



# **LAFCO MEETING AGENDA**

**Monday, June 2, 2008**

**4:00 P.M.**

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

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

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

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

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES**

Minutes of May 5, 2008

**4. PUBLIC COMMENT**

In this time period, anyone may comment to the Commission regarding any subject over which the Commission has jurisdiction, or request consideration to place an item on a future agenda. No comments will be allowed involving any subject matter that is scheduled for hearing 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 ITEMS**

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

**a) Adoption of Regular Meeting Calendar for July 2008 through December 2008 (Action)**

The Commission will consider approving a regular meeting calendar for the second half of 2008. Recommended meetings dates are August 4<sup>th</sup>, October 6<sup>th</sup>, November 3<sup>rd</sup>, and December 1<sup>st</sup>.

**b) Second Amendment to Support Services Agreement with the County of Napa (Action)**

The Commission will consider rescinding its action approving the Second Amendment to its support services agreement with the County of Napa, effective September 1, 2008. The Commission will further consider approving the Second Amendment, effective date of July 1, 2008.

**6. PUBLIC HEARING ITEMS**

**a) Adoption of Final Budget for Fiscal Year 2008-2009**

The Commission will consider a final budget from the 2008-2009 Budget Committee projecting an overall increase in operating costs of 18.3% (\$85,496). It is recommended that the Commission carry-forward \$55,000 in unexpended revenues into 2008-2009 to help offset the proposed increase.

**b) Amendments to Adopted Fee Schedule**

The Commission will consider amendments to its adopted fee schedule to include increasing the hourly staff rate from \$90 to \$97 and adding a new provision to charge an at-cost fee for using alternate legal counsel.

**7. COMMISSION ACTION ITEMS**

None

**8. COMMISSION DISCUSSION ITEMS**

**a) Comprehensive Study of Public Cemetery Districts**

The Commission will receive a report representing its schedule municipal service review of public cemetery districts in Napa County. The report is in draft-form and is being presented for discussion.

**8. COMMISSION DISCUSSION ITEMS CONTINUED...**

**b) Legislative Report**

The Commission will receive a report on the legislative activities of the California Association of Local Agency Formation Commissions. The report summarizes the bills under consideration in the current legislative session relevant to the Commission and is being presented for discussion.

**9. EXECUTIVE OFFICER REPORT**

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

- Active Sphere of Influence Reviews for the Cities of Calistoga and St. Helena
- Napa County Transportation and Planning Agency's Growth Summit
- Staff Analyst – Extra Help Recruitment
- CALAFCO Annual Conference, Universal City, September 3, 2008 through September 5, 2008

**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) Current and Future Proposals**

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

**11. CLOSED SESSION**

None

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

**13. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING:**

August 4, 2008 (subject to confirmation as part of Agenda Item No. 5a)

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Materials relating to an item on this agenda that have been submitted to the Commission after distribution of the agenda packet are available for public inspection at the LAFCO office during normal business hours.

Commissioners are disqualified from voting on any proposals involving entitlements of use if they have received campaign contributions from an interested party. The law prohibits a Commissioner from voting on any entitlement when he/she has received a campaign contribution(s) of more than \$250 within 12 months of the decision, or during the proceedings for the decision, from any interested party involved in the entitlement. An interested party includes an applicant and any person with a financial interest actively supporting or opposing a proposal. If you intend to speak on any hearing item, please indicate in your testimony if you have made campaign contributions totaling \$250 or more to any Commissioner during the past 12 months.

Any member of the public requiring special assistance with respect to attending or listening to the meeting should contact LAFCO staff 24 hours in advance at (707) 259-8645.

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

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

**June 2, 2008**  
**Agenda Item No. 5a**

May 27, 2008

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Adoption of Regular Meeting Calendar for July 2008 through December 2008 (Consent: Action)**

The Commission will consider approving a regular meeting calendar for the second half of calendar year 2008.

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The Commission's *Policy on the Regular Commission Meeting Calendar* calls for regular meetings to be scheduled for 4:00pm on the first Monday of each month. This policy also directs the Commission to review and affirm its meeting schedule every six months. For the second six months of 2008, the first Monday of each month falls on July 7<sup>th</sup>, August 4<sup>th</sup>, September 1<sup>st</sup>, October 6<sup>th</sup>, November 3<sup>rd</sup>, and December 1<sup>st</sup>.

### **Discussion**

The Commission's schedule for the remaining part of the calendar year will begin to slow down as staff transitions into preparing the second round of municipal service reviews and sphere of influence reviews. This transition will require a considerable amount of staff time to analyze service information in anticipation of presenting the first three scheduled reviews involving the City of American Canyon, American Canyon Fire Protection District, and County Service Area No. 3. With this in mind, staff believes it would be appropriate to only schedule regular meetings for the remainder of the calendar year on August 4<sup>th</sup>, October 6<sup>th</sup>, November 3<sup>rd</sup>, and December 1<sup>st</sup>.

### **Recommendation**

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

- 1) Approve a regular meeting calendar for the second half of calendar year 2008 to include August 4<sup>th</sup>, October 6<sup>th</sup>, November 3<sup>rd</sup>, and December 1<sup>st</sup>.

Respectfully submitted,

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Keene Simonds  
Executive Officer

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Jack Gingles, Commissioner  
Mayor, City of Calistoga

Juliana Inman, Commissioner  
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

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

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

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

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

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer



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**June 2, 2008**  
**Agenda Item No. 5b**

May 27, 2008

**TO:** Local Agency Formation Commission

**FROM:** Jacqueline M. Gong, Commission Counsel

**SUBJECT: Second Amendment to Support Services Agreement with the County of Napa (Consent: Action)**

The Commission will consider rescinding its action approving the Second Amendment to its support services agreement with the County of Napa, effective September 1, 2008. The Commission will further consider approving the Second Amendment, effective date of July 1, 2008.

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs Local Agency Formation Commissions (LAFCOs) to plan and coordinate the orderly formation and development of local governmental agencies and services within their jurisdictions. Each LAFCO is responsible for making its own provisions for personnel and facilities. In making its own provisions, LAFCOs may choose to contract with a public or private entity.

### **Background**

In July 2003, LAFCO of Napa County entered into a support services agreement (SSA) with the County of Napa. The SSA establishes terms and conditions for the County to provide personnel and related services necessary for LAFCO to fulfill its responsibilities. The SSA was amended in September 2007 to incorporate a new billing methodology involving the provision of information technology services (ITS).

At its meeting of April 7, 2008, LAFCO of Napa County approved the County's Second Amendment to the SSA between LAFCO and the County of Napa. The Second Amendment established LAFCO's 2008-2009 annual fee for ITS in the amount of \$17,768, effective September 1, 2008.

### **Discussion**

The County is requesting the effective date of the Second Amendment be changed to July 1, 2008 to implement the new fee rate as of the beginning of fiscal year 2008-2009. This request requires the Commission to rescind its prior action of approval of the Second Amendment and to approve the attached Second Amendment, effective July 1, 2008. All other terms and conditions are the same.

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Jack Gingles, Commissioner  
Mayor, City of Calistoga

Juliana Inman, Commissioner  
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

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

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

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

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

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

**Recommendation**

It is recommended the Commission take the following actions:

- 1) Rescind its action on April 7, 2008, approving the Second Amendment to LAFCO's Support Services Agreement with the County (LAFCO Agreement 03-02), effective September 1, 2008; and
- 2) Approve and direct the Chair to sign the proposed Second Amendment to LAFCO's Support Services Agreement with the County (LAFCO Agreement 03-02), effective July 1, 2008; and
- 3) Direct staff to forward the approved Second Amendment to the County for approval by the Board of Supervisors.

Respectfully submitted,

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Jacqueline M. Gong  
Commission Counsel

Attachment:

- 1) Proposed Amendment No. 2 to LAFCO Agreement No. 03-02, effective July 1, 2008

**AMENDMENT NO. 2 OF**  
**NAPA COUNTY AGREEMENT NO. 4433**  
**LOCAL AGENCY FORMATION COMMISSION OF**  
**NAPA COUNTY AGREEMENT NO. 03-02**

**SUPPORT SERVICES BY THE COUNTY OF NAPA TO THE LOCAL AGENCY  
FORMATION COMMISSION OF NAPA COUNTY**

**THIS AMENDMENT NO. 2 OF NAPA COUNTY AGREEMENT NO. 4433** is made and entered into as of this 1st day of July, 2008 by and between the COUNTY OF NAPA, a political subdivision of the State of California, hereinafter referred to as "County", and the LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY (hereinafter "LAFCO"), a local public agency formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.);

**RECITALS**

**WHEREAS**, on or about July 1, 2003, County and LAFCO entered into Napa County Agreement No. 4433 (hereinafter referred to as "MA"), subsequently amended on or about September 1, 2007, for the provision by County of support services needed for LAFCO's performance of its functions and responsibilities, including information technology services; and

**WHEREAS**, the parties now desire to amend the MA to modify the annual rates of compensation to County for services provided by its Information Technology Services Department ("ITS") to reflect changes in the costs to County to provide such services;

**TERMS**

**NOW, THEREFORE**, County and LAFCO hereby amend the Agreement as follows:

1. The portion entitled "Services of Information Technology (annual rate)" of Attachment AA of the Agreement is hereby amended to read in full as follows:

1. **Services of Information Technology (annual rate):**
  - a. Calculation of Annual Fee and Method of Payment. The parties acknowledge that reimbursement of County by LAFCO for the costs of providing the information technology services required of County under Section 4 of Attachment D of this Agreement are calculated utilizing the ITS Cost Allocation Method for County's own departments and agencies which was approved by the Napa County Board of Supervisors on June 19, 2001, a copy of which is attached to Amendment No. 1 of the Agreement as Attachment "BB". At the option of LAFCO, the Annual Fee shall be payable either in advance in a single payment due on or before July 1 of the applicable fiscal year or in monthly payments in arrears, each payment due on

or before the first of the month succeeding the month of service, with the payable monthly rate being 1/12 of the Annual Fee then in effect.

b. Amount of Annual Fee. The Annual Fee shall be as follows:

<u>Fiscal Year</u>	<u>Annual Rate</u>
2003-2004	\$12,900.00
2004-2005	\$12,999.96
2005-2006	\$13,377.96
2006-2007	\$17,799.00
2007-2008	\$16,387.00
Beginning 2008-2009*	\$17,768.00

\* Future Modifications. Notwithstanding the foregoing, it is anticipated that County and LAFCO may amend this Agreement, beginning with Fiscal Year 2009-2010, to conform subsequent fiscal year compensation amounts to the above-referenced Cost Allocation Method or such other Method as the parties may subsequently agree to by amendment, or may amend this Agreement within Fiscal Year 2008-2009 or any subsequent fiscal year during the term of this Agreement or extension thereof to reflect additional services requested by LAFCO.

2. This Amendment No. 2 of the MA shall be effective as of July 1, 2008.
3. Except as provided in (1) through (2), above, the terms and provisions of the MA shall remain in full force and effect as originally approved.

**IN WITNESS WHEREOF**, this Amendment No. 2 of Napa County Agreement No.

/////

4433 as of the date first above written.

LOCAL AGENCY FORMATION COMMISSION OF  
NAPA COUNTY

By \_\_\_\_\_  
BRAD WAGENKNECHT, Chair of the Local Agency  
Formation Commission of Napa County

ATTEST: KEENE SIMONDS,  
Executive Director/Clerk of LAFCO

"LAFCO"

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

APPROVED AS TO FORM:  
Commission Counsel  
By: Jacqueline M. Gong  
(By e-signature)  
Date: 5/23//08

COUNTY OF NAPA, a political subdivision of  
the State of California

By \_\_\_\_\_  
BRAD WAGENKNECHT, Chair of the Board of  
Supervisors

"COUNTY"

ATTEST: GLADYS I. COIL  
Clerk of the Board of Supervisors

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

**APPROVED AS TO FORM**  
Office of County Counsel  
  
By: *Margaret L. Woodbury*,  
Chief Deputy  
(by e-signature)  
Date: May 23, 2008

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



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**June 2, 2008**  
**Agenda Item No. 6a**

May 23, 2008

**TO:** Local Agency Formation Commission

**FROM:** 2008-2009 Budget Committee

**SUBJECT: Adoption of Final Budget for Fiscal Year 2008-2009 (Public Hearing)**

The Commission will consider a final budget from the 2008-2009 Budget Committee projecting an overall increase in operating costs of 18.3% (\$85,496). It is recommended that the Commission carry-forward \$55,000 in unexpended revenues into 2008-2009 to help offset the proposed increase.

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California Government Code §56381 directs the Commission to annually prepare and adopt a proposed budget by May 1<sup>st</sup> and a final budget by June 15<sup>th</sup>. At a minimum, the code section states the proposed and final budgets shall be equal to the adopted budget from the previous fiscal year unless the Commission finds that a reduction in operating costs will nevertheless allow the agency to fulfill its duties and responsibilities. After the final budget has been adopted, the Commission apportions its upcoming operating costs between the County of Napa and Cities of American Canyon, Calistoga, Napa, St. Helena, and the Town of Yountville. The County is responsible for 50% of the operating costs while the remaining portion is shared by the five cities based on a weighted calculation involving population and general tax revenues. As a result of this prescribed funding relationship, it is the practice of the Commission to only budget costs.

In preparing for its own provisions, it is the policy of the Commission to annually establish a budget committee that includes two appointed Commissioners and the Executive Officer. The budget committee is responsible for preparing and presenting draft, proposed, and final budgets to the Commission at its February, April, and June meetings, respectively. The appointed members of the 2008-2009 Budget Committee are Jack Gingles and Brian Kelly.

### **Background**

On January 8, 2008, the Committee held a noticed public meeting to review the Commission's operating costs for the upcoming fiscal year. A spending baseline was constructed to estimate how much it would cost to continue the Commission's current level of services at next fiscal year's price for labor and supplies. This includes continuing to budget two fulltime (Executive Officer and Analyst) and one part-time (Secretary) employee. Based on this initial review, the Committee presented a draft budget projecting an overall increase in operating costs of 6.4% (\$29,872) to the Commission at its February 4, 2008 meeting. The Commission approved the draft budget as submitted and directed staff to seek comments from the funding agencies. No comments were received.

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Jack Gingles, Commissioner  
Mayor, City of Calistoga

Juliana Inman, Commissioner  
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

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

Bill Dodd, Commissioner  
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Keene Simonds  
Executive Officer

At the April 7, 2008 meeting, the Committee returned to the Commission with a proposed budget for adoption. The proposed budget reflected a revised calculation for information technology services and raised the overall increase in operating costs to 6.5% (\$30,496). The Commission adopted the proposed budget as submitted and directed staff to seek comments from the funding agencies. No comments were received.

## **Discussion**

The Committee has prepared the attached final budget for Commission consideration that includes one change from the proposed budget adopted at the April meeting. This change involves adding \$55,000 to a special departmental expense account to fund two office improvements in 2008-2009. These office improvements involve (a) implementing an electronic document management system and (b) developing a new agency website. The substantive effect in adding these two office improvements into the final budget is an overall increase in operating costs of 18.3% (\$85,496).

An outline of the benefits, costs, and policy considerations associated with funding the implementation of an electronic document management system and developing a new website in 2008-2009 was presented to the Commission at the May 5, 2008 meeting. As discussed at the meeting, the Committee proposes covering the added cost for the two office improvements by carrying-forward a matching amount of unexpended revenues from the current fiscal year. This approach is proposed to clearly connect the funding for these two office improvements with the salary and benefit savings accumulating during the fiscal year due to the extended vacancy of the analyst position. Specifically, staff projects the accumulating savings generated from the analyst vacancy will total \$68,547.<sup>1</sup>

In terms of the remaining increases in operating costs included in the final budget, they total \$30,496 and are primarily attributed to contractual obligations associated with the Commission's support services agreement with the County. This includes establishing a new expense account to begin funding for other post-employment benefits (OPEB), which are calculated by the County and covers retiree health and dental care costs. Other contractual obligations contributing to the increase includes an anticipated 3.2% cost-of-living adjustment for all budgeted employees.

The Committee has also made two substantive changes in budgeting legal service costs contributing to a \$4,800, or 24%, increase in the affected expense account in 2008-2009. First, the Committee has revised the methodology used in calculating legal service costs by budgeting for an actual number of billable hours, which in 2008-2009 is 160. Second, in making the calculation, the Committee has divided the 160 hours budgeted for legal services between the anticipated hourly rates of County Counsel at \$156 and an outside counsel at \$190, which is the current median amount charged by three private law firms

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<sup>1</sup> Projected savings generated from the analyst vacancy reflects the budgeted salary and benefit amounts for the position minus the \$18,500 used in 2007-2008 to pay Baracco and Associates for consulting services. It is expected that the Commission will finish the fiscal year with a total of \$176,402 in unexpended revenues.

that work for other commissions in California.<sup>2</sup> The Committee has weighted the calculation to anticipate 75% of legal services in 2008-2009 will continued to be provided by County Counsel with the remaining 25% provided by an outside counsel if needed.

### **Analysis**

Adding \$55,000 into the final budget to fund an electronic document management system and develop a new website nearly triples the overall increase in operating costs reflected in the proposed budget adopted by the Commission in April. The financial impact on the funding agencies in budgeting these two office improvements, however, is mitigated given the aforementioned surplus of unexpended revenues the Committee proposes the Commission carry-forward into the next fiscal year to cover the added costs.

The Committee recognizes carrying-forward unexpended revenues to cover the costs of the two office improvements deviates from the Commission's established practice of returning all remaining monies to the funding agencies in the form of credits. Nonetheless, even with the proposed carry-forward, the remaining surplus of projected unexpended revenues will still allow the Commission to provide substantial credits. Notice was provided to the funding agencies after the May meeting regarding the proposed addition of the two office improvements along with the plan to cover the added costs by carrying-forward a matching amount of unexpended revenues. No comments were received.

Finally, at the request of the Commission, staff has reviewed the \$30,000 estimate to hire a professional website design firm to redesign the agency's site. As mentioned in May, staff developed this estimate based on information generated from a recent request for proposal (RFP) issued by Calistoga to redevelop its website. Commissioners raised the question of whether this RFP is an accurate cost estimate for the Commission given its website contains fewer pages and/or information than Calistoga. With this in mind, staff contacted several firms, including firms that had responded to Calistoga's RFP, and asked if they would provide a "ballpark" cost estimate to redesign the Commission's website. Staff specified that the website should include a content management system to allow for easier editing and training as well as internal search site, image/document library, and the ability for the public to receive electronic announcements for certain proposals or activities. Three firms responded with estimates in the amounts \$10,795, \$28,256, and \$30,000.

The median estimate amount drawn from above sample to redesign the Commission's website is close to the \$30,000 included in the final budget. The Committee believes it would be appropriate for the Commission to keep the estimated \$30,000 cost to redevelop the website in the final budget while directing staff to prepare a request for proposal to help ensure cost-savings. If a proposal is received and accepted that is less than the budgeted \$30,000, the remaining monies would be returned to the funding agencies in the form of credits in 2009-2010.

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<sup>2</sup> The median rate identified for outside counsel is based on the current hourly rates of Scott Browne and Associates (\$175), Colantuono and Levin (\$190), and Best Best & Krieger (\$195).

## **Recommendation**

At the close of the public hearing, it is recommended that the Commission take the following actions:

- 1) Adopt the attached resolution approving the final budget for 2008-2009 along with any desired changes;
- 2) Authorize the Executive Officer and the County Auditor to carry-forward, rather than credit to the funding agencies, \$55,000 or other designated amount to fund an electronic document management system and develop a new website in 2008-2009;
- 3) Direct the Executive Officer to prepare request for proposals seeking qualified vendors to implement an electronic document management system and develop a new website in 2008-2009; and
- 4) Direct the Executive Officer to return to the Commission with recommendations to approve contracts with qualified vendors to implement an electronic document management system and develop a new website in 2008-2009.

Respectfully submitted,

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Keene Simonds  
Executive Officer

### Attachments:

- 1) 2008-2009 Final Budget
- 2) Resolution for 2008-2009 Final Budget
- 3) Draft Allocation for 2008-2009 Final Budget
- ~~4) Cost Estimates for Developing New Website~~



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

**2008-2009 Draft Final Budget: Operating Costs**

	Adopted Final FY05-06	Adopted Final FY06-07	Adopted Final FY07-08	Draft Final FY08-09	Difference (Dollars)	Difference (Percentage)
<b>Salaries and Benefits</b>						
<u>Account No.</u>	<u>Account Name</u>					
51100000	\$ 187,206.00	\$ 190,230.92	\$ 185,526.79	\$ 194,915.43 <sup>1,2</sup>	\$ 9,388.64	5.06%
51200100	\$ 2,206.26	\$ -	\$ -	\$ -		
51200200	\$ -	\$ -	\$ -	\$ -		
51200500	\$ 4,050.00	\$ 3,600.00	\$ 9,600.00	\$ 9,600.00		
51300100	\$ 32,235.20	\$ 32,953.28	\$ 31,583.44	\$ 34,550.93	\$ 2,967.49	9.40%
TBD				\$ 11,295.00 <sup>3</sup>	\$ 11,295.00	100%
51300300	\$ 2,674.13	\$ 2,849.46	\$ 2,649.92	\$ 2,826.27	\$ 176.35	6.66%
51300500	\$ 26,875.92	\$ 36,030.00	\$ 43,168.32	\$ 40,148.04	\$ (3,020.28)	-7.00%
51301200	\$ 749.00	\$ 685.00	\$ 185.00	\$ 149.00	\$ (36.00)	-19.46%
51301700	\$ 1,500.00	\$ 1,500.00	\$ -	\$ -		
51301800	\$ 840.00	\$ 840.00	\$ 840.00	\$ 840.00		
	\$ 258,336.51	\$ 268,688.66	\$ 273,553.47	\$ 294,324.68	\$ 20,771.21	7.59%
<b>Services and Supplies</b>						
<u>Account No.</u>	<u>Account Name</u>					
52243900			\$ 850.00	\$ 850.00		
52070000	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00		
52100300	\$ 335.00	\$ 534.00	\$ 352.00	\$ 546.00	\$ 194.00	55.11%
52150000	\$ 1,400.00	\$ 2,200.00	\$ 2,000.00	\$ 2,200.00 <sup>4</sup>	\$ 200.00	10.00%
52170000	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00		
52180200	\$ 13,378.27	\$ 17,799.91	\$ 16,387.00	\$ 17,768.00 <sup>5</sup>	\$ 1,381.00	8.43%
52180500	\$ 18,750.00	\$ 18,750.00	\$ 21,500.00	\$ 26,320.00 <sup>6</sup>	\$ 4,820.00	22.42%
52190000	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00		
52185000	\$ 5,000.00	\$ 6,500.00	\$ 7,150.00	\$ 7,507.50 <sup>7</sup>	\$ 357.50	5.00%
52235000	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 56,000.00 <sup>8</sup>	\$ 55,000.00	5500.00%
52240500	\$ 25,540.80	\$ 26,307.02	\$ 27,000.00	\$ 27,000.00		
52250000	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00		
52250800	\$ 3,000.00	\$ 3,000.00	\$ 4,000.00	\$ 4,000.00		
52251200	\$ 1,500.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00		
	\$ 93,404.07	\$ 101,090.93	\$ 105,239.00	\$ 167,191.50	\$ 61,952.50	58.87%
<b>Sub Total Expenses</b>	\$ 351,740.58	\$ 369,779.59	\$ 378,792.47	\$ 461,516.18	\$ 82,723.71	21.84%
<b>Contingencies and Reserves</b>						
<u>Account No.</u>	<u>Account</u>					
54000900	\$ 35,174.06	\$ 36,977.96	\$ 37,879.25	\$ 40,651.62 <sup>9</sup>	\$ 2,772.37	7.32%
54001000	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00		
	\$ 85,174.06	\$ 86,977.96	\$ 87,879.25	\$ 90,651.62	\$ 2,772.37	3.15%
<b>TOTAL</b>	\$ 436,914.64	\$ 456,757.55	\$ 466,671.72	\$ 552,167.80	\$ 85,496.08	18.32%

**Notes**

- 1) This account budgets two fulltime (Executive Officer and Analyst II) and one parttime (Secretary) employee and anticipates scheduled salary step increases.
- 2) Assumes approval of a 3.2% cost-of-living adjustment for all employees. The County MOU with represented employees requires a cost-of-living adjustment to be determined by an agreed formula. The adjustment could be as low as 2.5% and as high as 5.0%. County CAO advises using a 3.2% factor at this time.
- 3) At its April 10, 2007 meeting, the County Board of Supervisors approved a payment plan to begin prefunding its current unfunded liability involving Other Post Employment Benefits (OPEB) over the next 14 years. OPEB involves non-pension benefits, such as retiree health care coverage. It has been the practice of the County to fund these benefits at the time they are due (pay-as-you-go). In 2008-2009, the County's OPEB payment is \$6.0 million. LAFCO's portion of the 2008-2009 payment is based on its total number of budgeted fulltime employees. The County's 2009-2010 payment is tentatively scheduled at \$6.2 million.
- 4) Current membership dues are limited to CALAFCO. CALAFCO has scheduled an approximate 10% increase in all member dues for 2008-2009.
- 5) This account is for administration costs associated with the County's Information Technology Information Department (ITS) and includes network maintenance for payroll, purchasing, accounting, and geographic information services. ITS costs, which are calculated by the County, are apportioned to all of its "customers" by a series of formulae that consider the number of computers and employees in each department and agency.
- 6) This account budgets a total of 160 hours for legal services. It is expected that 120 hours will be provided by County Counsel at the hourly rate of \$156, with the remaining 40 hours provided by an outside counsel at the hourly rate of \$190.
- 7) Anticipates a 5.0% across-the-board increase in hourly rates for the County Auditor's Office in 2008-2009.
- 8) Budgets for two one-time expenditures to (a) implement an electronic document management system and (b) develop a new website. It is anticipated that the Commission will carry forward \$55,000 in unexpended revenues from 2007-2008 to 2008-2009 to cover the cost of the two planned expenditures.
- 9) Calculation excludes the \$55,000 budgeted in the "SDE: Other" expense account to fund the (a) implementation of an electronic document management system and (b) development of a new website.

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

**RESOLUTION OF  
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
ADOPTING A FISCAL YEAR 2008-2009 FINAL BUDGET**

**WHEREAS**, the Local Agency Formation Commission of Napa County (hereinafter referred to as “the Commission”) is required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) to adopt a final budget for the next fiscal year; and

**WHEREAS**, Government Code Section 56381 requires that the Commission adopt a final budget no later than June 15; and

**WHEREAS**, at the direction of the Commission, the Executive Officer circulated for review and comment the adopted proposed budget as well as revisions to the adopted proposed budget to the County of Napa and the Cities of American Canyon, Calistoga, Napa, St. Helena, and Town of Yountville; and

**WHEREAS**, the Commission reviewed all substantive comments concerning the adopted proposed budget; and

**WHEREAS**, the Executive Officer prepared a report concerning the final budget, including his recommendations thereon; and

**WHEREAS**, the Executive Officer’s report 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 hearing on the final budget held on June 2<sup>nd</sup>, 2008 and

**WHEREAS**, the Commission determined the final budget projects the staffing and program costs of the agency as accurately and appropriately as is possible;

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

1. The final budget for 2008-2009 represented in Exhibit A is approved.

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 4<sup>th</sup> day of June 2007, by the following vote:

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

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

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

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

ATTEST: Keene Simonds  
Executive Officer

RECORDED: \_\_\_\_\_  
Kathy Mabry  
Commission Secretary



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

**2008-2009 Draft Final Budget: Operating Costs**

		Adopted Final FY05-06	Adopted Final FY06-07	Adopted Final FY07-08	Draft Final FY08-09	Difference (Dollars)	Difference (Percentage)
<b>Salaries and Benefits</b>							
<u>Account No.</u>	<u>Account Name</u>						
51100000	Regular Salaries	\$ 187,206.00	\$ 190,230.92	\$ 185,526.79	\$ 194,915.43 <sup>1,2</sup>	\$ 9,388.64	5.06%
51200100	Extra Help	\$ 2,206.26	\$ -	\$ -	\$ -		
51200200	Overtime	\$ -	\$ -	\$ -	\$ -		
51200500	Commissioner Per Diems	\$ 4,050.00	\$ 3,600.00	\$ 9,600.00	\$ 9,600.00		
51300100	Retirement: Pension Benefits	\$ 32,235.20	\$ 32,953.28	\$ 31,583.44	\$ 34,550.93	\$ 2,967.49	9.40%
TBD	Retirement: Non-Pension Benefits	\$ -	\$ -	\$ -	\$ 11,295.00 <sup>3</sup>	\$ 11,295.00	100%
51300300	Medicare	\$ 2,674.13	\$ 2,849.46	\$ 2,649.92	\$ 2,826.27	\$ 176.35	6.66%
51300500	Group Insurance: Health Care	\$ 26,875.92	\$ 36,030.00	\$ 43,168.32	\$ 40,148.04	\$ (3,020.28)	-7.00%
51301200	Workers Compensation	\$ 749.00	\$ 685.00	\$ 185.00	\$ 149.00	\$ (36.00)	-19.46%
51301700	401A Employer Contributions	\$ 1,500.00	\$ 1,500.00	\$ -	\$ -		
51301800	Cell Phone Allowance	\$ 840.00	\$ 840.00	\$ 840.00	\$ 840.00		
		\$ 258,336.51	\$ 268,688.66	\$ 273,553.47	\$ 294,324.68	\$ 20,771.21	7.59%
<b>Services and Supplies</b>							
<u>Account No.</u>	<u>Account Name</u>						
52243900	SDE: County Recorder Filing Fees	\$ -	\$ -	\$ 850.00	\$ 850.00		
52070000	Communications	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00		
52100300	Insurance: Liability	\$ 335.00	\$ 534.00	\$ 352.00	\$ 546.00	\$ 194.00	55.11%
52150000	Memberships	\$ 1,400.00	\$ 2,200.00	\$ 2,000.00	\$ 2,200.00 <sup>4</sup>	\$ 200.00	10.00%
52170000	Office Expenses	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00		
52180200	Management Information Services	\$ 13,378.27	\$ 17,799.91	\$ 16,387.00	\$ 17,768.00 <sup>5</sup>	\$ 1,381.00	8.43%
52180500	Legal Services	\$ 18,750.00	\$ 18,750.00	\$ 21,500.00	\$ 26,320.00 <sup>6</sup>	\$ 4,820.00	22.42%
52190000	Publications and Notices	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00		
52185000	PSS: Other (Accounting/Auditing)	\$ 5,000.00	\$ 6,500.00	\$ 7,150.00	\$ 7,507.50 <sup>7</sup>	\$ 357.50	5.00%
52235000	SDE: Other (Office Improvements)	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 56,000.00 <sup>8</sup>	\$ 55,000.00	5500.00%
52240500	Property Lease	\$ 25,540.80	\$ 26,307.02	\$ 27,000.00	\$ 27,000.00		
52250000	Transportation and Travel	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00		
52250800	Training	\$ 3,000.00	\$ 3,000.00	\$ 4,000.00	\$ 4,000.00		
52251200	Private Mileage	\$ 1,500.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00		
		\$ 93,404.07	\$ 101,090.93	\$ 105,239.00	\$ 167,191.50	\$ 61,952.50	58.87%
	<b>Sub Total Expenses</b>	\$ 351,740.58	\$ 369,779.59	\$ 378,792.47	\$ 461,516.18	\$ 82,723.71	21.84%
<b>Contingencies and Reserves</b>							
<u>Account No.</u>	<u>Account</u>						
54000900	Operating Reserve (10% of Expenses)	\$ 35,174.06	\$ 36,977.96	\$ 37,879.25	\$ 40,651.62 <sup>9</sup>	\$ 2,772.37	7.32%
54001000	Professional Services Dedication	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00		
		\$ 85,174.06	\$ 86,977.96	\$ 87,879.25	\$ 90,651.62	\$ 2,772.37	3.15%
	<b>TOTAL</b>	\$ 436,914.64	\$ 456,757.55	\$ 466,671.72	\$ 552,167.80	\$ 85,496.08	18.32%

**Notes**

- 1) This account budgets two fulltime (Executive Officer and Analyst II) and one parttime (Secretary) employee and anticipates scheduled salary step increases.
- 2) Assumes approval of a 3.2% cost-of-living adjustment for all employees. The County MOU with represented employees requires a cost-of-living adjustment to be determined by an agreed formula. The adjustment could be as low as 2.5% and as high as 5.0%. County CAO advises using a 3.2% factor at this time.
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# FY2008-2009 Draft Allocation for Annual LAFCO Costs to County and Cities (5/7/08)

(Alternative Allocation Formula Approved by Cities)

Attachment Three

Step 1	LAFCO Budget	Final FY07-08	Draft Final FY08-09	Difference Dollar	Difference Percentage				
	Total	\$ 466,671.72	\$ 552,167.80	\$ 85,496.08	18.3%				
<b>Step 2</b>	<b>Annual Allocation</b>								
	50% to County	\$ 233,335.86	\$ 276,083.90	\$ 42,748.04	18.3%				
	50% to Cities	\$ 233,335.86	\$ 276,083.90	\$ 42,748.04	18.3%				
<b>Step 3a</b>	<b>Cities' Share Based on Total General Taxes*</b>								
	<u>General Tax Revenues</u>		<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>	
	Secured & Unsecured Property Tax	\$ 4,545,186	\$ 701,215	\$ 6,145,405	\$ 1,832,604	\$ 356,712	\$ 13,581,122		
	Voter Approved Indentedness Property Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
	Other Property Tax	\$ 812,106	\$ 280,020	\$ 4,175,654	\$ 322,645	\$ 217,200	\$ 5,807,625		
	Sales and Use Taxes	\$ 1,141,614	\$ 387,446	\$ 7,296,549	\$ 1,764,833	\$ 333,917	\$ 10,924,359		
	Transportation Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
	Transient Lodging Tax	\$ 119,303	\$ 2,257,440	\$ 5,697,141	\$ 1,163,367	\$ 2,842,489	\$ 12,079,740		
	Franchises	\$ 305,033	\$ 130,702	\$ 2,243,052	\$ 128,643	\$ 50,602	\$ 2,858,032		
	Business License Taxes	\$ 141,421	\$ 131,693	\$ 2,351,101	\$ 133,008	\$ 3,767	\$ 2,760,990		
	Real Property Transfer Taxes	\$ 248,217	\$ 36,734	\$ 637,586	\$ 57,077	\$ 16,143	\$ 995,757		
	Utility Users Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
	Other Non-Property Taxes	\$ 1,666,103	\$ 244,010	\$ 2,375,561	\$ 481,299	\$ 101,189	\$ 4,868,162		
	Total	\$ 8,978,983	\$ 4,169,260	\$ 30,922,049	\$ 5,883,476	\$ 3,922,019	\$ 53,875,787		
	Percentage of Total Taxes to all Cities	16.7%	7.7%	57.4%	10.9%	7.3%	100%		
<b>Step 3b</b>	<b>Cities' Share Based on Total Population**</b>		<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>	
	Population	16,293	5,302	77,106	5,924	3,263	107,888		
	Population Percentage	15.10%	4.91%	71.47%	5.49%	3.02%	100%		
<b>Step 4</b>	<b>Cities Allocation Formula</b>		<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Cities</u>	
	Cities' Share Based on Total General Taxes	16.7%	7.7%	57.4%	10.9%	7.3%	100%		
	Portion of LAFCO Budget	\$ 18,404.95	\$ 8,546.07	\$ 63,383.43	\$ 12,059.84	\$ 8,039.28	<b>40%</b>		
	Cities' Share Based on Total Population	15.10%	4.91%	71.47%	5.49%	3.02%	100%		
	Portion of LAFCO Budget	\$ 25,016.14	\$ 8,140.65	\$ 118,387.91	\$ 9,095.66	\$ 5,009.98	<b>60%</b>		
	Total Agency Allocation	\$ 43,421.09	\$ 16,686.72	\$ 181,771.34	\$ 21,155.50	\$ 13,049.26	\$ 276,083.90		
	Allocation Share	15.7275%	6.0441%	65.8392%	7.6627%	4.7266%	100%		
<b>Step 5</b>	<b>FY08-09 Projected Invoice</b>		<u>County</u>	<u>American Canyon</u>	<u>Calistoga</u>	<u>Napa</u>	<u>St. Helena</u>	<u>Yountville</u>	<u>All Agencies</u>
	FY08-09 Agency Share	\$ 276,083.90	\$ 43,421.09	\$ 16,686.72	\$ 181,771.34	\$ 21,155.50	\$ 13,049.26	\$ 552,167.80	
	Less Carry Forward Revenues***	\$ 27,500.00	\$ 4,291.27	\$ 1,664.19	\$ 18,119.20	\$ 2,120.14	\$ 1,305.21	\$ 55,000.00	
	Less Agency Credits***	\$ 60,701.00	\$ 9,472.15	\$ 3,673.38	\$ 39,994.67	\$ 4,679.80	\$ 2,880.99	\$ 121,402.00	
	Net Invoice	\$ 187,882.90	\$ 29,657.67	\$ 11,349.14	\$ 123,657.46	\$ 14,355.55	\$ 8,863.07	\$ 375,765.80	

**Notes:**

\* Revenue amounts are drawn from the FY04-05 State Controller's Cities Annual Report. LAFCO will use the most recent Cities Annual Report published as of July 1, 2008 in calculating invoices.

\*\* Population estimates calculated by the California Department of Finance, January 2008.

\*\*\* It is anticipated that the Commission will hold and carry forward \$55,000 in unexpended revenues from FY07-08 to FY08-09 to fund the (a) implementation of an electronic document management system and (2) development of a new website. Staff anticipates that the remaining amount of unexpended revenues will total \$121,402 and will be returned to the agencies in the form of credits. Credits will be determined based on each agency's percentage budget share in FY07-08.



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

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

**June 2, 2008**  
**Agenda Item No. 6b**

May 21, 2008

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Amendments to Adopted Fee Schedule (Public Hearing)**

The Commission will consider amendments to its adopted fee schedule to include increasing the hourly staff rate from \$90 to \$97 and adding a new provision to charge an at-cost fee for using alternate legal counsel.

---

California Government Code §56383 authorizes the Commission to establish a fee schedule for the costs associated with fulfilling its responsibilities under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This code section specifies that the Commission's fee schedule shall not exceed the estimated "reasonable cost" of the underlying service. This code section also empowers the Commission to waive a fee if it determines that the payment would be detrimental to the public interest.

### **Background**

At its June 4, 2007 meeting, the Commission adopted a comprehensive update to its fee schedule. The intent in adopting the update was to improve the Commission's cost-recovery for labor and administrative overhead costs. Two significant changes were incorporated into the update. First, a new methodology was used to recalculate the hourly staff rate resulting in an increase from \$50 to \$90. Second, the average number of hours assigned to processing different types of proposals was recalculated and reclassified based on the level of consent and type of environmental review required. The current adopted fee schedule is provided in Attachment A.

### **Discussion**

In anticipation of the new fiscal year, staff has reviewed the Commission's adopted fee schedule to consider whether amendments are warranted to help ensure an appropriate level of cost-recovery as well as to address other considerations. The review indicates an amendment to the adopted fee schedule is justified to increase the hourly staff rate from \$90 to \$97. The proposed new hourly staff rate has been calculated using the same methodology established last year as part of the comprehensive update and reflects the Commission's projected labor and administrative overhead costs in 2008-2009. This includes incorporating the Commission's new labor cost to begin funding non-pension retirement benefits, such as retiree health care. The inputs used in calculating the proposed hourly staff rate are provided in Attachment B.

---

Jack Gingles, Commissioner  
Mayor, City of Calistoga

Juliana Inman, Commissioner  
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

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

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

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

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

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

Additional amendments to the adopted fee schedule have also been identified by staff for consideration by the Commission. This includes adding a new provision to charge applicants an at-cost fee to use alternate legal counsel as well as increasing the current \$45 fee for research to correspond with the proposed new hourly staff rate of \$97. All proposed amendments to the adopted fee schedule are reflected in Attachment C.

In considering the proposed amendments the Commission should note that California Government Code §66017(a) requires a minimum of 60 days between the adoption and implementation of new fees. The Commission may choose to designate an extended effective date if desired. The Commission may also choose to grandfather active proposals under the previous fee schedule at the time the amendments become effective.

### **Analysis**

Amending the hourly staff rate from \$90 to \$97 would generally result in an across-the-board increase of 8% to the adopted fee schedule. The proposed increase does exceed the current consumer price index for the San Francisco Bay Area of 2.9%. However, as mentioned, the proposed increase reflects the Commission's projected labor and administrative overhead costs for 2008-2009 and is consistent with its expressed desire to practice full cost-recovery.

Adding the provision for the Commission to begin charging applicants an at-cost fee to use alternate legal counsel does reflect a new charge but is contemplated under California Government Code §56384(b). Specifically, this code section allows the Commission to recover its attorney costs in processing a proposal if it determines a conflict exists for County Counsel and is provided as part of its adopted fee schedule. Given the recent request of the City of American Canyon that alternate legal counsel be used in reviewing any proposals involving the City before the Commission this amendment is warranted and timely. Other proposed amendments are considered non-substantive and will not have a measurable impact on applicants.

### **Recommendation**

At the close of the public hearing, it is recommended that the Commission take the following actions:

- 1) Adopt the form of the attached draft resolution with any desired changes approving the amended fee schedule;
- 2) Designate the effective date for the amended fee schedule for July 18, 2008; and
- 3) Direct staff to charge applicants the amounts prescribed under the amended fee schedule at the time it becomes effective.

Respectfully submitted,

---

Keene Simonds  
Executive Officer

Attachments:

- A) Current Fee Schedule
- B) Calculation of Proposed Hourly Staff Rate
- C) Proposed Amended Fee Schedule (Track Changes)
- D) Draft Resolution Approving Amended Fee Schedule

**Local Agency Formation Commission of Napa County**  
**Schedule of Fees and Deposits**  
(Effective Date: September 2, 2007)

The policy of the Commission is:

1. This fee schedule shall be administered in accordance with the provisions of California 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 or are designated as “at cost.”
5. Additional LAFCO staff time shall be charged to the applicant at an hourly rate of \$90.00.
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 or she 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 APPLICATION FEES**

### **Annexations and Detachments**

Exempt from the California Environmental Quality Act

- With 100% consent of property owners and affected agencies: \$1,350 (15 hours)
- Without 100% consent of property owners and affected agencies: \$2,250 (25 hours)

Not exempt from the California Environmental Quality Act  
(LAFCO is a Responsible Agency; Negative Declaration)

- With 100% consent of property owners and affected agencies: \$1,800 (20 hours)
- Without 100% consent of property owners and affected agencies: \$2,700 (30 hours)

Not exempt from the California Environmental Quality Act  
(LAFCO is a Responsible Agency; Environmental Impact Report)

- With 100% consent of property owners and affected agencies: \$2,250 (25 hours)
- Without 100% consent of property owners and affected agencies: \$3,150 (35 hours)

\* City annexations involving entire unincorporated islands will be charged a flat fee of \$500.

\* Annexation or detachment proposals that involve boundary changes for more than two agencies will be charged an additional fee of \$450 (5 hours).

\* If LAFCO is the Lead Agency and it is determined that the proposal requires a Negative Declaration or an Environmental Impact Report, applicants will be charged at the hourly staff rate.

### **Government Reorganizations**

- Special District Formations, Consolidations, and Dissolutions: Actual Cost
- City Incorporations or Dissolutions: Actual Cost

### **Special Studies**

- Municipal Service Review: Actual Cost
- Sphere of Influence Review:  
(Establishment, Amendment, or Update) Actual Cost

**Activation of a Latent Power Request** \$900 (10 hours)

**Extension of Time Request** \$450 (5 hours)

**Review of Out-of-Agency Agreements or Contracts** \$900 (10 hours)

**Request for Reconsideration** \$1,800 (20 hours)

**Special Meeting Fee** \$800

## OTHER APPLICATION FEES

<b>Assessor Mapping Service</b> (Made payable to the "County of Napa")	\$125
<b>Map and Geographic Description Review</b> (Made payable to the "County of Napa")	\$149 (1 hour)
<b>Registered Voter List for Public Hearing Notice</b> (Made payable to the "County of Napa")	\$55 (1 hour)
<b>Geographic Information Service</b> (Made payable to "LAFCO of Napa County")	\$125 (1 hour)
<b>California Department of Fish and Game Environmental Filing Fees</b> (Made payable to the "County of Napa Clerk Recorder")	

### LAFCO as Lead Agency

- |                                |            |
|--------------------------------|------------|
| • Environmental Impact Report: | \$2,606.75 |
| • Negative Declaration:        | \$1,876.75 |
| • Clerk-Recorder Filing Fee:   | \$50       |

### LAFCO as Responsible Agency

- |  |      |
|--|------|
| • Notice of Determination (Represents Clerk Filing Fee): | \$50 |
| • Notice of Exemption (Represents Clerk Filing Fee):     | \$50 |

## Change of Jurisdictional Boundary

(Made payable to the "State Board of Equalization")

<u>Acre Amount</u>	<u>Fee</u>	<u>Acre Amount</u>	<u>Fee</u>
Less than 1:	\$300	51 to 100:	\$1,500
1 to 5:	\$350	101 to 500:	\$2,000
6 to 10:	\$500	500 to 1,000:	\$2,500
11 to 20:	\$800	1,000 to 2,000:	\$3,000
21 to 50:	\$1,200	2,000 and above:	\$3,5000

## ADMINISTRATIVE SERVICE FEES

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

- |                                    |   |
|------------------------------------|---|
| • Copying (no color):              | \$0.10 per page                             |
| • Copying (color):                 | \$0.40 per page                             |
| • Faxing:                          | \$1.00 service charge, plus \$0.15 per page |
| • Mailing:                         | Actual Cost                                 |
| • Audio Tape Recording of Meeting: | Actual Cost                                 |
| • Research/Achieve Retrieval:      | \$45 per hour (minimum of one hour)         |



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

**Hourly Staff Rate Calculation as of July 1, 2008**

**Step One: Calculating Hourly Input Rates**

**Input No. 1: Staff Salaries**

<u>Budgeted Position</u>	<u>Hourly Rate</u>	
Executive Officer	\$ 47.87	(Step Three: 1.0 FTE)
Staff Analyst II	\$ 28.58	(Step One: 1.0 FTE)
Secretary	\$ 22.54	(Step Five: 0.5 FTE)

**Input No. 2: Staff Benefits**

<u>Benefit</u>	<u>Executive Officer</u>		<u>Staff Analyst</u>		<u>Secretary</u>	
Retirement (Pension)	\$ 9.61	\$	5.05	\$	3.89	\$
Retirement (OPEB)*	\$ 2.17	\$	2.17	\$	2.09	\$
Medicare	\$ 0.77	\$	0.42	\$	0.33	\$
Health/Dental Insurance	\$ 5.90	\$	5.92	\$	14.98	\$
Car Allowance	\$ 2.54	\$	-	\$	-	\$
Cell Phone Allowance	\$ 0.43	\$	-	\$	-	\$
<b>Total</b>	<b>\$ 21.42</b>	<b>\$</b>	<b>13.56</b>	<b>\$</b>	<b>21.29</b>	<b>\$</b>

\* Divides budgeted OPEB cost (\$11,295) between EO (40%), Analyst (40%), and Secretary (20%)

**Input No. 3: Administrative Overhead Costs**

<u>Overhead</u>	<u>Total Budget</u>		<u>Hourly Cost</u>	
Office Lease	\$ 27,000	\$	12.98	\$
Insurance	\$ 546	\$	0.26	\$
Communications	\$ 3,500	\$	1.68	\$
Legal Expense	\$ 26,320	\$	12.65	\$
ITS	\$ 17,768	\$	8.54	\$
Office Supplies	\$ 15,000	\$	7.21	\$
<b>Total</b>	<b>\$ 90,134</b>	<b>\$</b>	<b>43.33</b>	<b>\$</b>

\* Total budget divided by the number of work hours for one fulltime employee in a year (2,080)

**Step Two: Calculating Hourly Staff Rates Per Budgeted Position**

<u>Input</u>	<u>Executive Officer</u>		<u>Staff Analyst</u>		<u>Secretary</u>	
Staff Pay	\$ 47.87	\$	28.58	\$	22.54	\$
Staff Benefit	\$ 21.42	\$	13.56	\$	21.29	\$
Overhead	\$ 43.33	\$	43.33	\$	43.33	\$
<b>Total</b>	<b>\$ 112.63</b>	<b>\$</b>	<b>85.48</b>	<b>\$</b>	<b>87.16</b>	<b>\$</b>

**Step Three: Calculating a Weighted Hourly Staff Rate**

<u>Factor</u>	<u>Executive Officer</u>		<u>Staff Analyst</u>		<u>Secretary</u>	
Staff Rate	\$ 112.63	\$	85.48	\$	87.16	\$
% Processing Proposal	40.0%		55.0%		5.0%	
<b>Weighted Staff Rate</b>	<b>\$ 96.57</b>	<b>\$</b>				



# Local Agency Formation Commission of Napa County

## Schedule of Fees and Deposits

Effective Date: \_\_\_\_\_

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The policy of the Commission is:

1. This fee schedule shall be administered in accordance with the provisions of California 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 or are designated as "at cost."
5. Additional LAFCO staff time shall be charged to the applicant at an hourly rate of \$97.00.
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 or she 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.

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## INITIAL APPLICATION FEES

### Change of Organization or Reorganizations: Annexations and Detachments

Exempt from the California Environmental Quality Act

- With 100% consent of property owners and affected agencies:
- Without 100% consent of property owners and affected agencies:

~~\$1,455~~ (15 hours)

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~~\$2,425~~ (25 hours)

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Not exempt from the California Environmental Quality Act  
(LAFCO is a Responsible Agency; Negative Declaration)

- With 100% consent of property owners and affected agencies:
- Without 100% consent of property owners and affected agencies:

~~\$1,940~~ (20 hours)

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~~\$2,910~~ (30 hours)

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Not exempt from the California Environmental Quality Act  
(LAFCO is a Responsible Agency; Environmental Impact Report)

- With 100% consent of property owners and affected agencies:
- Without 100% consent of property owners and affected agencies:

~~\$2,425~~ (25 hours)

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~~\$3,395~~ (35 hours)

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\* City annexations involving entire unincorporated islands will be charged a flat fee of \$500.

\* Annexation or detachment proposals that involve boundary changes for more than two agencies will be charged an additional fee of ~~\$485~~ (5 hours).

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\* If LAFCO is the Lead Agency and it is determined that the proposal requires a Negative Declaration or an Environmental Impact Report, applicants will be charged at the hourly staff rate.

### Change of Organizations or Reorganizations: Other

- Special District Formations, Consolidations, Mergers, and Dissolutions:
- City Incorporations or Dissolutions:

~~Actual Cost~~

**Deleted: Government Reorganizations**

~~Actual Cost~~

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### Special Studies

- Municipal Service Review:
- Sphere of Influence Review:  
(Establishment, Amendment, or Update)

Actual Cost

Actual Cost

### Activation of a Latent Power Request

~~\$970~~ (10 hours)

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### Extension of Time Request

~~\$485~~ (5 hours)

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### Review of Out-of-Agency Agreements or Contracts

~~\$970~~ (10 hours)

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### Request for Reconsideration

~~\$1,940~~ (20 hours)

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### Special Meeting Fee

\$800

### Alternate Legal Counsel Fee

~~Actual Cost~~

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**OTHER APPLICATION FEES**

- Assessor Mapping Service**  
(Made payable to the “County of Napa”) \$125
- Map and Geographic Description Review**  
(Made payable to the “County of Napa”) \$149 (1 hour)
- Registered Voter List for Public Hearing Notice**  
(Made payable to the “County of Napa”) \$55 (1 hour)
- Geographic Information Service**  
(Made payable to “LAFCO of Napa County”) \$125 (1 hour)
- California Department of Fish and Game Environmental Filing Fees**  
(Made payable to the “ County of Napa Clerk Recorder”)

LAFCO as Lead Agency

- Environmental Impact Report: \$2,606.75
- Negative Declaration: \$1,876.75
- Clerk-Recorder Filing Fee: \$50

LAFCO as Responsible Agency

- Notice of Determination (Represents Clerk Filing Fee): \$50
- Notice of Exemption (Represents Clerk Filing Fee): \$50

**Change of Jurisdictional Boundary**

(Made payable to the “State Board of Equalization”)

<u>Acre Amount</u>	<u>Fee</u>	<u>Acre Amount</u>	<u>Fee</u>
Less than 1:	\$300	51 to 100:	\$1,500
1 to 5:	\$350	101 to 500:	\$2,000
6 to 10:	\$500	500 to 1,000:	\$2,500
11 to 20:	\$800	1,000 to 2,000:	\$3,000
21 to 50:	\$1,200	2,000 and above:	\$3,5000

**ADMINISTRATIVE SERVICE FEES**

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

- Copying (no color): \$0.10 per page
- Copying (color): \$0.40 per page
- Faxing: \$1.00 service charge, plus \$0.15 per page
- Mailing: Actual Cost
- Audio Tape Recording of Meeting: Actual Cost
- Research/Achieve Retrieval: \$97 per hour (minimum of one hour)

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

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
AMENDMENTS TO ADOPTED SCHEDULE OF FEES AND DEPOSITS**

**WHEREAS**, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) authorizes the Local Agency Formation Commission of Napa County (hereinafter referred to as “LAFCO”) to adopt a fee schedule; and

**WHEREAS**, LAFCO established and adopted by resolution a “Schedule of Fees and Deposits” on December 1, 2001 in a manner provided by law; and

**WHEREAS**, LAFCO has amended the adopted Schedule of Fees and Deposits as appropriate since its establishment on December 1, 2001; and

**WHEREAS**, LAFCO has scheduled and noted a public hearing on June 2, 2008 to consider new amendments to its Schedule of Fees and Deposits; and

**WHEREAS**, as part of a scheduled and notice public hearing on June 2, 2008, oral and/or written comments on the proposed amendments to the adopted Schedule of Fees and Deposits were received from the general public, and these comments were considered by LAFCO; and

**WHEREAS**, the Commission has determined that the adoption of amendments to its Schedule of Fees and Deposits is exempt from the provisions of CEQA under Section 15273(a) of the State CEQA Guidelines and Section 21080(b)(8) of the Public Resources Code.

**NOW, THEREFORE, BE IT RESOLVED** by LAFCO that the Schedule of Fees and Deposits shall be amended and readopted in the manner set forth in Exhibit “A” and that this action is categorically exempt from the provisions of CEQA.

The foregoing resolution was duly and regularly adopted at a regular meeting of LAFCO, held on the 2<sup>nd</sup> day of June, 2008, by the following vote:

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

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

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

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

ATTEST: Keene Simonds  
Executive Officer

RECORDED: \_\_\_\_\_  
Kathy Mabry  
Commission Secretary



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

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

**June 2, 2008**  
**Agenda Item No. 8a**

May 28, 2008

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Comprehensive Study of Public Cemetery Districts (Discussion)**

The Commission will receive a report representing its schedule municipal service review of public cemetery districts in Napa County. The report is in draft-form and is being presented for discussion.

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The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs Local Agency Formation Commissions (LAFCOs) to review and update each local agency's sphere of influence every five years as needed. As a prerequisite to sphere reviews, LAFCOs must prepare municipal service reviews to determine the adequacy of governmental services that are being provided within their respective jurisdictions. The intent of the municipal service review is to evaluate the adequacy, efficiency, and effectiveness of services in relationship to local needs and circumstances. The municipal service review process culminates with LAFCO making determinations on several service and organizational issues and may lead the agency to take other actions under its authority.

**Discussion**

In accordance with the inaugural study schedule adopted in 2001, the attached report represents LAFCO of Napa County's municipal service review of public cemetery districts in Napa County. The report has been prepared by Baracco and Associates under the direction of the Executive Officer. The purpose of this report is to evaluate the growth and development as well as the level and range of services provided by the two public cemetery districts operating in Napa County: (a) Monticello Public Cemetery District and (b) Pope Valley Cemetery District. Written determinations are included and make statements on the availability and sufficiency of services provided by each agency.

The report is being presented to the Commission for discussion. Staff will provide a brief presentation highlighting the key service and policy issues discussed in the report. Following the meeting, staff will circulate a notice of review on the report to all interested parties. Staff anticipates presenting a final report, with or without revisions, to the Commission for consideration at its next regularly scheduled meeting along with individual sphere of influence reviews for the two affected agencies.

Attachment: as stated

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Jack Gingles, Commissioner  
Mayor, City of Calistoga

Juliana Inman, Commissioner  
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

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

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

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

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

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

DRAFT

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

**COMPREHENSIVE STUDY OF PUBLIC CEMETERY DISTRICTS  
MUNICIPAL SERVICE REVIEW**

**Draft Report  
June 2008**

**Prepared by:**

**Baracco and Associates**  
40 Eureka Street  
Sutter Creek, California 95685

**LAFCO of Napa County**  
1700 Second Street, Suite 268  
Napa, California 94559

*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.*

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

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



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## **I. INTRODUCTION**

### **A. Local Agency Formation Commissions**

Local Agency Formation Commissions (LAFCOs) were established in 1963 and are responsible for administering a section of California Government Code now known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. LAFCOs are delegated regulatory and planning responsibilities to encourage the logical formation and development of local governmental agencies and services, preserve agricultural and open-space resources, and discourage urban sprawl. LAFCO regulates local governmental boundary lines by approving or disapproving city and special district annexations and detachments, city incorporations and disincorporations, and special district formations, consolidations, and dissolutions. LAFCOs are also responsible for conducting studies to inform and direct regional planning activities and goals. LAFCOs are located in all 58 counties in California.

### **B. Municipal Service Reviews**

Beginning January 1, 2001, LAFCOs are responsible for reviewing and updating each local agency's sphere of influence ("sphere") by January 1, 2008 and every five years thereafter as needed.<sup>1</sup> As a prerequisite to sphere reviews, LAFCOs must prepare municipal service reviews to determine the adequacy and range of governmental services that are being provided in the region. The municipal service review, which can focus on a particular agency or type of service, evaluates services in relationship to local conditions and needs. The municipal service review culminates with LAFCO making determinations on a range of governance issues and may lead the agency to take other actions under its authority.

### **C. Comprehensive Study of Public Cemetery Districts**

This report represents LAFCO of Napa County's municipal service review of public cemetery districts in Napa County. The report has been prepared by Baracco and Associates under the direction of the Executive Officer. The purpose of this report is to evaluate the growth and development as well as the level and range of services provided by the two public cemetery districts operating in Napa County: (a) Monticello Public Cemetery District and (b) Pope Valley Cemetery District.<sup>2</sup>

This report is divided into two distinct sections. The first section evaluates the Monticello Public Cemetery District while the second section evaluates the Pope Valley Cemetery District. Each section includes determinations addressing the factors LAFCO must consider as part of its municipal service review mandate under California Government Code §56430(a). These determinations serve as executive summaries and make statements on the availability, capacity, and adequacy of services provided by each agency.

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<sup>1</sup> California Government Code §56076 defines a sphere as "a plan for the probable physical boundary and service area of a local agency, as defined by the commission."

<sup>2</sup> The geographic area of this municipal service review includes all unincorporated lands in Napa County.

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## II. MONTICELLO PUBLIC CEMETERY DISTRICT

### A. Overview

The Monticello Public Cemetery District (MPCD) was formed in 1936. MPCD was restructured in 1988 into a dependent special district and is now governed by the County of Napa Board of Supervisors serving as the Board of Trustees. MPCD owns and operates the Monticello Cemetery, which includes providing ground maintenance and interment services. Staffing is provided by the County Public Works Department. MPCD has a current operating budget of \$50,419 with an estimated resident service population of 1,347.

### B. Background

#### *Setting*

MPCD is located in northeast Napa County and serves the unincorporated communities of Berryessa Highlands, Berryessa Pines, and Spanish Flat. MPCD's jurisdictional boundary is divided by Lake Berryessa and extends north and east to Lake and Yolo Counties. Land uses within the jurisdictional boundary generally comprises agricultural, open-space, and rural residential. Limited commercial and recreational land uses are also present along the southern and western shoreline of Lake Berryessa.

#### *History*

MPCD was formed in 1936 to assume control of the privately operated Monticello Cemetery. The cemetery was developed in 1879 and originally located in the unincorporated community of Monticello. The cemetery came under the control and ownership of MPCD at the petitioning of local residents after the cemetery's private proprietors ceased operating in the early 1930s. In 1956, MPCD moved the cemetery to its presented location in Spanish Flat in anticipation of the planned inundation of Monticello as part of the creation of Lake Berryessa by the United States Bureau of Reclamation.

### C. Adopted Boundaries

#### *Jurisdictional Boundary*

MPCD's jurisdictional boundary includes approximately 138,700 acres, or 217 square miles. LAFCO has approved one jurisdictional change involving MPCD since 1963. The approved change of organization involved the annexation of an approximate 293 acre area portion of Berryessa Highlands in 1982.<sup>3</sup>

---

<sup>3</sup> *Rimrock Drive District Annexation to the Monticello Public Cemetery District.*

### *Sphere of Influence*

MPCD's sphere of influence includes approximately 163,900 acres, or 256 square miles. The sphere was established by LAFCO in March 1985 to include MPCD's entire jurisdictional boundary along with nearly 23,000 acres of unincorporated land extending south into Wooden Valley, which includes the unincorporated community of Circle Oaks. LAFCO also included in the sphere unincorporated lands to the west of MPCD that were already in the Pope Valley Cemetery District. Notably, LAFCO included these lands based on its determination that MPCD is the more appropriate service provider for the affected area based on social communities of interest.

In May 1985, LAFCO revised MPCD's sphere to exclude an approximate 1,350 acre area already in the District and located along its western border after adding the same affected area to the Pope Valley Cemetery District's sphere. In making this change, the Commission determined that the affected area would be better served by the Pope Valley Cemetery District. No other changes to the sphere have been made.

#### **D. Growth and Population Estimates**

There are no specific population counts within MPCD's jurisdictional boundary. However, a review of data collected by the United States Census identifies that Tract 2018 generally correlates with MPCD's jurisdictional boundary with the exception of including portions of Chiles and Pope Valleys.

For the purpose of this municipal service review, LAFCO assumes that MPCD's jurisdictional boundary includes 75% of the total resident population in Tract 2018.<sup>4</sup> LAFCO also assumes that recent and future population growth in MPCD has and will be consistent with the recent annual growth rate in unincorporated Napa County of 1.8%.<sup>5</sup> Based on these assumptions, LAFCO estimates MPCD's resident service population is 1,347. The table below estimates recent and future population counts within MPCD.

#### **Resident Service Population Estimates for MPCD**

(Estimates calculated by LAFCO)

<b>2000</b>	<b>2008</b>	<b>2013</b>	<b>2018</b>
1,226	1,347	1,428	1,514

It is anticipated that the majority of new growth and development within MPCD's jurisdictional boundary will occur in Berryessa Highlands. Berryessa Highlands is a small residential community located along the southern shoreline of Lake Berryessa that began developing in the late 1960s. A recent review of the community's water and sewer service provider identified that only 330 of the 560 lots in Berryessa Highlands have been developed. An additional 100 new residential lots are also being proposed as part of new subdivision north of Berryessa Pines known as Villa Berryessa.

<sup>4</sup> Total population estimates in 1990 and 2000 for the Tract 2018 was 1,426 and 1,635.

<sup>5</sup> The average annual growth rate is based on the United States Census' population estimates for all unincorporated lands in Napa County between 2000 and 2006.

## **E. Governance**

MPCD operates under California Health and Safety Code Sections 9000 – 9093, which is known as the Public Cemetery District Law. This law was originally enacted in 1909 and comprehensively rewritten in 2004. The law empowers MPCD to own, operate, and maintain cemeteries and provide interment services within its jurisdictional boundary. MPCD is authorized to provide interment services to District residents and property owners as well as certain non District property owners and residents under certain conditions. Elections are based on a registered resident-voter system.

At the time of its formation, MPCD was organized as an independent special district with its own three-member Board of Trustees appointed by the County Board of Supervisors. In 1988, at the request of local residents, MPCD became a dependent special district with the Board of Supervisors appointing itself as the Board of Trustees. Meetings are calendared at the beginning of each year and generally occur on the first Tuesday of each month.

### *Advisory Committee*

In 1989, MPCD's Board of Trustees appointed a five-member Advisory Committee to help inform District activities and services. The Advisory Committee is primarily responsible for reviewing and making recommendations on the annual budget, fees and charges, and capital improvements. Appointees serve staggered four-year terms and must be residents or property owners within MPCD or plot owners in the cemetery. The Advisory Committee holds an annual regular meeting on the third Wednesday in January with additional meetings scheduled as needed.

## **F. Administration**

Administration of MPCD is the principal responsibility of the County Public Works Director, who serves as District Manager. Public Works prepares and monitors MPCD's annual budget as well as manages maintenance schedules and responds to public inquiries. Accounting and legal services are provided to MPCD by the Auditor-Controller's Office and County Counsel, respectively.

## **G. Municipal Services**

As mentioned, MPCD owns, operates, and maintains the Monticello Public Cemetery. The cemetery is approximately 3.7 acres in size and located along Spanish Flat Loop east of its intersection with Knoxville Berryessa Road. MPCD contracts with Kelley Excavators to provide in-ground interment services as needed. MPCD does not provide other cemetery related facilities, such as a columbarium or mausoleum. Burial plots are offered for sale through the purchase of an 'interment right' to both residents and non-residents of MPCD. MPCD's current interment right fee is \$1,000 for residents or property owners within the District. This purchase price includes a \$150 contribution to MPCD's endowment fund.<sup>6</sup>

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<sup>6</sup> Qualifying non-residents are charged an additional 15%.

MPCD's maintenance of the cemetery includes regular lawn mowing, repairing headstones and burial markers, and maintaining an irrigation system that utilizes recycled water from the nearby Spanish Flat Water District. On-site cemetery facilities are limited and include a handicapped accessible portable toilet and one raised structure near the entrance gate that is used for burial services in the event of poor weather. A storage shed is also located in the northwest corner of the property and houses a ride-on mower. The cemetery is completely fenced and appears to provide adequate security. A rudimentary service road traverses the perimeter of the cemetery. Maintenance of the cemetery appears adequate. However, many of the flat grave markers are obscured by dirt, and it appears squirrels are causing extensive damage near the on-site oak trees.

MPCD reports that there are a total of 978 plots in the cemetery. Of this amount, 264 plots remain available for purchase. Given the number of available plots along with the apparent expansion opportunities to the north, it appears MPCD has adequate capacity to meet future service demands within the foreseeable future.

## H. Financial

### *Budget Process*

MPCD practices an annual budget process. The annual budget is prepared by the District Manager and adopted by the Board of Trustees at a publicly noticed meeting.

### *2007-2008 Budget*

MPCD's adopted budget for 2007-2008 projects total revenues and expenditures at \$54,830 and \$50,419, respectively. Budget details are summarized below.

#### **MPCD's Adopted 2007-2008 Final Budget**

<b>Revenues</b>	<b>Amount</b>	<b>Percentage</b>
Property Taxes	\$23,950	43.6
Charges for Services	\$5,000	9.1
Sales of Cemetery Plots	\$5,000	9.1
Miscellaneous Revenues	\$880	1.6
Transfers-In	\$20,000	36.6
Totals	\$54,830	100%

<b>Expenditures</b>	<b>Amount</b>	<b>Percentage</b>
Insurance	\$1,769	3.6
Equipment Maintenance	\$1,000	2.0
Ground Maintenance	\$15,000	29.7
Administration	\$20,000	39.7
Interment Services	\$5,000	9.9
Rents and Leases	\$2,200	4.3
Utilities	\$5,000	9.9
Miscellaneous	\$450	0.9
Totals	\$50,419	100%

### *Contingencies*

MPCD began 2007-2008 with a reserve balance of \$17,457. MPCD also maintains an endowment fund to address future cemetery care issues. The endowment fund currently stands at \$128,434.

### *Expenditure and Revenue Trends*

The California State Controller's Office (SCO) publishes annual expenditure and revenue information for all counties, cities, and special districts in California. Information reported by SCO is drawn from reports submitted by the local agencies and generally published two years after the end of the affected fiscal year. Key expenditure and revenue information for MPCD over the last five reported fiscal years follows.

#### **Recent Expenditures and Revenues for the MPCD**

(Source: SCO's *Cities Annual Report 2001-2002 to 2005-2006*)

<b>Fiscal Year</b>	<b>Total Expenses</b>	<b>Total Revenues</b>	<b>Operating Net</b>
2001-2002	\$14,148	\$21,029	\$6,881
2002-2003	\$13,080	\$21,334	\$8,254
2003-2004	\$15,966	\$20,081	\$4,115
2004-2005	\$32,030	\$21,432	(\$10,598)
2005-2006	\$21,563	\$26,237	\$4,674

The majority of MPCD's revenues are drawn from property taxes. Between 2003-2004 and 2005-2006, property taxes averaged of 82% of MPCD's total revenue base.

### **I. Written Determinations**

In anticipation of reviewing MPCD's sphere, and based on the information included in this report, the following written determinations make statements involving the service factors the Commission must consider as part of a municipal service review.

#### *Infrastructure Needs and Deficiencies*

- 1) The Monticello Public Cemetery District's infrastructure system is sufficient given the basic level of public interment services provided.
- 2) The Monticello Public Cemetery District has sufficient burial plot capacity to meet present and future service demands within the timeframe of this review.

*The Monticello Public Cemetery District has 264 available burial plots, which represents approximately 27% of its current number of occupied sites (978).*

- 3) The Monticello Public Cemetery District has established an adequate maintenance schedule that includes regular lawn mowing and clean-up as well as repairing headstones and burial markers as needed.

### *Growth and Population Projections*

- 1) The Monticello Public Cemetery District has an estimated resident service population of 1,347. It is expected the District will experience modest population growth over the next five years at an average annual rate of 1.8%.
- 2) It is expected the majority of new growth and population within the Monticello Public Cemetery District will occur in the unincorporated community of Berryessa Highlands. If developed to build-out, it is anticipated Berryessa Highlands will add another 598 residents to the District.

### *Financing Constraints and Opportunities*

- 1) The Monticello Public Cemetery District is dependent on its annual share of property tax revenues to fund its cemetery services. This revenue source has proven reliable and has increased by nearly 40% over the last five years as a result of increasing property values within its jurisdictional boundary.
- 2) Due to its limited revenue base, the Monticello Public Cemetery District would be significantly impacted if the State of California declares a fiscal emergency and borrows up to 8% of local property tax revenues as allowed under Proposition 1A.
- 3) Administrative services provided by the County of Napa represent Monticello Public Cemetery District's largest operating cost and have increased by more than 160% over the last five years. It is expected that administrative service costs will continue to increase as the County seeks to recover its own costs in managing the District.
- 4) The recent growth rate between revenues and expenditures indicates the Monticello Public Cemetery District will begin experiencing ongoing operating shortfalls in the near future unless the District expands its revenue base or reduces service levels.

*Between 2000-2001 and 2006-2007, the Monticello Public Cemetery District's total actual revenues have increase by 31% while total actual expenditures have increased by 132%.*

- 5) The Monticello Public Cemetery District has developed an adequate endowment fund to help ensure it has sufficient funds to address future service obligations. The interest earned on the endowment fund has also emerged as an important funding source for the District in helping to cover increased operating costs.

### *Cost Avoidance Opportunities*

- 1) The Monticello Public Cemetery District enjoys cost-savings by receiving free recycled water from the Spanish Flat Water District.

*Opportunities for Rate Restructuring*

- 1) In the absence of preparing comprehensive reviews, the Monticello Public Cemetery District should consider amending its fee schedule to allow for annual adjustments based on the consumer price index to help ensure adequate cost-recovery.

*Opportunities for Shared Resources*

- 1) The Monticello Public Cemetery District benefits from its status as a dependent special district of the County of Napa with respect to having access to resources that would otherwise be unavailable.
- 2) The Monticello Public Cemetery District should evaluate whether there are any shared resource opportunities with private cemeteries within its jurisdictional boundary.

*Government Structure Options*

- 1) The restructuring of the Monticello Public Cemetery District into a dependent special district governed by the County of Napa Board of Supervisors has been positive and reflects the most cost-effective and efficient governance structure for the District.

*Evaluation of Management Efficiencies*

- 1) Administration of the Monticello Public Cemetery District is provided by the County of Napa Public Works Department and helps to ensure a sufficient level of expertise is employed in the management of the District.

*Local Accountability and Governance*

- 1) The Monticello Public Cemetery District serves an important role in providing for the respectful and cost-effective interment of human remains for property owners, residents, and qualifying non-residents of the District.
- 2) The Monticello Public Cemetery District's Advisory Committee enhances community participation in District activities and helps to ensure service levels are consistent and accountable with the preferences of the constituents.

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### III. POPE VALLEY CEMETERY DISTRICT

#### A. Overview

The Pope Valley Cemetery District (PVCD) was formed in 1969. PVCD is an independent special district governed by local residents serving as the Board of Trustees. PVCD owns and operates the Pope Valley Cemetery, which includes providing ground maintenance and coordinating interment services with funeral homes. PVCD is staffed by volunteers and it anticipates \$1,255 in total operating expenses in 2007-2008. It is estimated that PVCD's resident service population is 1,210.

#### B. Background

##### *Setting*

PVCD is located in north central Napa County and includes the unincorporated communities of Berryessa Estates and Pope Valley. PVCD's jurisdictional boundary is located between Lake Berryessa to the east and the Napa Valley to the west. Land uses within PVCD's jurisdictional boundary generally consists of agricultural, open-space, and rural residential. Limited commercial and recreational land uses are also present in Pope Valley and include a general store, post office, and a nine-hole public golf course.

##### *History*

PVCD was formed in 1969 to assume ownership and control of the privately operated Pope Valley Cemetery. The cemetery was created in 1897 and remains at its original location northeast of the intersection of Barnett and Chiles-Pope Valley Roads. PVCD's formation proceedings were petitioned by local residents after an approximate 30 year period in which the former private proprietors of the cemetery ceased operating.

#### C. Adopted Boundaries

##### *Jurisdictional Boundary*

PVCD's jurisdictional boundary includes approximately 67,940 acres, or 106 square miles. No changes have been made to the jurisdictional boundary since PVCD's formation.

##### *Sphere of Influence*

PVCD's sphere of influence includes approximately 82,490 acres, or 129 square miles. The sphere was established by LAFCO in 1985 and includes the majority of PVCD's jurisdictional boundary along with unincorporated lands extending south into Chiles Valley as well as east towards Putah Creek. Markedly, the eastern lands added to PVCD's sphere were already in MPCD. LAFCO added these eastern lands to PVCD's sphere after determining the District was the more appropriate service provider for the affected area based on social communities of interest.

In establishing the sphere, LAFCO also excluded three areas that were already in PVCD. Two of the three areas are located along PVCD's western border and were excluded from the sphere after LAFCO determined that the affected lands did not require public cemetery services. The third area is located on PVCD's eastern border and was excluded from the sphere after LAFCO determined that the affected lands would be better served by MPCD. No changes to the sphere have been made since its establishment in 1985.

#### **D. Growth and Population Estimates**

There are no specific population counts within PVCD's jurisdictional boundary. However, a review of data collected by the United States Census identifies that portions of Tracts 2017, 2018, and 2019 collectively cover PVCD's jurisdictional boundary.

For the purpose of this municipal service review, LAFCO assumes that PVCD's jurisdictional boundary represents 25% of the resident population in Tract 2018 as well as 10% of the resident populations in Tracts 2017 and 2019. LAFCO also assumes that recent and future population growth in PVCD has and will be consistent with the average annual growth rate in the unincorporated area of Napa County of 1.8%.<sup>7</sup> Based on these assumptions, LAFCO estimates PVCD's current resident service population is 1,210. The table below estimates recent and future population counts within PVCD.

##### **Resident Service Population Estimates for PVCD**

(Estimates calculated by LAFCO)

<b>2000</b>	<b>2008</b>	<b>2013</b>	<b>2018</b>
1,102	1,210	1,284	1,361

It is anticipated that the majority of new growth and development within PVCD's jurisdictional boundary will occur in Berryessa Estates. Berryessa Estates is a small residential community located northwest of Lake Berryessa along Putah Creek that began developing in the late 1960s. A recent review of the community's water and sewer provider identified that only 163 of the 351 lots in Berryessa Estates have been developed. Additional development may also occur within Pope Valley based on current County land use policies, but no projects are known at this time.

#### **E. Governance**

PVCD operates under California Health and Safety Code Sections 9000 – 9093, which is known as the Public Cemetery District Law. This law was originally enacted in 1909 and comprehensively rewritten in 2004. The law empowers PVCD to own, operate, and maintain cemeteries and provide interment services within its jurisdictional boundary. PVCD is authorized to provide interment services to District residents and property owners as well as certain non District property owners and residents under certain conditions. Elections are based on a registered resident-voter system.

<sup>7</sup> The average annual growth rate is based on the United States Census' population estimates for all unincorporated lands in Napa County between 2000 and 2006.

At the time of its formation, PVCD was organized as an independent special district with its own three-member board of trustees appointed by the County Board of Supervisors. While PVCD continues to operate as an independent special district, it appears that the three current trustees have simply ‘inherited’ their positions as opposed to formal appointment by the Board of Supervisors. Meetings are calendared as needed.

## **F. Administration**

PVCD’s administration is the principal responsibility of a volunteer District Manager. Key duties of the District Manager include keeping records, responding to public inquiries, and providing general maintenance of the cemetery. The District Manager is also responsible for organizing an annual cemetery cleanup and barbeque.

## **G. Municipal Services**

As mentioned, PVCD owns, operates, and maintains the Pope Valley Cemetery. The cemetery is approximately 1.54 acres in size and located along a private 0.6 mile section of Barnett Road northeast of its intersection with Chiles Pope Valley Road. The cemetery was recently expanded by nearly half following the donation of .74 acres of adjacent land by a former neighbor. PVCD offers burial plots for sale to residents and property owners of the District only. The current fee for a burial plot is \$1,250. PVCD coordinates with respective funeral homes in providing interment services.<sup>8</sup> The most recent interment was in August of 2007.

PVCD describes the cemetery as ‘pioneer’ with family plots surrounded by concrete curbs, and monolithic family headstones dating from the cemetery’s beginnings in 1897. Pathways between the family plots are somewhat graveled, but no lawn areas are present on the cemetery grounds. PVCD has received and utilized two improvement grants from the County totaling \$20,000 over the last 10 years to fence the cemetery as well as construct a water storage tank. A neighbor pumps water into the storage tank at no cost, which provides irrigation for local vegetation and flower groupings. PVCD does not own any other facilities or equipment. Maintenance for individual plots appears to be left to family or friends.

PVCD reports that there are a total of 343 plots in the cemetery. Of this amount, 73 plots remain available for purchase. All but one of the available plots is located in the new portion of the cemetery, which was recently divided into rows by the District Manager. Sufficient ground remains within the fenced area for additional plots. The recent expansion of the cemetery helps to ensure that PVCD has adequate ground capacity to meet future service demands within the foreseeable future.

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<sup>8</sup> Each gravesite is excavated by PVCD’s District Manager and a vault is installed to receive the casket.

## H. Financial

### *Budget Process*

Although it monitors revenues and expenditures, PVCD has not established a formal budget process. PVCD's practiced budget process is generally limited to reconciling the District's checking account as needed. Expected revenues and expenditures for the current fiscal year follows:

<b>Revenues</b>		
Cemetery Plot Sales		<u>\$1,250</u>
Total Revenue		\$1,250
<b>Expenditures</b>		
Insurance		\$ 255
Ground Maintenance		500
Plot Development		<u>500</u>
Total Expenditures		\$1,255

### *Contingencies*

PVCD began 2007-2008 with \$8,039 in its checking account. Additionally, the County maintains a Special District Fund (No. 7100) for PVCD with a current balance of \$276.

### *Expenditure and Revenue Trends*

PVCD's expenditures are limited and relate entirely to supplies and services. Given the stagnant level of services, it is not expected that PVCD will experience a measurable increase in operating costs within the foreseeable future. PVCD's ability to cover its operating costs is dependent on plot sales. Property tax revenues are not available to PVCD because the District set its tax rate at 0% in 1977-1978. This tax rate was frozen one year later as a result of Proposition 13.

## I. Written Determinations

In anticipation of reviewing PVCD's sphere, and based on the information included in this report, the following written determinations make statements involving the service factors the Commission must consider as part of a municipal service review.

### *Infrastructure Needs and Deficiencies*

- 1) The Pope Valley Cemetery District's infrastructure system is minimal and reflects the rural level of public interment services provided by the District.
- 2) The Pope Valley Cemetery District has sufficient burial plot capacity to meet present and future service demands within the timeframe of this review.

*The Pope Valley Cemetery District has 73 available burial plots, which represents approximately 21% of its current number of occupied sites (343).*

- 3) The Pope Valley Cemetery District is dependent on volunteers to provide time and equipment in operating and maintaining the cemetery. This dependency on external resources reflects a considerable infrastructure deficiency and is expected to be exasperated by changing demographics that will increasingly challenge the District to recruit and retrain a sufficient number of volunteers.

### ***Growth and Population Projections***

- 1) The Pope Valley Cemetery District has an estimated resident service population of 1,210. It is expected that the District will experience modest population growth over the next five years at an average annual rate of 1.8%.
- 2) It is expected the majority of new growth and population within the Pope Valley Cemetery District will occur in the unincorporated community of Berryessa Estates. If developed to build-out, it is anticipated Berryessa Estates will add another 489 residents to the District.

### ***Financing Constraints and Opportunities***

- 1) The Pope Valley Cemetery District's revenue base is limited to the sale of burial plots and does not provide sufficient operating funding to carryout the services of the District in a manner that is consistent with its principal act.
- 2) The decision by the Pope Valley Cemetery District to set its property tax rate to zero immediately prior to the enactment of Proposition 13 precludes the District from receiving any property tax revenues collected within its jurisdictional boundary. The lack of property tax revenues has created a significant financial constraint and has not been addressed by District in terms of developing new revenue streams, such as a special assessment.
- 3) The Pope Valley Cemetery District does not have sufficient reserves to provide long-term maintenance of the cemetery.

*The Pope Valley Cemetery District has a total reserve balance of \$8,039.*

- 4) The Pope Valley Cemetery District should consider allowing non-residents to purchase interment rights with the District to help generate needed revenues.

### ***Cost Avoidance Opportunities***

- 1) The Pope Valley Cemetery District enjoys measurable cost-savings as a result volunteers dedicating time and equipment to operate and maintain the cemetery.

- 2) The Pope Valley Cemetery District has avoided costs recently by receiving two grants from the County of Napa totaling \$20,000 to fence the cemetery as well as construct a water storage tank to irrigate local vegetation.

#### *Opportunities for Rate Restructuring*

- 1) The Pope Valley Cemetery District should perform a review of its fee schedule to consider whether changes are appropriate in order to improve its cost-recovery.

#### *Opportunities for Shared Resources*

- 1) The Pope Valley Cemetery District should evaluate whether there are any shared resource opportunities with private cemeteries within its jurisdictional boundary.
- 2) The Pope Valley Cemetery District interacts regularly with the local volunteer fire department along other various community organizations. These interactions help retain and direct volunteer community resources benefiting the District.

#### *Government Structure Options*

- 1) The Pope Valley Cemetery District's principal act authorizes the County of Napa Board of Supervisors to appoint itself as the District's Board of Trustees. This restructuring may help to formalize the District's services and improve its solvency. The District and County should explore this government structure option.

#### *Evaluation of Management Efficiencies*

- 1) The Pope Valley Cemetery District should establish adopted policies to help guide the efficient management and operation of the District.

#### *Local Accountability and Governance*

- 1) The current Board of Trustees for the Pope Valley Cemetery District inherited their positions as opposed to formal appointment by the County of Napa Board of Supervisors. The District should make contact with the County to request formal appointments as required under its principal act.
- 2) The Pope Valley Cemetery District should begin meeting at regularly scheduled times no less than once every three months as required under its principal act. This would enhance the District's accountability by providing an opportunity for its constituents to ask questions of their appointed representatives while helping to ensure information is being effectively communicated in a timely manner.

#### **IV. REFERENCES AND SOURCES**

##### **A. Monticello Public Cemetery District**

###### *Agency Contacts*

Kimberly Payne, Staff Service Analyst, County Public Works

###### *Documents and Resources*

\* Note: Complete list is being prepared and will be included in the final report

##### **B. Pope Valley Cemetery District**

###### *Agency Contacts*

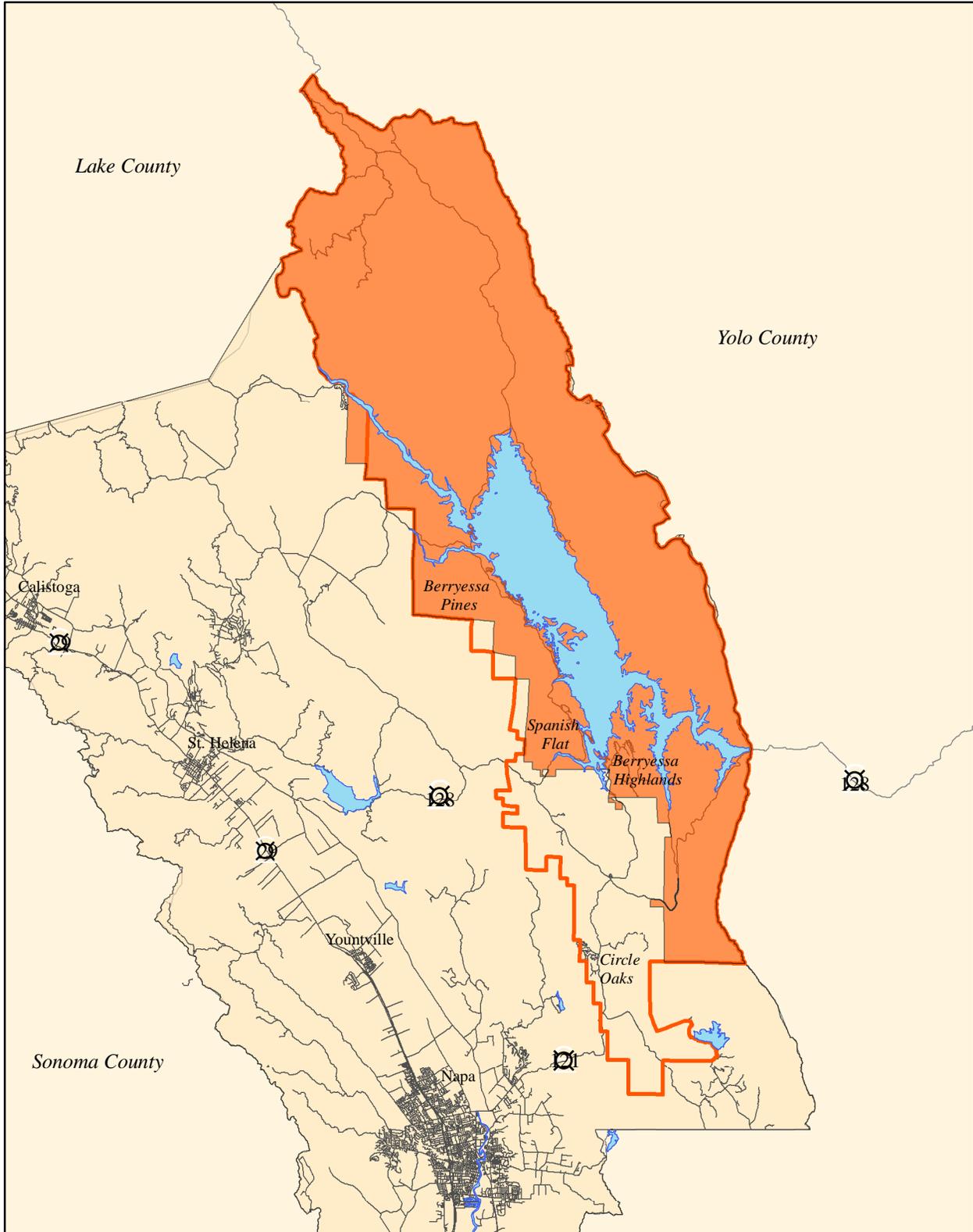
Bradley Kirkpatrick, Trustee, District Manager  
Kaye Elkins, Trustee, District Treasurer

###### *Documents and Resources*

\* Note: Complete list is being prepared and will be included in the final report

# Monticello Public Cemetery District

Attachment A



**Legend**

-  Monticello Public Cemetery District
-  Monticello Public Cemetery District Sphere of Influence

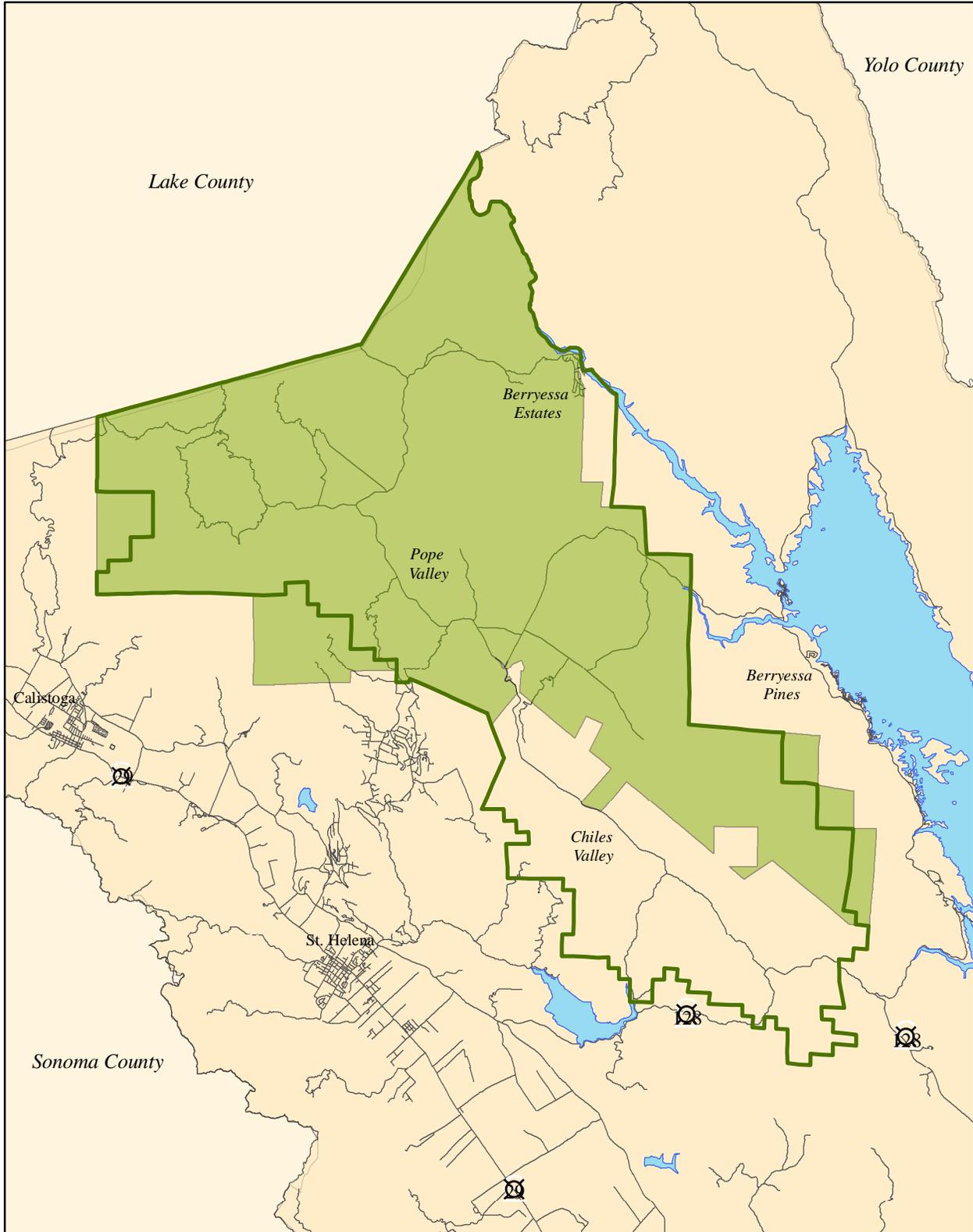


*Not to Scale  
May 26, 2008  
Prepared by KS*

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

# Pope Valley Cemetery District

Attachment B



**Legend**

-  Pope Valley Cemetery District
-  Pope Valley Cemetery District Sphere of Influence



*Not to Scale  
May 26, 2008  
Prepared by KS*

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

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**June 2, 2008**  
**Agenda Item No. 8b**

May 23, 2008

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Legislative Report (Discussion)**

The Commission will receive a report on the legislative activities of the California Association of Local Agency Formation Commissions. The report summarizes the bills under consideration in the current legislative session relevant to the Commission and is being presented for discussion.

The Executive Officer is a member of the California Association of Local Agency Formation Commissions (CALAFCO) Legislative Committee. The Legislative Committee meets on a regular basis to review, discuss, and offer recommendations to the CALAFCO Board of Directors as it relates to bills that have either a direct impact on LAFCO law or the laws LAFCO helps to administer. A summary of the key bills CALAFCO is currently tracking as part of the current legislative session follows.

**Bills Sponsored or Supported by CALAFCO**

**Assembly Bill 1998 (Jim Silva)**

***Transfers Administration of LAFCO Disclosure Requirements to the FPPC***

Existing law requires all affected parties to disclose their political expenditures and contributions made in support of or in opposition to change of organization or reorganization proposals that may come before LAFCO. Political expenditures and contributions made during protest proceedings are also subject to disclosure requirements. These disclosure requirements were made mandatory beginning this year as a result of AB 745 (Silva). AB 1998 is co-sponsored by CALAFCO and would change the responsibility for administering the disclosure requirements from LAFCO to the Fair Political Practices Commission (FPPC). CALAFCO is seeking this change because the FPPC is more experienced and prepared in the filing and review of disclosure statements than LAFCO staff. This bill recently passed through the Assembly and has been assigned to the Senate Committee on Elections, Reapportionment & Constitutional Amendments. No hearings have been scheduled.

Jack Gingles, Commissioner  
Mayor, City of Calistoga

Juliana Inman, Commissioner  
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

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

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

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

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

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

**Assembly Bill 2484 (Anna Caballero)**

***Expands the Definition of Change of Organization to Include Special Districts Providing New Services and Divesting Service Powers***

---

Existing law designates LAFCO as the sole authority in approving or disapproving change of organizations. Change of organizations are currently defined under law to include 1) city incorporations, 2) district formations, 3) annexations or detachments involving cities or districts, 4) city disincorporations, 5) district dissolutions, 6) consolidations involving cities or districts, and 7) merger or establishment of subsidiary districts. AB 2484 is co-sponsored by CALAFCO and would expand the definition for change of organizations to include proposals involving districts providing new or different functions or classes of services as well as divesting service powers. CALAFCO is seeking this change to clarify that proposals in which districts shall provide new services authorized under their principal acts represents substantive change of organizations, and divesting service powers warrants LAFCO review and approval. This bill recently passed through Assembly and is scheduled to be heard by the Senate Local Government Committee on June 4<sup>th</sup>.

**Assembly Bill 3047 (Anna Caballero)**

***Annual CALAFCO Omnibus Bill***

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Existing law establishes a LAFCO in every county in California with regulatory and planning responsibilities. AB 3047 is co-sponsored by CALAFCO and includes several non-substantive changes to LAFCO law aimed at clarifying and improving existing procedures and processes. This bill recently passed through the Assembly and has been assigned to the Senate Committee on Elections, Reapportionment & Constitutional Amendments. No hearings have been scheduled.

**Assembly Bill 1263 (Anna Caballero)**

***Amendments to LAFCO Law***

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AB 1263 is co-sponsored by CALAFCO and includes several amendments to LAFCO law that were not appropriate for this year's omnibus bill. This includes excluding private railroads from the definition of landowner and expands the island annexation proceedings to include islands created after 2000. This bill recently passed through the Assembly and is scheduled for hearing in the Senate Local Government Committee on June 4<sup>th</sup>.

**Senate Bill 301 (Gloria Romero)**

***Eliminates Sunset on Vehicle License Fee Subventions for New Incorporations and City Annexations of Inhabited Areas***

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Existing law establishes formulas to provide additional vehicle-license fee (VLF) subventions to cities upon their incorporation or annexation of inhabited areas through July 1, 2009. This additional funding was established under AB 1602 to backfill the loss in VLF for newly created cities or cities that annex inhabited areas created as part of the 2004-2005 budget agreement that was codified as part of Proposition 1A. SB 301 is sponsored by the California League of Cities and as amended would eliminate the sunset date for additional VLF subventions for inhabited annexations and new incorporations. CALAFCO recognizes the importance of VLF subventions in making incorporations and inhabited annexations financially feasible and supports the bill. This bill recently passed through Assembly and is scheduled to be heard by the Senate Local Government Committee on June 18<sup>th</sup>.

**Senate Bill 1191 (Elaine Alquist)**

***Authorizes Community Service Districts to Provide Broadband Services***

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Existing law establishes procedures for the formation and operation of Community Service Districts (CSD), which are generally governed by resident voters and empowered to provide a range of municipal services. SB 1191 would expand CSDs' service powers to include operating and providing broadband services. The intent of this bill is to facilitate the development of broadband services in unincorporated areas before transferring ownership to private entities. This proposed provision was originally included in the comprehensive rewrite of CSD law in 2005 but was removed due to strong objections by private broadband service providers. CALAFCO recognizes the public benefit in facilitating the establishment and extension of broadband services and is supporting this bill. This bill recently passed through Senate and is scheduled to be heard by the Assembly Local Government Committee on June 4<sup>th</sup>.

**Senate Bill 1458 (Senate Local Government Committee)**

***Comprehensive Rewrite of County Service Area Law***

---

Existing law establishes procedures for the formation and operation of County Service Areas (CSA), which are governed by county board of supervisors and empowered to provide a range of municipal services. SB 1458 represents a comprehensive rewrite of CSA law to make it more consistent with the provisions of LAFCO law. CALAFCO participated in the working group convened last year that made recommendations to the Senate Local Government Committee on changes to CSA law and supports this bill. This bill recently passed through Assembly and is scheduled to be heard by the Senate Local Government Committee on June 4<sup>th</sup>.

## **Bills Under CALAFCO Review**

### **Senate Bill 375 (Darrell Steinberg)**

#### *Establishes Sustainable Communities Strategies*

---

Existing law authorizes the California Transportation Commission to prescribe study areas for analysis and evaluation in regional transportation plans (RTP) prepared by designated regional transportation agencies. SB 375 is co-sponsored by the League of Conservation Voters and would require RTPs to include a sustainable communities strategy (SCS) to guide smart growth practices in the region with the goal of reducing greenhouse gas emissions. Projects consistent with the regional SCS would be eligible for additional transportation funding and qualify for an abbreviated review under the California Environmental Quality Act. This bill has been amended from its original text to require regional transportation agencies consider the most recently issued municipal service reviews in preparing their SCS. CALAFCO is concerned that this bill should it become law may create planning conflicts if and when differences emergence between SCS and local LAFCO policies and has adopted a watch position. The bill has passed through the Senate and assigned to the Assembly Committee on Appropriations. No hearings have been scheduled.

Previous legislative reports have included summaries for AB 2367 (Fuentes) and AB 2278 (Aghazarian). Both of these bills were recently rewritten and no longer affect LAFCOs. AB 2367 initially sought to extend the prohibition on cities changing their general plan designation or zoning standard for annexed land that does not conform to the rezoning assignment from two to five years. This bill has a new author (Leno) and now proposes to expand the authority of the City and County of San Francisco in creating infrastructure financing districts to include certain waterfront property. AB 2278 previously sought to amend California Tax and Revenue Code to allow fire protection districts to negotiate their share of property taxes during annexation proceedings. This bill also has a new author (Caballero) and now seeks to require the Office of Planning and Research to develop an educational program regarding the role and benefits public-private partnerships.

The next meeting of the Legislative Committee is tentatively scheduled for July 25, 2008 in Sacramento.

Attachment: none



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

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**June 2, 2008**  
**Agenda Item No. 10a**

May 28, 2008

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

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

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

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**Current Proposals**

There are currently four active proposals on file with the Commission. A summary of these proposals follows.

**Silver Trail No. 8 District Annexation to the Napa Sanitation District**

This application has been submitted by Chester and Marcella Herrod. The applicants propose the annexation of an approximate 0.90 acre unincorporated parcel located at 1551 Silver Trail to the Napa Sanitation District. The parcel currently includes a single-family residence. The purpose of the proposal is to facilitate the abandonment of a failing septic system and connect the existing single-family residence to the District's public sewer line. Staff has received a letter from the County Environmental Management Department confirming the existing septic system is failing, which will allow the applicants to connect to the District's sewer line in advance of completing the annexation process.

**Status:** The application fee has been submitted and staff is reviewing the proposal for future consideration by the Commission.

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

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

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

---

Jack Gingles, Commissioner  
Mayor, City of Calistoga

Juliana Inman, Commissioner  
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

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

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

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

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

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

### **Wilkins Avenue Reorganization**

This application has been submitted by the City of Napa. The applicant proposes the annexation of an approximate 0.77 acre unincorporated parcel located at 2138 Wilkins Avenue near the Napa State Hospital. Staff has reorganized the application to account for automatic detachment proceedings involving County Service Area (CSA) No. 4. The affected parcel includes an existing single-family residence. The purpose of the annexation is to facilitate the future division and development of the subject territory under the land use authority of the City.

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

### **Formation of the Villa Berryessa Water District**

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

Status: Application fee has been submitted and staff is reviewing the proposal for future consideration by the Commission.

## **Future Proposals**

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

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

The City of Napa has initiated a planning process to develop a 33-acre undeveloped parcel north of the intersection of Trancas Street and Old Soscol Avenue for a public park. Current planning activities completed to date include the preparation of an initial study and adopted mitigated negative declaration. As part of the proposed project, LAFCO approval is required to concurrently annex and add the subject territory to the City's sphere of influence. Detachment proceedings will be required for CSA No. 4.

Status: The City Council approved a resolution of application proposing the annexation of the affected parcel on March 18, 2008. LAFCO is currently awaiting the submittal of an application from the City.

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

The Napa Valley Unified School District (NVUSD) has initiated a multi-phased planning process to construct a 2,200-student high school and 530-student middle school to serve the City of American Canyon. The project site is located at the northeast intersection of American Canyon Road and Newell Drive. NVUSD recently approved a final environmental impact report for the project. It is anticipated that the construction on the high school and middle school sites will begin in 2008 and 2010, respectively. As part of the proposed project, LAFCO approval is required to annex the proposed high school site (45 acres) to American Canyon and the American Canyon Fire Protection District. LAFCO approval is also required to concurrently annex and add the proposed middle school site (17 acres) to both the City and District's sphere of influence. Detachment proceedings will be required for CSA No. 4.

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

**Oat Hill Planned Development  
(City of American Canyon and American Canyon Fire Protection District)**

The City of American Canyon has initiated a planning process to develop approximately 364 acres of land comprising 72 parcels located north of Eucalyptus Drive west of its intersection with Highway 29. The proposed project includes the development of 1,300 to 1,600 new residential units along with a mixture of commercial and public uses. Current planning activities completed to date include the preparation of an initial study and notice to prepare a draft environmental impact report. As part of the proposed project, LAFCO approval is required to annex one of the affected parcels totaling 107 acres into American Canyon and the American Canyon Fire Protection District. Detachment proceedings will be required for CSA No. 4.

Status: The project has been placed on administrative hold since August 2006.

**American Canyon Town Center  
(City of American Canyon and American Canyon Fire Protection District)**

The City of American Canyon has initiated a planning process to develop approximately 100 acres of land comprising three parcels located southeast of the intersection of Highway 29 and South Napa Junction Road. The proposed project includes the development of 600 to 650 new residential units along with a mixture of commercial, retail, and public uses. Current planning activities completed to date include the preparation of a notice of preparation for a draft environmental impact report. As part of the proposed project, LAFCO approval is required to annex two of the three affected parcels totaling 70 acres into American Canyon. LAFCO approval

is also required to annex one of the three affected parcels totaling 37 acres to the American Canyon Fire Protection District. Detachment proceedings will be required for CSA No. 4.

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

Attachment: none