



**Local Agency  
Formation Commission**  
*LAFCO of Napa County*

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Napa, CA 94559  
(707) 259-8645  
FAX (707) 251-1053  
<http://napa.lafco.ca.gov>

**JUNE 19, 2006**  
**AGENDA ITEM NO. 4a**

June 15, 2006

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Impartial Analysis on the Napa County Regional Park and Open Space District (Action)**

The Commission will consider the approval of an impartial analysis regarding the proposed formation of the Napa County Regional Park and Open Space District pursuant to Public Resources Code §5500 et. seq.. The formation of the proposed district has been initiated by resolutions of the County of Napa Board of Supervisors.

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On June 13, 2006, the County of Napa Board of Supervisors adopted resolutions initiating proceedings for the formation of a countywide independent special district pursuant to Public Resources Code §5500 et. seq.. The proposed special district, titled the "Napa County Regional Park and Open Space District," would be governed by an elected five-member board of directors for the purpose of providing focused and enhanced park and recreational services for residents of Napa County. Funding for the proposed special district would be provided by the County, which may eventually be supplemented or replaced by assessments or service fees. Formation proceedings are subject to confirmation by the voters, which has been scheduled for November 7, 2006.

California Government Code §57144 and Public Resources Code §5517.1 require that the Executive Officer prepare an impartial analysis on ballot propositions for certain proposals that are under the jurisdiction of the Commission, including the formation of special districts. These code sections require that the Commission approve the impartial analysis with or without modification prior to submittal to the County Registrar of Voters. The approved impartial analysis will appear on the November 7<sup>th</sup> ballot.

Note: The formation of a park and open space district in Napa County is not subject to Commission formation procedures as a result of special legislation enacted in 1992 (Public Resources Code § 5539.4). Similar exemptions from LAFCO proceedings for park and open space district formations exist in Marin, San Diego, Sacramento and Sonoma Counties.

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Dr. Andrew Alexander, Vice-Chair  
Mayor, City of Calistoga

Kevin Block, Commissioner  
Councilmember, City of Napa

Cindy Coffey, Alt. Commissioner  
Councilmember, City of American Canyon

Bill Dodd, Chair  
Supervisor, 4th District

Brad Wagenknecht, Commissioner  
Supervisor, 1st District

Mark Luce, Alt. Commissioner  
Supervisor, 2nd District

Guy Kay, Commissioner  
Representative of the General Public

Brian Kelly, Alt. Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

**RECOMMENDATION**

It is recommended for the Commission to take the following actions:

- 1) Approve the attached draft impartial analysis regarding the proposed formation of the Napa County Regional Park and Open Space District with any desired modifications; and
- 2) Direct staff to transmit a certified copy of the approved impartial analysis to the Napa County Registrar of Voters.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachments:

- 1) Draft Impartial Analysis
- 2) County of Napa Resolution No. 06-110 (draft copy)
- 3) County of Napa Resolution No. 06-111 (certified copy)

**Draft Impartial Analysis**  
**Formation of the Napa County Regional Park and Open-Space District**  
**(Measure “I”)**

This proposition is to form the Napa County Regional Park and Open-Space District, which is hereafter referred to as the “District.” The District would be an independent government entity governed by an elected five-member board of directors, none of whom would be a member of the County of Napa Board of Supervisors. Each director would reside and represent one of five wards in Napa County. The jurisdictional boundary of the District would include all territory in Napa County, including the incorporated cities.

The primary purpose for forming the District is to coordinate and provide an elevated level of park, recreation, and open-space services to residents of Napa County. The District would be authorized to plan, improve, and operate a system of public parks, playgrounds, golf courses, beaches, trails, natural areas, ecological and open space preserves, parkways, scenic drives, boulevards, and other facilities for public recreation. The District would also be authorized to provide programs and classes in outdoor science and conservation education.

If formed, the District’s operations would be financed by the County of Napa at a level and manner determined by the Board of Supervisors. The District would also be empowered to receive funding through the collection of service fees, assessments, general obligations, gifts, and grants. All assessments and general obligation bonds would require voter approval. **THIS MEASURE DOES NOT AUTHORIZE THE LEVY OF ANY ASSESSMENTS OR BONDS.**

The District would not have the power of eminent domain. The District could only acquire property from willing sellers or by donations. The District would not have the power to regulate land use. The District would be subject to all applicable city and county regulations.

A “yes” vote on this measure supports the formation of the District. The vote required to form the District is a majority of the votes cast.

**The above statement is an impartial analysis of Measure I. If you desire a copy of the measure, please call the elections official’s office at (707) 253-4321 and a copy will be mailed at no cost to you.**

Prepared by Keene Simonds, LAFCO Executive Officer  
June 15, 2006

Maximum Words Permitted: 500  
Number of Words in Draft: 338

**RESOLUTION NO. 06-110**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA,  
STATE OF CALIFORNIA, INITIATING PROCEEDINGS FOR THE FORMATION  
OF THE NAPA COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT**

**WHEREAS**, Napa County is blessed with an open space landscape of great beauty and productivity; and

**WHEREAS**, the responsible stewardship of the County's public watersheds and natural areas is critical to water quality and a sustainable water supply for use by people, agriculture and wildlife; and

**WHEREAS**, a network of connected public open spaces is important to the conservation of natural resources and wildlife; and

**WHEREAS**, the County's policy of protecting open space lands and directing population growth to its cities has increased the demand for outdoor recreational opportunities; and

**WHEREAS**, outdoor recreation is beneficial to public health and the quality of life; and

**WHEREAS**, regional parks and associated recreation programs contribute to the character development of our youth; and

**WHEREAS**, the County of Napa would like to improve the stewardship and safe enjoyment of public open spaces, which today constitute nearly one-fourth of the county; and

**WHEREAS**, within the open space areas of Napa County are many significant archaeological, cultural, and historic sites that enrich the quality of life and offer unique educational opportunities; and

**WHEREAS**, the development of new recreational opportunities is consistent with and subject to the policies of the County of Napa General Plan, and shall be compatible with and not adversely affect agriculture; and

**WHEREAS**, the lack of a countywide public agency dedicated to parks and public open space has hindered the effective stewardship and safe use of public open spaces; and

**WHEREAS**, an independent countywide park and open space district working in voluntary and cooperative partnership with the County of Napa and its cities, other agencies, non-profit organizations, community groups and businesses offers the most potential for effectively and efficiently conserving and utilizing public open space resources; and

**WHEREAS**, on August 26, 2003, this Board adopted Resolution 03-157 which created an open space advisory committee, which committee has recommended the creation of an open

space district pursuant to the provisions of Article 3, Chapter 3 of Division 5 of the Public Resources Code (commencing with Section 5500) with responsibility for protecting and stewarding public open space resources and providing outdoor recreational and educational opportunities; and

**WHEREAS**, the County of Napa intends to provide the initial operational support for the recommended District at a level comparable to that which the County is currently budgeting for park, recreation and related open space purposes, with the expectation that the District will develop additional sources of revenue in future years; and

**WHEREAS**, Public Resources Code Section 5506.4 authorizes the Board to initiate by resolution proceedings for the formation of a proposed open space district, the creation of which may be ordered and declared by the Board of Supervisors only if first approved by the voters.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Napa as follows:

1. The name of the proposed district is the Napa County Regional Park and Open Space District (hereafter the "District"). The reasons for forming the District are the creation of safe parks and trails and other recreational facilities and interpretive programs, the conservation, restoration and enhancement of natural areas, water quality, and archaeological, cultural and historic resources, protection of wildlife, preservation of agricultural watershed lands, reduction of wildfire risk, and other related purposes, utilizing voluntary means.

2. The District shall be divided into five wards, and each ward's boundaries shall be the same as the Supervisorial Districts of Napa County, as described in Napa County Code Section 1.08.010 through 1.08.050, as the same may be amended in the future.

3. The District shall be governed by a board of five directors, one from each ward, elected in accordance with the provisions of Article 3, Chapter 3 of Division 5 of the Public Resources Code. No member of the Board of Supervisors shall be a director.

4. The territory of the District shall include all of the territory within the County of Napa, including the incorporated cities.

5. The District shall not have, and may not exercise, the power of eminent domain pursuant to Public Resources Code Section 5542, or any other provision of law.

6. The District's operations shall be financed by the County of Napa at a level and manner determined by the Board of Supervisors. The District shall have the right to seek future financing by all means, and subject to applicable limitations, provided in Article 3, Chapter 3 of Division 5 of the Public Resources Code, including but not limited to grants, donations, and revenues raised from operations.

7. The Board, by adopting Resolution No. 06-111 concurrently with this Resolution, hereby calls an election pursuant to Public Resources Code Section 5514.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Board of Supervisors of the County of Napa, State of California, at a regular meeting of the Board held on the \_\_\_\_\_ day of June, 2006, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

NOES: SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

ABSENT: SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
BILL DODD, Chair of the Board of Supervisors

ATTEST: PAMELA A. MILLER  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

**APPROVED AS TO FORM**  
Office of County Counsel  
By: Rob Paul, Deputy (by e-signature)  
Date: June 9, 2006

**APPROVED BY THE NAPA COUNTY  
BOARD OF SUPERVISORS**  
Date: \_\_\_\_\_  
Processed by: \_\_\_\_\_  
Deputy Clerk of the Board

# CERTIFIED COPY

## RESOLUTION NO. 06-111

### **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, CALLING A SPECIAL ELECTION AND CONSOLIDATING IT WITH THE NOVEMBER 7, 2006 STATEWIDE ELECTION FOR THE PURPOSE OF ENABLING THE PEOPLE OF NAPA COUNTY TO VOTE ON THE QUESTION OF WHETHER A REGIONAL PARK AND OPEN SPACE DISTRICT SHOULD BE FORMED**

**WHEREAS**, on August 26, 2003, this Board did by Resolution No. 03-157 create a parks and open space advisory committee, which committee has recommended the creation of a park and open space district pursuant to the provisions of Article 3, Chapter 3 of Division 5 of the Public Resources Code (commencing with Section 5500) with responsibility for protecting and stewarding public open space resources and providing outdoor recreational and educational opportunities; and

**WHEREAS**, Public Resources Code Section 5506.4 authorizes the Napa County Board of Supervisors to initiate by resolution, proceedings for the formation of the proposed park and open space district; and

**WHEREAS**, on June 13, 2006, this Board adopted a resolution (Resolution No. 06-110) initiating proceedings for the purpose of enabling the voters of Napa County to create the Napa County Regional Park and Open Space District ("the District"); and

**WHEREAS**, the question of whether or not the District should be created must now be presented to the voters; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Napa, State of California, pursuant to Elections Code section 12001 and Public Resources Code sections 5506.4 and 5514, hereby orders and proclaims that the question of whether the District should be created and the first board of directors for the District elected if the District is created, shall be submitted to the voters of the County of Napa at a special election as County Measure "I," to be held and conducted on the 7<sup>th</sup> day of November, 2006 and that the polls shall be open from the hours of 7:00 a.m. to 8:00 p.m. on said election day. The manner of holding the election and the procedure for voting for and against the question presented shall, unless Article 3 of Chapter 3 of Division 5 of the Public Resources Code provides otherwise, be in accordance with the general election laws of the State for a local special election, which is consolidated with a statewide election.

BE IT FURTHER RESOLVED that said special election shall be, and it is, hereby consolidated with the statewide election to be held on said day, and all precincts established and all election officers appointed for said statewide election shall be the precincts and election officers for said special election, and said election officers shall conduct said election and make return thereof according to law.

BE IT FURTHER RESOLVED that, the Registrar of Voters is hereby instructed to cause a ballot pamphlet concerning the district formation to be created in the form set forth in Public Resources Code section 5517.4, to include such pamphlet as part of the general sample ballot, and to mail such pamphlet as set forth in section 5517.4 to all voters entitled to vote on the district formation question.

BE IT FURTHER RESOLVED that the ballots for the election shall contain such instructions as are required by law and shall in addition contain the proposition on district formation as "Measure I," in the following form and in accordance with sections 13103 and 13247 of the Elections Code and Section 5518 of the Public Resources Code:

**Shall the Napa County Regional Park and Open Space District be created and established** to improve the quality of life of Napa County residents by: providing safe parks, trails and outdoor recreational opportunities; preserving, restoring and enhancing natural areas, water quality and historic resources; conserving wildlife; protecting agricultural watershed lands; and reducing wildfire risk; using voluntary agreements and partnerships, without utilizing eminent domain or regulatory authority over lands not owned or managed by the District?      YES   
NO

BE IT FURTHER RESOLVED the ballots shall contain, and the Registrar of Voters is hereby ordered to include on said ballots, the names of the persons nominated in each ward to serve as a member of the board of directors of the District, showing separately each ward and its nominees.

BE IT FURTHER RESOLVED that any person may be nominated for the office of director of the District upon written petition of 50 or more qualified electors of the ward in which the nominee resides.

BE IT FURTHER RESOLVED that a person is not entitled to serve as a director unless he is a resident and elector of the ward and district as provided in Public Resources Code section 5522

BE IT FURTHER RESOLVED that directors shall be nominated and elected by ward, as provided in Public Resources Code section 5527.

BE IT FURTHER RESOLVED that the Registrar of Voters is hereby authorized and ordered to set and collect fees for the filing of candidate statements, as authorized by Elections Code section 13307.

BE IT FURTHER RESOLVED that no person is entitled to vote at the election unless he or she is a qualified elector of the territory included in the proposed district.

BE IT FURTHER RESOLVED that the election, including the nomination and election of directors of the District shall be held and conducted and the result ascertained, determined and declared as provided by law.

BE IT FURTHER RESOLVED that the Board hereby delegates to the Registrar of Voters the task of canvassing the votes cast on the proposition and canvassing the returns of the election with respect to the persons voted for as directors.

BE IT FURTHER RESOLVED that Public Resources Code section 5532 and relevant sections of the Elections Code shall apply to the election of directors, nomination papers, certification of candidates, and oaths of office.

BE IT FURTHER RESOLVED that the vote required for creation of the district shall be a majority of the votes cast. With respect to the election of directors, the persons receiving the highest number of votes for each ward, respectively, shall be elected directors of the district, to hold office until the first Monday after the first day in January next following the first general election held at least eleven (11) months after the formation election, and until their successors are elected and qualified, or as otherwise provided by law.

BE IT FURTHER RESOLVED that notice be, and it hereby is, given that the final date for submission to the Registrar of Voters of arguments not to exceed 300 words in length for or against the measure shall be August 18, 2006, and that such arguments shall be submitted to the Registrar at the Office of the Registrar, 900 Coombs Street, Room #256, Napa, California, 94559, no later than 5:00 p.m. on said day and included in the official ballot materials.

BE IT FURTHER RESOLVED that the final date for submission to the Registrar of Voters of rebuttal arguments for or against the measure shall be August 28, 2006, and that such arguments shall be submitted to the Registrar at the Office of the Registrar, 900 Coombs Street, Room #256, Napa, California, 94559, no later than 5:00 p.m. on said day and included in the ballot pamphlet.

BE IT FURTHER RESOLVED that the election, including the nomination and election of directors and all matters not otherwise provided for by Article 3 of Chapter 3 of Division 5 of the Public Resources Code beginning with sections 5500 et seq., shall be held and conducted and the

the result ascertained, determined, and declared in accordance with the general election laws of the State, as nearly as may be.

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby ordered to transmit, by registered mail, a written notification of this call of election to the executive officer of LAFCO on or before June 18, 2006, in the form of a certified copy of this resolution.

BE IT FURTHER RESOLVED that the executive officer of LAFCO is required to submit, within five days of receiving notice of the election, to LAFCO for its approval or modification, an impartial analysis, not exceeding 500 words in length, which shall include a specific description of the boundaries of the proposed District, of the proposed district formation.

BE IT FURTHER RESOLVED that LAFCO, within five days of the receipt of the executive officer's analysis, is required to approve or modify said analysis and submit it to the Elections Department.

BE IT FURTHER RESOLVED that said impartial analysis shall be filed with the Registrar at the Office of the Registrar, 900 Coombs Street, Room #256, Napa, California, 94559, no later than 5:00 p.m. on or before August 14, 2006 and included in the official ballot materials.

BE IT FURTHER RESOLVED that the Registrar of Voters shall give notice of the election, stating the name of the proposed district and describing its boundaries. The notice shall also describe the boundaries of the wards provided for the purpose of electing directors by including in the notice the legal descriptions contained in Napa County Code sections 1.08.010 through 1.08.050. Notice shall be given as provided by sections 5516 and 5517 of the Public Resources Code.

BE IT FURTHER RESOLVED that the Registrar of Voters may publish a notice of the election in a newspaper of general circulation within the County of Napa not later than fifty (50) days prior to the election.

BE IT FURTHER RESOLVED that pursuant to Elections Code section 12001 a Proclamation of Election is hereby issued for said election and the measure to be voted on in accordance with the terms hereinabove stated.

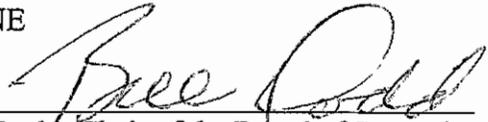
BE IT FURTHER RESOLVED that the entire text of Measure I shall be printed in the voter information portion of the sample ballot.

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**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Board of Supervisors of the County of Napa, State of California, at a regular meeting of the Board held on the 13th day of June, 2006, by the following vote:

AYES: SUPERVISORS WAGENKNECHT, LUCE and DILLON  
NOES: SUPERVISORS DODD and MOSKOWITZ  
ABSENT: SUPERVISORS NONE

  
Bill Dodd, Chair of the Board of Supervisors

ATTEST: PAMELA A. MILLER  
Clerk of the Board of Supervisors

By:  for

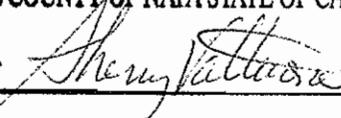
**APPROVED AS TO FORM**  
Office of County Counsel  
By: Silva Darbinian (e-signature)  
Date: June 6, 2006

**APPROVED BY THE NAPA COUNTY  
BOARD OF SUPERVISORS**  
Date: June 13, 2006  
Processed by:   
Deputy Clerk of the Board

**THE FOREGOING INSTRUMENT IS A CORRECT COPY  
OF THE ORIGINAL ON FILE IN THIS OFFICE**

ATTEST: 6/13/06  
PAMELA A. MILLER

**CLERK OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF NAPA STATE OF CALIFORNIA**

BY  DEPUTY