 2010 Imola Avenue – Lloyd Penrod – to determine interest in joining the annexation. Mr. Penrod communicated to staff on the telephone he is “open” to joining the annexation, but has remained non-committal as of the date of this report due to outside circumstances. Notably, in his comments to staff, Mr. Penrod stated he recently purchased the lot and has applied with the County for a non-conforming permit for a third dwelling unit on the property given it lies within a required setback to the property line. Mr. Penrod added he would be agreeable to annexation so long as it did not adversely impact his pending permit application. A subsequent follow up with the County identified Mr. Penrod’s application remains on hold until additional information is submitted showing the third dwelling unit has been in continual use since 1955; the date in which the underlying setback ordinance was established. The City has confirmed it would accept a legal non-conforming permit from the County if it is issued prior to the annexation being recorded. The City also confirmed its own process for issuing a non-conforming permit effectively parallels the County.⁶

Given the preceding considerations, staff believes it would be appropriate to expand the annexation boundary to include both 2008 and 2010 Imola Avenue along with the adjacent public right-of-way; an addition of approximately 0.4 acres. Three related factors provide specific justification for the recommended expansion. First, the recommended expansion would provide a more logical City boundary by avoiding the creation of a new substantially surrounded island. Second, the recommended expansion would survive protest proceedings based on current assessed values of the three affected lots.⁷ Third, as detailed, it does not appear the annexation of 2010 Imola Avenue would substantively affect Mr. Penrod’s interest in seeking a non-conforming permit for the lot given the underlying application processes effectively match between the City and County.

Recommendation: Amend the proposal to expand the annexation boundary by an additional 0.4 acres to include 2008 (046-311-007) and 2010 (046-311-008) Imola Avenue along with all of the adjacent public right-of-way.

⁶ This information was forwarded to Mr. Penrod by e-mail on March 11, 2013.

⁷ The County of Napa Assessor’s Office reports the following assessed values: 2012 Imola Avenue is \$357,000; 2010 Imola Avenue is \$109,874; and 2008 Imola Avenue is \$137,500. LAFCO law does not define “landowner” to include public agencies when the subject territory is a public right-of-way.

Concurrent Detachment from CSA No. 4

Commission policy requires all annexations to cities be amended and reorganized to include concurrent detachment from CSA No. 4 unless waived given special circumstances.^{8 9} The prescribed waiver involves a determination the affected territory has been, or is reasonably expected to be, developed to include planted vineyards totaling one acre or more in size. All three lots comprising the recommended annexation boundary have single-family residences and are without any vineyard uses. Further, only one of the three affected lots – 2012 Imola Avenue – meets the one acre minimum size requirement for eligibility within CSA No. 4’s special assessment in the unlikely and unplanned event vineyards are planted in the future. There are also no vineyards within reasonable distance to the lots. These collective factors substantiate there is no existing or expected tie between the recommended annexation boundary and CSA No. 4’s role in providing public farmworker housing services in Napa County.¹⁰

Recommendation: Amend the proposal to concurrently detach the affected territory from CSA No. 4.

Legislature Policies / Mandated Factors

G.C. Section 56668 requires the Commission to consider 15 specific factors anytime it reviews proposals for change of organization or reorganization involving cities. The majority of the prescribed factors focus on the impacts of the proposed boundary changes on the service and financial capacities of the affected agencies. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices. To this end, consideration of these factors relative to the proposal filed by the City follows. Staff has incorporated into the review the recommended amendments as detailed in the preceding section. Consequently, references to the “affected territory” hereafter include 2012, 2010, and 2008 Imola Avenue along with the adjacent public right-of-way.

⁸ CSA No. 4 was formed in 2002 and includes all unincorporated territory along with certain incorporated territory located within the Cities of Calistoga, Napa, St. Helena, and Yountville. The intent and function of CSA No. 4 is to sponsor a voter-approved assessment on all assessor parcels within its jurisdiction containing one acre or more of planted vineyards to fund farmworker housing services.

⁹ Statement references Commission General Policy Determination VII/D/3(a).

¹⁰ As a supplement to the analysis, it has been the practice of the Commission to include a special approval condition to certain city annexations to require the affected city to file a proposal to reannex land back to CSA No. 4 if a vineyard of one acre or more in size is allowed in the future. This special condition has been applied as a funding safeguard for CSA No. 4 involving lands that have been previously planted with a vineyard and/or lie in an area in which vineyards are prevalent. None of these factors apply to the recommended annexation boundary and, accordingly, a special approval condition is not needed.

(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.

The affected territory lies within a developing area predominately consisting of moderate to high density housing and part of a neighborhood designation under the City General Plan known as “Terrace/Shurtleff.” The area’s median household income is \$71,429 compared to the \$80,783 amount for the City.¹¹ The largest of the three subject lots – 2012 Imola Avenue – is 1.9 acres in size and partially developed within an unoccupied single-family residence with the remaining property unimproved with the exception of a paved driveway. The other two subject lots – 2008 and 2010 Imola Avenue – are both substantively developed to the maximum extent allowed under either the County or City within single-family residences. 2008 Imola Avenue is 0.17 acres in size and is occupied with two residents. 2010 Imola Avenue is 0.17 acres in size and currently unoccupied. (2010 Imola Avenue also has two detached units; one of which is currently subject to a permit application to become a legal non-conforming use.) The current assessment value for the three lots totals \$604,374.¹²



The affected territory is legally uninhabited given there are no registered voters based on the most recent list provided by County Elections. Topography within the affected territory is relatively flat with a peak elevation of 80 feet above sea-level. Cayetano Creek lies along the southwestern perimeter of 2012 Imola Avenue.

¹¹ American Community Survey, 2007-2011.

¹² See Footnote No. 7 for individual lot values. The public right-of-way has no assessed value.

Proposal approval is expected to facilitate the near-term development of 2012 Imola Avenue to include – and based on existing zoning requirements – up to 13 residential lots and produce an estimated buildout population of 34.¹³ The other two lots within the affected territory are already substantively developed to their maximum extent allowed under the County or City. In all, the total buildout population projection for the affected territory is 40.¹⁴

Development opportunities for adjacent areas to the affected territory – again based on existing zoning – are limited to the remaining lots directly to the east that are part of the same unincorporated island.¹⁵ All of the remaining island lots are developed with single-family residences. It is estimated that 11 of the 16 remaining island lots could be further divided upon annexation and development approval by the City based on existing acreage sizes. However, and with the exception of second unit allowances, no further development of these remaining island lots can be achieved without annexation given the restrictions tied to the County Zoning Ordinance.

(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 core municipal services needed within the affected territory based on its planned and anticipated residential land use includes water, sewer, fire protection/emergency medical, and law enforcement. An analysis of the availability and adequacy of these core municipal services relative to projected needs if the proposal – with or without the recommended amendments – is approved follows.

- *Water Service*

All three lots comprising the affected territory are already connected to the City's water system through grandfathered outside service extensions.¹⁶ At occupancy, the estimated daily water demand generated within affected territory would be 1,020 gallons and equivalent to an approximate 1.1 acre feet annual use. The planned and expected development of 2012 Imola Avenue to accommodate a maximum of 13 residential lots upon proposal approval suggests the anticipated water demand generated from the affected territory would increase to 5,100 daily gallons and total 5.7 acre-feet annually. This anticipated demand at buildout would have relatively minimal impacts on the City's existing water system infrastructure as measured by supply, storage, and treatment capacities as detailed in the following subsections.

¹³ The estimated buildout population for the affected territory assumes a per unit factor of 2.65 based on calculations performed by the California Department of Finance specific to the City.

¹⁴ City zoning allows for accessory second units - "granny units" - on residential lots subject to certain restrictions and cannot exceed 640 square feet unless permitted by special allowance.

¹⁵ Incorporated lands to the north and west of the affected territory are already developed to the maximum extent allowed. Unincorporated land to the south of the affected territory is owned by the State of California.

¹⁶ Outside service extensions are now subject to LAFCO approval under G.C. Section 56133.

Water Supply and Demand

Napa’s water supplies are derived from three distinct sources: Lake Hennessey, Milliken Reservoir, and the State Water Project. These three sources collectively provide Napa with 31,340 acre-feet of raw water for treatment during normal year conditions based on historical patterns. These historical patterns also indicate Napa’s annual water supply decreases during multiple and single dry year conditions to 19,896 and 13,533 acre-feet, respectively. Conversely, Napa’s most recently recorded annual water demand totals 13,877 acre-feet; an amount representing an average daily use of 38 acre-feet. These current demands result in an available supply surplus during normal and multiple dry year conditions. Further, the existing shortfall projected during single dry years is relatively minimal and would be likely offset by voluntary and mandatory water conservation measures that could be adopted by the City Council consistent with their Urban Water Management Plan (UWMP).

The annual water demand increase associated with the annexation and buildout of the affected territory – 4,080 gallons or 4.6 acre-feet – would represent only three hundredths of a percent of the current demand commitments for the City.¹⁷ Annexation and buildout of the affected territory, accordingly, would have no measurable impact on existing or future water demands on the City as depicted in the following tables.

Baseline Without Annexation of the Affected Territory (Amounts in Acre-Feet)

Category	Normal Year	Multiple Dry	Single Dry
Annual Supply	31,340	19,896	13,533
Annual Demand	13,879	13,879	13,879
Difference	17,461	6,017	(346)

Adjusted With Annexation/Buildout of the Affected Territory (Amounts in Acre-Feet)

Category	Normal Year	Multiple Dry	Single Dry
Annual Supply	31,340	19,896	13,533
Annual Demand	13,884	13,884	13,884
Difference	17,456	6,012	(351)

¹⁷ The amount provided as the current annual water demand commitments for the City includes the most recent calendar year totals plus projected increases associated the recent annexation approvals of 1101 Grandview Drive and 29 Forest Drive.

Water Treatment and Storage

Napa operates treatment facilities for each of its three water sources. These three facilities provide a combined daily treatment capacity of 135 acre-feet.¹⁸ This combined treatment amount is more than three times greater than the current average day water demand (38 acre-feet) and nearly two times greater than the current estimated peak day water demand (76 acre-feet).¹⁹ Furthermore, Napa’s combined treated water storage capacity overlaying its five pressure zones – including clearwell tanks – is 86 acre-feet. This combined storage amount accommodates current estimated peak day water demands in Napa.

Average day water demands associated with the annexation and buildout of the affected territory – 5,100 gallons or 0.02 acre-feet – would have no measurable impact on the City’s existing water treatment and storage capacities as depicted in the following tables.

City Baseline <u>Without</u> Annexation of the Affected Territory (Amounts in Acre-Feet)			
Treatment Capacity	Average Day Demand	Peak Day Demand	Storage Capacity
135.0	38.0	76.0	86.2

City Adjusted <u>With</u> Annexation/Buildout of the Affected Territory (Amounts in Acre-Feet)			
Treatment Capacity	Average Day Demand	Peak Day Demand	Storage Capacity
135.0	38.0	76.0	86.2

- *Sewer Service*

All three lots comprising the affected territory are already connected to NSD through earlier annexations. At full occupancy, the estimated average day sewer flow generated from the affected territory and its three single-family residences is 816 gallons. The planned and expected development of 2012 Imola Avenue to accommodate a maximum of 13 residential lots upon proposal approval suggests the anticipated daily sewer flow within the affected territory would increase by 3,264 gallons to 4,080 gallons on average and would increase by 8,160 gallons to 10,200 gallons during peak periods. These buildout estimates – under existing conditions – would have relatively negligible impacts on NSD’s sewer system as depicted in the following table.

¹⁸ The combined daily treatment capacity for the City is divided between the Milliken facility at 4.0, Jamieson facility at 20.0, and Hennessey facility at 20.0 million gallons, respectively.

¹⁹ Statement references recent usage records, the estimated peak day demand factor for the City is 2.0.

NSD Baseline Without Annexation of the Affected Territory (Amounts in Gallons)			
System Avg. Day Capacity	Average Day Demand	Peak Day Demand	System Peak Day Capacity
15,400,000	6,702,400	33,706,000	126,200,000

NSD Adjusted With Annexation/Buildout of the Affected Territory (Amounts in Gallons)			
System Avg. Day Capacity	Average Day Demand	Peak Day Demand	System Peak Day Capacity
15,400,000	6,705,664	33,714,160	126,200,000

Capacity during peak-day incorporates 340 acre-feet (110,806,000 gallons) of adjacent pond storage.

- Fire Protection and Emergency Medical Services***
 Annexation of the affected territory would immediately transfer fire protection and emergency medical service responsibilities from the County to the City. Proximity of the affected territory, however, suggests the City is already the probable first-responder for fire protection and emergency medical service calls based on an established mutual aid agreement with the County. Approval of the proposal would eliminate any duplication and related inefficiencies associated with the City providing fire protection and emergency medical services to the affected territory. Further, information generated from the Commission’s earlier municipal service review on countywide fire protection services noted the City has generally developed sufficient capacities and controls to serve existing and anticipated demands. This includes noting the affected territory is located within an adequately served area in which the City is reasonably expected to respond within its adopted five minute standard time. Additional analysis indicates this information remains valid and applicable to this proposal.
- Law Enforcement Services***
 Annexation of the affected territory would immediately transfer law enforcement service responsibilities from the County to the City. However, and similar to fire protection, the affected territory’s proximity suggests the City is already the probable first-responder for emergency law enforcement service calls based on an established mutual aid agreement with the County. Approval of the proposal would eliminate any duplication and related inefficiencies associated with the City already providing law enforcement services to the affected territory. The Commission’s recently completed municipal service review on countywide law enforcement services also notes the City has developed sufficient capacities and controls to serve existing and anticipated demands. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.

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

The proposal would have an advantageous effect in memorializing existing social and economic ties between the affected territory and the City. These ties are drawn from the affected territory's standing inclusion into the sphere of influence adopted for the City; inclusion approved by the Commission in 1972 and marking an expectation the site should eventually develop for urban uses under the City's land use and service authority. The recommendation to amend the proposal to concurrently detach the affected territory from CSA No. 4 would also reflect the social and economic ties underlying the District's operations. Detachment would support CSA No. 4's logical development by removing incorporated land designated for urban type use that does not have a substantive and direct tie to the District's role in funding public farmworker housing services by taxing vineyards.

(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 generally conforms with the adopted policies of the Commission and is highlighted by the subject lot lying entirely within the adopted sphere of influence for the City; a demarcation outlining the probable future service area and jurisdictional boundary of the City as determined by the Commission. The recommended amendments to expand the annexation boundary to include 2008 Imola, 2010 Imola, and an adjacent right-of-way portion as well as concurrent detachment from CSA No. 4 further enhance the conformity of the proposal relative to the directives and policies of the Commission as detailed in the preceding sections.

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.

(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.

The proposal as submitted is parcel-specific and includes all of the property identified by the County of Napa Assessor's Office as 046-311-013. The recommended amendment modifies the affected territory to also include 2008 and 2010 Imola Avenue as well as the public right-of-way portion of Imola Avenue immediately adjacent to these properties and would avoid the creation of a new substantially surrounded island. Commission approval would include a term requiring the applicant submit a map and geographic description of the approved action in conformance with the requirements of the State Board of Equalization. The submitted map and geographic description would be subject to review and possible edits by the Executive Officer before filing.

The affected territory lies within an existing substantially surrounded unincorporated island consisting of a total of 19 lots along with public right-of-ways that collectively total approximately 18.5 acres. Surveys of the adjacent landowners suggest expanding the annexation boundary to further reduce and/or eliminate the unincorporated island would likely trigger successful protest proceedings and is not recommended.

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

The affected territory is similarly planned – albeit at different intensities – for single-family residential uses under both the County and City General Plans. The County General Plan designation is *Rural Residential* and it prescribes a minimum lot size of 10 acres; a threshold that precludes any new intensive development given current acreage totals for all three affected lots. The City General Plan designation is *Single-Family Residential* – 179 and it prescribes a minimum lot size of 0.14 acres; an amount that would allow the largest of the three affected lots at 2012 Imola Avenue to be divided into a total of 13 lots minus any setback requirements.

The Metropolitan Transportation Commission's regional transportation plan (RTP) was updated in April 2009 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2035. No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

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

See analysis on page 12.

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

Staff provided notice of the proposal to all subject agencies and other interested parties as required under LAFCO law on February 28, 2013. The review included a summary of potential amendments to the proposal based on the Commission’s adopted policies and established practices. This included the explicit potential for amending the proposal to (a) expand the annexation boundary to include 2008 and 2010 Imola for purposes of avoiding the creation of a new substantially surrounded island and (b) concurrent detachment from CSA No. 4. No comments were received.

(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 and analyzed in the Commission’s last municipal service review on the City concluded Napa had developed adequate financial resources and controls relative to its service commitments. Additional analysis performed subsequent to the filing of the proposal provides reasonable assurances the City’s fiscal resources and controls would enable the agency to provide an appropriate level of services to the affected territory relative to anticipated land uses. A summary of the City’s current financial resources follows.

- ***General Fund***

The City’s total available (undesignated/emergency) balance in its General Fund at the beginning of the current fiscal year totaled \$7.6 million and equals 12% of its adopted operating costs in 2012-2013. At the time of budget adoption, the City anticipated a \$4.0 million shortfall in operating costs for the current fiscal year and would – if realized – further reduce the available fund balance to \$3.6 million. A summary of the General Fund reserves over the last five fiscal years follows.

Category	08-09	09-10	10-11	11-12	12-13
Reserved: Reoccurring	2.127	0.509	0.509	0.509	0.509
Reserved: Non Reoccurring	--	--	0.900	0.900	0.900
Unreserved: Emergency	7.934	7.537	7.485	7.578	7.578
Unreserved: Undesignated	8.262	5.826	4.567	3.335	0.002
Total	\$18.323	\$13.872	\$13.505	\$12.323	\$8.989

Dollars in Millions / Amounts as of July 1st

The recent economic recession and corresponding stagnation of general tax revenues paired with increasing service costs underlie the City’s recent and ongoing structural imbalance. Recent administrative measures taken by the City – including reducing employment levels by 40 fulltime positions and eliminating cost-of-living adjustments over the last four years – have helped to stabilize the imbalance and decrease the demand on reserves to cover annual operating costs. Markedly, and assuming these administrative controls continue to be employed going forward, the relatively minor general service demands (i.e. public safety) anticipated and

associated with the annexation and probable development of the affected territory is not expected to have an adverse fiscal impact on the City.

The recommendation to amend the proposal to also include concurrent detachment from CSA No. 4 will have no financial impact given the affected territory is not on the District's assessment roll.

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

Proposal approval and the probable development of the affected territory to include a maximum total of 15 single-family residences would generate a new water demand for the City. As previously referenced, the City's available water supplies are drawn from three separate sources: 1) Lake Hennessey; 2) Milliken Reservoir; and 3) the State Water Project. The City's most recent Urban Water Management Plan (UWMP) was adopted in 2011 and estimates the total annual water supply generated from these three sources during normal conditions and based on historical patterns is 31,340 acre-feet. These historical patterns also indicate the total annual water supply decreases to 19,896 and 13,533 acre-feet during multiple and single dry year conditions, respectively.

Information provided in the UWMP identifies the City's available water supplies are more than sufficient in accommodating both current annual demands – 13,877 acre-feet – and the projected buildout demands within the affected territory – 5.7 acre-feet – during normal and multiple dry year conditions. The City's available water supplies, however, are deficient under current estimated single dry years; a deficit that would be insignificantly increased with approval of the proposal along with the associated planned development of a single-family residence. The City, accordingly, has established conservation efforts within its UWMP to address the projected deficiency during single dry years. These factors provide reasonable assurances of the City's ability to effectively accommodate water demands with the minimal increases tied to the affected territory in accordance with G.C. Section 65352.5.

(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.

The proposal would not impact any local agencies in accommodating their regional housing needs. The affected territory is already located within the City's sphere of influence, and as a result, all potential units tied to the land are assigned to the City by region's council of governments, Association of Bay Area Governments.

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

Two of the three landowners within the affected territory have provided their written consent to annexation as of the date of this report. The consent of the third landowner located at 2010 Imola Avenue – Lloyd Penrod – has not been received as of the date of this report.

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

Expanded discussion on existing land use designations for the affected territory is provided on page 13 of this report. The following table summarizes these designations and related zoning assignments.

Category	County	City
Land Use Designation	Rural Residential	Single-Family Residential - 179
- Minimum Lot Size	10 acres	0.14 acres
Zoning Standard	Residential Single: Urban Reserve Overlay	Residential Single – 5
- Minimum Lot Size	n/a	0.11 acres
- Permitted Uses	single-family residence second unit family care / day facility guest cottage private school farmworker housing	single-family residence detached second unit family care / day facility public/private school

(15) The extent to which the proposal will promote environmental justice.

Proposal approval as recommended would promote environmental justice given it would provide current and future residents within the affected territory the right to participate in City elections going forward; a right currently absent despite the substantive social ties existing between the affected territory and City.

Other Considerations

- ***Property Tax Agreement***
 Revenue and Taxation Code Section 99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change.²⁰ With this in mind, and upon receipt of the applicant’s proposal, staff provided notice to the City and the County of the proposed jurisdictional change affecting both agencies and the need to apply a property tax exchange to the proceedings.

²⁰ CSA No. 4 was formed after Proposition 13 and therefore not eligible for property tax revenues.

Staff has advised the City and the County of its recommendation to amend the proposal and intent to apply a master property tax exchange agreement adopted by both governing boards in 1980 unless otherwise informed; an agreement specifying Napa shall receive 55% of the County's existing portion of property tax revenues generated from the affected territory. The County Auditor's Office estimates the affected portion of the property tax subject to the negotiated exchange would result in a baseline year transfer to the City of \$580.80. Neither agency objects to the application of the referenced agreement.

- ***Environmental Review***

The City serves as lead agency for the proposal as submitted to annex 2012 Imola Avenue under the California Environmental Quality Act (CEQA). Towards this end, the City has determined the proposal qualifies as a "project" under CEQA and has accordingly prepared an initial study assessing the environmental impacts associated with the proposal given the land could be further divided under the City's adopted land use policies. The initial study concludes the project will not generate any new direct or indirect significant impacts that have not already been adequately addressed and, as needed, mitigated in the Final Environmental Impact Report adopted for the City General Plan (1998). Staff has received the initial study and believes the City has made an appropriate finding.

The recommended amendment to the proposal to annex 2008 and 2010 Imola Avenue along with the adjacent public right-of-way necessitates the Commission serve as lead agency for this component of the boundary change. This recommended expansion of the proposal also qualifies as a project, but is not subject to further review given its qualification for exemption under California Code of Regulations Section 15319; a statute that exempts annexations to cities of areas containing existing structures developed to the maximum density allowance.

- ***Conducting Authority Proceedings***

All change of organizations and reorganizations approved by the Commission are subject to conducting authority proceedings unless waived in accordance with criteria outlined under G.C. Section 56663. If conducting authority proceedings are required, the Executive Officer will hold a separate hearing to receive written objections from the affected landowners between 21 and 60 days following Commission approval. The following thresholds would apply to the proposal:

- a) If valid written protest is filed by landowners representing less than 50% of the total assessed value of the affected territory, the boundary change will be completed subject to any other terms approved by the Commission.
- b) If valid written protest is filed by landowners representing 50% or more of the total assessed value of the affected territory, the boundary change will be terminated.

- ***Additional Comments***

Notice of the proposal was mailed to all landowners and registered voters within 300 feet of the affected territory on March 11, 2013. The notice included commenting on the staff recommendation to expand the proposal to also annex 2008 and 2010 Imola Avenue. The notice also commented the Commission reserved discretion for further amendments as it deems appropriate. One response was received and was submitted by the adjacent landowner – Napa Valley Community Housing – at 2000 Imola Avenue. Upon clarification of potential land uses, the adjacent landowner provided their support for the proposal and recommended amendments (attached).

D. Recommendation

The timing of the proposed annexation of 2012 Imola Avenue relative to the factors required by statute and policy for consideration appears appropriate. As outlined in this report, staff believes the proposal would be measurably enhanced through amendment to also include the annexation of 2008 and 2010 Imola Avenue along with the adjacent public right-of-way in order to provide a more orderly boundary for the City and its municipal services going forward. An additional amendment to detach the affected territory from CSA No. 4 also would enhance the proposal consistent with local circumstances.

It is also recommended the following conditions of approval be applied with delegation to the Executive Officer to determine when the requested actions have been sufficiently satisfied before proceeding with a recordation.

- Completion of conducting authority proceedings unless 100% of all affected landowners have consented to the boundary change prior to the close of the hearing.
- Submittal of a map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
- Payment of any outstanding fees owed to other agencies involved in the processing of this proposal as identified in the Commission’s adopted fee schedule.
- An indemnification agreement signed by the City and the underlying applicant – Gary Garaventa – in a form provided by the Commission Counsel.

E. Alternatives for Commission Action

Staff has identified three options for Commission consideration with respect to the proposal. These options are summarized below.

Alternative Action One (Recommended):

Adopt the draft resolution identified as Attachment One approving the proposal with the recommended amendments and conditions identified in the preceding section along with any desired changes as requested by members.

Alternative Action Two:

Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.

Alternative Action Three:

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved within 30 days of Commission action.

F. Procedures for Consideration

This item has been agenzied for consideration as part of a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff;
- 2) Open the public hearing and invite testimony (mandatory); and
- 3) Discuss item and – if appropriate – close the hearing and consider action on recommendation.

Respectfully submitted,

Keene Simonds
Executive Officer

Brendon Freeman
Analyst

Attachments:

- 1) Draft Resolution of Approval (As Recommended)
- ~~2) Application Materials~~
- 3) Correspondence from Adjacent Landowner at 2000 Imola Avenue
- 4) Commission General Policy Determinations

RESOLUTION NO. ____**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS****PROPOSED ANNEXATION OF 2012 IMOLA AVENUE TO THE CITY OF NAPA**

WHEREAS, the City of Napa, by resolution of application, has filed a proposal with the Local Agency Formation Commission of Napa County, hereinafter referred to as "Commission," pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to annex approximately 1.9 acres of unincorporated land to the City of Napa and represents an entire lot located at 2012 Imola Avenue and identified by the County of Napa Assessor's Office as 046-311-013; and

WHEREAS, the Commission's Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Executive Officer's report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the proposal on April 1, 2013;

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures.

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

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The Commission makes the following two findings pursuant to the California Environmental Quality Act (CEQA):
 - (a) The Commission – as responsible agency – has considered the initial study and corresponding determination by the City of Napa the proposed annexation of 2012 Imola Avenue will not generate any new significant effects that have not already been adequately addressed as part of the Environment Impact Report (EIR) prepared for the City General Plan, certified December 1, 1998. The Commission has considered the EIR and finds that it makes land use assignments for the territory and adequately discusses the environmental impacts of development of the territory to the assigned densities. The Commission concurs with the determination and finds the annexation will not introduce any new considerations with respect to this EIR, and probable future projects are adequately addressed. The Commission further finds projects, as they become known, will be subject to additional environmental review.

- (b) The Commission – as lead agency – has considered the environmental impacts associated with the Executive Officer’s recommendation to expand the annexation to include 2008 Imola Avenue (046-311-007) and 2010 Imola Avenue (046-311-008) along with the adjacent public right-of-way. The Commission finds the recommended expansion qualifies as a categorical exemption under California Code of Regulations Section 15319; a statute that exempts annexations to cities of areas containing existing structures developed to the maximum density allowance.
3. The proposal is APPROVED with the following amendments:
- a) The affected territory is expanded to include the two adjacent lots located at 2008 Imola Avenue and 2010 Imola Avenue along with all of the adjacent public right-of-way on Imola Avenue.
- b) The affected territory is concurrently detached from County Service Area No. 4.
4. The proposal is assigned the following distinctive short-term designation:
- IMOLA AVENUE NO. 1 REORGANIZATION**
5. The affected territory is depicted in the vicinity map provided in Exhibit “A”.
6. The affected territory is uninhabited as defined in Government Code Section 56046.
7. The City of Napa utilizes the regular assessment roll of the County of Napa.
8. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of Napa. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Napa.
9. The Commission directs the Executive Officer to order, hold, and report on conducting authority proceedings pursuant to Government Code Section 57000.
10. Approval is contingent upon the satisfaction of conducting authority proceedings as well as the following conditions as determined by the Executive Officer:
- (a) A map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization for annexation of the affected territory to the City of Napa.
- (b) Payment of any outstanding fees owed to other agencies involved in the processing of this proposal.
- (c) An indemnification agreement signed by the City of Napa and Mr. Gary Garaventa as the real party of interest in a form provided by the Commission Counsel.
11. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a public hearing held on April 1, 2013, by the following vote:

Yes: _____

No: _____

Abstain: _____

Absent: _____

Attest: Keene Simonds
Executive Officer

Recorded by: _____
Kathy Mabry
Commission Secretary

Simonds, Keene

From: Becky Boulton [rboulton@nvch.org]
Sent: Thursday, March 14, 2013 12:50 PM
To: Simonds, Keene
Subject: RE: Proposed Annexation of 2012 Imola Ave.

Thank you Keene, you've answered all my questions and we support the annexation.

Thanks,

Becky Boulton

Senior Project Manager
Napa Valley Community Housing

Simonds, Keene

From: Becky Boulton [rboulton@nvch.org]
Sent: Thursday, March 14, 2013 12:27 PM
To: Simonds, Keene
Subject: Proposed Annexation of 2012 Imola Ave.

Hello Keene,

As you probably know NVCH is an adjacent land owner to 2012 Imola Ave. We support the annexation however we would like to know what the intended City zoning is for the annexed parcel.

Thanks,

Becky Boulton

Senior Project Manager
Napa Valley Community Housing
5 Financial Plaza, Suite 200
Napa, CA 94558
(707) 253-6094
(707) 255-0252
RBoulton@nvch.org
www.NVCH.org



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

General Policy Determinations

Adopted: August 9, 1972
Last Amended: October 3, 2011

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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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

April 1, 2013

Agenda Item No. 6c (Public Hearing)

March 31, 2013

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Brendon Freeman, Analyst

SUBJECT: Napa Berryessa Resort Improvement District Sphere of Influence Update
The Commission will consider taking two separate actions relating to the agency's scheduled sphere of influence update on the Napa Berryessa Resort Improvement District. The first proposed action is for the Commission to formally receive and file a final report on the sphere update. The second proposed action is for the Commission to adopt a draft resolution enacting the final report's central recommendation to affirm the District's sphere designation with the addition of 130 acres comprising Oakridge Estates.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") directs Local Agency Formation Commissions (LAFCOs) to establish, amend, and update spheres of influence ("spheres") for all cities and special districts. LAFCOs use spheres to designate the territory it independently believes represents the appropriate future service areas and jurisdictional boundaries of the affected agencies. Importantly, all jurisdictional changes and outside service extensions must be consistent with the affected agencies' spheres with limited exceptions. Sphere updates are prepared in concurrence with municipal service reviews and must be performed for all local agencies every five years.

A. Discussion

Staff has prepared a final report representing LAFCO of Napa County's ("Commission") scheduled sphere update on the Napa Berryessa Resort Improvement District (NBRID); the governmental entity responsible for providing water and sewer services for the unincorporated Berryessa Highlands community. The basic objective of the report – which was initially presented in draft form at the February 4th meeting for discussion and review – is to independently identify and evaluate areas warranting consideration for inclusion or removal from NBRID's sphere relative to the policies and goals codified in CKH and adopted by the Commission. The report follows the last comprehensive sphere update for NBRID adopted by the Commission in December 2007. The report also draws on information collected and analyzed in the Commission's recently completed municipal service review on the Lake Berryessa region, which included evaluating the adequacy and capacity of services provided by NBRID.

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

Joan Bennett, Commissioner
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Brian J. Kelly, Vice Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

B. Summary/Analysis

Policy Focus

The final report and its analysis has been oriented to focus on a central policy question as to whether it is appropriate to expand NBRID's current sphere to include the District's entire jurisdictional boundary. This central consideration is drawn from the Commission's previous action to include only 25 percent of NBRID's jurisdictional boundary in establishing the sphere in 1985 for reasons detailed in the report. The report, accordingly, evaluates the merits of adding this lone study category consisting of approximately 1,387 acres of remaining jurisdictional land to the sphere relative to current considerations (i.e., legislative directives, adopted policies, and member preferences). The report further divides this lone study category into two distinct subareas labeled "A-1" and "A-2" based on ownership factors. An enlarged map of the study category and its subareas is attached.

Report Conclusions

The final report concludes there is relatively *equal* merit for the Commission to either change or maintain NBRID's existing sphere designation depending on the collective preference of members (emphasis added). A total of four specific options have been identified and subject to Commission preference in administering LAFCO law in Napa County. The four options are identified below with an expanded discussion provided in the report's Executive Summary.

- **Option One: Affirm and Expand the Sphere to Include the Entire Jurisdictional Boundary**
This option would be appropriate if it is the Commission's preference to assign overriding deference to the lands' existing social and economic ties to NBRID in choosing to add the subareas to the sphere.
- **Option Two: Affirm and Expand the Sphere to Include A-1's Oakridge Estates**
This option would be appropriate if it is the Commission's preference to assign overriding deference to the existing provision and need for water and sewer services in Oakridge Estates as well as their social and economic ties to NBRID in choosing to add the approximate 130 acres to the sphere. This option would orient the sphere to explicitly reflect NBRID's present service area, and in doing so, eliminate the current policy inference of the Commission that the affected lands – irrespective of their connectivity to the water and sewer systems – be detached.
- **Option Three: Affirm Sphere and Pursue Detachment Alternatives**
This option would be appropriate if it is the Commission's preference to emphasize the affected lands' limited land use and, to a lesser degree, service planning compatibilities with NBRID in choosing to continue to exclude the subareas from the sphere with the pertinent exception of the Oakridge Estates given its referenced service ties to the District. This option would serve to reaffirm the Commission's

policy statement the affected lands be detached and memorialized by requesting the NBRID Board take action to initiate a proposal for Commission consideration to detach the subareas.

- **Option Four: Affirm Sphere and Table Related Policy Considerations**

This option would be appropriate if it is the Commission's preference to maintain the status quo on the sphere and table all related policy considerations to the next update. This option would specifically be appropriate if the Commission prioritizes allowing the pending reorganization proceedings to be completed without changing baseline factors and/or if members believe more information is needed in aligning the sphere with the needs of the community.

Public Comments

A notice of review on the draft report prepared on NBRID's sphere update and presented at the February 4th meeting was circulated on February 6th. The notice summarized the report's key conclusions and invited written comments through March 11th as well as to provide verbal testimony at the public hearing. The notice was posted on the Commission's website and mailed to NBRID as well as all landowners within the two subject subareas. Written comments were received from NBRID and summarized below.

- **NBRID**

NBRID's General Manager Phillip Miller stated the District had reviewed the draft report and support updating the sphere consistent with Option Two. NBRID also provided clarification on the status of the 2007 bond assessment as well as advised of the details of a 2012 bond assessment for inclusion in the final report.

Changes in Final Report

The final report includes a revised recommendation to affirm and expand NBRID's existing sphere to include Oakridge Estates (Option Two). This revised recommendation supersedes the draft's recommendation to affirm NBRID's existing sphere with no changes and table all related policy considerations to the next update (Option Four). Other changes included in the final report address requested clarifications by Commissioners and incorporation of additional information generated in subsequent communications with NBRID. This includes, pertinently, amending the report to clarify the existing jurisdictional and service relationship between NBRID and Oakridge Estates as well as implementation inquiries concerning the pending reorganization of the District approved by the Commission in April 2011.

Report's Recommendation

As referenced, the final report includes a revised recommendation for the Commission to affirm and expand NBRID's sphere designation to include A-1's Oakridge Estates; actions memorialized as Option Two. These actions – most notably – would be consistent with the preferences initially provided by Commissioners during the review of the draft report at February 4th meeting. These actions would also correspond with the stated preference of NBRID. Additional details in support of the recommendation are provided in the Executive Summary.

C. Recommendation

Staff recommends the Commission formally accept the final report as presented. Staff also recommends the Commission adopt the attached draft resolution confirming the determinative statements in the final report to update NBRID's sphere with the addition of Oakridge Estates.

D. Alternatives for Action

The following alternative actions are available to the Commission.

Alternative Action One (Recommended):

Approve by motion to (a) accept the final report as presented and (b) adopt the draft resolution confirming the determinative statements therein in updating NBRID's sphere as specified by members.

Alternative Action Two:

Approve by motion a continuance to a future meeting and provide direction to staff with respect to additional information requests as needed.

E. Procedures for Consideration

This item has been agendized as a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff;
- 2) Open the public hearing (mandatory); and
- 3) Discuss item and consider action on recommendations.

Respectfully submitted,

Keene Simonds
Executive Officer

Brendon Freeman
Analyst

Attachments:

- ~~1. Map of Study Category and Subareas~~
- ~~2. Final Report~~
3. Draft Resolution
4. Written Comments from NBRID on Draft Report

All attachments to this item are available on
the version in the "Staff Reports" page

RESOLUTION NO. ____**RESOLUTION OF THE
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS****NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT
SPHERE OF INFLUENCE UPDATE 2013**

WHEREAS, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission”, adopted a schedule to conduct studies of the provision of municipal services in conjunction with reviewing the spheres of influence of the local governmental agencies whose jurisdictions are within Napa County;

WHEREAS, the Executive Officer of the Commission, hereinafter referred to as the “Executive Officer”, prepared a comprehensive review of the sphere of influence of the Napa Berryessa Resort Improvement District pursuant to said schedule and California Government Code Section 56425;

WHEREAS, the Executive Officer prepared a written report of the review, including his recommendation to update the current sphere of influence designation with no changes;

WHEREAS, said Executive Officer’s report has been presented to the Commission in the manner provided by law;

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on April 1, 2013; and

WHEREAS, the Commission considered all the factors required under California Government Code Section 56425.

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

1. This sphere of influence update has been appropriately informed by the Commission’s earlier municipal service review on the Lake Berryessa region; a study that included an independent evaluation of the level and range of governmental services provided by Napa Berryessa Resort Improvement District and formally accepted by the Commission on April 4, 2011.
2. Napa Berryessa Resort Improvement District’s sphere of influence is updated with the addition of 130 acres comprising Oakridge Estates as depicted in Exhibit “One.”
3. The Commission updates and expands Napa Berryessa Resort Improvement District’s sphere of influence to include an additional 130 acres comprising Oakridge Estates as depicted in Exhibit “One.”

4. The Commission, as lead agency, finds the approved update to Napa Berryessa Resort Improvement District's sphere of influence is exempt from further review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15061(b)(3). This finding is based on the Commission determining with certainty the update will have no possibility of significantly effecting the environment given no new land use or municipal service authority is granted.
5. Napa Berryessa Resort Improvement District provided written confirmation during the review of its sphere of influence that its services are currently limited to water and sewer. Accordingly, the Commission waives the requirement for a statement of services prescribed under Government Code Section 56425(i).
6. This sphere of influence update is assigned the following distinctive short-term designation:

**NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT
SPHERE OF INFLUENCE UPDATE 2013**

7. Pursuant to Government Code Section 56425, the Commission makes the statements of determinations in the attached Exhibit "Two."
8. The Executive Officer shall revise the official records of the Commission to reflect this update of the sphere of influence.

The foregoing resolution was duly and regularly adopted by the Commission at a meeting held on April 1, 2013 by the following vote:

AYES:	Commissioners	_____
NOES:	Commissioners	_____
ABSENT:	Commissioners	_____
ABSTAIN:	Commissioners	_____

ATTEST: Keene Simonds
Executive Officer

Recorded by: _____
Kathy Mabry
Commission Secretary

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EXHIBIT TWO
STATEMENT OF DETERMINATIONS

NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT
SPHERE OF INFLUENCE UPDATE 2013

1. The Present and Planned Land Uses in the Area

The County of Napa's adopted land use policies provide for the current and future residential uses characterizing the majority of the recommended sphere. The commercial recreational uses – although currently dormant and a product of the Bureau's land ownership – characterizing the remainder of the recommended sphere have been tenured over the last several decades and consistent with uses throughout the Lake Berryessa shoreline. These present and planned uses are compatible with NBRID's water and sewer services. There are no agricultural lands and limited open-space lands within the recommended sphere as defined under LAFCO law.

2. The Present and Probable Need for Public Services in the Area

There is a present need for NBRID's water and sewer services throughout the recommended sphere to support the existing and continued development of the Berryessa Highlands community and its estimated 920 residents. These services are also needed in anticipation and support of the expected redevelopment and opening of the former Steele Park Resort site.

3. The Present Capacity and Adequacy of Public Services Provided by the Agency

The Commission's recently completed municipal service review on the Lake Berryessa region indicates NBRID's water services are sufficiently capacitated to meet both existing and projected needs in the recommended sphere with the exception of increasing storage and treatment facilities to accommodate peak day demands at buildout. The municipal service review concludes sewer services, however, are not adequately capacitated and require immediate and substantial improvements to meet existing needs in the recommended sphere; a conclusion independently supported by an existing State moratorium prohibiting NBRID from issuing any new sewer service connections. NBRID's ability to address these and other improvements are constrained by the District's ongoing fiscal distress tied to operating aging infrastructure in a confined area characterized by modest annual growth increases along with the loss – temporary or permanent – of its largest water and sewer user at the former Steele Park Resort site.

4. The Existence of Relevant Social or Economic Communities of Interest

The affected territory within the recommended sphere has established strong social and economic interdependencies with NBRID distinct from neighboring areas and agencies. These ties are affirmed and strengthened by this update.

5. If the Agency Provides Water, Sewer, or Fire Protection, the Present and Probable Need for the Services for Any Disadvantaged Unincorporated Community within the Area

Lands within the recommended sphere do not qualify as disadvantaged unincorporated communities under LAFCO law.

From: [Miller, Phillip](#)
To: [Freeman, Brendon](#)
Cc: [Franchi, Helene](#); [Berryhill, Kevin](#); [Lederer, Steven](#)
Subject: NBRID SOI Update
Date: Monday, February 11, 2013 5:45:51 PM

In response to your Public Notice of February 6, 2013, we recommend adoption of Option 2.

Phillip M. Miller, PE
Deputy Director of Public Works
Flood Control and Water Resources

County of Napa
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A Tradition of Stewardship
A Commitment to Service



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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

April 1, 2013
Agenda Item No. 7a (Action)

March 26, 2013

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Request to Amend Adopted Study Schedule

The Commission will consider a request from the City of St. Helena to amend the agency's current study schedule calendaring municipal service reviews and sphere of influence updates. The request seeks to advance the scheduled study of the north valley region by one year to 2013-2014 to accommodate and address increasing community interest in possible amendments to St. Helena's sphere of influence.

Local Agency Formation Commissions (LAFCOs) are delegated regulatory powers and responsibilities by the California Legislature to coordinate the orderly formation and development of governmental agencies. LAFCOs' principal and long-standing regulatory responsibility includes the approval of jurisdictional changes involving the establishment, expansion, and reorganization of cities and special districts. More recently, LAFCOs are also responsible for the approval of outside agency municipal service extensions. LAFCOs are provided broad discretion in conditioning their approvals with the notable exception of not directly regulating land uses.

A. Background

Legislative Directive

In 2001, LAFCOs' enabling legislation was comprehensively updated as part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The central goal of the legislation was to make LAFCOs more proactive with respect to informing their regional growth management responsibilities. Towards this end, and now as of January 1, 2008 and every five years thereafter, LAFCOs are required to review and update as needed all spheres of influence; the boundary lines LAFCOs establish for all agencies to guide and facilitate future boundary changes and outside service extensions. LAFCOs are also required to inform their sphere of influence updates by preparing municipal service reviews to comprehensively evaluate the provision and performance of governmental services provided in their jurisdictions.

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

Joan Bennett, Commissioner
Councilmember, City of American Canyon

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Councilmember, City of Napa

Brad Wagenknecht, Chair
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Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Current Study Schedule

LAFCO of Napa County's ("Commission") current study schedule for preparing municipal service reviews and sphere of influence updates was adopted in 2008 with coverage through 2015. The underlying focus of the study schedule is to improve and expand on the baseline information collected during the inaugural round of municipal service reviews and sphere of influence updates that began in 2001. This includes measuring trends relating to the adequacy, capacity, and cost of essential governmental services supporting local growth and development. Additionally, in adopting the study schedule, the Commission reaffirmed its interest in maintaining knowledge management by preparing the studies in-house rather than contract with outside consultants. Further, and as needed, the Commission has approved its own subsequent amendments to the study schedule to reflect changes in priorities and/or resources.

B. Discussion

The City of St. Helena has submitted a written request for the Commission to amend the agency's current study schedule to advance the calendared review of the north valley region by one year from 2014-2015 to 2013-2014. Markedly, this study is designed to incorporate both a regional municipal service review encompassing an approximate 65 square mile area followed by individual sphere of influence updates for Calistoga, St. Helena, and Yountville. St. Helena is requesting the amendment to accommodate and address increasing community interest in possible changes to the City's sphere of influence to include, among other areas, properties to the south along State Highway 29.

C. Analysis

St. Helena's request and accompanying justification to advance the calendared review of the north valley region to 2013-2014 appears reasonable. Three additional factors provide support for approving the request. First, approval would parallel the previous action of the Commission to amend the inaugural study schedule to advance the calendared review of American Canyon to address community interest in sphere of influence changes in the Green Island Road area. Second, the other two agencies – Calistoga and Yountville – directly affected by the request to advance the review of the north valley region are agreeable to the change. Third, at the inquiry of staff to accommodate the St. Helena's request, the Circle Oaks County Water District and Napa River Reclamation District are agreeable to moving their respective calendared reviews back one year to 2014-2015.

D. Alternatives for Commission Action

The following alternative actions are available to the Commission:

Alternative One (Recommend):

Approve the proposed amendments to the adopted study schedule as provided in Attachment Three. Approval would advance the calendared review of the “North Valley Region” to 2013-2014 and move back the calendared reviews of “Circle Oaks County Water District” and “Napa River Reclamation District” to 2014-2015.

Alternative Two:

Continue consideration of the item to the next regular meeting and direct staff to provide additional information as needed.

Alternative Three:

Take no action.

D. Recommendation

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

E. Procedures for Consideration

This item has been agendaized for formal action. The following procedures are recommended with respect to the Commission’s consideration of this item:

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

Respectfully submitted,

Keene Simonds
Executive Officer

Attachments:

- 1) Written Request from St. Helena
- 2) Current Adopted Study Schedule
- 3) Proposed Amendments to Adopted Study Schedule



City of St. Helena

*"We will conduct city affairs on behalf of our citizens
using an open and creative process."*

1480 Main Street
St. Helena, CA 94574
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March 4, 2013

RECEIVED

MAR 5 2013

**NAPA COUNTY
LAFCO**

Keene Simonds, Executive Officer
Local Agency Formation Commission of Napa County
1030 Seminary Street, Suite B
Napa, California 94559

Dear Keene,

Thanks for taking the time to meet with me recently to discuss my LAFCO questions related to the upvalley sphere of influence study.

During our conversation you advised me that LAFCO is presently anticipating completion of an upvalley sphere of influence study in FY 2014-15, but that it has been more than 5 years since the completion of the last upvalley sphere of influence study. St. Helena would therefore like to request that LAFCO undertake its upvalley study in FY 2013-14.

The completion of this study as soon as feasible would be beneficial to property owners, residents, businesses and the City of St. Helena. Over the past few months, we have received increasingly frequent questions related to the provision of City fire protection service, City water and City sewer to parcels proximate to St. Helena's boundary in the Highway 29 area south of the City and for parcels near other City boundaries. A near-term completion of the LAFCO sphere of influence study would greatly benefit all parties, private and public, as planning could then commence for necessary future services.

I greatly appreciate LAFCO's consideration of this request. I would be most willing to attend any LAFCO hearing related to the consideration of the timing for this upvalley study.

Best,

Gary Broad
City Manager



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
STUDY SCHEDULE (2008/09-2014/15)**

**Municipal Service Reviews (Government Code §56430)
Sphere of Influence Reviews (Government Code §56425)**

Adopted: February 4, 2008
Amended: November 3, 2008
Amended: June 7, 2010
Amended: December 5, 2011

Fiscal Years 2008/2009 and 2009/2010

South Napa County

Municipal service review will examine the governmental services provided by the City of American Canyon, American Canyon Fire Protection District, and County Service Area No. 3. The municipal service review will precede sphere of influence reviews for all three local agencies.

Lake Berryessa Area

Municipal service review will examine the governmental services provided by the Lake Berryessa Resort Improvement District, Napa-Berryessa Resort Improvement District, and the Spanish Flat Water District. The municipal service review will precede sphere of influence reviews for all three local agencies.

Fiscal Year 2010/2011

County Service Area No. 4

Municipal service review will examine the governmental services provided by County Service Area No. 4 and will precede a sphere of influence review.

Napa County Regional Park & Open Space District

Municipal service review will examine the governmental services provided by the Napa County Regional Park & Open Space District will precede the establishment of a sphere of influence review.

Napa County Mosquito Abatement District

Municipal service review will examine the governmental services provided by the Napa County Mosquito Abatement District and will precede a sphere of influence review.

Fiscal Year 2011/2012

Law Enforcement Services

Municipal service review will examine public law enforcement (i.e., police protection) services provided in Napa County.

Fiscal Year 2012/13

Central Napa County

Municipal service review will examine the governmental services provided by the City of Napa, Napa Sanitation District, Silverado Community Services District, and Congress Valley Water District. The municipal service review will precede sphere of influence reviews for all four local agencies.

Fiscal Year 2013/14

Circle Oaks County Water District

Municipal service review will examine the governmental services provided by the Circle Oaks County Water District and will precede a sphere of influence review.

Napa County Flood Control and Water Conservation District

Municipal service review will examine the governmental services provided by the Napa County Flood Control and Water Conservation District and will precede a sphere of influence review.

Napa County Resource Conservation District

Municipal service review will examine the governmental services provided by the Napa County Resource Conservation District and will precede a sphere of influence review.

Napa River Reclamation District No. 2109

Municipal service review will examine the governmental services provided by the Napa River Reclamation District No. 2109 and will precede a sphere of influence review.

Fiscal Year 2014/15

North Napa Valley

Municipal service review will examine the governmental services provided by the Cities of Calistoga, St. Helena, and Town of Yountville. The municipal service review will precede sphere of influence reviews for all three local agencies.

Los Carneros Water District

Municipal service review will examine the governmental services provided by the Los Carneros Water District and will precede a sphere of influence review.

Cemetery Services

Municipal service review will examine public interment services provided in Napa County and will precede a sphere of influence review of the Monticello Public Cemetery District and the Pope Valley Cemetery District.



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
STUDY SCHEDULE (2008/09-2014/15)**

**Municipal Service Reviews (Government Code §56430)
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Fiscal Year 2011/2012

Law Enforcement Services

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Fiscal Year 2012/13

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Fiscal Year 2013/14

North Napa Valley

Municipal service review will examine the governmental services provided by the Cities of Calistoga, St. Helena, and Town of Yountville. The municipal service review will precede sphere of influence reviews for all three local agencies.

Circle Oaks County Water District

Municipal service review will examine the governmental services provided by the Circle Oaks County Water District and will precede a sphere of influence review.

Napa County Flood Control and Water Conservation District

Municipal service review will examine the governmental services provided by the Napa County Flood Control and Water Conservation District and will precede a sphere of influence review.

Napa County Resource Conservation District

Municipal service review will examine the governmental services provided by the Napa County Resource Conservation District and will precede a sphere of influence review.

~~Napa River Reclamation District No. 2109~~

~~Municipal service review will examine the governmental services provided by the Napa River Reclamation District No. 2109 and will precede a sphere of influence review.~~

Fiscal Year 2014/15

~~North Napa Valley~~

~~Municipal service review will examine the governmental services provided by the Cities of Calistoga, St. Helena, and Town of Yountville. The municipal service review will precede sphere of influence reviews for all three local agencies.~~

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

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

April 1, 2013
Agenda Item No. 8a (Discussion)

March 26, 2013

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Guest Presentation:

California Association of Local Agency Formation Commissions

The Commission will receive a presentation from the new Executive Director for the California Association of Local Agency Formation Commission (CALAFCO), Pamela Miller, with respect to current and planned activities.

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 also serves as a resource to the Legislature and actively drafts and reviews new legislation. CALAFCO's membership currently includes 57 of the 58 LAFCOs.

A. Discussion and Analysis

LAFCO of Napa County ("Commission") will receive a guest presentation from the new CALAFCO Executive Director, Pamela Miller. Ms. Miller was appointed Executive Director in August 2012 and – among other previous accomplishments – was formerly the Clerk of the Board for the County of Napa. Ms. Miller has been invited to attend today's meeting by Chair Wagenknecht to highlight key policy issues for CALAFCO going forward with respect to membership services. This includes, most notably, discussing current and projected trends in LAFCO legislation.

B. Commission Review

Commissioners are encouraged to provide feedback to Ms. Miller with regard to interest areas for CALAFCO consideration ranging from legislation to educational services.

Attachments: none

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

April 1, 2013

Agenda Item No. 8b (Discussion)

March 26, 2013

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Legislative Report

The Commission will receive a report from staff summarizing notable bills under discussion as the 2013-2014 legislative session commences. The report is being presented for discussion with possible direction for staff with respect to issuing comments on specific bills. It is anticipated the Commission will consolidate consideration of this matter with a preceding presentation scheduled as part of Agenda Item No. 8a.

The Local Agency Formation Commission (LAFCO) of Napa County has two appointed members on the California Association of LAFCOs' ("CALAFCO") Legislative Committee: Juliana Inman and Keene Simonds. The Committee meets on a regular basis to review, discuss, and offer recommendations to the CALAFCO Board of Directors with regard to new legislation that would have either a direct impact on LAFCO law or 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

The Committee met on March 22, 2013 in Oakland to update and discuss legislative interests for the first year of the 2013-2014 session. This includes discussing the 40 bills introduced this session proposing either direct or indirect impacts on LAFCOs. A complete list of bills under review is attached. Two bills of specific interest to LAFCO of Napa County ("Commission") are addressed below.

- **Assembly Bill 743 (Logue) Island Annexation Proceedings**
This legislation is sponsored by CALAFCO and would make two substantive amendments to the existing statute governing expedited island annexations proceedings; proceedings that presently allow LAFCOs to waive protest for proposals filed by cities to annex entire or substantially surrounded county pockets so long as certain conditions are satisfied. First, the bill would eliminate the statute's current sunset date of January 1, 2014. Second, the bill would expand eligibility for expedited island annexations from 150 to 300 acres. Initial

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County of Napa Supervisor, 2nd District

Keene Simonds
Executive Officer

responses indicate other interested stakeholders generally support the bill with the notable exception of the California Special Districts Association, whose opposition is limited to the proposed increase in acreage eligibility. Los Angeles LAFCO has also expressed similar concerns regarding the acreage increase.

Staff believes the passage of AB 743 would measurably benefit the Commission with regard to continuing to make available a unique and value tool in coordinating orderly development and growth in Napa County. Eliminating the approaching deadline, in particular, would help to maximize resources expended over the last few years as part of the Commission's concerted effort to educate landowners and residents to the benefits of eliminating islands and the service inefficiencies they perpetuate.¹ These resources, notably, have generated community interest in island annexations, but have been delayed in producing actual results due to the prolonged effects of the recent recession and constraints on city resources in processing and filing proposals with the Commission. Accordingly, given the perceived local benefit, staff believes it would be appropriate to issue a formal support letter for the bill.

Conclusion: It would be appropriate to issue a formal letter of support for AB 743 given its direct benefit to Napa County.

- **Senate Bill 772 (Emmerson) Private Water Service Providers**

This legislation is sponsored by the Eastern Municipal Water District in Riverside County and would make substantive changes to the statute governing LAFCOs' municipal service review process. The underlying focus of the bill is to expand the scope of the municipal service review process by directing LAFCOs to begin reviewing private entities providing wholesale or retail drinking water. The bill would also require LAFCOs to file applicable municipal service reviews with various third party agencies, such as the Public Utilities Commission.

Consistent with the Committee's adopted position, staff believes SB 772 as introduced is problematic given it significantly broadens the scope of the municipal service review process to include entities that lie outside LAFCOs' regulatory purview. Further, the bill takes on the form of an unfunded mandate given the potential high costs of expanding the municipal service review to incorporate private water service providers are not addressed and therefore need to be covered through existing resources (i.e., local funding agencies and applicant charges.) Nonetheless, and in contrast to the majority preference of the Committee, staff believes there would be merit in working with the author to narrow down the scope of the bill to avoid/mitigate the reference concerns. One potential alternative would be to amend the bill to reduce the directive on LAFCOs to only document the whereabouts of private water service providers in

¹ Expanding the acreage from 150 to 300 acres would not increase the number of eligible islands for expedited annexation proceedings in Napa County.

municipal service reviews; an activity that would seemingly address an underlying interest of the bill to further sunlight the operations of these private entities that play an important role in supporting development in California.

Conclusion: Continue to watch SB 772.

With respect to other legislative items of interest, the CALAFCO Board continues to consider the Commission's initiated amendments to Government Code Section 56133; the statute requiring cities and special districts to request and receive written approval from LAFCOs before providing new or extended municipal services outside their jurisdictional boundaries and spheres of influence. As previously discussed, the proposed amendments would make several substantive changes to the existing statute. This would be highlighted by expanding LAFCOs authority to approve outside service extensions beyond spheres of influence without making a public health or safety determination if certain findings can be made at noticed public hearings.² The Committee has previously approved and reapproved the proposed amendments for the Board's consideration in separate actions taken in April 2011 and January 2013, respectively. The Board most recently reviewed the amendments at its February 8th meeting in Irvine and chose to create a subcommittee to determine if compromise language is agreeable to both proponents and opponents. The main area of debate, notably, appears to be whether the amendments should be permissive in allowing *new* development and growth to occur outside spheres of influence (emphasis). The subcommittee is expected to present a report at the next Board meeting scheduled for May 2nd in Marysville.

B. Commission Review

Commissioners are encouraged to discuss and provide feedback on the report. Specific feedback is sought with respect to the Commission's interest in issuing comment letters on any particular bill or legislative matter. This includes considering staff's recommendation to issue a support letter for AB 743 given its benefits to Napa County.

Attachments:

- 1) Adopted CALAFCO Legislative Policies
- 2) CALAFCO Legislative Report

² As currently proposed, the required findings involve determining the extension is (a) adequately contemplated in a municipal service, (b) will not result in adverse impacts on agricultural and open space resources, and (c) consistent with locally adopted policies.



CALAFCO 2012 Legislative Policies

Adopted by the Board of Directors on 10 February 2012

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.
- 3.5. Support the continuance of the Williamson Act and restore program funding through State subvention payments.

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.
- 5.5. Support collaborative efforts among agencies and LAFCOs that encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost effective services. Support proposals which provide LAFCo with additional tools to encourage shared services.

2012 Legislative Priorities

Primary Issues

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

- Housing** Provision of territory and services to support affordable housing and the consistency of regional land use plans with local LAFCo policies.
- Transportation** 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.
- Flood Control** The ability and effectiveness of local agencies to maintain and improve levees and the public safety of territory proposed for annexation to urban areas which is at risk for flooding. Support legislation that includes security of the delta and assessment of agency viability in decisions involving new funds for levee repair.
- Adequate Municipal Services in Inhabited Territory** 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 disadvantaged unincorporated communities, including option for annexation of contiguous disadvantaged unincorporated communities.

**CALAFCO Daily Legislative Report
as of Monday, March 25, 2013**

1

[AB 453](#) (Mullin D) Sustainable communities.

Current Text: Introduced: 2/19/2013 [pdf](#) [html](#)

Introduced: 2/19/2013

Status: 2/28/2013-Referred to Com. on L. GOV.

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

Calendar:

4/3/2013 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL
GOVERNMENT, ACHADJIAN, Chair

Summary:

The Strategic Growth Council is required to manage and award grants and loans to a council of governments, metropolitan planning organization, regional transportation planning agency, city, county, or joint powers authority for the purpose of developing, adopting, and implementing a regional plan or other planning instrument to support the planning and development of sustainable communities. This bill would make a local agency formation commission eligible for the award of financial assistance for those planning purposes.

Position: Sponsor

Subject: Sustainable Community Plans

CALAFCO Comments: This would allow LAFcos to apply directly for grants that support the preparation of sustainable community strategies and other planning efforts.

[AB 678](#) (Gordon D) Health care districts: community health needs assessment.

Current Text: Introduced: 2/21/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Status: 3/4/2013-Referred to Coms. on L. GOV. and HEALTH.

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

Calendar:

4/17/2013 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL
GOVERNMENT, ACHADJIAN, Chair

Summary:

Would require that the health care district conduct an assessment, every 5 years, of the community's health needs and provide opportunities for public input. The bill would require that the annual report be made in the context of the assessment. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Service Reviews/Spheres, LAFco Administration

CALAFCO Comments: This bill requires Health Care Districts to create every 5 years, an assessment of the community health needs with public input. The bill requires LAFcos to include in a Municipal Service Review (MSR) the Health Care District's 5-year assessment.

[AB 743](#) (Logue R) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Current Text: Introduced: 2/21/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Status: 3/4/2013-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.			

Calendar:

4/17/2013 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL
GOVERNMENT, ACHADJIAN, Chair

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes a local agency formation commission to approve, after notice and hearing, a petition for a change of organization or reorganization of a city, if the petition was initiated on or after January 1, 2010, and before January 1, 2014, and waive protest proceedings entirely if certain requirements are met. This Bill would delete the January 1, 2014, date and make conforming changes. The bill would authorize the commission to approve a change of organization or reorganization pursuant to these provisions of a territory that does not exceed 300 acres. This bill contains other related provisions and other existing laws.

Position: Sponsor

Subject: Annexation Proceedings, CKH General Procedures

CALAFCO Comments: Removing the arbitrary sunset date restriction on annexing "island areas" would continue to provide a commission, counties and cities a productive tool for implementing more logical boundaries allowing for more efficient municipal services and facilities planning and delivery. As counties and cities undergo updates to their General Plans and other processes, knowing there is the opportunity to consider annexing island areas up to 300 acres in size and without the political and economic risk of a costly protest and election process would provide a clear benefit to the planning process. In addition, with the passage of SB244, when a city proposes to annex an inhabited area of over 10 acres they must study and consider annexation of other areas contiguous to or in the sphere of influence area that may be a "disadvantaged unincorporated community" as defined in the Government Code. It is suggested that having the island area annexation authority may facilitate consideration of such annexation proposals.

SB 56 (Roth D) Local government finance: vehicle license fee adjustments.

Current Text: Amended: 3/4/2013 [pdf](#) [html](#)

Introduced: 1/7/2013

Last Amended: 3/4/2013

Status: 3/19/2013-Set for hearing April 17.

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

Calendar:

4/17/2013 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, WOLK, Chair

Summary:

Would, for the 2013-14 fiscal year, provide for a new vehicle license fee adjustment amount, as specified. This bill would also, for the 2013-14 fiscal year and for each fiscal year thereafter, provide for a vehicle license fee adjustment amount for certain cities incorporating after a specified date, as provided. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Financial Viability of Agencies, Tax Allocation

SB 772 (Emmerson R) Drinking water.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 3/13/2013-Set for hearing April 3.

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

Calendar:

4/3/2013 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, WOLK, Chair

Summary:

Would require the State Department of Public Health or the local health agency, where applicable, annually to provide the address and telephone number for each public water system and state small water system to the Public Utilities Commission and, as prescribed, to a local agency formation commission. This bill contains other related provisions and other existing laws.

Position: None at this time

Subject: Service Reviews/Spheres, LAFCo Administration

CALAFCO Comments: Requires LAFCOs as part of a MSR, to request information from identified public or private entities that provide wholesale or retail supply of drinking water, including the identification of any retail water suppliers within or contiguous to the responding entity. Further requires LAFCOs to provide a copy of the SOI review for retail private and public water suppliers to the Public Utilities Commission and the state department of Public Health.

2

AB 21 (Alejo D) Safe Drinking Water Small Community Emergency Grant Fund.

Current Text: Amended: 2/14/2013 [pdf](#) [html](#)

Introduced: 12/3/2012

Last Amended: 2/14/2013

Status: 2/15/2013-Re-referred to Com. on APPR.

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

Summary:

Would authorize the Department of Public Health to assess a specified annual charge in lieu of interest on loans for water projects made pursuant to the Safe Drinking Water State Revolving Fund, and deposit that money into the Safe Drinking Water Small Community Emergency Grant Fund, which the bill would create in the State Treasury. The bill would authorize the department to expend the money for grants for specified water projects that serve disadvantaged and severely disadvantaged communities, thereby making an appropriation.

Position: Watch

Subject: Disadvantaged Communities

AB 37 (Perea D) Environmental quality: California Environmental Quality Act: record of proceedings.

Current Text: Amended: 3/18/2013 [pdf](#) [html](#)

Introduced: 12/3/2012

Last Amended: 3/18/2013

Status: 3/19/2013-Re-referred to Com. on NAT. RES.

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

Summary:

Would require, until January 1, 2017, for specified projects or upon the request of a project applicant and the consent of the lead agency, that the lead agency among other

things, prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects. Because the bill would require , for specified projects, a lead agency to prepare the record of proceedings as provided, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: CEQA

AB 115 (Perea D) Safe Drinking Water State Revolving Fund.

Current Text: Introduced: 1/14/2013 [pdf](#) [html](#)

Introduced: 1/14/2013

Status: 3/12/2013-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (March 12). Re-referred to Com. on APPR.

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

Summary:

Would authorize the State Department of Public Health to fund projects, by grant, loan, or a combination of the two, where multiple water systems apply for funding as a single applicant for the purpose of consolidating water systems or extending services to households relying on private wells, as specified. The bill would authorize funding of a project to benefit a disadvantaged community that is not the applying agency. By authorizing the use of a continuously appropriated fund for new purposes, this bill would make an appropriation. This bill contains other existing laws.

Position: Watch

Subject: Water

AB 194 (Campos D) Open meetings: protections for public criticism: penalties for violations.

Current Text: Introduced: 1/28/2013 [pdf](#) [html](#)

Introduced: 1/28/2013

Status: 2/7/2013-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:

Would make it a misdemeanor for a member of a legislative body, while acting as the chairperson of a legislative body of a local agency, to prohibit public criticism protected under the Ralph M. Brown Act. This bill would authorize a district attorney or any interested person to commence an action for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of the protection for public criticism is null and void, as specified. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: Prohibits legislative body from preventing public criticism of the policies, procedures, programs, or services of the agency, or ther acts or omissions of the legislative body. Creates new misdemeanor crime.

AB 543 (Campos D) California Environmental Quality Act: translation.

Current Text: Introduced: 2/20/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Status: 3/20/2013-In committee: Set, first hearing. Hearing canceled at the request of author.

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

Summary:

Would require a lead agency to translate any notice, document, or executive summary required by the California Environmental Quality Act (CEQA) when the impacted community has a substantial number of non-English-speaking people, as specified. By requiring a lead agency to translate these writings, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: CEQA

AB 823 (Eggman D) Environment: California Farmland Protection Act.

Current Text: Amended: 3/11/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Last Amended: 3/11/2013

Status: 3/21/2013-In committee: Set, first hearing. Hearing canceled at the request of author.

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

Summary:

Would enact the California Farmland Protection Act, which would require that an applicant for a project, as defined, that involves the conversion of agricultural land to a permanent or long-term nonagricultural use, including a residential, commercial, civic, industrial, infrastructure, or other similar use, at a minimum, mitigate the identified environmental impacts associated with the conversion of those lands through the permanent protection and conservation of land suitable for agricultural uses, and would require that an adopted mitigation measure providing for the protection of agricultural land meet specified requirements. The act would require the Office of Planning and Research, no later than December 31, 2014, to promulgate regulations covering projects subject to the act. By imposing new duties on a lead agency with regard to the review and approval of the mitigation measures required by the act, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Ag/Open Space Protection, CEQA

CALAFCO Comments: Adds a requirement for lead agencies to require certain mitigation measures for projects that convert ag lands for non-ag land use. These mitigation measures at a minimum require providing replacement acreage in perpetuity to preserve ag land and ensure the sustainability of ag production capacity.

AB 1235 (Gordon D) Local agencies: financial management training.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 3/11/2013-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:

Would require that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of the legislative body, all local agency officials, except a member whose term of office ends before January 1, 2015, in local agency service as of January 1, 2014, or thereafter receive training in financial management, as specified. This bill would provide that if any entity develops criteria for the financial management training, then the Treasurer's office and the Controller's office

shall be consulted regarding any proposed course content. Because this bill would impose new duties on local governments, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: Requires that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of the legislative body, the member shall receive one-4 hour state mandated Financial Management training per term of office. Effective January 1, 2014 for those in office as of that date (whose term of office extends beyond January 1, 2015). Those elected to more than one legislative body may take the training one time and have it apply to all legislative bodies on which they serve. This would apply to a LAFCo Commissioner who receives a stipend or is reimbursed for expenses in the performance of thier Commissioner duties.

AB 1248 (Cooley D) Local agencies: internal control guidelines.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 3/11/2013-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:

Would require the Controller, on or before January 1, 2015, to develop internal control guidelines applicable to a local agency, as defined, to prevent and detect financial errors and fraud, based on specified standards and with input from any local agency and organizations representing the interests of local agencies. This bill would require a local agency to comply with the guidelines established by the Controller, starting on January 1, 2016. By mandating local agencies to comply with new internal control guidelines established by the Controller, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: None at this time

Subject: LAFCo Administration

SB 167 (Gaines R) Environmental quality: California Environmental Quality Act.

Current Text: Introduced: 2/4/2013 [pdf](#) [html](#)

Introduced: 2/4/2013

Status: 2/14/2013-Referred to Com. on RLS.

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

Summary:

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. This bill would make technical, nonsubstantive changes to those provisions.

Position: Watch

Subject: CEQA

SB 181 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/6/2013 [pdf](#) [html](#)

Introduced: 2/6/2013

Status: 3/22/2013-Set for hearing April 8.

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

Calendar:

4/8/2013 11 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, DE LEÓN, Chair

Summary:

This bill would enact the First Validating Act of 2013, 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.

Position: Support**CALAFCO Comments:** One of three annual acts which validate the boundaries of all local agencies.**SB 182 (Committee on Governance and Finance) Validations.****Current Text:** Introduced: 2/6/2013 [pdf](#) [html](#)**Introduced:** 2/6/2013**Status:** 3/22/2013-Set for hearing April 8.

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

Calendar:

4/8/2013 11 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, DE LEÓN, Chair

Summary:

This bill would enact the Second Validating Act of 2013, 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.

Position: Support**CALAFCO Comments:** One of three annual acts which validate the boundaries of all local agencies.**SB 183 (Committee on Governance and Finance) Validations.****Current Text:** Introduced: 2/6/2013 [pdf](#) [html](#)**Introduced:** 2/6/2013**Status:** 3/21/2013-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:

This bill would enact the Third Validating Act of 2013, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

CALAFCO Comments: One of three acts which validate the boundaries of all local agencies.**SB 617 (Evans D) California Environmental Quality Act.****Current Text:** Introduced: 2/22/2013 [pdf](#) [html](#)**Introduced:** 2/22/2013**Status:** 3/11/2013-Referred to Com. on E.Q.

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

Summary:

Would require specified notices to be filed with both the Office of Planning and Research and the county clerk and be posted by county clerk for public review. The bill would

require the county clerk to post the notices within one business day, as defined, of receipt and stamp on the notice the date on which the notices were actually posted. By expanding the services provided by the lead agency and the county clerk, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: CEQA

CALAFCO Comments: This bill makes a number of substantive changes including: (1) expanding the definition of "environment" relating to an EIR such that the health and safety of people affected by the physical conditions at the location of a project must also be considered; (2) enhances the definition of "significant effect on the environment" by including exposure of people, either directly or indirectly, to substantial existing or reasonably foreseeable natural hazard or adverse condition of the environment; (3) requires concurrent online filing of notices in a database maintained by the Office of Planning and Research (OPR), and with the office of the County Clerk in which the project is located. Further, any time periods or limitation periods will begin at the time of the later filing of the two offices. (4) Adds to the EIR a requirement to address any significant effects that may result from locating development near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions.

3

AB 168 (Wilk R) Local government finance: vehicle license fee revenues: allocations.

Current Text: Introduced: 1/24/2013 [pdf](#) [html](#)

Introduced: 1/24/2013

Status: 1/25/2013-From printer. May be heard in committee February 24.

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

Summary:

Under existing law, the Controller is required to allocate vehicle license fee revenues in the Motor Vehicle License Fee Account 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, for allocation to cities, counties, and cities and counties. This bill would make technical, nonsubstantive changes to these provisions.

Position: Placeholder - monitor

AB 262 (Waldron R) Local government: organization.

Current Text: Introduced: 2/7/2013 [pdf](#) [html](#)

Introduced: 2/7/2013

Status: 2/8/2013-From printer. May be heard in committee March 10.

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 makes certain findings and declarations relating to local government organization, including, among other things, that it is the policy of the state to encourage orderly growth and development, and recognition that the logical formation and determination of the boundaries of local agencies is an important factor in promoting orderly development, as specified. This bill would make technical, nonsubstantive changes to these provisions.

Position: Placeholder - monitor
Subject: CKH General Procedures

AB 295 (**Salas D**) **California Statewide Water Reliability Act of 2014.**

Current Text: Amended: 3/19/2013 [pdf](#) [html](#)

Introduced: 2/11/2013

Last Amended: 3/19/2013

Status: 3/20/2013-Re-referred to Com. on W., P. & W.

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

Calendar:

4/2/2013 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS AND WILDLIFE, RENDON, Chair

Summary:

Current law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Current law provides for the submission of the bond act to the voters at the November 4, 2014, statewide general election. This bill would repeal these provisions. This bill contains other related provisions and other current laws.

Position: Placeholder - monitor
Subject: Water

AB 380 (**Dickinson D**) **California Environmental Quality Act: notice requirements**

Current Text: Introduced: 2/14/2013 [pdf](#) [html](#)

Introduced: 2/14/2013

Status: 2/28/2013-Referred to Coms. on NAT. RES. and L. GOV.

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

Calendar:

4/1/2013 1:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, CHESBRO, Chair

Summary:

Would require the above mentioned notices to be filed with both the Office of Planning and Research and the county clerk and be posted by county clerk for public review. The bill would require the county clerk to post the notices within one business day, as defined, of receipt and stamp on the notice the date on which the notices were actually posted. The bill would require the county clerk to post the notices for at least 30 days. The bill would require the Office of Planning and Research to post the notices on a publicly available online database established and maintained by the office. The bill would require the office to stamp the notices with the date on which the notices were actually posted for online review and would require the notices to be posted for at least 30 days. The bill would authorize the office to charge an administrative fee not to exceed \$10 per notice filed. This bill contains other related provisions and other existing laws.

Position: Watch
Subject: CEQA

AB 495 (**Campos D**) **Community investment.**

Current Text: Amended: 3/21/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Last Amended: 3/21/2013

Status: 3/21/2013-Referred to Coms. on B. & F. and H. & C.D. From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & F. Read second time and amended.

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

Calendar:

4/8/2013 3 p.m. - State Capitol, Room 444 ASSEMBLY BANKING AND FINANCE, DICKINSON, Chair

Summary:

Would establish the California Community Investment Initiative within the Governor's Office of Business and Economic development. The initiative would be governed by a 13 member oversight board comprised of 6 citizens appointed by the Governor, 4 members of the Legislature, the Treasurer, the Controller, and the Secretary of the Business, Consumer Services, and Housing Agency, as specified. This bill contains other related provisions and other existing laws.

Position: Placeholder - monitor

Subject: Disadvantaged Communities

CALAFCO Comments: May be a placeholder for legislation related to disadvantaged unincorporated communities.

[AB 515](#) ([Dickinson D](#)) Environmental quality: California Environmental Quality Act: judicial review.

Current Text: Amended: 3/11/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Last Amended: 3/11/2013

Status: 3/12/2013-Re-referred to Com. on JUD.

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

Summary:

Would establish a CEQA compliance division of the superior court in a county in which the Attorney General maintains an office and would vest the division with original jurisdiction over actions of proceedings brought pursuant to CEQA and joined matters related to land use and environmental laws. The bill would require the Judicial Council to adopt rules for establishing, among other things, protocol to govern the administration and efficient operation of the division, so that those judges assigned to the division will be able to hear and quickly resolve those actions or proceedings. This bill contains other existing laws.

Position: Watch

Subject: CEQA

CALAFCO Comments: This bill calls for the creation of at least 2 CEQA compliance court districts in the state, establishes a CEQA compliance court in each of the districts with at least 3 judges (appointed by the Governor). All CEQA compliance cases are to be heard in only these courts and the appeals handled directly by the Supreme Court. The courts will be required to issue a preliminary decision before the opportunity for oral argument is granted, and if the court finds that a determination of a public agency violated CEQA, the court order must specify what action taken by the public agency was in error.

[AB 629](#) ([Wilk R](#)) Local government.

Current Text: Introduced: 2/20/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Status: 2/21/2013-From printer. May be heard in committee March 23.

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

Summary:

Current law authorizes various local entities to adopt rules and regulations to carry out the purposes of those entities. This bill would express the intent of the Legislature to enact legislation that would address the effect of the adoption of rules, regulations, ordinances, or requirements by local entities on the public and other local entities within the same jurisdiction.

Position: Placeholder - monitor

Subject: LAFCo Administration

[AB 642](#) ([Rendon D](#)) **Publication: newspaper of general circulation: Internet Web site.**

Current Text: Introduced: 2/20/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Status: 3/11/2013-Referred to Com. on JUD.

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

Summary:

Current law requires that various types of notices are provided in a newspaper of general circulation. Current law requires a newspaper of general circulation to meet certain criteria, including, among others, that it be published and have a substantial distribution to paid subscribers in the city, district, or judicial district in which it is seeking adjudication. This bill would provide that a newspaper that is available on an Internet Web site may also qualify as a newspaper of general circulation, provided that newspaper meets certain criteria.

Position: None at this time

Subject: LAFCo Administration

CALAFCO Comments: Allows for posting of agendas and meeting material on newspaper websites.

[AB 774](#) ([Donnelly R](#)) **County service areas: zone dissolution.**

Current Text: Amended: 3/19/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Last Amended: 3/19/2013

Status: 3/20/2013-Re-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:

Would require the county board of supervisors, upon dissolution of a county service area or a specified zone, to post signs indicating which services and facilities are no longer provided within the zone and require the board to provide adequate maintenance to the signs. This bill would provide that, once the signs are posted, the county and the dissolved zone shall not be held liable for death or injury resulting from the termination of services or facilities. This bill would also provide that the county, county service area, and zones would not be responsible for a loss or injury resulting from the failure to provide maintenance of services or facilities if the board is unable to raise revenues.

Position: Watch

[AB 792](#) ([Mullin D](#)) **Local government: open meetings.**

Current Text: Introduced: 2/21/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Status: 3/4/2013-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.			

Calendar:

4/3/2013 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL
GOVERNMENT, ACHADJIAN, Chair

Summary:

The Ralph M. Brown Act requires the legislative body of a local agency to post, at least 72 hours before the meeting, an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, in a location that is freely accessible to members of the public, and to provide a notice containing similar information with respect to a special meeting at least 24 hours prior to the special meeting. This bill, if the local agency is unable to post the agenda or notice on its Internet Web site because of software or hardware impairment beyond the local agency's reasonable control, would require the local agency to post the agenda or notice immediately upon resolution of the technological problems. The bill would provide that the delay in posting, or the failure to post, the agenda or notice would not preclude a local agency from conducting the meeting or taking action on items of business, provided that the agency has complied with all other relevant requirements. This bill contains other related provisions and other existing laws.

Position: None at this time

Subject: Public Records Act

CALAFCO Comments: Relates to public agencies who post their meeting information on their website pursuant to the Ralph M. Brown Act. In the instances where they are unable to post the agenda on the website in the prescribed timeframe due to technology difficulties, the agency is required to post the meeting agenda and information on the website as soon as the technological difficulties are resolved.

[AB 966](#) (Bonta D) Local government.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

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

Summary:

Current law generally regulates the governance of cities, counties, and cities and counties. This bill would state the intent of the Legislature to enact legislation that would amend the Government Code.

Position: Placeholder - monitor

[AB 1237](#) (Garcia D) Local government finance.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 3/11/2013-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.			

Calendar:

4/10/2013 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL
GOVERNMENT, ACHADJIAN, Chair

Summary:

Would specifically require the Controller to prescribe uniform accounting procedures for cities, conforming to Generally Accepted Accounting Principles, and in consultation with the Committee on City Accounting Procedures, which would be created by the bill. The bill would specify the composition of the committee. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Financial Viability of Agencies

CALAFCO Comments: Establishes uniform accounting practices for special districts and cities.

AB 1244 (Bradford D) Williamson Act.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

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

Summary:

Current law establishes the California Land Conservation Act of 1965, otherwise known as the Williamson Act, for purposes of preserving agricultural land within the state. This bill would make a technical, nonsubstantive change to these provisions.

Position: Watch

Subject: Ag Preservation - Williamson

SB 184 (Committee on Governance and Finance) Local government: omnibus bill.

Current Text: Introduced: 2/6/2013 [pdf](#) [html](#)

Introduced: 2/6/2013

Status: 3/19/2013-Set for hearing April 17.

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

Calendar:

4/17/2013 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, WOLK, Chair

Summary:

Current law, the Public Cemetery District Law, defines the term "family member" for purposes of that law to include, among others, a person's spouse. This bill would additionally include within the definition of "family member" a person's domestic partner, and would define the term "domestic partner," as specified. This bill contains other related provisions and other current laws.

Position: None at this time

SB 268 (Gaines R) Political Reform Act of 1974.

Current Text: Amended: 3/18/2013 [pdf](#) [html](#)

Introduced: 2/13/2013

Last Amended: 3/18/2013

Status: 3/18/2013-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E. & C.A.

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

Summary:

The Political Reform Act of 1974 requires candidates and committees to file specified campaign finance reports, including semiannual statements, preelection statements, supplemental preelection statements, and late contribution reports, that include prescribed campaign finance information. This bill would repeal the requirements to file these reports and would, instead, require that a candidate or committee who makes or receives a contribution of \$100 or more to report that contribution to specified filing officers within 24 hours of receiving the contribution. This bill contains other related provisions and other existing laws.

Position: Placeholder - monitor

[SB 298](#) (Wyland R) Local government: supplemental law enforcement services.**Current Text:** Introduced: 2/15/2013 [pdf](#) [html](#)**Introduced:** 2/15/2013**Status:** 2/28/2013-Referred to Com. on PUB. S.

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

Summary:

Current law provides that a board of supervisors of a county, and a legislative body of a city, may contract to provide supplemental law enforcement services to private individuals or entities at special events or occurrences. This bill would authorize a board of supervisors of a county, and a legislative body of a city, to contract to provide supplemental law enforcement services to a homeowners' association on an occasional or ongoing basis. This bill contains other related provisions and other current laws.

Position: None at this time

CALAFCO Comments: According to the author, this bill is intended to focus on providing additional law enforcement support relating to vehicle code enforcement and vehicle traffic enforcement on private roads inside gated communities.

[SB 359](#) (Corbett D) California Environmental Quality Act: environmental impact reports.**Current Text:** Introduced: 2/20/2013 [pdf](#) [html](#)**Introduced:** 2/20/2013**Status:** 2/28/2013-Referred to Com. on RLS.

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

Summary:

The California Environmental Quality Act (CEQA) requires notices regarding a lead agency determination to require an EIR or other actions pursuant to that act be mailed to every person who files a written request and provides that the failure of a person to receive a requested notice shall not invalidate the action if there has been substantial compliance with these notice provisions. This bill would make a technical, nonsubstantive change in these CEQA notice provisions.

Position: Placeholder - monitor**Subject:** CEQA**[SB 436](#) (Jackson D) California Environmental Quality Act: notice.****Current Text:** Introduced: 2/21/2013 [pdf](#) [html](#)**Introduced:** 2/21/2013**Status:** 3/11/2013-Referred to Com. on E.Q.

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

Summary:

Would require a lead agency to conduct at least one public scoping meeting for the specified projects and to provide notice to the specified entities of at least one public scoping meeting. This bill contains other related provisions and other existing laws.

Position: Watch**Subject:** CEQA

CALAFCO Comments: Requires lead agencies to conduct at least one public scoping meeting for proposed projects and increases notification requirements for lead agencies.

[SB 633](#) (Pavley D) CEQA: environmental impact reports.**Current Text:** Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 3/11/2013-Referred to Com. on RLS.

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

Summary:

The California Environmental Quality Act prohibits a lead agency or responsible agency from requiring a subsequent or supplemental environmental impact report (EIR) when an EIR has been prepared for a project pursuant to its provisions, unless one or more of specified events occurs, including, among other things, that new information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available. This bill would specifically require that the new information that becomes available was not known and could not have been known by the lead agency or any responsible agency at the time the EIR was certified as complete.

Position: None at this time

Subject: CEQA

[SB 731](#) ([Steinberg D](#)) **Environment: California Environmental Quality Act and sustainable communities strategy.**

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 3/11/2013-Referred to Com. on RLS.

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

Summary:

Would state the intent of the Legislature to enact legislation revising CEQA to, among other things, provide greater certainty for smart infill development, streamline the law for specified projects, and establish a threshold of significance for specified impacts. This bill contains other related provisions and other existing laws.

Position: Placeholder - monitor

Subject: CEQA

[SB 739](#) ([Calderon D](#)) **Environmental quality.**

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 3/11/2013-Referred to Com. on RLS.

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

Summary:

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would make a technical, nonsubstantive change to that definition. This bill contains other existing laws.

Position: Placeholder - monitor

Subject: CEQA

[SCA 11](#) ([Hancock D](#)) **Local government: special taxes: voter approval.**

Current Text: Introduced: 1/25/2013 [pdf](#) [html](#)

Introduced: 1/25/2013

Status: 3/21/2013-Set for hearing May 8.

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

Calendar:

5/8/2013 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, WOLK, Chair

Summary:

The California Constitution conditions the imposition of a special tax by a local government upon the approval of 2/3 of the voters of the local government voting on that tax, and prohibits a local government from imposing an ad valorem tax on real property or a transactions tax or sales tax on the sale of real property. This measure would instead condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.

Position: Watch

Total Measures: 40

Total Tracking Forms: 40

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