



# **LAFCO MEETING AGENDA**

## **Monday, December 3, 2007**

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

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

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

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

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES**

Minutes of October 1, 2007 and October 15, 2007

**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 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 CALENDAR**

Staff recommends approval of all items on the consent calendar without discussion. Proposed changes of organization or reorganization appearing on the consent calendar meet the provisions of applicable sections of the California Government Code that allow the Commission to waive subsequent protest proceedings.

**a) First Quarter Budget Report for Fiscal Year 2007-2008 (Action)**

The Commission will receive a first quarter budget report for the 2007-2008 fiscal year. The budget report summarizes overall expenses through the first quarter and is being presented to the Commission to receive and file.

**b) Adoption of Calendar for the First-Half of 2008 (Action)**

The Commission will consider scheduling regular meetings for the first-half of the 2008 calendar year.

**6. PUBLIC HEARING ITEMS**

**a) Lake Berryessa Resort Improvement District: Sphere of Influence Review**

The Commission will receive a report representing its scheduled sphere of influence review of the Lake Berryessa Resort Improvement District. The Commission will consider a resolution adopting the recommendation of the report to affirm the sphere pursuant to Government Code §56425.

**b) Napa-Berryessa Resort Improvement District: Sphere of Influence Review**

The Commission will receive a report representing its scheduled sphere of influence review of Napa-Berryessa Resort Improvement District. The Commission will consider a resolution adopting the recommendation of the report to affirm the sphere pursuant to Government Code §56425.

**c) Spanish Flat Water District: Sphere of Influence Review**

The Commission will receive a report representing its scheduled sphere of influence review of Napa-Berryessa Resort Improvement District. The Commission will consider a resolution adopting the recommendation of the report to affirm the sphere pursuant to Government Code §56425.

## 7. COMMISSION ACTION ITEMS

### a) **Proposed Study Schedule for 2008-2012**

The Commission will consider adopting a proposed study schedule for 2008-2012. The proposed study schedule calendars municipal service reviews and sphere of influence reviews for each local agency pursuant to Government Code Sections 56430 and 56425, respectively.

### b) **Potential Reorganization Proceedings for the Napa River Reclamation District No. 2109**

The Commission will consider providing direction to staff with respect to pursuing proceedings to reorganize the Napa River Reclamation District No. 2109 from a reclamation district to a community services district.

### c) **Appointments to the 2008-2009 Budget Committee**

The Commission will consider appointing two members to serve on the 2008-2009 Budget Committee.

### d) **Notice of Expiring Term: Alternate Public Member**

The Commission will provide direction to the Executive Officer with respect to scheduling the appointment of an alternate public member to new four-year term commencing on May 5, 2008.

## 8. COMMISSION DISCUSSION ITEMS

### a) **Progress Report on the Current Study Schedule**

The Commission will receive a progress report on its current study schedule for municipal service reviews and sphere of influence reviews for the period 2001 to 2007. The report is being presented for discussion.

## 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 the following topics:

- Report from the CALAFCO Legislative Committee
- Comprehensive Policy Review

## 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 2008**

The Commission will receive a written report regarding the designation of the Chair and Vice-Chair for the 2008 calendar year.

### b) **Current and Future Proposals**

The Commission will receive a written report summarizing current and future proposals.

### c) **Request for Reconsideration of Commission Resolution No. 07-27**

The Commission will receive a written report from staff regarding a request from the City of American Canyon for the Commission to reconsider its recently approved policy relating to Government Code Section 56133 (Resolution No. 07-27).

## 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:**

February 4, 2008 (pending confirmation as part of Agenda Item No. 5b)

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Commissioners of the Local Agency Formation Commission of Napa County are disqualified from voting on any proposals involving entitlements of use (such as annexations) 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 who actively supports or opposes the proposal and has a financial interest in it.

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, and, if so, to which Commissioner(s) you have contributed and the amount(s). Please consult with LAFCO Counsel if you have any questions about the laws that pertain to campaign contributions or conflicts of interest. Contact LAFCO staff if you have any other questions or require special accommodations at (707) 259-8645.

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**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 3, 2007**  
**Agenda Item No. 5a**

November 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: First Quarter Budget Report for Fiscal Year 2007-2008**  
**(Consent: Action)**

The Commission will receive a first quarter budget report for the 2007-2008 fiscal year. The budget report summarizes overall expenses through the first quarter and is being presented to the Commission to receive and file.

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The Commission's annual operating costs are funded by the County of Napa and the Cities of American Canyon, Calistoga, Napa, St. Helena, and the Town of Yountville. State law provides that the County is responsible for 50% of the Commission's operating costs. The remaining 50% of the Commission's operating costs are proportionally shared by the five cities based on a weighted calculation of population and general tax revenues. Based on this unique funding arrangement, the Commission only budgets operating costs.

### **Discussion**

The first quarter of the Commission's 2007-2008 fiscal year ended on September 30, 2007. Overall expenses through the first quarter totaled \$81,712. This amount represents 22% of the adopted budget (not including reserve or contingency funds) with 25% of the fiscal year complete. An overview of total expenses through the first quarter within the Commission's three budget categories follows.

### **Salaries and Benefits**

At the end of the first quarter the Commission expended \$39,334 on salaries and benefits. This amount represents 14% of the total amount budgeted in the seven affected accounts for the fiscal year. Savings accumulated in several of these accounts due to the unplanned vacancy of the analyst position. All accounts finished the first quarter with balances above 75%.

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Jack Gingles, Chair  
Mayor, City of Calistoga

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Keene Simonds  
Executive Officer

## **Services and Supplies**

At the end of the first quarter the Commission expended \$42,378 on services and supplies. This amount represents 40% of the total amount budgeted in the 14 affected accounts for the fiscal year. Five accounts – memberships, office expense, property lease, training, and private vehicle miles – finished the first quarter with balances below 75%. A summary of expenses in all five of these accounts follows.

### *Memberships*

The membership account covers the Commission's annual due for the California Association of Local Agency Formation Commissions (CALAFCO). The Commission's budgeted membership due for CALAFCO in 2007-2008 is \$2,000, which was paid in full during the first quarter.

### *Office Expense*

The office expense account covers general office supplies ranging from the copy machine lease with Xerox to purchases with Office Depot. In the first quarter the Commission expended \$5,461 in this account, which represents approximately 33% percent of the total amount budgeted for the fiscal year. Staff will continue to monitor this account to help ensure that a end-of-year deficit does not occur.

### *Property Lease*

The property lease account covers the Commission's lease for office space at 1700 Second Street, Suite 268 in Napa. The Commission's current lease provides a fixed monthly rate of \$2,250 through June 2009. The total lease amount for the fiscal year (\$27,000) has been encumbered by the County Auditor's Office for the purpose of simplifying the monthly payment to the landlord.

### *Training*

The training account is used for a variety of instructional activities for staff and Commissioners. In the first quarter the Commission expended \$2,594 in this account, which represents approximately 65% of the total amount budgeted for the fiscal year. The majority of first quarter expenses in this account were drawn from registration costs for the 2007 CALAFCO Annual Conference in Sacramento, which was attended by two staff and four Commissioners. Staff will continue to monitor the account to help ensure that a end-of-year deficit does not occur.

### *Private Vehicle Miles*

This account provides reimbursement to staff and Commissioners for automobile travel associated with official LAFCO business. In the first quarter the Commission expended \$361 in this account, which represents approximately 36% percent of the total amount budgeted for the fiscal year. Staff will continue to monitor this account to help ensure that a end-of-year deficit does not occur.

### **Reserves and Contingencies**

The Commission has not expended any of its budgeted reserve or contingency funds through the end of the first quarter.

Staff will return to the Commission at the end of each quarter with a budget report. The second quarter ends on December 31, 2007 and will be reported to the Commission at its first regular meeting of 2008.

### **Recommendation**

It is recommended that the Commission take the following action:

- 1) Receive and file the "First Quarter Budget Report for Fiscal Year 2007-2008."

Respectfully submitted,

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Keene Simonds  
Executive Officer

### Attachment:

- 1) First Quarter General Ledger Report: July 1, 2007 through September 30, 2007



Report ID: GLC8020w

Fund: 2910 NAPA CO LOCAL AGENCY FORMATION

Dept: 02910 NAPA LAFCO

**County of Napa  
General Ledger Organization Budget Status  
For Periods: 1 To: 3 FY: 2008**

<u>Account</u>	<u>Account Description</u>	<u>Final Budget</u>	<u>Adjustments</u>	<u>Encumbrances</u>	<u>Expenditures</u>	<u>Remaining Balance</u>	<u>Percent Available</u>
51100000	S/W:REGULAR SALARIES	185,527	0.00	0.00	27,704.43	157,822.36	85.07
51200500	S/W:PER DIEM	9,600	0.00	0.00	1,300.00	8,300.00	86.46
51300100	E/B:RETIREMENT	31,583	0.00	0.00	4,732.86	26,850.58	85.01
51300300	E/B:MEDICARE	2,650	0.00	0.00	375.49	2,274.43	85.83
51300500	E/B:GROUP INSURANCE	43,168	0.00	0.00	4,999.29	38,169.03	88.42
51301200	E/B:INS:WORKERS COMP	185	0.00	0.00	46.25	138.75	75.00
51301800	E/B:CELL PHONE ALLOWANCE	840	0.00	0.00	175.70	664.30	79.08
<b>Total Salaries &amp; Employee Benefits</b>		<b>273,553</b>	<b>0.00</b>	<b>0.00</b>	<b>39,334.02</b>	<b>234,219.45</b>	<b>85.62</b>
52070000	COMMUNICATIONS	3,500	0.00	0.00	255.81	3,244.19	92.69
52100300	INSURANCE:LIABILITY	352	0.00	0.00	88.00	264.00	75.00
52150000	MEMBERSHIPS	2,000	0.00	0.00	2,000.00	0.00	0.00
52170000	OFFICE EXPENSE	15,000	0.00	4,305.98	1,151.94	9,542.08	63.61
52180200	PSS:MGMT INFO SVCS	16,387	0.00	0.00	4,096.74	12,290.26	75.00
52180500	PSS:LEGAL EXPENSE	21,500	0.00	0.00	0.00	21,500.00	100.00
52185000	PSS:OTHER	7,150	0.00	0.00	0.00	7,150.00	100.00
52190000	PSS:PUBLICATNS/LGL NOTICE	1,500	0.00	0.00	187.97	1,312.03	87.47
52235000	SDE:OTHER	1,000	0.00	0.00	128.67	871.33	87.13
52240500	SDE:PROPERTY LEASE	27,000	0.00	18,000.00	9,000.00	0.00	0.00
52243900	SDE:FILING FEE	850	0.00	0.00	100.00	750.00	88.24
52250000	TRANSPORTATION & TRAV	4,000	0.00	0.00	108.13	3,891.87	97.30
52250800	T/T:TRAINING	4,000	0.00	0.00	2,594.00	1,406.00	35.15
52251200	T/T:PRIVATE VEH MILE	1,000	0.00	0.00	360.84	639.16	63.92
<b>Total Services &amp; Supplies</b>		<b>105,239</b>	<b>0.00</b>	<b>22,305.98</b>	<b>20,072.10</b>	<b>62,860.92</b>	<b>59.73</b>
54000900	OPERATING RESERVE	37,879	0.00	0.00	0.00	37,879.25	100.00
54001000	PROFESSIONAL SERVICES RESERVE	50,000	0.00	0.00	0.00	50,000.00	100.00
<b>Total Contingencies &amp; Reserves</b>		<b>87,879</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>87,879.25</b>	<b>100.00</b>
<b>02910</b>	<b>NAPA LAFCO</b>	<b>466,672</b>	<b>0.00</b>	<b>22,305.98</b>	<b>59,406.12</b>	<b>384,959.62</b>	<b>82.49</b>
<b>2910</b>	<b>NAPA CO LOCAL AGENCY FORMATION</b>	<b>466,672</b>	<b>0.00</b>	<b>22,305.98</b>	<b>59,406.12</b>	<b>384,959.62</b>	<b>82.49</b>



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**December 3, 2007**  
**Agenda Item No. 5b**

November 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Adoption of Calendar for the First-Half of 2008 (Consent: Action)**  
The Commission will consider scheduling regular meetings for the first-half of the 2008 calendar year.

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The Commission's *Policy on Regular Commission Meeting Calendar* calls for the adoption of a calendar every six months. On December 4, 2006, the Commission amended the policy to state that regular meetings shall fall on the first Monday of every month at 4:00pm. With respect to the first six months of 2008, the first Monday falls on January 7, February 4, March 3, April 7, May 5, and June 2.

### **Discussion**

Staff believes the Commission's workload for the first six months of 2008 justifies scheduling meetings for every month with the exception of January. The recommendation not to schedule a meeting in January is intended to provide staff additional time to coordinate with the Commission's consultant (Baracco and Associates) in preparing the municipal service reviews remaining on the inaugural study schedule. It is expected that the consultant will complete the remaining municipal services reviews involving Calistoga, St. Helena, Monticello Public Cemetery District, and the Pope Valley Cemetery District by the February 4<sup>th</sup> meeting. It is with this in mind staff anticipates preparing and presenting sphere of influence reviews for the four referenced agencies for Commission consideration at the March 3<sup>rd</sup> meeting. The adoption of determinations included in the remaining municipal service reviews and sphere of influence reviews will complete the Commission's inaugural study schedule.

In terms of a meeting place, it has been the practice of the Commission to hold its regular meetings in the Board Chambers of the County of Napa Administration Building. Staff will continue to reserve the Board Chambers for regularly scheduled meetings unless otherwise directed by the Commission.

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Jack Gingles, Chair  
Mayor, City of Calistoga

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Councilmember, City of American Canyon

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Brian J. Kelly, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

**Recommendation**

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

- 1) Adopt a regular meeting schedule for the first six months of 2008 to include February 4, March 3, April 7, May 5, and June 2.

Respectively submitted,

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Keene Simonds  
Executive Officer

Attachment:

~~1) Policy on Regular Commission Meeting Calendar~~



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**December 3, 2007**  
**Agenda Item No. 6a**

November 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Lake Berryessa Resort Improvement District:  
Sphere of Influence Review (Public Hearing)**

The Commission will receive a written report representing the sphere of influence review of the Lake Berryessa Resort Improvement District. The Commission will consider a draft resolution approving the recommendation of the written report to affirm with no changes the District's existing sphere.

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires Local Agency Formation Commissions (LAFCOs) to review each city and special district's sphere of influence by January 1, 2008 and every five years thereafter as necessary. A sphere is a planning tool used by LAFCO to designate the probable physical boundary and service area of the affected local agency. Change of organizations, such as annexations or detachments, must be consistent with the spheres of the affected local agencies. In order to review a local agency's sphere, LAFCO must prepare municipal services reviews to determine the availability and adequacy of services in the region. The collective purpose of these reviews is to inform and direct LAFCOs in their legislative mandate to coordinate the orderly development of local agencies and services in a manner that meets the present and future needs of the community.

**Discussion**

Between 2004 and 2006, LAFCO of Napa County completed two countywide municipal service reviews on public water and sewer service providers. Both municipal service reviews evaluated the water and sewer services provided by the Lake Berryessa Resort Improvement District. The municipal service reviews culminated with LAFCO adopting determinations making statements on a range of service and governance with respect to the District. Notably, this included a determination for LAFCO to conduct a governance study to evaluate the options and merits of reorganizing or consolidating the District with other special districts serving the Lake Berryessa region.

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Councilmember, City of American Canyon

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Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

Based on the information collected and analyzed during the municipal service reviews, staff has prepared the attached written report representing the sphere review of the District. The report recommends that no changes to the sphere are warranted until the above-mentioned governance study has been completed. Towards this end, the attached draft resolution codifies the recommendation of the written report and is being presented for Commission consideration. The draft resolution includes statements addressing the four planning factors the Commission is required to consider anytime its makes a sphere determination. The adoption of the draft resolution would fulfill the Commission's sphere review requirement for the District through 2012.

### **Recommendation**

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

- 1) Receive and file the attached written report representing the sphere of influence review of the Lake Berryessa Resort Improvement District; and
- 2) Approve the form for the attached draft resolution with any desired changes that make statements with respect to affirming the sphere of influence with no changes for the Lake Berryessa Resort Improvement District pursuant to California Government Code §56425.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachments:

- 1) Sphere of Influence Review: Final Report
- ~~2) Draft Resolution~~

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

**LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT  
SPHERE OF INFLUENCE REVIEW**

**Final Report  
December 2007**

**Prepared by:**

**LAFCO of Napa County**

*Committed to serving the citizens and government agencies of its jurisdiction by encouraging the preservation of agricultural lands and open-space and coordinating the efficient delivery of municipal services.*

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

Keene Simonds, Executive Officer  
Jackie Gong, Commission Counsel  
Kathy Mabry, Commission Secretary



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## INTRODUCTION

### Local Agency Formation Commissions

Local Agency Formation Commissions (LAFCOs) were established in 1963 and are responsible for administering California Government Code §56000 et seq., which is now known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. LAFCOs are delegated regulatory and planning responsibilities to coordinate the orderly formation and development of local governmental agencies and services, preserve agricultural and open-space resources, and discourage urban sprawl. Duties include regulating governmental boundary changes through annexations or detachments, approving or disapproving city incorporations, and forming, consolidating, or dissolving special districts. LAFCOs are also responsible for conducting studies that address a range of service and governance issues to inform and direct regional planning activities and objectives. LAFCOs are located in all 58 counties in California.

### Spheres of Influence

A principal planning responsibility for LAFCO is the determination of a sphere of influence (“sphere”) for each city and special district under its jurisdiction.<sup>1</sup> California Government Code §56076 defines a sphere as “a plan for the probable physical boundaries and service area of a local agency, as determined by the commission.” LAFCO establishes, amends, and updates spheres to indicate to local agencies and property owners that, at some future date, a specific area will likely require the services provided by the affected agency. The sphere determination also indicates the agency LAFCO believes is best situated to serve the affected area. LAFCO is required to review each agency’s sphere by January 1, 2008 and every five years thereafter as needed.

In establishing, amending, or updating a city or special district’s sphere, LAFCO is required to prepare written statements addressing four specific planning factors. These planning factors, which are enumerated under California Government Code §56425(e), are intended to capture the legislative intent of the sphere determination with regard to coordinating the logical and orderly development of each local agency. These planning factors are:

- The present and planned land uses in the area, including agricultural and open-space lands.
- The present and probable need for public facilities and services in the area.
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

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<sup>1</sup> LAFCOs have been required to determine spheres for cities and special districts since 1972.

In addition, when reviewing a sphere for a special district, LAFCO must also do the following:

- Require the special district to file a written statement with the Commission specifying the functions or classes of services it provides.
- Establish the nature, location, and extent of any functions or classes of services provided by the existing special district.

Beginning in 2001, to help inform the sphere review process, LAFCO is responsible for preparing a municipal service review. A municipal service review is a comprehensive evaluation of the level and range of governmental services provided by a local agency or within a defined area. The municipal service review culminates in the preparation of written determinations addressing nine specific factors enumerated under California Government Code §56430(a). These factors range from infrastructure needs or deficiencies to local governance and accountability. The municipal service review is a prerequisite to updating an agency's sphere and may also lead LAFCO to take other actions under its authority.

### **Lake Berryessa Resort Improvement District**

Between 2004 and 2006, LAFCO of Napa County completed two countywide municipal service reviews on public water and sewer service providers. Both municipal service reviews included evaluations of the level and range of water and sewer services provided by the Lake Berryessa Resort Improvement District. The municipal service reviews culminated in the Commission adopting written determinations making statements on the adequacy of the District's water and sewer services pursuant to California Government Code §56430.<sup>2</sup> The municipal service reviews are available for viewing at the LAFCO office.

Drawing from the information collected as part of the municipal service reviews, this report represents the sphere review of the District as required under California Government Code §56425. The report considers whether changes to the sphere are warranted to coordinate the orderly development of the District in a manner that supports the provisions of California Government Code and the policies of the Commission.

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<sup>2</sup> LAFCO Resolutions 04-22 and 06-09.

**OVERVIEW**

The Lake Berryessa Resort Improvement District (LBRID) was formed in 1965 to provide a range of governmental services to Berryessa Estates, a planned residential community located along Putah Creek in north Napa County. Initial development plans for Berryessa Estates included the construction of approximately 2,000 residential units. However, due to a variety of factors, development within Berryessa Estates has been primarily limited to the creation of a 351-lot subdivision referred to as “Unit Two.”<sup>3</sup> In addition, a 1971 amendment to its principal act has limited LBRID to providing only sewer and water services.

LBRID currently serves 171 single-family residences with an estimated resident population of 439.<sup>4</sup> LBRID is governed by the County of Napa Board of Supervisors. Supervisors are elected by district voting and serve staggered four-year terms. LBRID is located entirely within the third supervisor district. Elections are based on a registered-voter system. At the direction of the Board, the County Public Works Department administers and operates LBRID’s sewer and water systems.

<b>Lake Berryessa Resort Improvement District</b>	
Date Formed	1965
District Type:	Dependent
Enabling Legislation	Public Resources Code §13000-13233
Services Provided	Sewer Water

In February 2007, LBRID approved a 5.2 million dollar bond measure to fund specific improvements to its sewer and water systems. The majority of the improvements involve the sewer system and are intended to bring LBRID into compliance with the requirements of the California Regional Water Quality Control Board. The bond measure is secured by a voter-approved assessment levying each benefiting parcel \$15,442, which is scheduled to be collected in equal annual payments over the next 30 years.

**Sphere of Influence**

*Establishment*

LBRID’s sphere was established by LAFCO in 1985. LAFCO designated the sphere to include only parcels in Unit Two of Berryessa Estates along with certain adjacent lands expected to be developed for residential or recreational uses over the next 10 years. There have been no amendments to the sphere since its establishment in 1985.

*Current Relationship to Jurisdictional Boundary*

LBRID’s sphere is approximately 225 acres in size and includes 345 unincorporated parcels. The sphere is substantially smaller than LBRID’s jurisdictional boundary, which is approximately 2,030 acres in size and includes 393 unincorporated parcels.

<sup>3</sup> “Unit One” of Berryessa Estates comprises Stagecoach Canyon Road, which was constructed by LBRID and provides access to the community from Snell Canyon Road.

<sup>4</sup> The population estimate has been calculated by LAFCO staff based on current number of LBRID water service connections (171) and multiplied by the average population per-household projection for Napa County (2.57) as determined by the California Department of Finance.

- \* A map depicting LBRID's sphere and jurisdictional boundary is provided in Attachment One.

### Land Use Factors

LBRID is under the land use authority of the County. The County designates land located within and adjacent to LBRID as *Agriculture, Watershed and Open Space* or *Rural Residential*. These land use designations require minimum parcel sizes of 160 and 10 acres, respectively.<sup>5</sup>

As mentioned, development within LBRID has been limited to Unit Two of Berryessa Estates. Markedly, only 171 of the 351 lots originally created in Unit Two have been developed. Lands outside and adjacent to LBRID are primarily undeveloped.

- \* A map depicting County land use designations within and surrounding LBRID is provided in Attachment Two.
- \* A map depicting current land uses within and surrounding LBRID is provided in Attachment Three.

### DISCUSSION

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the objective of this report is to identify and evaluate areas that warrant consideration for inclusion or removal from LBRID's sphere as part of a comprehensive review. Underlying this effort is to designate the sphere in a manner that promotes the orderly development of LBRID in a manner that supports the provisions of California Government Code and the policies of the Commission.

As noted, a sphere is defined as "the probable physical boundaries and service area of a local agency, as determined by the commission." Underscoring this definition is the tenet that the sphere coordinate the logical development of the agency while protecting agricultural and open-space resources and advantageously providing for the present and future needs of the community. The Commission's "Policy Declarations" emphasizes its commitment to these concepts and includes a statement that a special district's sphere shall reflect its existing and planned service facilities and exclude lands designated as agricultural or open-space to protect against premature urban development. The Policy Determinations also state that the Commission will use the County General Plan to determine agricultural and open-space designations.

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<sup>5</sup> The County zones all lands located within Unit Two of Berryessa Estates as *Planned Development*. This zoning assignment establishes standards to integrate residential, commercial, and common-space uses. All other lands within and surrounding LBRID are zoned by the County as *Agriculture Watershed*. This zoning assignment establishes standards to discourage urban development and protect existing agriculture, open-space, and natural uses.

California Government Code §56425 requires the Commission to review and update each local agency's sphere by January 1, 2008 and every five years thereafter as needed. It has been the practice of this Commission to review and update each local agency's sphere in a manner that emphasizes a probable five-year service area.

## **ANALYSIS**

In establishing the sphere in 1985, LAFCO adopted a set of policies designating LBRID as an urban service provider and specified that future sphere expansions be limited to areas that are developed or planned for development at a "suburban density." The Commission also specified that sphere expansions be limited to areas capable of receiving an adequate level of water and sewer services. Additionally, the Commission determined that LBRID should be reorganized into a community services district in order to provide a greater range of governmental services within its jurisdictional boundary.

The analysis conducted as part of the earlier municipal service reviews identified the need for LBRID to make a number of immediate improvements to its aging sewer and water systems. The municipal service reviews also recognized LBRID's limitations in generating revenues to operate and make timely improvements to its infrastructure due to the lack of development within Berryessa Estates. In particular, the lack of development in Berryessa Estates has created a confined customer base that diminishes the ability of LBRID to establish economies of scale with respect to spreading out service costs. Accordingly, the municipal service reviews determined the need for LAFCO to conduct a governance study to evaluate the options and merits of reorganizing or consolidating LBRID with other special districts serving the Lake Berryessa region. It is expected that LAFCO will initiate the governance study by April 2008.

A review of LBRID's current sphere indicates that changes may be appropriate to address, among other issues, the current discrepancy with its jurisdictional boundary. However, in the absence of completing the referenced governance study, any changes to LBRID's existing sphere appear premature at this time.

## **RECOMMENDATION**

It is recommended that the Commission affirm with no changes LBRID's existing sphere. Pursuant to California Government Code §56425(e), the following statements have been prepared in support of the recommendation:

### **1. The present and planned land uses in the area (sphere), including agricultural and open-space lands.**

The present and future land uses in the area are planned for by the County of Napa as the affected land use authority. The County General Plan and associated zoning assignments provide for the current and future residential uses that characterize the majority of the area.

**2. The present and probable need for public facilities and services in the area (sphere).**

The Lake Berryessa Resort Improvement District provides water and sewer services within the area. These services are needed to support existing and future residential uses and protect public health and safety in the area.

**3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

The Lake Berryessa Resort Improvement District's sewer and water systems are operating near or at capacity. Improvements are needed to help ensure the ability of the District to adequately meet current and future service demands. These services were comprehensively evaluated by LAFCO as part of recent municipal service reviews.

**4. The existence of any social or economic communities of interest in the area (sphere) if the commission determines that they are relevant to the agency.**

The area includes the entire developed portion of Berryessa Estates. This community shares social and economic interdependences that are distinct from neighboring areas and enhanced by its relatively isolated location.

Attachments:

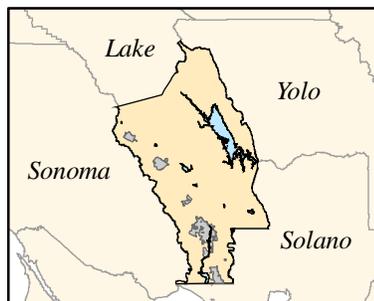
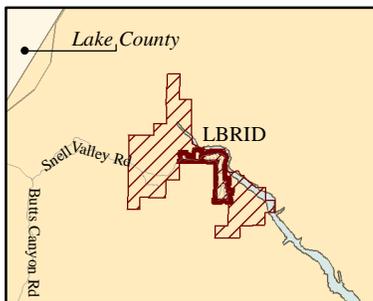
- 1) Map: LBRID's sphere and jurisdictional boundary
- 2) Map: County land use designations within and surrounding LBRID
- 3) ~~Map: Current land uses within and surrounding LBRID~~

# Lake Berryessa Resort Improvement District



**Legend**

- Lake Berryessa Resort Improvement District
- Lake Berryessa Resort Improvement District Sphere of Influence

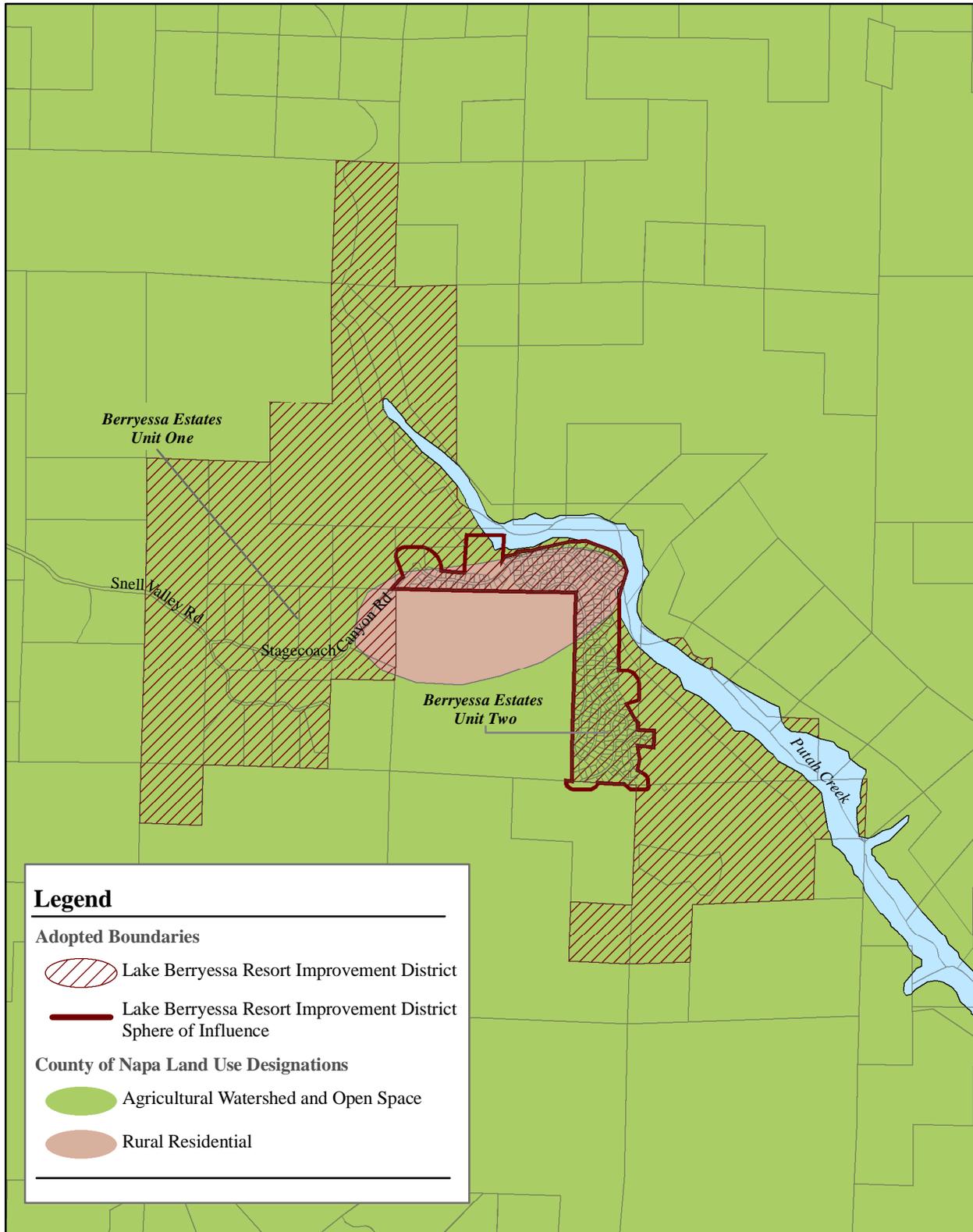


*Not to Scale  
November 19, 2007  
Prepared by KS*



LAFCO of Napa County  
1700 Second Street, Suite 268  
Napa, CA 94559  
(707) 259-8645

# Lake Berryessa Resort Improvement District



## Legend

### Adopted Boundaries

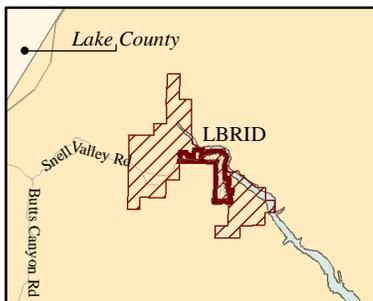
 Lake Berryessa Resort Improvement District

 Lake Berryessa Resort Improvement District Sphere of Influence

### County of Napa Land Use Designations

 Agricultural Watershed and Open Space

 Rural Residential



*Not to Scale  
November 19, 2007  
Prepared by KS*



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

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**December 3, 2007**  
**Agenda Item No. 6b**

November 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Napa-Berryessa Resort Improvement District:  
Sphere of Influence Review (Public Hearing)**

The Commission will receive a written report representing the sphere of influence review of the Napa-Berryessa Resort Improvement District. The Commission will consider a draft resolution approving the recommendation of the written report to affirm with no changes the District's existing sphere.

---

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires Local Agency Formation Commissions (LAFCOs) to review each city and special district's sphere of influence by January 1, 2008 and every five years thereafter as necessary. A sphere is a planning tool used by LAFCO to designate the probable physical boundary and service area of the affected local agency. Change of organizations, such as annexations or detachments, must be consistent with the spheres of the affected local agencies. In order to review a local agency's sphere, LAFCO must prepare municipal services reviews to determine the availability and adequacy of services in the region. The collective purpose of these reviews is to inform and direct LAFCOs in their legislative mandate to coordinate the orderly development of local agencies and services in a manner that meets the present and future needs of the community.

### **Discussion**

Between 2004 and 2006, LAFCO of Napa County completed two countywide municipal service reviews on public water and sewer service providers. Both municipal service reviews evaluated the water and sewer services provided by the Napa-Berryessa Resort Improvement District. The municipal service reviews culminated with LAFCO adopting determinations making statements on a range of service and governance issues relating to the District. Notably, this included a determination for LAFCO to conduct a governance study to evaluate the options and merits of reorganizing or consolidating the District with other special districts serving the Lake Berryessa region.

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Juliana Inman, Commissioner  
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

Brad Wagenknecht, Vice-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, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

Based on the information collected and analyzed during the municipal service reviews, staff has prepared the attached written report representing the sphere review of the District. The report recommends that no changes to the sphere are warranted until the above-mentioned governance study has been completed. Towards this end, the attached draft resolution codifies the recommendation of the written report and is being presented for Commission consideration. The draft resolution includes statements addressing the four planning factors the Commission is required to consider anytime its makes a sphere determination. The adoption of the draft resolution would fulfill the Commission's sphere review requirement for the District through 2012.

### **Recommendation**

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

- 1) Receive and file the attached written report representing the sphere of influence review of the Napa-Berryessa Resort Improvement District; and
- 2) Approve the form for the attached draft resolution with any desired changes that make statements with respect to affirming the sphere of influence with no changes for the Napa-Berryessa Resort Improvement District pursuant to California Government Code §56425.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

#### Attachments:

- 1) Sphere of Influence Review: Final Report
- 2) ~~Draft Resolution~~

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

**NAPA-BERRYESSA RESORT IMPROVEMENT DISTRICT  
SPHERE OF INFLUENCE REVIEW**

**Final Report  
December 2007**

**Prepared by:**

**LAFCO of Napa County**

*Committed to serving the citizens and government agencies of its jurisdiction by encouraging the preservation of agricultural lands and open-space and coordinating the efficient delivery of municipal services.*

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

Keene Simonds, Executive Officer  
Jackie Gong, Commission Counsel  
Kathy Mabry, Commission Secretary



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## INTRODUCTION

### Local Agency Formation Commissions

Local Agency Formation Commissions (LAFCOs) were established in 1963 and are responsible for administering California Government Code §56000 et seq., which is now known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. LAFCOs are delegated regulatory and planning responsibilities to coordinate the orderly formation and development of local governmental agencies and services, preserve agricultural and open-space resources, and discourage urban sprawl. Duties include regulating governmental boundary changes through annexations or detachments, approving or disapproving city incorporations, and forming, consolidating, or dissolving special districts. LAFCOs are also responsible for conducting studies that address a range of service and governance issues to inform and direct regional planning activities and objectives. LAFCOs are located in all 58 counties in California.

### Spheres of Influence

A principal planning responsibility for LAFCO is the determination of a sphere of influence (“sphere”) for each city and special district under its jurisdiction.<sup>1</sup> California Government Code §56076 defines a sphere as “a plan for the probable physical boundaries and service area of a local agency, as determined by the commission.” LAFCO establishes, amends, and updates spheres to indicate to local agencies and property owners that, at some future date, a specific area will likely require the services provided by the affected agency. The sphere determination also indicates the agency LAFCO believes is best situated to serve the affected area. LAFCO is required to review each agency’s sphere by January 1, 2008 and every five years thereafter as needed.

In establishing, amending, or updating a city or special district’s sphere, LAFCO is required to prepare written statements addressing four specific planning factors. These planning factors, which are enumerated under California Government Code §56425(e), are intended to capture the legislative intent of the sphere determination with regard to coordinating the logical and orderly development of each local agency. These planning factors are:

- The present and planned land uses in the area, including agricultural and open-space lands.
- The present and probable need for public facilities and services in the area.
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

---

<sup>1</sup> LAFCOs have been required to determine spheres for cities and special districts since 1972.

In addition, when reviewing a sphere for a special district, LAFCO must also do the following:

- Require the special district to file a written statement with the Commission specifying the functions or classes of services it provides.
- Establish the nature, location, and extent of any functions or classes of services provided by the existing special district.

Beginning in 2001, to help inform the sphere review process, LAFCO is responsible for preparing a municipal service review. A municipal service review is a comprehensive evaluation of the level and range of governmental services provided by a local agency or within a defined area. The municipal service review culminates in the preparation of written determinations addressing nine specific factors enumerated under California Government Code §56430(a). These factors range from infrastructure needs or deficiencies to local governance and accountability. The municipal service review is a prerequisite to updating an agency's sphere and may also lead LAFCO to take other actions under its authority.

### **Napa-Berryessa Resort Improvement District**

Between 2004 and 2006, LAFCO of Napa County completed two countywide municipal service reviews on public water and sewer service providers. Both municipal service reviews included evaluations of the level and range of water and sewer services provided by the Napa-Berryessa Resort Improvement District. The municipal service reviews culminated in the Commission adopting written determinations making statements on the adequacy of the District's water and sewer services pursuant to California Government Code §56430.<sup>2</sup> The municipal service reviews are available for viewing at the LAFCO office.

Drawing from the information collected as part of the municipal service reviews, this report represents the sphere review of the District as required under California Government Code §56425. The report considers whether changes to the sphere are warranted to coordinate the orderly development of the District in a manner that supports the provisions of California Government Code and the policies of the Commission.

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<sup>2</sup> LAFCO Resolutions 04-23 and 06-10.

**OVERVIEW**

The Napa-Berryessa Resort Improvement District (NBRID) was formed in 1965 to provide a range of governmental services to Berryessa Highlands, a planned residential community located along the southern shoreline of Lake Berryessa in north Napa County. Initial development plans for Berryessa Highlands included the construction of approximately 1,700 residential units. Due to various factors, however, the development of Berryessa Highlands has been limited to two phases, “Unit One” and “Unit Two,” which collectively have included the creation of 561 lots. In addition, a 1971 amendment to its principal act has limited NBRID to providing only sewer and water services.

NBRID currently provides water and sewer services to 330 single-family residences located in Berryessa Highlands (320) and Oakridge Estates (10) with an estimated full-time resident population of 848.<sup>3</sup> NBRID also provides water and sewer service to one commercial connection dedicated to the Steele Park Resort.<sup>4</sup> It is estimated that the Steele Park Resort has a part-time resident service population of 586.<sup>5</sup>

NBRID is governed by the County of Napa Board of Supervisors. Supervisors are elected by district voting and serve staggered four-year terms. NBRID is located entirely within the third supervisor district. Elections are based on a registered-voter system. At the direction of the Board, the County Public Works Department administers and operates NBRID’s sewer and water systems.

<b>Napa-Berryessa Resort Improvement District</b>	
Date Formed	1965
District Type:	Dependent
Enabling Legislation	Public Resources Code §13000-13233
Services Provided	Sewer Water

In April 2007, NBRID approved a 13.9 million dollar bond measure to fund specific improvements to its sewer and water systems. This includes upgrading NBRID’s sewer treatment facility to comply with the requirements of the California Regional Water Quality Control Board.<sup>6</sup> The bond measure is secured by a voter-approved assessment levying each benefiting dwelling unit \$16,919, which is scheduled to be collected in equal annual payments over the next 30 years.

<sup>3</sup> The population estimate has been calculated by LAFCO staff based on current number of NBRID sewer service connections (330) and multiplied by the average population per-household projection for Napa County (2.57) as determined by the California Department of Finance.

<sup>4</sup> Steele Park Resort is one of seven concessionaries under contract with the United States Bureau of Reclamation to provide public recreational and commercial services at Lake Berryessa.

<sup>5</sup> The Steele Park Resort allows tenets to live in their private mobile homes for up to 175 days per year. The part-time population projection for the Steele Park Resort is based on its total number of assigned equivalent dwelling units by the County Public Works Department (228) and multiplied by the population per household estimate (2.57) assigned to Napa County by the California Department of Finance for 2005.

<sup>6</sup> NBRID has been operating under a Cease and Desist Order from RWQCB since October 2006 due to ongoing violations with the District’s wastewater discharge permit.

## Sphere of Influence

### *Establishment*

NBRID's sphere was established by LAFCO in 1985. LAFCO designated the sphere to include only Unit One and Unit Two of Berryessa Highlands as well as Steele Park Resort and certain adjacent lands expected to be developed for residential or recreational uses over the next 10 years. There have been no amendments to the sphere since its establishment in 1985.

### *Current Relationship to Jurisdictional Boundary*

NBRID's sphere is approximately 509 acres in size and includes 555 unincorporated parcels. The sphere is substantially smaller than NBRID's jurisdictional boundary, which is approximately 1,899 acres in size and includes 620 unincorporated parcels.

- \* A map depicting NBRID's sphere and jurisdictional boundary is provided in Attachment One.

## Land Use Factors

NBRID is under the land use authority of the County. The County designates land located within and adjacent to NBRID as *Agriculture, Watershed and Open Space* or *Rural Residential*. These land use designations require minimum parcel sizes of 160 and 10 acres, respectively.<sup>7</sup>

As mentioned, development within NBRID has been primarily limited to Unit One and Unit Two of Berryessa Highlands. Markedly, only 320 of the 561 lots originally created in these units have been developed. Lands outside and adjacent to NBRID are primarily undeveloped.

- \* A map depicting County land use designations within and surrounding NBRID is provided in Attachment Two.
- \* A map depicting current land uses within and surrounding NBRID is provided in Attachment Three.

---

<sup>7</sup> The County zones all lands located within Unit One and Unit Two of Berryessa Estates as *Planned Development*. This zoning assignment establishes standards to integrate residential, commercial, and common-space uses. The remaining lands in NBRID are primarily zoned *Residential County*, which provides standards for low-density single-family residential uses. All lands outside and adjacent to NBRID are zoned *Agriculture Watershed*. This zoning assignment establishes standards to discourage urban development and protect existing agriculture, open-space, and natural uses.

## DISCUSSION

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the objective of this report is to identify and evaluate areas that warrant consideration for inclusion or removal from NBRID's sphere as part of a comprehensive review. Underlying this effort is to designate the sphere in a manner that promotes the orderly development of NBRID in a manner that supports the provisions of California Government Code and the policies of the Commission.

As noted, a sphere is defined as "the probable physical boundaries and service area of a local agency, as determined by the commission." Underscoring this definition is the tenet that the sphere coordinate the logical development of the agency while protecting agricultural and open-space resources and advantageously providing for the present and future needs of the community. The Commission's "Policy Declarations" emphasizes its commitment to these concepts and includes a statement that a special district's sphere shall reflect its existing and planned service facilities and exclude lands designated as agricultural or open-space to protect against premature urban development. The Policy Determinations also state that the Commission will use the County General Plan to determine agricultural and open-space designations.

California Government Code §56425 requires the Commission to review and update each local agency's sphere by January 1, 2008 and every five years thereafter as needed. It has been the practice of this Commission to review and update each local agency's sphere in a manner that emphasizes a probable five-year service area.

## ANALYSIS

In establishing the sphere in 1985, LAFCO adopted a set of policies designating NBRID as an urban service provider and specified that future sphere expansions be limited to areas that are developed or planned for development at a "suburban density." The Commission also specified that sphere expansions be limited to areas capable of receiving an adequate level of water and sewer services. Additionally, the Commission determined that NBRID should be reorganized into a community services district in order to provide a greater range of governmental services within its jurisdictional boundary.

The analysis conducted as part of the earlier municipal service reviews identified the need for NBRID to make a number of improvements to its aging sewer and water systems. The municipal service reviews also recognized NBRID's limitations in generating revenues to operate and make timely improvements to its infrastructure due to the lack of planned development within Berryessa Highlands. In particular, the lack of planned development in Berryessa Highlands has created a confined customer base that diminishes the ability of NBRID to establish economies of scale with respect to spreading out service costs. Accordingly, the municipal service reviews determined the need for LAFCO to conduct a governance study to evaluate the options and merits of reorganizing or consolidating NBRID with other special districts serving the Lake Berryessa region. It is expected that LAFCO will initiate the governance study by April 2008.

A review of NBRID's current sphere indicates that changes may be appropriate to address, among other issues, the current discrepancy with its jurisdictional boundary. However, in the absence of completing the referenced governance study, any changes to NBRID's existing sphere appear premature at this time.

## **RECOMMENDATION**

It is recommended that the Commission affirm with no changes NBRID's existing sphere. Pursuant to California Government Code §56425(e), the following statements have been prepared in support of the recommendation:

**1. The present and planned land uses in the area (sphere), including agricultural and open-space lands.**

The present and future land uses in the area are planned for by the County of Napa as the affected land use authority. The County General Plan and associated zoning assignments provide for the current and future residential uses that characterize the majority of the area.

**2. The present and probable need for public facilities and services in the area (sphere).**

The Napa-Berryessa Resort Improvement District provides water and sewer services within the area. These services are needed to support existing and future residential uses and protect public health and safety in the area.

**3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

The Napa-Berryessa Resort Improvement District's sewer and water systems are operating near capacity. Improvements are needed to help ensure the ability of the District to adequately meet current and future service demands. These services were comprehensively evaluated by LAFCO as part of recent municipal service reviews.

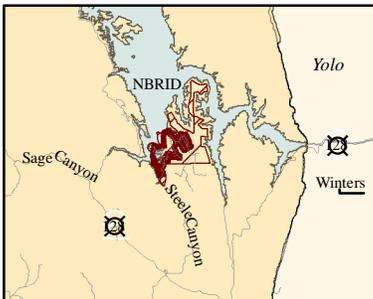
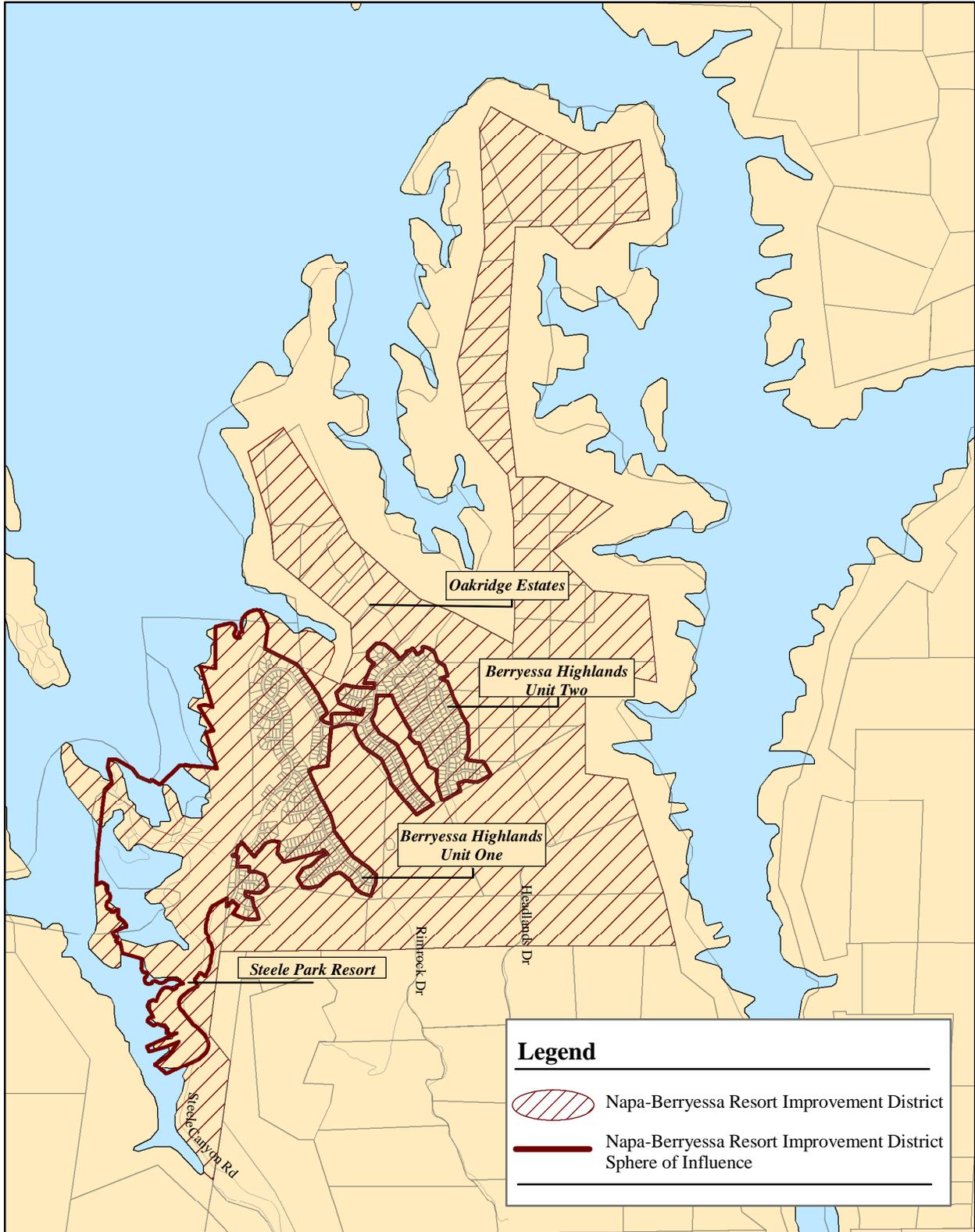
**4. The existence of any social or economic communities of interest in the area (sphere) if the commission determines that they are relevant to the agency.**

The area includes the entire developed portion of Berryessa Highlands and the Steele Park Resort. This community shares social and economic interdependences that are generally distinct from neighboring areas.

Attachments:

- 1) Map: NBRID's sphere and jurisdictional boundary
- 2) Map: County land use designations within and surrounding NBRID
- ~~3) Map: Current land uses within and surrounding NBRID~~

# Napa-Berryessa Resort Improvement District

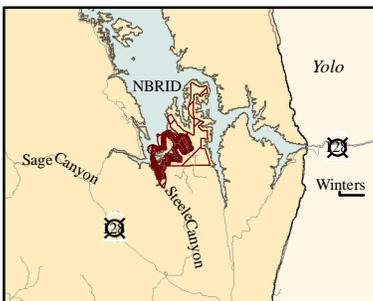
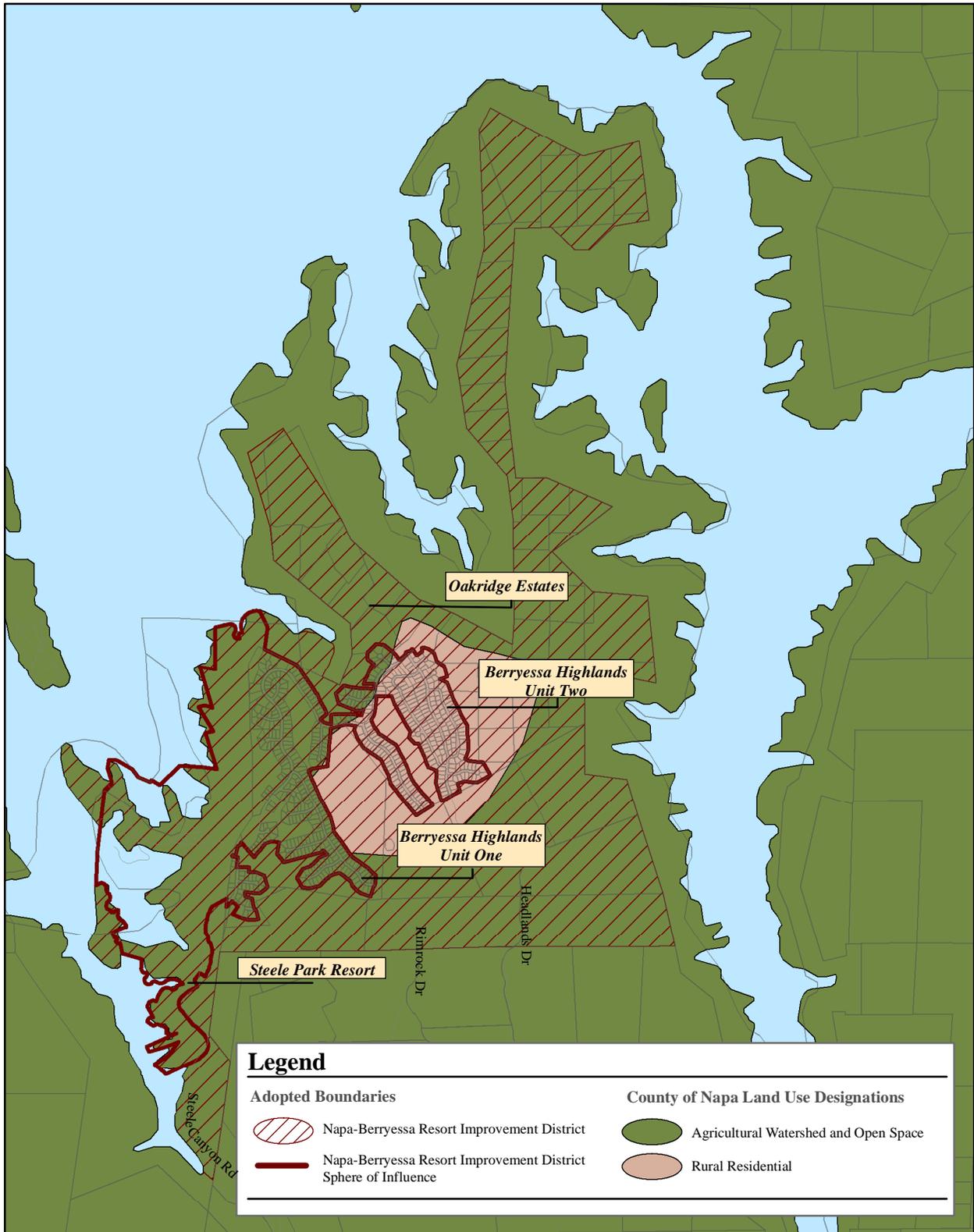


*Not to Scale  
November 19, 2007  
Prepared by KS*



LAFCO of Napa County  
1700 Second Street, Suite 268  
Napa, CA 94559  
(707) 259-8645

# Napa-Berryessa Resort Improvement District



*Not to Scale  
November 19, 2007  
Prepared by KS*



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

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**December 3, 2007**  
**Agenda Item No. 6c**

November 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Spanish Flat Water District: Sphere of Influence Review  
(Public Hearing)**

The Commission will receive a written report representing the sphere of influence review of the Spanish Flat Water District. The Commission will consider a draft resolution approving the recommendation of the written report to affirm with no changes the District's existing sphere.

---

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires Local Agency Formation Commissions (LAFCOs) to review each city and special district's sphere of influence by January 1, 2008 and every five years thereafter as necessary. A sphere is a planning tool used by LAFCO to designate the probable physical boundary and service area of the affected local agency. Change of organizations, such as annexations or detachments, must be consistent with the spheres of the affected local agencies. In order to review a local agency's sphere, LAFCO must prepare municipal services reviews to determine the availability and adequacy of services in the region. The collective purpose of these reviews is to inform and direct LAFCOs in their legislative mandate to coordinate the orderly development of local agencies and services in a manner that meets the present and future needs of the community.

**Discussion**

Between 2004 and 2006, LAFCO of Napa County completed two countywide municipal service reviews on public water and sewer service providers. Both municipal service reviews evaluated the water and sewer services provided by the Spanish Flat Water District. The municipal service reviews culminated with LAFCO adopting determinations making statements on a range of service and governance issues relating to the District. Notably, this included a determination for LAFCO to conduct a governance study to evaluate the options and merits of reorganizing or consolidating the District with other special districts serving the Lake Berryessa region.

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Juliana Inman, Commissioner  
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

Brad Wagenknecht, Vice-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, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

Based on the information collected and analyzed during the municipal service reviews, staff has prepared the attached written report representing the sphere review of the District. The report recommends that no changes to the sphere are warranted until the above-mentioned governance study has been completed. Towards this end, the attached draft resolution codifies the recommendation of the written report and is being presented for Commission consideration. The draft resolution includes statements addressing the four planning factors the Commission is required to consider anytime its makes a sphere determination. The adoption of the draft resolution would fulfill the Commission's sphere review requirement for the District through 2012.

### **Recommendation**

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

- 1) Receive and file the attached written report representing the sphere of influence review of the Spanish Flat Water District; and
- 2) Approve the form for the attached draft resolution with any desired changes that make statements with respect to affirming the sphere of influence with no changes for the Spanish Flat Water District pursuant to California Government Code §56425.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

Attachments:

- 1) Sphere of Influence Review: Final Report
- ~~2) Draft Resolution~~

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

**SPANISH FLAT WATER DISTRICT  
SPHERE OF INFLUENCE REVIEW**

**Final Report  
December 2007**

**Prepared by:**

**LAFCO of Napa County**

*Committed to serving the citizens and government agencies of its jurisdiction by encouraging the preservation of agricultural lands and open-space and coordinating the efficient delivery of municipal services.*

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

Keene Simonds, Executive Officer  
Jackie Gong, Commission Counsel  
Kathy Mabry, Commission Secretary



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## INTRODUCTION

### Local Agency Formation Commissions

Local Agency Formation Commissions (LAFCOs) were established in 1963 and are responsible for administering California Government Code §56000 et seq., which is now known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. LAFCOs are delegated regulatory and planning responsibilities to coordinate the orderly formation and development of local governmental agencies and services, preserve agricultural and open-space resources, and discourage urban sprawl. Duties include regulating governmental boundary changes through annexations or detachments, approving or disapproving city incorporations, and forming, consolidating, or dissolving special districts. LAFCOs are also responsible for conducting studies that address a range of service and governance issues to inform and direct regional planning activities and objectives. LAFCOs are located in all 58 counties in California.

### Spheres of Influence

A principal planning responsibility for LAFCO is the determination of a sphere of influence (“sphere”) for each city and special district under its jurisdiction.<sup>1</sup> California Government Code §56076 defines a sphere as “a plan for the probable physical boundaries and service area of a local agency, as determined by the commission.” LAFCO establishes, amends, and updates spheres to indicate to local agencies and property owners that, at some future date, a specific area will likely require the services provided by the affected agency. The sphere determination also indicates the agency LAFCO believes is best situated to serve the affected area. LAFCO is required to review each agency’s sphere by January 1, 2008 and every five years thereafter as needed.

In establishing, amending, or updating a city or special district’s sphere, LAFCO is required to prepare written statements addressing four specific planning factors. These planning factors, which are enumerated under California Government Code §56425(e), are intended to capture the legislative intent of the sphere determination with regard to coordinating the logical and orderly development of each local agency. These planning factors are:

- The present and planned land uses in the area, including agricultural and open-space lands.
- The present and probable need for public facilities and services in the area.
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

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<sup>1</sup> LAFCOs have been required to determine spheres for cities and special districts since 1972.

In addition, when reviewing a sphere for a special district, LAFCO must also do the following:

- Require the special district to file a written statement with the Commission specifying the functions or classes of services it provides.
- Establish the nature, location, and extent of any functions or classes of services provided by the existing special district.

Beginning in 2001, to help inform the sphere review process, LAFCO is responsible for preparing a municipal service review. A municipal service review is a comprehensive evaluation of the level and range of governmental services provided by a local agency or within a defined area. The municipal service review culminates in the preparation of written determinations addressing nine specific factors enumerated under California Government Code §56430(a). These factors range from infrastructure needs or deficiencies to local governance and accountability. The municipal service review is a prerequisite to updating an agency's sphere and may also lead LAFCO to take other actions under its authority.

### **Spanish Flat Water District**

Between 2004 and 2006, LAFCO of Napa County completed two countywide municipal service reviews on public water and sewer service providers. Both municipal service reviews included evaluations of the level and range of water and sewer services provided by the Spanish Flat Water District. The municipal service reviews culminated in the Commission adopting written determinations making statements on the adequacy of the District's water and sewer services pursuant to California Government Code §56430.<sup>2</sup> The municipal service reviews are available for viewing at the LAFCO office.

Drawing on the information collected and analyzed as part of the municipal service reviews, this report represents the sphere review of the District as required under California Government Code §56425. The report considers whether changes to the sphere are warranted to plan and coordinate the orderly development of the District in a manner that supports the provisions of California Government Code and the policies of the Commission.

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<sup>2</sup> LAFCO Resolutions 04-24 and 06-12.

**OVERVIEW**

The Spanish Flat Water District (SFWD) was formed in 1963 to provide sewer and water services to the unincorporated community of Spanish Flat located along the western shoreline of Lake Berryessa. At the time, Spanish Flat included a local-serving commercial center, public cemetery, and a small number of single-family residences. The formation of SFWD was petitioned by local property owners to serve these existing uses as well as to accommodate the planned development of the 53-lot subdivision known as “Spanish Flat Woodlands.” In 1977, SFWD annexed and assumed sewer and water service operations for a non-contiguous 99-lot subdivision north of Spanish Flat known as “Berryessa Pines.”

SFWD currently provides water and sewer services to an estimated full-time resident population in Spanish Flat and Berryessa Pines of 203 and 188, respectively.<sup>3</sup> SFWD also provides water to the Spanish Flat Resort, which was annexed into the District in 1976. It is estimated that the Spanish Flat Resort has a part-time resident population of 568.<sup>4</sup>

SFWD is an independent special district governed by a five-member board of directors. Directors serve staggered four-year terms. Elections are based on a landowner-voter system, which provides each landowner one vote for each dollar that his or her property is assessed. Staffing for SFWD is provided by one full-time operator who manages both the sewer and water systems.

<b>Spanish Flat Water District</b>	
Date Formed	1963
District Type:	Independent
Enabling Legislation	Water Code §34000-38501
Services Provided	Sewer Water

**Sphere of Influence**

*Establishment*

SFWD’s sphere was established by LAFCO in 1976. LAFCO designated the sphere to include SFWD’s entire jurisdictional boundary along with the adjacent Spanish Flat Resort.

*Amendments*

LAFCO has approved two amendments to SFWD’s sphere since its establishment in 1976. The first amendment was approved in 1978 as part of the concurrent annexation of Berryessa Pines. The last amendment was approved in 1992 and involved the addition of a recreational storage facility north of Berryessa Pines along Berryessa-Knoxville Road.

<sup>3</sup> The population estimate was calculated by LAFCO based on the number of equivalent dwelling units currently being served by SFWD in Spanish Flat (79) and Berryessa Pines (73) and multiplied by the average population per-household projection for Napa County (2.57) as determined by the California Department of Finance. (Note: the Spanish Flat service area includes the 48-unit Spanish Flat Mobile Villa.)

<sup>4</sup> The Spanish Flat Resort was developed in the late 1950s and is one of seven concessionaries under contract with the United States Bureau of Reclamation to provide public recreational and commercial services at Lake Berryessa. The Spanish Flat Resort allows tenants to live in their private mobile homes for up to 180 days per year. The part-time population projection for the Spanish Flat Resort was calculated by LAFCO based on the Resort’s total number of assigned equivalent dwelling units (221) and multiplied by the population per household estimate (2.57) assigned to Napa County by the California Department of Finance.

### *Current Relationship to Jurisdictional Boundary*

SFWD's sphere is approximately 1,334 acres in size and includes 197 unincorporated parcels. SFWD's sphere is slightly larger than its jurisdictional boundary, which is approximately 1,185 acres in size and includes 191 unincorporated parcels. This differential indicates that are six parcels comprising approximately 149 acres in the sphere eligible for annexation.<sup>5</sup>

- \* A map depicting SFWD's sphere and jurisdictional boundary is provided in Attachment One.

### **Land Use Factors**

SFWD is under the land use authority of the County. The County designates land located within and adjacent to SFWD as *Agriculture, Watershed and Open Space* or *Rural Residential*. These land use designations require minimum parcel sizes of 160 and 10 acres, respectively.<sup>6</sup>

As mentioned, existing development within SFWD is concentrated within the Spanish Flat Woodlands (31 residences), Spanish Flat Mobile Villa (48 units), and Berryessa Pines (73 residences). Lands outside and adjacent to SFWD are primarily undeveloped.

- \* A map depicting County land use designations within and surrounding SFWD is provided in Attachment Two.
- \* A map depicting current land uses within and surrounding SFWD is provided in Attachment Three.

### **DISCUSSION**

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the objective of this report is to identify and evaluate areas that warrant consideration for inclusion or removal from SFWD's sphere as part of a comprehensive review. Underlying this effort is to designate the sphere in a manner that promotes the orderly development of SFWD in a manner that supports the provisions of California Government Code and the policies of the Commission.

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<sup>5</sup> Portions of the sphere and jurisdictional boundary are not parcel-specific.

<sup>6</sup> There are several County zoning assignments within SFWD. Lands within the Spanish Flat Woodlands subdivision are zoned *Residential Single*, which establishes standards for residential development in unincorporated areas. Lands along Spanish Flat Loop Road are zoned with a mixture of commercial uses. The majority of lands outside and adjacent to SFWD are zoned *Agriculture Watershed*. This zoning assignment establishes standards to discourage urban development and protect existing agriculture, open-space, and natural uses.

As noted, a sphere is defined as “the probable physical boundaries and service area of a local agency, as determined by the commission.” Underscoring this definition is the tenet that the sphere coordinate the logical development of the agency while protecting agricultural and open-space resources and advantageously providing for the present and future needs of the community. The Commission’s “Policy Declarations” emphasizes its commitment to these concepts and includes a statement that a special district’s sphere shall reflect its existing and planned service facilities and exclude lands designated as agricultural or open-space to protect against premature urban development. The Policy Determinations also state that the Commission will use the County General Plan to determine agricultural and open-space designations.

California Government Code §56425 requires the Commission to review and update each local agency’s sphere by January 1, 2008 and every five years thereafter as needed. It has been the practice of this Commission to review and update each local agency’s sphere in a manner that emphasizes a probable five-year service area.

## **ANALYSIS**

The analysis conducted as part of the earlier municipal service reviews identified the need for SFWD to make a number of improvements to its aging sewer and water systems along with preparing comprehensive facilities plans. The municipal service reviews also recognized SFWD’s limitations in generating revenues to operate and make timely improvements to its infrastructure due to its confined customer base, which diminishes its ability to establish economies of scale. With these factors in mind, the municipal service reviews determined the need for LAFCO to conduct a governance study to evaluate the options and merits of reorganizing or consolidating SFWD with other special districts serving the Lake Berryessa region. It is expected that LAFCO will initiate the governance study by April 2008.

A review of SFWD’s current sphere indicates that changes may be appropriate to include nearby lands that are designated for urban use or currently used as public recreational sites. However, in the absence of completing the referenced governance study, any changes to SFWD’s existing sphere appear premature at this time.

## **RECOMMENDATION**

It is recommended that the Commission affirm with no changes SFWD’s existing sphere. Pursuant to California Government Code §56425(e), the following statements have been prepared in support of the recommendation:

**1. The present and planned land uses in the area (sphere), including agricultural and open-space lands.**

The present and future land uses in the area are planned for by the County of Napa as the affected land use authority. The County General Plan and associated zoning assignments provide for the current and future residential and commercial uses that characterize the majority of the area.

**2. The present and probable need for public facilities and services in the area (sphere).**

The Spanish Flat Water District provides water and sewer services within the area. These services are needed to support existing and future residential and commercial uses along with protecting public health and safety in the area.

**3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

LAFCO recently completed two municipal service reviews evaluating the level and range of the Spanish Flat Water District's water and sewer systems. The municipal service reviews determined that improvements are needed to both systems to help ensure the District's ability to adequately meet current and future service demands.

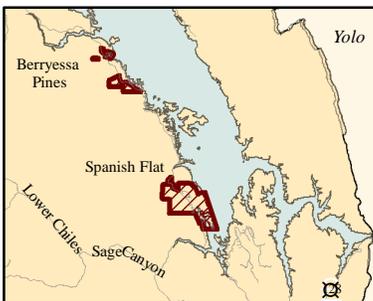
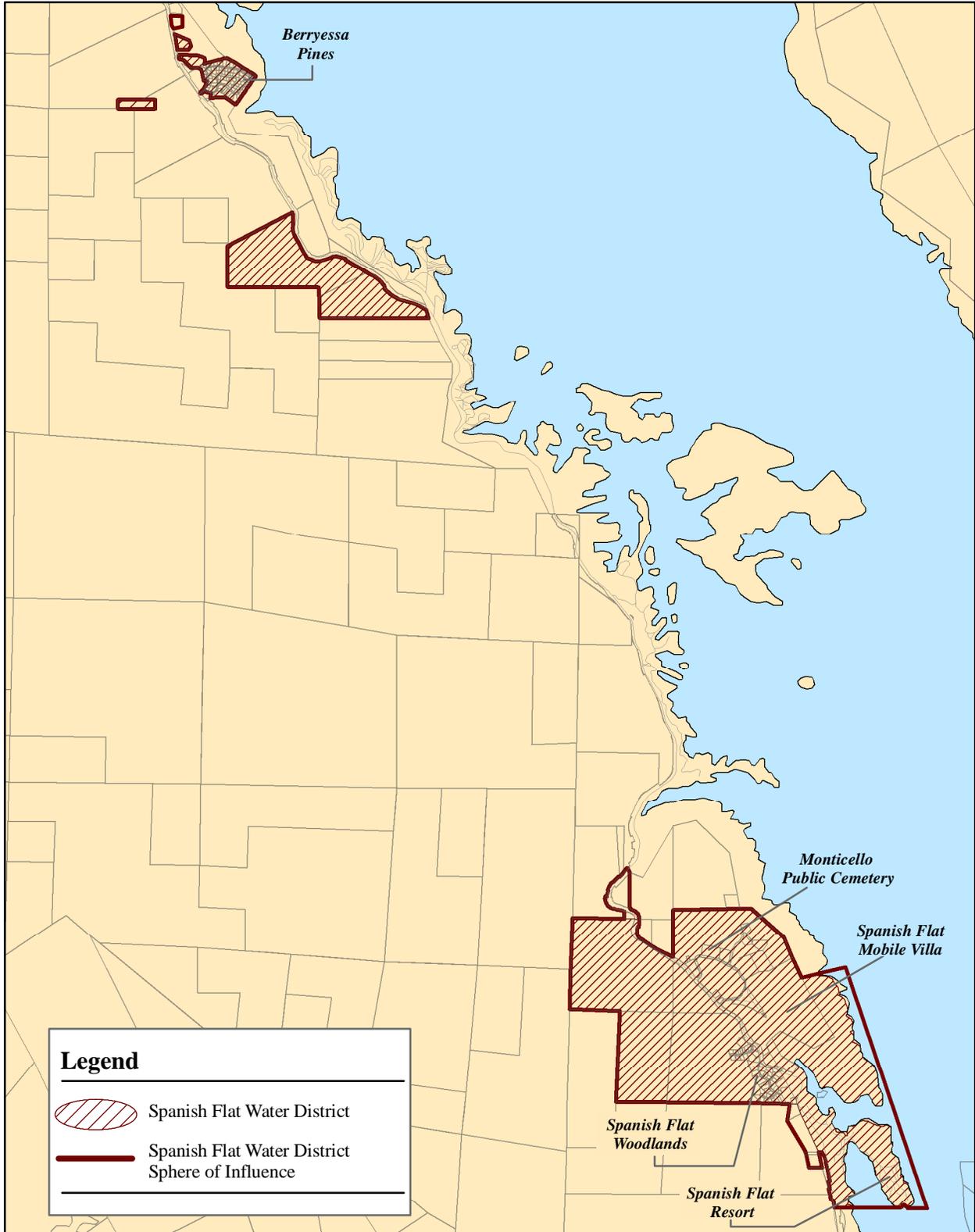
**4. The existence of any social or economic communities of interest in the area (sphere) if the commission determines that they are relevant to the agency.**

The area includes two distinct communities, Spanish Flat and Berryessa Pines. These communities share social and economic interdependencies that are facilitated by the Spanish Flat Water District.

Attachments:

- 1) Map: SFWD's sphere and jurisdictional boundary
- 2) Map: County land use designations within and surrounding SFWD
- ~~3) Map: Current land uses within and surrounding SFWD~~

# Spanish Flat Water District

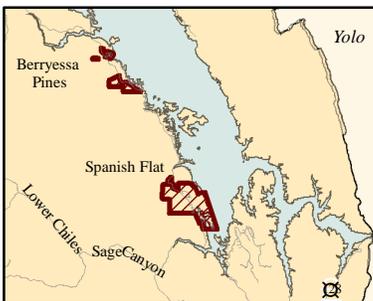
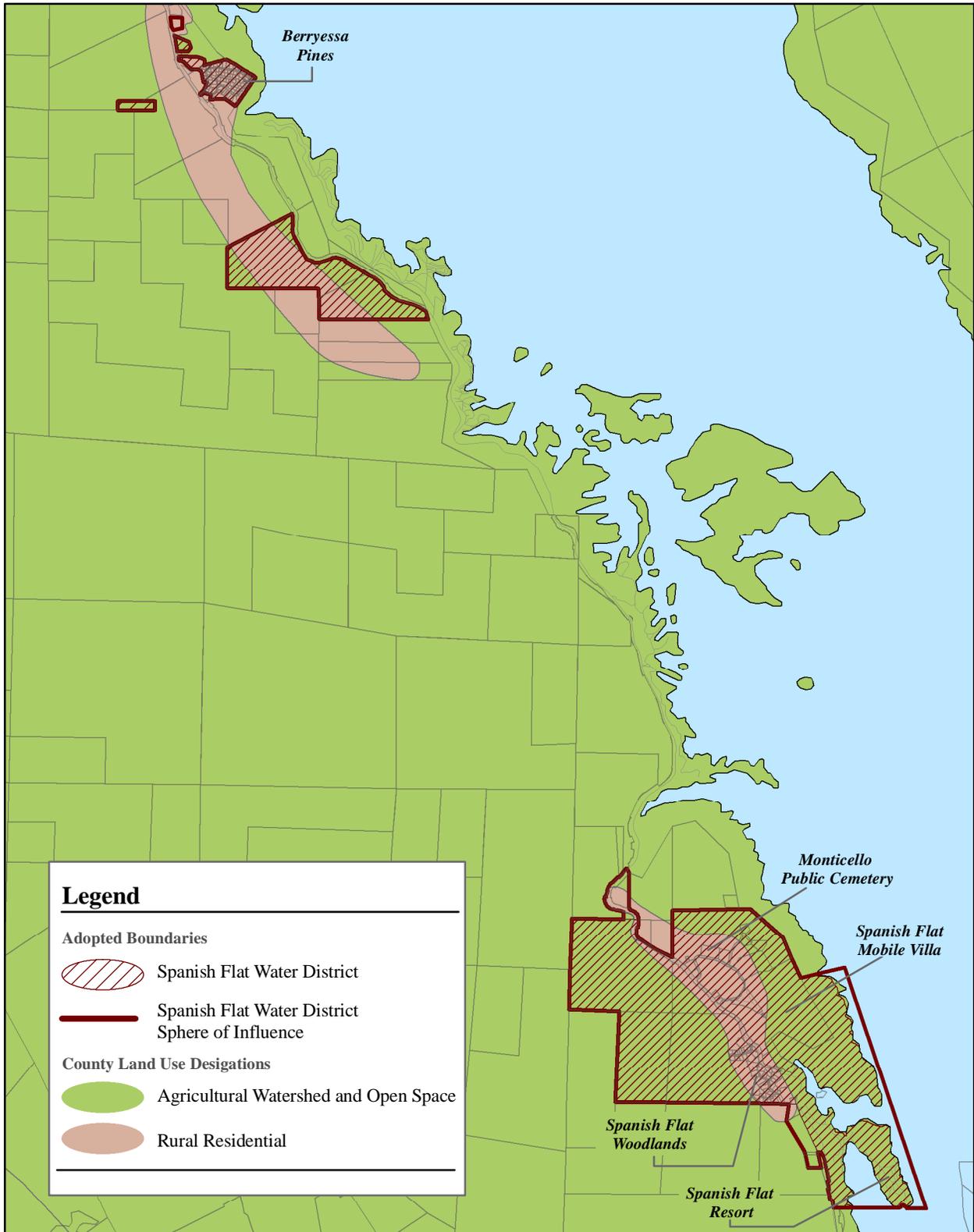


*Not to Scale  
November 19, 2007  
Prepared by KS*



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# Spanish Flat Water District



*Not to Scale  
November 19, 2007  
Prepared by KS*



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**December 3, 2007**  
**Agenda Item No. 7a**

November 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Proposed Study Schedule for 2008-2012 (Action)**

The Commission will consider adopting a proposed study schedule for 2008-2012. The proposed study schedule calendars municipal service reviews and sphere of influence reviews for each local agency pursuant to California Government Code Sections 56430 and 56425, respectively.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires Local Agency Formation Commissions (LAFCOs) to review and update each local agency's sphere of influence by January 1, 2008 and every five years thereafter as needed. As part of this requirement, LAFCOs must also prepare municipal service reviews to determine the adequacy and range of governmental services that are being provided in the affected region. The collective purpose of these reviews is to inform LAFCO and make it more proactive in fulfilling its legislative mandate to coordinate the logical development of local government agencies and services.

## **Discussion**

### *Current Study Schedule*

LAFCO of Napa County's current study schedule for municipal service reviews and sphere of influence reviews was adopted at its October 11, 2001 meeting. The current study schedule is unique with respect to including both agency-specific and service-specific municipal service reviews. This includes agency-specific municipal service reviews for all five cities and a small number of special districts and service-specific municipal service reviews on fire protection, landscaping and lighting, sewer, and water.

With the current study scheduling nearing completion, it is appropriate to consider the key lessons learned in preparing the inaugural round of municipal service reviews and sphere of influence reviews. In terms of benefits, as intended, the preparation of these reviews has measurably improved LAFCO's decision-making process by developing a better understanding of the service practices and capacities of local agencies in Napa County. These reviews have also enhanced local governance, particularly for many of the small special districts that benefit from LAFCO's third-party analysis of their services and structures. Additionally, by having staff prepare the majority of the reviews, LAFCO has distinguished its role as an independent and reliable source of information.

Jack Gingles, Chair  
Mayor, City of Calistoga

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Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner  
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Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

With regard to challenges, staff underestimated the amount of time needed to prepare the inaugural round of municipal service reviews and sphere of influence reviews. Staff initially anticipated completing all of the scheduled reviews by the original statutory deadline of January 1, 2006. However, the need to generate and aggregate new information for all local agencies, many of which were unfamiliar with LAFCO, simply exceeded initial timelines. This challenge has been common for many LAFCOs and prompted the Legislature to extend the statutory deadline to January 1, 2008.

### *Proposed Study Schedule*

Drawing from the lessons learned in preparing the inaugural round of municipal service reviews and sphere of influence reviews, staff has prepared the attached proposed study schedule for 2008-2012. Notably, the proposed study schedule focuses on preparing mostly agency-specific municipal service reviews. This approach will allow LAFCO to concentrate on the breadth of services provided by each local agency as part of a single report. This approach will also benefit each affected local agency by limiting its need to provide information to LAFCO only once over the next five years.

The proposed study schedule generally reflects the draft outline presented at the Commission's August 20, 2007 biennial workshop. Minor changes have been made to incorporate the comments and suggestions made by the Commission. This includes advancing the review date of the Napa Sanitation District to occur in the same year as the review of the City of Napa.

### **Recommendation**

It is recommended that the Commission take the following actions:

- 1) Approve the attached proposed study schedule for 2008-2012 with any desired changes; and
- 2) Direct the Executive Officer to circulate the proposed study schedule for 2008-2012 to each affected local agency for their comment; and
- 3) Direct the Executive Officer to schedule a public hearing for the Commission to consider adopting a final study schedule for 2008-2012 at its first regular meeting in 2008.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachment:

- 1) Proposed Study Schedule for 2008-2012

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
PROPOSED STUDY SCHEDULE (2008-2012)**

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

**Calendar Year 2008**

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County Service Area No. 4

Municipal Service Review and Sphere of Influence Review

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Lake Berryessa Resort Improvement District \*

Municipal Service Review and Sphere of Influence Review

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Napa-Berryessa Resort Improvement District \*

Municipal Service Review and Sphere of Influence Review

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Napa County Regional Parks & Open Space District

Municipal Service Review and Sphere of Influence Establishment

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Spanish Flat Water District \*

Municipal Service Review and Sphere of Influence Review

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*\* Incorporate as part of a governance study*

**Calendar Year 2009**

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City of American Canyon

Municipal Service Review and Sphere of Influence Review

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American Canyon Fire Protection District

Municipal Service Review and Sphere of Influence Review

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County Service Area No. 3

Municipal Service Review and Sphere of Influence Review

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Law Enforcement Services

Municipal Service Review

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**Calendar Year 2010**

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City of Napa

Municipal Service Review and Sphere of Influence Review

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Napa County Mosquito Abatement District

Municipal Service Review and Sphere of Influence Review

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Napa River Reclamation District No. 2109 \*

Municipal Service Review and Sphere of Influence Review

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Napa Sanitation District

Municipal Service Review and Sphere of Influence Review

---

Transportation Services (Public Transit and Roads)

Municipal Service Review

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*\* Subject to potential reorganization*

PROPOSED STUDY SCHEDULE (2008-2012)

**Calendar Year 2011**

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Town of Yountville

Municipal Service Review and Sphere of Influence Review

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Circle Oaks County Water District

Municipal Service Review and Sphere of Influence Review

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Congress Valley Water District

Municipal Service Review and Sphere of Influence Review

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Napa County Flood Control and Water Conservation District

Municipal Service Review and Sphere of Influence Review

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Napa County Resource Conservation District

Municipal Service Review and Sphere of Influence Review

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**Calendar Year 2012**

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City of Calistoga

Municipal Service Review and Sphere of Influence Review

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City of St. Helena

Municipal Service Review and Sphere of Influence Review

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Los Carneros Water District

Municipal Service Review and Sphere of Influence Review

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Monticello Public Cemetery District

Municipal Service Review and Sphere of Influence Review

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Pope Valley Cemetery District

Municipal Service Review and Sphere of Influence Review

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Silverado Community Services District

Municipal Service Review and Sphere of Influence Review

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**December 3, 2007**  
**Agenda Item No. 7b**

November 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Potential Reorganization Proceedings for the Napa River Reclamation District No. 2109 (Action)**

The Commission will consider providing direction to staff with respect to pursuing proceedings to reorganize the Napa River Reclamation District No. 2109 from a reclamation district to a community services district.

On July 20, 2007, Senate Bill 819 (Hollingsworth) was signed by Governor Arnold Schwarzenegger. This legislation makes two significant changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. First, the legislation permanently authorizes the Commission to consolidate or reorganize special districts operating under different principal acts. Second, the legislation expands the authority of the Commission to initiate proceedings to form new special districts. Both changes become effective January 1, 2008.

### **Discussion**

#### *Governance Study of the Napa River Reclamation District No. 2109*

At its April 3, 2006 meeting, the Commission received a governance study from staff evaluating the options and merits of reorganizing the Napa River Reclamation District No. 2109 (NRRD). The governance study was prepared in response to a determination adopted by the Commission as part of an earlier municipal service review of NRRD. The determination outlined the need to address an existing disconnect between the reclamation powers of NRRD and the preferences of constituents not to establish or fund public reclamation services. The governance study concluded that reorganizing NRRD into a community service district is the preferred option in meeting the present and future needs of the community. This preferred option would enable the community to continue to receive public sewer service while establishing reclamation as a latent power that could be activated by the district – upon Commission approval – at a future date.

Jack Gingles, Chair  
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Keene Simonds  
Executive Officer

*Reorganizing the Napa River Reclamation District No. 2109*

The enactment of Senate Bill 819 authorizes the Commission to initiate proceedings to reorganize NRRD in a manner that is consistent with the conclusions of the aforementioned governance study. If pursued, reorganization would require the Commission to initiate two concurrent actions. First, drawing from its existing authority, the Commission would initiate proceedings to dissolve NRRD. Second, drawing from its new authority, the Commission would initiate proceedings to establish a new community service district to serve as successor agency to NRRD. The procedures for both actions are summarized in the attached governance study.

*Preference of the Napa River Reclamation District No. 2109*

NRRD has expressed support for the Commission to initiate reorganization proceedings for the District. NRRD's support is generated from its desire to address its potential liability in the event of a future flood within its service area by removing reclamation as an active service power.

*Benefits and Costs to the Commission*

A key benefit to the Commission in initiating NRRD's reorganization into a community services district is to improve local governance. Specifically, the Commission is charged with coordinating the logical development of local governmental agencies and services in a manner that meets the present and future needs of the community. The current structure of NRRD is illogical given it does not have the support of its constituents to establish and provide public reclamation services in a manner that is consistent with its principal act. Reorganizing NRRD into a community services district with the specific authority to provide only sewer service at this time would be logical and appropriate.

In initiating reorganization, the Commission would become responsible for all costs associated with the proceedings. It appears that the principal costs to the Commission would involve allocating staff resources to process the reorganization. Additional costs would include providing notices to affected landowners and resident registered voters as well as possible elections if sufficient protest exists. Additional review is needed to provide a reasonable estimate of these costs.

**Recommendation**

If the Commission is interested in pursuing proceedings to initiate reorganization of NRRD into a community services district, staff recommends the following actions:

- 1) Direct staff to prepare an estimated outline of costs to process the reorganization for Commission review at the February 4, 2008 regular meeting; and
- 2) Direct staff to prepare an estimated timeline to process the reorganization for Commission review at the February 4, 2008 regular meeting.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachments:

- ~~1) Governance Study of the Napa River Reclamation District~~
- ~~2) Map, Napa River Reclamation District No. 2109~~



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**December 3, 2007**  
**Agenda Item No. 7c**

November 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Appointments to the 2008-2009 Budget Committee (Action)**

The Commission will consider appointing two members to serve on the 2008-2009 Budget Committee.

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California Government Code §56381 directs the Commission to annually prepare and adopt a proposed budget by May 1<sup>st</sup> and a final budget by June 15<sup>th</sup>. In preparing for its own provisions, it is the policy of the Commission to establish a budget committee that includes 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 agencies that are statutorily responsible for funding LAFCO 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, respectively.

The 2007-2008 Budget Committee consisted of Commissioners Kelly and Wagenknecht.

**Discussion**

Along with reviewing baseline expenditures it is expected that the 2008-2009 Budget Committee will consider the costs and benefits with 1) upgrading the website and 2) establishing a digital document archiving system.

**Recommendation**

It is recommended that the Commission take the following action:

- 1) Appoint two members to serve on the 2008-2009 Budget Committee.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachment:

~~1) Policy on Preparation of the LAFCO Budget~~

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Jack Gingles, Chair  
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**December 3, 2007**  
**Agenda Item No. 7d**

November 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Notice of Expiring Term: Alternate Public Member (Action)**

The Commission will provide direction to the Executive Officer with respect to scheduling the appointment of an alternate public member to new four-year term commencing on May 5, 2008.

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California Government Code §56325(d) provides that the composition of the Commission shall include a regular and alternate public member. The regular and alternate public members are appointed by the city and county members of the Commission to four-year terms that begin on the first Monday in May. The Commission's *Policy on the Appointment of the Public Member for a Full-Term* directs the Executive Officer to provide notice to the Commission at least 120 days prior to a public member's term expiring. This policy also requires the Commission to make a number of related determinations concerning the appointment of a public member to a new four-year term.

**Discussion**

Commissioner Rodeno was appointed on April 2, 2007 to fill the vacant and unexpired term of the alternate public member position. Commissioner Rodeno's term will expire on May 4, 2008. With this in mind, the Commission's policies require that it provide direction to the Executive Officer in scheduling the appointment of an alternate public member to a four-year term commencing on May 5, 2008. This includes determining the 1) eligibility of the incumbent to seek reappointment, 2) list of publications to issue a press release inviting applications, and 3) hearing date to make the appointment. Staff's review of these determinations follows.

**a) Eligibility of Incumbent to Seek Reappointment**

The incumbent alternate public member, Gregory Rodeno, is eligible for reappointment.

**b) List of Publications to Receive Press Releases**

It is proposed that the Commission provide the following publications with press releases inviting applications for the alternate public member position: *American Canyon Eagle, Napa Sentinel, Napa Valley Register, St. Helena Star, Vallejo Times-Herald, and the Weekly Calistogan.*

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Representative of the General Public

Keene Simonds  
Executive Officer

**c) Proposed Hearing Date to Make Appointment**

It is proposed that the Commission schedule a public hearing to consider an appointment to its alternate public member position on April 7, 2008.

In addition to issuing press releases to the aforementioned publications, staff will run an advertisement inviting applications for the alternate public member position in a Sunday edition of the *Napa Valley Register*. Staff will also circulate a notice regarding the scheduled vacancy of the alternate public member position to each local agency.

**Recommendation**

It is recommended that the Commission take the following actions in implementing its *Policy on the Appointment of the Public Member for a Full Term*:

- 1) Determine that the incumbent alternate public member, Gregory Rodeno, is eligible to seek reappointment; and
- 2) Direct the Executive Officer to issue news releases relating to the candidate search for the alternate public member position on or before February 14, 2008 to the *American Canyon Eagle*, *Napa Sentinel*, *Napa Valley Register*, *St. Helena Star*, *Vallejo Times-Herald*, and the *Weekly Calistogan*; and
- 3) Direct the Executive Officer to schedule a public hearing for the Commission to consider appointing an alternate public member to a four-year term commencing on May 5, 2008 at its April 7, 2008 meeting.

Respectfully submitted,

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Keene Simonds  
Executive Officer

Attachment:

~~1) *Policy on the Appointment of the Public Member for a Full-Term*~~



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

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Napa, CA 94559  
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**December 3, 2007**  
**Agenda Item No. 8a**

November 27, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Progress Report on the Current Study Schedule (Discussion)**

The Commission will receive a progress report on its current study schedule for municipal service reviews and sphere of influence reviews for 2001 to 2007. The report is being presented for discussion.

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires Local Agency Formation Commissions (LAFCOs) to review and update each local agency's sphere of influence by January 1, 2008 and every five years thereafter as needed. As part of this requirement, LAFCOs must also prepare municipal service reviews to determine the adequacy and range of governmental services that are being provided within its jurisdiction. The collective purpose of these reviews is to inform LAFCO and make it more proactive in fulfilling its legislative mandate to coordinate the orderly development of local governmental agencies and services.

### **Discussion**

On October 11, 2001, LAFCO of Napa County adopted its current study schedule for municipal service reviews and sphere of influence reviews. The study schedule was modified on March 11, 2004 to consolidate and add certain municipal service reviews at the recommendation of the Executive Officer. The modification to the study schedule also adjusted several projected starting dates to reflect the two year delay by the State Office of Planning and Research in issuing final municipal service review guidelines.

At the conclusion of the December 3<sup>rd</sup> meeting, it is anticipated that LAFCO will have completed 11 of its 14 scheduled municipal service reviews and 16 of its 21 scheduled sphere of influence reviews. Regrettably, the remaining scheduled reviews will not be completed by the January 1, 2008 statutory deadline. The principal factor contributing to the delay in completing the current schedule involves recent and current vacancies in LAFCO's two full-time budgeted positions over the last two years.

Staff is currently working with LAFCO's recently contracted consultant, Baracco and Associates, to prepare the three municipal service reviews remaining in the current study schedule. These remaining municipal service reviews are for the City of Calistoga, City of St. Helena, and a joint-review of the Monticello and Pope Valley Public Cemetery Districts. It is expected that draft and final municipal service reviews will be presented to the Commission at its February and March meetings, respectively.

---

Jack Gingles, Chair  
Mayor, City of Calistoga

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

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Executive Officer

The completion of the three remaining municipal service reviews will allow staff to prepare sphere of influence reviews for the four affected agencies for Commission review no later than the April meeting. Staff also anticipates completing the sphere of influence review for the Congress Valley Water District for Commission consideration at the February meeting. (The sphere review of the Congress Valley Water District was initiated in 2005, but suspended at the District's request to evaluate apparent discrepancies between its records and LAFCO records relating to the location of the District's jurisdictional boundary.) The completion of all five remaining sphere of influence reviews will complete the current study schedule.

A complete listing of the status of all municipal service reviews and sphere of influence reviews included in the current study schedule is attached.

Attachment: as stated

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
STUDY SCHEDULE (2001-2007)**

Adopted October 11, 2001

Amended March 11, 2004

**Scheduled Municipal Service Reviews**

<b>Municipal Service Review</b>	<b>Start Date</b>	<b>Status</b>
City of American Canyon	October 2002	Completed August 2003
Napa County Mosquito Abatement District	September 2003	Completed February 2005
City of Napa	June 2004	Completed April 2005
Comprehensive Water Service Study	June 2002	Completed June 2004
Comprehensive Study of Wastewater Service	November 2004	Completed October 2006
Comprehensive Study of Lighting/Landscaping	January 2005	Completed August 2006
Napa River Reclamation District No. 2109	February 2005	Completed August 2005
Comprehensive Study of Fire Protection Services	August 2005	Completed February 2007
Napa County Resource Conservation District	June 2006	Completed February 2007
Napa County Flood Control & Water District	December 2006	Completed June 2007
Town of Yountville	January 2007	Completed August 2007
City of Calistoga	October 2007	Active
City of St. Helena	October 2007	Active
Comprehensive Study of Public Cemeteries	October 2007	Active

**Scheduled Sphere of Influence Reviews**

<b>Sphere of Influence Review</b>	<b>Start Date</b>	<b>Status</b>
City of American Canyon	February 2003	Completed February 2004
Napa County Mosquito Abatement District	November 2004	Completed February 2005
City of Napa	July 2004	Completed June 2005
Congress Valley Water District	January 2005	Active
Napa Sanitation District	October 2005	Completed August 2006
Napa County Resource Conservation District	November 2006	Completed February 2007
Silverado Community Services District	December 2006	Completed April 2007
Napa River Reclamation District No. 2109	December 2006	Completed April 2007
Los Carneros Water District	January 2007	Completed June 2007
Circle Oaks County Water District	February 2007	Completed June 2007
Napa County Flood Control & Water District	February 2007	Completed June 2007
Town of Yountville	February 2007	Completed August 2007
American Canyon Fire Protection District	February 2007	Completed October 2007
County Service Area No. 3	June 2007	Completed October 2007
Lake Berryessa Resort Improvement District	October 2007	Completed December 2007*
Napa-Berryessa Resort Improvement District	October 2007	Completed December 2007*
Spanish Flat Water District	October 2007	Completed December 2007*
City of Calistoga	December 2007	Pending
City of St. Helena	December 2007	Pending
Monticello Public Cemetery District	December 2007	Pending
Pope Valley Cemetery District	December 2007	Pending

\* Pending Commission Approval

November 27, 2007



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**December 3, 2007**  
**Agenda Item No. 10a**

November 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Designation of Chair and Vice-Chair for 2008 (Information)**

The Commission will receive a report regarding the designation of the Chair and Vice-Chair for the 2008 calendar year.

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The Commission's *Appointment of Chair and Vice-Chair* policy establishes an annual rotation system with respect to the appointment 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.

The current rotation order for the Chair and Vice-Chair are:

<u>Seat Designation for Chair</u>	<u>Seat Designation for Vice-Chair</u>
City Member II (Gingles)	County Member II (Wagenknecht)
County Member II (Wagenknecht)	Public Member (Kelly)
Public Member (Kelly)	City Member I (Inman)
City Member I (Inman)	County Member I (Dodd)
County Member I (Dodd)	City Member II (Gingles)

The rotation order for the Chair and Vice-Chair in 2008:

<u>Seat Designation for Chair</u>	<u>Seat Designation for Vice-Chair</u>
County Member II (Wagenknecht)	Public Member (Kelly)
Public Member (Kelly)	City Member I (Inman)
City Member I (Inman)	County Member I (Dodd)
County Member I (Dodd)	City Member II (Gingles)
City Member II (Gingles)	County Member II (Wagenknecht)

Accordingly, based on this rotation system, Commissioners Wagenknecht and Kelly will serve as Chair and Vice-Chair, respectively, in 2008.

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Councilmember, City of American Canyon

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**December 3, 2007**  
**Agenda Item No. 10b**

November 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Current and Future Proposals (Information)**

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

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**Current Proposals**

Staff is currently processing two proposals for future consideration by the Commission. A summary of these proposals follows.

**Wilkins Avenue Reorganization**

This application has been submitted by the City of Napa and proposes the annexation of approximately 0.77 acres of unincorporated territory. Staff has reorganized the application to account for automatic detachment proceedings involving County Service Area No. 4. The subject territory comprises one parcel with an existing single-family residence and is located on Wilkins Avenue south of its intersection of Shetler Avenue. The purpose of the annexation is to facilitate the future division and development of the subject territory under the land use authority of the City. (Assessor Parcel Number 046-271-023)

Status: Staff is awaiting the submittal of an application fee.

**Golden Gate Drive/Foster Road Reorganization**

This application has been submitted by the City of Napa and proposes the annexation of approximately 144 acres of unincorporated territory. Staff has reorganized the application to account for automatic detachment proceedings involving County Service Area No. 4. The subject territory comprises six parcels and public right-of-way portions of Foster Road and Golden Gate Drive. The subject territory is located south of Imola Avenue between Foster Road and Golden Gate Drive. Existing uses include three single-family residences, grazing fields, and an equestrian complex operated by the Napa Valley Horseman's Association. The purpose of the annexation is to facilitate the future subdivision and development of the subject territory under the land use authority of the City. (Assessor Parcel Numbers: 043-062-006; 043-062-008; 043-102-001; 043-102-016; 043-102-015; and 043-062-005)

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Keene Simonds  
Executive Officer

Status: Staff continues to evaluate the proposal with respect to addressing the 14 service factors required for consideration under Government Code §56668. In addition, a property tax agreement between the City and County must be completed before the Commission can consider the proposal. The 60-day negotiation period for the agencies to enter into an agreement ends on December 28, 2007. If an agreement is not reached within the 60-day negotiation period, it is my understanding of Revenue and Taxation Code that the following steps are triggered:

- 1) The City and County shall mutually select a third-party consultant to perform an independent fiscal analysis estimating all the tax revenues that will be derived from the subject territory. This period shall not exceed 30 days.
- 2) If no agreement can be reached during the independent fiscal analysis, the City and County shall mutually select a mediator. This period shall not exceed 30 days.
- 3) If no agreement can be reached during the mediation period, the City and County shall mutually select an arbitrator to determine the property tax exchange. The arbitrator's determination is non-binding and will be made within a period not to exceed 30 days.

The annexation proceedings shall be terminated within 150 days (March 27, 2008) from the notice by the Auditor's office unless one of the periods listed above is extended by mutual agreement.

### **Future Proposals**

Staff is aware of two specific proposals that will be submitted to LAFCO in the near future. A summary of these proposals follows.

#### **Trancas Crossing Park (City of Napa)**

The City of Napa has initiated a planning process to develop a 33-acre unincorporated parcel north of the intersection of Trancas Street and Old Soscol Avenue for a public park. Current planning activities to date have included the preparation of an initial study and mitigated negative declaration as part of a draft master plan. It is expected that the City Council will consider approving these documents as well as rezoning the subject territory in December. In order to carryout the proposed project, LAFCO approval is required to concurrently annex and add the subject territory to the City's sphere of influence. Additionally, depending on the final master plan, LAFCO approval may be required to concurrently annex and add the subject territory to the Napa Sanitation District's sphere of influence.

**American Canyon High School and American Canyon Middle School  
(City of American Canyon and American Canyon Fire Protection District)**

The Napa Valley Unified School District has initiated a planning process to construct a high school and new middle school to serve the City of American Canyon. The subject territory comprises two unincorporated parcels located at the northeast intersection of American Canyon Road and Newell Drive. Current planning activities to date have included the preparation of an initial study and notice to prepare an Environmental Impact Report. In order to carryout the proposed project, LAFCO approval is required to annex the proposed high school site to the City of American Canyon and the American Canyon Fire Protection District. LAFCO approval is also required to concurrently annex and add the proposed middle school site to the City and District's sphere of influence.

In addition, please note the County of Napa has initiated a planning process to consider an application by Pacific Union College (PUC) to develop 380 new residential units in the unincorporated community of Angwin. The proposed project also anticipates the development of a 20-unit inn and approximately 55,000 square feet of commercial space. Current planning activities to date have included preparing a notice to prepare an Environmental Impact Report. The current description for the proposed project suggests existing water and wastewater facilities operated by PUC will be expanded and utilized to serve the development. However, it is my understanding that the project may evolve to include the establishment of a special district to provide certain public services, including water and wastewater. LAFCO approval would be needed to form a new special district. With this in mind, I have informed the County of LAFCO's potential role in approving a portion of the project in a letter dated November 14, 2007. A copy of the letter is attached.

Attachments:

- 1) Letter dated November 14, 2007 from LAFCO to the County of Napa



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November 14, 2007

Kirsty Shelton, Planner III  
 Conservation, Development, and Planning  
 County of Napa  
 1195 Third Street, Suite 210  
 Napa, California 94559

**SUBJECT: Notice of Preparation of a Draft Environmental Impact Report: Pacific Union College/Triad Development Plan**

Ms. Shelton:

Thank you for the opportunity to comment on the above-referenced Notice of Preparation (NoP). The project description contemplates a development that will include a total of 380 new residential units, 20-unit inn, and 55,000 square feet of commercial uses. The project description suggests existing water and wastewater facilities operated by the Pacific Union College (PUC) will be expanded and utilized in serving the proposed development.

Private utilities, such as the water and wastewater services operated by PUC, are outside the jurisdiction of the Commission. However, it is my understanding that the project may evolve to include the establishment of a special district to provide certain public services to support the proposed project, including water and wastewater. If the establishment of a special district becomes part of the project, the following comments apply.

- The Draft Environmental Impact Report (DEIR) should state that Commission approval is required to carryout the portion of the project relating to the formation of a special district. The DEIR should identify the type of special district (i.e., community services district, county service area, etc.) to be established and the specific public services that will be provided. The DEIR should also reference the factors the Commission must consider in establishing a special district, including the location of the jurisdictional boundary and sphere of influence, under California Government Code §56668 and §56425, respectively.

If you have not done so, I respectfully request that you send the NoP to Wes Maffei, General Manager of the Napa County Mosquito Abatement District, and Leigh Sharp, Manager of the Napa County Resource Conservation District, for comment. Although these agencies may not be asked to approve portions of the project, I strongly advise that the expertise of their staffs be sought during the preparation of the DEIR.

Jack Gingles, Chair  
 Mayor, City of Calistoga

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 Representative of the General Public

Keene Simonds  
 Executive Officer

*Letter to the County of Napa*  
*November 14, 2007*  
*Page 2 of 2*

Thank you again for the opportunity to comment on the NoP. Should you have any questions, I may be reached by phone at (707) 259-8645 or by e-mail at [ksimonds@napa.lafco.ca.gov](mailto:ksimonds@napa.lafco.ca.gov).

Sincerely,

Keene Simonds  
Executive Officer

cc: Wes Maffei, Manager, Napa County Mosquito Abatement District  
Leigh Sharp, Manager, Napa County Resource Conservation District



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November 27, 2007

**TO:** Local Agency Formation Commission

**FROM:** Jacqueline Gong, Commission Counsel

**SUBJECT: Request for Reconsideration of Commission Resolution No. 07-27**  
Adopting a Policy on Extraterritorial Services for the City of American Canyon Pursuant to Government Code Section 56133

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This is to inform the Commission that the City of American Canyon has submitted a request for reconsideration of Resolution 07-27, relating to the Commission's policy on extraterritorial water and sewer services provided by the City under California Government Code Section 56133. The City is seeking clarification of the policy but has offered no suggested amendments to the policy. LAFCO staff has asked to meet with the City to better understand and address the City's concerns with the policy. This will also give the City an opportunity to propose specific amendments to the policy for the consideration of the Commission. Following staff discussions with the City, the request will be presented to the Commission for its consideration some time in early 2008.

Respectfully submitted,

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Jacqueline Gong  
Commission Counsel

Attachment:

~~1) LAFCO Resolution No. 07-27~~

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