



Local Agency Formation Commission of Napa County

Subdivision of the State of California

We Manage Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

■ Kenneth Leary, Chair ■ Beth Painter, Vice Chair ■ Anne Cottrell ■ Paul Dohring ■ Belia Ramos
■ Joelle Gallagher, Alternate ■ Eve Kahn, Alternate ■ David Oro, Alternate

Administrative Office
1754 Second Street, Suite C
Napa, California 94559
Telephone: 707-259-8645
www.napa.lafco.ca.gov

REGULAR MEETING AGENDA

Monday, August 4, 2025, 2:00PM

County of Napa Administration Building

1195 Third Street, Board Chambers, 3rd Floor

Napa, California 94559

1. CALL TO ORDER BY CHAIR; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. DISCLOSURES UNDER POLITICAL REFORM ACT / LEVINE ACT

4. APPROVAL OF AGENDA

The Chair will consider approving the Agenda as prepared by the Executive Officer with any requests to remove or rearrange items by members of the Commission or staff.

5. PUBLIC COMMENTS

The public may address the Commission concerning any matter not on the Agenda. The Commission is prohibited from discussing or taking action on any item not appearing on the posted Agenda.

6. CONSENT ITEMS

Action Items:

a) [Approval of Meeting Minutes](#): June 2, 2025 Regular Meeting

Receive Report for Information Only:

b) [Year-End Budget Report for Fiscal Year 2024-25](#)

c) [Current and Future Proposals](#)

d) [Legislative Report](#)

7. ACTION ITEMS

Items calendared for action do not require a public hearing before consideration by the Commission. Applicants may address the Commission. Any member of the public may provide comments on an item.

a) [Napa Sanitation District Sphere of Influence Update Draft Report and Possible Direction](#)

The Commission will receive a draft Napa Sanitation District Sphere of Influence Update and consider: (i) providing direction to staff with respect to the further development of the report prior to final action at a future meeting, including, without limitation, whether to direct staff to issue a Request for Proposals (RFP) for a consultant to assist with the report, (ii) establishing an ad hoc committee to make recommendations to the Commission regarding the report, and (iii) providing direction to staff to return at a future meeting with the same or revised report for consideration and adoption by the Commission.

b) [Proposed Amended and Restated Support Services Agreement with Napa County](#)

The Commission will consider approving the proposed amended and restated Support Services Agreement with Napa County or providing further direction to staff regarding the agreement.

c) [Special District Representation on LAFCO and Possible Direction](#)

The Commission will receive a report on the process of adding special district representation on LAFCO and consider establishing an ad hoc committee to assist staff with respect to pursuing the addition of special districts to the Commission.

8. EXECUTIVE OFFICER REPORT

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

10. ADJOURNMENT TO NEXT SCHEDULED MEETING

Monday, October 6, 2025, at 2:00 P.M. at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559.

MEETING INFORMATION

AGENDA ITEMS: The Commission may reschedule items on the Agenda. The Commission will generally hear uncontested matters first, followed by discussions of contested matters, and staff announcements in that order.

CONDUCT OF HEARINGS: A contested matter is usually heard as follows: (1) discussion of the staff report and any related environmental document(s); (2) testimony of proponent; (3) public testimony; (4) rebuttal by proponent; (5) provision of additional clarification by staff as required; (6) close of the public hearing; (7) Commission discussion and Commission vote.

ADDRESSING THE COMMISSION: The Local Agency Formation Commission (LAFCO) of Napa County welcomes and encourages participation in its meetings. Any person who wishes to address the Commission should move to the front of the chambers when an item is called and, when recognized by the Chair, state their name, address, and affiliation. Please attempt to make your statements concise and to the point. It is most helpful if you can cite facts to support your contentions. Groups of people with similar viewpoints should appoint a spokesperson to represent their views to the Commission. The Commission appreciates your cooperation in this matter.

PUBLIC COMMENT TIME LIMITS: The Commission will hear public comment prior to the consideration of any item. (1) A principal proponent will be allowed up to a 5-minute statement; (2) other proponents will be allowed up to a 3-minute statement; (3) opponents are allowed up to a 3-minute statement with the exception of spokespersons for any group who shall be permitted up to 5-minutes; (4) the principal proponent shall have up to a 3-minute rebuttal; (5) staff will provide clarification, as required.

SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING: Any member of the public may submit a written comment to the Commission before the meeting by email to info@napa.lafco.ca.gov or by mail to Napa LAFCO at 1754 Second Street, Suite C, Napa, CA 94559-2450. If you are commenting on a particular item on the Agenda, please identify the Agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”; and (2) it is received by the Commission prior to the deadline of **Friday, August 1, 2025, at 12:00 P.M.**

SUBMITTING SUPPLEMENTAL WRITTEN COMMENTS: Any member of the public may submit supplemental written comments to the Commission, beyond the 500-word limit for comments read into the record, and those supplemental written comments will be made a part of the written record.

VOTING: A quorum consists of three members of the Commission. No action or recommendation of the Commission is valid unless a majority of the quorum of the Commission concurs therein.

OFF AGENDA ITEMS: Matters under the jurisdiction of the Commission and not on the posted Agenda may be addressed by the public under “Public Comments” on the Agenda. The Commission limits testimony on matters not on the Agenda to 500-words or less for a particular subject. The Commission cannot take action on any unscheduled items.

SPECIAL NEEDS: Meetings are accessible to persons with disabilities. Requests for assistive listening devices or other considerations should be made 72 hours in advance through LAFCO staff at (707) 259-8645 or info@napa.lafco.ca.gov.

POLITICAL REFORM ACT: Pursuant to Government Code Sections 56700.1 and 81000 et seq., any person or combination of persons who directly or indirectly contributes \$1,000 or more or expends \$1,000 or more in support of or in opposition to a change of organization or reorganization that will be, or has been, submitted to LAFCO must comply, to the same extent as provided for local initiative measures, with reporting and disclosure requirements of the California Political Reform Act of 1974. Additional information can be obtained by contacting the Fair Political Practices Commission. Pursuant to Government Code Section 84308, if you wish to participate in the proceedings indicated on this Agenda, you or your agent is prohibited from making a campaign contribution of \$500 or more to any Commissioner or Alternate Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until 12 months after a final decision is rendered by LAFCO. If you or your agent has made a contribution of \$500 or more to any Commissioner or Alternate Commissioner during the 12 months preceding the decision, that Commissioner or Alternate Commissioner must disqualify themselves from the decision in the proceeding. However, disqualification is not required if the Commissioner or Alternate Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings.

MEETING MATERIALS: Any writings or documents provided to a majority of the members of the Commission regarding any item on this Agenda after the posting of the Agenda and not otherwise exempt from disclosure will be made available for public review at www.napa.lafco.ca.gov or by contacting LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645. If supplemental materials are made available to the members of the Commission at the meeting, a copy will be available for public review at www.napa.lafco.ca.gov. Staff reports are available online at www.napa.lafco.ca.gov/staff-reports-2023 or upon request to LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645.

VIEWING RECORDING OF MEETING: The Commission's meeting will be recorded. Members of the public may access the meeting and other archived Commission meetings by going to <https://napa.lafco.ca.gov/2023-agendas-and-minutes>. Please allow up to one week for production time. Meetings are also broadcast on Napa TV on the second and fourth Tuesdays of each month at 8pm and second and fourth Wednesdays at 1pm (<http://napavalleytv.org/channel-28>).



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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 6a (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: August 4, 2025

SUBJECT: Approval of Meeting Minutes: June 2, 2025 Regular Meeting

SUMMARY AND RECOMMENDATION

This is a consent item for formal action. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

The Commission will consider approving the draft meeting minutes prepared by staff for the June 2, 2025 regular meeting, included as Attachment 1.

Staff recommends approval of draft meeting minutes.

ATTACHMENT

- 1) Draft Minutes for June 2, 2025 Regular Meeting

Beth Painter, Vice Chair
Councilmember, City of Napa

Paul Dohring, Commissioner
Councilmember, City of St. Helena

David Oro, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Commissioner
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
REGULAR MEETING MINUTES OF MONDAY, JUNE 2, 2025**

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair called the regular meeting of June 2, 2025 to order at 2:03 PM.

At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Kenneth Leary, Chair	Joelle Gallagher (<i>voting until 2:12pm</i>)	Brendon Freeman, Executive Officer
Beth Painter, Vice Chair	Eve Kahn	Dawn Mittleman Longoria, Assistant Executive Officer (<i>Absent</i>)
Anne Cottrell	David Oro	Gary Bell, Commission Counsel
Paul Dohring		Stephanie Pratt, Clerk/Jr. Analyst
Belia Ramos (<i>2:12pm arrival</i>)		

2. PLEDGE OF ALLEGIANCE

Commissioner Dohring led the Pledge of Allegiance.

3. OATH OF OFFICE FOR NEW COMMISSIONER PAUL DOHRING

Counsel Bell performed the Oath of Office for Commissioner Dohring.

4. DISCLOSURES UNDER POLITICAL REFORM ACT/LEVINE ACT

5. APPROVAL OF AGENDA

The Chair considered approving the Agenda as prepared by the Executive Officer with any requests to remove or rearrange items by members of the Commission or staff.

It was concluded that Item 7 on the Agenda would be removed until former Commissioner Mohler would be able to attend in order to honor her appropriately.

Upon motion by Commissioner Dohring and second by Vice Chair Painter, the Commission unanimously adopted the adjusted agenda by the following vote:

VOTE:

AYES: LEARY, PAINTER, COTTRELL, DOHRING, GALLAGHER

NOES: NONE

ABSENT: RAMOS

ABSTAIN: NONE

6. PUBLIC COMMENTS

Chair Leary invited members of the audience to provide public comment. No comments were received.

7. RECOGNITION OF SERVICE: MARGIE MOHLER (*CONTINUED*)

8. CONSENT ITEMS

Action Items:

- a) Approval of Meeting Minutes: June 2, 2025 Regular Meeting
- b) Approval of Budget Adjustment No. 2 for Fiscal Year 2024-25

Receive Report for Information Only:

- c) Third Quarter Budget Report for Fiscal Year 2024-25
- d) Strategic Plan and Work Program Progress Report
- e) Current and Future Proposals

Chair Leary invited members of the audience to provide public comment. No comments were received.

Upon motion by Vice Chair Painter and second by Commissioner Gallagher, the Commission unanimously approved the consent items by the following vote:

VOTE:

AYES: LEARY, PAINTER, COTTRELL, DOHRING, GALLAGHER
NOES: NONE
ABSENT: RAMOS
ABSTAIN: NONE

9. PUBLIC HEARING ITEM

- a) **Final Budget for Fiscal Year 2025-26, Amendment to the Schedule of Fees and Deposits, and Work Program for Fiscal Year 2025-26**

The Commission considered the following actions: (1) adopt the final budget for fiscal year 2025-26 by resolution (Attachment 1); (2) amend the *Schedule of Fees and Deposits* by resolution (Attachment 2); and (3) adopt a Work Program for fiscal year 2025-26 by resolution (Attachment 3).

Going forward Staff will provide verbal updates during Executive Officer reports and regularly update the work program as a living document, bringing it to the Commission when significant changes occur. At a future meeting, the Commission will receive more information on the process for adding special districts to the LAFCO board, including comparisons with similarly sized LAFCOs like Sonoma. An ad hoc committee discussion to explore this topic will be placed on a future agenda.

Chair Leary invited members of the audience to provide public comment. No comments were received.

Upon motion by Vice Chair Painter and second by Commissioner Cottrell, the Commission adopted to adopt the final budget for fiscal year 2025-26 by resolution, amend the *Schedule of Fees and Deposits* by resolution, and adopt a Work Program for fiscal year 2025-26 by resolution, by the following roll call vote:

VOTE:

AYES: LEARY, PAINTER, COTTRELL, DOHRING, RAMOS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

10. ACTION ITEMS

a) Partrick Road No. 7 Annexation to the Napa Sanitation District and Associated CEQA Findings

The Commission considered a proposal for the annexation of one parcel along with the adjacent portion of right-of-way totaling approximately 2.2 acres in size to the Napa Sanitation District. The affected territory is located at 1193 Partrick Road and the parcel is identified as Assessor Parcel Number 050-060-007. The annexation is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines sections 15282(k) and 15303.

Upon motion by Commissioner Cottrell and second by Vice Chair Painter, the Commission unanimously approved the action item by the following vote:

VOTE:

AYES: LEARY, PAINTER, COTTRELL, DOHRING, RAMOS
 NOES: NONE
 ABSENT: NONE
 ABSTAIN: NONE

b) Legislative Report and Proposed Positions on Bills

The Commission received a report from Executive Officer Freeman on legislative items affecting LAFCOs and considered a recommendation to authorize the Executive Officer to submit letters to the Legislature in support of Assembly Bill 1156 and in opposition to Senate Bill 777. Vice Chair Painter will submit a letter of opposition and report findings at the next meeting.

Upon motion by Commissioner Cottrell and second by Commissioner Ramos, the Commission unanimously approved the action item by the following vote:

VOTE:

AYES: LEARY, PAINTER, COTTRELL, DOHRING, RAMOS
 NOES: NONE
 ABSENT: NONE
 ABSTAIN: NONE

c) Consider Establishment of an Ad Hoc Subcommittee on Unincorporated Islands

The Commission considered establishing an ad hoc subcommittee and appointing two members to advise staff with activities related to unincorporated islands. Vice Chair Painter agreed to serve and emphasized the need to review the 1980 property tax sharing agreement, noting it may have been superseded by the 2014 Napa Pipe development agreement, as will Commissioner Ramos. It was noted that this ad hoc will likely need a 2x2 meeting.

Upon motion by Commissioner Cottrell and second by Commissioner Dohring, the Commission approved the action item by the following vote:

VOTE:

AYES: LEARY, PAINTER, COTTRELL, DOHRING, RAMOS
 NOES: NONE
 ABSENT: NONE
 ABSTAIN: NONE

11. EXECUTIVE OFFICER REPORT

Executive Officer Freeman reported that he will be attending the upcoming CSDA Conference.

12. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

13. ADJOURNMENT at 3:10 PM TO NEXT SCHEDULED MEETING

Monday, August 4, 2025, at 2:00 P.M. at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559.

Kenneth Leary, LAFCO Chair

ATTEST:

Brendon Freeman, Executive Officer

Prepared by:

Stephanie Pratt, Clerk/Jr. Analyst

DRAFT



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Agenda Item 6b (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer ^{BF}
Stephanie Pratt, Clerk/Jr. Analyst _{SP}

MEETING DATE: August 4, 2025

SUBJECT: Draft Year-End Budget Report for Fiscal Year 2024-25

SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

The Commission will receive a draft year-end budget to actual report for the 2024-25 fiscal year, included as Attachment 1. All final numbers will be presented to the Commission at its December regular meeting as part of the annual audit report.

Following two mid-year budget adjustments, operating revenues and expenses were budgeted at \$774,950 and \$917,704, respectively. The intentional deficit totaling \$142,754 was primarily tied to drawing down reserves to finance two consultant contracts to prepare Municipal Service Reviews.

The draft budget sheet, included as Attachment 1, shows actual revenues and expenses totaling \$786,767.56 and \$619,961.36, respectively. However, LAFCO staff salaries and benefits – which are combined under account 52100 (Administration Services) – for the fourth quarter haven't been charged to LAFCO by the County of Napa as of the date of this report. The fourth quarter charge are expected to total \$101,493.30, resulting in year-end expenses totaling \$721,454.66 and a year-end surplus totaling \$65,312.90. The surplus is predominantly attributed to the prolonged absence and subsequent retirement of the Commission's Assistant Executive Officer.

ATTACHMENT

- 1) FY 2024-25 Draft Year-End Revenue & Expense Report

Beth Painter, Vice Chair
Councilmember, City of Napa

Paul Dohring, Commissioner
Councilmember, City of St. Helena

David Oro, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Commissioner
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



Statement of Revenues and Expenses Budget vs. Actual

Fiscal Year: 2025 Through Period: 12

Fund: 8400 - Local Agency Formation Comm
 Division: 84000 - LAFCO - Administration
 Org: 8400000 - LAFCO - Administration

Object	Budget			Encumbrances	Actuals	Available Budget	% of Budget
	Adopted	Adjustments	Revised				
License, Permits and Franchises							
42690 - Permits Other/Application Fees	25,000.00	-	25,000.00	-	26,995.86	(1,995.86)	107.98 %
Total License, Permits and Franchises	25,000.00	-	25,000.00	-	26,995.86	(1,995.86)	107.98%
Intergovernmental Revenues							
43910 - County of Napa	368,975.00	-	368,975.00	-	368,975.00	-	100.00 %
43950 - Other - Governmental Agencies	368,975.00	-	368,975.00	-	368,974.00	1.00	100.00 %
Total Intergovernmental Revenues	737,950.00	-	737,950.00	-	737,949.00	1.00	100.00%
Revenue from Use of Money and Property							
45100 - Interest	7,000.00	-	7,000.00	-	17,822.70	(10,822.70)	254.61 %
Total Revenue from Use of Money and	7,000.00	-	7,000.00	-	17,822.70	(10,822.70)	254.61%
Charges for Services							
46800 - Charges for Services	1,000.00	-	1,000.00	-	4,000.00	(3,000.00)	400.00 %
Total Charges for Services	1,000.00	-	1,000.00	-	4,000.00	(3,000.00)	400.00%
Miscellaneous Revenues							
47900 - Miscellaneous	4,000.00	-	4,000.00	-	-	4,000.00	0.00 %
Total Miscellaneous Revenues	4,000.00	-	4,000.00	-	-	4,000.00	0.00%
Salaries and Employee Benefits							
51210 - Director/Commissioner Pay	18,000.00	-	18,000.00	-	8,550.00	9,450.00	47.50 %
51300 - Medicare	300.00	-	300.00	-	124.01	175.99	41.34 %
51305 - FICA	700.00	-	700.00	-	530.10	169.90	75.73 %
Total Salaries and Employee Benefits	19,000.00	-	19,000.00	-	9,204.11	9,795.89	48.44%
Services and Supplies							
52100 - Administration Services	614,588.00	-	614,588.00	-	358,059.55	256,528.45	58.26 %
52125 - Accounting/Auditing Services	7,500.00	-	7,500.00	-	7,387.00	113.00	98.49 %

Attachment 1

52130 - Information Technology Svcs	27,746.00	-	27,746.00	-	21,710.85	6,035.15	78.25 %
52131 - ITS Communication Charges	2,757.00	-	2,757.00	-	2,757.00	-	100.00 %
52140 - Legal Services	35,000.00	15,000.00	50,000.00	6,034.59	43,965.41	-	100.00 %
52310 - Consulting Services	45,000.00	82,754.00	127,754.00	-	126,471.84	1,282.16	99.00 %
52345 - Janitorial Services	300.00	-	300.00	84.00	252.00	(36.00)	112.00 %
52515 - Maint - Software	1,512.00	-	1,512.00	-	1,512.00	-	100.00 %
52600 - Rents/Leases - Equipment	3,000.00	-	3,000.00	294.48	2,323.85	381.67	87.28 %
52605 - Rents/Leases - Buildings/Land	27,570.00	-	27,570.00	-	27,570.00	-	100.00 %
52700 - Insurance - Liability	922.00	-	922.00	-	461.00	461.00	50.00 %
52800 - Communications/Telephone	3,000.00	-	3,000.00	-	3,273.81	(273.81)	109.13 %
52830 - Publications and Legal Notices	1,000.00	-	1,000.00	-	744.38	255.62	74.44 %
52835 - Filing Fees	200.00	-	200.00	-	200.00	-	100.00 %
52900 - Training/Conference Expenses	20,000.00	-	20,000.00	-	8,657.97	11,342.03	43.29 %
52905 - Business Travel/Mileage	1,000.00	-	1,000.00	-	-	1,000.00	0.00 %
53100 - Office Supplies	2,500.00	-	2,500.00	-	627.98	1,872.02	25.12 %
53110 - Freight/Postage	100.00	-	100.00	-	-	100.00	0.00 %
53115 - Books/Media/Subscriptions	119.00	-	119.00	-	-	119.00	0.00 %
53120 - Memberships/Certifications	3,411.00	-	3,411.00	-	3,411.00	-	100.00 %
53205 - Utilities - Electric	2,500.00	-	2,500.00	-	1,371.61	1,128.39	54.86 %
53415 - Computer Software/Licensng Fees	225.00	-	225.00	-	-	225.00	0.00 %
53650 - Business Related Meals/Supply	1,000.00	-	1,000.00	-	-	1,000.00	0.00 %
Total Services and Supplies	800,950.00	97,754.00	898,704.00	6,413.07	610,757.25	281,533.68	68.67%

33100 - Beginning Available Fund Balance					417,577.58		
Total Revenues	774,950.00		774,950.00		786,767.56	(11,817.56)	101.52 %
Total Expenditures	819,950.00	97,754.00	917,704.00	6,413.07	619,961.36	291,329.57	68.25 %
Net Surplus / (Deficit)	(45,000.00)	(97,754.00)	(142,754.00)		166,806.20		
33100 - Current Available Fund Balance					584,383.78		



We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 6c (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Stephanie Pratt, Clerk/Jr. Analyst *SP*

MEETING DATE: August 4, 2025

SUBJECT: Current and Future Proposals

SUMMARY

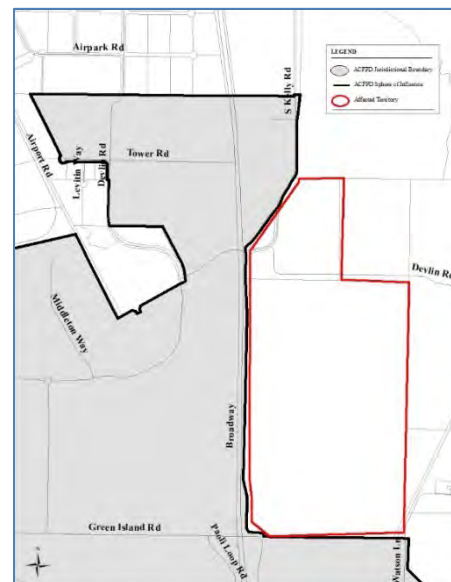
This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

This report summarizes all current and future boundary change proposals. There is currently one active proposal on file and eight anticipated new proposals that are expected to be submitted in the future. A summary follows.

Active Proposals

Hess-Laird-Persson Annexation to the American Canyon Fire Protection District (ACFPD)

The landowners of three unincorporated parcels have submitted an application to annex their properties to ACFPD. The parcels total approximately 284.64 acres in size and are identified as APNs 057-090-065, 057-090-066, and 057-090-068. A concurrent request to amend ACFPD’s sphere of influence (SOI) to include the affected territory was also submitted by the landowners. Commission action on the SOI request and annexation will be scheduled after a property tax exchange agreement has been adopted by Napa County and ACFPD.



Anticipated Proposals

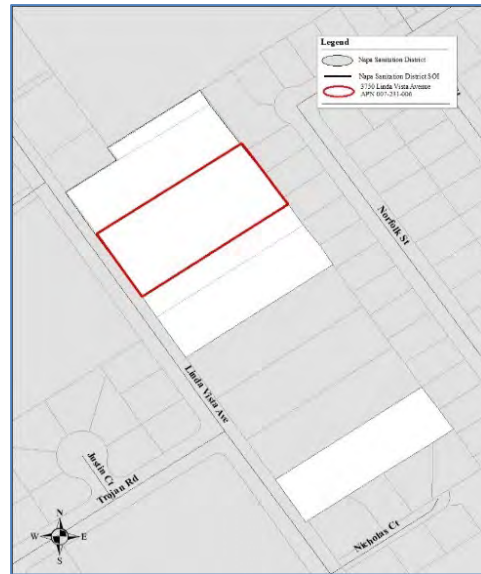
Paoli Loop/Watson Lane Annexation to the City of American Canyon

The City of American Canyon has submitted a notice of intent to annex 16 parcels and a portion of railroad totaling approximately 83 acres of unincorporated territory to the City of American Canyon. The area is located within the City's SOI near Watson Lane and Paoli Loop and identified as APNs 057-120-014, -015, -017, -028, -034, -036, -041, -045, -047, -048, -049, -050, & -051, 057-180-014 & -015, and 059-020-036. The purpose of annexation is to allow development of the area for industrial and residential purposes as well as help facilitate the extension of Newell Drive to South Kelly Road. The City of American Canyon, as lead agency under CEQA, certified a Final Environmental Impact Report for the Paoli/Watson Lane Annexation Project. It is anticipated a complete application for annexation will be submitted in the foreseeable future.



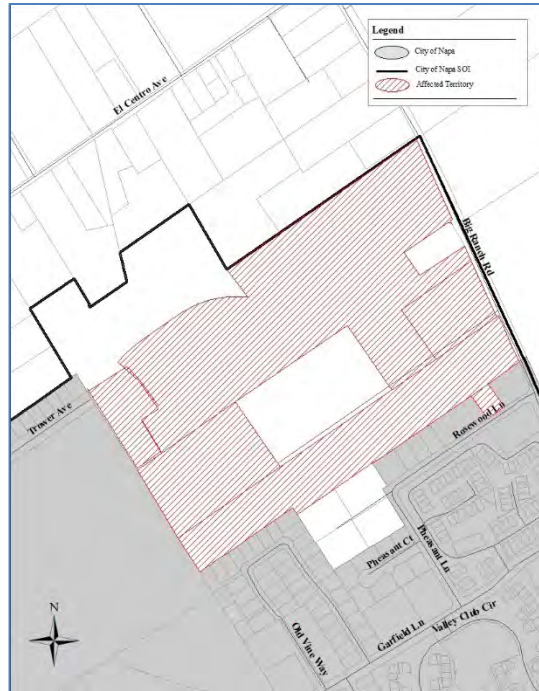
Linda Vista No. 22 Annexation to the Napa Sanitation District (NSD)

A representative for the landowner of one unincorporated parcel submitted a preliminary application to annex one parcel to NSD. The parcel is in NSD's SOI, identified as APN 007-231-006, located at 3750 Linda Vista Avenue, and is approximately 1.2 acres in size. Annexation to NSD would facilitate an SB9 urban lot split, dividing the one parcel into five and connecting all existing and future structures to NSD. The application is pending analysis of potential environmental impacts.



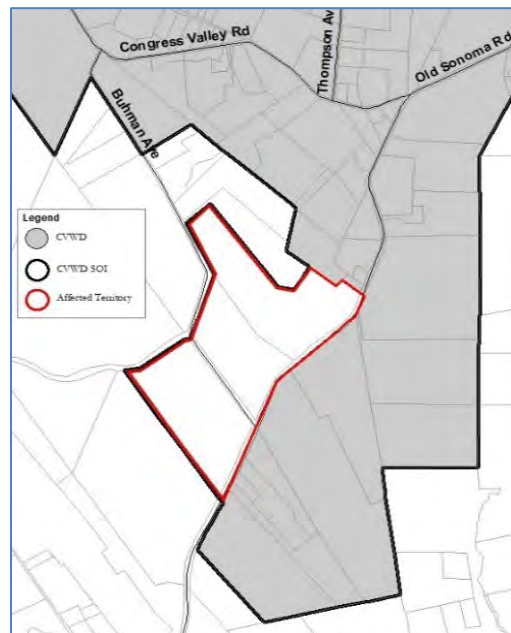
Big Ranch Road/Rosewood Lane Annexation to the City of Napa

The City of Napa is processing an application from multiple landowners for the annexation of five entire parcels and a portion of a sixth parcel totaling approximately 53.5 acres. The parcels are located within the City's SOI at 2275 Big Ranch Road, 2285 Big Ranch Road, 2305 Big Ranch Road, 1130 Trower Avenue (portion), and 1438 Rosewood Lane, and identified as APNs 038-240-022, 038-240-005, 038-240-023, 038-240-014, and 038-160-029, respectively. Annexation to the City would allow the parcels to be developed consistent with the City's adopted Big Ranch Road Specific Plan and a future master plan for the area. Notably, the current configuration of the planned annexation would result in the creation of new unincorporated islands, which is prohibited under state law unless LAFCO makes a specific finding related to the orderly development of the City. It is anticipated an application for annexation will be submitted to LAFCO in the foreseeable future.



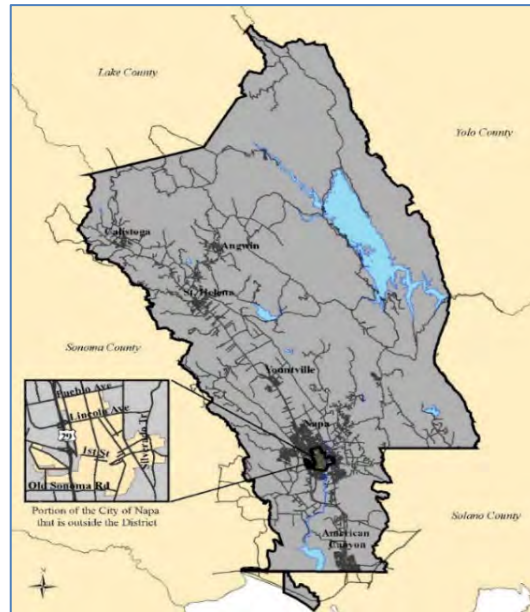
Old Sonoma Road/Buhman Avenue Annexation to CVWD

A landowner previously submitted a proposal to annex three unincorporated parcels totaling approximately 141.5 acres in size to the Congress Valley Water District (CVWD). The parcels are located in CVWD's SOI along the northwestern side of Old Sonoma Road at its intersection with Buhman Avenue and identified as APNs 047-030-005, 047-030-020, and 047-080-001. Current land uses include two single-family residences and commercial vineyards with auxiliary structures and facilities. Two of the parcels already receive water service through grandfathered outside service agreements. Annexation would establish permanent water service to all three parcels. CVWD has requested, and the landowners have agreed, to postpone LAFCO action. There is no current timetable for the process to be resumed.



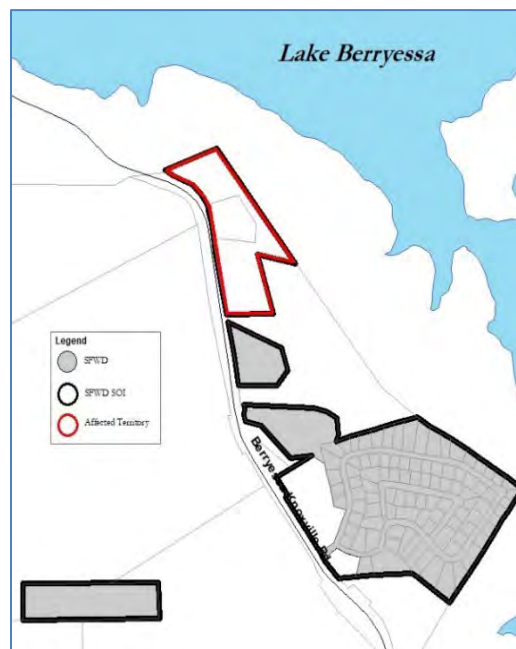
NCRCDD Donut Hole Annexation

Staff from the Napa County Resource Conservation District (NCRCDD) has inquired about annexation of approximately 1,300 acres of incorporated territory located in the City of Napa. This area comprises the only remaining territory located within NCRCDD’s SOI but outside its jurisdictional boundary and is commonly referred to as a “donut hole”. The purpose of annexation would be to allow NCRCDD to expand its service programs and hold public meetings within the affected territory; activities that are currently prohibited within the area. In February 2020, the Commission approved a request for a waiver of LAFCO’s proposal processing fees. The Commission recently completed a Municipal Service Review for NCRCDD that includes a recommendation for the District to annex the donut hole. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



7140 & 7150 Berryessa-Knoxville Road Annexation to SFWD

A landowner has inquired about annexation of one entire unincorporated parcel and a portion of a second unincorporated parcel totaling approximately 7.9 acres in size to the Spanish Flat Water District (SFWD). The parcels were added to SFWD’s SOI in 2021, are located at 7140 and 7150 Berryessa-Knoxville Road, and identified as APNs 019-280-004 (entire) and 019-280-006 (portion). Current land uses within the parcels include a commercial boat and recreational vehicle storage facility (Lakeview Boat Storage), approximately 6,000 square feet of enclosed storage structures, an administrative office, and a detached single-family residence. The parcels are currently dependent on private water and septic systems to support existing uses. Annexation would facilitate the connection of existing uses to SFWD’s water and sewer services. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



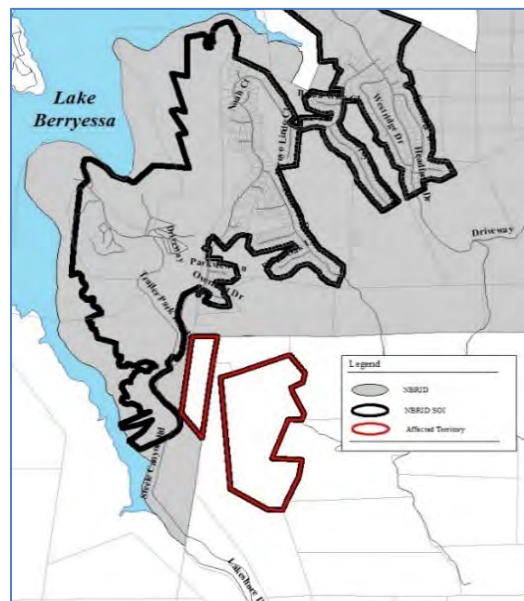
Materials Diversion Facility Annexation to the City of Napa

Staff from the City of Napa has inquired about annexation of approximately 2.9 acres of unincorporated territory comprising a portion of a parcel owned by the Napa-Vallejo Waste Management Authority. The APN of the entire parcel is 057-090-060. A property sale and a lot line adjustment are planned to create new parcels. The purpose of the property acquisition and future annexation is to expand the City’s existing materials diversion facility operations. The property is located outside the City of Napa’s SOI near the City of American Canyon. Annexation to the City of Napa is allowed given the property is owned by the City and soon will be used by the City for municipal purposes.¹ It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



Wastewater Treatment Plant Annexation to NBRID

Staff from the Napa Berryessa Resort Improvement District (NBRID) has inquired about annexation of two unincorporated parcels totaling approximately 101 acres in size that serve as the location of the District’s wastewater treatment plant facilities. The parcels were added to NBRID’s SOI in 2021, are owned by NBRID, and are identified as APNs 019-220-028 & -038. Annexation would be for purposes of reducing NBRID’s annual property tax burden. It is anticipated a proposal for annexation will be submitted in the future, but there is no current timetable.



¹ See [California Government Code §56742](#).



Local Agency Formation Commission of Napa County
Subdivision of the State of California

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 6d (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: August 4, 2025

SUBJECT: Legislative Report

BACKGROUND AND SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

On June 2, 2025, the Commission directed staff to submit letters to the Legislature supporting Assembly Bill (AB) 1156, included as Attachment 1, and opposing Senate Bill (SB) 777, included as Attachment 2. Consistent with local policy, staff is providing the submitted letters as part of today's agenda for information purposes only.

ATTACHMENTS

- 1) AB 1156 Support Letter
- 2) SB 777 Oppose Letter

Beth Painter, Vice Chair
Councilmember, City of Napa

Paul Dohring, Commissioner
Councilmember, City of St. Helena

David Oro, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Commissioner
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

June 5, 2025

The Honorable Buffy Wicks
 California State Senate
 1021 O Street, Suite 8140
 Sacramento, CA 95814

RE: AB 1156 (Wicks): Solar-use easements: suspension of Williamson Act contracts: terms of easement: termination – SUPPORT

Dear Assemblymember Wicks:

On behalf of the Local Agency Formation Commission (LAFCO) of Napa County, I write to express our support regarding your AB 1156, a measure that which aims to update the Solar-Use Easement law, which was originally designed in 2011, and extended in 2022, to facilitate solar projects on soil-impaired Williamson Act-contracted lands. Few clean energy projects have been developed under this law for varying reasons, including restrictions related to soil degradation (as opposed to other impairments like water constraints) and provisions allowing easement termination during active operation of a solar project, among other elements. Sustainable Groundwater Management Act (SGMA)-related requirements have real-world impacts on Williamson Act-contracted lands and on local farming communities, and taking limitations to water supply into consideration with a solar-use easement is key when determining land eligibility.

AB 1156 would update the Solar-Use Easement law, allowing severely water-constrained lands to transition from a Williamson Act contract to a solar-use easement for the development of renewable energy projects. The bill also modernizes the eligibility criteria and easement terms. This update helps align state clean energy and water sustainability goals while providing farmers a lifeline of economic opportunities on agriculturally constrained lands that are no longer commercially viable.

LAFCOs are subject to a broad body of law known as the Cortese-Knox-Hertzberg Act Local Government Reorganization Act of 2000 or “CKH Act”. In creating this statutory structure, the Legislature delegated the power to regulate the boundaries and services of local government agencies to LAFCOs. LAFCOs are statutorily tasked with discouraging urban sprawl, preserving open space and prime agricultural lands, encouraging the orderly formation and development of local agencies, and ensuring the efficient delivery of government services on the state’s behalf.

Beth Painter, Vice Chair
 Councilmember, City of Napa

Paul Dohring, Commissioner
 Councilmember, City of St. Helena

David Oro, Alternate Commissioner
 Councilmember, City of American Canyon

Anne Cottrell, Commissioner
 County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
 County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
 County of Napa Supervisor, 1st District

Kenneth Leary, Chair
 Representative of the General Public

Eve Kahn, Alternate Commissioner
 Representative of the General Public

Brendon Freeman
 Executive Officer

Napa LAFCO Support AB 1156

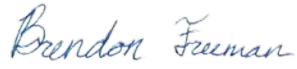
June 5, 2025

Page 2 of 2

AB 1156 would result in outcomes that are aligned with LAFCO's mission and purpose with respect to the preservation of prime agricultural lands and prevention of urban sprawl.

As a result, Napa LAFCO is pleased to extend our support for AB 1156. Please feel free to reach out with any questions about our position.

Sincerely,



Brendon Freeman

Executive Officer

Napa LAFCO

cc: The Honorable Juan Carrillo, Chair, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee



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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

June 5, 2025

The Honorable Laura Richardson
 California State Senate
 1021 O Street, Suite 7340
 Sacramento, CA 95814

RE: *SB 777 (Richardson): Abandoned endowment care cemeteries: local agency possession and responsibility*
As amended 3/26/25 – OPPOSE

Dear Senator Richardson:

On behalf of the Local Agency Formation Commission (LAFCO) of Napa County, I write to express our opposition regarding your SB 777, a measure that which would require LAFCOs to direct local agencies to assume responsibility for abandoned privately-operated cemeteries. SB 777 not only would add significant responsibility to LAFCOs but provides no direction to LAFCOs as to how to assess which local agency is best suited to assume such responsibility and will likely burden the local agency with additional fiscal and liability risks.

LAFCOs are subject to a broad body of law known as the Cortese-Knox-Hertzberg Act Local Government Reorganization Act of 2000 or “CKH Act”. In creating this statutory structure, the Legislature delegated the power to regulate the boundaries and services of local government agencies to LAFCOs. LAFCOs are statutorily tasked with discouraging urban sprawl, preserving open space and prime agricultural lands, encouraging the orderly formation and development of local agencies, and ensuring the efficient delivery of government services on the state’s behalf.

While we are deeply sympathetic to situations where private cemeteries have been abandoned and left vulnerable to vandalism and decay, especially for those family members whose loved ones are interred, apart from specialized cemetery districts, local governments do not currently provide cemetery services. For a LAFCO to direct an entity to take responsibility for an abandoned private enterprise – especially one that likely does not have any expertise that would lend itself to operating a cemetery – is inconsistent with LAFCOs’ statutory role and historic practice. LAFCOs do not just force service obligations upon local agencies; instead, we engage in a deliberative process that incorporates publicly noticed hearings, engagement of local agencies, and opportunity for public comment. SB 777 offers no direction as to how a LAFCO is to proceed under this statute; rather, it places the LAFCO in the unenviable position of trying to make an assessment without any guidance as to procedure or priorities from the Legislature.

Beth Painter, Vice Chair
 Councilmember, City of Napa

Paul Dohring, Commissioner
 Councilmember, City of St. Helena

David Oro, Alternate Commissioner
 Councilmember, City of American Canyon

Anne Cottrell, Commissioner
 County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
 County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
 County of Napa Supervisor, 1st District

Kenneth Leary, Chair
 Representative of the General Public

Eve Kahn, Alternate Commissioner
 Representative of the General Public

Brendon Freeman
 Executive Officer

Napa LAFCO Oppose SB 777

June 5, 2025

Page 2 of 2

Finally, we are aware of no adequate funding mechanism that would accompany the transfer of responsibility for managing an abandoned cemetery, making the challenge of taking on the task even more difficult and less desirable for a local agency. We are concerned that taxpayers of a local agency will not appreciate taking on a new fiscal and liability responsibility of a private enterprise, especially when that enterprise does not serve the public at large.

As a result, Napa LAFCO is opposed to SB 777. Please feel free to reach out with any questions about our position.

Sincerely,



Brendon Freeman
Executive Officer
Napa LAFCO

cc: The Honorable Anna Caballero, Chair, Senate Appropriations Committee
Members and Consultants, Senate Appropriations Committee



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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 7a (Action)

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Executive Officer B F

MEETING DATE: August 4, 2025

SUBJECT: Napa Sanitation District Sphere of Influence Update Draft Report and Possible Direction

RECOMMENDATION

It is recommended the Commission receive a draft Napa Sanitation District (NSD) Sphere of Influence (SOI) Update and consider: (i) providing direction to staff with respect to the further development of the report prior to final action at a future meeting, including, without limitation, whether to direct staff to issue a Request for Proposals (RFP) for a consultant to assist with the report, (ii) establishing an ad hoc committee to make recommendations to the Commission regarding the report, and (iii) providing direction to staff to return at a future meeting with the same or revised report for consideration and adoption by the Commission.

BACKGROUND AND SUMMARY

The Commission is required to adopt and periodically update each local agency's SOI consistent with California Government Code (G.C.) section 56425. This process involves the adoption of written determinative statements and possible changes to the affected agency's SOI. This NSD SOI Update is being conducted consistent with the Commission's *Policy on Spheres of Influence*, included as Attachment 1.

G.C. section 56430(a) states that in order to prepare and to update spheres of influence in accordance with G.C. section 56425, the Commission shall conduct a service review of the municipal services provided in the area. This SOI Update is based on information collected and evaluated as part of the Commission's 2020 *Napa Countywide Water and Wastewater Municipal Service Review*, updated in 2021, and available online at:

napa.lafco.ca.gov/files/f8a4ec2b4/NapaCountywideWaterWastewaterMSR_Updated_10-4-21.pdf

In 2015, the Commission completed an SOI Update that involved seven study areas for potential inclusion within, or removal from, NSD's SOI. The report is available online at:

https://napa.lafco.ca.gov/files/528a74c7e/NSD_SOI_RevisedFinalReport_2015.pdf

Beth Painter, Vice Chair
Councilmember, City of Napa

Paul Dohring, Commissioner
Councilmember, City of St. Helena

David Oro, Alternate Commissioner
Councilmember, City of American Canyon

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Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

As part of the 2015 SOI Update, the Commission considered adding the low-density residential “Monticello Road Study Area” to the SOI. The Commission agreed to make no changes to NSD’s SOI at that time, but included the following statement in the revised final report: “it may be appropriate to consider amending NSD’s sphere of influence to include the Monticello Road Study Area as part of the next update performed for the District.”

DISCUSSION

The following is a discussion of factors that are relevant to the NSD SOI Update.

Monticello Study Area

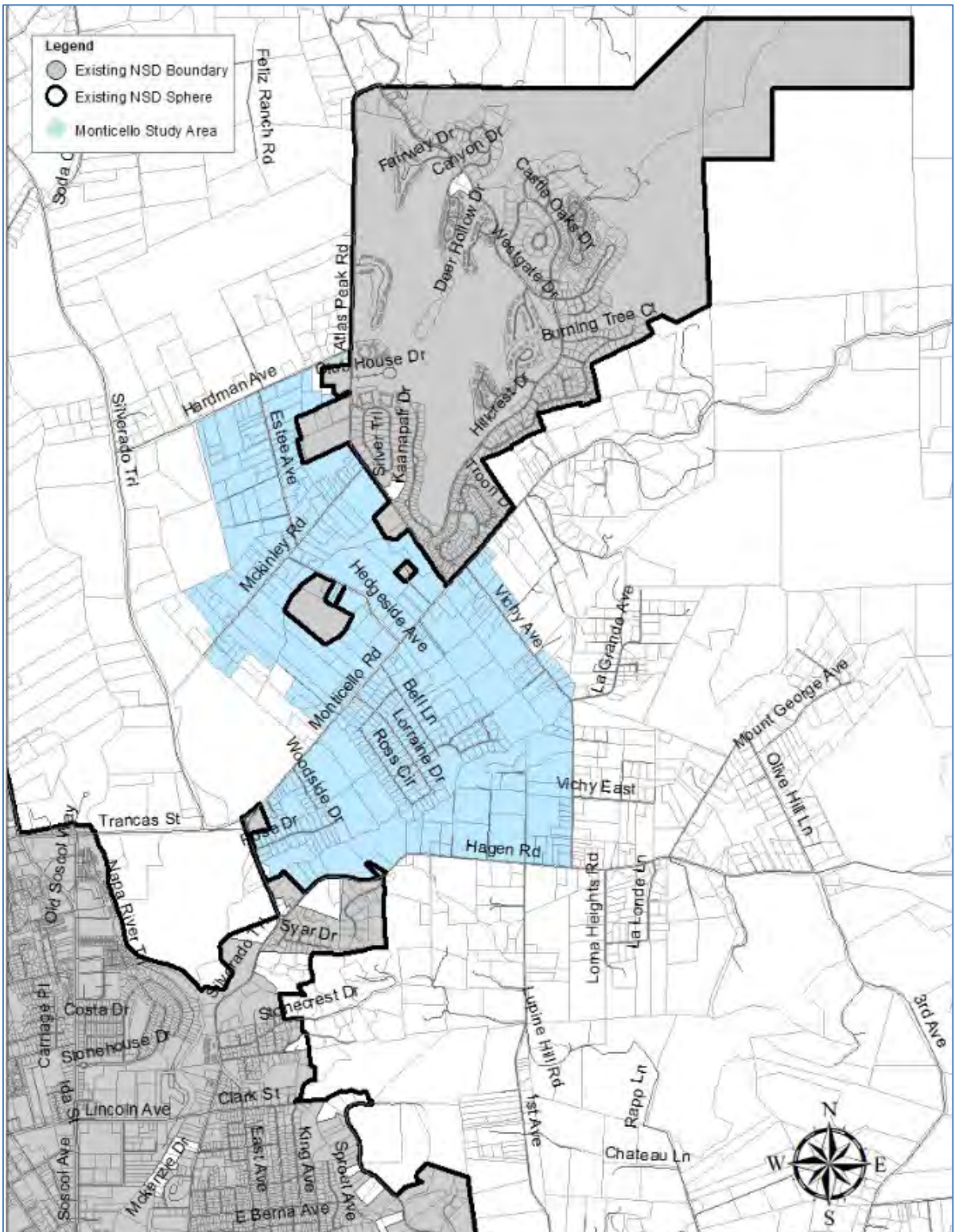
Staff recommends the Commission dedicate resources to evaluating the “Monticello Study Area” for potential inclusion within NSD’s SOI. The Monticello Study Area would be nearly identical to the 2015 SOI Update’s Monticello Road Study Area. However, the precise boundaries of the area require further study. This recommendation is based on years of communication with several property owners struggling with private septic system maintenance and permitting compliance. The potential for failing septic systems poses a threat to public health and safety, whereas public sewer service tends to be more reliable.

The Monticello Study Area involves over 1,000 unincorporated parcels totaling over 1,000 acres located between the two large non-contiguous portions of NSD’s jurisdictional boundary near the Silverado community. The area is contiguous to both portions of NSD’s present boundary. Access to the area is by means of Monticello Road. The area is flat with low-density residential and commercial uses.

NSD and Napa County representatives are aware of the interest amongst some landowners in participating in a potential future infrastructure project that would extend public sewer service to the area. Staff recommends additional efforts to determine a more precise boundary for the Monticello Study Area, as well as to generate interest amongst additional landowners to participate in the financing of a sewer infrastructure project. This would require public outreach with assistance from an ad hoc subcommittee or private consultant. If the Commission pursues a consultant, formal direction should be given to staff to return with a scope of services as part of a draft Request for Proposals (RFP) at a future meeting.

Notably, an ad hoc subcommittee or consultant can assist with determining the scope of potential threats to the environment and general public with respect to the likelihood of failing septic systems. Further, assistance will be needed to determine the scope of any potential future infrastructure projects in terms of landowner buy-in, costs, and timelines.

An approximate map of the Monticello Study Area is provided on the following page. This map is subject to changes based on the discussion above.



Statutory Factors

In determining the SOI of each agency, the Commission is required to consider five specific factors pursuant to G.C. section 56425. The following is a summary of the statutory factors as they relate to the potential inclusion of the Monticello Study Area in NSD's SOI. Further study of the area and development of these written statements is recommended.

1) Present and planned land uses in the area, including agricultural and open space lands:

Approximately one-fifth of the Monticello Study Area is designated by the County as "Agricultural Resource," a land use category that contemplates agriculture as the predominant land use, where uses incompatible with agriculture should be precluded, and where the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space. Permitted uses include agriculture, processing of agricultural products, and single-family dwellings.

The remaining four-fifths of the Monticello Study Area is designated by the County as "Rural Residential," a land use category that contemplates low density residential uses in neighborhoods that are in proximity to existing urbanized areas but that are currently in agriculture or where further subdivision will be discouraged. Permitted uses include single-family dwellings, day care centers, large residential care homes, existing major medical care facilities, private schools, agriculture, stables, and – in specified areas – tourist-serving commercial uses.

2) Present and probable need for public facilities and services in the area:

The Monticello Study Area is predominantly developed with single-family residences and agriculture-serving land uses with aging onsite private septic systems. There is one public school (Vichy Elementary) and one restaurant located within the area. Extensive portions of the area receive public water services from the City of Napa through outside service extensions. Some of the existing residences already receive public sewer services from NSD through outside service extensions.

3) Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide:

NSD has asserted that the collection line traversing the area – Milliken Trunk Line – was not capable of serving the residential uses in the Monticello Study Area given most of the available capacity had been contractually reserved to accommodate additional development in the Silverado area. As mentioned above, existing residences within the area typically rely on private onsite septic systems for sewage disposal. Infrastructure improvements along with financing mechanisms would be required to extend public sewer service to the area. This would involve significant further study along with a long-term financing mechanism. While NSD does not presently have capacity to serve the area, capacity can be expanded to allow for service provision to the area if a financing mechanism for the needed infrastructure improvements can be established.

4) Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency:

The Monticello Study Area is located within an unincorporated area adjacent to NSD's sphere and jurisdictional boundary. The area has established minimal social and economic interests with NSD with respect to the location of public sewer infrastructure as well as a small number of existing residential service commitments within the area.

5) Present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence:

There are no disadvantaged unincorporated communities within NSD's SOI or the Monticello Study Area.

Policy Factors

As previously noted, the Commission's *Policy on SOIs* is included as Attachment 1. It is important to note that the ad hoc Policy Committee is currently reviewing the *Policy on SOIs* and expects to propose an amendment for approval as early as the Commission's next scheduled meeting on October 6, 2025. Staff recommends the Commission first take any actions on the policy prior to evaluating policy factors relative to the NSD SOI Update.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

If the Commission chooses to amend NSD's SOI to include the Monticello Study Area, the action would be exempt from further review under CEQA pursuant to California Code of Regulations Section 15061(b)(3).

ALTERNATIVES FOR COMMISSION ACTION

Staff recommends the Commission consider taking any of the following actions.

- 1) Provide direction to staff with respect to the further development of the report prior to final action at a future meeting, including, without limitation, whether to direct staff to issue an RFP for a consultant to assist with the report;
- 2) Establish an ad hoc committee to make recommendations to the Commission regarding the report; and/or
- 3) Provide direction to staff to return at a future meeting with the same or revised report for consideration and adoption by the Commission.

ATTACHMENT

- 1) Policy on SOIs



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Spheres of Influence

(Adopted on June 7, 2021)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, beginning with [California Government Code \(G.C.\) §56425](#), requires the Local Agency Formation Commission (LAFCO or “Commission”) to establish and maintain spheres of influence for all local agencies within its jurisdiction. A sphere of influence (SOI) is defined by statute as a “plan for the probable physical boundary and service area of a local government agency as determined by the commission” ([G.C. §56076](#)). Every determination made by LAFCO shall be consistent with the SOIs of the local agencies affected by that determination ([G.C. §56375.5](#)). The Commission encourages cities, towns, and the County of Napa (“County”) to meet and agree to SOI changes. The Commission shall give “great weight” to these agreements to the extent they are consistent with its policies ([G.C. §56425\(b\) and \(c\)](#)). Local agency SOIs are established and changed in part based on information in municipal service reviews, including adopted determinative statements and recommendations ([G.C. §56430](#)).

II. PURPOSE

The purpose of these policies is to guide the Commission in its consideration of SOI amendment requests as well as SOI reviews and updates initiated by LAFCO. This includes establishing consistency with respect to the Commission’s approach in the scheduling, preparation, and adoption of SOI reviews and updates. Requests to amend an SOI may be made by any person or local agency as described in Section VI of this policy. Requests to amend an SOI are encouraged to be filed with LAFCO’s Executive Officer as part of the Commission’s municipal service review (MSR) and SOI review process.

III. OBJECTIVE

It is the intent of the Commission to determine appropriate SOIs that promote the orderly expansion of cities, towns, and special districts in a manner that ensures the protection of the environment and agricultural and open space lands while also ensuring the effective, efficient, and economic provision of essential public services, including public water, wastewater, fire protection and emergency response, and law enforcement. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies. An SOI is primarily a planning tool that will:

- Serve as a master plan for the future organization of local government within the County by providing long range guidelines for the efficient provision of services to the public;
- Discourage duplication of services by two or more local governmental agencies;
- Guide the Commission when considering individual proposals for changes of organization;
- Identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations.

IV. DEFINITIONS

Recognizing that an SOI is a plan for the probable physical boundary and service area of a local government agency as determined by LAFCO, the Commission incorporates the following definitions:

- A. “Agricultural lands” are defined as set forth in [G.C. §56016](#).
- B. “Open space” are defined as set forth in [G.C. §56059](#).
- C. “Prime agricultural land” is defined as set forth in [G.C. §56064](#).
- D. “Infill” is defined as set forth in [Public Resources Code §21061.3](#).
- E. “Underdeveloped land” is defined as land that lacks components of urban development such as utilities or structure(s).
- F. “Vacant land” is defined as land that has no structure(s) on it and is not being used. Agricultural and open space uses are considered a land use and therefore the underlying land is not considered vacant land.
- G. “SOI establishment” refers to the initial adoption of a city or special district SOI by the Commission.
- H. “SOI amendment” refers to a single change to an established SOI, typically involving one specific geographic area and initiated by a landowner, resident, or local agency.
- I. “SOI review” refers to a comprehensive review of an established SOI conducted as part of an MSR. Based on information collected in the SOI review component of an MSR, the Commission shall determine if an SOI update is needed.
- J. “SOI update” refers to a single change or multiple changes to an established SOI, typically initiated by the Commission and based on information collected in the SOI review.
- K. “Zero SOI” when determined by the Commission, indicates a local agency should be dissolved and its service area and service responsibilities assigned to one or more other local agencies.
- L. “Study area” refers to territory evaluated as part of an SOI update for possible addition to, or removal from, an established SOI. The study areas shall be identified by the Commission in consultation with all affected agencies.

V. LOCAL CONSIDERATIONS

A. General Guidelines for Determining Spheres of Influence

The following factors are intended to provide a framework for the Commission to balance competing interests in making determinations related to SOIs. No single factor is determinative. The Commission retains discretion to exercise its independent judgment as appropriate:

- 1) Land defined or designated in the County of Napa General Plan land use map as agricultural or open space shall not be approved for inclusion within any local agency's SOI for purposes of new urban development unless the action is consistent with the objectives listed in Section III of this policy.
- 2) The Commission encourages residents, landowners, and local agencies to submit requests for changes to SOIs to the LAFCO Executive Officer as part of the LAFCO-initiated MSR and SOI review process.
- 3) The first Agricultural Preserve in the United States was created in 1968 by the Napa County Board of Supervisors. The Agricultural Preserve protects lands in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use. Measure J was passed by voters in 1990 and Measure P was passed by voters in 2008 and requires voter approval for any changes that would re-designate unincorporated agricultural and open-space lands. The Commission will consider the Agricultural Preserve and intent of voters in passing Measure J and Measure P in its decision making processes to the extent they apply, prior to taking formal actions relating to SOIs.
- 4) In the course of an SOI review for any local agency as part of an MSR, the Commission shall identify all existing outside services provided by the affected agency. For any services provided outside the affected agency's jurisdictional boundary but within its SOI, the Commission shall request the affected agency submit an annexation plan or explanation for not annexing the territory that is receiving outside services. For any services provided outside an agency's jurisdictional boundary and SOI, the Commission encourages a dialogue between the County and the affected agency relating to mutually beneficial provisions.
- 5) In the course of reviewing a city or town's SOI, the Commission will consider the amount of vacant land within the affected city or town's SOI. The Commission discourages SOI amendment requests involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill development is more appropriate.

- 6) A local agency's SOI shall generally be used to guide annexations within a five-year planning period. Inclusion of land within an SOI shall not be construed to indicate automatic approval of an annexation proposal.
- 7) When an annexation is proposed outside a local agency's SOI, the Commission may consider both the proposed annexation and SOI amendment at the same meeting. The SOI amendment to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.
- 8) A local agency's SOI should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission. This includes information contained in current MSRs. The Commission shall consider the following municipal service criteria in determining SOIs:
 - a) The present capacity of public facilities and adequacy of public services provided by affected local agencies within the current jurisdiction, and the adopted plans of these local agencies to address any municipal service deficiency, including adopted capital improvement plans.
 - b) The present and probable need for public facilities and services within the area proposed or recommended for inclusion within the SOI, and the plans for the delivery of services to the area.
- 9) The Commission shall consider, at a minimum, the following land use criteria in determining SOIs:
 - a) The present and planned land uses in the area, including lands designated for agriculture and open-space.
 - b) Consistency with the County General Plan and the general plan of any affected city or town.
 - c) Adopted general plan policies of the County and of any affected city or town that guide future development away from lands designated for agriculture or open-space.
 - d) Adopted policies of affected local agencies that promote infill development of existing vacant or underdeveloped land.
 - e) Amount of existing vacant or underdeveloped land located within any affected local agency's jurisdiction and current SOI.
 - f) Adopted urban growth boundaries by the affected land use authorities.

B. Scheduling Sphere of Influence Reviews and Updates

[G.C. §56425\(g\)](#) directs the Commission to update each SOI every five years, as necessary. Each year, the Commission shall adopt a Work Program with a schedule for initiating and completing MSRs and SOI reviews based on communication with local agencies. This includes appropriate timing with consideration of city, town, and County general plan updates. The Commission shall schedule SOI updates, as necessary, based on determinations contained in MSRs.

C. Environmental Review

SOI establishments, amendments, and updates will be subject to the review procedures defined in the California Environmental Quality Act (CEQA) and the Napa LAFCO CEQA Guidelines. If an environmental assessment or analysis is prepared by an agency for a project associated with an SOI establishment, amendment, or update, and LAFCO is afforded the opportunity to evaluate and comment during the Lead Agency's environmental review process, then LAFCO can act as a Responsible Agency under CEQA for its environmental review process. All adopted environmental documents prepared for the project, a copy of the filed Notice of Determination/Notice of Exemption, and a copy of the Department of Fish and Wildlife fee receipt must be submitted as part of the application. Completion of the CEQA review process will be required prior to action by the Commission.

VI. REQUESTS FOR SPHERE OF INFLUENCE AMENDMENTS

A. Form of Request

Any person or local agency may file a written request with the Executive Officer requesting amendments to an SOI pursuant to [G.C. §56428\(a\)](#). Requests shall be made using the form provided in Attachment A and be accompanied by a cover letter and a map of the proposed amendment. Requests shall include an initial deposit as prescribed under the Commission's adopted Schedule of Fees and Deposits. The Executive Officer may require additional data and information to be included with the request. Requests by cities, towns, and special districts shall be made by resolution of application.

B. Review of Request

The Executive Officer shall review and determine within 30 days of receipt whether the request to amend an agency's SOI is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.

C. Consideration of Request

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next meeting of the Commission for which adequate notice can be given. The Commission may approve, approve with conditions, or deny the request for an SOI amendment. The Commission's determination and any required findings will be set out in a resolution that specifies the area added to, or removed from, the affected agency's SOI. While the Commission encourages the participation and cooperation of the subject agencies, the determination of an SOI is a LAFCO responsibility and the Commission is the sole authority as to the sufficiency of the documentation and consistency with law and LAFCO policy.

Local Agency Formation Commission of Napa County
1754 Second Street, Suite C
Napa, California 94559
(707) 259-8645 Telephone
www.napa.lafco.ca.gov

Questionnaire for Amending a Sphere of Influence

1. Applicant information:

Name: _____

Address: _____

Telephone Number: _____ (Primary) _____ (Secondary)

E-Mail Address: _____

2. What is the purpose for the proposed sphere of influence amendment?

3. Describe the affected territory in terms of location, size, topography, and any other pertinent characteristics.

4. Describe the affected territory's present and planned land uses.

5. Identify the current land use designation and zoning standard for the affected territory.

6. Is the affected territory subject to a Williamson Act contract? If yes, please provide a copy of the contract along with any amendments.

7. If applicable, identify the governmental agencies currently providing the listed municipal services to the affected territory.

Water: _____

Sewer: _____

Fire: _____

Police: _____

Print Name: _____

Date: _____

Signature: _____



Local Agency Formation Commission of Napa County
Subdivision of the State of California

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 7b (Action)

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Executive Officer *BF*
Gary Bell, Commission Counsel *GB*

MEETING DATE: August 4, 2025

SUBJECT: Proposed Amended and Restated Support Services Agreement with Napa County

RECOMMENDATION

It is recommended the Commission approve the proposed amended and restated Support Services Agreement (SSA) with Napa County, included as Attachment 1, or provide further direction to staff regarding the agreement.

BACKGROUND AND SUMMARY

The Commission's existing SSA with Napa County dates back more than two decades and has not been substantially updated.

On June 3, 2024, the Commission held a public workshop related to issues with the SSA and possible next steps. The Commission directed Commission Counsel to consult with County Counsel to better understand the terms and parameters of the SSA and to initiate discussions of possible amendments to the SSA. The intent is to amend and restate the SSA to update terms and include provisions both parties find acceptable.

With input from Commission staff, Commission Counsel and County Counsel collaboratively developed the proposed amended and restated SSA, included as Attachment 1. This version is nearly identical to the existing SSA in terms of LAFCO's contractual relationship with the County. However, some key terms have been updated to reflect LAFCO's current needs and circumstances, primarily related to staffing flexibility.

ATTACHMENT

- 1) Proposed Amended and Restated SSA

Beth Painter, Vice Chair
Councilmember, City of Napa

Paul Dohring, Commissioner
Councilmember, City of St. Helena

David Oro, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Commissioner
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

NAPA COUNTY AGREEMENT NO. _____

LAFCO OF NAPA COUNTY AGREEMENT NO. _____

**AMENDED AND RESTATED AGREEMENT FOR THE PROVISION OF SUPPORT SERVICES
BY THE COUNTY OF NAPA TO THE NAPA COUNTY LOCAL AGENCY FORMATION COMMISSION**

THIS AGREEMENT is entered into as of this ___ day of _____, 2025, by and between NAPA COUNTY (hereinafter “County”), a political subdivision of the State of California, 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, pursuant to Government Code Section 56380 of the Cortese-Knox-Hertzberg Local Government Reorganization Act (enacted effective January 1, 2001 and hereinafter referred to as “Act”), LAFCO must make its own provisions for independent staffing and operations, and is authorized to contract with any public agency for necessary personnel, facilities, and equipment to carry out and effect its functions and responsibilities; and

WHEREAS, LAFCO has need of specified personnel, and accounting services for its independent operations which County is willing and able to provide under the terms and conditions set forth hereinbelow; and

WHEREAS, the County and LAFCO have entered into agreements for the provision of support services since fiscal year 2001-2002 and now desire to enter into an amended and restated agreement to provide updated terms and conditions;

NOW THEREFORE, in consideration of the foregoing and the mutual promises hereinafter expressed, the parties mutually agree as follows:

AGREEMENT

ARTICLE 1 – SCOPE OF SERVICES

- 1. Services to be Provided by County.** County shall provide the following services subject to LAFCO abiding by County policies and procedures governing such services:

1.1 **Executive Officer.** County shall designate and make available to LAFCO the services of an at-will employee of County for appointment by LAFCO as its LAFCO Executive Officer (hereinafter “Executive Officer”). The Executive Officer shall perform the duties as specified in the Act and other applicable laws and such other duties as specified by LAFCO. County agrees that the LAFCO Commission, as the appointing authority of the LAFCO Executive Officer, shall have the responsibility for evaluating the performance and setting compensation for the Executive Officer, so long as these actions are implemented in a manner consistent with County personnel policies, rules and regulations. The County shall hire and employ staff for LAFCO within the same employment practices as other County employees. The duties to be provided by the Executive Officer are included in the attached job classification specification. See Attachment A-1.

1.2 **Support Staff.** County shall provide (a) one full-time clerical staff, (b) one full-time employee to assist the Executive Officer in carrying out the day-to-day operations of LAFCO (within a classification used from Attachment A-1), and (c) such other staff as the LAFCO Commission deems necessary, appropriates funds for, and directs County to provide , as set forth in Section 1.3 below. If the Executive Officer determines additional clerical or other staff support is desired or needed beyond that in (a) and (b) above, the Executive Officer shall submit a written request to the County for the additional staff and the County shall consider, study, recommend and respond to the Executive Officer in writing within 20 business day of the request in a manner consistent with County personnel policies, rules and regulations. . The LAFCO Commission shall reimburse the County pursuant to Section 3.2 for any additional staff support provided. The duties of support staff are included in the attached job classification. See Attachment A-1.

1.3 **Additional Services.** County, through its departments and divisions, shall further provide LAFCO the following services:

Oversight and Insurance Services as described in Attachment A-2;

Auditor Controller Services as described in Attachment A-3;

Telecommunications, Mail and Information Technology Services as described in Attachment A-4;

Personnel Services as described in Attachment A-5;

Treasurer-Tax Collector services as described in Attachment A-6.

1.4 **Office Space.** LAFCO has made direct arrangements with third parties to secure and maintain office space and such services are therefore not included within this Agreement. In the event County has office space available in the future and is willing to offer it to LAFCO, the County Executive Officer shall notify the LAFCO Executive Officer of the opportunity. Should LAFCO and County agree to include office space, the parties shall amend this Agreement to reflect the negotiated terms for office space.

ARTICLE II – DURATION OF AGREEMENT

2.1 **Term.** This Agreement shall be effective on the date entered at the top of page 1 of this Agreement (Effective Date) and shall expire on June 30, 2029. The term of this Agreement may be extended for one additional 5-year extension in a writing signed by the Executive Officer and the County Chief Executive Officer, provided that no other terms or conditions are being amended.

2.2 **Mutual Termination.** This Agreement may be terminated prior to the expiration date only with the mutual written consent of both County and LAFCO. The sole remedy for default by County relating to provision of the services required under this Agreement shall be through the equitable remedy of specific performance and the sole remedy for default by LAFCO relating to reimbursement for the cost of the services provided shall be through legal action for damages.

ARTICLE III - COMPENSATION

3.1 **Amount of Compensation.** LAFCO shall pay County as follows:

(a) **Rates.** In consideration of County's fulfillment of the promised services and personnel, LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County and its departments and divisions in providing these services. The rates shall be determined and mutually agreed to by the parties in accordance with Attachment B of the Agreement, including any and all amendments.

(b) **LAFCO Staffing Reimbursement.** LAFCO shall reimburse County for the salary and benefits of County staff primarily assigned to serve LAFCO, including any increases in salary and benefits that County provides such staff during the term of this Agreement.

(c) **LAFCO-Requested Travel Expense Reimbursement.** LAFCO shall reimburse County for expenses incurred by County departments and divisions for travel by their assigned personnel when such travel has been requested by LAFCO in writing. Such reimbursement shall be in accordance with the travel expense policy approved by County's Board of Supervisors in effect on the date of the travel. Notwithstanding the foregoing, travel costs incurred through use of a County vehicle shall be reimbursed in accordance with the County Equipment Pool rates in effect at the time of the travel.

(d) **Bank Analysis Pass-through Charge.** LAFCO shall reimburse County on a pass-through basis for the costs incurred by County for bank charges relating to LAFCO activities.

(e) **Insurance Coverage:** LAFCO shall reimburse County for the insurance coverage required under Article IV below at the rates established by County each fiscal year.

(f) **Adjustment for Additional LAFCO-Requested Services.** LAFCO shall reimburse County for the actual costs (including the costs of labor, equipment, supplies, materials, and incidental travel/transportation) incurred by County in providing any new or increased services requested by LAFCO. Such additions or increases in services shall be permitted only if approved in writing by the County Executive Officer and LAFCO Executive Officer, including approval of the applicable reimbursement rates.

3.2 Payment Process. Reimbursement for the costs of services, related supplies, and authorized travel incurred by County under this Agreement shall be made only upon presentation by the performing County department or division to LAFCO of an itemized billing invoice in a form acceptable to the Executive Officer of LAFCO and to the Napa County Auditor which indicates, at a minimum, an itemization of the services provided, the costs of any LAFCO-requested travel, and any documentation relating to adjustments in maximum compensation authorized in the manner provided in Section 3.1 above. If the Executive Officer of LAFCO requires further information regarding the invoice, County shall make a good faith effort to provide such information, including documentation that the Executive Officer requests to justify the invoice charges. County shall submit such invoices quarterly to the Executive Officer of LAFCO who shall review each invoice for compliance with the requirements of this Agreement and shall, within ten working days of receipt, either approve or disapprove the invoice in light of such requirements. If the invoice is approved, the Executive Officer of LAFCO shall direct reimbursement be made by journal entry from the LAFCO Operations Fund to the account designated by the submitting County department or division as of the first day of the County fiscal year quarter immediately succeeding the quarter in which the services were rendered. Notwithstanding the foregoing, the final quarterly invoices for the fourth quarter reimbursement shall be submitted no later than the first working day following the close of the County fiscal year (June 30) and, if approved, shall be paid on or before July 15 of the next County fiscal year.

3.3 Appropriations. LAFCO shall be responsible for operating within the appropriations budgeted for the current fiscal year. The process for reimbursement of expenses that exceed the given appropriation shall involve review and approval by LAFCO prior to County approval by the Board of Supervisors of a contingency transfer. Any County appropriations in excess of LAFCO's budget for the current fiscal year shall be charged as an expense in LAFCO's current fiscal budget and shall be reimbursed to County in the following fiscal year.

3.4 Taxes. As between LAFCO and County, County agrees to be solely liable and responsible for all required tax withholdings and other obligations including, without limitation, those for state and federal income and FICA taxes relating to employees or subcontractors retained by County to provide the services provided to LAFCO under this Agreement. County agrees to indemnify and hold LAFCO harmless from any liability either may incur to the United States or the State of California as a consequence of County's failure to withhold or pay such amounts when due. In the event that LAFCO is audited for compliance regarding any such

withholding or payment of taxes, County agrees to furnish LAFCO with proof of the withholding or payment action by County.

ARTICLE IV – INSURANCE

In order to protect LAFCO and the County against claims and liability for injury, loss, damage or death as a result of LAFCO's operations, LAFCO shall maintain insurance coverage consistent with the County's program of self-insurance and purchased insurance as follows: (a) comprehensive general liability; (b) comprehensive automobile liability; (c) directors and officers liability; (d) blanket fidelity and public official bonds; (e) workers' compensation; (f) property and related programs providing coverage for loss or damage to equipment and other personal property used in the course and scope of the functions of LAFCO; and (g) Master Crime. LAFCO shall satisfy its insurance obligation as a paying participant in the County's program of self-insurance and purchased insurance. LAFCO shall comply with all applicable requirements, rules and policies of the County Risk Manager in relation to the provision of insurance, the handling of claims, the charging of premiums, and other administrative responsibilities and functions in the same manner as such rules and policies apply to County agencies and departments. Annually, the County will endeavor to notify LAFCO of any significant change to its insurance coverage.

ARTICLE V – INDEMNIFICATION

County and LAFCO shall each defend, indemnify and hold harmless each other as well as those of their respective officers, agents and employees who perform any services or duties under this Agreement from any claims, loss or liability, including without limitation, those for personal injury (including death) or damage to property, arising out of or connected with any aspect of the performance by that party or its officers, agents, or employees, of the services or obligations required of that party under this Agreement. Notwithstanding the foregoing, LAFCO shall defend, indemnify and hold harmless County from any claims, loss or liability, including those for personal injury (including death) or damage to property, arising out of or connected with any act or omission of the Executive Officer of LAFCO when such act or omission is the pursuant to specific direction by LAFCO.

ARTICLE VI – COMPLIANCE WITH LAWS

6.1 **Compliance with Laws.** In providing the services required by this Agreement, County shall observe and comply with all applicable federal, state and local laws, ordinances, codes, and regulations.

6.2 **Conflict of Interest.** The parties to the Agreement acknowledge that they are aware of the provisions of the Government Code Section 1090 et seq., and Section 87100 et seq., relating to conflict of interest of public officers and employees. During the term of this Agreement, the Executive Officer of LAFCO and all other LAFCO staff shall not perform any

work under this Agreement that might reasonably be considered detrimental to LAFCO's interests. LAFCO staff shall take such measures as are deemed necessary in the performance of this Agreement to prevent actual conflicts of interest. County hereby covenants that it presently has no interest not disclosed to LAFCO and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services or confidentiality obligation hereunder, except such as LAFCO may consent to in writing.

ARTICLE VII – GENERAL PROVISIONS

7.1 Access to Records/Retention. LAFCO shall have access to any books, documents, papers and records of County which are directly pertinent to the subject matter of this Agreement for the purpose of making audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, County shall maintain all required records for seven (7) years after LAFCO makes final reimbursement for any of the services provided hereunder and all pending matters are closed, whichever is later. County shall cooperate with LAFCO in providing all necessary data in a timely and responsive manner to comply with all LAFCO reporting requirements.

7.2 Notices. All notices required or authorized by this Agreement shall be in writing and shall be delivered in person; or by deposit in the United States mail, first class postage, prepaid; or by deposit in a sealed envelope in County's internal mail system, when available; or by electronic mail. Such notices shall be addressed as noted below, in accordance with the mode of communication selected or, where desired to be sent to a specific County department or division, at the address noted in the applicable Attachment. Either party may change its addresses by notifying the other party of the change. Any notice delivered in person shall be effective as of the date of delivery. Any notice sent by electronic mail shall be deemed received as of the recipient's next working day. Any notice sent by U.S. mail or County internal mail shall be deemed to have been received as of the date of actual receipt or five days following the date of deposit, whichever is earlier.

LAFCO

Mail: LAFCO Executive Officer
1754 Second Street, Suite C
Napa, CA 94559

E-Mail: bfreeman@napa.lafco.ca.gov

County

Napa County Chief Executive Officer
1195 Third Street, Suite 310
Napa, CA 94559

ryan.alsop@countyofnapa.org

7.3 Independent Contractor. County shall perform this Agreement as an independent contractor. While the County employee assigned to serve as the Executive Officer of LAFCO shall operate as an officer of LAFCO, County and its officers, agents and employees are not, and shall not be deemed, LAFCO employees for any purpose, including workers' compensation and employee benefits. County shall determine, at its own risk and expense, the

method and manner by which duties imposed on County in general and its officers, agents and employees in particular by this Agreement shall be performed, provided, however, that LAFCO may monitor the work performed, and LAFCO rather than County shall be responsible for directing the actions of the Executive Officer of LAFCO when such person is acting on behalf of LAFCO. LAFCO shall not deduct or withhold any amounts whatsoever from the reimbursement paid to County, including, but not limited to amounts required to be withheld for state and federal taxes or employee benefits. County alone shall be responsible for all such payments.

7.4 Waiver. Waiver by either party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

7.5 Confidentiality. Confidential information is defined as all information disclosed to either party by the other in the course of County's performance of services under this Agreement, where such information relates to that party's past, present, and future activities, as well as activities under this Agreement. Each party and its officers, agents and employees providing services or performing activities under this Agreement shall use their best efforts to hold all such information as they may receive, if any, in trust and confidence, except with the prior written approval of each party's Executive Officer. Notwithstanding the foregoing, nothing in this Paragraph or Agreement shall be construed to abrogate the independent authority and responsibilities of the County, any of its elected or appointed officers and the members of their respective County departments or divisions.

7.6 Assignments and Delegation. Neither party may delegate its obligations hereunder, either in whole or in part, without the prior written consent of the other party; provided, however, that obligations undertaken by County pursuant to this Agreement may be carried out by means of subcontract, provided such subcontracts are approved in writing by LAFCO, meet the requirements of this Agreement as they relate to the service or activity under subcontract, and include any other provision that LAFCO may require. No subcontract shall terminate or alter the responsibilities of either party pursuant to this Agreement. LAFCO may not assign its rights hereunder, either in whole or in part, without prior written consent of the County.

7.7 Authority to Contract. LAFCO and County each warrant hereby that they are respectively legally permitted and otherwise have the authority to enter into and perform this Agreement.

7.8 Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create any rights in third parties and the parties do not intend to create such rights.

7.9 Attorney's Fees. In the event that either party commences legal action of any kind or character to either enforce the provisions of this Agreement or to obtain damages for breach thereof, the prevailing party in such litigation shall be entitled to all costs and reasonable attorney's fees incurred in connection with such action.

7.10 Amendment/Modification. Except as otherwise provided herein, this Agreement may be modified or amended only in writing and with the prior written consent of both parties. Except where otherwise provided in this Agreement only LAFCO, through its Chair or, where permitted by law and LAFCO policy, through its Executive Officer, in the form of an amendment of this Agreement, may authorize extra or changed work if beyond the scope of services prescribed by this Agreement. Failure of County to secure such authorization in writing in advance of performing any such extra or changed work shall constitute a waiver of any and all rights to a corresponding adjustment in the reimbursement maximum or rates and no reimbursement shall be due and payable for such extra work.

7.11 Interpretation. The headings used herein are for reference. The terms of the Agreement are set out in the text under the headings. This Agreement shall be governed by the laws of the State of California. The venue for any legal action filed by either party in state Court to enforce any provision of this Agreement shall be Napa County, California. The venue for any legal action filed by either side in federal court to enforce any provision of this Agreement lying within the jurisdiction of the federal courts shall be the Northern District of California. The appropriate venue for arbitration, mediation or similar legal proceedings under this Agreement shall be Napa County, California; however, nothing in this sentence shall obligate either party to submit to mediation or arbitration any dispute arising under this Agreement.

7.12 Severability. If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

7.13 Entire Agreement. This Agreement contains the entire and complete understanding of the parties and supersedes any and all other agreements, oral or written, with respect to the provision of administrative services under this Agreement.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

"LAFCO":

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

By _____
LAFCO Chair

ATTEST: _____,
LAFCO Executive Officer

APPROVED AS TO FORM:
LAFCO Legal Counsel

By _____

By _____

"County":

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

By _____
ANNE COTTRELL, Chair of the Board of Supervisors

ATTEST: NEHA HOSKINS,
Clerk of the Board of Supervisors

APPROVED BY THE BOARD
OF SUPERVISORS:

By _____

Date _____

APPROVED AS TO FORM: SHERYL
BRATTON, Napa County Counsel
By _____

Processed by:

Deputy Clerk of the Board

**ATTACHMENT A-1
Job Class Specifications**

[Attach LAFCO Executive Officer Class Specification]

[Attach LAFCO Assistant Executive Officer Class Specification]

[Attach LAFCO Staff Analyst I Class Specification]

[Attach LAFCO Staff Analyst II Class Specification]

[Attach LAFCO Clerk Class Specification]/Junior Staff Analyst]

ATTACHMENT A-2

PROVISION OF MANAGEMENT ASSISTANCE SERVICES TO LAFCO BY THE NAPA COUNTY EXECUTIVE OFFICER

1. SCOPE OF SERVICES

The Napa County Chief Executive Officer (NCEO) shall provide, at a minimum, the following services to LAFCO under this Attachment:

(a) **Administration and Supervision:** NCEO shall administer and supervise all County departments or divisions providing services to LAFCO.

(b) **Insurance:** NCEO shall obtain for LAFCO, its Commissioners, staff and operations the same type and level of insurance coverage provided by County for its own boards, commissions, staff and operations, and shall provide claims/litigation administration. General liability coverage shall be provided for LAFCO and its employees under County's currently existing self insurance and liability insurance program with LAFCO allocated and obligated to reimburse County for the portion of the total net premium as determined by County for the then current Fiscal Year. Workers' compensation coverage shall be obtained through County's carrier and program, with the cost thereof payable each pay period at the then-current rate charged by the County.

2. STAFFING

In providing the above services, County shall provide LAFCO with the services of the following specific County staff or positions:

- **Administration and Supervision:** County Executive Officer and Assistant County Executive Officer

3. NCEO CONTACT:

Mail: Napa County Chief Executive Office
Suite 310, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Email: Rebecca.craig@countyofnapa.org

ATTACHMENT A-3

PROVISION OF SERVICES TO LAFCO BY THE NAPA COUNTY AUDITOR-CONTROLLER

1. SCOPE OF SERVICE

Under the financial and policy direction of LAFCO, County (through the Napa County Auditor-Controller, hereinafter referred to as “Auditor”) shall provide LAFCO with the following services relating to LAFCO financial operations:

- Accounts payable, purchasing and contract payment processing services
- Accounts receivable (deposit) services
- Services relating to preparation, adoption and administration of LAFCO’s budget
- Accounting services
- Payroll services
- Audit services upon request by LAFCO
- Assistance in determining the apportionment of costs and collection of payments in support of LAFCO pursuant to Government Code Section 56831.
- Audit services requested by LAFCO

2. LEVEL AND MANNER OF SERVICE

The foregoing services shall be provided in accordance with the following provisions:

(a) The LAFCO Operations Fund shall be administered in accordance with all applicable provisions of the Government Code.

(b) All expenditures made from this Fund will be in accordance with the legally adopted budget as approved by the LAFCO Commission.

(c) At LAFCO's request, Auditor shall make diligent efforts to assist in the development of accounting policies and procedures that increase the efficiency and effectiveness of the administration of LAFCO, including policies and procedures including the electronic interchange of data and efforts to minimize reliance on County services.

3. AUDITOR CONTACT:

Mail: Tracy Schulze
Napa County Auditor-Controller
1195 Third Street, Suite B-10
Napa, California 94559

E-mail: tracy.schulze@countyofnapa.org

ATTACHMENT A-4
PROVISION OF TELECOMMUNICATIONS, MAIL,
INFORMATION TECHNOLOGY SERVICES AND
RECORD MANAGEMENT SERVICES TO LAFCO BY
THE NAPA COUNTY EXECUTIVE OFFICER

1. TELECOMMUNICATION SERVICES

The Napa County Executive Officer, through the Communications Division shall provide LAFCO with installation, maintenance and repair of, and maintenance of service records and inventory for, all telecommunications equipment involved in any of the following systems used by LAFCO:

- telephone systems, including voice mail
- data cabling and terminations
- CCTV monitors and cameras
- intercom and PA systems
- all wireless communications, i.e. pagers, cellular phones, two-way radios, security alarm systems

2. MAIL SERVICES

The Napa County Executive Officer shall provide the following mail services to LAFCO:

- Pickup, delivery of all interdepartmental (LAFCO) and County/LAFCO internal mail
- Pickup, metering and delivery to the Post Office of all LAFCO outgoing USPS mail

3. RECORDS MANAGEMENT SERVICES FOR LAFCO RECORDS

The Napa County Executive Officer, through the records management division, shall provide LAFCO with records management services for LAFCO records, including storage, retrieval and interfiling of LAFCO records at the Napa County Records Center; destruction of LAFCO records stored at the Napa County Records Center when such destruction is authorized by LAFCO; and shall assist LAFCO in developing policies and procedures that increase the efficiency and effectiveness by which LAFCO records are archived, retrieved and disposed.

4. INFORMATION TECHNOLOGY SERVICES

COUNTY shall provide LAFCO with COUNTY personnel to perform the following services and functions for LAFCO, including access to the products and product licenses noted:

Napa County ITS shall provide a total information technology support package. This includes technical support, development, technology evaluation, RFPs, project management and consulting services on an as needed basis during the term of this Agreement in order to provide a reliable, cost effective as well as innovative technology infrastructure. All service requests for existing products and services shall be managed through the ITS ticketing system. ITS shall

create a requirements document for customer approval prior to ITS performing any significant work. Purchases of products or licenses for applications not noted in this Exhibit shall be made by LAFCO by separate agreement with COUNTY or third parties unless this Agreement is expressly amended to add such items to this Scope of Services.

Included Services:

Countywide network connectivity: provide connection to COUNTY WAN (wide area network) to facilitate access to COUNTY datacenter and Internet. COUNTY reserves the right to restrict internet access to appropriate uses. Examples of inappropriate uses include, but are not limited to, activities that would weaken the COUNTY's security, violate COUNTY policy or increase the use of COUNTY bandwidth that results in impacts to COUNTY's services, including additional costs, slower access to users of the COUNTY system, or impacts of similar magnitude. LAFCO is responsible for any cost associated with connection from LAFCO to COUNTY infrastructure (LAN/WAN).

Infrastructure Support: Troubleshooting and support of LAFCO access and use of COUNTY LAN/WAN.

COUNTY Network & Server Administration and Monitoring: 24/7 automated network monitoring with on call emergency technician to respond to critical service outages.

File Services: File system server storage space and management. IE, H: drives. Daily backup of supported data and systems, fault tolerance, and data recovery services of all data located at COUNTY Data Center(s).

Endpoint Protection: Monitor and protect supported endpoints, including desktops, laptops, and servers against cyber threats.

Print Services: Printer and print queue management of COUNTY supported printers.

Email service including access to County address book.

Cybersecurity: COUNTY'S cybersecurity services will be used to protect and recover LAFCO technology assets that are managed by COUNTY and hosted on COUNTY premises from cyber incidents.

Internet Access: Access to the Internet will be restricted to business use only. Nonbusiness sites and activity, including access to sites that may possibly contain improper content, deemed a security or privacy risk, or other such designations will be restricted.

Enterprise Resource Planning (ERP): Access to PeopleSoft Financial and HRMS (Human Resource Management Systems), including time and labor, project costing, purchasing, etc.

Enterprise Content Management: Access to document management systems to manage digital content. This includes eform solutions to automate internal and external forms.

Remote Access: Provide secure remote access to COUNTY technology resources. Remote access is restricted to that which is allowed per COUNTY security and privacy policies and agreements.

Helpdesk: Provide Helpdesk phone access from 7:00 a.m. to 5:00 p.m., Monday thru Friday. Limited on-call phone access will be available 24/7 via after-hours via voice mail. COUNTY will provide a (non-emergency) IS Helpdesk Intranet site for problem reporting, system status, product purchasing, training class registration and self-help resources.

Training Center: Dedicated 16 seat plus instructor PC training room. Multimedia room with overhead projector for training/presentations. LAFCO can schedule and use the facility for any type of training/meetings/etc. Training courses and associated costs are not included in this agreement.

Internet Site Hosting and Development: Hosting Services for Napa ‘ITS developed’ Internet and Intranet Web Sites. Access to Chardonnay for enterprise intranet, SharePoint “My Site” for personalized information. Full backup and recovery services, security, virus/phishing, and firewall services of Hosted Web Sites. WEB monitoring, filtering, reporting and statistics.

Identity and Access Management: User account provisioning and access management to technology resources managed by COUNTY.

Access to Enterprise Systems and Data: Property, recorded documents, GIS data, etc.

Hosting services for LAFCO applications/services at COUNTY data center(s): Physical server management, hardware management, operating system management, endpoint protection, lifecycle management, patches, service packs, tape backup, disaster recovery, third party vendor coordination, UPS and generator, , 24/7 monitoring.

Geographical Information Systems (GIS): Turnkey GIS services including training, user support, and access to the enterprise spatial data warehouse and web applications. Limited map production services. Large-format plotters. Data hosting, management and distribution.

Pre-approval of Technology Purchases: All LAFCO technology systems intended to be installed within COUNTY technology assets and/or supported by COUNTY must be reviewed and pre-approved by COUNTY prior to LAFCO purchase.

Limitations to this agreement: Services provided by COUNTY are limited to only those technologies that COUNTY is deemed capable and trained to provide and that is residing on or connected to the COUNTY network infrastructure. Any LAFCO technology assets not deemed to be sufficiently secure and not placed on COUNTY network will be excluded from this agreement. Additionally, any services, hardware, process, or system implemented by LAFCO that does not meet and/or comply with any 'in effect' standards and/or COUNTY prescribed best practices will be excluded from this agreement. COUNTY will, unilaterally, have final authority on any discussions regarding the meaning of any terms contained within this agreement.

Third-party hosted applications purchased by LAFCO that create an unacceptable risk to COUNTY will not be integrated with COUNTY technology.

What is not included in the services contracted unless specifically addressed in the agreement and the cost allocation method:

Because physical location is not at the discretion of the County Board of Supervisors, network connectivity installation costs will be solely the responsibility of LAFCO.

COUNTY will not support nor install any non-COUNTY standard technology deployed by LAFCO independent from COUNTY ITS approval and acceptance.

LAFCO will not deploy non-COUNTY approved and/or non-COUNTY standard technology, software, database, peripheral devices, mobile device, wireless devices, or any other technology asset on COUNTY owned equipment without approval of COUNTY ITS. Any deviation from this requirement will be considered a material breach of this agreement.

Servers hosted at LAFCO or LAFCO servers that are non-COUNTY standard operating systems and applications will not be supported by COUNTY ITS nor will they be physically connected to COUNTY infrastructure without written approval from COUNTY ITS.

COUNTY ITS will disconnect and/or make any LAFCO device, software, or device/software configurations that attached to or communicate through the COUNTY network unusable if COUNTY ITS deems such action necessary to protect the security and/or integrity of COUNTY operational assets including any device or software that impact the operational status of COUNTY users, as a whole. This is at the sole discretion of COUNTY ITS.

COUNTY ITS does not service any non-COUNTY asset including non-COUNTY PC's and printers nor allow non-COUNTY assets to be physically connected to COUNTY infrastructure. ITS may supply LAFCO with software such as VPN or Terminal software that allows secure connection through the Internet to COUNTY network in support of the agreement.

Web sites developed and supported by outside vendors will not be allowed to be hosted on COUNTY Web servers.

LAFCO must provide their own DSL (or other type connection) outside of COUNTY network

traffic for any bandwidth intensive processes or applications such as video conferencing.

Training course costs and other associated training costs are not included in this agreement.

LAFCO is responsible for all data and telecom wiring at their location. If COUNTY ITS is available to provide such services, then materials and labor will be billed to LAFCO outside of this agreement.

Security and Acceptable Use Obligations

1. Compliance with Security Policies

LAFCO agrees to comply with all applicable security policies, procedures, and guidelines provided by the COUNTY concerning the use, protection, and management of the COUNTY'S information, technology systems, and any data housed therein. This includes adhering to industry-standard security measures, such as password protection, encryption, and multi-factor authentication where applicable.

2. Acceptable Use of Technology Assets

LAFCO acknowledges and agrees that any access to, or use of, the COUNTY'S owned or managed technology assets, including but not limited to computers, servers, networks, cloud services, mobile devices, and other related infrastructure, shall be governed by the COUNTY'S Acceptable Use Policy ("AUP"), which may be updated from time to time.

a. LAFCO shall use the COUNTY'S technology assets solely for authorized business purposes and in a manner that complies with all applicable laws, regulations, and COUNTY policies.

b. Unauthorized access, modification, destruction, or disclosure of any information or systems is strictly prohibited and shall be considered a breach of this Agreement.

3. Security Incidents

In the event of any security incident or breach involving the COUNTY'S technology assets or data, LAFCO shall promptly notify the COUNTY in accordance with the COUNTY'S incident reporting procedures and fully cooperate with any investigation or remedial actions undertaken by the COUNTY.

4. Ongoing Review and Updates

LAFCO agrees to review and acknowledge updates to the COUNTY'S security policies and procedures as they are made available. Continued access to and use of the COUNTY'S technology assets constitutes acceptance of any modifications to such policies.

5. Consequences of Non-Compliance

Any failure by LAFCO to comply with the COUNTY'S security policies, acceptable use guidelines, or procedures may result in the immediate suspension or termination of access to the COUNTY'S technology assets, as well as any other remedies available to the COUNTY under this Agreement or applicable law.

5. SUPPLIES AND EQUIPMENT TO BE DIRECTLY PURCHASED

There shall be no separate reimbursement for supplies and equipment provided under this Attachment because LAFCO shall be responsible for directly purchasing any systems and

equipment to be installed by the foregoing departments and divisions (other than fixtures which shall remain owned by County).

6. NCEO/DIVISION CONTACT:

Mail: Napa County Executive Officer
Suite 310, Co. Admin. Bldg.
1195 Third Street
Napa, California 94559

Email: ryan.alsop@countyofnapa.org

ATTACHMENT A-5

PROVISION OF PERSONNEL SERVICES TO LAFCO BY THE HUMAN RESOURCES DIVISION OF THE NAPA COUNTY EXECUTIVE OFFICE

1. SCOPE OF SERVICES

The Human Resources division ("HR") of the Napa County Executive Office shall provide the following services to LAFCO within the financial, personnel and policy guidelines established by the LAFCO Commission, so long as such guidelines are not in conflict with County personnel policies, rules and regulations. The Chief Human Resources Officer shall act to oversee and carry out the following services upon direction by the LAFCO Commission:

- ***Recruitment and selection:*** shall include consultation regarding hiring procedures, advertising (costs of certain advertisements will be the responsibility of LAFCO), screening of applications, and development of a hiring list.
- ***Personnel transactions(PA):*** shall include implementation of PAs (hires, releases, promotions, salary increases, etc.), benefit sign-ups and coordination (health, wellness program, dental, etc.); as authorized and directed by the LAFCO Commission, HR shall implement salary surveys and adjustments, job allocations, reclassifications, performance review processes, and changes (including increases) in personnel staffing appointed to serve LAFCO, so long as such implementation is consistent with and not in conflict with County policies and regulations. County agrees that the LAFCO Commission, as the appointing authority of the LAFCO Executive Officer, shall have the responsibility for evaluating the performance and setting compensation for the LAFCO Executive Officer.
- ***Labor Relations:*** shall include implementing salaries and other terms and conditions of compensation and performance established for LAFCO staff by the LAFCO Commission, so long as such implementation is consistent with and not in conflict with County policies and regulations; negotiations with employee union representatives regarding wages, hours, terms and conditions of employment; consultation and assistance with disciplinary and grievance issues; administration and coordination of worker's compensation cases.
- ***Training:*** shall include County workshops and required trainings for employees and supervisors when attended at LAFCO direction by LAFCO employees or by County employees whose primary responsibilities involve providing services to LAFCO.
- ***Staffing:*** HR shall provide staffing as requested by LAFCO and agreed to by County, including staff as described in Section 1.2 of the Agreement.

2. **HR CONTACT:**

Mail: Human Resources Director
Suite 110, Co. Admin.Bldg.
1195 Third Street
Napa, California 94559

Email: Christine.briceno@countyofnapa.org

ATTACHMENT A-6

PROVISION OF SERVICES TO LAFCO BY THE NAPA COUNTY TREASURER-TAX COLLECTOR

1. SERVICES TO BE PROVIDED

(a) The Napa County Treasurer-Tax Collector ("Treasurer") shall provide LAFCO with banking and investment services on a cost pass-through basis. The scope of services shall include:

- Banking services for LAFCO funds, including warrant processing and bank reconciliation.
- Portfolio Management for all LAFCO accounts, including receipt, safeguarding, investment and disbursement.

(b) The services shall be provided in accordance with the following provisions:

(1) Treasurer shall notify LAFCO within three (3) working days of receipt of all funds received and deposited into the LAFCO Operations Fund. For purposes of this Attachment, "working days" shall mean Monday through Friday, 8 a.m. to 5 p.m., County holidays excluded.

(2) LAFCO shall be permitted electronic access through County's PeopleSoft computerized systems to all reports detailing deposits received and interest earned. These reports shall specify amount and source of revenue, as well as the date of deposit.

2. STAFFING TO BE PROVIDED

Treasurer staffing may include:

<u>Service</u>	<u>Position</u>
Banking Services	Account Clerk I-II
Portfolio Mgmt	Treas/Tax Collector Treasury Supervisor Senior Account Clerk Account Clerk II

3. TREASURER CONTACT:

Mail: Bob Minahen
Napa County Treasurer-Tax Collector
1195 Third Street, Room 108
Napa, California 94559

Email: Bob.minahen@countyofnapa.org

ATTACHMENT B

Direct Staff Services:

All county staff services provided to LAFCO shall be charged at the current fully loaded hourly rate for each position and shall be billed to LAFCO.

Indirect Services:

In addition to staff time, LAFCO shall reimburse County for the following services:

Materials Provided (e.g., telecommunication, postage) – charged at cost

Document shredding – charged at cost

Recruitment Advertising – charged at cost

Training services - shall be prorated by the ratio of the attendees who are LAFCO employees or County employees primarily providing LAFCO services to the total number of attendees during each training hour for which reimbursement is sought.

County Auditor Voucher Rates – charged at current rates charged to other public entities

County Auditor Payroll Warrants – charged at current rates charged to other public entities

ITS Annual Service – charged at current allocation rate charged to County departments which is based on number of employees and equipment

a. **Payment.**

The Annual Fee shall be payable in arrears on or before the first of the month preceding the quarter of service, with the payable monthly rate being 1/4 of the annual rate in effect on the first date of the quarter of service.



Local Agency Formation Commission of Napa County
Subdivision of the State of California

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 7c (Action)

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Executive Officer *B F*

MEETING DATE: August 4, 2025

SUBJECT: Special District Representation on LAFCO and Possible Direction

RECOMMENDATION

It is recommended the Commission receive a report on the process of adding special district representation on LAFCO and consider establishing an ad hoc committee to assist staff with respect to pursuing the addition of special districts to the Commission.

BACKGROUND AND SUMMARY

On June 2, 2025, the Commission directed staff to return with information on adding special districts to LAFCO, including process and budget considerations. The Commission expressed interest in establishing an ad hoc subcommittee to advise staff on related activities. Napa LAFCO currently does not have special district representation.

The California Special Districts Association (CSDA) prepared a white paper in 2018 on special district representation on LAFCO, included as Attachment 1.

California Government Code section 56325(c) grants special districts the right to have representation on LAFCOs. Approximately half of all LAFCOs in the State have special district representation. Representation would consist of 2 regular members and 1 alternate member representing all independent special districts in Napa County. These representatives would be determined by an election of the special districts. Napa LAFCO would then increase from a 5-member to a 7-member commission along with an increase from 3 alternate members to 4 alternate members.

There are 9 independent special districts in Napa County that would be eligible for representation on the Commission: Circle Oaks County Water District; Congress Valley Water District; Los Carneros Water District; Napa County Mosquito Abatement District; Napa County Regional Park and Open Space District; Napa County Resource Conservation District; Napa River Reclamation District No. 2109; Pope Valley Cemetery District; and Spanish Flat Water District.

Beth Painter, Vice Chair
Councilmember, City of Napa

Paul Dohring, Commissioner
Councilmember, City of St. Helena

David Oro, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Commissioner
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

The Commission's annually budgeted revenues involve the apportionment of agency contributions from Napa County and the five cities/town. These agency contributions represent approximately half of LAFCO's annual budget. The County contributes half of the total agency contributions amount, and the five cities/town contribute the other half.

If special districts were to be seated on the Commission, the proportional amount that each agency contributes to the LAFCO budget would change. The standard allocation for agency contributions with special district representation is equal one-third shares for each agency type (i.e., county, cities, and districts). However, the agencies may agree to an alternative LAFCO funding allocation by adopting similar resolutions.

Staff recommends the Commission discuss its interest in pursuing special district representation. If agreeable, staff also recommends the Commission consider establishing an ad hoc subcommittee and appointing two members to advise staff with respect to any related activities. Alternatively, the Commission may instead provide direction to staff to independently pursue any desired activities related to special district representation.

ATTACHMENT

- 1) CSDA White Paper: Special District Representation on LAFCO



**California Special
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Districts Stronger Together

SPECIAL DISTRICT REPRESENTATION ON LAFCO



**California Special
Districts Association**
Districts Stronger Together

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**California Special
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Since 1972, state law made it possible for Local Agency Formation Commissions (LAFCOs) to expand their memberships by adding two representatives of independent special districts. Today, just over half of all LAFCOs have commissioners representing special districts. LAFCO commissioners are appointed as follows:

- *Two County Supervisors:* Each county's board of supervisors appoints two of its members to serve on LAFCO. The county supervisors also select a third supervisor as an alternate.
- *Two City Councilmembers:* In counties with two or more cities, there is a "city selection committee" composed of the cities' mayors. The city selection committee appoints two elected city officials (city council members or mayors) and one alternate to serve on LAFCO.
- *Two Special District Board Members:* In 30 counties, the LAFCOs also have special district members. An "independent special district selection committee" composed of the presiding officers of each independent district appoints two district board members and one alternate to serve on LAFCO.
- *One Public Member:* The six (or four) appointed LAFCO commissioners choose the seventh (or fifth) commissioner, a public member, and one alternate. Professors, civic activists, and former elected officials often serve as public members on LAFCOs.

Who Generally Pays for LAFCO Operations?

Originally, state law required the county governments to pay for LAFCOs. With the passage of AB 2838 (Hertzberg, 2000), the Legislature required cities and independent special districts to share the counties' fiscal burden. Each sector (county, city, district) typically pays one-third of a LAFCO's budget. Where there is no independent special district representation on the LAFCO, the county and cities split the funding responsibility. Statutory formulas allocate the cities' default share among the cities and the independent special districts' share among the districts based on each agency's annual revenue. However, local officials can negotiate alternative formulas.

State law allows a LAFCO to charge fees to recover its costs of reviewing boundary changes and other actions. Most LAFCOs require the proponents to pay these fees when they apply for the boundary change, regardless of whether the applicants are voters, property owners, or local agencies.

Do Special Districts, Cities, and Counties Always Need to Split Costs Equally?

No. Some LAFCOs have special membership formulas. Three counties, Alpine, Mariposa, and Trinity have no incorporated cities, so their LAFCOs consist of three county supervisors and two public members. The three supervisors appoint the other two commissioners and one alternate.

Some counties, such as Sierra County, have only one incorporated city. Their LAFCOs have two county supervisors, one city council member, and two public members. The three elected officials appoint the two members of the public and one alternate.



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For reasons relating to local politics, geography, and population, some LAFCOs have unique membership/funding formulas. For example, in Butte County, special districts collectively pay 10 percent of the LAFCO budget, in Sonoma County they pay 20 percent of the budget, and in San Diego County they pay two-sevenths.

In Santa Clara County, LAFCO splits costs between the cities, county, and special districts evenly. However, the special district portion is divided based upon an alternative formula. Santa Clara Valley Water District pays 50 percent of the special district share and is guaranteed one of the two special district seats on the LAFCO. The remaining districts split the other 50 percent of the special district share based upon budget size and elect the second district representative.

For a detailed breakdown of each LAFCO's representation and funding formulas, please see the attached document.

What are the Benefits of Representation?

LAFCOs impact special district governance and operations whether special districts have representation on LAFCO or not. When determining whether to acquire representation on LAFCO, special districts may consider the following:

- LAFCO is one of the very few regional forums where special districts can sit as equals in decision making with their peers from cities and the county.
- Districts have a direct voice in policy development and decisions governing boundary changes, consolidations, annexations, formations, dissolutions, service extensions, power activation, and other actions of the LAFCO.
- Districts participate in the preparation and approval and Spheres of Influence and Municipal Service Reviews, which are typically conducted on all special districts every five years.
- Districts' perspective and expertise are included in a commission that has oversight over the very existence and growth of special districts.
- Demonstrating that special districts can take responsibility at the local-level and collaborate effectively with their local government peers through LAFCO fortifies the reputation of districts and protects against, forced consolidations and other mandates from the State.

Are There Any Additional Considerations?

The process to be seated on LAFCO is specified in Government Code §§ 56332 and 56332.5.

Formerly, the process to be seated on LAFCO required that independent special districts within the county must initiate the process through a resolution. There was a one-year period for a majority of the independent special districts in the county to adopt the resolution. If a majority of district boards approved the resolution, the LAFCO would have convened an independent special district selection committee to select the two voting commissioners and one alternate.

However, CSDA and CALAFCO co-sponsored legislation, AB 979 (Lackey) of 2017 simplified this bureaucratic process by allowing special districts to simply vote on LAFCO representation using an existing statutory process (Government Code § 56332).

Now, special districts can participate on LAFCO simply by a vote of a quorum of what's called the "independent special districts selection committee". If special districts in a county do not yet have representation on LAFCO, then this committee has likely never convened. It consists of the presiding officer (board president or chair) of each independent special district in the county. If a



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special district's presiding officer is unable to participate, the district may appoint an alternate representative from its board.

A vote to determine special district representation on LAFCO is conducted by the LAFCO executive officer at an in-person meeting or by mail-ballot. Such a vote can be called by one of two methods:

1. Upon written request to the LAFCO executive officer by one or more members of the above-referenced independent special districts selection committee representing 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll; or
2. Upon adoption of a resolution by the LAFCO proposing representation of special districts upon the commission.

Importantly, a vote on LAFCO representation is also an opportunity to appoint the special district representative for the Countywide Redevelopment Agency Oversight Board. The first such appointment must occur prior to July 15, 2018. Should the post remain unfilled by July 15th, the Governor may appoint any individual to that position. (Health and Safety Code § 34179)

Where Should We Start?

If you are interested in learning more about special district representation on LAFCO, you should start by reaching out to the Executive Officer of your county's LAFCO. You can find a roster for all 58 LAFCOs at www.calafco.org. You can also speak with your local CSDA public affairs field coordinator who can connect you with other special district leaders in your county who may be interested in working with you. Find your public affairs field coordinator at www.csda.net.

Local Agency Formation Commissions



Are you seated on LAFCo?

LAFCos with Special District representation



Govern with your peers – Claim your seat on LAFCo

**APPORTIONMENT OF LAFCO NET OPERATING EXPENSES BETWEEN GENERAL MEMBERSHIP CLASSES AND
BETWEEN AGENCIES WITHIN EACH MEMBERSHIP CLASS¹**

	County	Cities²	Districts³	Govt. Code §
County, City & Special District Representation [Alameda, Calaveras, Contra Costa, El Dorado, Humboldt, Lake, Mendocino, Nevada, Placer, Riverside, San Luis Obispo, San Mateo, Santa Cruz, Santa Barbara, Shasta, Sutter, Ventura] Except the Following:	33 $\frac{1}{3}$ %	33 $\frac{1}{3}$ % Individual apportionments in proportion to each city's total revenues	33 $\frac{1}{3}$ % Individual apportionments in proportion to each district's total revenues	56381(b)(1)(A)
Butte	45%	45%	10%	56381(b)(4)
Kern	33 $\frac{1}{3}$ %	33 $\frac{1}{3}$ %	33 $\frac{1}{3}$ % Individual apportionments in proportion to operating revenues	56381(b)(1)(C),(E)
Los Angeles	38.462%	Los Angeles: 15.385% All Others: 23.077%	23.077%	56326; 56381; 56381.6
Mono	50%	Mammoth Lakes: 50%	0	56381(b)(4)
Monterey	33 $\frac{1}{3}$ %	33 $\frac{1}{3}$ %	33 $\frac{1}{3}$ % Hospital District: 25% All Others: 75%	56381(b)(1)(C)-(F)
Orange	33 $\frac{1}{3}$ %	33 $\frac{1}{3}$ % Individual apportionments based on population and area in sq. miles	33 $\frac{1}{3}$ % Individual apportionments based on alternative formula	56381(b)(1)(B),(C)
San Diego	2/7	San Diego: 1/7 All Others: 2/7 Individual apportionments in proportion to general revenues	2/7	56328; 56381; 56381.6
Sonoma	40 %	40%	20%	56381(b)(4)
San Bernardino	33 $\frac{1}{3}$ %	33 $\frac{1}{3}$ %	33 $\frac{1}{3}$ % See Note #4	56381(b)(1)(C)-(F)

	County	Cities²	Districts³	Govt. Code §
Sacramento	33 $\frac{1}{3}$ %	33 $\frac{1}{3}$ % Sacramento: 50% All Others 50%	33 $\frac{1}{3}$ % SMUD: 50% All Others: 50% Individual apportionments except SMUD based on five yr. average of total revenues	56326.5; 56381; 56381.6
Santa Clara	33 $\frac{1}{3}$ %	San Jose: 16.7% All Others: 16.7%	33 $\frac{1}{3}$ % Santa Clara Valley Water District pays	56327; 56381; 56381.6
County & City Representation (No Districts) [Amador, Del Norte, Glenn, Lassen, Madera, Merced, Modoc, Plumas, Stanislaus, Sierra, Yuba] Except the Following:	50%	50% Individual apportionments in proportion to total revenues	-	56381(b)(2)
Colusa		Based on % population of the cities and unincorporated area	-	
Kings	50%	50% Individual apportionments in proportion to population	-	56381(b)(1)(B), (2)
Napa	50%	50% Individual apportionments in proportion to population (60%) and general tax revenues (40%)	-	56381(b)(1)(B), (2)
San Joaquin	50%	50% Individual apportionments in proportion to population	-	56381(b)(1)(B), (2)

	County	Cities²	Districts³	Govt. Code §
Solano	50%	50% Individual apportionments in proportion to general revenues	-	56381(b)(1)(B), (2)
Tulare	Based on % population of the cities and unincorporated area		-	56381(b)(4)
Tuolumne	Apportionments for the County and the (one) city based on the Local Transportation Fund per capita percentage. The City of Sonora currently pays 8.1% and the County pays the balance.		-	56381(b)(4)
Yolo	50%	50% Individual apportionments in proportion to general revenues	-	56381(b)(1)(B), (2)
County & Special District Representation (No Cities) [Trinity]	50%	-	50% Individual apportionments in proportion to total revenues	56381(b)(3)
County Representation Only (No Special Districts or Cities) [Alpine]	100%	-	-	56381(b)(3)
San Francisco	100% County/City		-	56381(b)(4)

- ¹ Table does not include information for the following counties: Fresno, Imperial, Inyo, Marin, Mariposa, San Benito, Siskiyou and Tehama.
- ² Except for the alternative methods (exceptions) noted in the table, the cities' share is apportioned in proportion to each city's total revenues, as reported in the most recent edition of the Cities Annual Report published by the Controller, as a percentage of the combined city revenues within a county pursuant to Section 56381(b)(1)(B) of the Govt. Code.
- ³ Except for the alternative methods (exceptions) noted in the table, the independent special districts' share is apportioned in proportion to each district's total revenues, as reported in the most recent edition of the Special Districts Annual Report published by the Controller, as a percentage of the combined total district revenues within a county pursuant to Section 56381(b)(1)(C) and (E) of the Govt. Code.
- ⁴ San Bernardino County special districts alternative funding formula (Adopted by Special District Vote July 2002; Amended by Special District Vote March 2, 2010):
 1. Healthcare (Hospital) Districts shall be limited to payment of \$1,500 regardless of Total Revenue.
 2. Those districts with Total Revenue of more than \$50,000,000 shall pay \$30,000.
 3. Those districts with Total Revenue between \$20,000,000 and \$50,000,000 shall pay \$20,000.
 4. Those districts with Total Revenue between \$5,000,000 and \$20,000,000 shall pay \$10,000.
 5. Those districts with Total Revenue between \$2,000,000 and \$5,000,000 shall contribute an amount not to exceed \$5,000.
 6. Those districts with Total Revenue of less than \$2,000,000 shall be apportioned an amount to be determined by the ratio of each district's Total Revenue as compared to the Total Revenues whose share does not exceed \$5,000

GOVERNMENT CODE – (GOV)**CHAPTER 2. Formation of Commission and Selection of Commissioners [56325 - 56337]***(Chapter 2 added by Stats. 1985, Ch. 541, Sec. 3.)***56325.**

There is hereby continued in existence in each county a local agency formation commission. Except as otherwise provided in this chapter, the commission shall consist of members appointed as follows:

(a) Two appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall be an alternate member of the commission. The alternate member may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission.

If the office of a regular county member becomes vacant, the alternate member may serve and vote in place of the former regular county member until the appointment and qualification of a regular county member to fill the vacancy.

(b) Two appointed by the cities in the county, each of whom shall be a mayor or council member, appointed by the city selection committee. The city selection committee shall also appoint one alternate member who shall also be a mayor or council member and shall be appointed and serve pursuant to Section 56335. The city selection committee is encouraged to appoint members to fairly represent the diversity of the cities in the county, with respect to population and geography.

(c) Two presiding officers or members of legislative bodies of independent special districts appointed by the independent special district selection committee pursuant to Section 56332. The independent special district selection committee shall also appoint a presiding officer or member of the legislative body of an independent special district as an alternate member who shall be appointed and serve pursuant to Section 56332. The independent special district selection committee is encouraged to make appointments that fairly represent the diversity of the independent special districts in the county, with respect to population and geography.

(d) One representing the general public appointed by the other members of the commission. The other members of the commission may also appoint one alternate member who shall serve pursuant to Section 56331. Appointment of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members appointed by each of the other appointing authorities. Whenever a vacancy occurs in the public member or alternate public member position, the commission shall cause a notice of vacancy to be posted as provided in Section 56158. A copy of this notice shall be sent to the clerk or secretary of the legislative body of each local agency within the county. Final appointment to fill the vacancy may not be made for at least 21 days after the posting of the notice.

(Amended by Stats. 2015, Ch. 114, Sec. 2. Effective January 1, 2016.)

56325.1.

While serving on the commission, all commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of this division. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority. This section does not require the abstention of any member on any matter, nor does it create a right of action in any person.

(Added by Stats. 2000, Ch. 761, Sec. 57. Effective January 1, 2001.)

56326.

In Los Angeles County, the commission shall consist of nine members, appointed as follows:

(a) Two appointed by the board of supervisors from its own membership. The board of supervisors shall also appoint a third supervisor who shall be an alternate member of the commission. The alternate member may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission.

If the office of the regular county member becomes vacant, the alternate member may serve and vote in place of the former regular county member until the appointment and qualification of a regular county member to fill the vacancy.

(b) One appointed by the board of supervisors, who shall not be a member of the board of supervisors but who shall be a resident of the San Fernando Valley Statistical Area, as defined in subdivision (c) of Section 11093. The board of supervisors shall also appoint an alternate member who shall not be a

member of the board of supervisors but who is a resident of the San Fernando Valley Statistical Area. The alternate member may serve and vote in place of the member appointed pursuant to this subdivision if that member is absent or disqualifies himself or herself from participating in a meeting of the commission.

If the office of the regular member becomes vacant, the alternate member may serve and vote in place of the former regular member until the appointment and qualification of a regular member to fill the vacancy.

(c) Two appointed by the cities in the county, each of whom shall be a mayor or council member, appointed by the city selection committee. The city selection committee shall also appoint one alternate member who shall also be a mayor or council member and shall be appointed and serve pursuant to Section 56335. The city selection committee is encouraged to appoint members to fairly represent the diversity of the cities in the county, with respect to population and geography.

(d) One appointed by the presiding officer of the legislative body of a city in the county having a population in excess of 30 percent of the total population of the county who is a member of the legislative body of the city. The presiding officer of the legislative body shall also appoint an alternate member who is a member of the legislative body. The alternate member may serve and vote in place of the member appointed pursuant to this subdivision if the member is absent or disqualifies himself or herself from participating in a meeting of the commission.

If the office of the regular member becomes vacant, the alternate member may serve and vote in place of the former regular member until the appointment and qualification of a regular member to fill the vacancy.

(e) Two presiding officers or members of legislative bodies of independent special districts appointed by the independent special district selection committee pursuant to Section 56332. The independent special district selection committee shall also appoint one alternate member who shall be a presiding officer or member of the legislative body of an independent special district and shall be appointed and serve pursuant to Section 56332. The independent special district selection committee is encouraged to appoint members to fairly represent the diversity of the independent special districts in the county, with respect to population and geography.

(f) One representing the general public appointed by the other members of the commission. The other members of the commission may also appoint one alternate member who shall serve pursuant to Section 56331.

(Amended by Stats. 2015, Ch. 114, Sec. 3. Effective January 1, 2016.)

56326.5.

In Sacramento County, the commission shall consist of seven members, appointed as follows:

(a) Two appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall serve as an alternate member of the commission. The alternate member may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular county member becomes vacant, the alternate member may serve and vote in place of the former regular county member until the appointment and qualification of a regular county member to fill the vacancy.

(b) One appointed by the City of Sacramento who is a member of the city council, appointed by the mayor and confirmed by the city council. The mayor shall also appoint, subject to confirmation by the council, an alternate member who is a member of the city council. The alternate member may serve and vote in place of the regular city member if the city member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular city member becomes vacant, the alternate member may serve and vote in place of the former regular city member until the appointment and qualification of a regular city member to fill the vacancy.

(c) One appointed by the cities in the county, who is a mayor or council member appointed by the city selection committee. The city selection committee shall also appoint one alternate member who shall also be a mayor or council member and shall be appointed and serve pursuant to Section 56335. The city selection committee is encouraged to appoint members to fairly represent the diversity of the cities in the county, with respect to population and geography.

(d) Two presiding officers or members of legislative bodies of independent special districts appointed by the independent special district selection committee pursuant to Section 56332. The independent special district selection committee shall also appoint one alternate member who shall be a presiding officer or member of the legislative body of an independent special district and shall be appointed and serve pursuant to Section 56332. The independent special district selection committee is encouraged to appoint

members to fairly represent the diversity of the independent special districts in the county, with respect to population and geography.

(e) One representing the general public, appointed by the other six members of the commission. The commission may also appoint an alternate public member who may serve and vote in the place of the regular public member if the regular public member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy.

(Amended by Stats. 2015, Ch. 114, Sec. 4. Effective January 1, 2016.)

56327.

In Santa Clara County, the commission shall consist of five members, appointed as follows:

(a) Two appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall serve as an alternate member of the commission. The alternate member may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular county member becomes vacant, the alternate member may serve and vote in place of the former regular county member until the appointment and qualification of a regular county member to fill the vacancy.

(b) One appointed by the city in the county having the largest population, who is a member of the legislative body of the city, appointed by the city council. The city council shall also appoint an alternate member who is a member of the legislative body of the city. The alternate member may serve and vote in place of the regular city member if the city member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular city member becomes vacant, the alternate member may serve and vote in place of the former regular city member until the appointment and qualification of a regular city member to fill the vacancy.

(c) One appointed by the cities in the county, who is a mayor or council member appointed by the city selection committee. The city selection committee shall also appoint one alternate member who shall also be a mayor or council member and shall be appointed and serve pursuant to Section 56335. The city selection committee is encouraged to appoint members to fairly represent the diversity of the cities in the county, with respect to population and geography.

(d) One representing the general public, appointed by the other four, or, if the commission is enlarged pursuant to Section 56327.3, the other six, members of the commission. This member shall not be a resident of a city which is already represented on the commission. The commission may also appoint an alternate public member, who shall not be a resident of a city represented on the commission, and who may serve and vote in the place of the regular public member if the regular public member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy.

(Amended by Stats. 2015, Ch. 114, Sec. 5. Effective January 1, 2016.)

56327.3.

In Santa Clara County, the commission shall be enlarged by two members if, pursuant to the provisions of Chapter 5 (commencing with Section 56821), the commission orders representation of special districts upon the commission.

(Amended by Stats. 2015, Ch. 114, Sec. 6. Effective January 1, 2016.)

56328.

(a) In San Diego County, the commission, which consists of seven members, augmented pursuant to Section 56332, shall be additionally augmented by the appointment of an eighth member and that member shall, notwithstanding subdivision (b) of Section 56325, be a member of the legislative body of the city in the county having the largest population, appointed by the legislative body of that city.

(b) The legislative body of the city shall appoint an alternate member at the same time and in the same manner as it appoints the regular member appointed pursuant to subdivision (a). If the regular city member is absent from a commission meeting, or disqualifies himself or herself from participating in a meeting, the alternate member may serve and vote in place of the regular city member for that meeting. If the office of the regular city member becomes vacant, the alternate member may serve and vote in place

of the former regular city member until the appointment and qualification of a regular city member to fill the vacancy.

(Amended by Stats. 2000, Ch. 761, Sec. 61. Effective January 1, 2001.)

56328.5.

(a) In Kern County, the commission, which consists of seven members, augmented pursuant to Section 56332, shall be additionally augmented by the appointment of an eighth member and a ninth member.

(b) The eighth member shall, notwithstanding subdivision (b) of Section 56325, be a member of the legislative body of the city in the county having the largest population, appointed by the legislative body of that city.

The legislative body of the city shall appoint an alternate member at the same time and in the same manner as it appoints the eighth regular member. If the regular city member is absent from a commission meeting, or disqualifies himself or herself from participating in a meeting, the alternate member may serve and vote in place of the regular city member for that meeting. If the office of the regular city member becomes vacant, the alternate member may serve and vote in place of the former regular city member until the appointment and qualification of a regular city member to fill the vacancy.

(c) The ninth member shall represent the general public, but shall not be a member of the governing body of any local agency. The ninth member shall be appointed by the four members of the commission appointed by the county supervisors and the independent special district selection committee. Those commission members may also appoint an alternate public member, who is not a member of the governing body of any local agency, who may serve and vote in the place of the regular public member appointed pursuant to this subdivision if that regular public member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular public member appointed pursuant to this subdivision becomes vacant, the alternate member may serve and vote in place of that former regular public member until the appointment and qualification of a regular public member pursuant to this subdivision to fill the vacancy.

(Added by Stats. 2005, Ch. 559, Sec. 1. Effective January 1, 2006.)

56329.

If there is no city in the county, the commission shall consist of five members, appointed as follows which may be further augmented pursuant to Sections 56332 and 56332.5:

(a) Three appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a fourth supervisor who is an alternate member of the commission. The alternate member may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission.

If the office of a regular county member becomes vacant, the alternate member may serve and vote in place of the former regular county member until the appointment and qualification of a regular county member to fill the vacancy.

(b) Two representing the general public appointed by the other three members of the commission.

Appointment of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities.

(Amended by Stats. 2015, Ch. 114, Sec. 7. Effective January 1, 2016.)

56331.

When appointing a public member pursuant to Sections 56325, 56326, 56326.5, 56327, 56328, 56328.5, and 56329, the commission may also appoint one alternate public member who may serve and vote in place of a regular public member who is absent or who disqualifies himself or herself from participating in a meeting of the commission. The public member and the alternate public member shall be residents of the county of the appointing commission.

If the office of a regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy.

No person appointed as a public member or alternate public member pursuant to this chapter shall be an officer or employee of the county or any city or district with territory in the county, provided, however, that any officer or employee serving on January 1, 1994, may complete the term for which he or she was appointed.

(Amended by Stats. 2016, Ch. 165, Sec. 3. (AB 2910) Effective January 1, 2017.)

56331.3.

If two or more members are absent or disqualify themselves from participating in a meeting of the commission, any alternate member who is authorized to serve and vote in the place of a member shall only have one vote.

(Added by Stats. 1987, Ch. 1327, Sec. 4.)

56332.

(a) The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district. However, if the presiding officer of an independent special district is unable to participate in a meeting or election of the independent special district selection committee, the legislative body of the district may appoint one of its members as an alternate to participate in the selection committee in the presiding officer's place. Those districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of the district, as shown on the last equalized county assessment roll. Each member of the committee shall be entitled to one vote for each independent special district of which he or she is the presiding officer or his or her alternate as designated by the governing body. Members representing a majority of the eligible districts shall constitute a quorum.

(b) The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held under one of the following circumstances:

(1) Whenever the executive officer anticipates that a vacancy will occur within the next 90 days among the members or alternate member representing independent special districts on the commission.

(2) Whenever a vacancy exists among the members or alternate member representing independent special districts upon the commission.

(3) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

(4) Upon the adoption of a resolution of intention pursuant to Section 56332.5.

(5) Upon receipt of a written request by one or more members of the selection committee notifying the executive officer of the need to appoint a member representing independent special districts on an oversight board pursuant to paragraph (3) of subdivision (j) of Section 34179 of the Health and Safety Code.

(c) The selection committee shall appoint two regular members and one alternate member to the commission. The members so appointed shall be elected or appointed members of the legislative body of an independent special district residing within the county but shall not be members of the legislative body of a city or county. If one of the regular district members is absent from a commission meeting or disqualifies himself or herself from participating in a meeting, the alternate district member may serve and vote in place of the regular district member for that meeting. Service on the commission by a regular district member shall not disqualify, or be cause for disqualification of, the member from acting on proposals affecting the special district on whose legislative body the member serves. The special district selection committee may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the district on whose legislative body the member serves.

(d) If the office of a regular district member becomes vacant, the alternate member may serve and vote in place of the former regular district member until the appointment and qualification of a regular district member to fill the vacancy.

(e) A majority of the independent special district selection committee may determine to conduct the committee's business by mail, including holding all elections by mailed ballot, pursuant to subdivision (f).

(f) If the independent special district selection committee has determined to conduct the committee's business by mail or if the executive officer determines that a meeting of the special district selection committee is not feasible, the executive officer shall conduct the business of the committee by mail. Elections by mail shall be conducted as provided in this subdivision.

(1) The executive officer shall prepare and deliver a call for nominations to each eligible district. The presiding officer, or his or her alternate as designated by the governing body, may respond in writing by the date specified in the call for nominations, which date shall be at least 30 days from the date on which the executive officer mailed the call for nominations to the eligible district.

(2) At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed. If two or more candidates are nominated, the executive officer shall prepare and deliver one ballot and voting instructions to each eligible district. The ballot shall include the names of all nominees and the office for which each was nominated. Each presiding officer, or his or her alternate as designated by the governing body, shall return the ballot to the executive officer by the date specified in

the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballot to the eligible district.

(3) The call for nominations, ballots, and voting instructions shall be delivered by certified mail to each eligible district. As an alternative to the delivery by certified mail, the executive officer, with prior concurrence of the presiding officer or his or her alternate as designated by the governing body, may transmit materials by electronic mail.

(4) If the executive officer has transmitted the call for nominations or ballots by electronic mail, the presiding officer, or his or her alternate as designated by the governing body, may respond to the executive officer by electronic mail.

(5) Each returned nomination and ballot shall be signed by the presiding officer or his or her alternate as designated by the governing body of the eligible district.

(6) For an election to be valid, at least a quorum of the special districts must submit valid ballots. The candidate receiving the most votes shall be elected, unless another procedure has been adopted by the selection committee. Any nomination and ballot received by the executive officer after the date specified is invalid, provided, however, that if a quorum of ballots is not received by that date, the executive officer shall extend the date to submit ballots by 60 days and notify all districts of the extension. The executive officer shall announce the results of the election within seven days of the date specified.

(7) For a vote on special district representation to be valid, at least a quorum of the special districts must submit valid ballots. By majority vote of those district representatives voting on the issue, the selection committee shall either accept or deny representation.

(8) All election materials shall be retained by the executive officer for a period of at least six months after the announcement of the election results.

(g) For purposes of this section, "executive officer" means the executive officer or designee as authorized by the commission.

(Amended by Stats. 2017, Ch. 203, Sec. 1. (AB 979) Effective January 1, 2018.)

56332.5.

(a) If the commission does not have representation from independent special districts on or before January 1, 2001, the commission shall initiate proceedings for representation of independent special districts upon the commission if either of the following occur:

(1) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

(2) Upon adoption of a resolution by the commission proposing representation of special districts upon the commission.

(b) The commission, at its next regular meeting, shall adopt a resolution of intention. The resolution of intention shall state whether the proceedings are initiated by the commission or by an independent special district or districts, in which case, the names of those districts shall be set forth. The commission shall order the executive officer to call and give notice of a meeting of the independent special district selection committee to be held within 15 days after the adoption of the resolution in order to determine whether independent special districts shall accept representation on the commission and appoint independent special district representation pursuant to Section 56332.

(Amended by Stats. 2017, Ch. 203, Sec. 2. (AB 979) Effective January 1, 2018.)

56333.

When a commission is enlarged to seven members as provided in Section 56332, the public members appointed pursuant to Sections 56325 and 56329 shall thereafter be appointed by members of the commission representing cities, counties, and special districts. Those appointments shall be made at the times and in the manner provided in Section 56334.

(Amended by Stats. 2001, Ch. 388, Sec. 6. Effective January 1, 2002.)

56334.

The term of office of each member shall be four years and until the appointment and qualification of his or her successor. Upon enlargement of the commission by two members, as provided in Section 56332, the new members first appointed to represent independent special districts shall classify themselves by lot so that the expiration date of the term of office of one new member coincides with the existing member who holds the office represented by the original two-year term on the commission and the term of office of the other new member coincides with the existing member who holds the office represented by the original

four-year term on the commission. The body which originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which the term of the member expires, unless procedures adopted by the commission specify an alternate date to apply uniformly to all members. However, the length of a term of office shall not be extended more than once. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant.

The chairperson of the commission shall be selected by the members of the commission.

Commission members and alternates shall be reimbursed for the actual amount of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office. The commission may authorize payment of a per diem to commission members and alternates for each day while they are in attendance at meetings of the commission.

(Amended by Stats. 2002, Ch. 664, Sec. 121. Effective January 1, 2003.)

56335.

In each county containing two or more cities, regular and alternate city members to the commission shall be appointed by the city selection committee organized in the county pursuant to and in the manner provided in Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1. Regular members of the commission shall be appointed by the city selection committee pursuant to Sections 56325, 56326, and 56327.

The city selection committee shall appoint one alternate member to the commission in the same manner as it appoints a regular member. If one of the regular city members is absent from a commission meeting, or disqualifies himself or herself from participating in a meeting, the alternate member may serve and vote in place of that regular city member for that meeting.

Except in the case of a member appointed pursuant to subdivision (d) of Section 56326 or subdivision (b) of Section 56327, a city selection committee, may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the city which the member or alternate represents.

If the office of a regular city member becomes vacant, the alternate member may serve and vote in place of the former regular city member until the appointment and qualification of a regular city member to fill the vacancy.

(Amended by Stats. 1986, Ch. 86, Sec. 2.)

56336.

Each commission may adopt regulations with respect to disqualification of members or alternates from participating in the review of a proposal. In the absence, however, of those regulations, Section 56332 or 56335 shall apply. The representation by a member or alternate of a city or district shall not disqualify, or be cause for disqualification of, the member or alternate from acting on a proposal affecting the city or the district, and any regulation providing for the disqualification of a city or district representative for that reason is null and void.

(Amended by Stats. 1986, Ch. 86, Sec. 3.)

56337.

A city, county, or district officer may serve as a member of the commission while holding office as a city, county, or district officer. If a member who is a city, county, or district officer ceases to be an officer of a city, county, or district during his or her term, his or her membership on the commission shall be considered vacant.

(Amended by Stats. 2004, Ch. 355, Sec. 4.5. Effective January 1, 2005.)

Health and Safety Code (HSC)

CHAPTER 4. Oversight Boards [34179 - 34181]

(Chapter 4 added by Stats. 2011, 1st Ex. Sess., Ch. 5, Sec. 7.)

34179.

(a) Each successor agency shall have an oversight board composed of seven members. The members shall elect one of their members as the chairperson and shall report the name of the chairperson and other members to the Department of Finance on or before May 1, 2012. Members shall be selected as follows:

- (1) One member appointed by the county board of supervisors.
- (2) One member appointed by the mayor for the city that formed the redevelopment agency.
- (3) (A) One member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is of the type of special district that is eligible to receive property tax revenues pursuant to Section 34188.
(B) On or after the effective date of this subparagraph, the county auditor-controller may determine which is the largest special district for purposes of this section.
- (4) One member appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.
- (5) One member appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.
- (6) One member of the public appointed by the county board of supervisors.
- (7) One member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time. In the case where city or county employees performed administrative duties of the former redevelopment agency, the appointment shall be made from the recognized employee organization representing those employees. If a recognized employee organization does not exist for either the employees of the former redevelopment agency or the city or county employees performing administrative duties of the former redevelopment agency, the appointment shall be made from among the employees of the successor agency. In voting to approve a contract as an enforceable obligation, a member appointed pursuant to this paragraph shall not be deemed to be interested in the contract by virtue of being an employee of the successor agency or community for purposes of Section 1090 of the Government Code.
- (8) If the county or a joint powers agency formed the redevelopment agency, then the largest city by acreage in the territorial jurisdiction of the former redevelopment agency may select one member. If there are no cities with territory in a project area of the redevelopment agency, the county superintendent of education may appoint an additional member to represent the public.
- (9) If there are no special districts of the type that are eligible to receive property tax pursuant to Section 34188, within the territorial jurisdiction of the former redevelopment agency, then the county may appoint one member to represent the public.
- (10) If a redevelopment agency was formed by an entity that is both a charter city and a county, the oversight board shall be composed of seven members selected as follows: three members appointed by the mayor of the city, if that appointment is subject to confirmation by the county board of supervisors, one member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is the type of special district that is eligible to receive property tax revenues pursuant to Section 34188, one member appointed by the county superintendent of education to represent schools, one member appointed by the Chancellor of the California Community Colleges to represent community college districts, and one member representing employees of the former redevelopment agency appointed by the mayor of the city if that appointment is subject to confirmation by the county board of supervisors, to represent the largest number of former redevelopment agency employees employed by the successor agency at that time.
- (11) Each appointing authority identified in this subdivision may, but is not required to, appoint alternate representatives to serve on the oversight board as may be necessary to attend any meeting of the oversight board in the event that the appointing authority's primary representative is unable to attend any meeting for any reason. If an alternate representative attends any meeting in place of the primary representative, the alternate representative shall have the same participatory and voting rights as all other attending members of the oversight board.
 - (b) The Governor may appoint individuals to fill any oversight board member position described in subdivision (a) that has not been filled by May 15, 2012, or any member position that remains vacant for more than 60 days.
 - (c) The oversight board may direct the staff of the successor agency to perform work in furtherance of the oversight board's and the successor agency's duties and responsibilities under this part. The successor agency shall pay for all of the costs of meetings of the oversight board and may include such costs in its administrative budget. Oversight board members shall serve without compensation or reimbursement for expenses.
 - (d) Oversight board members are protected by the immunities applicable to public entities and public employees governed by Part 1 (commencing with Section 810) and Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government Code.

(e) A majority of the total membership of the oversight board shall constitute a quorum for the transaction of business. A majority vote of the total membership of the oversight board is required for the oversight board to take action. The oversight board shall be deemed to be a local entity for purposes of the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974. All actions taken by the oversight board shall be adopted by resolution.

(f) All notices required by law for proposed oversight board actions shall also be posted on the successor agency's Internet Web site or the oversight board's Internet Web site.

(g) Each member of an oversight board shall serve at the pleasure of the entity that appointed such member.

(h) (1) The department may review an oversight board action taken pursuant to this part. Written notice and information about all actions taken by an oversight board shall be provided to the department as an approved resolution by electronic means and in a manner of the department's choosing. Without abrogating the department's authority to review all matters related to the Recognized Obligation Payment Schedule pursuant to Section 34177, oversight boards are not required to submit the following oversight board actions for department approval:

(A) Meeting minutes and agendas.

(B) Administrative budgets.

(C) Changes in oversight board members, or the selection of an oversight board chair or vice chair.

(D) Transfers of governmental property pursuant to an approved long-range property management plan.

(E) Transfers of property to be retained by the sponsoring entity for future development pursuant to an approved long-range property management plan.

(2) An oversight board action submitted in a manner specified by the department shall become effective five business days after submission, unless the department requests a review of the action. Each oversight board shall designate an official to whom the department may make those requests and who shall provide the department with the telephone number and e-mail contact information for the purpose of communicating with the department pursuant to this subdivision. Except as otherwise provided in this part, in the event that the department requests a review of a given oversight board action, it shall have 40 days from the date of its request to approve the oversight board action or return it to the oversight board for reconsideration and the oversight board action shall not be effective until approved by the department. In the event that the department returns the oversight board action to the oversight board for reconsideration, the oversight board shall resubmit the modified action for department approval and the modified oversight board action shall not become effective until approved by the department. If the department reviews a Recognized Obligation Payment Schedule, the department may eliminate or modify any item on that schedule prior to its approval. The county auditor-controller shall reflect the actions of the department in determining the amount of property tax revenues to allocate to the successor agency. The department shall provide notice to the successor agency and the county auditor-controller as to the reasons for its actions. To the extent that an oversight board continues to dispute a determination with the department, one or more future Recognized Obligation Payment Schedules may reflect any resolution of that dispute. The department may also agree to an amendment to a Recognized Obligation Payment Schedule to reflect a resolution of a disputed item; however, this shall not affect a past allocation of property tax or create a liability for any affected taxing entity.

(i) Oversight boards shall have fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188. Further, the provisions of Division 4 (commencing with Section 1000) of the Government Code shall apply to oversight boards. Notwithstanding Section 1099 of the Government Code, or any other law, any individual may simultaneously be appointed to up to five oversight boards and may hold an office in a city, county, city and county, special district, school district, or community college district.

(j) Except as specified in subdivision (q), commencing on and after July 1, 2018, in each county where more than one oversight board was created by operation of the act adding this part, there shall be only one oversight board, which shall be staffed by the county auditor-controller, by another county entity selected by the county auditor-controller, or by a city within the county that the county auditor-controller may select after consulting with the department. Pursuant to Section 34183, the county auditor-controller may recover directly from the Redevelopment Property Tax Trust Fund, and distribute to the appropriate city or county entity, reimbursement for all costs incurred by it or by the city or county pursuant to this subdivision, which shall include any associated startup costs. However, if only one successor agency exists within the county, the county auditor-controller may designate the successor agency to staff the oversight board. The oversight board is appointed as follows:

(1) One member may be appointed by the county board of supervisors.

(2) One member may be appointed by the city selection committee established pursuant to Section 50270 of the Government Code. In a city and county, the mayor may appoint one member.

- (3) One member may be appointed by the independent special district selection committee established pursuant to Section 56332 of the Government Code, for the types of special districts that are eligible to receive property tax revenues pursuant to Section 34188.
- (4) One member may be appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.
- (5) One member may be appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.
- (6) One member of the public may be appointed by the county board of supervisors.
- (7) One member may be appointed by the recognized employee organization representing the largest number of successor agency employees in the county.
- (k) The Governor may appoint individuals to fill any oversight board member position described in subdivision (j) that has not been filled by July 15, 2018, or any member position that remains vacant for more than 60 days.
- (l) Commencing on and after July 1, 2018, in each county where only one oversight board was created by operation of the act adding this part, then there will be no change to the composition of that oversight board as a result of the operation of subdivision (j).
- (m) Any oversight board for a given successor agency, with the exception of countywide oversight boards, shall cease to exist when the successor agency has been formally dissolved pursuant to Section 34187. A county oversight board shall cease to exist when all successor agencies subject to its oversight have been formally dissolved pursuant to Section 34187.
- (n) An oversight board may direct a successor agency to provide additional legal or financial advice than what was given by agency staff.
- (o) An oversight board is authorized to contract with the county or other public or private agencies for administrative support.
- (p) On matters within the purview of the oversight board, decisions made by the oversight board supersede those made by the successor agency or the staff of the successor agency.
- (q) (1) Commencing on and after July 1, 2018, in each county where more than 40 oversight boards were created by operation of the act adding this part, there shall be five oversight boards, which shall each be staffed in the same manner as specified in subdivision (j). The membership of each oversight board shall be as specified in paragraphs (1) through (7), inclusive, of subdivision (j).
- (2) The oversight boards shall be numbered one through five, and their respective jurisdictions shall encompass the territory located within the respective borders of the first through fifth county board of supervisors districts, as those borders existed on July 1, 2018. Except as specified in paragraph (3), each oversight board shall have jurisdiction over each successor agency located within its borders.
- (3) If a successor agency has territory located within more than one county board of supervisors' district, the county board of supervisors shall, no later than July 15, 2018, determine which oversight board shall have jurisdiction over that successor agency. The county board of supervisors or their designee shall report this information to the successor agency and the department by the aforementioned date.
- (4) The successor agency to the former redevelopment agency created by a county where more than 40 oversight boards were created by operation of the act adding this part, shall be under the jurisdiction of the oversight board with the fewest successor agencies under its jurisdiction.
- (Amended by Stats. 2015, Ch. 325, Sec. 11. (SB 107) Effective September 22, 2015.)*