



LAFCO MEETING AGENDA

Monday, December 1, 2008

4:00 P.M.

**Board Chambers, County Administration Building
1195 Third Street, Room 305
Napa, California 94559**

Brad Wagenknecht, Chair
Brian J. Kelly, Vice-Chair
Bill Dodd, Commissioner
Jack Gingles, Commissioner
Juliana Inman, Commissioner
Cindy Coffey, Alternate Commissioner
Mark Luce, Alternate Commissioner
Gregory Rodeno, Alternate Commissioner

Keene Simonds, Executive Officer
Jacqueline Gong, Commission Counsel
Brendon Freeman, Analyst
Kathy Mabry, Secretary

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES
Minutes of November 3, 2008

4. PUBLIC COMMENT

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

5. CONSENT ITEMS

With the concurrence of the Chair, a Commissioner or member of the public may request discussion of an item on the consent calendar.

a) Authorizing Office Closure on December 26, 2008 and January 2, 2009

The Commission will consider authorizing the closure of the office on Friday, December 26, 2008 and Friday, January 2, 2009 with the understanding staff will cover the affected hours using accumulated leave balances.

6. PUBLIC HEARING ITEMS

None

7. ACTION ITEMS

a) Silverado Trail Reorganization

The Commission will consider a proposal from the City of Napa to annex approximately 28.8 acres of unincorporated territory, which consists of three non-contiguous areas located northeast of Silverado Trail's intersection with Soscol Avenue. The proposal is intended to facilitate the future development of the affected territory and has been classified as a reorganization to account for concurrent detachment proceedings involving County Service Area No. 4. The County of Napa Assessor identifies the eight affected parcels as 046-060-001, 046-100-003, 046-100-004, 046-111-001, 046-113-004, 046-130-007, 046-130-008, and 046-130-009.

b) Proposed Amendments to Policy on Conducting Authority Proceedings

The Commission will consider proposed amendments to its adopted policy on conducting authority proceedings. The proposed amendments provide additional guidance to the Commission in administering protest hearings, including the establishment of standard protest form. The proposed amendments are being presented to the Commission for adoption.

c) Proposed Amendments to Policy on Regular Commission Meeting Calendar and Approval of Meeting Calendar for First Half of 2009

The Commission will consider proposed amendments to its adopted policy on calendaring meetings. The Commission will also consider approving a meeting calendar for the first six months of 2009 to include February 2nd, April 6th, May 4th, and June 1st.

ACTION ITEMS CONTINUED...

d) Appointments to the 2009-2010 Budget Committee

The Commission will consider appointing two members to serve with the Executive Officer on the 2009-2010 Budget Committee.

8. DISCUSSION ITEMS

a) New Legislation for 2009

The Commission will review a report from staff summarizing the new legislation affecting LAFCOs that becomes effective January 1, 2009.

9. EXECUTIVE OFFICER REPORT

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

- CALAFCO Legislative Committee
- Island Annexation Program

10. INFORMATION ITEMS

Information items are provided for the Commission to receive and file. The Commission may choose to discuss individual items or to receive and file the entire calendar.

a) Designation of Chair and Vice-Chair for 2009

The Commission will receive a report regarding the designation of the Chair and Vice-Chair for the 2009 calendar year. The report is being presented for information.

b) Expiring Commissioner Terms in 2009

The Commission will receive a report identifying the Commissioner terms scheduled to expire in 2009. The report is being presented for information.

c) Current and Future Proposals

The Commission will receive a report from staff regarding current and future proposals. The report is being presented for information.

11. CLOSED SESSION

a) Public Employee Performance Evaluation

Title: Executive Officer

12. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS

13. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING:

See Agenda Item No. 7c

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. If you intend to speak on any hearing item, please indicate in your testimony if you have made campaign contributions totaling \$250 or more to any Commissioner during the past 12 months. Any member of the public requiring special assistance with respect to attending or listening to the meeting should contact LAFCO staff 24 hours in advance at (707) 259-8645.



Local Agency Formation Commission
LAFCO of Napa County

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

December 1, 2008
Agenda Item No. 5a (Consent)

November 24, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Authorizing Office Closure on December 26, 2008 and January 2, 2009
The Commission will consider authorizing the closure of the office on December 26, 2008 and January 2, 2009 with the understanding staff will cover the affected hours using accumulated leave balances.

A. Discussion

The Commission contracts with the County of Napa for staff support services. In accordance with this contract, it is the practice of the Commission to close its office on all County approved paid holidays. County approved paid holidays in 2008-2009 include Thursday, December 25, 2008 (Christmas Day) and Thursday, January 1, 2009 (New Years Day). Staff believes it would be appropriate to close the office on Friday, December 26 and Friday, January 2, 2009 with the understanding employees will cover the affected hours using their accumulated leave balances.

B. Analysis

The days immediately following Christmas and New Years are typically quiet with little to no public inquiries. The closure of the office during these two days will provide an opportunity for staff to coordinate their vacation time during the holidays without adversely affecting the public and at no additional cost to the Commission.

C. Recommendation

It is recommended the Commission take the following action:

- 1) Authorize the closure of the office on Friday, December 26, 2008 and Friday, January 2, 2009.

Respectfully submitted,

Keene Simonds
Executive Officer

Jack Gingles, Commissioner
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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
LAFCO of Napa County

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

December 1, 2008
Agenda Item No. 7a (Action)

November 24, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Brendon Freeman, Analyst

SUBJECT: Silverado Trail Reorganization

The Commission will consider a proposal from the City of Napa to annex approximately 28.8 acres of unincorporated territory. The affected territory consists of three non-contiguous areas located northeast of Silverado Trail's intersection with Soscol Avenue. The proposal is intended to facilitate the future development of the affected territory and has been classified as a reorganization to account for concurrent detachment proceedings involving County Service Area No. 4. Staff recommends approval of the proposal.

The Commission is responsible under California Government Code (G.C.) Section 56375 to approve, modify, or disapprove boundary changes involving cities and special districts within Napa County. The Commission may establish conditions in approving boundary changes with the qualification it may not directly regulate land uses.

A. Proposal Summary

The Commission has received a proposal from the City of Napa ("City") requesting the annexation of 28.8 acres of unincorporated territory. The proposal has been classified as a reorganization to account for concurrent detachment proceedings involving County Service Area (CSA) No. 4. The affected territory consists of three non-contiguous areas located northeast of Silverado Trail's intersection with Soscol Avenue. The three non-contiguous areas are identified in this report as "A," "B," and "C" and are summarized below.

- Area A is 13.6 acres in size and comprises four parcels and a right-of-way portion of Silverado Trail. The largest parcel is undeveloped while the remaining three parcels include single-family residences. Area A lies along the western side of an unincorporated island bordered on the east by Area B.
- Area B is 3.6 acres in size and comprises one parcel and right-of-way portions of Terrace Drive and Wyatt Avenue. Area B includes a single-family residence and lies along the eastern side of an unincorporated island bordered on the west by Area A.

Jack Gingles, Commissioner
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

- Area C is 11.6 acres in size and comprises three parcels. The largest of the three parcels includes an 85 unit mobile home park. One of the remaining two parcels includes a single-family residence. Area C represents an entire unincorporated island.

B. Discussion

The purpose of the proposal is to facilitate the future division and development of the affected territory under the land use authority of the City. The City General Plan designates the affected territory for a range of moderate to high density residential uses, which could accommodate the development of up to 543 units. The City General Plan also contemplates the development of the affected territory to include the western extension of Saratoga Drive to connect with Silverado Trail. No projects exist at this time given it is City policy not to accept a development application unless the subject land is already within its jurisdictional boundary. However, a developer has purchased five of the six parcels comprising Areas A and B indicating development of the affected territory is probable within the next several years upon annexation to the City.

It is important to note the genesis of the proposal began with a request made by the aforementioned developer to the City in January 2008 seeking just the annexation of the company's five parcels located along Silverado Trail and part of two separate unincorporated islands. The City responded to the request by surveying adjacent landowners to determine interest in expanding the annexation to further reduce or eliminate the two affected unincorporated islands. The survey produced positive responses from three additional landowners whose parcels have been added to the proposal. One of the three added parcels includes an 85 unit mobile home park in Area C.

The key benefit in expanding the proposal to include the mobile home park relates to the elimination of an entire island surrounded by the City. This addition, however, does redefine the affected territory from uninhabited to inhabited.¹ The significance of the affected territory qualifying as inhabited relates to the ability of the Commission to approve the proposal while waiving protest proceedings. Staff initially reviewed the applicable code sections and concluded the Commission could waive protest proceedings outright given the proposal has 100% consent from the affected landowners. This conclusion was conveyed to the City before it took action and submitted the proposal to the Commission. As part of a separate and subsequent inquiry, staff realized the applicable code sections are less clear than initially believed regarding the waiver of protest proceedings for inhabited territory and asked Counsel for an opinion. Counsel has drawn a separate conclusion and advises the Commission cannot waive protest proceedings unless notice is provided to all landowners and registered voters and no one submits written opposition before the end of hearing. With this in mind, notice has been provided to all landowners and registered voters advising the Commission will waive protest proceedings for the proposal unless written opposition is received before the end of the hearing.

¹ G.C. 56046 defines inhabited territory as land with 12 or more registered voters.

If written opposition is received before or at the hearing, staff believes it is appropriate for the Commission to continue consideration of the proposal to February. Continuance will provide City staff an opportunity to address the concerns of the affected party or parties. If the concerns cannot be addressed, the Commission may consider modifying the proposal on its own at its February meeting to remove the parcel with the mobile home park. This modification would revert the affected territory to qualify as uninhabited and allow the Commission to outright waive protest proceedings for the proposal.

C. Analysis

Staff has organized the analysis of the proposal to address three specific issues to help inform the Commission in its decision-making process. These issues relate to (a) service factors, (b) rezoning, and (c) environmental review.

Service Factors

G.C. Section 56668 requires the Commission to consider 15 specific service factors anytime it reviews proposed boundary changes, such as an annexation. No single factor is determinative. An evaluation of these factors as it relates to the proposal follows.

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 current population in the affected territory is estimated at 236 with a density of 8.2 persons per acre.² If developed to the maximum density allowed under the City General Plan, the affected territory's population would be approximately 1,423 with a density of 49.4 persons per acre. Five of the eight parcels are developed with single-family residences. A sixth parcel is developed within an 85-unit mobile home park. The remaining two parcels, which represent the majority of affected territory as measured in acres, are vacant. Topography is relatively flat with a peak elevation of 54 feet in the eastern portion of Area A. Tulucay Creek transverses the southeast border of Area C. There are no notable natural boundaries or drainage basins. The total current assessed value of the subject territory is \$6,261,584.

The potential for new growth adjacent to the affected territory is generally limited to the remaining 14 parcels neighboring Areas A and B and part of the same island. The current population within these remaining 14 parcels is estimated at 28 with a density of 2.5 persons per acre.³ The anticipated build-out population within these remaining parcels is approximately 210 with a density of 18.5 persons per acre based on the City General Plan.

² Estimate has been calculated by staff based on the sum of the total number of residential units (90) within the affected territory multiplied by a population factor of 2.62.

³ Estimate has been calculated by staff based on the sum of the total number of residential units (11) within the remaining 14 parcels multiplied by a population factor of 2.62.

- 2) **The need for organized community services; the present cost and adequacy of governmental 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 proposal is expected to facilitate the future development of the affected territory within the next ten years in a manner consistent with the City General Plan to include up to 543 residential units. Governmental services will be needed to accommodate and support the intensified urban uses. Most notably, this includes providing an appropriate level of (a) fire protection and emergency medical, (b) law enforcement, (c) sewer, and (d) water services. An analysis of the availability and adequacy of these governmental services in the affected territory follows.

Fire Protection and Emergency Medical Service

The County is currently responsible for providing fire protection and emergency medical services to the affected territory. However, given the affected territory are part of two unincorporated islands, the City is already the probable first-responder for fire protection and emergency medical service calls based on a mutual aid agreement with the County. Annexation of the affected territory to the City would formalize this existing service arrangement.

Law Enforcement Service

The County is currently responsible for providing law enforcement services to the affected territory. However, given the affected territory are part of two unincorporated islands, the City is already the probable first-responder for law enforcement service calls based on a mutual aid agreement with the County. Annexation of the affected territory to the City would formalize this existing service arrangement.

Sewer Service

All eight parcels comprising the affected territory are already within the Napa Sanitation District (NSD). NSD has established sewer service to three of the eight parcels. NSD's Sewer Master Plan indicates it has sufficient capacities to provide sewer service to the entire affected territory at its buildout under the City General Plan without adversely affecting existing customers.

Water Service

Two of the eight parcels comprising the affected territory currently receive water service from the City. The remaining six parcels are dependent on groundwater. Upon annexation, these six remaining parcels would be eligible to receive water service from the City through a formal application process. The City's mostly recently prepared Urban Water Management Plan indicates it has adequate capacities to provide water services to the entire affected territory at its buildout under the City General Plan without adversely affecting existing customers. An expanded review of the City's water services are addressed on page six of this report.

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

The proposed action would recognize and strengthen the existing economic and social ties between the affected territory and the City. These existing communities of interests are drawn from the affected territory's location within two unincorporated islands surrounded by the City. The landowners and residents of the affected territory already utilize the commercial and public services provided within and by the City, respectively. The modification of the proposal to include the remaining 14 parcels adjacent to Areas A and B that are part of the same unincorporated island would further recognize and strengthen these referenced communities of interests.

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.

As mentioned, the proposal includes two separate areas (A and B) comprising opposite ends of the same unincorporated island. It is the policy of the Commission to consider expanding the proposal to include the remaining parcels within the unincorporated island for the purpose of its elimination. Based on the results of the previous survey conducted by the City, it is reasonable to assume such an expansion would draw considerable landowner protest. The protest engendered as a result of the expansion could be sufficient to cause an election or outright terminate the proceedings during the protest hearing.

The above circumstances highlight a policy conflict for the Commission with regard to considering proposals that would reduce rather than eliminate unincorporated islands. Specifically, this policy conflict is drawn from the Commission's equal desire to (a) support infill-oriented annexations while (b) seeking the elimination of unincorporated islands and the service inefficiencies they perpetuate.

In reviewing this proposal, staff communicated to the City the Commission's interest in working together to actively eliminate unincorporated islands. City staff has responded favorably and has pledged its commitment to partner with the Commission on an island annexation program. The program would include public outreach to help inform affected island landowners and residents of the benefits of annexation as well as addressing common misconceptions. The underlying aim of the program would be to utilize G.C. Section 56375.3, which offers a streamlined process for cities to annex entire islands that are less 150 acres in size and do not include prime agriculture land. Most notably, this includes waiving protest proceedings. Staff believes this commitment provides sufficient assurances the Commission's interest in annexing the remaining parcels in the unincorporated island associated with Areas A and B will be addressed in the near future.

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

None of the eight parcels comprising the affected territory qualifies as agricultural land as defined under G.C. Section 56016.

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

A map and geographic description have been prepared by a licensed surveyor identifying the boundaries of the affected territory in accordance with the requirements of the State Board of Equalization. These documents provide sufficient certainty with regards to the exact boundaries of the affected territory.

Annexation of Areas A and B will reduce an existing island. Annexation of Area C will eliminate an existing island.

7) Consistency with the city and county general plan and specific plans.

The City General Plan designates the affected territory for a range of residential land uses with the potential to accommodate up to 543 units. These urban assignments are consistent with the County General Plan, which designates the entire affected territory as *Cities*.

8) The sphere of influence of any affected local agency.

The affected territory is located within the City's sphere of influence. The affected territory is also within CSA No. 4's sphere of influence. No change to CSA No. 4's sphere of influence is recommended given the affected territory would be annexed back to the District if ever detached from the City.

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

On August 14, 2008, the application materials associated with the proposal were circulated for review to all affected local governmental agencies. No substantive 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.

The City has adequate service capacities, financial resources, and administrative controls to serve the affected territory. The City will also receive 55% of the County's proportional share of property tax proceeds to help offset new service-related costs as part of a master tax exchange agreement.

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

The City's water supplies are drawn from three sources: 1) Lake Hennessey; 2) Milliken Reservoir; and 3) the State Water Project. The City's most recently prepared urban water management plan estimates its total annual water supply generated from these three sources during normal and multiple-dry years is 29,296 and 16,957 acre-feet, respectively.

The City's current annual water demand is approximately 14,500 acre-feet. It is anticipated the annexation of the subject territory and its subsequent maximum development under the City General Plan would generate an additional annual water demand of 206 acre-feet.^{4 5} This anticipated new demand can be reasonably accommodated by the City based on its existing supplies.

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

The proposal makes no significant impact on the ability of the County or City in achieving their respective regional housing needs assignment as determined by the Association of Bay Area Governments (ABAG). Based on the methodology used by ABAG, the potential housing stock associated with the affected territory has been fully allocated to the City in determining its housing need assignment given its location within its urban limit line.

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

The proposal has received 100% written consent from all affected landowners. Notice of the proposal and its scheduled hearing date was mailed to all registered voters residing within the affected territory on November 10, 2008. No comments were received as of the date of this report.

14) Any information relating to existing land use designations.

The City designates the affected territory as *Single-Family Infill 171*, *Single-Family Infill 173*, *Single-Family Residential 174*, and *Multi-Family Residential 175*. These designations provide respective maximum densities of six, eight, six, and 30 units per acre and could accommodate the development of the affected territory to include up to 543 units.

⁴ Two of the eight parcels in the affected territory have already established water service with the City. The two parcels are both located within Area A. The remaining six parcels in the subject territory are dependent on groundwater.

⁵ The estimated new annual water demand associated the proposal has been calculated by staff based on the number of possible total units (543) multiplied by an average annual water demand factor (0.38 acre-feet).

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

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

Prezoning Assignment

G.C. Section 56375(3) requires cities prezone territory as a condition to annexation. The City has prezoned the affected territory with three residential assignments: *RM* (Multi-Family Residential); *RI-5* (Single-Family Infill); and *RS-5* (Single-Family Residential). These zoning assignments are consistent with the City General Plan. The City may not change the zoning for the affected territory in a manner that does not conform to the prezoning at the time of annexation for a period of two years with limited exceptions.

Environmental Review

The City serves as lead agency for the proposal under the California Environmental Quality Act (CEQA). The City prepared an initial study and has determined the annexation and potential development of the subject territory could not have a significant effect on the environment because all potential significant effects have been adequately analyzed and addressed in the Final Environmental Impact Report (FEIR) prepared for the General Plan.

As responsible agency, the Commission is required to rely on the City’s environmental documentation in acting on the proposal, but must prepare and issue its own findings. Staff has reviewed the aforementioned initial study and believes the City has made an adequate determination the annexation will not introduce any new considerations with respect to the FEIR. In addition, development projects, as they become known, will be subject to additional environmental review.

D. Alternatives for Commission Action

Four alternative actions are available to the Commission with respect to its consideration of the proposal. These alternates are:

- Option One: Approve the proposal as submitted.**
- Option Two: Approve the proposal with any desired boundary modifications.**
- Option Three: Continue consideration of this proposal to a future meeting.**
- Option Four: Deny the proposal.**

E. Recommendation

Staff recommends the Commission approve the proposal as submitted, which is identified in the preceding section as Option One. The proposal will facilitate orderly and infill-oriented growth and will not induce the premature conversion of any agricultural or open-space land. The City's written commitment to working on an island annexation program provides sufficient assurances the Commission's interest in annexing the remaining parcels in the unincorporated island associated with Areas A and B will be addressed in the near future.

Respectfully submitted,

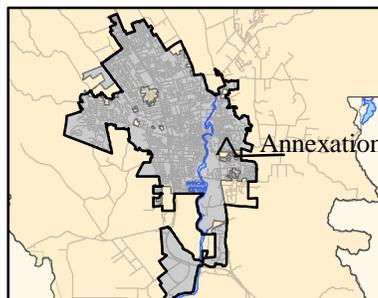
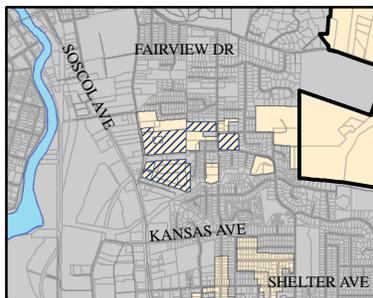
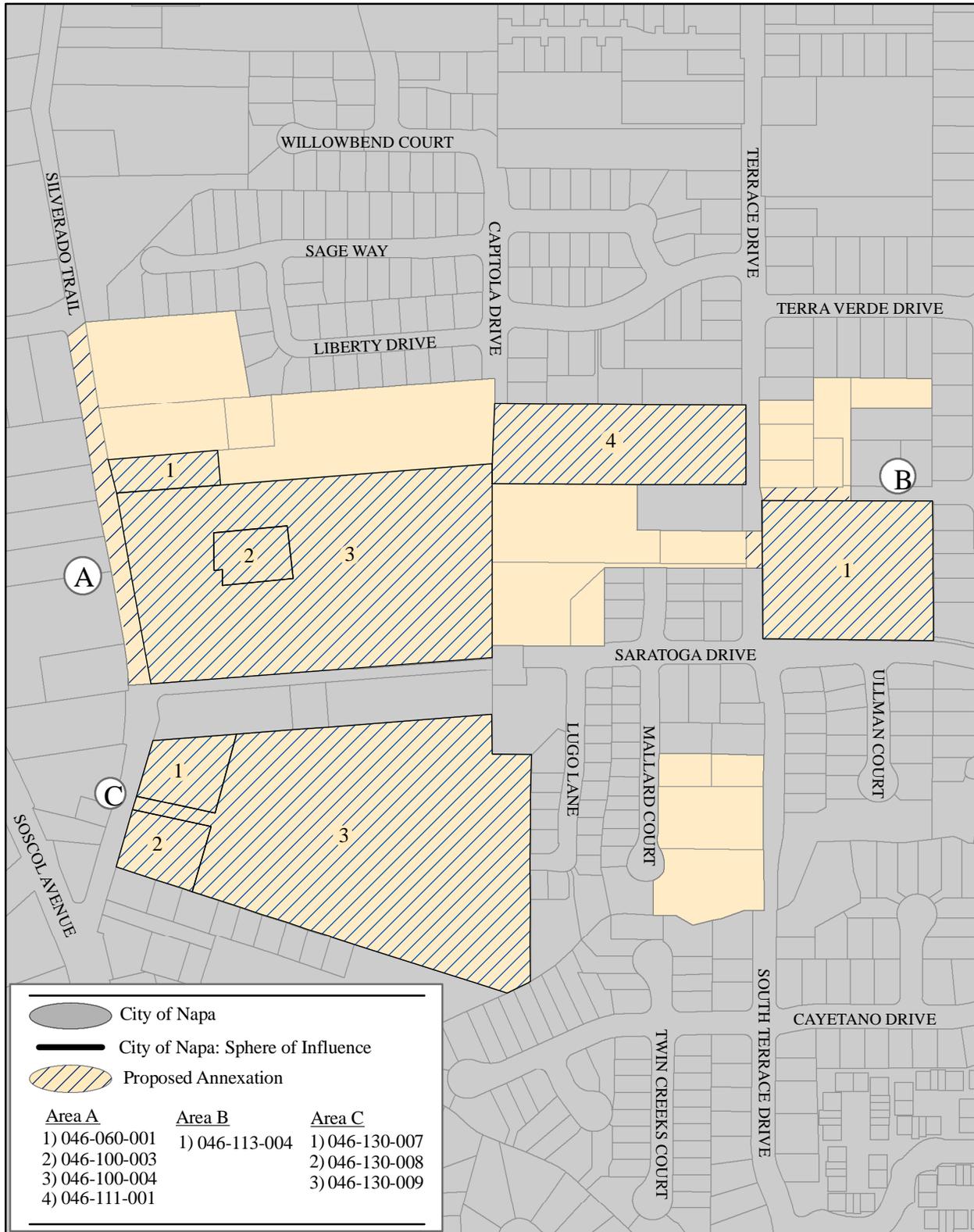
Keene Simonds
Executive Officer

Brendon Freeman
Analyst

Attachments:

- 1) Maps
- ~~2) Draft Resolution of Approval~~
- ~~3) Application Materials~~
- ~~4) Letter from the City of Napa, dated October 30, 2008~~

Silverado Trail Reorganization



November 24, 2008
Prepared by KS/BF



LAFCO of Napa County
1700 Second Street, Suite 268
Napa, California 94559
<http://napa.lafco.ca.gov>



Local Agency Formation Commission
LAFCO of Napa County

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

December 1, 2008
Agenda Item No. 7b (Action)

November 24, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Proposed Amendments to Policy on Conducting Authority Proceedings
The Commission will consider proposed amendments to its adopted policy on conducting authority proceedings. The proposed amendments provide additional guidance to the Commission in administering protest hearings, including the establishment of standard protest form. The proposed amendments are being presented to the Commission for adoption.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs Local Agency Formation Commissions (LAFCOs) to administer conducting authority proceedings for all approved changes of organization or reorganization unless waived. Conducting authority proceedings are commonly referred to as protest hearings and afford affected landowners and in certain instances registered voters the opportunity to have formal input on a change of organization or reorganization. Most importantly, protest hearings serve as a public check on LAFCO's authority to approve boundary changes and may result in proposals requiring an election or outright terminated.

A. Discussion

LAFCO of Napa County's ("Commission") *Policy on Conducting Authority Proceedings* was adopted in 2001 and provides basic direction in administering protest hearings (attached). In reviewing this policy, staff believes substantive amendments are warranted to provide more specific guidance to the Commission to ensure protest hearings are administered in an orderly and consistent manner. This includes establishing clear written procedures with respect to (a) scheduling, (b) noticing, (c) holding, and (d) completing protest hearings (attached).

B. Analysis

As mentioned, the proposed amendments to the *Policy on Conducting Authority Proceedings* provide additional and measured direction to the Commission in administering protest hearings. The amendments reorganize the policy to reflect a checklist form to help eliminate processing missteps as well as to enhance transparency to the public. The amendments also include the establishment of a standard protest form, which is required under Government Code Section 56300(e) and will help expedite the validation and valuing of written protest filed with the Commission.

Jack Gingles, Commissioner
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

C. Recommendation

It is recommended the Commission take the following action:

- 1) Adopt the amended *Policy on Conducting Authority Proceedings* with any desired changes.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachments:

- 1) *Policy on Conducting Authority Proceedings* (Adopted on April 11, 2001)
- 2) *Policy on Conducting Authority Proceedings* (Proposed)

Local Agency Formation Commission of Napa County

Policy for Conducting Authority Proceedings

(Adopted: April 11, 2001)

Government Code §56029 establishes that for all proposals that it approves, the Commission shall serve as the conducting authority and administer the provisions of Government Code §57000 et. seq. To facilitate the orderly administration of the conducting authority process, the policy of the Commission is:

1. Upon approval of a proposal subject to conducting authority proceedings, the Executive Officer is empowered to give notice of, and to hold on the Commission's behalf, a public hearing for conducting authority proceedings. During the period from the issuance of this notice to the end of the public hearing, the Executive Officer shall receive protest in the manner prescribed by Government Code §57000 et. seq.
2. At the close of the conducting authority hearing, the Executive Officer shall work with the County Registrar of Voters and the County Assessor, as needed, to validate the protest submitted to the Commission.
3. At the next regular meeting of the Commission (or at a special meeting if one is required in order to comply with the Government Code), the Executive Officer shall summarize his findings with respect to the protest submitted and shall identify for the Commission the action required of it as the conducting authority.
4. Based on the findings and recommendation of the Executive Officer, the Commission, as conducting authority, shall make its determinations and order the appropriate action.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
Policy on Conducting Authority Proceedings

Adopted: April 11, 2001
 Amended: _____

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs the Commission to administer conducting authority proceedings for all approved changes of organization or reorganization unless waived. Commission duties in administering conducting authority proceedings are codified in Government Code Sections 57000 et. seq.

II. Objective

The objective of this policy is to guide the Commission in administering conducting authority proceedings in an orderly and consistent manner. This includes establishing procedures in (a) scheduling, (b) noticing, (c) holding, and (d) completing protest hearings.

III. Procedures

A. Scheduling

- 1) The Executive Officer shall schedule a protest hearing no less than 35 days after the Commission's approval of the change of organization or reorganization.
- 2) The date of the protest hearing shall not be scheduled before the expiration of the 30-day reconsideration period.

B. Noticing

- 1) The Executive Officer shall provide notice no less than 21 days and not more than 60 days before the scheduled date of the protest hearing.
- 2) The notice on the protest hearing shall be published, posted, and mailed to all affected agencies and landowners as well as interested parties. The notice shall also be mailed to all affected registered voters if the territory is inhabited.
- 3) The notice on the protest hearing shall summarize the change of organization or reorganization, including a statement of justification and a description of the affected territory's location. The notice shall clearly state the time, date, and location of the protest hearing.
- 4) The notice on the protest hearing shall be accompanied by a standard protest form as provided in Attachment One.

C. Holding

- 1) The Executive Officer shall be responsible for holding the protest hearing. At the protest hearing, the Executive Officer shall take the following actions:
 - Summarize the Commission's resolution approving the change of organization or reorganization.
 - Open the protest hearing to receive written or verbal protests.
 - Continue the protest hearing from time to time, if needed, but not to exceed 60 days from its original scheduled date.
 - Close the protest hearing.
- 2) At the close of the protest hearing, the Executive Officer shall work with the County of Napa Assessor and Registrar of Voters' Offices, as needed, in validating the written protests filed and not withdrawn.

D. Completing

- 1) Within 30 days of the close of the protest hearing, the Executive Officer shall determine the value of the written protests filed and not withdrawn on the change of organization or reorganization.
- 2) The Executive Officer shall present his or her determination regarding the value of the written protests filed and not withdrawn to the Commission at a public meeting. The Commission shall adopt a resolution confirming the value of the written protests filed and not withdrawn and take one of the following actions:
 - If the affected territory is uninhabited:
 - Terminate the change of organization or reorganization if the landowners representing 50% or more of the assessed value of the affected land have filed written protests; or
 - Order the change of organization or reorganization without election if the landowners that have filed written protests representing less than 50% of the assessed value of the affected land.
 - If the affected territory is inhabited:
 - Terminate the change of organization or reorganization if 50% or more of the registered voters residing within the affected land have filed written protests; or
 - Order the change of organization or reorganization subject to an election if more than 25% but less than 50% of the registered voters residing within the affected land have filed written protests; or

- Order the change of organization or reorganization subject to an election if at least 25% of the number of landowners who also represent at least 25% of the assessed value of the affected land have filed written protests; or
 - Order the change of organization or reorganization without election if less than 25% of the registered voters have filed written protests or less than 25% of the number of landowners representing less than 25% of the assessed value of the affected land have filed written protests.
 - If the affected territory is inhabited and a landowner-voter district:
 - Terminate the change of organization or reorganization if 50% or more of the voting power of the eligible voters have filed written protests.
- 3) If the Commission terminates the change of organization or reorganization, the Executive Officer shall prepare a Certificate of Termination of Proceedings.
- 4) If the Commission orders a change of organization or reorganization without election, the Executive Officer shall prepare a Certificate of Completion.
- 5) If the Commission orders a change of organization or reorganization subject to an election, the Executive Officer shall provide written notice to the Board of Supervisors or affected city council to conduct the election. At the conclusion of the election, the Executive Officer shall take one of the following actions:
- Prepare a Certificate of Completion for the change or organization or reorganization if approved by voters.
 - Prepare a Certificate of Termination of Proceedings for the change of organization or reorganization if disapproved by voters.



Local Agency Formation Commission
LAFCO of Napa County

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

December 1, 2008
Agenda Item No. 7c (Action)

November 24, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Proposed Amendments to Policy on Regular Commission Meeting Calendar and Approval of Meeting Calendar for First Half of 2009

The Commission will consider proposed amendments to its adopted policy on calendaring meetings. The Commission will also consider approving a meeting calendar for the first six months of 2009 to include February 2nd, April 6th, May 4th, and June 1st.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires Local Agency Formation Commissions (LAFCOs) to adopt policies and procedures with respect to conducting meetings. Government Code Section 56375(i) specifies LAFCOs must establish regulations to ensure meetings are conducted on a regular and orderly basis.

A. Discussion

LAFCO of Napa County's ("Commission") *Policy on Regular Commission Meeting Calendar* calls for regular meetings to be scheduled for 4:00 P.M. on the first Monday of each month as needed (attached). This policy directs the Commission to review and approve its meeting calendar every six months at the June and December meetings.

B. Analysis

The need for the Commission to approve a meeting calendar for the first six months of 2009 provides an opportunity to also consider whether amendments to the current policy are appropriate. Staff believes two specific amendments are warranted. This includes (a) specifying the location of regular meetings will be the Board Chambers at the County of Napa Administration Building and (b) establishing procedures to schedule special meetings. General formatting changes are also proposed (attached).

With respect to approving a regular meeting calendar for the first six months of 2009, the Commission's workload justifies scheduling meetings in February, April, May, and June. Meetings are not recommended for January or March to provide staff additional time to prepare draft and final reports, respectively, on the Commission's scheduled municipal service review on the south county region. Markedly, the completion of the municipal service review in April will allow the Commission to begin considering possible sphere of influence updates for the three affected agencies as early as the May meeting.

Jack Gingles, Commissioner
Mayor, City of Calistoga

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

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

Juliana Inman, Commissioner
Councilmember, City of Napa

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

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

Keene Simonds
Executive Officer

C. Recommendation

It is recommended the Commission take the following actions:

- 1) Adopt the amended *Policy on Regular Commission Meeting Calendar* with any desired changes; and
- 2) Adopt a regular meeting calendar for the first six months of 2009 to include February 2, April 6, May 4, and June 1 with any desired changes.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachments:

- 1) *Policy on Regular Commission Meeting Calendar* (Adopted June 14, 2001)
- 2) *Policy on Regular Commission Meeting Calendar* (Proposed Amendments)

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Regular Commission Meeting Calendar

Adopted: June 14, 2001

Amended: December 9, 2004; and

December 4, 2006

It is the intent of the Commission to establish a regular meeting day and time and a procedure for the regular consideration of its meeting calendar. As provided by G.C. §56375(i), the policy of the Commission is:

1. The regular meeting day of the Commission is the first Monday of each month.
2. The regular meeting time of the Commission is 4:00 P.M.
3. The Commission shall review and affirm its meeting schedule every six months. If a regular Commission meeting falls on a holiday, the Commission shall determine an alternate day as part of this review of its calendar.
4. The Chair may cancel or change the date or time of a regular meeting if it is determined that the Commission cannot achieve a quorum on the scheduled day and time or there is a lack business. Regular meetings may also be canceled or changed with the consent of a majority of the regular members of the Commission where the majority includes at least one member representing the cities and at least one member representing the County.
5. Notice of any change to the regular Commission meeting shall be given not less than 72 hours prior to the scheduled time of the meeting. Notice shall be given to all Commissioners, local news media, affected agencies, individuals, and interested parties who have requested notice of regular meetings.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
Policy on Regular Commission Meeting Calendar

Adopted: June 14, 2001
Amended: December 9, 2004
December 4, 2006

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires Local Agency Formation Commissions (LAFCOs) to adopt policies and procedures with respect to conducting meetings. Government Code Section 56375(i) specifies LAFCOs shall establish regulations to ensure meetings are conducted on a regular and orderly basis.

II. Objective

The objective of this policy is to guide the Commission in scheduling regular and special meetings in a consistent and logical manner.

III. Guidelines

A. Regular Meetings

- 1) The regular meeting day of the Commission is the first Monday of each month. The time and place of regular meetings is 4:00 P.M. in the Board Chambers of the County of Napa Administration Building, located at 1195 Third Street, Napa.
- 2) The Commission shall review and approve its regular meeting calendar every six months. If a regular meeting falls on a holiday, the Commission shall determine an alternate day as part of its review if needed.
- 3) The Chair may cancel or change the date or time of a regular meeting if he or she determines the Commission cannot achieve a quorum or there is a lack of business. Regular meetings may also be canceled or changed with the consent of a majority of the regular members of the Commission. For the purpose of this policy, a majority includes at least one member representing the cities and one member representing the county.
- 4) Notice of any change to a scheduled regular meeting shall be posted on the Commission website and transmitted to all interested parties.

B. Special Meetings

- 1) The Chair may schedule special meetings of the Commission as needed. The Chair shall consult with the Executive Officer in scheduling special meetings to ensure a quorum is available at a specified place and time.
- 2) Requests from outside parties for special meetings must be made in writing and submitted to the Executive Officer. If approved and scheduled by the Chair, the affected outside party requesting the special meeting will be responsible for any related charges pursuant to the Commission's *Schedule of Fees and Deposits*.
- 3) Notices for scheduled special meetings will be posted on the Commission website and transmitted to all interested parties within 72 hours of the meeting date.



Local Agency Formation Commission
LAFCO of Napa County

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

December 1, 2008
Agenda Item No. 7d (Action)

November 24, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Appointments to the 2009-2010 Budget Committee

The Commission will consider appointing two members to serve with the Executive Officer on the 2009-2010 Budget Committee.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs Local Agency Formation Commissions (LAFCOs) to annually prepare and adopt proposed and final budgets by May 1st and June 15th, respectively.

A. Discussion

It is the policy of LAFCO of Napa County ("Commission") to establish a Budget Committee at its last meeting of the calendar year. The Budget Committee consists of two appointed Commissioners and the Executive Officer. The Budget Committee is responsible for preparing a draft proposed budget for review by the Commission and those entities statutorily responsible for funding the agency no less than 30 days prior to its adoption. It has been the practice of the Commission to receive a draft proposed budget from the Budget Committee at its February meeting. Proposed and final budgets are generally presented to the Commission for adoption at its April and June meetings. Previous appointments to the Budget Committee are summarized below.

Previous Budget Committees

Term	Appointee	Appointee
2008-2009	Brian J. Kelly	Jack Gingles
2007-2008	Brian J. Kelly	Brad Wagenknecht
2006-2007	Guy Kay	Brad Wagenknecht
2005-2006	Guy Kay	Brad Wagenknecht

B. Analysis

The Budget Committee will review and make recommendations on baseline expenditures to maintain or adjust current agency service levels. The Budget Committee will also review costs associated within a possible office relocation given the agency's current lease at 1700 Second Street expires on June 30, 2009.

Jack Gingles, Commissioner
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

It has been the recent practice of the Budget Committee to schedule a noticed public meeting during the first full week of January. It is expected one additional noticed public meeting will be required and scheduled in early March.

C. Recommendation

It is recommended the Commission take the following action:

- 1) Appoint two members to serve on the 2009-2010 Budget Committee.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

- 1) *Policy on Preparation of the LAFCO Budget*

Local Agency Formation Commission of Napa County

Policy on the Preparation of the LAFCO Budget
(Adopted: August 9, 2001; Last amended: January 9, 2003)

To facilitate the adoption of the LAFCO budget pursuant to Government Code §56381, it is the policy of the Commission that:

1. There shall be a LAFCO budget committee, composed of two members of the Commission and the Executive Officer. At the last regular Commission meeting of each calendar year, the Chair shall appoint two members to serve on the budget committee.
2. It is the responsibility of the budget committee to prepare a draft preliminary budget for circulation to the Commission, those agencies statutorily required to contribute to the LAFCO budget and all interested parties.
3. The draft preliminary budget shall be circulated no less than 30 days prior to the meeting at which it shall be considered and adopted.
4. Following the adoption of the preliminary budget, the Executive Officer shall prepare a draft final budget.
5. The draft final budget shall be circulated no less than 30 days prior to the meeting at which it shall be considered and adopted.



Local Agency Formation Commission
LAFCO of Napa County

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

December 1, 2008
Agenda Item No. 8a (Discussion)

November 24, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: New Legislation for 2009

The Commission will review a report from staff summarizing the new legislation affecting LAFCOs that becomes effective January 1, 2009.

Local Agency Formation Commissions (LAFCOs) are responsible for administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. LAFCOs are also responsible for helping to administer several other laws, most notably special district principal acts.

A. Discussion

The second year of the 2007-2008 legislative session produced several bills that make substantive changes to LAFCO law or the laws LAFCO helps to administer. These bills become effective January 1, 2009 and are summarized below.

Assembly Bill 1998 (Jim Silva)

AB 1998 changes the responsibility for administering mandatory disclosure requirements associated with political expenditures made in conjunction with change of organization or reorganization proposals from LAFCO to the Fair Political Practices Commission.

Assembly Bill 2484 (Anna Caballero)

AB 2484 expands the definition for changes of organization to include proposals from special districts to (a) provide new services or (b) divest existing services. This bill directs LAFCOs to evaluate these type of proposals in the same manner as other boundary changes, such as annexations, and specifies a latent power can only be activated if it is determined the agency will have sufficient revenues.

Senate Bill 301 (Gloria Romero)

SB 301 eliminates the July 1, 2009 sunset date on providing additional vehicle-license fee (VLF) subventions to newly incorporated cities or cities annexing inhabited territory. This additional funding was initially established under AB 1602 (2006) to backfill the loss in VLF for newly created cities or cities that annex inhabited areas created as part of the 2004-2005 budget agreement codified as part of Proposition 1A.

Jack Gingles, Commissioner
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

Senate Bill 1191 (Elaine Alquist)

SB 1191 expands the authority of community service districts to operate and provide broadband services. The bill was supported by the major telecommunication companies and is intended to facilitate the development of broadband services in unincorporated areas before transferring ownership to private entities.

Senate Bill 1458 (Senate Local Government Committee)

SB 1458 represents a comprehensive rewrite of County Service Area (CSA) law. This includes clarifying CSAs are subject to LAFCO jurisdiction.

Senate Bill 375 (Darrell Steinberg)

SB 375 requires California's 17 regional transportation agencies to develop sustainable communities strategies (SCS) to guide smart growth practices for the purposes of reducing vehicle emissions. Projects consistent with the regional SCS would be eligible for additional transportation funding and qualify for an abbreviated review under the California Environmental Quality Act. This bill specifies regional transportation agencies shall consider the adopted municipal service reviews and sphere of influence updates for local agencies within their jurisdiction.

B. Commission Review

Staff respectfully requests the Commission review the pending new legislation and offer any questions or comments.

Attachments: none



Local Agency Formation Commission
LAFCO of Napa County

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

December 1, 2008
Agenda Item No. 10a (Information)

November 24, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Designation of Chair and Vice-Chair for 2009

The Commission will receive a report regarding the designation of the Chair and Vice-Chair for the 2009 calendar year. The report is being presented for information.

The Commission's *Appointment of Chair and Vice-Chair* policy establishes an annual rotation system with respect to the designation of the Chair and Vice-Chair. This policy was adopted in August 2004 and assigns seat designations for all five regular positions on the Commission (two city, two county, and one public). The purpose of the policy is to provide an automatic and predetermined rotation of the Chair and Vice-Chair at the beginning of each calendar year.

A. Information

The Commission's adopted policy designates Commissioners Kelly and Inman as Chair and Vice-Chair, respectively, in 2009. The complete rotation schedule for the Chair and Vice-Chair as of January 1, 2009 follows.

Chair Schedule

1. Public Member (Kelly)
2. City Member I (Inman)
3. County Member I (Dodd)
4. City Member II (Gingles)
5. County Member II (Wagenknecht)

Vice-Chair Schedule

1. City Member I (Inman)
2. County Member I (Dodd)
3. City Member II (Gingles)
4. County Member II (Wagenknecht)
5. Public Member (Kelly)

Attachments: none

Jack Gingles, Commissioner
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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
LAFCO of Napa County

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

December 1, 2008
Agenda Item No. 10b (Information)

November 24, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Expiring Commissioner Terms in 2009

The Commission will receive a report identifying the Commissioner terms scheduled to expire in 2009. The report is being presented for information.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 states the composition of Local Agency Formation Commissions (LAFCOs) shall include two regular members representing the county, two regular members representing the cities, and one regular member representing the general public. LAFCOs may also have two regular members representing special districts although it is not a requirement. Each category represented on LAFCO also has one alternate member. Appointments for the county and city regular and alternate members are made by board of supervisors and city selection committees, respectively. Appointments for the regular and alternate public members are made by the county and city members on LAFCO. All terms on LAFCO are four years.

A. Information

LAFCO of Napa County ("Commission") has three members with terms scheduled to expire on May 4, 2009: (a) Jack Gingles; (b) Cindy Coffey; and (c) Mark Luce. Staff will notify and request the City Selection Committee and the Board of Supervisors make new four-year appointments for the affected positions. A complete listing of the expiring terms for all Commissioners follows.

Commissioner	Appointing Authority	Term Expires
Brad Wagenknecht, Chair	Board of Supervisors	May 7, 2012
Brian J. Kelly, Vice-Chair	Commission	May 3, 2010
Bill Dodd	Board of Supervisors	May 3, 2010
Jack Gingles	City Selection Committee	May 4, 2009
Juliana Inman	City Selection Committee	May 2, 2011
Cindy Coffey, Alternate	City Selection Committee	May 4, 2009
Mark Luce, Alternate	Board of Supervisors	May 4, 2009
Gregory Rodeno, Alternate	Commission	May 7, 2012

Attachments: none

Jack Gingles, Commissioner
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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
LAFCO of Napa County

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

December 1, 2008

Agenda Item No. 10c (Information)

November 25, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Current and Future Proposals

The Commission will receive a report regarding current and future proposals. The report is being presented to the Commission for information.

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 cities and special districts. This includes approving proposed jurisdictional boundary changes and requests to provide new or extended extraterritorial services. LAFCOs are also responsible for establishing, updating, and modifying cities and special districts' spheres of influence.

A. Discussion

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

Wilkins Avenue Reorganization (City of Napa/CSA No. 4)

This application has been submitted by the City of Napa on behalf of the affected landowner. The City proposes the annexation of an approximate 0.77 acre unincorporated parcel located at 2138 Wilkins Avenue north of its intersection with Imola Avenue. The subject territory includes a single-family residence and is part of a large unincorporated island substantially surrounded by the City. The purpose of the annexation is to facilitate the future division and development of the subject territory, which could accommodate up to five residences under the City General Plan. The proposal has been classified as a reorganization to account for automatic detachment proceedings involving County Service Area (CSA) No. 4 unless waived by the Commission.

Status: Staff's review of the proposal is near completion. Staff is awaiting the submittal of a map and geographic description from the applicant before presenting the proposal for Commission consideration.

Jack Gingles, Commissioner
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

North Big Ranch Road Reorganization (City of Napa/CSA No. 4)

This application has been submitted by the City of Napa on behalf of an affected landowner. The City proposes the annexation of 18 unincorporated parcels consisting of three non-contiguous areas totaling 20 acres located along the western side of Big Ranch Road. All three non-contiguous areas represent unincorporated islands substantially surrounded by the City. The purpose of the proposal is to facilitate the future division and development of the subject territory. The proposal represents a reorganization to account for automatic detachment proceedings involving CSA No. 4 unless waived by the Commission.

Status: Staff recently circulated copies of the application materials to local agencies for their review and comment. Staff anticipates presenting the proposal for Commission consideration as early as the February 2, 2009 meeting.

Silverado Trail/Zinfandel Lane Reorganization (City of St. Helena/CSA No. 4)

This application has been submitted by the City of St. Helena. The City proposes the annexation of two unincorporated parcels totaling approximately 100 acres northwest of the intersection of Silverado Trail and Zinfandel Lane. The affected territory is owned and used by the City to discharge treated wastewater from its adjacent sewer plant. The purpose of the annexation is to provide cost-savings to the City by no longer paying property taxes. The subject territory is located outside the City's sphere, but is eligible for annexation under Government Code Section 56742 given it is owned and used by the City for municipal purposes. The proposal represents a reorganization to account for automatic detachment proceedings involving CSA No. 4 unless waived by the Commission.

Status: Staff will be circulating copies of the application materials to local agencies for their review and comment. Staff anticipates presenting the proposal for Commission consideration as early as the February 2, 2009 meeting.

Linda Vista Avenue/Trojan Road No. 4 Annexation to Napa Sanitation District

This application has been submitted by the O'Doul Group, LLC. The applicant proposes the annexation of two incorporated parcels in the City of Napa totaling 1.64 acres to the Napa Sanitation District. The affected parcels are located at 3660 and 3724 Linda Vista Avenue and currently include single-family residences. The purpose of the proposal is to facilitate a 12-lot subdivision that has been tentatively approved by the City.

Status: Staff is awaiting the submittal of an application fee to begin evaluating the proposal for future consideration by the Commission.

Formation of the Villa Berryessa Water District

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

Status: Staff is currently evaluating the proposal for future consideration by the Commission. This includes considering the ability of the proposed special district to enter into an outside service agreement to serve the nearby Putah Creek Resort to increase its revenue stream.

Montecito Boulevard Sphere of Influence Amendment: City of Napa

This proposal has been submitted by Shawn and Connie Gutteresen. The applicants are requesting an amendment to the City of Napa's sphere of influence to include their 44 acre unincorporated parcel located near the northeast terminus of Montecito Boulevard. The applicants are currently processing an application with the County of Napa to develop a single-family residence and are seeking a sphere amendment to facilitate an outside water service connection with the City in accordance with Government Code Section 56133.¹ The subject territory is located outside the City's adopted urban growth boundary line and therefore not eligible for annexation under the City General Plan. It is expected the City Council will consider taking action to request Commission approval to provide outside water service to the subject territory in conjunction with the sphere amendment later this month.

Status: Staff will coordinate the review of the sphere amendment with the City's anticipated request to provide outside water service to the subject territory.

¹ This code section states the Commission may approve a city or special district's request to provide new or extended service outside their jurisdictional boundary but within their sphere of influence in anticipation of a subsequent change of organization, such as an annexation. This code section also specifies the Commission may only approve a city or special district's request to provide new or extended service outside their jurisdictional boundary and sphere of influence to address an existing or future threat to the public health or safety.

Staff is aware of five proposals that are expected to be submitted to the Commission in the near future. A summary of these future proposals follows.

Activation of a Latent Power (Silverado Community Services District)

The Silverado Community Services District (SCSD) is expected to adopt a resolution of application requesting Commission approval to activate a latent power to improve and maintain sidewalks within its jurisdictional boundary. The activation of this latent power would be in addition to SCSD's established road and landscaping services.

Status: SCSD is expected to consider adopting a resolution of application to request Commission approval to activate the aforementioned latent power at its December 9, 2008 meeting.

Trancas Crossing Park Reorganization (City of Napa/CSA No. 4)

The City of Napa has adopted a resolution of application proposing the annexation of one 33 acre unincorporated parcel located near the northern terminus of Old Soscol Avenue. The subject territory is owned by the City and is currently undeveloped. The purpose of the proposal is to facilitate the planned development of the subject territory into a public park. The subject territory is located outside the City's sphere of influence and may necessitate a concurrent sphere amendment. Upon submittal, the proposal will be classified as a reorganization to account for automatic detachment proceedings involving CSA No. 4 unless waived by the Commission.

Status: The City Council approved a resolution of application proposing the reorganization on March 18, 2008. The application, however, has not been filed with the Executive Officer.

American Canyon High School and American Canyon Middle School Reorganization (City of American Canyon/American Canyon Fire Protection District/ CSA No.4)

The Napa Valley Unified School District (NVUSD) has initiated a multi-phased planning process to construct a 2,200-student high school and 530-student middle school to serve the City of American Canyon. The project site is located at the northeast intersection of American Canyon Road and Newell Drive. NVUSD recently approved a final environmental impact report for the project. As part of the proposed project, Commission approval is required to annex the proposed high school site (45 acres) to American Canyon and the American Canyon Fire Protection District. Commission approval is also required to concurrently annex and add the proposed middle school site (17 acres) to both the City and District's sphere of influence. Upon submittal, the proposal would be classified as a reorganization to account for automatic detachment proceedings involving CSA No. 4 unless waived by the Commission.

Status: It appears this proposal will be brought to the Commission in phases. The first phase appears to involve NVUSD proposing annexation of the high school site to the District in the next few months. Additional phases of this project will likely be brought to the Commission over the next year.

American Canyon Town Center Reorganization

(City of American Canyon/American Canyon Fire Protection District/CSA No. 4)

The City of American Canyon has initiated a planning process to develop approximately 100 acres of land comprising three parcels located southeast of the intersection of Highway 29 and South Napa Junction Road. The proposed project includes the development of 600 to 650 new residential units along with a mixture of commercial, retail, and public uses. Current planning activities completed to date include the preparation of a notice of preparation for a draft environmental impact report. As part of the proposed project, Commission approval is required to annex two of the three affected parcels totaling 70 acres into American Canyon. Commission approval is also required to annex one of the three affected parcels totaling 37 acres to the American Canyon Fire Protection District. Upon submittal, the proposal would be classified as a reorganization to account for automatic detachment proceedings involving CSA No. 4 unless waived by the Commission.

Status: The City has placed this project on administrative hold since July 2007.

Montecito Boulevard Outside Service Agreement with the City of Napa

The City of Napa is expected to consider requesting Commission approval to provide water service to a 44 acre unincorporated parcel located near the northeast terminus of Montecito Boulevard. The expected request is associated with the above-mentioned sphere of influence amendment submitted by the affected property owners.

Status: It is anticipated the City Council will consider requesting Commission approval to provide new water service to the subject territory as part of its December 2, 2008 meeting.

B. Commission Review

Staff respectfully requests the Commission review and provide any comments or questions with respect to any of the current or future proposals identified in this report.

Attachments: none