



Local Agency Formation Commission
LAFCO of Napa County

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June 4, 2007
Agenda Item No. 7d

May 30, 2007

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Tracy Geraghty, Analyst

**SUBJECT: Napa County Flood Control and Water Conservation District:
Municipal Service Review and Sphere of Influence Review (Action)**
The Commission will receive two reports as part of its scheduled municipal service review and sphere of influence review of the Napa County Flood Control and Water Conservation District. The Commission will consider resolutions adopting the determinations and statements included in both reports pursuant to California Government Codes §56340 and §56425, respectively.

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

Discussion

Municipal Service Review

At its April 2, 2007 meeting, the Commission received a draft municipal service review on the Napa County Flood Control and Water Conservation District for discussion. The draft included written determinations addressing the nine service factors the Commission is required to address as part of its service review mandate under California Government Code §56430. Following the meeting, staff circulated a notice of review on the draft to interested parties. Comments were received from the District and the City of American Canyon and are addressed as part of an attached supplemental report. A final municipal service review has been prepared and includes minor updates in response to comments provided by American Canyon. This final municipal service review is attached for review by the Commission.

Jack Gingles, Chair
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

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

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

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

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Sphere of Influence Review

Drawing from information collected as part of the municipal service review, staff has prepared the sphere of influence review for the District. The review concludes that the existing sphere designates an appropriate service area for the District and that no changes are warranted. Statements addressing the four planning factors the Commission is required to address when making a sphere determination under California Government Code §56425 are included in the sphere review.

Recommendation

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

1. Receive and file the attached written reports representing the municipal service review and sphere of influence review of the Napa County Flood Control and Water Conservation District; and
2. Approve the form for the attached resolution with any desired changes that make statements regarding the level and range of services provided by the Napa County Flood Control and Water Conservation District pursuant to California Government Code §56430, and
3. Approve the form for the attached resolution with any desired changes that make statements with respect to affirming with no changes the sphere of influence for the Napa County Flood Control and Water Conservation District pursuant to California Government Code §56425.

Respectfully submitted,

Keene Simonds
Executive Officer

Tracy Geraghty
Analyst

Attachments:

- 1) Supplemental Report: Written Comments
- 2) Napa County Flood Control and Water Conservation District: Municipal Service Review
- 3) Napa County Flood Control and Water Conservation District: Sphere of Influence Review
- 4) Napa County Flood Control and Water Conservation District – Draft Resolution (MSR)
- 5) Napa County Flood Control and Water Conservation District – Draft Resolution (SOI)

LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

MUNICIPAL SERVICE REVIEW

Final Report
June 2007

Prepared by:

LAFCO of Napa County

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

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

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INTRODUCTION

Local Agency Formation Commissions

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

Municipal Service Reviews

On January 1, 2001, the Cortese-Knox-Hertzberg Local Government Reorganization Act became the governing law of LAFCOs. One change brought by this legislation was the creation of a new LAFCO function, the municipal service review. California Government Code §56430 states that prior to any update of a sphere of influence, the Commission shall conduct a municipal service review – a comprehensive evaluation of the ability of the agency to provide service within its existing jurisdiction and sphere. This includes making determinations on the adequacy, efficiency, and effectiveness of these services in relationship to local conditions and circumstances. LAFCO is required to review and update each local agency's sphere by January 1, 2008 and every five years thereafter as necessary. Each of the 58 LAFCOs in California may adopt their own approach to fulfilling the service review and sphere update requirements.

As part of the service review process, LAFCOs are required to consider and make written determinations with regard to nine service factors enumerated under California Government Code §56430. These factors are intended to capture the legislative intent of the service review process and offers LAFCO key information to inform policy determinations necessary to complete a sphere update. These factors are:

1. Infrastructure needs or deficiencies.
2. Growth and population projections for the affected area.
3. Financing constraints and opportunities.
4. Cost avoidance opportunities.
5. Opportunities for rate restructuring.
6. Opportunities for shared facilities.
7. Government structure options.
8. Evaluation of management efficiencies.
9. Local accountability and governance.

Napa County Flood Control and Water Conservation District

This report represents the municipal service review of the Napa County Flood Control and Water Conservation District. The underlying objective of the report is to review the level and range of services provided by the District in terms of capacity, funding, and governance. The report also includes written determinations that address the nine service factors LAFCO is required to consider as part of its service review mandate under California Government Code §56430.

Note: The geographic region of the municipal service review includes all lands located within and in close proximity to the existing jurisdictional boundary of the Napa County Flood Control and Water Conservation District (depicted in Attachment A).

OVERVIEW

The Napa County Flood Control and Water Conservation District (NCFCWCD) was established in 1951 by a special act of the California Legislature. The District's formation was engendered by the County of Napa for the purpose of creating a separate government entity responsible for developing and managing domestic water supplies and controlling flood and storm waters in Napa County. Notably, the formation of the District enabled the County to begin participating in government programs and joint-use activities to augment and enhance local water supplies and obtain federal and state assistance to finance flood control projects.

Since its formation, NCFCWCD has developed two principal and distinct service activities with respect to water conservation and flood control. The District's water conservation services primarily involve administering contracts with the State of California and the United States Bureau of Reclamation for annual water supply entitlements from the State Water Project and the Solano Project, respectively. As part of its administrative duties, the District subcontracts its imported water supply entitlements to cities and special districts throughout Napa County. The District's flood control services focus on managing and coordinating projects intended to protect local communities from inundation by maintaining and clearing tributary channels and sponsoring capital improvements. This includes currently serving as the local sponsor of the voter-approved "Napa River/Napa Creek Flood Protection Project," which is designed to protect the City of Napa from a 100-year flood.

GOVERNANCE

NCFCWCD is organized under the Napa County Flood Control and Water Conservation District Act of 1951. From 1951 through 1996, the County of Napa Board of Supervisors acted *ex officio* as the District's Board of Directors. In 1996, in preparation for a countywide vote regarding the Napa River/Napa Creek Flood Protection Project, the Board was expanded to include 11 members consisting of all five County Supervisors, the mayors of the five incorporated cities, and a council member from the City of Napa. The Board is empowered to establish and enforce any rule or regulation deemed necessary to carry out the business of the District.¹ Meetings are conducted on the first and third Tuesdays of every month at the County of Napa's Administration Building and are open to the public.

NCFCWCD is authorized to provide a broad range of services relating to water conservation and flood control. Specific service powers enumerated under the District's legislative act include:

¹ In 2003, the Napa County Flood Control and Water Conservation District Act was amended to allow the Board its own purchasing and resolution powers. Prior to this amendment, the Board followed the policies and procedures of the County of Napa.

- Acquire, distribute, and store water for domestic, irrigation, and other beneficial uses. This includes storing water in surface or underground reservoirs, conserving and reclaiming water for present and future uses, and appropriating and acquiring water supplies and water rights. (Section Five, Part Five)
 - Control, reclaim, and retain flood and storm waters for beneficial uses. This includes spreading, storing, or causing water to percolate into the soil. (Section Five, Part Six)
 - Perform studies or analyses as it relates to water supplies, water rights, and the control of flood and storm waters for beneficial uses. (Section Five, Part Eight)
- * NCFWCWD is also authorized to exercise the right of eminent domain to take land, water, water rights, or other property necessary to carry out its duties. (Section Six)

ADMINISTRATION

NCFWCWD's legislative act provides that all employees, deputies, and officers of the County of Napa may be asked to perform their respective duties *ex officio* for the District. In 2003, to clarify and expand its administrative authority, the enabling act was amended to allow the District Board to appoint, employ, or contract with any other persons or entities as necessary to carry out the duties of the District.

NCFWCWD is presently staffed by the County of Napa Public Works Department. This arrangement is based on practice and provides that the County Public Works Director serve as District Engineer. The District Engineer reports to the Board and is responsible for managing day-to-day activities. There are currently eight County Public Works employees assigned on a full-time basis to the District, including five that are assigned specifically to the Napa River/Napa Creek Flood Protection Project. In addition, two new positions were created in 2005, a Principal Water Resources Engineer and a Water Resources Specialist, whose duties are split between the District (managing the District's water supply contracts) and the County (implementing County "Measure A"² projects).

SERVICE AREA AND POPULATION

NCFWCWD's jurisdictional boundary is approximately 506,517 acres and includes all incorporated and unincorporated lands in Napa County. This jurisdictional boundary is coterminous with the District's sphere of influence, which was established by LAFCO in 1984. The District operates under the land use authority of six agencies, which include the County of Napa, the Cities of American Canyon, Calistoga, Napa, St. Helena, and the Town of Yountville. The Association of Bay Area Governments (ABAG) estimates that there are 133,700 people currently residing in Napa County. ABAG also estimates an annual population growth rate for Napa County of 0.65 percent over the next 20 years.

² Measure A was enacted in 1998 and authorizes a half-cent special tax through 2018 for the purposes of funding specified flood and water quality and enhancement projects in Napa County.

ABAG Population Projections, 2005-2025

Jurisdiction	2005	2015	2025
American Canyon	14,700	18,300	19,900
Calistoga	5,200	5,300	5,300
Napa	80,100	86,100	89,900
St. Helena	6,100	6,100	6,200
Yountville	3,400	3,500	3,600
Unincorporated	24,200	25,400	26,200
Total	133,700	144,400	151,100

Source: ABAG, Projections 2007

MUNICIPAL SERVICES

Since its formation in 1951, NCFWCWD has developed two principal and distinct service activities with respect to flood control and water conservation. This includes managing and coordinating local and countywide flood control projects and administering water supply contracts with the State of California and the United States Bureau of Reclamation. A summary of the development and delivery of these services follows.

Flood Control

Upon formation in 1951, NCFWCWD's flood control activities involved coordinating small and supplemental projects with local communities. One of the first flood control projects undertaken by the District involved the purchase and operation of a pump station to serve the unincorporated community of Ederly Island.³ Other initial flood control activities of the District included providing channel maintenance and recording flow measurements for the Napa River and its tributaries.

Prior to NCFWCWD's formation, organized flood control activities in Napa County were primarily the responsibilities of local jurisdictions. However, in 1938, the United States Congress passed legislation authorizing and funding the Army Corps of Engineers (USACE) to study flood-hazard waterways throughout the nation for the purpose of developing and implementing protection plans.⁴ The Napa River, on record as having severely flooded more than a dozen times, was among the subjects studied.⁵

³ The pump station on Ederly Island was funded through an annual assessment paid by local property owners as part of a benefit zone established by NCFWCWD in 1952. This benefit zone was dissolved and the pump station was turned over to the Napa River Reclamation District No. 2109 following its formation in 1975.

⁴ Following the Great Mississippi Flood of 1927, recorded as the worst flood in United States history, the federal government began shifting policies toward more aggressive and direct involvement of flood control efforts throughout the nation. Legislation in 1938 put investigations of flood waters and the construction of flood protection projects under jurisdiction of the Department of War and directed the Secretary of War to begin the acquisition of all lands nationally needed for constructing flood control projects.

⁵ The Flood Control Act of 1944 authorized the construction of thousands of dams and levees across the United States. For the Napa River, the USACE study recommended channel improvements and construction of a dam on Conn Creek to establish a water supply reservoir for Napa County. Although this recommended project was authorized as part of the Flood Control Act of 1944, no appropriations were allocated because of a lack of local funds to help

As a step toward generating local assessment funds needed for financing USACE projects, NCFCWCD was formed in 1951 by special legislation at the request of the County of Napa. In 1965, Congress authorized a new flood protection project for the City of Napa in conjunction with the USACE and made a standing authorization of \$14.95 million for the project. However, local access to this funding was contingent upon the completion of a specific project design and designated local matching funds. With this in mind, by the mid-1970s, the District had set aside approximately \$3.0 million as a portion of the local cost-share for the project. Between 1976 and 1977, the District worked with local officials to generate the remaining matching funds through sponsoring special tax initiatives. However, after voters rejected two separate tax initiatives, USACE set aside the flood project for the City of Napa.

In 1977, in response to the failed tax measures, NCFCWCD reduced its tax rate to zero. One year later, Proposition “13” was passed by California voters curtailing the ability of the District to increase its tax rate without two-thirds voter approval.

In 1987, a year after a flood caused significant damage in the City of Napa, NCFCWCD began working with local and federal stakeholders to request assistance from USACE in developing and funding a comprehensive flood control project. In 1995, dissatisfied with the design plans developed by USACE, a community coalition emerged and began working with the District on developing a new flood protection plan. By 1997, the working group achieved consensus on a new design eventually culminating in the Napa River/Napa Creek Flood Protection Project.⁶

In order to fund the Napa River/Napa Creek Flood Protection Project, the County Board of Supervisors formed a special taxing authority, the Napa County Flood Protection and Watershed Improvement Authority.⁷ The “Authority,” whose Board consists of all five County Board of Supervisors, was established for the purpose of implementing a county-wide half-cent sales tax to serve as the local match required to receive the federal funds for the project. These efforts resulted in the drafting of “Measure A,” the Napa County Flood Protection Sales Tax Ordinance, which was approved by Napa County voters in 1998 and provides funding for specified flood and water quality and enhancement projects through 2018.⁸

finance and ultimately maintain the project. (In 1948, the City of Napa funded and constructed a dam on Conn Creek, which resulted in the creation of Lake Hennessey.)

⁶ The Napa River/Napa Creek Flood Protection Project affects six miles of the Napa River between Trancas Street on the north and the Butler Bridge on the south. The project includes riverbank terracing, the removal or replacement of seven bridges, and the creation of a dry bypass channel at the Oxbow where the Napa River and Napa Creek meet. Also, floodwalls, levees, and trails will be constructed throughout the project area. The project is designed to reduce flood levels to the point where water levels in the Napa River and Napa Creek will remain within the designated floodway during a “100-year” flood event.

⁷ NCFCWCD does not have the power to impose sale or use taxes.

⁸ The Napa River/Napa Creek Flood Project is identified as Napa County’s first priority with the majority of the tax money front-loaded toward that project. The Town of Yountville completed a Flood Barrier Project in December 2004. This project had a total cost of about \$6 million, on track with cost projections, and was funded by a variety of sources including Measure A, FEMA grants, bond proceeds, Town General Fund monies, and property owner contributions. The City of St. Helena Comprehensive Flood Project continues in the planning and engineering phase. \$2,040,289.26 in Measure A funds have been spent to date. The City of Calistoga’s Kimball Water Treatment Plant Maintenance Dredging Project is being conducted using \$106,901.41 of the City’s Measure A funds. American Canyon is implementing a Flood Control and Storm Drain master Plan and has spent \$506,671.85 to date of Measure

In addition to implementing certain Measure A projects, NCFWCWD works with local jurisdictions with respect to implementing and maintaining local flood control and stormwater quality improvements. . This work is funded through a District assessment collected throughout Napa County with the exception of the City of American Canyon. (Because the City of American Canyon does not collect the District assessment used to fund these maintenance and improvement projects they do not receive these services from the NCFWCWD.) Key activities include:

- clearing and maintaining channels;
- clearing problem areas within the Napa River and its tributaries;
- repairing and stabilizing the Napa River and local stream banks;
- installing and operating a countywide early-warning system for flooding;
- replacing and installing major storm drain trunklines;
- managing and monitoring groundwater;
- overseeing adjudicated watersheds;
- preparing special studies for flood protection and water management; and
- developing standardized and integrated flood plain management regulations.

NCFWCWD also administers the Napa County Stormwater Management Program (NCSWMP) on behalf of each of the five Cities and the County of Napa. Though each of the five cities carry out their own individual stormwater pollution prevention programs and hold their own NPDES permit, the NCSWMP provides for the coordination and consistency of approaches between the individual participants and documents their efforts in annual reports. The NCSWMP is funded on a pro-rata basis by each participating agency.

Water Conservation

NCFWCWD's water conservation services were initiated in 1963 following an agreement with the State of California's Department of Water Resources (DWR). The agreement, which has been amended several times, provides the District with an annual entitlement of water drawn from the State Water Project (SWP) and enables the District to subcontract its annual entitlement with local agencies. This feature allows the cost of SWP water to be passed directly to the local subcontractors. In exchange for an annual entitlement, the District is responsible for repayment of costs for the construction, maintenance, and operation of SWP facilities. Notably, along with the Solano County Water Agency, the District is responsible for the costs associated with the construction and operation of the North Bay Aqueduct, which facilitates delivery of SWP entitlements to Napa and Solano Counties. The District currently subcontracts its annual entitlement

A funds. Napa County has expended a portion of its Measure A \$976,438.52 funds for the unincorporated area on a Silverado Trail Flood Protection Feasibility study evaluating elevation of the roadway, and on the Lewelling Avenue Drainage Outfall Project, which installed a new and larger storm drain reducing flood damage to businesses and highway users. All amounts are as of June 30, 2005.

to SWP water to the Cities of American Canyon, Calistoga, Napa, and the Town of Yountville. A current breakdown of the District’s local subcontracts follows.

**NCFCWCD Subcontracts involving the State Water Project
(acre feet)**

Year	Napa	American Canyon	Calistoga	Yountville	Total
2007	15,350	4,800	1,625	1,100	22,875
2008	15,600	4,850	1,650	1,100	23,200
2009	15,850	4,900	1,675	1,100	23,525
2010	16,100	4,950	1,700	1,100	23,850
2011	16,350	5,000	1,725	1,100	24,175
2012	16,600	5,050	1,750	1,100	24,500

NCFCWCD also maintains a water supply agreement with the United States Bureau of Reclamation for an annual entitlement of water drawn from Lake Berryessa as part of the Solano Project.⁹ The District subcontracts this entitlement to several individual property owners in the Lake Berryessa area as well as to three special districts: Lake Berryessa Resort Improvement District (LBRID), Napa-Berryessa Resort Improvement District (NBRID), and Spanish Flat Water District. Each subcontractor is responsible for the construction and operation of their own intake and delivery system to Lake Berryessa.

**NCFCWCD Subcontracts for the Solano Project
(acre feet)**

Subcontractor	Amount
Lake Berryessa Resort Improvement District	200
Napa Berryessa Resort Improvement District	200
Spanish Flat Water District	200
Private Property Owners (five)	173

NCFCWCD’s water conservation services are provided with direction from its subcontractors. To increase its responsiveness to the collective needs of Napa County, the District formed an advisory group consisting of the public works directors and staffs of the five cities and the County. The group, the Water Technical Advisory Committee, also termed “Water TAC,” provides the District and the local jurisdictions a forum to discuss current and future water issues.

In addition, to help inform its planning activities, NCFCWCD facilitates collaborative studies aimed at examining local water supplies and enhancement opportunities. The District recently facilitated the countywide 2050 Napa Valley Water Resources Study, commonly referred to as the “2050 Study,” to identify current and projected water demand within each of its participating agency’s service areas as well as documenting agricultural demands in unincorporated areas served by groundwater. The District also participated in a study with the United States Geological Survey to update and review the

⁹ The Solano Project was developed between 1953 and 1958 and involved the construction of Monticello Dam on Putah Creek in Napa County for the purpose of forming Lake Berryessa. The majority of water drawn from Lake Berryessa is used by the Solano County Water Agency.

hydrological and geological properties for the lower basins of the Milliken, Sarco, and Tulucay Creeks in Napa County. As a result of this study, the District has begun work on the Milliken-Sarco-Tulucay (MST) Recycled Water Plan. The MST Recycled Water Plan involves developing design plans, cost estimates, financing mechanisms, and implementation strategies for importing recycled water from the Napa Sanitation District to the MST area for landscaping uses in order to help offset demands on local groundwater supplies.

FINANCIAL

NCFCWD adopts an annual line-item budget that projects anticipated revenues and expenditures for the upcoming fiscal year. In 2006-2007, the District adopted a total operating budget of \$21,488,213.00. Over the last five fiscal years, the District's overall budget has fluctuated between revenues as high as nearly \$50 million dollars and as low as \$7.5 million. District expenditures during the same five years have been relatively stable averaging \$31.5 million dollars. The revenue fluctuations are primarily attributable to the Napa River/Napa Creek Flood Protection Project portion of the budget.

For administrative purposes, NCFCWCD segregates its annual budget into four units. A summary of these budget units follows.

Flood and Watershed Management

This unit is associated with the District's annual maintenance of the Napa River and its tributaries. This unit is primarily funded through tax assessments and intergovernmental service charges. In 2006-2007, the unit's adopted budget projected total revenues and expenses at \$962,000 and \$1,435,679.11.

Water Supply Contracts

This unit is associated with the District's contracts with the State of California and the United States Bureau of Reclamation for annual water supply entitlements to State Water Project and the Solano Project. The District's cost for these contracted water supplies are reimbursed by local subcontractors, which include cities, special districts, and property owners. In 2006-2007, the unit's adopted budget projected both total revenues and expenses at \$6,492,027.

Napa River/Napa Creek Flood Protection Project

This unit is associated with the District's local sponsorship of a comprehensive flood projection project for the City of Napa. The unit is funded by the Napa County Flood Protection and Watershed Improvement Authority through a transfer of sales tax revenues generated by Measure A and also with matching federal and state funds. Principal expenses include implementing design and construction costs along with acquiring all necessary lands, easements, right-of-ways, and relocating existing facilities and structures. In 2006-2007, the unit's adopted budget projected total revenues and expenses at \$13,934,186 and \$14,009,672.82.

Measure A - Other

This unit is associated with the District's contractual responsibility to administer and disperse funds for qualifying projects under Measure A. In 2006-2007, the unit's adopted budget projected both total revenues and expenses at \$100,000.

WRITTEN DETERMINATIONS

In anticipation of reviewing and updating NCFCWCD's sphere of influence, and based on the above-mentioned information, the following written determinations are intended to fulfill the requirements of California Government Code §56430. When warranted, some determinations include supplemental information listed in italics to provide context to the underlying service factor.

General Statements:

- a) Determinations adopted by the Commission as part of the Comprehensive Water Service Study regarding the Napa County Flood Control and Water Conservation District remain valid and appropriate.
- b) In 1997, voters approved "Measure A," a countywide sales tax aimed at funding specific flood protection and water quality enhancement projects in Napa County. As a sponsor of several authorized projects, including the Napa River/Napa Creek Flood Protection Project, the Napa County Flood Control and Water Conservation District has significantly expanded the focus and level of its services as a result of Measure A.

The Napa River/Napa Creek Flood Protection Project is designed to protect the City of Napa against all floods up to and including a 100-year storm event.

Infrastructure Needs or Deficiencies:

- a) The Napa County Flood Control and Water Conservation District operates and maintains an infrastructure system of channels, storm drains, and drainage basins designed to intercept and direct excessive storm and flood waters away from populated areas in Napa County. The District has established an annual maintenance program to help ensure this infrastructure system provides an adequate level of flood control service within its jurisdictional boundary.
- b) The Napa County Flood Control and Water Conservation District has experienced a measurable increase in staff resources and infrastructure holdings over the last several years. These changes reflect the expanded role of the District in fulfilling its legislative directive to provide enhanced flood control and water conservation services in Napa County.

- c) An important challenge for the Napa County Flood Control and Water Conservation District will be to transition and expand its service and funding capacities to operate and maintain infrastructure and facilities constructed as part of Measure A.
- d) On behalf of local agencies, the Napa County Flood Control and Water Conservation District administers water supply contracts for annual entitlements to the State Water Project and the Solano Project. These administrative services facilitate the delivery of needed imported water supplies underlying the ability of local agencies to meet present and future water demands within their respective service areas.

Growth and Population Projections:

- a) The projections prepared by the Association of Bay Area Governments are satisfactory estimates of the current and future service population of the Napa County Flood Control and Water Conservation District.
- b) All 133,700 people currently estimated by the Association of Bay Area Governments to reside in Napa County benefit from the services provided by the Napa County Flood Control and Water Conservation District.
- c) The Association of Bay Area Governments projects an annual population growth rate for Napa County at 0.6 percent over the next 20 years. Although limited, this projected growth rate will contribute to the intensification of land uses and result in the continued demand and need for adequate flood control and water conservation services in Napa County.
- d) Approximately 10 percent of Napa County Flood Control and Water Conservation District's jurisdictional boundary is located within a flood zone designated by the Federal Emergency Management Agency. A significant portion of these zones are located in or near existing urban areas within the Napa Valley, heightening the need for effective and timely flood control services.

Financing Constraints and Opportunities:

- a) The Napa County Flood Control and Water Conservation District serves as an important instrument in securing federal and state funding that would otherwise not be available for flood control and water conservation services in Napa County.
- b) The Napa County Flood Control and Water Conservation District is primarily funded by federal and state appropriations and local sales tax proceeds associated with Measure A. These funding sources fluctuate annually and create an external

constraint on the District with respect to financing and implementing capital improvements in a timely manner.

- c) The Napa County Flood Control and Water Conservation District is empowered under its legislative act to establish zones for assessment purposes within its jurisdictional boundary. This feature allows the District to provide elevated and focused flood control and water conservation services to a particular area in a manner that is directly funded by benefiting property owners.

Cost Avoidance Opportunities:

- a) The Napa County Flood Control and Water Conservation District benefits from cost-savings associated with its relationship with the County of Napa. Savings drawn from this relationship include providing the District with administrative and operational staff support at a controlled and below market cost.
- b) In 2002, the State of California enacted legislation to measurably increase its reimbursement to local agencies to help offset their costs in implementing flood protection projects. This legislation represents a new cost avoidance opportunity for the Napa County Flood Control and Water Conservation District to develop and construct flood control projects within its jurisdictional boundary.

Opportunities for Rate Restructuring:

- a) The Napa County Flood Control and Water Conservation District does not have an adopted rate schedule.

Opportunities for Shared Resources:

- a) The Napa County Flood Control and Water Conservation District has established effective partnerships with other agencies to fund various flood control and water conservation activities within its jurisdictional boundary. These partnerships enhance and expand the District's service activities and produce mutually beneficial projects throughout Napa County.

Government Structure Options:

- a) In 1996, the Napa County Flood Control and Water Conservation District's governing board was restructured to include elected representatives from all five incorporated cities in Napa County. This restructuring has helped make the District more responsive to the collective needs of its jurisdictional boundary.
- b) The Napa County Flood Control and Water Conservation District has been successful in achieving its original service objective to enhance local water supplies and to provide an elevated level of flood control in Napa County.

Evaluation of Management Efficiencies:

- a) Services provided by Napa County Flood Control and Water Conservation District are guided by annual work plans that identify goals and objectives for the upcoming year. These work plans serve as effective performance measures and encourage management efficiencies by prioritizing District resources in a transparent manner.
- b) The Napa County Flood Control and Water Conservation District provides a summary of past and projected revenues and expenditures as part of its annual budget. The budget is adopted following a publicly noticed board meeting in which members of the public are allowed to comment and offer suggestions with respect to District expenditures. This budget process establishes efficiencies by providing a clear directive towards staff with respect to prioritizing District resources.
- c) Expenditures of the Napa County Flood Control and Water Conservation District involving Measure A funds are subject to the approval of the Napa County Flood Protection and Watershed Improvement Authority and a Fiscal Oversight Committee. These arrangements provide additional safeguards regarding the District's management and allocation of Measure A funds.

Local Accountability and Governance:

- a) The Napa County Flood Control and Water Conservation District is governed by 11 board members representing the five cities and County of Napa. As elected officials, District board members are accountable to the voters that reside within their appointing jurisdictions.
- b) Meetings of the Napa County Flood Control and Water Conservation District are conducted twice a month and are open to the public. These meetings provide an opportunity for District constituents to ask questions of their appointed elected representatives and help to ensure that service information is being effectively communicated to the public.
- c) It is important that the Napa County Flood Control and Water Conservation District make a concerted effort to distinguish its service and governance responsibilities apart from the Napa County Flood Protection and Watershed Improvement Authority.
- d) The NCFCWCD should consider formalizing the Water TAC as a formal advisory body to the NCFCWCD to more directly facilitate responsiveness to each local jurisdiction.

SOURCES

Agency Contacts:

Napa County Flood Control and Water Conservation District

Robert Peterson, District Engineer

Felix Riesenber, Principal Water Resources Engineer

Greg Morgan, Supervising Office Assistant

Documents/Materials:

Association of Bay Area Governments, “Projections 2007.”

County of Napa approved budget reports, FY 2002/3 through 2006/7.

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Napa County Flood Protection and Watershed Improvement Authority, Ordinance No. 1. November, 1997.

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LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

COMPREHENSIVE STUDY OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

SPHERE OF INFLUENCE REVIEW

June 2007

Prepared by:

LAFCO of Napa County

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

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

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



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INTRODUCTION

Established in 1963, Local Agency Formation Commissions (LAFCOs) are responsible for administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Sections 56000 et. seq.). This legislation empowers LAFCOs with regulatory and planning responsibilities to encourage the orderly formation and development of local agencies in a manner that preserves agricultural and open-space lands and promotes the efficient extension of governmental services. Principal duties include regulating boundary changes through annexations or detachments, approving or disapproving city incorporations, and forming, consolidating, or dissolving special districts. LAFCOs are also responsible for conducting studies that address a range of service and governance issues to inform and direct regional planning goals and objectives. LAFCOs are located in all 58 counties in California.

Among LAFCO's primary planning responsibilities is the designation of a sphere of influence for each city and special district under its jurisdiction.¹ California Government Code §56076 defines a sphere as "a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission." LAFCO establishes, amends, and updates spheres to indicate to local agencies and property owners that, at some future date, a particular area will likely require the services provided by the subject agency. The sphere designation also indicates the agency LAFCO believes to be best situated to serve the subject area. LAFCO is required to review each agency's sphere every five years.

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

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

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

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

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

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

Comprehensive Study of the Napa County Flood Control and Water Conservation District

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

OVERVIEW

The Napa County Flood Control and Water Conservation District (NCFCWCD) was established in 1951 by a special act of the California Legislature. Since its formation, NCFCWCD has developed two principal and distinct service activities with respect to water conservation and flood control. The District’s water conservation services primarily involve administering contracts with the State of California and the United States Bureau of Reclamation for annual water supply entitlements from the State Water Project and the Solano Project, respectively. The District’s flood control services focus on managing and coordinating projects intended to protect local communities from inundation by maintaining and clearing tributary channels and sponsoring capital improvements. Notably, with respect to the latter, the District is presently sponsoring the “Napa River/Napa Creek Flood Protection Project,” which is designed to protect the City of Napa from a 100-year flood.

NCFCWCD is governed by an eleven member board of directors consisting of all five County Supervisors, the mayors of the five incorporated cities, and a council member from the City of Napa. NCFCWCD staff includes technical specialists with expertise in a variety of areas, including water resources, public finance, and flood control. NCFCWCD’s adopted budget over the past five fiscal years ranged from \$7.5 to \$50 million, with the majority of its revenues drawn from intergovernmental grants and contracts.

Napa County Flood Control and Water Conservation District

Date Formed	1951
District Type:	Dependent
Enabling Legislation	Napa County Flood Control and Water Conservation District Act
Services Provided	Flood Control and Water Conservation

Adoption of Sphere of Influence

NCFCWCD’s sphere was established by LAFCO in 1984. The sphere was designated to include all incorporated and unincorporated lands in Napa County. There have been no changes to the sphere since its adoption.

Land Use Factors

NCFCWCD operates under the land use authority of six agencies including the County of Napa, the Cities of American Canyon, Calistoga, Napa, St. Helena, and the Town of Yountville. Land use policies for each agency are codified with their respective general plans and zoning ordinances.

DISCUSSION

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

ANALYSIS

The analysis conducted as part of the service review portion of this study identifies that NCFCWCD has been successful in achieving its original service objective to enhance local water supplies and to provide an elevated level of flood control in Napa County. These services include facilitating the delivery of needed imported water supplies to local agencies throughout Napa County as well as serving as the local sponsor of the voter-approved “Napa River/Napa Creek Flood Protection Project,” which is designed to protect the City of Napa from a 100-year flood. An important challenge for NCFCWCD will be transitioning and expanding its service and funding capacities to operate and maintain infrastructure and facilities constructed as part of this project so that it may continue to provide an effective level of service within its existing sphere.

Based on these factors, as well as the legislative intent that the NCFCWCD serve the people of Napa County, staff believes that the current sphere designates an appropriate service area for the District and no changes are warranted.

RECOMMENDATION

It is recommended that the Commission affirm with no change NCFCWCD’s existing sphere, which includes all incorporated and unincorporated lands in Napa County.

Statement of Determinations

Pursuant to California Government Code §56425(d), the following statements have been prepared in support of the recommendation to affirm with no change NCFCWCD's existing sphere:

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

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

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

The provision of flood control and water conservation services helps to ensure adequate water supply and the protection from inundation of flood waters which are essential to the social, fiscal, and economical well-being of the area.

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

The Napa County Flood Control and Water Conservation District has developed policies, service plans, and revenue streams to provide adequate and effective flood control and water conservation services for the area.

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

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

RESOLUTION NO. ____

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

**NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
MUNICIPAL SERVICE REVIEW**

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

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

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

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at its public meetings concerning the municipal service review of the Napa County Flood Control and Water Conservation District on April 2, 2007 and June 4, 2007; and

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

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

**NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
MUNICIPAL SERVICE REVIEW**

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

2. The Commission adopts the statement of determinations set forth in "Exhibit A" which is attached and hereby incorporated by reference.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of Napa County, State of California, at a regular meeting held on the 4th day of June, 2007, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

ATTEST: Keene Simonds
 Executive Officer

Prepared by: _____
 Kathy Mabry
 Commission Secretary

EXHIBIT A

NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MUNICIPAL SERVICE REVIEW

STATEMENT OF DETERMINATIONS

1. With respect to infrastructure needs or deficiencies [Government Code §56430(a) (1)], the Commission determines that:
 - a) The Napa County Flood Control and Water Conservation District operates and maintains an infrastructure system of channels, storm drains, and drainage basins designed to intercept and direct excessive storm and flood waters away from populated areas in Napa County. The District has established an annual maintenance program to help ensure this infrastructure system provides an adequate level of flood control service within its jurisdictional boundary.
 - b) The Napa County Flood Control and Water Conservation District has experienced a measurable increase in staff resources and infrastructure holdings over the last several years. These changes reflect the expanded role of the District in fulfilling its legislative directive to provide enhanced flood control and water conservation services in Napa County.
 - c) An important challenge for the Napa County Flood Control and Water Conservation District will be to transition and expand its service and funding capacities to operate and maintain infrastructure and facilities constructed as part of Measure A.
 - d) On behalf of local agencies, the Napa County Flood Control and Water Conservation District administers water supply contracts for annual entitlements to the State Water Project and the Solano Project. These administrative services facilitate the delivery of needed imported water supplies underlying the ability of local agencies to meet present and future water demands within their respective service areas.
2. With respect to growth and population projections for the affected area [Government Code §56430(a) (2)], the Commission determines that:
 - a) The projections prepared by the Association of Bay Area Governments are satisfactory estimates of the current and future service population of the Napa County Flood Control and Water Conservation District.
 - b) All 133,700 people currently estimated by the Association of Bay Area Governments to reside in Napa County benefit from the services provided by the Napa County Flood Control and Water Conservation District.

Exhibit A

- c) The Association of Bay Area Governments projects an annual population growth rate for Napa County at 0.6 percent over the next 20 years. Although limited, this projected growth rate will contribute to the intensification of land uses and result in the continued demand and need for adequate flood control and water conservation services in Napa County.
 - d) Approximately 10 percent of Napa County Flood Control and Water Conservation District's jurisdictional boundary is located within a flood zone designated by the Federal Emergency Management Agency. A significant portion of these zones are located in or near existing urban areas within the Napa Valley, heightening the need for effective and timely flood control services.
3. With respect to financing constraints and opportunities [Government Code §56430(a) (3)], the Commission determines that:
- a) The Napa County Flood Control and Water Conservation District serves as an important instrument in securing federal and state funding that would otherwise not be available for flood control and water conservation services in Napa County.
 - b) The Napa County Flood Control and Water Conservation District is primarily funded by federal and state appropriations and local sales tax proceeds associated with Measure A. These funding sources fluctuate annually and create an external constraint on the District with respect to financing and implementing capital improvements in a timely manner.
 - c) The Napa County Flood Control and Water Conservation District is empowered under its legislative act to establish zones for assessment purposes within its jurisdictional boundary. This feature allows the District to provide elevated and focused flood control and water conservation services to a particular area in a manner that is directly funded by benefiting property owners.
4. With respect to cost avoidance opportunities [Government Code §56430(a) (4)], the Commission determines that:
- a) The Napa County Flood Control and Water Conservation District benefits from cost-savings associated with its relationship with the County of Napa. Savings drawn from this relationship include providing the District with administrative and operational staff support at a controlled and below market cost.
 - b) In 2002, the State of California enacted legislation to measurably increase its reimbursement to local agencies to help offset their costs in implementing flood protection projects. This legislation represents a new cost avoidance opportunity for the Napa County Flood Control and Water Conservation District to develop and construct flood control projects within its jurisdictional boundary.

Exhibit A

5. With respect to opportunities for rate restructuring [Government Code §56430(a) (5)], the Commission determines that:
 - a) The Napa County Flood Control and Water Conservation District does not have an adopted rate schedule.
6. With respect to opportunities for shared facilities [Government Code §56430(a) (6)], the Commission determines that:
 - a) The Napa County Flood Control and Water Conservation District has established effective partnerships with other agencies to fund various flood control and water conservation activities within its jurisdictional boundary. These partnerships enhance and expand the District's service activities and produce mutually beneficial projects throughout Napa County.
7. With respect to government structure options, including advantages and disadvantages of consolidation or reorganization of service providers [Government Code §56430(a) (7)], the Commission determines that:
 - a) In 1996, the Napa County Flood Control and Water Conservation District's governing board was restructured to include elected representatives from all five incorporated cities in Napa County. This restructuring has helped make the District more responsive to the collective needs of its jurisdictional boundary.
 - b) The Napa County Flood Control and Water Conservation District has been successful in achieving its original service objective to enhance local water supplies and to provide an elevated level of flood control in Napa County.
8. With respect to evaluation of management efficiencies [Government Code §56430(a) (8)], the Commission determines that:
 - a) Services provided by Napa County Flood Control and Water Conservation District are guided by annual work plans that identify goals and objectives for the upcoming year. These work plans serve as effective performance measures and encourage management efficiencies by prioritizing District resources in a transparent manner.
 - b) The Napa County Flood Control and Water Conservation District provides a summary of past and projected revenues and expenditures as part of its annual budget. The budget is adopted following a publicly noticed board meeting in which members of the public are allowed to comment and offer suggestions with respect to District expenditures. This budget process establishes efficiencies by providing a clear directive towards staff with respect to prioritizing District resources.
 - c) Expenditures of the Napa County Flood Control and Water Conservation District involving Measure A funds are subject to the approval of the Napa County Flood Protection and Watershed Improvement Authority and a Fiscal Oversight

Exhibit A

Committee. These arrangements provide additional safeguards regarding the District's management and allocation of Measure A funds.

9. With respect to local accountability and governance [Government Code §56430(a) (9)], the Commission determines that:
 - a) The Napa County Flood Control and Water Conservation District is governed by 11 board members representing the five cities and County of Napa. As elected officials, District board members are accountable to the voters that reside within their appointing jurisdictions.
 - b) Meetings of the Napa County Flood Control and Water Conservation District are conducted twice a month and are open to the public. These meetings provide an opportunity for District constituents to ask questions of their appointed elected representatives and help to ensure that service information is being effectively communicated to the public.
 - c) It is important that the Napa County Flood Control and Water Conservation District make a concerted effort to distinguish its service and governance responsibilities apart from the Napa County Flood Protection and Watershed Improvement Authority.
 - d) The NCFCWCD should consider formalizing the Water TAC as a formal advisory body to the NCFCWCD to more directly facilitate responsiveness to each local jurisdiction.

RESOLUTION NO. ____

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

**NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
SPHERE OF INFLUENCE UPDATE**

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

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

WHEREAS, the Executive Officer prepared a written report of this review, including his recommendation to affirm with no changes the existing sphere of influence; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on June 4, 2007; and

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

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

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

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

**NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
SPHERE OF INFLUENCE UPDATE**

4. The sphere of influence for the Napa County Flood Control and Water Conservation District is hereby affirmed with no changes to include the affected territory as shown on the attached vicinity map identified as "Exhibit A."
5. Pursuant to Section 56425 of the Government Code, the Commission makes the statements of determinations in the attached "Exhibit B."
6. The effective date of this sphere of influence update shall be final upon the receipt by the Executive Officer of a written statement by the Napa County Flood Control and Water Conservation District pursuant to Section 56425(h) of the Government Code.
7. The Executive Officer shall revise the official records of the Commission to reflect this change to the sphere of influence.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of the County of Napa, State of California, at a meeting held on the 4th day of June, 2007, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

ATTEST: Keene Simonds
Executive Officer

Prepared by: _____
Kathy Mabry
Commission Secretary

EXHIBIT B
STATEMENT OF DETERMINATIONS

NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
SPHERE OF INFLUENCE UPDATE

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

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

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

The provision of flood control and water conservation services helps to ensure adequate water supply and the protection from inundation of flood waters which are essential to the social, fiscal, and economical well-being of the area.

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

The Napa County Flood Control and Water Conservation District has developed policies, service plans, and revenue streams to provide adequate and effective flood control and water conservation services for the area.

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

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