



# **LAFCO MEETING AGENDA**

**February 5, 2007**

**4:00 P.M.**

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

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

---

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

---

**1. CALL TO ORDER; ROLL CALL**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES**

Minutes of December 4, 2006

**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) *Hussey Ranch District Annexation to the Napa Sanitation District (Action)***

The Commission will consider a petition from the O'Brien Group to annex approximately 40 acres of incorporated territory to the Napa Sanitation District. The purpose of the annexation is to facilitate an underlying development project that has been approved by the City of Napa as the affected land use authority. The County of Napa Assessor's Office identifies the eight affected parcels as 041-073-002, 050-101-025, 050-101-026, 050-101-027, 050-101-028, 041-420-006 (portion), 050-170-010 (portion), and 050-030-007 (portion).

**b) *Amendments to Adopted Fee Schedule (Action)***

The Commission will consider amendments to its adopted fee schedule to reflect new filing charges for the California Department of Fish and Game and the County of Napa Assessor's Office. The Commission will also consider an amendment to redirect an existing applicant fee involving the editing of the County/LAFCO Geographic Information System.

**c) *Second Quarter Budget Report: Fiscal Year 2006-2007 (Receive and File)***

The Commission will receive a second quarter budget report for the 2006-2007 fiscal year. The budget report provides an overview of current fiscal year expenses through the second quarter and is being presented to the Commission to receive and file.

**6. PUBLIC HEARING ITEMS**

**a) Laurel Street City Annexation to the City of Napa**

The Commission will consider an application from the City of Napa to annex approximately 26 acres of unincorporated land. The purpose of the annexation is to facilitate the future subdivision and development of one of two affected parcels. The County of Napa Assessor's Office identifies the two affected parcels as 043-010-010 and 043-010-009.

**b) Amendment to Adopted Conflict of Interest Code**

The Commission will consider a resolution to amend and update its adopted conflict of interest code. The proposed update makes several changes to reflect recent changes involving the Political Reform Act.

**7. COMMISSION ACTION ITEMS**

**a) Draft Proposed Budget for 2007-2008**

The Commission will receive a draft proposed budget from the 2007-2008 Budget Committee. The draft proposed budget projects a total increase in operating expenses of 1.9% from the current fiscal year and is being presented to the Commission for review and direction.

**b) Comprehensive Study of Fire Protection Services**

The Commission will receive a report as part of its municipal service review of fire protection services in Napa County. The report includes final written determinations that are being presented to the Commission for consideration as part of a separate resolution under California Government Code §56430.

**c) Comprehensive Study of the Napa County Resource Conservation District**

The Commission will receive two reports as part of its municipal service review and sphere of influence update for the Napa County Resource Conservation District. The Commission will consider resolutions adopting the determinations and statements included in both reports under California Government Codes §56340 and §56425.

**8. COMMISSION DISCUSSION ITEMS**

**a) American Canyon Fire Protection District – Sphere of Influence Update**

The Commission will receive a report from staff identifying draft study categories for the sphere of influence review of the American Canyon Fire Protection District. The report is being presented to the Commission for discussion only.

**b) Independent Audit for Fiscal Year Ending June 30, 2006**

The Commission will receive an audit report on LAFCO from Bartig, Basler & Ray concerning the fiscal year ending on June 30, 2006.

**c) Report from the CALAFCO Legislative Committee**

The Commission will receive an oral report from the Executive Officer regarding the current and planned activities of the CALAFCO Legislative Committee.

**9. EXECUTIVE OFFICER REPORT**

The Commission will receive an oral report from the Executive Officer regarding staff activities, communication, and active and pending proposals and studies.

**a) Staff Activities**

- Review of California Government Code §56133

**EXECUTIVE OFFICER REPORT CONTINUED...**

**b) Communication**

- County of Napa General Plan Update
- Napa Valley Register

**c) Active and Pending Proposals and Studies**

- *McCormick Lane No. 2 District Annexation to the Napa Sanitation District* (active)
- *Wilkins Avenue City Annexation to the City of Napa* (active)
- *Foster Road/Golden Gate Drive City Annexation to the City of Napa* (pending)
- Comprehensive Study of the Napa County Flood Control and Water Conservation District (active)
- Comprehensive Study of the Town of Yountville (pending)

**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) Search for Alternate Public Member**

The Commission will receive an update from staff regarding the application filing period for the vacant alternate public member position, which has an unexpired term ending May 2008.

**11. CLOSED SESSION**

None

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

**13. ADJOURNMENT**

Adjournment to next regular meeting scheduled for March 5, 2007.

In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Napa County Clerk of the Board's Office 24 hours prior to the meeting at (707) 253-4196.



**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>

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

January 29, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer  
Tracy Geraghty, Analyst

**SUBJECT:** *Hussey Ranch District Annexation to Napa Sanitation District (Consent)*  
The Commission will consider an application to annex approximately 40 acres of incorporated territory to the Napa Sanitation District. The purpose of the annexation is to facilitate the subdivision and development of the subject territory into 72 new single-family residential lots.

---

Proposed is the annexation of approximately 40 acres of incorporated territory to the Napa Sanitation District. The subject territory is comprised of five entire parcels and portions of three others located near the intersection of Browns Valley Road and Partrick Road in the City of Napa. The purpose of the annexation is to facilitate the subdivision and development of the subject territory into 72 new single-family residential lots. The underlying project has been approved by the City of Napa and is referred to as the "Hussey Ranch Subdivision."

The Napa Sanitation District is capable of extending services to the underlying development project without impacting service levels provided to current ratepayers. The Executive Officer recommends approval of this proposal.

**GENERAL INFORMATION**

**Applicant:** The O'Brien Group, Property Owner.

**Proposal:** The applicant proposes annexation of approximately 40 acres to the Napa Sanitation District in order to make sewer services available for an underlying development project. The subject territory includes a total of eight parcels. The proposal is to annex five of these parcels and portions of three others. This proposal has 100% consent from affected property owners. The District, as the subject agency, has offered its consent to the waiver of protest proceedings for this annexation.

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

**Location:** The subject territory includes all and/or portions of eight parcels located near the intersection of Partrick Road and Browns Valley Road in the City of Napa. The County of Napa Assessor's Office identifies the affected parcel numbers as 041-073-002, 050-101-025, 050-101-026, 050-101-027, 050-101-028, 041-420-006 (portion), 050-170-010 (portion), and 050-030-007 (portion). The subject territory is represented on the attached maps prepared by LAFCO staff.

**Purpose:** The purpose of the annexation is to facilitate an underlying project which will subdivide and develop the subject territory into 72 new single-family residential lots.

## **BACKGROUND**

On October 3<sup>rd</sup>, 2006, the City of Napa City Council approved the Hussey Ranch Subdivision. The subdivision, which involves all and/or portions of eight parcels comprising a total of 87.73 acres, will result in the development of 72 new single-family residential lots. As a condition of approval, the City requires annexation of the subdivision to the Napa Sanitation District (NSD).

NSD has requested the annexation be limited to only portions of the project area which will include new residential development requiring District services.

**FACTORS FOR CONSIDERATION: ANNEXATION TO NAPA SANITATION DISTRICT**

California Government Code §56668 et al provides a list of factors to be considered in the review of a proposal. The Commission's review shall include, but is not limited to, consideration of these factors. Additional information relating to these factors can be found in the attached *Justification of Proposal*.

<p>(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.</p>	<p>There are currently two single-family residences located in the subject territory with an estimated resident population of three. The annexation of the subject territory to the Napa Sanitation District would facilitate the development of 72 new single-family residential units located within an urbanized portion of the City of Napa. Based on the California Department of Finance's projection of 2.62 persons per household in Napa, the subject territory at project buildout will have a population of 189. This density and projected growth is consistent with adjacent areas.</p> <p>The subject territory is bordered on three sides by three creeks: Browns Valley Creek to the northeast, and unnamed creeks to the southeast and northwest. Topography within the subject area is characterized by 20 acres of relatively flat lands at the northeastern end, then 22 acres of 15-30-percent slopes moving southwest. The southwest-most 46 acres of the project area is characterized by steep slopes ranging from about 300 feet to more than 650 feet in elevation.</p> <p>The total assessed value of the subject territory is \$11,349,951.<sup>1</sup></p>
<p>(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.</p> <p>"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.</p>	<p>The annexation of the subject territory would facilitate the extension of public sewer service to serve 72 new single family residential units. Currently, the Napa Sanitation District has an average day sewer demand of 6.9 million gallons. At an expected use rate of 210 gallons per day (gpd) per residence, the underlying project will generate a new demand of 15,210 gpd. With a current capacity of 15.4 mgd, the Napa Sanitation District has sufficient capacity and facilities to provide service to the subject territory without impacting the service levels of current ratepayers.</p>

<sup>1</sup> The annexation of the subject territory to the Napa Sanitation District t will not change property taxes. Existing Tax Rate Areas (TRAs) will be matched to new TRAs. After annexation, the District will be permitted to charge property owners for services using the County's assessment rolls.

<p>(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.</p>	<p>Annexation to the Napa Sanitation District would facilitate the development of the subject territory in a manner that is consistent with the surrounding area. A substantial portion of the surrounding area is already served by the District.</p>
<p>(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. (Note: Section 56377 encourages preservation of agricultural and open-space lands.)</p>	<p>The annexation of the subject territory to the Napa Sanitation District is consistent with the planned, orderly, and efficient patterns of urban development within the City of Napa.</p>
<p>(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.</p>	<p>The subject territory is located within an urbanized portion of the City of Napa and is not currently in an agricultural use. Extension of sewer service to the subject territory would not result in an impact to agricultural lands.</p>
<p>(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p>	<p>The subject territory is substantially surrounded by the existing jurisdictional boundary of the Napa Sanitation District. The proposal includes two TRA splits: one split by lot-line adjustment pursuant to the underlying project, and one split pursuant to the NSD's request to include only the land area which will be the "building pad site" and to exclude areas of land which will not require district services.</p>
<p>(g) Consistency with city or county general and specific plans.</p>	<p>The annexation of the subject territory to the NSD is consistent with the City of Napa General Plan. The City General Plan provides two distinct land use designations for the subject territory, <i>Single Family Residential – 42</i> and <i>Resource Area – 53</i>. These land use designations specify maximum densities of four units per acre and one unit per 20 acres, respectively. All but one of the 72 new residential units associated with the underlying project will be located within the portion of the subject territory designated <i>Single Family Residential – 42</i>. The City has assigned two zoning standards within this area, <i>Residential Single 20</i> and <i>Residential Single 10</i>. These zoning standards are consistent with the City General Plan and require minimum lot sizes of 20,000 and 10,000 square feet.<sup>2</sup></p>

<sup>2</sup> The portion of the subject territory that is designated *Resource Area – 53* is zoned *Agricultural Resource* with an overlay standard of *Hillside*.

<p>(h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.</p>	<p>The subject territory lies within the adopted sphere of influence of the Napa Sanitation District. The proposal is consistent with the sphere of influence.</p>
<p>(i) The comments of any affected local agency.</p>	<p>The County of Napa Assessor's Office prefers that assessor parcels not be split within Tax Rate Area (TRA) lines. This annexation would create two splits in TRAs for the Napa Sanitation District. One split is required by a planned lot-line adjustment as part of the underlying project. The second split results from a request by NSD to exclude portions of parcels not planned for residential development. This arrangement is justified because it eliminates the need for the District to extend its sewer line to a vacant area that does not require service at this time and reserves the District's ability to establish terms and conditions relating to potential system requirements if service is eventually required.</p> <p>No other substantive comments were received from an affected local agency during the review of this proposal.</p>
<p>(j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.</p>	<p>The Napa Sanitation District, through its resolution of consent, attests to its ability to extend sewer service to the subject territory without impact to existing ratepayers.</p>
<p>(k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.</p>	<p>The subject territory is currently connected to the City of Napa's potable water system. The City's water management plan shows it is capable of delivering water to the subject territory to development levels consistent with the General Plan.</p>
<p>(l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.</p>	<p>The subject territory is located within the City of Napa. Annexation of the subject territory to the Napa Sanitation District will not impact the City in achieving its regional housing needs allocation.</p>
<p>(m) Any information or comments from the landowner or owners.</p>	<p>No comments were offered.</p>
<p>(n) Any information relating to existing land use designations.</p>	<p>The topography and terrain does not allow the project densities to reach the maximum 4 units/acre allowed in the City of Napa General Plan.</p>
<p>5668.3(a)1 Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.</p>	<p>The proposed annexation is intended to benefit future inhabitants of the subject territory by providing future access to public sewer service.</p>

### ADDITIONAL BACKGROUND

The proposed annexation would create an approximate 1.35 acre pocket of land located at 1055 Partrick Road completely surrounded by the jurisdictional boundary of the Napa Sanitation District.<sup>3</sup> In processing this proposal, LAFCO staff contacted the property owner of 1055 Partrick to determine her interest in participating in the annexation proposal. The property owner indicated interest in annexing her single family residence, but noted that the cost associated with connecting to the District's sewer system was an overriding deterrent. In contrast to city annexations, California Government Code does not restrict the Commission from approving a change in organization that would result in a pocket or island of land being completely surrounded the affected special district.

### PROPERTY TAX AGREEMENT

In accordance with provisions of Revenue and Taxation Code §99, the County of Napa and the Napa Sanitation District by Resolution of the Board of Supervisors have agreed that no exchange of property taxes will occur as a result of annexation of lands to the Napa Sanitation District.

### ENVIRONMENTAL ANALYSIS

LAFCO has reviewed and considered the information in the final environmental impact report prepared for the underlying development project by the City of Napa. The extension of sewer service to the underlying project was adequately contemplated as part of the environmental impact report. The Commission hereby makes and incorporates by reference the environmental findings set forth in the City of Napa Resolution No. 2006 170 as required by Section 15091 of Title 14 of the California Administrative Code for each significant effect of the project identified in the final environmental impact report. The Commission's findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the LAFCO office at 1700 Second Street, Suite 268, Napa, California.

### **ALTERNATIVES FOR COMMISSION ACTION**

After consideration of this report, the Commission should consider taking one of the following actions:

**Option A:** Adopt the form of the attached resolution approving the proposed *Hussey Ranch District Annexation to the Napa Sanitation District*.

**Option B:** If the Commission requires more information, continue this matter to a future meeting.

---

<sup>3</sup> The proposed annexation does currently include annexing a portion of 1055 Partrick Road, which will ultimately be merged with a neighboring parcel owned by the O'Brien Group as part of a planned lot-line adjustment.

**RECOMMENDATION**

The Executive Officer recommends Option A: approval of the annexation proposal as submitted.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

---

Tracy Geraghty  
Analyst

Attachments:

- ~~1. LAFCO Vicinity Map~~
- ~~2. LAFCO Aerial Map~~
3. Draft LAFCO Resolution of Approval
- ~~4. Justification of Proposal~~
- ~~5. NSD Resolution No. 07-003~~
- ~~6. City of Napa Resolution R2006-169 (Resolution of Application)~~
- ~~7. City of Napa Resolution R2006-170 (Certifying EIR)~~

**RESOLUTION NO. \_\_\_\_****RESOLUTION OF  
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MAKING DETERMINATIONS****HUSSEY RANCH DISTRICT ANNEXATION  
NAPA SANITATION DISTRICT**

**WHEREAS**, an application by the O'Brien Group, property owner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Executive Officer hereinafter referred to as "Executive Officer" of the Napa County Local Agency Formation Commission, hereinafter referred to as "the Commission", pursuant to Title 5, Division 3, commencing with Section 56000 of the California Government Code; and

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

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

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

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

**WHEREAS**, the Commission found the proposal consistent with the sphere of influence established for the affected agency and with the Commission's adopted policy determinations; and

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

**WHEREAS**, the Commission, in accordance with the adopted Local Agency Formation Commission Environmental Impact Report Guidelines, and applicable provisions of the California Environmental Quality Act (CEQA), considered the determination of the County of Napa, Lead Agency under CEQA, that the final environmental impact report prepared for the underlying development project adequately discussed the impacts the project would have on the environment with or without the adoption of proposed mitigation measures.

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

1. The Commission certifies that it has reviewed and considered the information in the final environmental impact report prepared for the underlying development project by the City of

Napa. The Commission hereby makes and incorporates by reference the environmental findings set forth in the City of Napa Resolution No. 2006 169 as required by Section 15091 of Title 14 of the California Administrative Code for each significant effect of the project identified in the final environmental impact report. The Commission findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the LAFCO office at 1700 Second Street, Suite 268, Napa, California.

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

**HUSSEY RANCH DISTRICT ANNEXATION  
NAPA SANITATION DISTRICT**

4. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit "A".
5. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
6. The Napa Sanitation District utilizes the Regular County assessment roll.
7. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
8. The proposal shall be subject to the terms and conditions specified in the attached Exhibit "B".
9. The applicant shall provide written notification to the Napa County Department of Environmental Management upon connection to the sewer line of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56663(c).
11. Recordation is contingent upon receipt from the Napa Sanitation District of written notification that the terms and conditions specified in the attached Exhibit "B" have been met.
12. Recordation is contingent upon receipt by the Executive Officer of a map and boundary description determined by the Executive Officer and County Surveyor to conform to the requirements of the State Board of Equalization.
13. The effective date shall be the date of recordation.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of the County of Napa, State of California, at a regular meeting held on the 5<sup>th</sup> of February, 2007, by the following vote:

AYES:           Commissioners           \_\_\_\_\_

NOES:           Commissioners           \_\_\_\_\_

ABSTAIN:       Commissioners           \_\_\_\_\_

ATTEST:       Keene Simonds  
                  Executive Officer

Prepared by: \_\_\_\_\_  
                  Kathy Mabry  
                  Clerk of the Commission



**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>

**February 5, 2007**  
**Agenda Item No. 5b**

January 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Amendment to Adopted Fee Schedule (Consent)**

The Commission will consider amendments to its adopted fee schedule to reflect new filing charges for the California Department of Fish and Game and the County of Napa Assessor's Office for lead agencies under the California Environmental Quality Act. The Commission will also consider an amendment to redirect an existing applicant fee involving the editing of the County/LAFCO Geographic Information System.

California Government Code §56383 authorizes the Commission to establish a schedule of fees for the costs of carrying out its prescribed regulatory and planning responsibilities. In January, staff was notified by the County of Napa Assessor's Office that certain filing fees have been increased for lead agencies under the California Environmental Quality Act (CEQA) as a result of Senate Bill 1535. The County Assessor's Office has also increased its own filing fee to record a notice of determination. A summary of these new filing fees are summarized below:

<u>Filing</u>	<u>Old Fee</u>	<u>New Fee</u>
Negative Declaration	\$1,250	\$1,800
Environmental Impact Report	\$850	\$2,500
County of Napa Clerk Processing Fee	\$35	\$50

In addition to amending the adopted fee schedule to address the new filing fees for lead agencies under CEQA, staff recommends that the Commission redirect an existing applicant fee involving the County/LAFCO Geographic Information System (GIS). Currently, applicants processing an annexation with LAFCO are required to pay \$125 to the County to edit the GIS data files that LAFCO originally constructed for cities and special districts through an outside consultant in 2001. This arrangement was established because LAFCO staff was not trained in editing GIS data files. However, staff has subsequently completed a number of training courses and is now capable of assuming these responsibilities. In assuming this additional work, the adopted fee schedule should be amended to redirect the \$125 fee for performing GIS edits to LAFCO.

Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

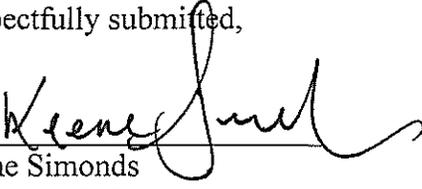
Keene Simonds  
Executive Officer

**Recommendation**

It is recommended that the Commission take the following action:

- 1) Approve the attached draft amendment to its adopted fee schedule along with any other related and desired changes.

Respectfully submitted,

  
\_\_\_\_\_  
Keene Simonds  
Executive Officer

Attachment:

- 1) ~~Draft Amendment to the Adopted Fee Schedule~~



**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>

**February 5, 2007**  
**Agenda Item No. 5c**

January 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Second Quarter Budget Report for Fiscal Year 2006-2007 (Consent)**

The Commission will receive a second quarter budget report for the 2006-2007 fiscal year. The budget report provides an overview of agency expenses through the second quarter and is being presented to the Commission to receive and file.

---

The second quarter of the Commission's 2006-2007 fiscal year ended on December 31, 2006. Overall expenses through the second quarter totaled \$116,647, which represents 26% of the budget with 50% of the fiscal year complete. An overview of expenses through the second quarter follows.

Salaries and Benefits:

Through the end of the second quarter, the Commission expended \$75,003 on salaries and benefits. These expenditures represent 28% of the total amount budgeted in the eight affected accounts for the fiscal year. All accounts finished the second quarter with total balances above 50%. It is expected that these accounts will collectively finish with a surplus due to the extended vacancy of the analyst position, which was not filled until December 2006.

Services and Supplies:

Through the end of the second quarter, the Commission expended \$41,644 on services and supplies. These expenditures represent 41% of the total amount budgeted in the 13 affected accounts for the fiscal year. Three accounts – property lease, training, and transportation and travel – finished the second quarter with total balances below 50%. The property lease and training accounts are both expected to finish the fiscal year in a deficit. A summary of these accounts follows.

- The property lease account is encumbered in full at the beginning of the fiscal year by the County Auditor-Controller's Office. A deficit of \$693 is reflected in this account and is the result of an amended lease agreement that was approved by the Commission following the adoption of the final budget. The amended lease agreement for office space at 1700 Second Street in Napa establishes a fixed monthly rent rate of \$2,250 through June 2009. This rent amount is \$58 more a month than projected by staff at the time the final

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

budget was approved. Expected savings in the salaries and benefits accounts will be used to cover this shortfall.

- The training account is used for a variety of instructional activities for staff and Commissioners. Through the second quarter, the Commission expended \$2,901 in this account, which represents approximately 93 percent of the total amount budgeted for the fiscal year. The majority of these expenditures were drawn from registration costs for the 2006 CALAFCO Annual Conference in San Diego, which was attended by two staff and four Commissioners. Additional instructional expenses are expected over the final two quarters, including training for new staff, and will produce a deficit in the account. Staff will closely monitor this account to ensure that expected savings in other accounts, including salaries and benefits, are sufficient to cover a shortfall.

Contingencies and Reserves:

The Commission has not expended any of its budgeted reserves or professional services funds through the second quarter.

Staff will return to the Commission at the end of each quarter with a budget report. The third quarter ends on March 31, 2007.

Attachments:

- 1) General Line-Item Budget: July 1, 2006 through December 31, 2006



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: 6 FY: 2007

1/26/2007

Account	Account Description	Final Budget	Adjustments	Encumbrances	Expenditures	Remaining Balance	Percent Available
51100000	S/W:REGULAR SALARIES	190,231	0.00	0.00	54,753.95	135,476.97	71.22
51200500	S/W:PER DIEM	3,600	0.00	0.00	750.00	2,850.00	79.17
51300100	E/B:RETIREMENT	32,953	0.00	0.00	9,264.70	23,688.58	71.89
51300300	E/B:MEDICARE	2,849	0.00	0.00	733.22	2,116.24	74.27
51300500	E/B:GROUP INSURANCE	36,030	0.00	0.00	8,948.42	27,081.58	75.16
51301200	E/B:INS:WORKERS COMP	685	0.00	0.00	342.50	342.50	50.00
51301700	E/B:401A EMPLOYER CONTRIBUTION	1,500	0.00	0.00	0.00	1,500.00	100.00
51301800	E/B:CELL PHONE ALLOWANCE	840	0.00	0.00	210.00	630.00	75.00
	<b>Total Salaries &amp; Employee Benefits</b>	<b>268,689</b>	<b>0.00</b>	<b>0.00</b>	<b>75,002.79</b>	<b>193,685.87</b>	<b>72.09</b>
52070000	COMMUNICATIONS	3,500	0.00	0.00	388.23	3,111.77	88.91
52100300	INSURANCE:LIABILITY	534	0.00	0.00	267.00	267.00	50.00
52150000	MEMBERSHIPS	2,200	0.00	0.00	358.00	1,842.00	83.73
52170000	OFFICE EXPENSE	15,000	164.96	0.00	3,176.84	8,733.44	57.59
52180200	PSS:MGMT INFO SVCS	17,800	0.00	0.00	0.00	17,799.91	100.00
52180500	PSS:LEGAL EXPENSE	18,750	0.00	0.00	0.00	18,750.00	100.00
52185000	PSS:OTHER	6,500	0.00	0.00	1,428.12	5,071.88	78.03
52190000	PSS:PUBLCATNS/LGL NOTICE	1,000	0.00	0.00	303.54	696.46	69.65
52235000	SDE:OTHER	1,000	0.00	0.00	0.00	1,000.00	100.00
52240500	SDE:PROPERTY LEASE	26,307	0.00	0.00	15,750.00	-692.98	-2.63
52250000	TRANSPORTATION & TRAV	4,000	0.00	0.00	2,900.76	1,099.24	27.48
52250800	T/T:TRAINING	3,000	0.00	0.00	2,459.50	540.50	18.02
52251200	T/T:PRIVATE VEH MILE	1,500	0.00	0.00	107.69	1,392.31	92.82
	<b>Total Services &amp; Supplies</b>	<b>101,091</b>	<b>164.96</b>	<b>0.00</b>	<b>27,139.68</b>	<b>59,611.53</b>	<b>58.87</b>
54000900	OPERATING RESERVE	36,978	0.00	0.00	0.00	36,977.96	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>86,978</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>86,977.96</b>	<b>100.00</b>
02910	NAPA LAFCO	456,758	164.96	14,504.68	102,142.47	340,275.36	74.47
2910	NAPA CO LOCAL AGENCY FORMATION	456,758	164.96	14,504.68	102,142.47	340,275.36	74.47



**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>

**February 5, 2007**  
**Agenda Item No. 6a**

January 26, 2007

**TO:** Local Agency Formation Commission

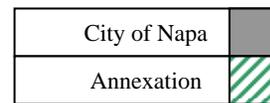
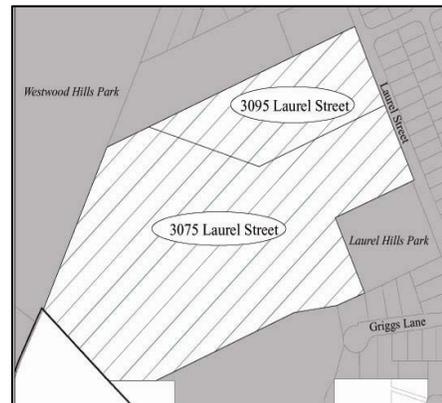
**FROM:** Keene Simonds, Executive Officer

**SUBJECT:** *Laurel Street City Annexation to the City of Napa (Public Hearing)*

The Commission will consider an application by the City of Napa to annex approximately 26.3 acres of unincorporated territory. The underlying purpose of the annexation is to facilitate the future subdivision and development of one of the two affected parcels under the land use authority of the City.

The City of Napa proposes the annexation of approximately 26.3 acres of unincorporated territory that comprises two contiguous parcels. Both parcels include single-family residences and are located within the City’s sphere of influence. The underlying purpose of the annexation is to facilitate the future subdivision and development of one of the affected parcels located at 3075 Laurel Street. The other affected parcel, which is located at 3095 Laurel Street, was added to the proposal by the City to produce a more logical boundary and to eliminate an existing unincorporated island that is substantially surrounded by the City. The addition of 3095 Laurel Street to the proposal also avoids the creation of a “new” unincorporated island completely surrounded by the City. However, the property owner of 3095 Laurel Street opposes the inclusion of her land to this annexation proposal.

In adopting a resolution of application, the City has requested annexation of the subject territory under the provisions of California Government Code §56375.3. This code section, which is commonly referred to as the “island annexation proceedings,” limits the discretion of the Commission, after notice and hearing, to deny the proposal. Drawing from this code section, the Commission’s discretion in considering this proposal is limited to determining that the statutory factors needed to qualify for an island annexation proceeding have been satisfied.



Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

## **GENERAL INFORMATION**

**Applicant:** City of Napa, by resolution.

**Location:** The subject territory is located at 3075 and 3095 Laurel Street. The County of Napa Assessor's Office identifies the two affected parcels as 043-010-010 and 043-010-009. Vicinity and aerial maps of the subject territory are attached.

**Purpose:** The purpose of the annexation is to facilitate the future subdivision and development of 3075 Laurel Street under the land use authority of the City. The City has designated and rezoned the entire subject territory for residential use. No specific development plans exist at this time.

Staff has provided notice for the Commission to consider this proposal as part of a public hearing. As directed under C.G. §56157, notices were mailed to all listed landowners and registered voters within 300 feet of the subject territory. Although this proposal does not have 100% written consent from all affected property owners, the Commission is authorized to waive protest proceedings pursuant to G.C. §56375.3(a)(1).

## **BACKGROUND**

In August 2006, the City of Napa received an annexation request from Robert and Carol Riordan for their property located at 3075 Laurel Street. The Riordan's property is 21.07 acres in size, includes a single-family residence, and is part of an existing unincorporated island that is substantially surrounded by the City. The Riordan's have indicated that they would like to eventually subdivide and develop their land in a manner that is consistent with the Napa General Plan. The Riordan's are seeking annexation now to facilitate discussions with the City's Community Development Department, which will not accept or process a subdivision application until the subject territory is annexed (Napa Municipal Code 16.04.060).

In reviewing the annexation request for 3075 Laurel Street, the City contacted the property owner for the adjacent parcel that represents the other half of the unincorporated island to determine their interest in being included in the annexation. This adjacent parcel, located at 3095 Laurel Street, is 5.2 acres in size and includes a single-family residence. The property owner for 3095 Laurel Street, Eileen Otto, has informed the City that she opposes the annexation of her land. No specific reasons or factors have been provided by Ms. Otto with regards to her opposition to annexation.

In consultation with LAFCO staff, the City determined it was appropriate to add 3095 Laurel Street to the annexation proposal to produce a more logical incorporated boundary and to eliminate an existing unincorporated island. The addition of this property to the annexation proposal also avoids the creation of a "new" unincorporated island that would be completely surrounded by the City.

## **DISCUSSION AND ANALYSIS**

As noted, in adopting a resolution of application, the City has requested annexation of 3075 and 3095 Laurel Street under the provisions of G.C. §56375.3. This code section was originally enacted by the California Legislature in 1999 to provide a streamlined process for LAFCOs to annex islands within cities under certain conditions without conducting protest proceedings.<sup>1</sup> Although minor amendments have been made since its enactment, the code section continues to direct LAFCOs to annex, after notice and hearing, unincorporated islands while waiving protest proceedings if it determines that the following factors have been satisfied:

1. The subject territory does not exceed 150 acres in size, and constitutes an entire unincorporated island.
2. The subject territory constitutes an entire unincorporated island located within the limits of the affected city.
3. The subject territory is surrounded in either of the following ways:
  - a) Surrounded, or substantially surrounded, by the city to which annexation is proposed or by the city and the county boundary or by the Pacific Ocean.
  - b) Surrounded by the city to which annexation is proposed and adjacent cities.
4. The subject territory is substantially developed or developing. This includes, but is not limited to, considering the following issues:
  - a) The availability of public utility services
  - b) The presence of public improvements
  - c) The presence of physical improvements
5. The subject territory does not meet the definition for prime agricultural land under California Government Code §56064.
6. The subject territory will benefit from the annexation or is receiving benefits from the annexing city.

Staff has reviewed these factors and has determined that the proposal by the City to annex 3075 and 3095 Laurel Street qualifies as an island annexation proceeding under G.C. §56375.3. This includes recognizing that the subject territory is less than 150 acres and represents an entire substantially surrounded unincorporated island. In making this latter statement, staff has applied the Commission's adopted definition of "substantially

---

<sup>1</sup> This code section is predicated on the annexation being proposed by the affected city through an adopted resolution of application.

surrounded” as territory that is 66.6% surrounded by the affected city. Staff has confirmed using the County of Napa’s Geographic Information System that the subject territory is 85% surrounded by the City. With respect to other factors, staff believes it is reasonable to determine the subject territory is substantially developing because public services are readily available and both affected parcels are designated for an urban use under the City and County General Plans.<sup>2</sup> Staff also believes the subject territory will benefit from the annexation by receiving an elevated level of municipal services.

### Individual Factors for Consideration

California Government Code §56668 provides 14 factors to be considered in the review of an annexation proposal. The Commission’s review shall include, but is not limited to, consideration of these factors. Additional information relating to these factors can be found in the attached *Justification of Proposal*.

<p>(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.</p>	<p>There are currently two single-family residences located in the subject territory with an estimated resident population of three. If development occurs to the <u>maximum</u> density allowed under the Napa General Plan, there would be a total of 104 single-family residences in the subject territory with a projected population of 272.<sup>3</sup></p> <p>Topography within the subject territory is characterized by gentle sloping near Laurel Street that ranges between 5 and 9%. Slopes within the eastern portion of the subject territory increase to 50%. In order to protect the underlying hillside, the City has assigned an overlay prezoning standard of <i>Hillside</i> for the entire subject territory. This overlay standard limits development in the subject territory to one residential unit per parcel unless a use permit is authorized by the City Planning Commission.<sup>4</sup></p> <p>The total assessed value of the subject territory is \$380,931.</p>
--	---

<sup>2</sup> The Commission has adopted criteria for determining a “developed island,” which requires a minimum housing density of one-half unit per gross acre and adequate access to basic municipal services. While municipal services are readily available from the City, the Napa General Plan’s land use designation of *Single-Family Residential – 117* does not provide a minimum density for the subject territory. The City’s prezoning standard of *Residential Single 40* and *Residential 7* within the subject territory does require minimum parcel densities of 0.9 and 0.16 acres, respectively, which satisfies the Commission’s definition of a developed island. However, the entire subject territory is assigned an overlay prezoning standard of *Hillside*. This overlay limits densities within the subject territory to one unit per parcel unless a use permit is issued by the City Planning Commission, which is partially condition on the preparation of slope analysis and site assessment plan. Accordingly, in absence of a use permit, the minimum densities for the subject territory is one residential unit per existing parcel, which exceeds the Commission’s definition for a developed island.

<sup>3</sup> This estimate is based on total acres and does not account for access roads or public right-of-ways. The estimate also assumes a population per household factor of 2.62.

<sup>4</sup> Pursuant to Napa Municipal Code 17.40, a use permit will not be issued until the completion of a detailed slope analysis and site assessment plan. Any parcel having a slope of less than 15% will be assigned the General Plan

<p>(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.</p>	<p>The annexation of the subject territory to the City of Napa will generally enhance organized service delivery by eliminating an existing unincorporated island that is substantially surrounded by the City. Based on LAFCO's recent municipal service review, the City has planned and is capable of extending services to the subject territory without measurably impacting the service levels of existing residents.</p> <p>The subject territory is already served by the Napa Sanitation District.</p>
<p>(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.</p>	<p>There will be no immediate change to the subject territory brought by annexation. Future development is anticipated to be consistent with the development in the surrounding areas. Impact to local government is nominal.</p>
<p>(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. (Note: Section 56377 encourages preservation of agricultural and open-space lands.)</p>	<p>The subject territory conforms to the City of Napa's sphere of influence and adopted urban growth boundary.</p>
<p>(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.</p>	<p>The subject territory does not qualify as prime agricultural land as defined by Government Code §56016.</p>
<p>(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p>	<p>The subject territory is parcel specific with boundary lines that are certain and identifiable.</p> <p>The subject territory is uninhabited with less than 12 registered voters or residents.</p>
<p>(g) Consistency with city or county general and specific plans.</p>	<p>The proposal is consistent with the land use policies of the City of Napa. The Napa General Plan designates the subject territory <i>Single-Family Residential - 117</i>, which allows for a maximum density of four units per acre. Napa has also rezoned the subject territory with two similar standards, <i>Residential Single - 40</i> and <i>Residential Single - 7</i>. These rezoning standards are consistent with the Napa General Plan and require minimum lot sizes of 40,000 and 7,000 square feet, which are equivalent to 0.9 and 0.16 acres.</p>
<p>(h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.</p>	<p>The subject territory lies within the adopted sphere of influence of the City of Napa, which was comprehensively updated by the Commission in June 2005.</p>

---

density. Any parcel having a slope of 15 to 30% will be assigned a density of one residential unit per acre. Any parcel having a slope greater than 30% will not be assigned a density.

(i) The comments of any affected local agency.	No substantive comments were received from local agencies during the review of this proposal.
(j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.	The City of Napa, through its resolution of application and justification of proposal, attests to its ability to extend all services provided by the City to the subject territory without impact to existing residents.
(k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.	The City of Napa's water management plan shows it is capable of delivering water to the subject territory to development levels consistent with the Napa General Plan.
(l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.	This proposal makes no significant impact on the ability of either affected agency to meet its regional housing needs determination (RHND). The subject territory is within the sphere of influence and adopted urban growth boundary of the City of Napa. Pursuant to the policy of the Association of Bay Area Governments, the calculation of the RHND allocated 75% of the housing stock in the subject territory to the City.
(m) Any information or comments from the landowner or owners.	The property owner for one of the two affected parcels, located at 3095 Laurel Street, does not consent to the annexation of her land to the City of Napa as part of this proposal.
(n) Any information relating to existing land use designations.	The County of Napa has assigned the subject territory with an overlay zoning standard of <i>Urban Reserve</i> . This overlay specifies that no additional development be allowed in the subject territory without annexation to the City.

### Property Tax Agreement

In accordance with provisions of Revenue and Taxation Code §99, the City of Napa and the County of Napa entered into a master property tax exchange agreement that will apply to this proposal.

### Environmental Analysis

In accordance with the adopted Local Agency Formation Commission Environmental Impact Report Guidelines, and applicable provisions of the California Environmental Quality Act (CEQA), the Environmental Impact Report (EIR) for *Envision Napa 2020*, the City of Napa's General Plan Update, certified December 1, 1998, makes land use assignments for the subject territory and adequately discusses the environmental impacts of development to the assigned densities. Copies of the EIR were previously made available to the Commission and are available for review at the LAFCO office. The annexation will not introduce any new considerations with respect to this EIR, and probable future projects are adequately addressed by it. In addition, the projects, as they become known, will be subject to environmental review as they are developed.

## **Conducting Authority Proceedings**

The proposal qualifies as an island annexation proceeding, which authorizes the Commission to waive protest proceedings pursuant to G.C. §56375.3(a)(1).

## **ALTERNATIVES FOR COMMISSION ACTION**

After consideration of this report, the Commission should consider taking one of the following options:

**Option A: Approve the annexation proposal as submitted by the City of Napa. This would include approving the following actions:**

- 1) Confirm that the proposal qualifies as an island annexation pursuant to California Government Code 56375.3; and
- 2) Adopt the attached draft resolution making determinations and approving the *Laurel Street City Annexation to the City of Napa*.

**Option B: If the Commission requires more information, continue this matter to a future meeting.**

## **RECOMMENDATION**

The Executive Officer recommends Option A: approval of the annexation proposal as submitted by the City of Napa.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

Attachments:

- ~~1. LAFCO Vicinity Map~~
- ~~2. LAFCO Aerial Map~~
3. Draft LAFCO Resolution of Approval
- ~~4. Justification of Proposal~~
- ~~5. City of Napa Resolution R2006-207~~

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

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

**LAUREL STREET CITY ANNEXATION  
CITY OF NAPA**

**WHEREAS**, an application of the City of Napa, by resolution, proposing the annexation of territory to the City of Napa has been filed with the Executive Officer, hereinafter referred to as “Executive Officer” of the Napa County Local Agency Formation Commission, hereinafter referred to as “the Commission”, pursuant to Title 5, Division 3, commencing with Section 56000 of the California Government Code; and

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

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

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

**WHEREAS**, the Commission considered all the factors required by law under Section 56375.3 and 56668 of the California Government Code; and

**WHEREAS**, the Commission found the proposal consistent with the sphere of influence established for the affected City and with the Commission’s adopted policy determinations; and

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

1. In accordance with the adopted Local Agency Formation Commission Environmental Impact Report Guidelines, and applicable provisions of the California Environmental Quality Act (CEQA), the Commission has considered the Environmental Impact Report (EIR) for *Envision Napa 2020*, the City of Napa’s General Plan Update, certified December 1, 1998, and finds that the EIR makes land use assignments for the subject territory and adequately discusses the environmental impacts of development to the assigned densities. The Commission finds that annexation will not introduce any new considerations with respect to this EIR, and that probable future projects are adequately addressed by it. The Commission further finds that projects, as they become known, will be subject to environmental review as they are developed. These findings are based on its independent judgment and analysis. The Records upon which these findings are made are located at the LAFCO office at 1700 Second Street, Suite 268, Napa, California.
2. The proposal is APPROVED.

3. This proposal is assigned the following distinctive short-term designation:

**LAUREL STREET CITY ANNEXATION  
CITY OF NAPA**

4. The affected territory is shown in the attached Exhibit "A".
5. The affected territory so described is uninhabited as defined in California Government Code §56046.
6. The City of Napa utilizes the Regular County assessment roll.
7. The affected territory will be taxed for existing general bonded indebtedness of the City of Napa.
8. The proposal shall be subject to the terms and conditions specified in the attached Exhibit "B".
9. The Commission authorizes conducting authority proceedings to be waived in accordance with Government Code Section 56375.3(a)(1).
10. Recordation is contingent upon receipt by the Executive Officer of a map and boundary description determined by the Executive Officer and County Surveyor to conform to the requirements of the State Board of Equalization.
11. Recordation is contingent upon payment of any and all outstanding fees owed the Commission and/or other agencies involved in the processing of this proposal.
12. The effective date shall be the date of recordation of the Certificate of Completion.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of the County of Napa, State of California, at a regular meeting held on the 5<sup>th</sup> of February 2007, by the following vote:

AYES: Commissioners \_\_\_\_\_  
NOES: Commissioners \_\_\_\_\_  
ABSENT: Commissioners \_\_\_\_\_  
ABSTAIN: Commissioners \_\_\_\_\_

ATTEST: Keene Simonds  
Executive Officer

Prepared by: \_\_\_\_\_  
Kathy Mabry, Commission Secretary

**EXHIBIT A**  
**TERMS AND CONDITIONS**  
**LAUREL STREET CITY ANNEXATION**  
**CITY OF NAPA**

The subject territory is parcel-specific and is identified by the County of Napa Assessor's Office as 043-010-010 and 043-010-009. It is depicted on the attached vicinity map. Pursuant to the terms and conditions of approval, a map and boundary description shall be submitted by the applicant for inclusion in a final recordation of this proposal.

## **EXHIBIT B**

### **TERMS AND CONDITIONS LAUREL STREET CITY ANNEXATION CITY OF NAPA**

1. Pursuant to California Government Code Section 56375(e), no subsequent changes may be made to the land use designations or zoning standards for the affected territory that do not conform to the present rezoning for a period of two years following the completion of the annexation. An exemption is allowed only if the City of Napa Council, as the affected legislative body, makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the rezoning in the application presented to the Commission.
2. Upon and after the effective date of the annexation, the affected territory, all inhabitants within such territory, and all persons entitled to vote by reasons of residing or owning land within the territory, shall be subject to the jurisdiction of the City of Napa, hereafter referred to as "the City"; shall have the same rights and duties as if the affected territory has been a part of the City upon its original formation; shall be liable for the payment of principal, interest, and any other amounts which shall become due on account of any outstanding or then authorized but therefore issued bonds, including revenue bonds, or other contracts or obligations of the City; shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and ordinances of the City, as now or hereafter amended.
3. Upon and after the effective date of the annexation, the affected territory, and all inhabitants within such territory shall, to the extent permitted by law, be subject to all previously authorized charges, fees, assessments and taxes that were lawfully enacted by the City.



**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>

**February 5, 2007**  
**Agenda Item No. 6b**

January 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer  
Jacqueline M. Gong, Commission Counsel

**SUBJECT: Adoption of an Amended Conflict of Interest Code (Public Hearing)**  
The Commission will consider a resolution to amend and update its adopted conflict of interest code. The proposed update makes several changes to reflect recent changes involving the Political Reform Act.

---

California Government Code §87300, a section of the Political Reform Act, requires all local government agencies to adopt a conflict of interest code. The code must designate positions with the agency that are required to file a Statement of Economic Interest ("Form 700") along with assigning disclosure categories that specify the types of interests to be reported. Agencies are required to review their adopted code every even-numbered year to determine whether amendments are appropriate.

As part of the biannual review, and in response to recent changes involving the Political Reform Act, Counsel has prepared an update to the Commission's adopted Conflict of Interest Code. The update identifies the positions responsible for filing an annual Form 700 and provides greater specificity regarding the respective categories of financial interest that should be reported. Designated employees of the Commission subject to the update include:

- Regular and Alternate Commissioners
- LAFCO Executive Officer
- LAFCO Legal Counsel
- County of Napa Auditor-Controller
- Contract Consultants for LAFCO

The proposed update is provided as "Exhibit A" of the attached draft resolution.

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

**Recommendation**

It is recommended that the Commission take the following actions:

- 1) Approve the attached draft resolution amending the Commission's adopted Conflict of Interest Code; and
- 2) Direct staff to send the adopted amended Conflict of Interest Code to the County of Napa for confirmation by the Board of Supervisors.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

---

Jacqueline M. Gong  
Commission Counsel

Attachment:

- 1) Draft Resolution

**RESOLUTION NO: \_\_\_\_\_**

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
AMENDMENT TO ADOPTED CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act of 1974 (Government Code Sections 81000 et seq., hereinafter referred to as “Act”) requires the Local Agency Formation Commission of Napa County (hereinafter referred to as “LAFCO”) to adopt a Conflict of Interest; and

**WHEREAS**, the Fair Political Practices Commission (hereinafter referred to as “FFPC”) has adopted a regulation (Section 18730 of Title 2 of the California Code of Regulations) containing a standardized conflict of interest code which may be incorporated by reference into the code of a local government agency or the agency may develop its own Conflict of Interest Code as required by the Act; and

**WHEREAS**, LAFCO is required to amend its Conflict of Interest Code from time to time to conform to amendments to the Act and due to changed circumstances; and

**WHEREAS**, LAFCO has served notice of the proposed revisions to its Conflict of Interest Code on the Napa County Board of Supervisors, as the code reviewing body for LAFCO, and on all affected Commissioners, officers, employees and consultants of LAFCO, and has published in a newspaper of general circulation within the jurisdiction of LAFCO a Notice of Intention to Adopt the Conflict of Interest Code, including notice of a written comment period of not less than 30 days and the availability of the proposed Conflict of Interest Code (hereinafter referred to as the “Code”) and supporting documentation for inspection and copying; and

**WHEREAS**, at a regular meeting of LAFCO held on February 5, 2007, oral and/or written comments on the proposed Conflict of Interest Code were received from affected persons and/or the general public, and these comments and the proposed Code were considered by LAFCO; and

**NOW, THEREFORE, BE IT RESOLVED** by LAFCO that the Conflict of Interest Code shall be amended and readopted in the manner set forth in Exhibit “A” effective upon confirmation by the Napa County Board of Supervisors acting as the code reviewing body for LAFCO.

The foregoing resolution was duly and regularly adopted at a regular meeting of the Local Agency Formation Commission of Napa County, held on the 5<sup>th</sup> day of February, 2007, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

By: \_\_\_\_\_  
Jack Gingles, Chair

ATTEST: Keene Simonds  
Executive Officer

APPROVED AS TO FORM:

By: E-Signature Jacqueline M. Gong,  
LAFCO COUNSEL

Date: October 25, 2006

**EXHIBIT “A”**

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
 (“LAFCO”)  
 CONFLICT OF INTEREST CODE**

1. Incorporation of Definitions and Standard Terms of Model Code. The definitions contained in the Political Reform Act of 1974 (the “Act”) and in the model code set forth in Section 18730 of Title 2 of the California Code of Regulations (the “model code”), and any amendments to the Act or regulations, are incorporated by reference into this Code.
2. List of Designated Employees. The Designated Employees of LAFCO shall be the persons holding those offices and/or positions set forth in Appendix “A”. It has been determined that these persons make or participate in the making of decisions which may have a material effect on their economic interests.
3. List of Disclosure Categories. For purposes of the requirements of the Act, the disclosure categories for the Designated Employees of LAFCO shall be those set forth in Appendix “B”. These disclosure categories specify which kinds of economic interests are reportable.
4. Documents Comprising Conflict of Interest Code. For purposes of the Act, the provisions of this Code, the model code, and Appendices “A” and “B” shall together constitute the Conflict of Interest Code of LAFCO on and after the date of confirmation of the Code by the Napa County Board of Supervisors.
5. Effective Date of Code. This Conflict of Interest Code shall become effective when approved by the Napa County Board of Supervisors acting as the code reviewing body for LAFCO.
6. Documents to be filed with the Board of Supervisors. The LAFCO Executive Officer is the “Filing Officer” as referred to in this Code. The LAFCO Executive Officer shall file three certified copies of the Conflict of Interest Code, as approved/amended by the Commission, with the Napa County Board of Supervisors along with a brief description of the duties and terms of all consultants working for the LAFCO who have been determined by the LAFCO Executive Officer as of the effective date of the Conflict of Interest Code to be exempt from the Designated Employee “contract consultant” category, and the reasons for such exemption. The LAFCO Executive Officer shall prepare and send to the Elections Division of the Napa County Clerk/Recorder/Assessor’s Office an updated list whenever such exempt positions are added or dropped.

7. Time of Filing Statements of Economic Interests.

A. Statement of Economic Interests refers to that document developed by the Fair Political Practices Commission and more commonly known and referred to as “Form 700”.

B. Initial Statements-Amendments to Code. All employees already occupying a position when the position is newly designated as a result of an amendment to this Code shall file their initial statements of economic interests within 30 days after the effective date of such an amendment to this Code.

C. Assuming Office Statements-Employees Not Previously Occupying a Designated Position. Employees when first assuming a designated position shall file their initial statement of economic interests within 30 days after assuming the position.

D. Annual Statements. All designated employees shall file their annual statements of economic interests no later than April 1<sup>st</sup> of each year.

E. Leaving Office Statements. Leaving office statements of economic interests shall be filed within thirty (30) days of any of the events described below occurring:

1. Leaving a designated position (subject to the exception in Section 8 below).
2. Occupying a position which ceases to be a designated position due to a reclassification or other similar personnel action.
3. Occupying a position that due to an amendment to this Code is no longer classified as a designated position.

8. Statements of Economic Interests; Persons Who Resign From Office Prior To Making or Influencing Decisions or Receiving Compensation.

A. Persons who resign within 12 months of their initial appointment, or within 30 days of the date they are notified by the Filing Officer of the requirement to file an assuming office statement of economic interests, are not deemed to have assumed office or left office, provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons are not required to file either an assuming or leaving office statement of economic interests.

B. Persons who resign a position within 30 days of the date they are notified by the Filing Officer of the requirement to file an assuming office statement of economic interests shall do both of the following:

1. File a written resignation with LAFCO; and
2. File a written statement with the Filing Officer declaring under penalty of perjury that, during the period between appointment and resignation, they did not make, participate in the making, or use their position to influence any decision of the agency or board or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

9. Statement of Economic Interests; Contents of and Period Covered.

A. Contents of Initial Statements. Initial statements of economic interests shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code and income received during the 12 months prior to the effective date of the Code.

B. Contents of Assuming Office Statements. Assuming office statements of economic interests shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office, and income received during the 12 months prior to the date of assuming office or the date of being appointed.

C. Contents of Annual Statements. Annual statements of economic interests shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year. Notwithstanding the previous sentence, the period covered by a designated employee's first annual statement of economic interests shall begin on the date of assuming office.

D. Contents of Leaving Office Statements. Leaving office statements of economic interests shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

10. Place of Filing. Designated employees shall file their Statements of Economic Interests with the LAFCO Executive Officer who shall retain copies of the original Statements and forward the original Statements to the Elections Division of the Napa County Clerk/Recorder/Assessor's Office.

11. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the Filing Officer, and shall contain the following information:

A. Investments and Real Property Disclosure. When an investment or an interest in real property is required to be reported the statement of economic interests shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;<sup>1</sup>
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).<sup>2</sup>

B. Personal Income Disclosure. When personal income is required to be reported,<sup>3</sup> the statement of economic interests shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);

---

<sup>1</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>2</sup> Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>3</sup> A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

C. Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>4</sup> the statement of economic interests shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

D. Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

E. Acquisition or Disposal During a Reporting Period. In the case of an annual or leaving office statement of economic interests, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement of economic interests, the statement of economic interests shall contain the date of acquisition or disposal.

---

<sup>4</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.



12. Prohibition on Receipt of Honoraria. No designated employee shall accept any honorarium from any source if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.<sup>5</sup> Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.<sup>6</sup>
13. Prohibition on Receipt of Gifts in Excess of the Allowed Statutory Amount. No designated employee shall accept gifts with a total value of more than the amount established by 2 Cal. Code Regs. section 18703.4 in a calendar year from any single source (\$360 as of 2006), if the designated employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.<sup>7</sup>
14. Prohibition Regarding Certain Personal Loans.
  - A. Except as set forth in subsection B below, a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:
    1. If the loan has a defined date or dates for repayment when the statute of limitations for filing an action for default has expired.
    2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
      - a. The date the loan was made.
      - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
      - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

---

<sup>5</sup> § 89501. See Addendum.

<sup>6</sup> § 89506. See Addendum.

<sup>7</sup> § 89503. See Addendum.

B. This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in the Political Reform Act of 1974 and implementing regulations of the Fair Political Practices Commission.

3. A loan that subsection A of this section would require to be treated as a gift but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that subsection A of this section would require to be treated as a gift but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision to not commence a collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

C. Nothing in this section shall exempt any person from any other provisions of the Political Reform Act of 1974 and the implementing regulations of the Fair Political Practices Commission.

15. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the designated employee or a member of his or her immediate family or on:

A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

C. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by, or promised to, the designated employee within 12 months prior to the time when the decision is made;

D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating more than that amount established by 2 Cal. Code Regs. Section 18703.4 (\$360 as of the date this Code is adopted) provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

16. Legally Required Participation. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.
17. Disclosure of Disqualifying Interest. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by a disclosure of the disqualifying interest.
18. Public Inspection of Conflict of Interest Code and Statements. A copy of the Conflict of Interest Code and copies of all filed Statements shall be maintained in the office of the LAFCO Executive Officer and available for public inspection and copying during regular business hours. Copies shall be provided in accordance with LAFCO policy on fees for the production of public records.
19. LAFCO Review.

A. No later than October 1 of each even-numbered year, LAFCO shall submit to the Napa County Board of Supervisors, as the code reviewing body for LAFCO, a written statement signed by the LAFCO Executive Officer, or his designee, that either:

1. LAFCO has reviewed the Conflict of Interest Code, that the Conflict of Interest Code designates accurately all positions which make or participate in the making of governmental decisions for LAFCO, that the disclosure assigned those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income which may foreseeably be affected materially by the decisions made by those designated positions, and that the Conflict of Interest Code contains the provisions required by Government Code Section 87302; or

2. LAFCO has reviewed the Conflict of Interest Code and has determined that amendment is necessary to designate all positions which make or participate in the making of governmental decisions for LAFCO, or to update the disclosure categories assigned to require the disclosure of all investments, business positions, interests in real property and sources of income which may be

affected materially by the designated positions, or to include other provisions required by Government Code Section 87302. If the statement contains this report, LAFCO shall submit the amendment to the Napa County Board of Supervisors within 90 days of the report.

B. Changed circumstances which require amendment of the Conflict of Interest Code shall include, but not be limited to:

1. The creation of positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;
2. The reclassification, renaming, or deletion of previously designated positions;
3. The addition, deletion, or modification of statutorily-required provisions of this Conflict of Interest Code; or
4. The addition, deletion, or modification of the specific types of investments, business positions, interests in real property, and sources of income which are reportable unless such changes have been automatically incorporated into this Conflict of Interest Code as the result of inclusion of the changes into the model code by the Fair Political Practices Commission.

20. Conflict Between Local Code and California Code of Regulations. If there are inconsistencies or conflicts between this Code and the state regulations found at 2 California Code of Regulations Section 18730, the state regulations will prevail and be the controlling authority unless this Code imposes a requirement for conflict avoidance that is more stringent than the state regulations.

## ADDENDUM

**§ 89501. Honorarium.** (a) For purposes of this chapter, "honorarium" means, except as provided in subdivision (b), any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

(b) The term "honorarium" does not include:

(1) Earned income for personal services which are customarily provided in connection with the practice of a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting, unless the sole or predominant activity of the business, trade, or profession is making speeches. The commission shall adopt regulations to implement this subdivision.

(2) Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the State Controller for donation to the General Fund, or in the case of a public official for local government agency, delivered to his or her agency for donation to an equivalent fund, without being claimed as a deduction from income for tax purposes.

(c) Section 89506 shall apply to all payments, advances, or reimbursements for travel and related lodging and subsistence.

**§ 89503. Acceptance of gifts by officers or employees.** (a) No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250).

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250). A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the person lost the election, after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission or designated employee of a state or local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250) if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

(e) This section shall not prohibit or limit the following:

(1) Payments, advances, or reimbursements for travel and related lodging and subsistence

permitted by Section 89506.

(2) Wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

(f) Beginning on January 1, 1993, the commission shall adjust the gift limitation in this section on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest ten dollars (\$10).

(g) The limitations in this section are in addition to the limitations on gifts in Section 86203.

**§ 89506. Limitations on payments for travel; Gifts of travel.** (a) Payments, advances, or reimbursements, for travel, including actual transportation and related lodging and subsistence that is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are not prohibited or limited by this chapter if either of the following apply:

(1) The travel is in connection with a speech given by the elected state officer, local elected officeholder, candidate for elected state office or local elected office, an individual specified in Section 87200, member of a state board or commission, or designated employee of a state or local government agency, the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech, and the travel is within the United States.

(2) The travel is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, as defined in Section 203 of the Revenue and Taxation Code, a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person domiciled outside the United States which substantially satisfies the requirements for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

(b) Gifts of travel not described in subdivision (a) are subject to the limits in Section 89503.

(c) Subdivision (a) applies only to travel that is reported on the recipient's statement of economic interests.

(d) For purposes of this section, a gift of travel does not include any of the following:

(1) Travel that is paid for from campaign funds, as permitted by Article 4 (commencing with Section 89510), or that is a contribution.

(2) Travel that is provided by the agency of a local elected officeholder, an elected state officer, member of a state board or commission, an individual specified in Section 87200, or a designated employee.

(3) Travel that is reasonably necessary in connection with a bona fide business, trade, or profession and that satisfies the criteria for federal income tax deduction for business expenses in Sections 162 and 274 of the Internal Revenue Code, unless the sole or predominant activity of the business, trade, or profession is making speeches.

(4) Travel that is excluded from the definition of a gift by any other provision of this title.

(e) This section does not apply to payments, advances, or reimbursements for travel and related lodging and subsistence permitted or limited by Section 170.9 of the Code of Civil Procedure.

## **LIST OF DESIGNATED EMPLOYEES**

Because of the nature of the powers and duties conferred on the Local Agency Formation Commission of Napa County under the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.), the policies adopted by the LAFCO Commission, and the terms of support services and consultant agreements approved by the LAFCO Commission, the following positions within LAFCO may involve the making or participation in the making of decisions of LAFCO which may foreseeably have a material effect on financial interests of the holders of the positions. The positions are listed because their scope of authority or work involve either making final decisions for LAFCO which have financial consequences or developing and/or exercising such a level of expertise and ongoing relationship with those who make such decisions that the decision-makers can reasonably be expected to routinely trust and rely upon their advice.

For purposes of filing Statements of Economic Interests as required by this Conflict of Interest Code, the “Designated Employees” of LAFCO shall be those persons who actually occupy or carry out the functions of the following positions, whether as elected or appointed officers, compensated employees, or contracted consultants:

### **DESIGNATED EMPLOYEE POSITIONS**

**Members of the LAFCO Commission** (including any persons serving as **Alternate Commission Members** in the absence of a regular Commissioner)

**LAFCO Executive Officer**

**LAFCO Legal Counsel**

**Auditor-Controller** (Napa County Auditor-Controller, serving ex-officio)

**Contract Consultants for LAFCO** - Contract consultants shall be included in the list of Designated Employees and shall disclose their material financial interests in regard to all of the adopted disclosure categories, subject to the following limitation:

The LAFCO Executive Officer may determine in writing that a particular contract consultant, although a “designated position”, is hired to perform a range of duties that is limited in scope and thus is not required to comply or fully comply with all of the disclosure requirements described in Appendix “B”. This written determination shall include a description of the contract consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. This determination is a public record and shall be retained for public inspection and be available for inspection and copying in the same location and manner as LAFCO’s copy of the Conflict of Interest Code.

## **APPENDIX “B”**

### **DISCLOSURE CATEGORIES**

The decisions which the Designated Employees may make, or participate in making, for LAFCO may involve exercising or directly influencing the exercise of powers conferred on LAFCO by the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.).

The decisions by the Designated Employees in the course of their work for LAFCO may have the potential to materially impact any or all of those types of financial interests listed in all the Disclosure Schedules of the Statement of Economic Interests Form 700 adopted by the Fair Political Practices Commission.

For this reason, all of the Designated Employees under this Conflict of Interest Code, other than contract consultants who are exempted from disclosure pursuant to Appendix “A”, shall comply with the broadest possible Disclosure Category under the current Form 700 and Disclosure Schedules: disclosing all sources of income, interests in real property, investments and business positions in business entities.

**CERTIFICATIONS**

I hereby certify that I am the Secretary and custodian of records of the Local Agency Formation Commission and that the attached Resolution is a true and correct copy of the original approved by the LAFCO Commission and on file in the LAFCO office.

Keene Simonds,  
LAFCO Secretary

By \_\_\_\_\_

I hereby certify that the Conflict of Interest Code for the Local Agency Formation Commission of Napa County was approved and confirmed by the Napa County Board of Supervisors, as the code reviewing body for LAFCO by action of the Board of Supervisors on \_\_\_\_\_, 20\_\_, and recorded in the certified minutes of the Board of Supervisors for that date.

Clerk of the Napa County Board of Supervisors

By \_\_\_\_\_



**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>

**February 5, 2007**  
**Agenda Item No. 7a**

January 30, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Draft Proposed Budget for Fiscal Year 2007-2008 (Action)**

The Commission will receive a draft proposed budget from the 2007-2008 Budget Committee. The draft proposed budget projects a total increase in operating expenses of 1.9% from the current fiscal year and is being presented to the Commission for review and direction.

---

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 adopt proposed and final budgets at its April and June meetings, respectively.

### **2007-2008 Draft Proposed Budget**

At its December 4, 2006 meeting, the Commission appointed Commissioners Kelly and Wagenknecht to serve on the 2007-2008 Budget Committee. The Committee met on January 10, 2007 to review LAFCO's operating expenses for the upcoming fiscal year. (It is the practice of LAFCO to budget only for expenses.) A spending baseline was constructed to estimate how much it would cost to continue LAFCO's current level of services and activities at next fiscal year's price for labor and supplies. In reviewing these estimates, the Committee considered actual expenses from past fiscal years and whether increases or decreases in spending was appropriate to reflect anticipated changes in demand or need.

Drawing from its review process, the Committee has prepared a draft proposed budget that projects a 1.9% increase in total operating costs from FY06-07. The largest increase to the budget involves an approximate 29% contractual rise in group insurance, which represents LAFCO's contribution to employee healthcare costs. In terms of discretionary items, the Committee recommends increases to the Commission's per diem and training accounts. These changes are recommended in order to raise the Commission's per diem

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

from \$50 to \$100 and to provide additional training opportunities for new Commissioners and staff. Savings in salaries, retirement, and information technology services have helped to absorb and limit the overall increase in operating costs. An expanded summary of all projected expenses is attached.

In addition to offering a draft proposed budget, the Committee recommends that LAFCO review its adopted fee schedule to consider whether changes are appropriate with respect to improving cost-recovery. The Committee also recommends that LAFCO consider adopting a policy to manage its reserve fund.

### **Recommendation**

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

- 1) Accept with any desired changes the draft proposed budget from the 2007-2008 Budget Committee; and
- 2) Direct the Executive Officer to circulate the draft proposed budget for review and comment by the six agencies that fund LAFCO and schedule a public hearing for the Commission to consider its adoption on April 2, 2007; and
- 3) Direct the Executive Officer to review LAFCO's adopted fee schedule and to prepare a report with recommendations for consideration by the Commission; and
- 4) Direct the Executive Officer to review reserve policy options and to prepare a report with recommendations for consideration by the Commission.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

#### Attachments:

1. 2007-2008 Draft Proposed Budget (Line Item Format)
- ~~2. Summary of Expenses for 2007-2008 Draft Proposed Budget~~
3. Current Adopted Fee Schedule

**Local Agency Formation Commission of Napa County  
Draft Proposed Budget for 2007-2008**

		FINAL FY04-05	FINAL FY05-06	FINAL FY06-07	DRAFT FY07-08 (1/30/2007)	Difference From FY06-07	
<b>Salaries and Wages</b>							
<u>Account No.</u>	<u>Account</u>						
51100000	Regular Salaries	\$ 167,505.00	\$ 187,206.00	\$ 190,230.92	\$ 184,988.01 <sup>1,2</sup>	\$ (5,242.91)	
51200100	Extra Help	\$ 6,188.00	\$ 2,206.26	\$ -	\$ -	\$ -	
51200200	Overtime	\$ -	\$ -	\$ -	\$ -	\$ -	
51200500	Per Diems	\$ 4,050.00	\$ 4,050.00	\$ 3,600.00	\$ 9,600.00 <sup>3</sup>	\$ 6,000.00	
51300100	Retirement	\$ 23,450.70	\$ 32,235.20	\$ 32,953.28	\$ 31,417.25	\$ (1,536.03)	
51300300	Medicare	\$ 2,428.82	\$ 2,674.13	\$ 2,849.46	\$ 2,649.92	\$ (199.54)	
51300500	Group Insurance	\$ 22,255.20	\$ 26,875.92	\$ 36,030.00	\$ 46,498.32	\$ 10,468.32	
51301200	Workers Compensation	\$ 533.00	\$ 749.00	\$ 685.00	\$ 185.00	\$ (500.00)	
51301700	401A Employer Contributions	-	\$ 1,500.00	\$ 1,500.00	\$ - <sup>4</sup>	\$ (1,500.00)	
51301800	Cell Phone Allowance	-	\$ 840.00	\$ 840.00	\$ 840.00	\$ -	
		\$ 226,410.72	\$ 258,336.51	\$ 268,688.66	\$ 276,178.50	\$ 7,489.84	2.8%
<b>Services and Supplies</b>							
<u>Account No.</u>	<u>Account</u>						
52070000	Communications	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ -	
52100300	Insurance: Liability	-	\$ 335.00	\$ 534.00	\$ 352.00	\$ (182.00)	
52150000	Memberships	\$ 1,368.00	\$ 1,400.00	\$ 2,200.00	\$ 2,000.00	\$ (200.00)	
52170000	Office Expenses	\$ 12,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ -	
52180200	Management Information Services	\$ 13,000.00	\$ 13,378.27	\$ 17,799.91	\$ 16,387.00	\$ (1,412.91)	
52180500	Legal	\$ 18,750.00	\$ 18,750.00	\$ 18,750.00	\$ 18,750.00	\$ -	
52190000	Publications and Notices	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00 <sup>5</sup>	\$ 500.00	
52185000	PSS: Other (Accounting/Auditing)	\$ 4,000.00	\$ 5,000.00	\$ 6,500.00	\$ 7,150.00 <sup>6</sup>	\$ 650.00	
52235000	SDE: Other (Office Improvements)	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ -	
52240500	Property Lease	\$ 24,038.40	\$ 25,540.80	\$ 26,307.02	\$ 27,000.00 <sup>7</sup>	\$ 692.98	
52250000	Transportation and Travel	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ -	
52250800	Training	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 4,000.00 <sup>8</sup>	\$ 1,000.00	
52251200	Private Mileage	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,000.00 <sup>9</sup>	\$ (500.00)	
		\$ 87,156.40	\$ 93,404.07	\$ 101,090.93	\$ 101,639.00	\$ 548.07	0.5%
	<b>Sub Total Expenses</b>	\$ 313,567.12	\$ 351,740.58	\$ 369,779.59	\$ 377,817.50	\$ 8,037.91	
<b>Contingencies and Reserves</b>							
<u>Account No.</u>	<u>Account</u>						
54000900	Operating Reserve (10% of Expenses)	\$ 31,356.71	\$ 35,174.06	\$ 36,977.96	\$ 37,781.75	\$ 803.79	
54001000	Professional Services Dedication	\$ 100,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ -	
		\$ 131,356.71	\$ 85,174.06	\$ 86,977.96	\$ 87,781.75	\$ 803.79	0.9%
	<b>TOTAL</b>	\$ 444,923.83	\$ 436,914.64	\$ 456,757.55	\$ 465,599.25	\$ 8,841.70	1.9%

**NOTES**

- Assumes a 3.0% cost-of-living adjustment for all employees. The County MOU with represented employees requires a cost-living-adjustment to be determined by an agreed formula. The adjustment could be as low as 2.5% and as high as 4.0%. The County advises using a 3.0% factor at this time.
- Anticipates scheduled salary increases for Keene Simonds, Executive Officer, and Tracy Geraghty, Analyst II. Kathy Mabry, Commission Secretary, is at the top of her classification range and is not eligible for a salary increase.
- An increase in the Commission's meeting per diem from \$50 to \$100 is recommended to reflect the medium per diem rate of the eight other Bay Area LAFCOs. This increase also takes into account that the Commission is now meeting on a monthly basis.
- The Executive Officer has elected not to participate in a 401A plan. No other employees are eligible to receive a matching contribution from the Commission.
- An increase in the amount of \$500 is recommended to reflect the average cost to LAFCO for notices and publications over the last five fiscal years.
- An increase in the amount of \$650 is recommended to reflect an anticipated 10% increase in hourly staff rates for the County Auditor-Controller's Office.
- An amended lease agreement for office space at 1700 Second Street in Napa was approved by the Commission in June 2006. The amended lease agreement establishes a fixed monthly rent rate of \$2,250 through June 2009.
- An increase in the amount of \$1,000 is recommended to help ensure that sufficient training funds are available for current and new Commissioners to attend the 2007 CALAFCO Annual Conference, which is scheduled for August 28-31 in Sacramento.
- A decrease in the amount of \$500 is recommended to account for the car allowance that was established for the Executive Officer position in 2006.

**LAFCO of Napa County**  
**Schedule of Fees and Deposits**  
(Adopted December 13, 2001, Revised June 6, 2005)

The policy of the Commission is:

1. This fee schedule shall be administered in accordance with the provisions of Government Code §56383.
2. Applications submitted to LAFCO shall be accompanied by a non-refundable initial fee as detailed in this schedule.
3. Applicants are responsible for any fees or charges incurred by LAFCO or required by other agencies in the course of the processing of an application.
4. Initial fees include a fixed number of staff hours as detailed in the fee schedule.
5. Additional LAFCO staff time shall be charged to the applicant at a rate of \$50.00 per hour.
6. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.
7. Additional LAFCO staff time and administrative costs shall not be charged for city annexation applications that are comprised solely of one, entire unincorporated island.
8. If the Executive Officer estimates that a proposal will require more than 20 hours staff time to complete, he shall provide a written statement to that effect to the applicant and request a deposit in an amount sufficient to cover anticipated costs. If this or any subsequent deposit proves insufficient, the Executive Officer shall provide an accounting of expenditures and request deposit of additional funds.
9. If the processing of an application requires that LAFCO contract from another agency or from a private firm or individual for services that are beyond the normal scope of LAFCO staff work (such as the drafting of an Environmental Impact Report or Comprehensive Fiscal Analysis), the applicant shall be responsible for all costs associated with that contract. The applicant will provide LAFCO with a deposit sufficient to cover the cost of the contract.
10. The Executive Officer may stop work on any proposal until the applicant submits a requested deposit.
11. Written appeal of fees and/or deposits, specifying the reason for the appeal, may be submitted to LAFCO prior to the submission of an application or prior to the submission of a deposit requested by the Executive Officer. The appeal will be considered at the next regular meeting of the Commission.
12. Upon completion of a project, the Executive Officer shall issue to the applicant a statement detailing all expenditures from a deposit for additional time and materials and shall have a refund for any remaining funds issued to the applicant.

**INITIAL FEES**

**ANNEXATIONS AND DETACHMENTS**

With 100% consent of property owners and affected agencies	\$500 (10 hrs)
Without 100% consent of property owners and affected agencies	\$1,000 (20 hrs)
Unincorporated Island Annexation to City (entire island only)	\$100 (n/a)

<b>SERVICE REVIEW</b>	\$2,000 (40 hrs)
-----------------------	------------------

**SPHERE OF INFLUENCE**

Revision or amendment	\$1,000 (20 hrs)
Review or Update	\$2,000 (40 hrs)
Establishment	\$2,500 (50 hrs)

<b>REORGANIZATIONS OTHER THAN ANNEXATIONS AND DETACHMENTS</b> (i.e. Incorporations, District Establishments, Mergers, Formations or Dissolutions)	\$5,000 (100 hrs)
--	-------------------

<b>REQUEST FOR RECONSIDERATION</b>	\$1,000 (20 hrs)
------------------------------------	------------------

<b>REVIEW OF OUT-OF-AGENCY AGREEMENTS OR SERVICE CONTRACTS</b>	\$500 (10 hrs)
--	----------------

<b>EXTENSION OF TIME REQUEST</b>	\$250 (5 hrs)
----------------------------------	---------------

<b>SPECIAL MEETING FEE</b>	\$800
----------------------------	-------

**ADMINISTRATIVE SERVICES**

The following are charges to be assessed to persons or entities other than the applicant.

Copying	\$.50 per copy for first five copies, \$.10 per copy thereafter
Faxing	\$1.00 service charge, plus \$.15 per page
Mailing or Shipping	Cost
Research/Archive Retrieval	\$20 per hour, minimum of 1 hour charge.
Duplication of Meeting Recording	time billed at research rate plus cost of tape.

**OTHER AGENCY FEES**

Registered Voter List for Hearing Notice (req. for proposals w/o 100% consent) varies  
 Made payable to "County of Napa" (Current Hourly Rate is \$55)

Mapping Service \$125  
 Made payable to "Napa County Assessor"

County Surveyor Fees as described  
 Made Payable to "County of Napa" \$30 flat fee for the first hour of staff time.  
 Most reviews require one hour or less. More complex reviews shall be charged for additional time at the following rates:

Work done by Eng. Aide III	\$30 per hour
Work done by Civil Engineer	\$47 per hour

LAFCO GIS Fees as described  
 Made Payable to "LAFCO of Napa County" \$125 flat fee for the first hour of staff time.  
 Most reviews require one hour or less. More complex reviews shall be charged for additional time at the \$125/hour rate.

**Deleted:** /County Planning  
**Deleted:** County of Napa

Environmental (State Fish & Game) Filing Fee (Fish & Game Code §711.4(d)  
 Payable to "Napa County Clerk-Recorder"  
 When LAFCO is Responsible Agency  
 Filing of Negative Declaration, LAFCO is Lead Agency  
 Filing of EIR, LAFCO is Lead Agency

~~\$50~~  
~~\$1,800~~  
~~\$2,500~~

**Deleted:** 35  
**Deleted:** 1,250  
**Deleted:** 850

State Board of Equalization Recordation see  
 Made payable to "State Board of Equalization" table

ACRES	FEE
Less than 1	\$300
1-5	\$350
6-10	\$500
11-20	\$800
21-50	\$1200
51-100	\$1500
101-500	\$2000
501-1000	\$2500
1001-2000	\$3000
2001 and above	\$3500



**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>

**February 5, 2007**  
**Agenda Item No. 7b**

January 29, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT:** *Comprehensive Study of Fire Protection Services (Action)*

The Commission will receive a supplemental report as part of its municipal service review of fire protection services in Napa County. The supplemental report includes final written determinations that address the nine service factors the Commission is required to consider as part of its service review mandate. These determinations are being presented to the Commission for consideration as part of a separate draft resolution under California Government Code §56430.

---

In 2001, California Government Code was amended as part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to require Local Agency Formation Commissions (LAFCOs) to review and update, as necessary, each local agency's sphere of influence every five years. This legislation also requires that LAFCOs conduct municipal service reviews in conjunction with the sphere reviews of local agencies to determine the adequacy of the governmental services that are being provided in the region. The collective purpose of these reviews is to inform and guide LAFCOs in their legislative mandate to plan and coordinate the orderly development of local agencies in a manner that provides for the present and future needs of the community.

**Discussion**

In August 2005, LAFCO of Napa County initiated its *Comprehensive Study of Fire Protection Services*. The initial phase of the study was prepared by P&D Consultants and consisted of a municipal service review report cataloging and evaluating the development, organization, and services of the five local agencies responsible for providing fire protection in Napa County. Following a public review period, a final report was presented to the Commission at its December 4, 2006 meeting to receive and file.

Drawing from the report by P&D Consultants, staff has prepared the next phase of the study, which is the development of written determinations. These determinations make statements that address the nine service factors the Commission is required to consider as part of its service review mandate. The determinations were presented in draft-form at

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

the Commission's December 4<sup>th</sup> meeting and then circulated to the each of the five affected local agencies and interested parties for review and comment. Comments were received from the City of Calistoga and are summarized as part of an attached memorandum. No substantive changes have been made to the determinations. A draft resolution adopting the final determinations is also attached and offered for the Commission's consideration and approval. The adoption of the resolution would complete the service review portion of the study.

### **Recommendation**

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

1. Receive and file the attached supplemental report that has been prepared as part of the *Comprehensive Study of Fire Protection Services*; and
2. Approve the form for the attached resolution with any desired changes that make statements with respect to fire protection services in Napa County pursuant to California Government Code §56430.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

### Attachments:

- 1) *Comprehensive Study of Fire Protection Services* - Supplement Report: Final Written Determinations
- 2) *Comprehensive Study of Fire Protection Services* – Draft Resolution
- 3) Memorandum: Comments from the City of Calistoga



**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>

**February 5, 2007**  
**Agenda Item No. 7b**

January 29, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT:** *Comprehensive Study of Fire Protection Services: Supplemental Report – Final Written Determinations*

The Commission will review final written determinations that have been prepared by staff as part of the municipal service review portion of the *Comprehensive Study of Fire Protection Services*. These determinations address the nine service factors the Commission is required to consider as part of its service review mandate under California Government Code and are being presented for adoption as part of a separate draft resolution.

Staff has prepared final written determinations as part of the municipal service review portion of the *Comprehensive Study of Fire Protection Services*. These determinations draw on information collected as part of an earlier report prepared by P&D Consultants and make statements regarding the nine service factors the Commission is required to consider as part of its service review mandate. Staff presented these determinations to the Commission in draft-form at its December 4, 2006 meeting. The determinations were then circulated for review and comment to each of the five affected agencies and interested parties. Comments were received from the City of Calistoga and have been summarized as part of an attached memorandum. No substantive changes have been made to the determinations.

Final written determinations are provided below and are being presented to the Commission for consideration and adoption as part of a separate draft resolution.

## WRITTEN DETERMINATIONS

General Policy Statement (Government Code §56430(a)):

- a) The role of local fire protection providers has transformed significantly over the last several decades to include an expanded range of public safety activities. This expansion includes a greater emphasis on fire prevention, rescue, and emergency medical services. LAFCO incorporates the review of these expanded activities under the term “fire protection services.”

Jack Gingles, Chair  
 Mayor, City of Calistoga

Cindy Coffey, Commissioner  
 Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
 Councilmember, City of Napa

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

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

Mark Luce, Alt. Commissioner  
 County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner  
 Representative of the General Public

Vacant, Alternate Commissioner  
 Representative of the General Public

Keene Simonds  
 Executive Officer

Infrastructure Needs or Deficiencies (Government Code §56430(a)(1)):

- a) Public infrastructure is generally adequate in providing an appropriate level of fire protection service in Napa County.
- b) There are distinct differences in the availability and capacity of fire protection services throughout Napa County. These differences, which are primarily drawn from variations in service and staff arrangements, reflect the independent practices and policies of the local agencies.
- c) Response times for fire protection services are important benchmarks in assessing performance and allocating resources. The National Fire Protection Association has established response time standards that serve as reasonable guidelines in measuring service in Napa County.
- d) In the year evaluated, the average response times for the American Canyon Fire Protection District and the Cities of Calistoga, Napa, and St. Helena for all service calls were less than six minutes, which is the standard recommended by the National Fire Protection Association. These average response times demonstrate that all four agencies are meeting their current service demands in an efficient and timely manner.

*In 2004, the average response times for the American Canyon Fire Protection District and the Cities of Calistoga, Napa, and St. Helena for all service calls were 4:48, 4:52, 4:37, and 5:29, respectively.*

- e) Response times for fire protection services provided by the County of Napa, which includes the operations of nine independent volunteer organizations, have not been consistently recorded at all times. The absence of reliable response times makes it difficult to effectively measure the condition and level of service in the unincorporated areas.
- f) Providing emergency medical services represents the largest demand for fire protection providers in Napa County. As life expectancies increase, local agencies will need to develop and dedicate additional resources to maintain existing service levels.

*In 2004, the American Canyon Fire Protection District, Cities of Calistoga, Napa, and St. Helena, and the County of Napa reported that calls for emergency medical service represented approximately 66%, 65%, 68%, 65%, and 47% of their total call volumes, respectively.*

Growth and Population Projections (Government Code §56430(a)(2)):

- a) The population projections issued by the Association of Bay Area Governments are reasonable estimates of the current and future population of Napa County.
- b) The Association of Bay Area Governments projects an annual growth rate for Napa County of approximately 0.6 percent over the next 20 years. These projections indicate that more than four-fifths of new growth will occur in the Cities of American Canyon and Napa. This distribution of growth will generate considerable new demands for fire protection services in south Napa County.

*The Association of Bay Area Governments projects a total population increase for Napa County of 17,000 by 2025. Approximately 88% (15,000) of this growth is expected to occur in the Cities of American Canyon and Napa.*

- c) The Association of Bay Area Governments estimates that the largest percentage of new growth over the next 20 years in Napa County will occur in the City of American Canyon. As a separate legal entity, the American Canyon Fire Protection District will need to work closely with American Canyon to ensure that fire protection services can be extended efficiently and economically to new growth without diminishing existing service levels.

*The Association of Bay Area Governments estimates that the City of American Canyon will experience an overall population increase of nearly 39% over the next 20 years.*

Financing Constraints and Opportunities (Government Code §56430(a)(3)):

- a) Voter-approved initiatives in California have constrained the ability of governmental agencies to fund fire protection services through new assessments and taxes. These initiatives have engendered local agencies to emphasize economizing existing resources to address increases in service costs and demands.
- b) The principal cost underlying fire protection service is labor. Continued increases in labor-related costs and the constraints on developing new revenue sources will increasingly challenge local agencies in balancing future expenditures and revenues.
- c) The decision by the County of Napa to contract for fire protection services with the California Department of Forestry and Fire Protection reflects the financial constraints associated with developing and operating a fire department.

Cost Avoidance Opportunities (Government Code §56430(a)(4)):

- a) Local agencies have made a concerted effort to avoid unnecessary expenditures by economizing existing resources and developing shared arrangements with other agencies to provide and coordinate fire protection services. These efforts have helped to control cost increases, establish economies of scale, and avoid duplication of services.
- b) The City of St. Helena and the County of Napa benefit from measurable cost-savings as a result of their arrangements for volunteer-based fire protection services.

Opportunities for Rate Restructuring (Government Code §56430(a)(5)):

- a) Fire protection services in Napa County are principally funded through general tax revenues. Opportunities to restructure rates are primarily limited to impact fees charged to new development and would not have a measurable impact on overall revenues.

Opportunities for Shared Facilities (Government Code 56430(a)(6)):

- a) Local agencies have partnered to establish an effective network of shared resources with respect to providing fire protection services in Napa County. These partnerships, which include a series of automatic and mutual aid agreements, help to ensure that an adequate level of fire protection service is available at all times within each agency's respective jurisdiction.
- b) All five local fire protection providers are signatories to the State of California's Master Mutual Aid Program, which establishes a formal process for these agencies to voluntarily receive and provide assistance during declared emergencies. This program expedites the delivery of additional resources to local agencies in need and fosters cooperative relationships throughout California.
- c) The County of Napa provides dispatch services involving fire protection for the American Canyon Fire Protection District and the Cities of Calistoga and St. Helena. This arrangement coordinates the efficient delivery of services within the affected jurisdictions and facilitates future opportunities to share additional resources between agencies.

Government Structure Opportunities (Government Code §56430(a)(7)):

- a) Federal, state, and local agencies share proportional responsibility in providing fire protection services in Napa County. Local agencies, including the American Canyon Fire Protection District, the Cities of Calistoga, Napa, and St. Helena, and the County of Napa, assume the greatest role in fire protection service. Service boundaries for these local agencies are generally well-defined and do not overlap.
- b) The Cities of Calistoga and St. Helena and the County of Napa depend on volunteers to provide fire protection services within their respective jurisdictions. Increasing demographic changes will increasingly challenge these agencies to recruit and retain a sufficient number of volunteers to maintain adequate service levels in the future.
- c) Volunteer-based fire protection services have been effective and sources of community identity throughout Napa County. As an information tool, and in response to changing demographics, LAFCO should conduct a governance study to evaluate alternative government structure options involving the volunteer-based fire protection services of the 1) Cities of Calistoga and St. Helena and 2) the County of Napa. The focus of the study would be to identify and evaluate whether alternative government structures would help sustain the long-term effectiveness of fire protection services in these communities.

*California Government Code §56378 authorizes LAFCO to initiate and conduct special studies to help fulfill its legislative mandate to encourage the orderly formation and development of local agencies.*

- d) California Government Code §56133 designates LAFCO as the governmental agency responsible for authorizing cities and special districts to provide new or extended services, including fire protection, by contract or agreement outside their jurisdictional or sphere boundaries. While certain exemptions exist, local agencies should request and, if necessary, receive approval from LAFCO before providing new or extended fire protection services outside their boundaries.

Evaluation of Management Efficiencies (Government Code §56430(a)(8)):

- a) All five local agencies providing fire protection services in Napa County prepare summaries of past and projected revenues and expenditures involving fire protection services as part of their annual or biannual budgets. These collective budget processes are conducted in an open and transparent manner and provides a clear directive towards staff in prioritizing local resources.

- b) All five local agencies providing fire protection services in Napa County maintain adequate reserves to help support their current service levels. These reserves reflect prudent management as they help to ensure that each agency has sufficient working capital to protect against unanticipated costs or shortfalls in revenues.
- c) The American Canyon Fire Protection District and the Cities of Calistoga, Napa, and St. Helena have adopted response time standards with respect to providing fire protection services. These standards provide each agency with effective performance measures that promotes efficiency and accountability.
- d) The County of Napa would benefit from adopting response time standards involving fire protection services in the unincorporated areas. The adoption of response time standards would provide the County with an effective tool to measure performance and standardize service levels.

Local Accountability and Governance (Government Code §56430(a)(9)):

- a) Each of the five local agencies providing fire protection services in Napa County are governed by elected officials that are accountable to their jurisdictional constituents.
- b) The administration and staff of the five local agencies providing fire protection services in Napa County demonstrate a commitment to public outreach and communication. These efforts facilitate local accountability and participation in local governance.

RESOLUTION NO. \_\_\_\_

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

**COMPREHENSIVE STUDY OF FIRE PROTECTION SERVICES  
MUNICIPAL SERVICE REVIEW**

**WHEREAS**, the Local Agency Formation Commission of Napa County (hereinafter referred to as "the Commission") may conduct municipal service reviews of local agencies pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq., hereinafter referred to as "Act"); and

**WHEREAS**, the Commission adopted a schedule for municipal service reviews on October 11, 2001; and

**WHEREAS**, pursuant to Government Code Section 56430, the Executive Officer designated a countywide municipal service review of fire protection services in Napa County; and

**WHEREAS**, pursuant to its adopted schedule, the Commission held an initial discussion on the "Comprehensive Study of Fire Protection Services" at a public meeting on October 2, 2006; and

**WHEREAS**, the Executive Officer prepared a written report of this municipal service review that was presented to the Commission in the manner provided by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at its public meeting on October d, 2006 and at meetings of the Commission on December 4, 2006 and February 5, 2007; and

**WHEREAS**, as part of this municipal service review, the Commission is required pursuant to Government Code Section 56430(a) to make a statement of written determinations with regards to certain factors.

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

**COMPREHENSIVE STUDY OF FIRE PROTECTION SERVICES  
MUNICIPAL SERVICE REVIEW**

1. In accordance with the adopted Local Agency Formation Commission Environmental Impact Report Guidelines, and applicable provisions of the California Environmental Quality Act (CEQA), the Commission hereby determines that this municipal service review is exempt from the provisions of CEQA under Section 15306 of the State CEQA Guidelines (Title 14 of the California Code of Regulations Section 15306). The municipal service review is a data collection and research study. The information contained within the municipal service review may be used to consider future actions that will be subject to environmental review.
  
2. The Commission adopts the written statement of determinations set forth in "Exhibit A," which is attached and hereby incorporated by reference.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of Napa County, State of California, at a regular meeting held on the 5<sup>th</sup> day of February, 2007, by the following vote:

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

ATTEST: Keene Simonds  
Executive Officer

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

## EXHIBIT A

### COMPREHENSIVE STUDY OF FIRE PROTECTION SERVICES MUNICIPAL SERVICE REVIEW

#### STATEMENT OF DETERMINATIONS

1. With respect to general policies (Government Code §56430(a)), the Commission determines that:
  - a) The role of local fire protection providers has transformed significantly over the last several decades to include an expanded range of public safety activities. This expansion includes a greater emphasis on fire prevention, rescue, and emergency medical services. LAFCO incorporates the review of these expanded activities under the term “fire protection services.”
  
2. With respect to infrastructure needs or deficiencies (Government Code §56430(a)(1)), the Commission determines that:
  - a) Public infrastructure is generally adequate in providing an appropriate level of fire protection service in Napa County.
  
  - b) There are distinct differences in the availability and capacity of fire protection services throughout Napa County. These differences, which are primarily drawn from variations in service and staff arrangements, reflect the independent practices and policies of the local agencies.
  
  - c) Response times for fire protection services are important benchmarks in assessing performance and allocating resources. The National Fire Protection Association has established response time standards that serve as reasonable guidelines in measuring service in Napa County.
  
  - d) In the year evaluated, the average response times for the American Canyon Fire Protection District and the Cities of Calistoga, Napa, and St. Helena for all service calls were less than six minutes, which is the standard recommended by the National Fire Protection Association. These average response times demonstrate that all four agencies are meeting their current service demands in an efficient and timely manner.
  
  - e) Response times for fire protection services provided by the County of Napa, which includes the operations of nine independent volunteer organizations, have not been consistently recorded at all times. The absence of reliable response times makes it difficult to effectively measure the condition and level of service in the unincorporated areas.

- f) Providing emergency medical services represents the largest demand for fire protection providers in Napa County. As life expectancies increase, local agencies will need to develop and dedicate additional resources to maintain existing service levels.
3. With respect to growth and population projections (Government Code §56430(a)(2)), the Commission determines that:
- a) The population projections issued by the Association of Bay Area Governments are reasonable estimates of the current and future population of Napa County.
  - b) The Association of Bay Area Governments projects an annual growth rate for Napa County of approximately 0.6 percent over the next 20 years. These projections indicate that more than four-fifths of new growth will occur in the Cities of American Canyon and Napa. This distribution of growth will generate considerable new demands for fire protection services in south Napa County.
  - c) The Association of Bay Area Governments estimates that the largest percentage of new growth over the next 20 years in Napa County will occur in the City of American Canyon. As a separate legal entity, the American Canyon Fire Protection District will need to work closely with American Canyon to ensure that fire protection services can be extended efficiently and economically to new growth without diminishing existing service levels.
4. With respect to financing constraints and opportunities (Government Code §56430(a)(3)), the Commission determines that:
- a) Voter-approved initiatives in California have constrained the ability of governmental agencies to fund fire protection services through new assessments and taxes. These initiatives have engendered local agencies to emphasize economizing existing resources to address increases in service costs and demands.
  - b) The principal cost underlying fire protection service is labor. Continued increases in labor-related costs and the constraints on developing new revenue sources will increasingly challenge local agencies in balancing future expenditures and revenues.
  - c) The decision by the County of Napa to contract for fire protection services with the California Department of Forestry and Fire Protection reflects the financial constraints associated with developing and operating a fire department.

5. With respect to cost avoidance opportunities (Government Code §56430(a)(4)), the Commission determines that:
  - a) Local agencies have made a concerted effort to avoid unnecessary expenditures by economizing existing resources and developing shared arrangements with other agencies to provide and coordinate fire protection services. These efforts have helped to control cost increases, establish economies of scale, and avoid duplication of services.
  - b) The City of St. Helena and the County of Napa benefit from measurable cost-savings as a result of their arrangements for volunteer-based fire protection services.
  
6. With respect to opportunities for rate restructuring (Government Code §56430(a)(5)), the Commission determines that:
  - a) Fire protection services in Napa County are principally funded through general tax revenues. Opportunities to restructure rates are primarily limited to impact fees charged to new development and would not have a measurable impact on overall revenues.
  
7. With respect to opportunities for shared facilities (Government Code 56430(a)(6)), the Commission determines that:
  - a) Local agencies have partnered to establish an effective network of shared resources with respect to providing fire protection services in Napa County. These partnerships, which include a series of automatic and mutual aid agreements, help to ensure that an adequate level of fire protection service is available at all times within each agency's respective jurisdiction.
  - b) All five local fire protection providers are signatories to the State of California's Master Mutual Aid Program, which establishes a formal process for these agencies to voluntarily receive and provide assistance during declared emergencies. This program expedites the delivery of additional resources to local agencies in need and fosters cooperative relationships throughout California.
  - c) The County of Napa provides dispatch services involving fire protection for the American Canyon Fire Protection District and the Cities of Calistoga and St. Helena. This arrangement coordinates the efficient delivery of services within the affected jurisdictions and facilitates future opportunities to share additional resources between agencies.

8. With respect to government structure opportunities (Government Code §56430(a)(7)), the Commission determines that:
  - a) Federal, state, and local agencies share proportional responsibility in providing fire protection services in Napa County. Local agencies, including the American Canyon Fire Protection District, the Cities of Calistoga, Napa, and St. Helena, and the County of Napa, assume the greatest role in fire protection service. Service boundaries for these local agencies are generally well-defined and do not overlap.
  - b) The Cities of Calistoga and St. Helena and the County of Napa depend on volunteers to provide fire protection services within their respective jurisdictions. Increasing demographic changes will increasingly challenge these agencies to recruit and retain a sufficient number of volunteers to maintain adequate service levels in the future.
  - c) Volunteer-based fire protection services have been effective and sources of community identity throughout Napa County. As an information tool, and in response to changing demographics, LAFCO should conduct a governance study to evaluate alternative government structure options involving the volunteer-based fire protection services of the 1) Cities of Calistoga and St. Helena and 2) the County of Napa. The focus of the study would be to identify and evaluate whether alternative government structures would help sustain the long-term effectiveness of fire protection services in these communities.
  - d) California Government Code §56133 designates LAFCO as the governmental agency responsible for authorizing cities and special districts to provide new or extended services, including fire protection, by contract or agreement outside their jurisdictional or sphere boundaries. While certain exemptions exist, local agencies should request and, if necessary, receive approval from LAFCO before providing new or extended fire protection services outside their boundaries.
  
9. With respect to the evaluation of management efficiencies (Government Code §56430(a)(8)), the Commission determines that:
  - a) All five local agencies providing fire protection services in Napa County prepare summaries of past and projected revenues and expenditures involving fire protection services as part of their annual or biannual budgets. These collective budget processes are conducted in an open and transparent manner and provides a clear directive towards staff in prioritizing local resources.

- b) All five local agencies providing fire protection services in Napa County maintain adequate reserves to help support their current service levels. These reserves reflect prudent management as they help to ensure that each agency has sufficient working capital to protect against unanticipated costs or shortfalls in revenues.
  - c) The American Canyon Fire Protection District and the Cities of Calistoga, Napa, and St. Helena have adopted response time standards with respect to providing fire protection services. These standards provide each agency with effective performance measures that promotes efficiency and accountability.
  - d) The County of Napa would benefit from adopting response time standards involving fire protection services in the unincorporated areas. The adoption of response time standards would provide the County with an effective tool to measure performance and standardize service levels.
10. With respect to local accountability and governance (Government Code §56430(a)(9)), the Commission determines that:
- a) Each of the five local agencies providing fire protection services in Napa County are governed by elected officials that are accountable to their jurisdictional constituents.
  - b) The administration and staff of the five local agencies providing fire protection services in Napa County demonstrate a commitment to public outreach and communication. These efforts facilitate local accountability and participation in local governance.



**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>

**MEMORANDUM**

February 5, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer 

**SUBJECT:** *Comprehensive Study of Fire Protection Services*

The Commission will review comments received from the City of Calistoga regarding the draft written determinations that were prepared by staff as part of the municipal service review portion of the study.

---

As part of the municipal service review portion of the *Comprehensive Study of Fire Protection Services*, staff prepared and presented draft written determinations at the Commission's December 4, 2006 meeting for discussion. Following the meeting, staff circulated the draft determinations to the five affected local agencies and interested parties for review and comment. Comments were received from Fire Chief Gary Kraus with the City of Calistoga and are summarized below. (Mr. Kraus has since resigned as Calistoga Fire Chief to assume elected office with the City of Calistoga. Mr. Kraus' comments were e-mailed directly to then-Mayor Alexander and copied to LAFCO.)

Comment No. 1:

Mr. Kraus asks why the *Comprehensive Study of Fire Protection Services* does not include a review of the Town of Yountville.

**Staff Response:** As noted on page 1-3 of municipal service review report, the study was organized to examine the five local agencies that have elected to provide fire protection services directly. Yountville does not have a fire department and elects to contract with the County of Napa for all fire protection related services. Staff will evaluate this contractual relationship as part of LAFCO's *Comprehensive Study of the Town of Yountville*, which is scheduled to commence in March 2007.

Comment No. 2:

Mr. Kraus disagrees with the determination made by LAFCO that a governance study should be conducted to evaluate alternate government structure options involving the volunteer-based operations of the City of Calistoga and the City of St. Helena. Mr. Kraus notes that current services are operating efficiently and effectively and that an outside effort to consolidate these agencies could be contentious.

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

**Staff Response:** Staff agrees with Mr. Kraus that the fire protection services of the Cities of Calistoga and St. Helena are being provided effectively and efficiently. The determination to conduct a governance study as an informational tool is drawn from LAFCO's mandate under California Government Code to plan for the present and future needs of the community and is in response to changing demographics that will increasingly challenge both agencies to recruit and retain a sufficient number of volunteers to maintain current service levels in the future.

Comment No. 3:

Mr. Kraus notes that the determination made by LAFCO stating that local agencies should request and, if necessary, receive approval to provide new or extended fire protection services under Government Code §56133 would create an additional and unnecessary layer of bureaucracy.

**Staff Response:** Government Code §56133 was enacted in 1994 to require that all local agencies receive approval from LAFCO before providing new or extended services by contract or agreement outside their jurisdictional boundaries. This section does provide an exemption for contracts or agreements that involve two or more agencies where the services to be provided are alternatives or substitutes for services already being provided by an existing agency, and it is determined that the alternate or substitute service is consistent with existing service provision to the affected area. Staff presumes that the majority, if not all, of the agreements or contracts between local agencies to provide new or extended fire protection services outside their boundaries would qualify for this exemption. Nonetheless, LAFCO should still be notified and provided an opportunity to comment on the application of G.C. §56133 if and when an agency seeks to serve outside its jurisdictional boundary.

Comment No. 4:

Mr. Kraus notes that LAFCO does not address the future relationship between the California Department of Forestry and Fire Protection (CDF) and the County of Napa with respect to the possibility that the State may seek additional funding to provide fire protection services. Mr. Kraus suggests that LAFCO consider encouraging the County to evaluate its service alternatives.

**Staff Response:** The County's current agreement for fire protection services from CDF was signed in 2004 and provides for automatic one-year extensions. The costs of services provided by CDF are determined annually based upon a mutually accepted format. This arrangement for fire protection services appears to provide adequate controls for both CDF and the County to adjust the cost and level of service to reflect each agency's needs and preferences.

**Simonds, Keene**

**From:** Simonds, Keene  
**Sent:** Monday, December 04, 2006 12:07 PM  
**To:** 'Gary Kraus'  
**Subject:** RE: Dec. 4 LAFCO Meeting

Thanks Chief – all very good comments that I will work on addressing during the public review period for the study. I will follow up with you soon.

Keene

---

**From:** Gary Kraus [mailto:GKraus@ci.calistoga.ca.us]  
**Sent:** Monday, December 04, 2006 11:48 AM  
**To:** Simonds, Keene  
**Subject:** FW: Dec. 4 LAFCO Meeting

-----Original Message-----

**From:** Gary Kraus  
**Sent:** Sunday, December 03, 2006 2:35 PM  
**To:** Andrew Alexander  
**Subject:** Dec. 4 LAFCO Meeting

Dr. Alexander,  
I offer these comments with respect to the Fire Protection Study, Supplemental Report Draft Written Determinations

- Why is Yountville completely left out of the report? Cannot their stats be broken out by CDF? I bet they can, but for some reason they chosen not to.
- On page 5, c) the suggestion is made that a study should be undertaken to consider what might be construed as consolidation of Calistoga and St. Helena and 2) Napa County. I believe such an undertaking would be foolish at this time for several reasons. 1) The fire services are currently operating fairly efficiently and should do so into the future, it could well be that by the time such a consolidation might be needed, a study undertaken today, would likely be out of date. 2) St. Helena and Calistoga and CDF are geographically miles apart, making it unlikely that consolidation would result in any significant savings such as equipment or stations. 3) Issues such as consolidations are potentially contentious, especially when spearheaded by an outside agency such as LAFCO. All of the successful consolidations that I am aware of (including the ones I have been personally involved with) have sprung from the agencies themselves. I can think of two, Covina/West Covina that was dissolved after a few years, as was the Chino/San Bernardino Co. merger both were costly mistakes, supported by a study.
- Also on page 5, d) It suggests that LAFCO approve any external extension of services. This could easily interfere with the implementation of Mutual Aid Pacts such as the one we recently implemented with Sonoma County for assistance to Mountain FD. Why require an additional layer of bureaucracy in matters of public safety?
- The Draft is silent with regard to the future of CDF's role with the County. Given the State's ongoing multi billion dollar structural deficit it is inevitable that at some point the State will seek full cost reimbursement for their service to local agencies. Tulare County has recently formed their own County Dept., rather than continue with CDF. Riverside Co. continued their contract, but may not renew when it comes up in a few years. If LAFCO really wanted to be pro-active they should encourage the County to look into alternatives to a CDF/County FD.

If you like I am available at home [REDACTED] or via cell [REDACTED] is you would liketo further discuss this matter.

Gary Kraus,

1/4/2007



**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>

**MEMORANDUM**

February 5, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT:** *Comprehensive Study of Fire Protection Services*

The Commission will review comments received from the City of Calistoga regarding the draft written determinations that were prepared by staff as part of the municipal service review portion of the study.

As part of the municipal service review portion of the *Comprehensive Study of Fire Protection Services*, staff prepared and presented draft written determinations at the Commission's December 4, 2006 meeting for discussion. Following the meeting, staff circulated the draft determinations to the five affected local agencies and interested parties for review and comment. Comments were received from Fire Chief Gary Kraus with the City of Calistoga and are summarized below. (Mr. Kraus has since resigned as Calistoga Fire Chief to assume elected office with the City of Calistoga. Mr. Kraus' comments were e-mailed directly to then-Mayor Alexander and copied to LAFCO.)

Comment No. 1:

Mr. Kraus asks why the *Comprehensive Study of Fire Protection Services* does not include a review of the Town of Yountville.

**Staff Response:** As noted on page 1-3 of municipal service review report, the study was organized to examine the five local agencies that have elected to provide fire protection services directly. Yountville does not have a fire department and elects to contract with the County of Napa for all fire protection related services. Staff will evaluate this contractual relationship as part of LAFCO's *Comprehensive Study of the Town of Yountville*, which is scheduled to commence in March 2007.

Comment No. 2:

Mr. Kraus disagrees with the determination made by LAFCO that a governance study should be conducted to evaluate alternate government structure options involving the volunteer-based operations of the City of Calistoga and the City of St. Helena. Mr. Kraus notes that current services are operating efficiently and effectively and that an outside effort to consolidate these agencies could be contentious.

Jack Gingles, Chair  
 Mayor, City of Calistoga

Cindy Coffey, Commissioner  
 Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
 Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
 Representative of the General Public

Keene Simonds  
 Executive Officer

**Staff Response:** Staff agrees with Mr. Kraus that the fire protection services of the Cities of Calistoga and St. Helena are being provided effectively and efficiently. The determination to conduct a governance study as an informational tool is drawn from LAFCO's mandate under California Government Code to plan for the present and future needs of the community and is in response to changing demographics that will increasingly challenge both agencies to recruit and retain a sufficient number of volunteers to maintain current service levels in the future.

Comment No. 3:

Mr. Kraus notes that the determination made by LAFCO stating that local agencies should request and, if necessary, receive approval to provide new or extended fire protection services under Government Code §56133 would create an additional and unnecessary layer of bureaucracy.

**Staff Response:** Government Code §56133 was enacted in 1994 to require that all local agencies receive approval from LAFCO before providing new or extended services by contract or agreement outside their jurisdictional boundaries. This section does provide an exemption for contracts or agreements that involve two or more agencies where the services to be provided are alternatives or substitutes for services already being provided by an existing agency, and it is determined that the alternate or substitute service is consistent with existing service provision to the affected area. Staff presumes that the majority, if not all, of the agreements or contracts between local agencies to provide new or extended fire protection services outside their boundaries would qualify for this exemption. Nonetheless, LAFCO should still be notified and provided an opportunity to comment on the application of G.C. §56133 if and when an agency seeks to serve outside its jurisdictional boundary.

Comment No. 4:

Mr. Kraus notes that LAFCO does not address the future relationship between the California Department of Forestry and Fire Protection (CDF) and the County of Napa with respect to the possibility that the State may seek additional funding to provide fire protection services. Mr. Kraus suggests that LAFCO consider encouraging the County to evaluate its service alternatives.

**Staff Response:** The County's current agreement for fire protection services from CDF was signed in 2004 and provides for automatic one-year extensions. The costs of services provided by CDF are determined annually based upon a mutually accepted format. This arrangement for fire protection services appears to provide adequate controls for both CDF and the County to adjust the cost and level of service to reflect each agency's needs and preferences.



**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>

**February 5, 2007**  
**Agenda Item No. 7c**

January 29, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT:** *Comprehensive Study of the Napa County Resource Conservation District (Action)*

The Commission will receive two reports as part of its municipal service review and sphere of influence review for the Napa County Resource Conservation District. The Commission will consider resolutions adopting the determinations and statements included in both reports pursuant to California Government Codes §56340 and §56425.

---

In 2001, California Government Code was amended as part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to require Local Agency Formation Commissions (LAFCOs) to review and update, as necessary, each local agency's sphere of influence every five years. This legislation also requires that LAFCOs conduct municipal service reviews in conjunction with the sphere reviews of local agencies to determine the adequacy of the governmental services that are being provided in the region. The collective purpose of these reviews is to inform and guide LAFCOs in their legislative mandate to plan and coordinate the orderly development of local agencies in a manner that provides for the present and future needs of the community.

**Discussion**

In May 2006, LAFCO of Napa County initiated its *Comprehensive Study of the Napa County Resource Conservation District*. The initial phase of the study was prepared by P&D Consultants and consisted of a municipal service review report evaluating the development, organization, and services of the District. Following a public review period, a final report was presented to the Commission at its December 4, 2006 meeting to receive and file.

Drawing from the report by P&D Consultants, staff has prepared the final two phases of the study, which include the development of written determinations and the sphere review of the District. Both phases are provided as separate attachments and include statements that address the service and planning factors the Commission is required to consider as part of its service review and sphere review mandates under California Government Codes §56430 and §56425, respectively. Draft resolutions adopting these

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

statements are attached and offered for the Commission's consideration and approval. The adoption of these resolutions would complete the study and fulfill the Commission's service review and sphere review requirement for the District.

### **Recommendation**

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

1. Receive and file the attached staff reports that have prepared as part of the *Comprehensive Study of the Napa Resource Conservation District*; and
2. Approve the form for the attached resolution with any desired changes that make statements with respect to the Napa County Resource Conservation District pursuant to California Government Code §56430, and
3. Approve the form for the attached resolution with any desire changes that make statements with respect to affirming the sphere of influence for the Napa County Resource Conservation District pursuant to California Government Code §56425; and
4. Direct staff to work with the Napa County Resource Conservation District and other affected agencies to determine if the extension of the District's sphere is warranted to promote and enhance regional conservation services.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

#### Attachments:

- 1) *Comprehensive Study of the Napa County Resource Conservation District* - Supplement Report: Final Written Determinations
- 2) *Comprehensive Study of the Napa County Resource Conservation District* - Sphere of Influence Review: Final Report
- 3) *Comprehensive Study of the Napa County Resource Conservation District* – Draft Resolution (MSR)
- 4) *Comprehensive Study of the Napa County Resource Conservation District* – Draft Resolution (SOI)



**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>

**February 5, 2007**  
**Agenda Item No. 7c**

January 29, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT:** *Comprehensive Study of the Napa County Resource Conservation District Supplemental Report – Final Written Determinations*

The Commission will review final written determinations that have been prepared by staff as part of the municipal service review portion of the *Comprehensive Study of the Napa County Resource Conservation District*. These determinations make statements that address the nine service factors the Commission is required to consider as part of its service review mandate and are being presented for adoption as part of a separate draft resolution.

---

Staff has prepared final written determinations as part of the municipal service review portion of the *Comprehensive Study of the Napa County Resource Conservation District*. These determinations draw on information collected as part of an earlier report prepared by P&D Consultants and make statements addressing the nine service factors the Commission is required to consider as part of its service review mandate for the District. These determinations were first presented to the Commission in draft-form at its December 4, 2006 meeting and then circulated to the District and interested parties for review. No comments were received and no changes to the determinations have been made.

Final written determinations are provided below and are being presented to the Commission for consideration and adoption as part of a separate draft resolution. The adoption of written determinations will fulfill the Commission's service review mandate for the District under California Government Code §56430.

**WRITTEN DETERMINATIONS:**

Infrastructure Needs or Deficiencies (Government Code §56430(a)(1)):

- a) The Napa County Resource Conservation District does not own or maintain substantial infrastructure or equipment. The District relies on staff resources to deliver information and technical assistance to private landowners, organizations, and local jurisdictions involving its conservation services.

---

Jack Gingles, Chair  
 Mayor, City of Calistoga

Cindy Coffey, Commissioner  
 Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
 Councilmember, City of Napa

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

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

Mark Luce, Alt. Commissioner  
 County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner  
 Representative of the General Public

Vacant, Alternate Commissioner  
 Representative of the General Public

Keene Simonds  
 Executive Officer

- b) The Napa County Resource Conservation District has made a measurable investment in staff over the last 20 years. The increase in staff corresponds with the District's decision to expand the scope of its conservation services to address watershed and urban resource management issues.

Growth and Population Projections (Government Code §56430(a)(2)):

- a) The Napa County Resource Conservation District's jurisdictional boundary includes most of Napa County with the exception of an approximate 1,500 acre inhabited portion of the City of Napa. While specific population projections are not available, all 134,100 people currently estimated by the Association of Bay Area Governments to reside in Napa County benefit from the District's conservation services.
- b) The Association of Bay Area Governments projects an annual population growth rate for Napa County of 0.6 percent over the next 20 years. Although limited, this projected growth rate will contribute to the intensification of land uses and result in the continued demand for conservation services in Napa County.
- c) It is the policy of the County of Napa to direct urban development to the incorporated areas and to preserve surrounding lands for agricultural and open-space uses through restrictive zoning standards. This policy is reflected in the land use policies of the five incorporated cities and helps to ensure that agriculture and open-space remain predominant land uses within the jurisdictional boundary of the Napa County Resource Conservation District.

Financing Constraints and Opportunities (Government Code §56430(a)(3)):

- a) The Napa County Resource Conservation District is primarily funded by intergovernmental revenues, including contracts and grants. The dependency on contracts and grants to fund its conservation services makes the District financially reliant on revenue streams that are subject to external constraints.
- b) The Napa County Resource Conservation District serves as an instrument in securing federal and state grants that would not be otherwise available to fund conservation services in Napa County.
- c) In response to the loss of property tax revenue created by Proposition 13, the Napa County Resource Conservation District has been successful in developing alternative revenue streams to fund and expand its conservation services.

Cost Avoidance Opportunities (Government Code §56430(a)(4)):

- a) Through careful management of its contractual arrangements and grant rewards, the Napa County Resource Conservation District makes a concerted effort to avoid unnecessary expenditures.
- b) The Napa County Resource Conservation District is governed by volunteer board members that are appointed by the County of Napa Board of Supervisors. This appointment process achieves savings for the District by avoiding election costs.

Opportunities for Rate Restructuring (Government Code §56430(a)(5)):

- a) The Napa County Resource Conservation District has developed a fee schedule for the purchase of its maps and publications. The District reviews this fee schedule on a regular basis to ensure that the rates adequately recover its production costs.
- b) The Napa County Resource Conservation District is authorized under its principal act to charge fees for its conservation services. The District should consider establishing a fee schedule that helps to recover its service costs in a manner that does not discourage the public from participating in its conservation programs.

Opportunities for Shared Facilities (Government Code §56430(a)(6)):

- a) The Napa County Resource Conservation District maintains a long-standing partnership with the United States Department of Agriculture's Natural Resources Conservation Service. This partnership, which includes the sharing of office space, equipment, and staff resources, is formalized through a memorandum of understanding and helps to coordinate and enhance local conservation activities.
- b) The Napa County Resource Conservation District works with local agencies, citizens, and organizations on a variety watershed protection and flood prevention projects in Napa County. These projects range from monitoring stream flows to organizing volunteer stewardship groups and help to connect private and public interests to serve common conservation goals.

Government Structure Options (Government Code §56430(a)(7)):

- a) The Napa County Resource Conservation District is the only public agency authorized to provide a full range of soil and water conservation services within its jurisdictional boundary. The conservation services provided by the District are important in restoring and protecting the community's natural resources.

Evaluation of Management Efficiencies (Government Code §56430(a)(8)):

- a) Services for the Napa County Resource Conservation District are guided by adopted annual and long-range work plans that establish conservation goals and objectives. These work plans serve as effective performance measures and encourage management efficiencies by prioritizing District resources in a transparent manner.
- b) The Napa County Resource Conservation District provides a summary of past and projected revenues and expenditures as part of its annual budget. The budget is adopted following a publicly noticed board meeting in which members of the public are allowed to comment and offer suggestions with respect to District expenditures. This budget process establishes efficiencies by providing a clear directive towards staff with respect to prioritizing the resources of the District.

Local Accountability and Governance (Government Code §56430(a)(9)):

- a) The Napa County Resource Conservation District is governed by seven regular and seven associate board members that are appointed by and accountable to the County of Napa Board of Supervisors.
- b) Meetings of the Napa County Resource Conservation District are conducted once a month and are open to the public. These meetings provide an opportunity for District constituents to ask questions of their appointed representatives and help to ensure that service information is being effectively communicated to the public.
- c) The Napa County Resource Conservation District makes concerted efforts to maintain public dialogue with its constituents through various educational and stewardship programs. These efforts foster greater conservation awareness and contribute towards public involvement in District activities.
- d) A long-term challenge for the Napa County Resource Conservation District is securing grants that support and extend local conservation services that are responsive to the needs of the community.

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

**COMPREHENSIVE STUDY OF THE NAPA COUNTY RESOURCE  
CONSERVATION DISTRICT**

**SPHERE OF INFLUENCE REVIEW**

**February 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  
Brad Wagenknecht, Vice-Chair  
Cindy Coffey, Commissioner  
Bill Dodd, Commissioner  
Brian J. Kelly, Commissioner  
Juliana Inman, Alternate Commissioner  
Mark Luce, Alternate Commissioner

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



**This page has been left intentionally blank**

## INTRODUCTION

Established in 1963, Local Agency Formation Commissions (LAFCOs) are responsible for administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Sections 56000 et. seq.). This legislation empowers LAFCOs with regulatory and planning responsibilities to encourage the orderly formation and development of local agencies in a manner that preserves agricultural and open-space lands and promotes the efficient extension of governmental services. Principal duties include regulating 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 goals and objectives. LAFCOs are located in all 58 counties in California.

Among LAFCO's primary planning responsibilities is the designation of a sphere of influence 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 particular area will likely require the services provided by the subject agency. The sphere designation also indicates the agency LAFCO believes to be best situated to serve the subject area. LAFCO is required to review each agency's sphere every five years.

California Government Code §56425(e) directs LAFCO to consider and prepare written statements that address four planning factors when establishing, amending, or updating an agency's sphere. 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.

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

- Require the existing 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.

---

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

Beginning in 2001, to help inform the sphere review process, LAFCO is responsible for preparing a service review. A service review can take on many different forms, including a review of a single agency, or a review of several agencies that provide a similar municipal service. The service review culminates in the preparation of written determinations that address nine specific service factors enumerated under California Government Code §56430. These determinations, which address factors ranging from infrastructure needs or deficiencies to government structure options, must be approved by the Commission in order to prepare an update to an agency's sphere.

### **Comprehensive Study of the Napa County Resource Conservation District**

In May 2006, LAFCO of Napa County initiated its *Comprehensive Study of the Napa County Resource Conservation District*. The study comprises three distinct phases. The first two phases represent the service review portion of the study. These two phases included a description and evaluation of the services provided by the District along with the development of written determinations addressing the nine service factors enumerated under California Government Code §56430. This report represents the sphere review and is the final phase of the study

**OVERVIEW**

The Napa County Resource Conservation District (NCRCD) was formed in 1945 to provide soil and water conservation services to farmers and ranchers in Napa County. Since its formation, NCRCD has gradually expanded the scope of its conservation services to benefit both non-urban and urban areas. This expansion has included working with citizens, organizations, and local agencies in developing and managing viticulture and watershed projects as well as facilitating volunteer stewardship programs. The majority of NCRCD’s services are provided in partnership with the United States Department of Agriculture’s Natural Resource Conservation Service. This partnership, which includes the sharing of office space, equipment, and staff resources, is formalized through a memorandum of understanding and helps to coordinate and enhance local conservation activities.

NCRCD is governed by an independent board of directors that includes seven regular and seven alternate members that are appointed by the Napa County Board of Supervisors. NCRCD staff includes technical specialists with expertise in a variety of areas, including hydrology and erosion control. NCRCD’s adopted budget over the past three fiscal years has averaged close to \$1.5 million, with the majority of its revenues drawn from intergovernmental grants and contracts.

Napa County Resource Conservation District	
Date Formed	1945
District Type:	Independent
Enabling Legislation	Public Resources Code 9151-9978
Services Provided	Resource Conservation

**Adoption of Sphere of Influence**

NCRCD’s sphere was established by LAFCO in 1985. The sphere was designated to include all incorporated and unincorporated lands in Napa County as well as approximately 2,070 acres in Solano County, which was annexed into NCRCD in 1952.<sup>2</sup> There have been no changes to the sphere since its adoption.

**Adopted Boundaries and Land Use Authorities**

NCRCD’s sphere encompasses approximately 507,489 total acres. Of this amount, approximately 1,300 contiguous acres are located outside NCRCD’s jurisdictional boundary.<sup>3</sup> This portion of the sphere represents the City of Napa’s incorporated boundary as of 1945, which was excluded from NCRCD at the time of its formation. A map depicting NCRCD’s current boundaries is provided at the end of this report.

Napa County Resource Conservation District: Adopted Boundaries (Source: County of Napa Geographic Information System: January 2007)	
Sphere of Influence	Jurisdiction
507,489 acres	506,189 acres

<sup>2</sup> This area is known as “Cullinan Ranch” and is comprised of tidal wetlands that provide habitat for a number of native fish, plants, and wildlife species

<sup>3</sup> Approximation calculated using the County of Napa’s Geographic Information System.

NCRCD operates under the land use authorities of seven local jurisdictions. These jurisdictions include the Counties of Napa and Solano, Cities of American Canyon, Calistoga, Napa, St. Helena, and the Town of Yountville. In addition, the federal government owns a substantial portion of unincorporated land in northeast Napa County, including the shoreline of Lake Berryessa. The State of California also owns a substantial portion of unincorporated wetlands in south Napa County. These lands are not subject to local land use policies.

## **DISCUSSION**

The objective of this report is to identify and evaluate areas that warrant consideration for inclusion or removal from NCRCD's sphere as part of a comprehensive review. Underlying this effort is to designate the sphere in a manner that promotes the effective and efficient provision of conservation services in and around Napa County.

## **ANALYSIS**

The analysis conducted as part of the service review portion of this study identifies that NCRCD is providing an adequate and effective level of conservation services within its jurisdictional boundary. These conservation services have been instrumental in enhancing and restoring natural resources for the benefit of both rural and urban areas and have contributed to the preservation of local agricultural and open-space lands. NCRCD has developed sufficient capacities and funding streams to continue to provide an effective level of conservation services within its existing sphere.

LAFCO recognizes that it may be appropriate to extend NCRCD's sphere to include additional lands that are outside its current jurisdictional boundary. Specific areas where the extension of NCRCD's sphere may be appropriate include lands that serve as drainage basins to and from Napa County that are not currently served by another resource conservation district. Additional information is needed to determine whether the extension of the sphere is warranted.

## **RECOMMENDATION**

It is recommended that the Commission affirm NCRCD's existing sphere, which includes all incorporated and unincorporated lands in Napa County as well as the Cullinan Ranch area in Solano County. It is also recommended that the Commission direct staff to work with NCRCD and other affected agencies to determine if the extension of the District's sphere is warranted to promote and enhance regional conservation services.

## Statement of Determinations

Pursuant to California Government Code §56425(d), the following statements have been prepared in support of the recommendation to affirm NCRCD's existing sphere:

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

The present and future land uses in the area are planned for in the general plans prepared by the seven land use authorities whose jurisdictions overlap the jurisdictional boundary of the Napa County Resource Conservation District. The exercise of the District's conservation services, which benefit both urban and non-urban areas, will not affect the level or type of development identified in the general plans of the land use authorities.

2. The present and probable need for public facilities and services in the area.

The provision of conservation services helps to ensure the protection and restoration of natural resources, which are essential to the social, fiscal, and economical well-being of the area.

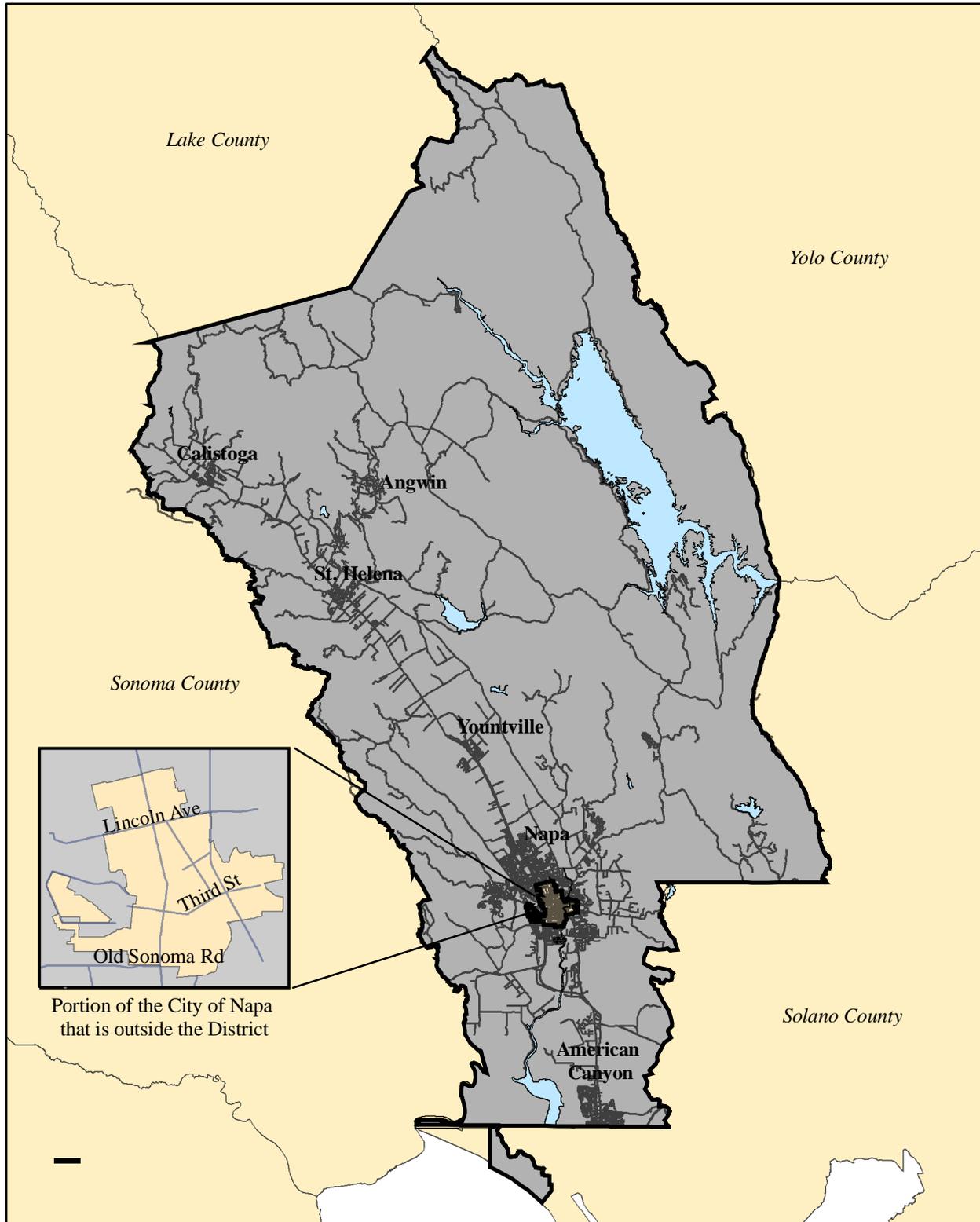
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

The Napa County Resource Conservation District has developed policies, service plans, and revenue streams to provide adequate and effective conservation services for the area.

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

The social and economic well-being of the area is measurably enhanced by the conservation services provided by the Napa County Resource Conservation District.

# Napa County Resource Conservation District



## Legend

-  Napa County Resource Conservation District
-  Napa County Resource Conservation District Sphere of Influence



*Not to Scale  
January 2007  
Prepared by KS*



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

**RESOLUTION NO. \_\_\_\_****RESOLUTION OF  
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MAKING DETERMINATIONS****COMPREHENSIVE STUDY OF THE NAPA COUNTY RESOURCE CONSERVATION DISTRICT  
MUNICIPAL SERVICE REVIEW**

**WHEREAS**, the Local Agency Formation Commission of Napa County (hereinafter referred to as “the Commission”) may conduct municipal service reviews of local agencies pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq., hereinafter referred to as “Act”); and

**WHEREAS**, the Commission adopted a schedule for service reviews on October 11, 2001; and

**WHEREAS**, pursuant to Government Code Section 56430, the Executive Officer designated a municipal service review of the Napa County Resource Conservation District; and

**WHEREAS**, the geographic area of this municipal service review includes all lands within the existing jurisdictional boundary of the Napa County Resource Conservation District; and

**WHEREAS**, pursuant to its adopted schedule, the Commission held an initial public meeting on the “Comprehensive Study of the Napa County Resource Conservation District” on October 2, 2006; and

**WHEREAS**, the Executive Officer prepared a written report of this municipal service review that was presented to the Commission in the manner provided by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at its public meetings concerning the “Comprehensive Study of the Napa County Resource Conservation District” on October 2, 2006, December 4, 2006, and February 5, 2007; and

**WHEREAS**, as part of this municipal service review, the Commission is required pursuant to Government Code Section 56430(a) to make a statement of written determinations with regards to certain factors.

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

**COMPREHENSIVE STUDY OF THE NAPA COUNTY RESOURCE CONSERVATION DISTRICT  
MUNICIPAL SERVICE REVIEW**

1. In accordance with the adopted Local Agency Formation Commission Environmental Impact Report Guidelines, and applicable provisions of the California Environmental Quality Act (CEQA), the Commission hereby determines that this municipal service review is exempt from the provisions of CEQA under Section 15306 of the State CEQA Guidelines (Title 14 of the California Code of Regulations Section 15306). The municipal service review is a data collection and research study. The information contained within the municipal service review may be used to consider future actions that will be subject to environmental review.
  
2. The Commission adopts the statement of determinations set forth in "Exhibit A" which is attached and hereby incorporated by reference.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of Napa County, State of California, at a regular meeting held on the 5<sup>th</sup> day of February, 2007, by the following vote:

AYES:           Commissioners           \_\_\_\_\_

NOES:           Commissioners           \_\_\_\_\_

ABSENT:        Commissioners           \_\_\_\_\_

ABSTAIN:       Commissioners           \_\_\_\_\_

ATTEST:        Keene Simonds  
                  Executive Officer

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

## **EXHIBIT A**

### **COMPREHENSIVE STUDY OF THE NAPA COUNTY RESOURCE CONSERVATION DISTRICT MUNICIPAL SERVICE REVIEW**

#### **STATEMENT OF DETERMINATIONS**

1. With respect to infrastructure needs or deficiencies [Government Code §56430(a) (1)], the Commission determines that:
  - a) The Napa County Resource Conservation District does not own or maintain substantial infrastructure or equipment. The District relies on staff resources to deliver information and technical assistance to private landowners, organizations, and local jurisdictions involving its conservation services.
  - b) The Napa County Resource Conservation District has made a measurable investment in staff over the last 20 years. The increase in staff corresponds with the District's decision to expand the scope of its conservation services to address watershed and urban resource management issues.
  
2. With respect to growth and population projections for the affected area [Government Code §56430(a) (2)], the Commission determines that:
  - a) The Napa County Resource Conservation District's jurisdictional boundary includes most of Napa County with the exception of an approximate 1,500 acre inhabited portion of the City of Napa. While specific population projections are not available, all 134,100 people currently estimated by the Association of Bay Area Governments to reside in Napa County benefit from the District's conservation services.
  - b) The Association of Bay Area Governments projects an annual population growth rate for Napa County of 0.6 percent over the next 20 years. Although limited, this projected growth rate will contribute to the intensification of land uses and result in the continued demand for conservation services in Napa County.
  - c) It is the policy of the County of Napa to direct urban development to the incorporated areas and to preserve surrounding lands for agricultural and open-space uses through restrictive zoning standards. This policy is reflected in the land use policies of the five incorporated cities and helps to ensure that agriculture and open-space remain predominant land uses within the jurisdictional boundary of the Napa County Resource Conservation District.
  
3. With respect to financing constraints and opportunities [Government Code §56430(a) (3)], the Commission determines that:

Exhibit A

- a) The Napa County Resource Conservation District is primarily funded by intergovernmental revenues, including contracts and grants. The dependency on contracts and grants to fund its conservation services makes the District financially reliant on revenue streams that are subject to external constraints.
  - b) The Napa County Resource Conservation District serves as an instrument in securing federal and state grants that would not be otherwise available to fund conservation services in Napa County.
  - c) In response to the loss of property tax revenue created by Proposition 13, the Napa County Resource Conservation District has been successful in developing alternative revenue streams to fund and expand its conservation services.
4. With respect to cost avoidance opportunities [Government Code §56430(a) (4)], the Commission determines that:
- a) Through careful management of its contractual arrangements and grant rewards, the Napa County Resource Conservation District makes a concerted effort to avoid unnecessary expenditures.
  - b) The Napa County Resource Conservation District is governed by volunteer board members that are appointed by the County of Napa Board of Supervisors. This appointment process achieves savings for the District by avoiding election costs.
5. With respect to opportunities for rate restructuring [Government Code §56430(a) (5)], the Commission determines that:
- a) The Napa County Resource Conservation District has developed a fee schedule for the purchase of its maps and publications. The District reviews this fee schedule on a regular basis to ensure that the rates adequately recover its production costs.
  - b) The Napa County Resource Conservation District is authorized under its principal act to charge fees for its conservation services. The District should consider establishing a fee schedule that helps to recover its service costs in a manner that does not discourage the public from participating in its conservation programs.

Exhibit A

6. With respect to opportunities for shared facilities [Government Code §56430(a) (6)], the Commission determines that:
  - a) The Napa County Resource Conservation District maintains a long-standing partnership with the United States Department of Agriculture's Natural Resources Conservation Service. This partnership, which includes the sharing of office space, equipment, and staff resources, is formalized through a memorandum of understanding and helps to coordinate and enhance local conservation activities.
  - b) The Napa County Resource Conservation District works with local agencies, citizens, and organizations on a variety watershed protection and flood prevention projects in Napa County. These projects range from monitoring stream flows to organizing volunteer stewardship groups and help to connect private and public interests to serve common conservation goals.
  
7. With respect to government structure options, including advantages and disadvantages of consolidation or reorganization of service providers [Government Code §56430(a) (7)], the Commission determines that:
  - a) The Napa County Resource Conservation District is the only public agency authorized to provide a full range of soil and water conservation services within its jurisdictional boundary. The conservation services provided by the District are important in restoring and protecting the community's natural resources.
  
8. With respect to evaluation of management efficiencies [Government Code §56430(a) (8)], the Commission determines that:
  - a) Services for the Napa County Resource Conservation District are guided by adopted annual and long-range work plans that establish conservation goals and objectives. These work plans serve as effective performance measures and encourage management efficiencies by prioritizing District resources in a transparent manner.
  - b) The Napa County Resource Conservation District provides a summary of past and projected revenues and expenditures as part of its annual budget. The budget is adopted following a publicly noticed board meeting in which members of the public are allowed to comment and offer suggestions with respect to District expenditures. This budget process establishes efficiencies by providing a clear directive towards staff with respect to prioritizing the resources of the District.

Exhibit A

9. With respect to local accountability and governance [Government Code §56430(a) (9)], the Commission determines that:
  - a) The Napa County Resource Conservation District is governed by seven regular and seven associate board members that are appointed by and accountable to the County of Napa Board of Supervisors.
  - b) Meetings of the Napa County Resource Conservation District are conducted once a month and are open to the public. These meetings provide an opportunity for District constituents to ask questions of their appointed representatives and help to ensure that service information is being effectively communicated to the public.
  - c) The Napa County Resource Conservation District makes concerted efforts to maintain public dialogue with its constituents through various educational and stewardship programs. These efforts foster greater conservation awareness and contribute towards public involvement in District activities.
  - d) A long-term challenge for the Napa County Resource Conservation District is securing grants that support and extend local conservation services that are responsive to the needs of the community.

**RESOLUTION NO. \_\_\_\_****RESOLUTION OF THE  
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MAKING DETERMINATIONS****COMPREHENSIVE STUDY OF THE NAPA COUNTY RESOURCE CONSERVATION DISTRICT  
SPHERE OF INFLUENCE UPDATE**

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

**WHEREAS**, the Executive Officer of the Commission, hereinafter referred to as “the Executive Officer”, prepared a review of the sphere of influence of the Napa County Resource Conservation District pursuant to said schedule and Title 5, Division 3, commencing with Section 56000 of the California Government Code; and

**WHEREAS**, the Executive Officer prepared a written report of this review, including his recommendation to affirm the existing sphere of influence; and

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

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a public meeting held on February 5<sup>th</sup>, 2007; and

**WHEREAS**, the Commission considered all the factors required by law under Section 56425 of the California Government Code.

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

1. The Commission hereby determines that an action to affirm an agency’s existing sphere of influence qualifies for a general exemption from the requirements of the California Environmental Quality Act (CEQA). Approval to affirm an existing sphere of influence will not result in any land use changes or physical impacts to the environment. This proposal qualifies for a general exemption under CEQA because there is no possibility that it will adversely affect the environment [CEQA Guidelines, Section 15601(b)(3)].
2. The proposal to affirm the existing sphere of influence for the Napa County Resource Conservation District is APPROVED.

3. This sphere of influence update is assigned the following distinctive short-term designation:

**NAPA COUNTY RESOURCE CONSERVATION DISTRICT  
SPHERE OF INFLUENCE UPDATE**

4. The sphere of influence for the Napa County Resource Conservation District is hereby affirmed to include the affected territory as shown on the attached vicinity map identified as "Exhibit A."
5. Pursuant to Section 56425 of the Government Code, the Commission makes the statements of determinations in the attached "Exhibit B."
6. The effective date of this sphere of influence update shall be final upon the receipt by the Executive Officer of a written statement by the Napa County Resource Conservation District pursuant to Section 56425(h) of the Government Code.
7. The Executive Officer shall revise the official records of the Commission to reflect this change to the sphere of influence.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of the County of Napa, State of California, at a meeting held on the 5th day of February, 2007, by the following vote:

AYES:           Commissioners           \_\_\_\_\_

NOES:           Commissioners           \_\_\_\_\_

ABSENT:        Commissioners           \_\_\_\_\_

ABSTAIN:       Commissioners           \_\_\_\_\_

ATTEST:        Keene Simonds  
                  Executive Officer

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

**EXHIBIT B**  
**STATEMENT OF DETERMINATIONS**

**NAPA COUNTY RESOURCE CONSERVATION DISTRICT**  
**SPHERE OF INFLUENCE UPDATE**

1. With respect to the present and planned land uses in the area, including agricultural and open-space lands, the Commission determines:

The present and future land uses in the area are planned for in the general plans prepared by the seven land use authorities whose jurisdictions overlap the jurisdictional boundary of the Napa County Resource Conservation District. The exercise of the District's conservation services, which benefit both urban and non-urban areas, will not affect the level or type of development identified in the general plans of the land use authorities.

2. With respect to the present and probable need for public facilities and services in the area, the Commission determines:

The provision of conservation services helps to ensure the protection and restoration of natural resources, which are essential to the social, fiscal, and economical well-being of the area.

3. With respect to the present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide, the Commission determines:

The Napa County Resource Conservation District has developed policies, service plans, and revenue streams to provide adequate and effective conservation services for the area.

4. With respect to the existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency, the Commission determines:

The social and economic well-being of the area is measurably enhanced by the conservation services provided by the Napa County Resource Conservation District.



**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>

**February 5, 2007**  
**Agenda Item No. 8a**

January 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: American Canyon Fire Protection District – Sphere of Influence Review (Discussion)**

The Commission will receive a report from staff identifying draft study categories for the sphere of influence review of the American Canyon Fire Protection District. The report is being presented to the Commission for discussion only.

---

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Commission to review each local agency's sphere of influence by January 1, 2008 and every five years thereafter. 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 particular area will likely require the services provided by the subject agency. The sphere designation also indicates the agency LAFCO believes to be best situated to serve the subject area.

**Discussion**

Drawing from the Commission's adopted study schedule, staff has initiated a sphere review of the American Canyon Fire Protection District (ACFPD). ACFPD was established in 1957 and is responsible for providing fire protection and emergency medical services to an approximate 6.0 square mile area that includes all of the City of American Canyon. ACFPD's sphere was established by LAFCO in 1975 and then updated in 1982. In updating the sphere, the Commission emphasized the role of ACFPD as an urban service provider and established a dual annexation policy involving the American Canyon County Water District. This policy was amended to involve the City at the time of its incorporation in 1992.

In preparing the current update, staff has developed four draft study categories that are depicted on the attached map. These draft study categories represent areas that comprise specific boundary line and land use criterion. Three of the four draft study categories represent areas that are located outside the existing ACFPD sphere. These draft study categories are identified as Study Categories "A," "B," and "C" and will be evaluated to

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

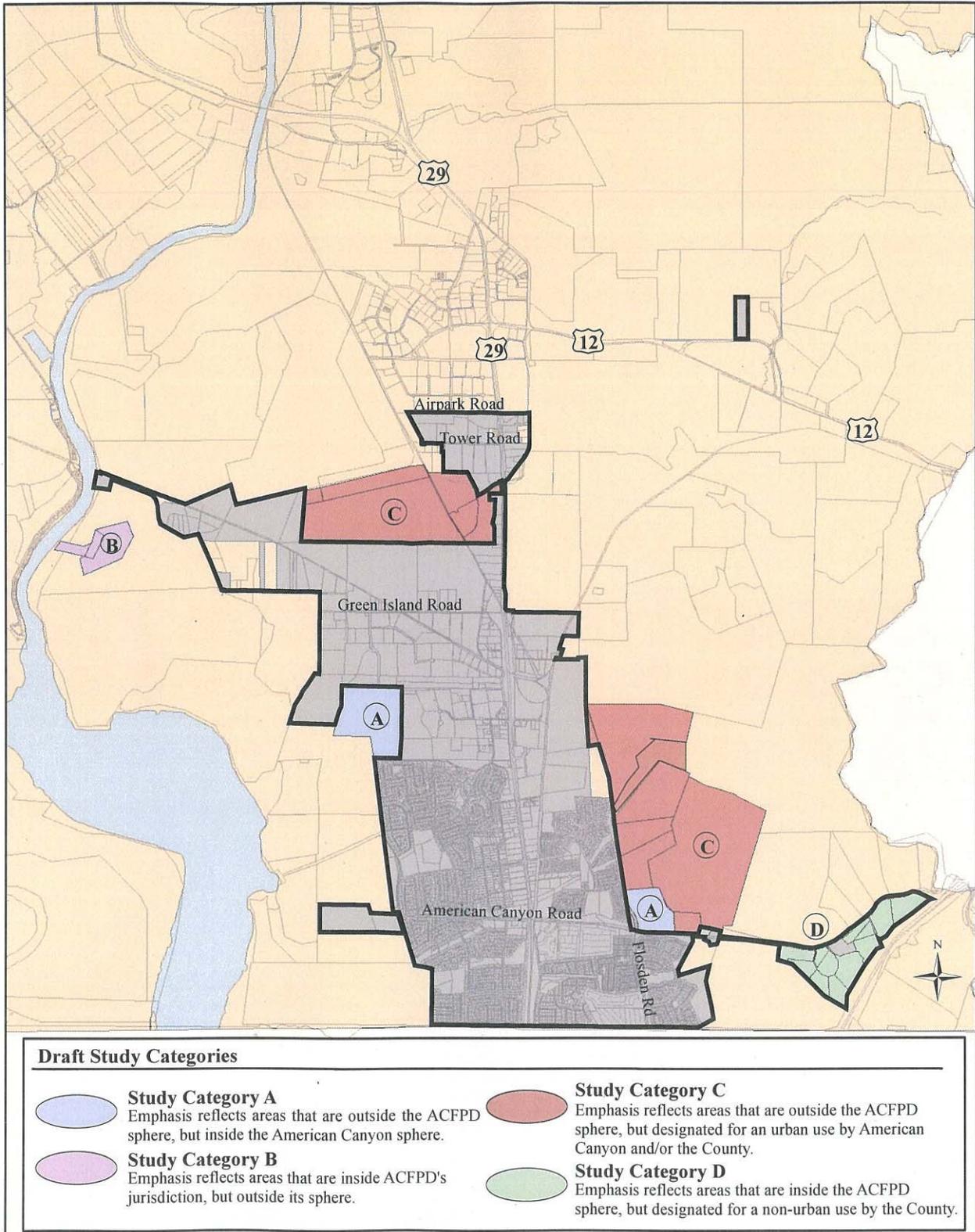
Keene Simonds  
Executive Officer

consider the merits of their inclusion into the sphere. The fourth draft study category, which is identified as Study Category “D,” represents an area already inside the ACFPD sphere, but outside its jurisdictional boundary. This draft study category will be evaluated to consider the merits of its removal from the sphere.

All four of the draft study categories are being presented to the Commission for discussion. The discussion will provide an opportunity for the Commission to ask questions and provide direction to staff with regard to the review process. Staff anticipates presenting a draft report with analyses on potential modifications to the ACFPD sphere at the Commission’s March 5, 2007 meeting.

Attachment: as stated

# American Canyon Fire Protection District



**Legend**

-  American Canyon Fire Protection District
-  American Canyon Fire Protection District Sphere of Influence



*Not to Scale  
January 2007  
Prepared by KS*



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



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

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

**February 5, 2007**  
**Agenda Item No. 8b**

January 26, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Financial Audit for Fiscal Year Ending June 30, 2006 (Discussion)**

The Commission will receive a final audit report on LAFCO from Bartig, Basler & Ray for the fiscal year ending June 30, 2006. The report is being presented to the Commission for discussion and file.

---

In August 2006, the Commission executed an agreement with Bartig, Basler & Ray (BBR) to conduct an independent audit of LAFCO's financial statements for the fiscal year ending June 30, 2006. BBR has completed its audit and has found no material weakness or instances of non-compliance. A copy of BBR's final report is attached for discussion and file.

~~Attachment: as stated~~

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer



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

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

**February 5, 2007**  
**Agenda Item No. 10a**

January 29, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Search for Alternate Public Member (Information)**

The Commission will receive an update from staff regarding the application filing period for the vacant alternate public member position, which has an unexpired term ending May 2008.

---

At its December 4, 2006 meeting, the Commission appointed Brian Kelly to assume Guy Kay's term as regular public member. This appointment has created a vacancy involving the alternate public member position, which has an unexpired term that ends in May 2008. At the direction of the Commission, staff has initiated a search for candidates to fill the current term of the alternative public member position in the manner prescribed in its adopted policies. This has included issuing a press release to local news agencies and placing an announcement in the Napa Valley Register.

The applicant filing period for the vacant alternate public member position closes on Monday, February 19, 2007. A public hearing will be scheduled for the Commission to consider an appointment at its March 5, 2007 meeting.

---

Jack Gingles, Chair  
Mayor, City of Calistoga

Cindy Coffey, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Vacant, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer