



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

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[www.napa.lafco.ca.gov](http://www.napa.lafco.ca.gov)

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

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**Agenda Item 6b (Action)**

**TO:** Local Agency Formation Commission

**PREPARED BY:** Brendon Freeman, Executive Officer B F

**MEETING DATE:** December 9, 2024

**SUBJECT:** Consider Ad Hoc Subcommittee Appointments

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**RECOMMENDATION**

It is recommended the Commission make appointments to the ad hoc Fiscal Year 2025-26 Budget Committee, the ad hoc Legislative Committee, and the ad hoc Policy Committee.

**SUMMARY**

The Commission will consider the membership of three ad hoc subcommittees. Commissioners appointed to a subcommittee receive per diems for each subcommittee meeting attended. A summary of the subcommittees and recommended actions follows.

***Policy Committee***

The Commission recently discussed the concept of establishing an ad hoc Policy Committee to review and update several local policies that staff believes require amendments. The Commission's current Policy Manual is included as Attachment 1. If the Commission agrees to establish a Policy Committee, staff recommends the Commission appoint two members to advise the Executive Officer. Key policy issues identified by staff include, but are not limited to, the following:

- Recognize LAFCO independence wherever appropriate in local policies
- Budget and financial management, including reserves and contingency funds
- Reconsider annual Chair rotation
- Determine when municipal service review data is no longer relevant for proposals
- Establish new standalone policy for the Work Program
- Consider a new policy on strategic planning
- Consider requiring outside service agreements (OSAs) to run with property deeds
- Consider if a discontinued use with an OSA should be allowed to resume service
- Reconsider local definition of disadvantaged unincorporated communities
- Update records retention policies to reflect the abandonment of Laserfiche software

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Margie Mohler, Commissioner  
Councilmember, Town of Yountville

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

Kenneth Leary, Vice Chair  
Representative of the General Public

Beth Painter, Commissioner  
Councilmember, City of Napa

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

Eve Kahn, Alternate Commissioner  
Representative of the General Public

Vacant, Alternate Commissioner  
Councilmember, City of American Canyon

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

Brendon Freeman  
Executive Officer

### ***Fiscal Year 2025-26 Budget Committee***

The Commission establishes an ad hoc Budget Committee each year consistent with the adopted *Budget Policy*, included as part of Attachment 1. The Budget Committee includes two Commissioners to advise the Executive Officer in preparing a budget for review and adoption by the Commission. The Budget Committee is also tasked with considering the Commission's fee schedule and work program. The Budget Committee automatically terminates with the adoption of a final budget. For reference, Commissioners Mohler and Leary served on the most recent Budget Committee. Staff recommends the Commission appoint two members to the Fiscal Year 2025-26 Budget Committee.

### ***Legislative Committee***

The Commission establishes an ad hoc Legislative Committee each year consistent with the adopted *Legislative Policy*, included as part of Attachment 1. The Legislative Committee includes two Commissioners to advise the Executive Officer in the review of proposed legislation related to LAFCOs and making recommendations to the full Commission to take positions on pertinent bills. The Legislative Committee automatically terminates at the end of the calendar year. For reference, Commissioners Cottrell and Painter served on the Legislative Committee for calendar year 2024. Staff recommends the Commission appoint two members to the Legislative Committee for calendar year 2025.

## **ATTACHMENT**

- 1) Policy Manual

**LOCAL AGENCY FORMATION COMMISSION  
OF NAPA COUNTY**

# ***Policy Manual***



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

## **MISSION STATEMENT**

The Local Agency Formation Commission of Napa County (LAFCO) is 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.

Available to download at: [www.napa.lafco.ca.gov](http://www.napa.lafco.ca.gov)

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## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on the Appointment of Counsel* (Adopted: April 11, 2001; Last Amended: August 1, 2022)

#### **I. BACKGROUND**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Commission to appoint legal counsel to advise it and to appoint alternate legal counsel in the event of a conflict of interest consistent with [California Government Code §56384\(b\)](#).

#### **II. PURPOSE**

The purpose of this policy is to guide the Local Agency Formation Commission (LAFCO) of Napa County in appointing legal counsel and, when appropriate, alternate legal counsel.

#### **III. PROCEDURES**

The Commission shall appoint a Commission Counsel for a term specified as part of the appointment. Further, the policy of the Commission is:

- A. If the Commission determines that a conflict of interest exists for its counsel in the processing and review of a proposal, the Commission will appoint alternate legal counsel for that proposal. If the Commission determines that an applicant should bear the costs of alternate counsel, it shall require that the applicant put on deposit with the County Auditor funds sufficient to cover associated costs.
- B. The Commission will consider written requests that alternate legal counsel advise the Commission and its staff on matters pertaining to a particular proposal. This request may be made by any applicant, affected agency, or affected individual. Requests will be considered at the next regular meeting of the Commission for which the matter may be noticed properly. Approval of any such request is contingent upon the placement on deposit with the County Auditor of funds sufficient to cover associated costs.
- C. In all instances, appointment of alternate legal counsel is solely at the discretion of the Commission.
- D. When alternate legal counsel is used, the Commission reserves the right to make final approval of a proposal contingent upon payment of any outstanding legal costs in excess of the deposit on hand with the County Auditor.
- E. When alternate legal counsel is used, upon written confirmation from the Executive Officer that all billing matters have been resolved, the County Auditor will return any unexpended portion of funds on deposit.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on the Appointment of a Public Member and Alternate Public Member*

(Adopted: October 11, 2001; Last Amended: November 18, 2019)

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act of 2000 includes provisions for the composition of the Commission including the Public Member as follows:

The composition of the Commission shall include one member representing the general public, hereinafter referred to as “public member.” The Commission may designate one alternate public member. The selection 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 appointing authorities ([California Government Code \(G.C.\) §56325\(d\)](#)).

#### **II. Purpose**

It is the intent of the Commission to establish a policy for the appointment of a public member and alternate public member which is consistent with CKH. This policy also includes procedures to address a vacancy in the position and other relevant matters.

#### **III. Eligibility**

The public member and alternate public member shall be a resident of Napa County. No person may serve as public member or alternate public member if at the same time they are an officer or employee of the County, a city, town or district within Napa County.<sup>1</sup> For purposes of this policy, an officer of a local government agency is a member of a local public board, commission, committee, or council with the authority to make advisory or final decisions relative to land use or the provision of municipal services.

#### **IV. Term of Office**

The term of office for Public Member and Alternate Public Member shall be four years and shall end on the first Monday in May of the year in which the term expires. The Public Member and Alternate Public Member shall continue to serve until a successor is appointed.

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<sup>1</sup> The term “district” is defined in [G.C. §56036](#).

## **V. Appointment Procedures**

### **A) New Term for Public Member or Alternate Public Member**

It is the policy of the Commission that in anticipation of the expiration of a four-year term for the Public Member or Alternate Public Member, the following procedures will be taken:

At a regular meeting at least 120 days prior to the scheduled expiration of the Public Member or Alternate Public Member's term, the Executive Officer shall inform the Commission of the impending vacancy and whether the incumbent is eligible to seek reappointment. The Commission shall take one of the following two actions as set forth in the following subsection 1 or 2 below.

- 1) Direct the Executive Officer to recruit candidates and schedule a public hearing to consider making an appointment to the position. Tasks of the Executive Officer shall include, but not limited to, the following:
  - (a) At least 60 days prior to the scheduled hearing for the appointment, issue a notice announcing the vacancy and that the Commission is accepting applications for the position. The notice shall be posted at the LAFCO office and on its website, sent to all local agencies, and published in a newspaper of general circulation in Napa County.<sup>2</sup> The notice shall indicate if the incumbent is eligible for reappointment.
  - (b) Determine the filing period to receive applications for the position. All applications shall be made available to each city and county member on the Commission at least 14 days prior to the scheduled hearing for the appointment.
  - (c) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the appointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.
- 2) If the incumbent is eligible and has served no more than one four-year term, the Commission may direct the Executive Officer to schedule a public hearing to consider approving reappointment. Tasks of the Executive Officer shall include, but not limited to, the following:
  - (a) Issue a notice announcing the scheduled reappointment of the incumbent. The notice shall be posted at the LAFCO office and on its website and sent to all local agencies. The notice shall be posted at least 21 days prior to the hearing for which the reappointment has been scheduled.
  - (b) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the reappointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.

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<sup>2</sup> For purposes of this policy, notice to local agencies is fulfilled by sending a copy of the notice to the clerk or secretary of the legislative body of each local agency in Napa County. Publishing in a newspaper of general circulation in Napa County shall be conducted by publishing, at minimum, a prominently placed display ad.

## B) Mid-Term Vacancies

An appointment to fill an unexpired term for the position of Public Member or Alternate Public Member shall be preceded by posting a notice of vacancy. The notice will be posted at the LAFCO office and on its website and sent to all local agencies. The notice will be posted at least 21 days prior to the meeting at which time the Commission will consider taking action to fill the unexpired term. An appointment to fill an unexpired term will occur as follows:

- 1) Public Member: If the position of Public Member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term through one of the following:
  - (a) Appoint the Alternate Public Member.
  - (b) Fill the position in the manner prescribed in Section V(A) “New Term for Public Member or Alternate Public Member” for the appointment of the Public Member to a new term.
- 2) Alternate Public Member: If the position of Alternate Public Member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term in the manner prescribed in Section V(A) “New Term for Public Member or Alternate Public Member” for the appointment of the Alternate Public Member to a new term.

## C) Conducting Public Hearings for Appointing a Public Member or Alternate Public Member

It is the policy of the Commission that a public hearing to appoint either the Public Member or Alternate Public Member shall be conducted as follows:

The Chair shall open the public hearing and first invite candidates to address the Commission. The Commission may ask questions of the candidates. The Chair shall then invite public comments from the audience. Upon the close of the public comment period, the Public Member or Alternate Public Member will be selected based upon a motion and second followed by an affirmative vote.





## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Budget Policy*

(Adopted: August 9, 2001; Last Amended: November 18, 2019)

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act of 2000 includes provisions for establishing a budget and for the receipt of funds. [Government Code \(G.C.\) §56381](#) establishes that the Commission shall annually adopt a budget for the purpose of fulfilling its duties under CKH.

#### **II. Purpose**

It is the intent of the Commission to adopt a policy for budget purposes which establishes procedures for compiling, adopting and administering the budget. The Commission is committed to providing transparency of its operations including its fiscal activities. The Commission follows recognized accounting principles and best practices in recognition of its responsibility to the public.

#### **III. Preparation of Annual Budget**

- A) An annual budget shall be prepared, adopted and administered in accordance with [\(G.C.\) §56381](#).
- B) The Commission should annually consider the Fee Schedule, including any anticipated changes, and Work Program in conjunction with the budget process.
- C) The Commission is committed to ensuring the agency is appropriately funded each fiscal year to effectively meet its prescribed regulatory and planning responsibilities. The Commission is also committed to controlling operating expenses to reduce the financial obligations on the County of Napa, the cities and town, hereafter referred to as the “funding agencies,” whenever possible and appropriate.
- D) The budget shall include an undesignated/unreserved fund balance equal to a minimum of one-third (i.e., four months) of annually budgeted operating expenses.
- E) The Commission shall establish an ad-hoc budget committee at the last meeting of each calendar year comprising of two Commissioners which will terminate with the adoption of the final budget. Commissioners appointed to a budget committee shall receive a regular per diem payment for each meeting attended.
- F) The adopted final budget should be posted on the Commission’s website for public viewing for a minimum of five years.
- G) The Executive Officer shall provide quarterly budget reports to the Commission for informational purposes.

#### IV. Budget Contributions and Collection of Funds

[G.C. §56381](#) establishes that the Commission shall adopt annually a budget for the purpose of fulfilling its duties under CKH. It further establishes that the County Auditor shall apportion the operating expenses from this budget in the manner prescribed by [G.C. §56381\(b\)](#), or in a manner mutually agreed upon by the agencies responsible for the funding of the Commission's budget [G.C. §56381\(c\)](#) states that:

After apportioning the costs as required in subdivision (b), the auditor shall request payment from the Board of Supervisors and from each city no later than July 1 of each year for the amount that entity owes and the actual administrative costs incurred by the auditor in apportioning costs and requesting payment from each entity. If the County or a city does not remit its required payment within 60 days, the Commission may determine an appropriate method of collecting the required payment, including a request to the auditor to collect an equivalent amount from the property tax, or any fee or eligible revenue owed to the County or city. The auditor shall provide written notice to the County or city prior to appropriating a share of the property tax or other revenue to the Commission for the payment due the Commission pursuant to this section.

It is the intent of the Commission that all agencies provide the costs apportioned to them from the LAFCO budget. Pursuant to [G.C. §56381\(c\)](#), the policy of the Commission is:

- A) If the County or a city or a town does not remit its required payment within 45 days of the July 1 deadline, the County Auditor shall send written notice to the agency in question that pursuant to [G.C. §56381\(c\)](#) and this policy, the Auditor has the authority to collect the amount of the Commission's operating expenses apportioned to that agency after 60 days from the July 1 deadline.
- B) If the County or a city or a town does not remit its required payment within 60 days of the July 1 deadline, the County Auditor shall collect an amount equivalent to the cost apportioned to that agency from the property tax owed to that agency, or some other eligible revenue deemed appropriate or necessary by the County Auditor. The County Auditor shall send written notice of the action taken to the agency and to the Commission.

## V. Executive Officer Purchasing and Budget Adjustment Authority

Pursuant to [G.C. §56380](#), the Commission shall make its own provision for necessary quarters, equipment, supplies, and services. The associated operating costs are provided for through the Commission's adoption of its annual budget in the manner prescribed in [G.C. §56381](#).

It is the intent of the Commission to charge the LAFCO Executive Officer with the responsibility and authority for coordinating and managing the procurement of necessary quarters, equipment, supplies, and services, and to adjust the annual budget as necessary under certain circumstances. The policy of the Commission is:

- A) The Executive Officer is charged with the responsibility and authority for coordinating and managing the procurement of necessary quarters, equipment, supplies, and services in accordance with applicable laws, regulations and policies.
- B) The Executive Officer is authorized to act as the agent for LAFCO in procuring necessary quarters, equipment, supplies, and services.
- C) Only the Commission itself or the Executive Officer may commit LAFCO funds for the purchase of any necessary quarters, equipment, supplies, or services for LAFCO use.
- D) The Executive Officer is delegated purchasing authority on behalf of LAFCO for necessary quarters, equipment, supplies, and services not to exceed \$5,000 per transaction. The Commission must approve any purchase of necessary quarters, equipment, supplies, and services that exceed the monetary limits set forth in this policy.
- E) Following review and approval by the Chair, the Executive Office is authorized to make adjustments and administrative corrections to the budget without Commission action provided the adjustments and corrections are within the total budget allocations adopted by the Commission.
- F) Following review and approval by the Chair, the Executive Officer is authorized to adjust the budget for purposes of carrying over to the new fiscal year any encumbered funds that have been approved by the Commission in a prior fiscal year and involve unspent balances. Said funds include committed contracts for services that were not completed in the prior fiscal year and must be re-encumbered by way of a budget adjustment in the new fiscal year.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on CEQA*

(Adopted on December 4, 2006; Last Amended: October 4, 2021)

#### **I. BACKGROUND**

Under Public Resources Code Section 15022, each public agency shall adopt objectives, criteria, and specific procedures consistent with the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of the California Environmental Quality Act (“the Guidelines”) for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents.

In adopting procedures to implement CEQA, a public agency may adopt the State CEQA Guidelines through incorporation by reference. The agency may then adopt only those specific procedures or provisions which are necessary to tailor the general provisions of the guidelines to the specific operations of the agency. A public agency may also choose to adopt a complete set of procedures identifying in one document all the necessary requirements.

#### **II. PURPOSE**

The Guidelines are the regulations that explain and interpret the law for both the public agencies required to administer CEQA and for the public generally. They are found in Chapter 3 of Title 14 in the California Code of Regulations. The Guidelines provide objectives, criteria and procedures for the orderly evaluation of projects and the preparation of environmental impact reports, negative declarations, and mitigated negative declarations by public agencies. The fundamental purpose of the Guidelines is to make the CEQA process comprehensible to those who administer it, to those subject to it, and to those for whose benefit it exists. To that end, the Guidelines are more than mere regulations which implement CEQA as they incorporate and interpret both the statutory mandates of CEQA and the principles advanced by judicial decisions. The Governor's Office of Planning and Research prepares and develops proposed amendments to the Guidelines and transmits them to the Secretary for Resources. The Secretary for Resources is responsible for certification and adoption of the Guidelines and amendments thereto.

Revision of the CEQA Guidelines is an on-going process. By statute, the Secretary of Resources is required to review and consider amendments to the Guidelines every two years. Annual changes to CEQA and evolving case law make revisions to the Guidelines necessary on a continual basis.

#### **III. CEQA GUIDELINES AND COMMISSION LOCAL INTEREST POLICIES**

It is the Commission’s policy to adopt the Guidelines approved by the State Department of Resources and as amended from time to time, in the preparation of all environment documentation. Whenever an agency other than the Commission is involved in the approval of a project, the Commission prefers that the other agency be designated as the “Lead Agency.” For annexations and/or reorganizations involving annexation to a city, the city shall act as the Lead Agency under CEQA for the proposal. CEQA processing shall be undertaken in accordance with the most recent version of CEQA, the Guidelines, and the Commission’s adopted policies.

Notably, the Commission has identified additional areas of local interest that shall be addressed by the Lead Agency in the preparation of any CEQA document. These include:

- A. Cumulative and regional impacts;
- B. Impacts to public services, including but not limited to, water supply and distribution systems; wastewater treatment and sewer collection systems; solid waste disposal capacity and collection; public school districts, fire and police protection; and public facilities, including discussion on the ability of the receiving entities (i.e. water district, sewer district, school district) to provide the services to the proposed boundary change area;
- C. Conversion of prime agricultural lands to urban uses and protection/preservation of prime agricultural lands and resources;
- D. Consistency with general and specific plans; and
- E. Availability of affordable housing.



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**  
***Policy on Conducting Authority Proceedings***

Adopted: April 11, 2001  
 Amended: December 1, 2008

**I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs the Commission to administer conducting authority proceedings for all approved changes of organization or reorganization unless waived. Commission duties in administering conducting authority proceedings are codified in Government Code Sections 57000 et. seq.

**II. Objective**

The objective of this policy is to guide the Commission in administering conducting authority proceedings in an orderly and consistent manner. This includes establishing procedures in (a) scheduling, (b) noticing, (c) holding, and (d) completing protest hearings.

**III. Procedures**

**A. Scheduling**

- 1) The Executive Officer shall schedule a protest hearing within 35 days after the Commission's approval of the change of organization or reorganization.
- 2) The date of the protest hearing shall not be scheduled before the expiration of the 30-day reconsideration period.

**B. Noticing**

- 1) The Executive Officer shall provide notice no less than 21 days and not more than 60 days before the scheduled date of the protest hearing.
- 2) The notice on the protest hearing shall be published, posted, and mailed to all affected agencies and landowners as well as interested parties. The notice shall also be mailed to all affected registered voters if the territory is inhabited.
- 3) The notice on the protest hearing shall summarize the change of organization or reorganization, including a statement of justification and a description of the affected territory's location. The notice shall clearly state the time, date, and location of the protest hearing.
- 4) The notice on the protest hearing shall be accompanied by a standard protest form as provided in Attachment One.

### **C. Holding**

- 1) The Executive Officer shall be responsible for holding the protest hearing. At the protest hearing, the Executive Officer shall take the following actions:
  - Summarize the Commission's resolution approving the change of organization or reorganization.
  - Open the protest hearing to receive written or verbal protests.
  - Continue the protest hearing from time to time, if needed, but not to exceed 60 days from its original scheduled date.
  - Close the protest hearing.
- 2) At the close of the protest hearing, the Executive Officer shall work with the County of Napa Assessor and Registrar of Voters' Offices, as needed, in validating the written protests filed and not withdrawn.

### **D. Completing**

- 1) Within 30 days of the close of the protest hearing, the Executive Officer shall determine the value of the written protests filed and not withdrawn on the change of organization or reorganization.
- 2) The Executive Officer shall present his or her determination regarding the value of the written protests filed and not withdrawn to the Commission at a public meeting. The Commission shall adopt a resolution confirming the value of the written protests filed and not withdrawn and take one of the following actions:
  - If the affected territory is uninhabited:
    - Terminate the change of organization or reorganization if the landowners representing 50% or more of the assessed value of the affected land have filed written protests; or
    - Order the change of organization or reorganization without election if the landowners that have filed written protests representing less than 50% of the assessed value of the affected land.
  - If the affected territory is inhabited:
    - Terminate the change of organization or reorganization if 50% or more of the registered voters residing within the affected land have filed written protests; or
    - Order the change of organization or reorganization subject to an election if more than 25% but less than 50% of the registered voters residing within the affected land have filed written protests; or

- Order the change of organization or reorganization subject to an election if at least 25% of the number of landowners who also represent at least 25% of the assessed value of the affected land have filed written protests; or
  - Order the change of organization or reorganization without election if less than 25% of the registered voters have filed written protests or less than 25% of the number of landowners representing less than 25% of the assessed value of the affected land have filed written protests.
  - If the affected territory is inhabited and a landowner-voter district:
    - Terminate the change of organization or reorganization if 50% or more of the voting power of the eligible voters have filed written protests.
- 3) If the Commission terminates the change of organization or reorganization, the Executive Officer shall prepare a Certificate of Termination of Proceedings.
- 4) If the Commission orders a change of organization or reorganization without election, the Executive Officer shall prepare a Certificate of Completion.
- 5) If the Commission orders a change of organization or reorganization subject to an election, the Executive Officer shall provide written notice to the Board of Supervisors or affected city council to conduct the election. At the conclusion of the election, the Executive Officer shall take one of the following actions:
- Prepare a Certificate of Completion for the change or organization or reorganization if approved by voters.
  - Prepare a Certificate of Termination of Proceedings for the change of organization or reorganization if disapproved by voters.





## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Conducting Commission Meetings and Business*

(Adopted: August 9, 2001; Last Amended: February 7, 2022)

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”), pursuant to California Government Code Section 56300, directs the Commission to exercise its regulatory and planning responsibilities consistent with its written policies and procedures.<sup>1</sup> This includes establishing written rules to help ensure all meetings and related business occurs in an orderly and transparent manner.

#### **II. Purpose**

The purpose of this policy is to provide clear and concise direction to Commissioners and staff with regard to conducting Commission meetings and related business involving the preparation of agendas, issuance of per diems, and reimbursement for member expenses.

#### **III. Rules and Procedures in Conducting Business**

##### **A. Conducting Meetings**

- 1) The Commission acknowledges and affirms the conducting of its meetings and related business are subject to applicable California laws, most notably the provisions of CKH and the Ralph M. Brown Act (“Brown Act”).
- 2) Three members of the Commission constitute a quorum. In the absence of a regular member, their alternate member (city, county, or public member as applicable) may serve and vote. In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place of their choosing. If all members are absent, the Executive Officer or their designee may adjourn the meeting to a stated time and place. In such case, the Executive Officer shall cause written notice of adjournment to be given and shall post a notice of adjournment, consistent with the requirements of the Brown Act.
- 3) A regular and/or special meeting of the Commission may be adjourned to any day prior to the date established for the next succeeding regular meeting of the Commission.
- 4) If there is no business for the Commission's consideration five days before any regular scheduled meeting, the Executive Officer shall have the power to cancel the meeting by notifying the Chair and members there is no business before the Commission and the meeting has been cancelled.

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<sup>1</sup> Hereinafter all section references are to the California Government Code unless otherwise noted.

- 5) Special meetings may be called by the Chair at their discretion. Special meetings may also be called upon the written request of a majority of the members of the Commission submitted to the Chair. Notice of special meetings shall be given in accordance with the Ralph M. Brown Act.
- 6) The Commission shall conduct its meetings in accordance with the rules of procedure set forth in the edition of “Rosenberg’s Rules of Order” that is most current at the time of the meeting.
- 7) On all roll call votes, the names of the Commissioners shall be called in alphabetical order with the Chair voting last.
- 8) It is the responsibility of the Executive Officer to ensure that adequate staff and related resources are available for all Commission meetings.
- 9) If an applicant would like to speak to the Commission during an item, they will arrange the amount of time allotted in conjunction with the Executive Officer and the Chair prior to the meeting.

#### B. Meeting Agendas

- 1) It is the responsibility of the Executive Officer to prepare an agenda and all supporting documents for the Commission, and to distribute these materials to the Commission and all affected and interested parties not less than five days prior to a scheduled regular meeting.
- 2) Meeting agenda items, except for consent items, shall concisely list the various items being considered and include a formal title along with a brief description of the underlying action or discussion and the Executive Officer’s recommendation, if applicable.
- 3) The Executive Officer shall ensure items are agendized in an appropriate and timely manner relative to the Commission meeting its regulatory and planning responsibilities under CKH.
- 4) Each meeting agenda shall provide an opportunity for Commissioners to identify and request a matter for future discussion or action with the concurrence of the majority of the voting membership present. The Chair shall also have discretion to direct the Executive Officer to agendize a matter for the next available meeting to address an urgent or otherwise time-sensitive issue in which applicable legal notice can be provided.
- 5) It is the responsibility of the Executive Officer to see that legal notice for all agenda items to be considered by the Commission is given in accordance with the provisions of CKH and all other applicable laws.

### C. Commissioner Stipends

- 1) Each Commissioner shall receive a stipend of \$150.00 per day for time and attendance at the following meetings:
  - a) Regular and special meetings of the Commission.
  - b) Meetings of standing or ad hoc committees of the Commission.
  - c) Attendance at the annual conference held by the California Association of Local Agency Formation Commissions (CALAFCO).
  - d) Meetings of CALAFCO when a Commissioner is a member of the CALAFCO Board of Directors.
  - e) Up to four days per year for other trainings, classes, or activities that are mandated or related to LAFCO business, with prior authorization from the Commission or Chair.
- 2) A Commissioner shall receive no more than five stipends per month pursuant to this policy.

### D. Commissioner Reimbursement for Expenses

- 1) Each Commissioner may claim reimbursement for the actual amount of reasonable and necessary expenses incurred in performing the duties of their office, to be approved by the Executive Officer in accordance with Section D.2., below, and the Commission's approved budget for such expenses, including:
  - a) Attending conferences, workshops, and training programs of CALAFCO.
  - b) Attending CALAFCO meetings if the member is on the Board.
  - c) Attending other Commission related meetings, trainings, classes, or activities that are mandated or related to LAFCO business, with prior authorization from the Commission or Chair.
- 2) All reimbursement of expenses for Commissioners shall be provided in accordance with the same rules and manner as provided for Commission staff.<sup>2</sup>

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<sup>2</sup> Refer to the current agreement for staff support services between the Commission and County of Napa, calling for reimbursement pursuant to the travel expense policy approved by the County Board of Supervisors in effect on the date of travel.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Conflict of Interest Code*

(Adopted: January 9, 2003; Last Amended: October 3, 2016)

1. **Purpose.** The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations, Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act (the "Act"). Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference as if set forth fully herein.
2. **List of Designated Employees.** For the purposes of the Act and this Conflict of Interest Code, the Designated Employees of LAFCO shall be the persons holding those offices and performing the functions of the positions set forth in Appendix "A," attached hereto and incorporated by reference herein.
3. **List of Disclosure Categories.** For purposes of the requirements of the Act and the provisions of this code, the disclosure categories for the Designated Employees of LAFCO shall be those set forth in Appendix "B," attached hereto and incorporated by reference herein.
4. **Documents Comprising Conflict of Interest Code.** For purposes of the Act, the terms of Section 18730 of Title 2 of the California Code of Regulations and Appendices "A" and "B" shall together constitute the Conflict of Interest Code of LAFCO on and after the date of confirmation by the Napa County Board of Supervisors.
5. **Effective Date of Code.** This Conflict of Interest Code shall become effective when confirmed by the Napa County Board of Supervisors acting as the code reviewing body for LAFCO.
6. **Documents to be filed with the Board of Supervisors.** As the "Filing Officer" under this Code, the LAFCO Secretary shall file three certified copies of the Conflict of Interest Code, as approved/amended by the LAFCO Commission, with the Napa County Board of Supervisors as the code reviewing body for LAFCO.
7. **Time of Filing Statements of Economic Interests.** All persons who are required by this Conflict of Interest Code to file Statements of Economic Interests ("Statements" or "Form 700s"), shall file assuming office, leaving office, and annual Statements as required by Section 18730 of Title 2 of California Code of Regulations

8. Place of Filing. Designated employees shall file their Statements of Economic Interests with the LAFCO Secretary, who shall retain the original Statements in the LAFCO business office.

9. Public Inspection of Conflict of Interest Code and Statements. A copy of the Conflict of Interest Code and all filed Statements shall be maintained in the office of LAFCO and be available for public inspection and copying during regular business hours.

10. LAFCO Review of Adopted Code.

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

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

2. LAFCO has reviewed the Conflict of Interest Code and has determined that amendment is necessary to designate all positions which make or participate in the making of governmental decisions for LAFCO, or to update the disclosure categories assigned to require the disclosure of all investments, business positions, interests in real property and sources of income which may be affected materially by the designated positions, or to include other provisions required by Government Code section 87302. If the statement contains this report, LAFCO shall submit the amendment to the Napa County Board of Supervisors within 90 days of the report.

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

1. The creation of positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;

2. The reclassification, renaming, or deletion of previously designated positions;

3. The addition, deletion, or modification of statutorily-required provisions of this Conflict of Interest Code; or

4. The addition, deletion, or modification of the specific types of investments, business positions, interests in real property, and sources of income which are reportable unless such changes have been automatically incorporated into this Conflict of Interest Code as the result of inclusion of the changes into the model code by the Fair Political Practices Commission.

## APPENDIX "A"

**LIST OF DESIGNATED EMPLOYEES**

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

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

**DESIGNATED EMPLOYEE POSITIONS**

**Members of the LAFCO Commission** (including any persons serving as **Alternate Commission Members**)

**LAFCO Executive Officer**

**LAFCO Legal Counsel**

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

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

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

**APPENDIX “B”****DISCLOSURE CATEGORIES**

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

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

For this reason, all of the Designated Employees under this Conflict of Interest Code, other than contract consultants who are exempted from disclosure on a case-by-case basis pursuant to Appendix “A,” shall disclose the following financial interests:

- (i) All income including gifts, loans and travel payments as defined in Government Code Section 82030; and
- (ii) All investments as defined in Government Code Section 82034; and
- (iii) All interests in real property as defined in Government Code Section 82033; and
- (iv) All business positions as defined in 2 California Code of Regulations Section 18730(b)(7)(D) in business entities that may foreseeably be affected materially by the decisions made by LAFCO or any Designated Employee of LAFCO.

**CERTIFICATIONS**

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

Kathy Mabry,  
LAFCO Secretary

By Kathy Mabry

I hereby certify that the Conflict of Interest Code for the Local Agency Formation Commission of Napa County was approved and confirmed by the Napa County Board of Supervisors, as the code reviewing body for LAFCO by action of the Board of Supervisors on December 20, 2016, and recorded in the certified minutes of the Board of Supervisors for that date.

Clerk of the Napa County Board of Supervisors

By Gladys D. Cain





## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Disadvantaged Unincorporated Communities*

(Adopted: October 1, 2018)

#### **I. BACKGROUND**

An essential component of the state's Environmental Justice framework is to identify and engage disadvantaged and disproportionately impacted communities. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) includes provisions requiring the Commission to identify the location and characteristics of disadvantaged unincorporated communities (DUCs) and take specific actions relating to DUCs pursuant to Government Code (G.C.) §56375, §56425, and §56430. CKH broadly defines DUCs in G.C. §56033.5 and allows the Commission to determine an appropriate local definition of DUCs with consideration given to local conditions and circumstances.

#### **II. DEFINITION**

The Commission defines “disadvantaged unincorporated communities” as territory that meets all of the following:

- a) Substantially developed with primarily residential uses. For purposes of this policy, “substantially developed” is determined by the Commission by considering the factors set forth in subsection (b)(4) of Government Code §56375.3.
- b) Does not have reliable public water, sewer, or structural fire protection service available.
- c) Meets the definition of “inhabited territory”, meaning at least 12 registered voters (G.C. §56046).
- d) Has a median household income level of less than 80% of the statewide median household income based on available data provided by the United States Census Bureau American Community Survey. The Commission will rely on data for census places identified by the Census Bureau as disadvantaged communities (less than 80% of the state's median household income) and will annually review Census Bureau American Community Survey data to determine if local and/or statewide median household income levels have changed.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Establishing the Officers of the Commission*

(Adopted: August 9, 2001; Last Amended: June 6, 2022)

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization (“CKH”) Act of 2000 includes provisions specifying the composition of the Commission in [Chapter 2 \(commencing with Section 56325\)](#). In addition, these sections specify the procedures to select Commissioners, terms of office, and selection of the Chair of the Commission.

#### **II. Purpose**

It is the policy of the Commission to establish policies which provide for the smooth and consistent operations of Commission business. The selection of officers of the Commission is a regular occurrence and therefore should follow adopted policy.

#### **III. Officers of the Commission**

- A) The officers of LAFCO shall consist of a Chair, a Vice Chair, and a Clerk.
- B) The Chair and Vice Chair shall be appointed and serve terms in accordance with Section V “Appointment of Chair and Vice Chair.”
- C) The Executive Officer or the Executive Officer’s designee shall serve as the Clerk.

#### **IV. Duties of Officers**

- A) Duties of the Chair: The Chair shall preside at all meetings of the Commission and shall conduct the business of the Commission according to “Rosenberg’s Rules of Order.” The Chair shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the Commission.
- B) Duties of the Vice Chair: In the absence of the Chair, the Vice Chair shall assume all duties and responsibilities of the Chair's office.
- C) Duties of the Clerk: The Clerk shall call the roll, note approval of the minutes or corrections thereto, maintain record of testimony and action of the Commission on each item, and any other action deemed appropriate and necessary by the Commission to conduct its meetings and business.

## **V. Appointment of Chair and Vice Chair**

- A) Term of Office: Beginning in 2024, the terms of office of the Chair and Vice Chair shall be for one year, beginning on January 1.
- B) Rotation: The Chair and Vice Chair shall be appointed by the Commission according to the following annual rotational system, effective January 1, 2024, unless a temporary change is made pursuant to Section V(C):

<u>Chair Designations</u>	<u>Vice Chair Designations</u>
County Member II	Public Member
Public Member	City Member I
City Member I	County Member I
County Member I	City Member II
City Member II	County Member II

It shall be the responsibility of the Executive Officer to maintain a record of the seat designations and occupants, and to annually inform the Commission prior to the rotation.

- C) The Commission may create temporary changes to the rotation as part of an action item placed on a meeting agenda. If the Chair and Vice Chair offices are both vacant, and in the event the procedures set forth in Section VI “Vacancy,” below, are not feasible, the Executive Officer may call a meeting to order until the Chair and Vice Chair are appointed.

## **VI. Vacancy**

The offices of Chair and Vice Chair shall reside with the particular appointing authority assigned to a designated seat. In the event that a Commissioner serving as Chair or Vice Chair is no longer able to serve on the Commission for any reason, the remainder of that Commissioner’s term in office shall be fulfilled by the other Commissioner from the same appointing authority (for example, if the Commissioner designated as “City Member I” is removed from the office of Chair in January, the Commissioner designated “City Member II” shall serve as Chair through the day immediately prior to the first Monday in May), subject to the following:

- A) On January 1 of the following year, the established rotation set forth in Section V(B) “Rotation,” above, shall resume.
- B) Should the office of Chair or Vice Chair be vacated by the Public Member, the Commission shall appoint another Commissioner at its next meeting to fulfill the remainder of the officer’s unexpired term.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Executive Officer Performance Review*

(Adopted: April 11, 2001; Last Amended: April 5, 2021)

#### **I. Background**

Recognizing that the intent of the Cortese-Knox-Hertzberg Local Government Reorganization Act is that the Commission should function independent of any local agency, the policy of the Commission is that, pursuant to [California Government Code §56384](#), it shall appoint an Executive Officer who serves at-the-will of the Commission.

#### **II. Purpose**

The purpose of this policy is to provide clear and concise direction to the Commission regarding the timing and process for performance reviews of the Executive Officer.

#### **II. Procedures**

The Executive Officer shall be subject to regular performance review by the Commission in closed session. Alternate Commissioners may not participate in a closed session performance review of the Executive Officer unless they are filling in for an absent regular Commissioner. With respect to this performance review, the policy of the Commission is:

- A. The first performance review of the Executive Officer shall occur approximately six months following the date of hire. The second performance review shall occur approximately twelve months following the date of hire. Thereafter performance reviews shall occur annually.
- B. The process for these performance reviews shall be:
  - 1) At least three weeks prior to the meeting at which the review is to take place, the Executive Officer shall send to each Commissioner, including Alternate Commissioners, a letter of self-evaluation. The Executive Officer or Commission Counsel will provide a performance review form or survey following review by the Commission Chair.
  - 2) At least one week prior to the review, each Commissioner and Alternate Commissioner is strongly encouraged to send a completed form or survey to the Commission Chair or the Chair's designee who should be someone other than the Executive Officer.
  - 3) The Chair or Chair's designee shall tabulate and summarize the forms or surveys and present this information to the Commission and the Executive Officer during the performance review.

- C. At the completion of the performance review, the Commission will consider any appropriate action with respect to the compensation of the Executive Officer.
- D. The Commission or the Executive Officer may request the use of an outside facilitator to assist in the evaluation process. The Chair shall appoint the facilitator in consultation with the Executive Officer. Should the cost of the facilitator's services exceed the Executive Officer delegated purchasing authority, the cost will be subject to a vote of the Commission at either a regular or special meeting and the facilitator may not commence services until budget authority has been obtained.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Indemnification*

(Adopted: May 5, 2008; Last Amended: October 3, 2022)

#### **I. PURPOSE**

The purpose of this policy is to guide the Local Agency Formation Commission (LAFCO) of Napa County in the indemnification process when processing applications.

#### **II. PROCEDURES**

As part of any application, the applicant and the real party in interest shall agree to indemnify the Local Agency Formation Commission of Napa County (LAFCO) in the following circumstances:

- A change of organization or reorganization which shall include all actions listed under [California Government Code \(G.C.\) §56021](#)
- A request for a sphere of influence amendment under [G.C. §56425](#)
- A request for an outside service agreement under [G.C. §56133](#), [§56133.5](#), or [§56133.6](#)
- Other applications as deemed necessary by the Executive Officer or Commission Counsel

A real party in interest includes the landowner of the property subject to the application and/or registered voter.

LAFCO may additionally require an applicant and/or real party in interest to execute an additional indemnity agreement as a condition of approval for any application.

Commission Counsel shall prescribe the terms and conditions of the indemnification agreement that shall be part of the application or subsequent conditions of approval.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA

### *Legislative Policy*

(Adopted: December 4, 2017; Last Amended: April 4, 2022)

- 1) The Local Agency Formation Commission (LAFCO) of Napa County (“the Commission”) shall establish a standing committee to review proposed legislation (“Legislative Committee”). At the beginning of each two-year legislative session, the Commission shall appoint (or re-appoint) two members to the Legislative Committee, in addition to LAFCO’s Executive Officer. Meetings of the Legislative Committee must be noticed in accordance with the Ralph M. Brown Act.
- 2) The Legislative Committee shall, at least annually, review the California Association of LAFCOs’ legislative platform as well as the Commission’s adopted legislative platform if applicable and determine what action is needed in terms of adopting or amending a local legislative platform. The Legislative Committee shall present recommendations to the full Commission with respect to actions related to the local legislative platform.
- 3) The Legislative Committee shall, at least annually, review proposed legislation affecting LAFCO. The Executive Officer shall continue monitoring proposed legislation and present recommendations to the full Commission with respect to formal positions on proposed legislation.
- 4) In the event that proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer is authorized to submit written correspondence to the appropriate entity regarding the Commission’s position if the position is consistent with the adopted legislative platform of the Commission. The Chair, or the Vice-Chair if the Chair is unavailable, shall review and approve the written correspondence prior to it being submitted by the Executive Officer.
- 5) All submitted correspondence pursuant to this policy will be included on the next available Commission agenda.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Municipal Service Reviews*

(Adopted: November 3, 2008; Last Amended: June 6, 2022)

#### **I. BACKGROUND**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Commission to prepare municipal service reviews (MSRs) in conjunction with its mandate to review and update each city and special district's sphere of influence every five years, as necessary. The legislative intent of the MSR process is to inform the Commission with regard to the availability, capacity, and efficiency of governmental services provided within its jurisdiction prior to making sphere of influence determinations. The MSR provides LAFCO with a tool to comprehensively study existing and future public service needs and to evaluate options for accommodating growth, preserving agriculture, preventing urban sprawl, and ensuring critical services are efficiently and cost-effectively provided.

Napa County has been at the forefront of preserving agriculture. 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 P was passed by voters in 2008 and requires voter approval for any changes that would re-designate unincorporated agricultural and open-space lands.

#### **II. PURPOSE**

The purpose of this policy is to guide the Local Agency Formation Commission (LAFCO) of Napa County in scheduling, preparing, and adopting MSRs.

#### **III. OBJECTIVE**

The objective of the Commission in conducting MSRs is to evaluate governmental services necessary to support orderly growth and development in Napa County. Underlying this objective is the development and expansion of the Commission's knowledge and understanding of the current and planned provision of local governmental services in relationship to the present and future needs of the community. The Commission will use MSRs not only to inform subsequent sphere of influence (SOI) determinations, but also to identify opportunities for greater coordination and cooperation between service providers as well as possible government structure changes.

The MSR process requires LAFCO to make determinations regarding the provision of public services pursuant to [Government Code \(G.C.\) §56430](#) and empowers, but does not require, the Commission to initiate changes of organization based on MSR conclusions. However, the Commission, affected local agencies, and the public may subsequently use the determinations and related analysis to consider whether to pursue changes to service delivery, government organization, or SOIs.



#### **IV. SCHEDULING**

The Commission will adopt an annual Work Program during the fourth quarter of each fiscal year in conjunction with the budget process, which shall include a schedule for initiating and completing MSR's consistent with the Commission's obligation to review and update each city and special district's SOI, as necessary, and consistent with the Commission's adopted [Policy on SOIs](#). MSR's shall be completed for each city and each special district as defined in [G.C. §56036](#). When feasible, the Commission shall schedule MSR's in conjunction with general plan updates.

The Executive Officer may revise the adopted Work Program to add, modify, or eliminate scheduled MSR's to address changes in circumstances, priorities, and available resources. Revisions to the Work Program shall be presented at the next Commission meeting for information purposes.

At the discretion of the Executive Officer and in consultation with the Commission, each MSR will generally be prepared in four distinct phases:

- A. The first phase will involve the distribution of a request for information to be completed by the affected local agency and returned to LAFCO staff for review and analysis. Staff will compile this information in an administrative draft report, which will be made available to staff from each affected local agency for review and comment to identify any needed technical corrections.
- B. The second phase will be the release of a public draft report that includes technical corrections identified by the affected local agencies. Staff will present the public draft report for discussion purposes only at the next Commission meeting. The public draft report will be provided to the Commission and affected local agencies, and will be made available to the public for review and comment for a period of no less than 30 days.
- C. In the third phase, a final report that includes any new information or comments generated during the public review period will be presented to the Commission for formal action at a noticed public hearing.
- D. In the fourth phase, every effort should be made to disseminate the MSR beyond the affected agencies. Stakeholders and the general public should be made aware and have access to the information and recommendations included in the MSR.

#### **V. PREPARATION**

##### **A. Format**

The Commission may prepare MSR's using any of the following formats:

- 1) A countywide service-specific MSR will examine a governmental service or services across multiple local agencies on a countywide basis.
- 2) A region-specific MSR will examine governmental services provided by all local agencies that are entirely contained within a designated geographic area.
- 3) An agency-specific MSR will examine targeted governmental services provided by a specific local agency as described in Section V(C)(3) of this policy.

## B. Local Agency Participation

The Commission will encourage input from affected local agencies in designing MSRs to enhance the value of the process among stakeholders and capture unique local conditions and circumstances effecting service provision. This includes identifying appropriate performance measures as well as regional growth and service issues transcending political boundaries. The Commission will also seek input from the affected local agencies in determining final geographic area boundaries for region-specific MSRs. Factors the Commission may consider in determining final geographic area boundaries include, but are not limited to, SOIs, jurisdictional boundaries, urban growth boundaries, general plan designations, topography, and socio-economic communities of interest.

## C. Content

MSRs shall include:

- 1) Written determinations for each of the following factors enumerated under [G.C. §56430\(a\)](#):
  - a) Growth and population projections for the affected area.
  - b) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
  - c) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
  - d) Financial ability of agencies to provide services.
  - e) Status of, and opportunities for, shared facilities.
  - f) Accountability for community service needs, including governmental structure and operational efficiencies.
  - g) Any other matter related to effective or efficient service delivery, as required by commission policy.
  
- 2) An evaluation of the following matters related to effective or efficient service delivery pursuant to [G.C. §56430\(a\)\(7\)](#) if the Executive Officer, in consultation with the agencies being reviewed, determines the matter is relevant:
  - a) Agricultural Preserve and Measure P
  - b) Location and characteristics of existing outside service agreements
  - c) Joint powers agreements involving the direct provision of public services
  - d) Growth goals and policies of the land use authorities in Napa County
  - e) Climate change
  - f) Housing, including affordable housing and workforce housing
  - g) Transportation
  - h) Cumulative service impacts related to current and planned development

- 3) An evaluation of target governmental services, which may include, but are not limited to, water, wastewater, law enforcement, fire protection, emergency medical, streets, and parks. General governmental services such as courts, social services, human resources, tax collection, and administrative services will generally not be included in the MSR. LAFCO reserves the right to consider additional service classifications in each MSR.

## **VI. SPHERE OF INFLUENCE**

A completed MSR will be used to inform the review and, if appropriate, update of each affected agency's SOI consistent with [G.C. §56430\(a\)](#) as well as the Commission's adopted Work Program and [Policy on SOIs](#). The Commission and any affected local agencies are encouraged to discuss the need for SOI updates. The Commission may complete the MSR and any appropriate SOI actions at the same meeting or as part of separate meetings.

## **VII. ENVIRONMENTAL REVIEW**

MSRs are informational documents and generally exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to [California Code of Regulations §15306](#) because they are limited to basic data collection, research, and resource evaluation activities that do not result in a serious or major disturbance to any environmental resource. However, if an MSR is used to facilitate a significant governmental change such as formation of a new special district, it can be assumed the MSR would be subject to CEQA and may require the preparation of an environmental impact report. The Commission shall act in accordance with its adopted [Policy on CEQA](#).

## **VIII. ADOPTION**

The Commission will complete each scheduled MSR by formally receiving a final report and adopting a resolution codifying its written determinations as part of a public hearing. Each completed MSR will be provided to any affected local agencies and included on the Commission's website for public viewing.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Outside Service Agreements*

(Adopted: November 3, 2008; Last Amended: February 5, 2018)

#### **I. BACKGROUND**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 includes provisions requiring cities, towns, and special districts to request and receive written approval from the Commission before providing new or extended services by agreements outside their jurisdictional boundaries with limited exemptions pursuant to Government Code (G.C.) Sections 56133, 56133.5, and 56134.

The Commission may authorize a city, town, or special district to provide new or extended service outside its jurisdictional boundary, but within its sphere of influence, in anticipation of a subsequent change of organization, such as an annexation. The Commission may also authorize a city, town, or special district to provide new or extended service outside its jurisdictional boundary *and* sphere of influence (a) to address an existing or impending threat to public health or safety or (b) if the Commission makes the determinations set forth in Section V(A)(4) of this policy at a noticed public hearing.

#### **II. PURPOSE**

The purpose of these policies is to guide the Commission in reviewing city, town, and special district requests to provide new or extended services by agreement outside their jurisdictional boundaries. This includes making policy statements and establishing consistent procedures with respect to the form, review, and consideration of requests.

#### **III. OBJECTIVE**

The objective of the Commission in implementing these policies is to ensure the extension of services by cities, towns, and special districts outside their jurisdictional boundaries is logical and consistent with supporting orderly growth and development in Napa County, and to prevent the circumvention of the LAFCO process by providing services by contract instead of through the annexation of territory. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies.

From LAFCO's perspective, an Outside Service Agreement can:

- 1) Protect the public from threats to health and safety.
- 2) Impose restrictions that limit development to existing intensities.
- 3) Permit a city or town to plan for future development in an orderly manner through the use of traditional zoning or specific plans.
- 4) Discourage premature development of fringe properties.

#### **IV. DEFINITIONS**

The Commission shall incorporate the following definitions in administering this policy:

- A. “Services” shall mean any municipal service provided by a city, town, or special district unless otherwise exempted under G.C. Section 56133.
- B. “New” shall mean the extension of a service to previously unserved non-jurisdictional land.
- C. “Extended” shall mean the intensification of existing services.
- D. “Outside Service Agreement” shall mean an agreement contemplated by G.C. Sections 56133, 56133.5, or 56134.

#### **V. LOCAL CONSIDERATIONS**

##### **A. Consideration of New or Extended Services Outside a Jurisdictional Boundary and Outside the Sphere of Influence (G.C. Sections 56133(c) or 56133.5)**

When considering any proposed Outside Service Agreement pursuant to G.C. Section 56133(c) or the Pilot Program under G.C. Section 56133.5, the Commission will consider the following, which will be addressed in the Executive Officer’s written report:

- 1) The ability of the applicant to extend the subject service to the affected territory.
- 2) The application’s consistency with the policies and general plans of all affected local agencies.
- 3) The application’s effect on growth and development within and adjacent to the affected territory.
- 4) The documentation presented pursuant to G.C. Section 56133(c)(1), which must provide substantial evidence to support a finding by the Commission of an impending threat to the health or safety of the public or the residents of the affected territory.
- 5) The application’s potential impacts on prime agricultural or open space lands.
- 6) The application’s consistency with the Commission’s adopted municipal service review determinations and recommendations.
- 7) The application’s potential impacts with respect to supporting affordable or farmworker housing.

**B. Consideration of New or Extended Services Outside the Jurisdictional Boundary but within the Sphere of Influence in Anticipation of a Later Change of Organization (G.C. Section 56133(b))**

Annexations to cities, towns, and special districts involving territory located within the affected agency's sphere of influence are preferred to Outside Service Agreements. The Commission recognizes, however, that there may be instances when Outside Service Agreements involving territory within the affected agency's sphere of influence are appropriate given unique local circumstances.

When submitting an application under G.C. Section 56133(b), the city, town, or district must state with specificity the nature and timing of the anticipated later change of organization for the area affected by the potential Outside Service Agreement.

**C. Environmental Review**

The review of a proposed Outside Service Agreement will be subject to the review procedures defined in the California Environmental Quality Act (CEQA) and the Napa LAFCO CEQA Guidelines. Napa LAFCO will act as the Lead Agency under CEQA for its environmental review of any Outside Service Agreement request.

If an environmental assessment/analysis was prepared for the project associated with the service extension request (i.e. the County or agency's environmental analysis for a project) and LAFCO was 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 of an Outside Service Agreement.

A complete set of the 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 Executive Officer or the Commission.

**VI. FORM OF REQUEST**

The Commission encourages cities, towns, and special districts to coordinate with the Executive Officer prior to filing a request under G.C. Sections 56133 or 56134 in order to determine if the Pilot Program under G.C. Section 56133.5 or the exemptions under G.C. Section 56133(e) may apply.

Requests to authorize an Outside Service Agreement shall be filed with the Executive Officer by the affected city, town, or special district. Requests shall be made by resolution of application with a cover letter accompanying a completed application using the form provided in Attachment A. Requests shall identify any assurances that the Outside Service Agreement would not induce growth or result in the premature conversion of agricultural or open space lands to an urban use.

Requests shall include a check in the amount prescribed under the Commission's adopted fee schedule along with a copy of the proposed Outside Service Agreement. The application shall be signed by an authorized representative of the city, town, or special district.

## **VII. REVIEW OF REQUEST**

The Executive Officer shall review and determine within 30 days of receipt whether the request to authorize an Outside Service Agreement 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.

## **VIII. CONSIDERATION OF REQUEST**

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation.

In the case of a request involving an existing or impending public health or safety emergency, the Executive Officer will consult with the Chair regarding the request. If the Chair agrees that the request should be granted, then the Executive Officer may approve the request. The Commission shall ratify the approval at the next scheduled meeting. If the Chair does not agree, then the request will be presented at the Commission's next meeting.

For requests not involving an existing or impending public health or safety threat, 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 but no later than 90 days from the date the request is deemed complete.

The Commission may approve, approve with conditions, or deny the request for an Outside Service Agreement. The Commission's determination and any required findings will be set out in a resolution that specifies the property or area to be served, the services to be provided, and the authority of the agency to provide its services outside its boundaries.

If the request is approved, the Commission's approval shall expire within one year from approval unless a contract has been executed and the construction of any needed infrastructure improvements has commenced. A one-time extension may be requested by the applicant for a period of time that is necessary to complete the Commission's conditions. Time extension requests shall include a check in the amount prescribed under the Commission's adopted fee schedule.



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

**APPLICATION  
OUTSIDE SERVICE AGREEMENT**

**A. Applicant Information**

- 1) Agency Name: \_\_\_\_\_
- 2) Contact Person and Title: \_\_\_\_\_
- 3) Contact Information: \_\_\_\_\_  

Telephone _____	E-Mail _____
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- 4) Mailing Address: \_\_\_\_\_  

Address _____	City, State, Zip Code _____
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**B. Type of Outside Service Agreement**

- 1) New  Extended
- 2) Water  Sewer  Other: \_\_\_\_\_

**C. Location of Territory to be Served**  
(attach additional sheets if necessary)

- 1) Assessor Parcel Number: \_\_\_\_\_  
Size: \_\_\_\_\_ Current Use: \_\_\_\_\_
- 2) Assessor Parcel Number: \_\_\_\_\_  
Size: \_\_\_\_\_ Current Use: \_\_\_\_\_
- 3) Assessor Parcel Number: \_\_\_\_\_  
Size: \_\_\_\_\_ Current Use: \_\_\_\_\_



**D. Service Information**

- 1) Describe how the agency would provide the proposed new or extended service to the subject territory. Please identify any necessary infrastructure or facility improvements and associated funding requirements necessary to provide service to the subject territory.

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- 2) If the proposed new or extended service involves water or sewer, identify the anticipated demand in terms of use (i.e., gallons) associated with serving the subject territory.

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- 3) Does the agency have sufficient capacities to provide the proposed new or extended service to the subject territory without adversely effecting existing service levels?

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- 4) What services, if any, are currently provided to the subject territory?

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**E. Additional Information**

- 1) Identify the subject territory’s land use designation and zoning standard along with the minimum parcel density requirements.

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- 2) Are there any proposed or approved, but not yet built, development projects involving the subject territory?

Yes  No

If yes, describe the proposed projects or the approved permits/land use entitlements.

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- 3) The Commission’s action regarding this request by the agency to provide new or extended services outside its jurisdictional boundary is subject to the requirements of the California Environmental Quality Act (CEQA). Has the agency conducted any CEQA reviews for any projects associated with this application?

Yes  No

If yes, please provide copies of the environmental documentation, including the Notice of Exemption or Notice of Determination as well as proof of payment of applicable California Department of Fish & Game fees.

- 4) Is the subject territory located within the agency’s sphere of influence?

Yes  No

If no, please identify whether there is an existing or impending threat to public health and safety or to the residents in support of the application.

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## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Proposals*

(Adopted: August 9, 1972; Last Amended: December 5, 2022)

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) specifies the Local Agency Formation Commission (LAFCO) of Napa County's principal objectives are discouraging urban sprawl, preserving open space and agricultural resources, and encouraging the orderly formation and development of cities, towns, and special districts and their municipal services based on local conditions.<sup>1</sup> Regulatory duties include approving or disapproving proposals involving the formation, reorganization, expansion, and dissolution of cities, towns, and special districts. The Commission's regulatory actions must be consistent with its adopted written policies and procedures. The Commission must also inform its regulatory duties through a series of planning activities, which includes establishing and updating spheres of influence (SOIs).<sup>2</sup>

#### **II. Purpose**

The purpose of this policy is to guide the Commission in considering proposals for changes of organization as defined under [California Government Code \(G.C.\) §56021](#) and reorganizations as defined under [G.C. §56073](#).

#### **III. Objective**

It is the objective of the Commission to acknowledge and incorporate the policies of the Legislature regarding the promotion of orderly, well-planned development patterns that avoid the premature conversion of agricultural and open space lands and ensure effective, efficient, and economic provision of essential public services. The Commission reserves discretion in administering these policies to address special conditions and circumstances as needed.

#### **IV. Commission Declarations**

The Commission declares its intent not to permit the premature conversion of agricultural or open space lands to urban uses. The Commission shall adhere to the following policies in the pursuit of this intent, and all proposals shall be reviewed with these policies as guidelines.

##### A) Use of Municipal Service Reviews:

In evaluating a proposal, the Commission will use information contained within the most recently completed Municipal Service Review (MSR) for any affected agencies. The Commission retains discretion to determine if the most recent MSR is adequate for making decisions related to proposals.

<sup>1</sup> CKH is codified under [G.C. §56000](#) et seq.

<sup>2</sup> The Commission's *Policy on Spheres of Influence* is available online at: <https://www.napa.lafco.ca.gov>.

- B) Use of County General Plan Designations:  
 In evaluating a proposal, the Commission will give great weight to the Napa County General Plan to determine designated agricultural and open space lands. The Commission recognizes that inconsistencies may occur between the County General Plan and city or town general plans with respect to agricultural and open space designations. Notwithstanding these potential inconsistencies, the Commission will give great weight to the County General Plan in recognition of the public support expressed in both the incorporated and unincorporated areas of Napa County for the County's designated agricultural and open space lands through enactment of Measure P in 2008.<sup>3</sup>
- C) Recognition of the Napa County Agricultural Preserve:  
 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. The Commission will consider the Agricultural Preserve in the processing of proposals.
- D) Location of Urban Development:  
 The Commission will give great weight to urban growth boundaries and guide urban development away from agricultural or open space lands until such times as urban development becomes an overriding consideration as determined by the Commission. The Commission encourages urban development be located within areas designated for urban use in the County General Plan and in close proximity to a city, town, or special district that can provide any needed public services. Urban development should be discouraged if it is apparent that any needed public services necessary for the proposed development cannot readily be provided by a city, town, or special district.
- E) Timing of Urban Development:  
 The Commission discourages proposals involving the premature annexation of undeveloped or underdeveloped lands to cities, towns, and special districts that provide potable water, sewer, fire protection and emergency response, or police protection services. This policy does not apply to proposals in which the affected lands are subject to a specific development plan or agreement under consideration by a land use authority. This policy does not apply to city or town annexation proposals in which the affected lands are part of an unincorporated island.<sup>4</sup>
- F) Encouragement of Reorganizations:  
 The Commission encourages reorganization proposals when appropriate and feasible to facilitate boundary changes involving two or more local governmental agencies. The Commission recognizes the efficiency of reorganizations to simplify and expedite logical and orderly concurrent boundary changes.

<sup>3</sup> Measure P is an extension of Measure J, which was enacted in 1990 and requires voter approval for any changes that would re-designate unincorporated agricultural and open space lands.

<sup>4</sup> The Commission's *Policy on Unincorporated Islands* is available online at: <https://www.napa.lafco.ca.gov>.

- G) Factors for Evaluating Proposals Involving Agricultural or Open Space Lands:  
The Commission recognizes there are distinct and varying attributes and classifications associated with agricultural and open space designated lands. A proposal which includes agricultural or open space land shall be evaluated considering the following factors:
- (1) "Agricultural land", as defined by [G.C. §56016](#).
  - (2) "Prime agricultural land", as defined by [G.C. §56064](#).
  - (3) "Open space", as defined by [G.C. §56059](#).
  - (4) Land that is under contract to remain in agricultural or open space use, such as a Williamson Act Contract or Open Space Easement.
  - (5) Land with a County General Plan agricultural or open space designation (*Agricultural Resource* or *Agriculture, Watershed and Open Space*).
  - (6) The adopted general plan policies of the County and any affected city or town.
- H) Activating Latent Services and Deactivating Existing Services:  
Commission approval is required for a special district to establish new services (i.e., activate latent service powers that were not previously authorized) or divestiture of existing services (i.e., deactivate service powers that were previously authorized) within all or parts of its jurisdictional boundary. Requests by a special district shall be made by adoption of a resolution of application and include all the information required and referenced under [G.C. §56824.12](#).

## V. Policies Concerning Annexations

- A) General Policies Concerning All Annexations:
- (1) Inclusion in SOI:  
The affected territory shall be included, or the applicant has concurrently requested the affected territory be included, within the affected agency's SOI prior to issuance of the Executive Officer's certificate of filing for the subject annexation proposal. The Executive Officer may amend both an SOI amendment and annexation application for Commission consideration and action at the same meeting.
  - (2) Property Tax Exchange Agreement:  
A property tax exchange agreement between all affected agencies should be in place prior to submittal of an annexation proposal.

- (3) Inclusion of Public Rights-of-Way:  
When a proposal for annexation involves territory located adjacent to a public right-of-way, the proposal should also include the adjacent portion of right-of-way to facilitate logical and orderly boundaries for any affected agencies.
- (4) Boundary Modifications:  
The Commission encourages modifications to proposed annexation boundaries when appropriate and feasible in order to facilitate logical and orderly boundaries for any affected local agencies. During the preliminary consultation phase, staff will encourage applicants to contact landowners of nearby properties to solicit interest in joining the annexation.
- B) Policies Concerning Annexations to a City or Town:
- (1) General Plan Designation and Rezoning:  
The territory proposed for annexation shall be included in the city or town general plan and rezoned prior to submittal of an annexation proposal.
- (2) Urban Growth Boundaries:  
To the extent that a city or town maintains an urban growth boundary, the affected territory proposed for annexation should be included in the urban growth boundary prior to submittal of an annexation proposal. This does not apply to proposals consistent with [G.C. §56742](#).
- (3) Proposals Within Unincorporated Islands:  
When a proposal for annexation involves territory within an unincorporated island, staff will encourage the affected city or town to apply for the annexation of the entire island.
- C) Policies Concerning Annexation of Municipally-Owned Land:
- (1) Land Owned and Used by a City or Town Located Outside Their SOI:  
Land that is owned by a city or town, used by the city or town for a municipal purpose, and located outside their SOI may be annexed pursuant to [G.C. §56742](#).
- (2) Restricted Use Lands Owned by Public Agencies:  
The Commission discourages annexation of municipally-owned land designated agricultural or open space in the County General Plan or subject to a Williamson Act contract unless the land will be used for a municipal purpose and no suitable alternative site reasonably exists within the affected agency's SOI.
- (3) Municipal Purpose Defined:  
Municipal purpose means a public service facility, but does not include agricultural or open space land.

D) Concurrent Annexation Policies:

The Commission encourages concurrent annexations to cities, towns, and special districts whenever appropriate and feasible.

(1) City of Napa and Napa Sanitation District (NSD):

a) Annexations to NSD:

All annexation proposals to NSD involving territory located outside of the City should include annexation to the City if the affected territory is located within the City's SOI, is located within the City's Rural Urban Limit, and annexation is legally possible.

b) Annexations to the City:

All annexation proposals to the City involving territory located outside of NSD should annex to NSD if the affected territory is located within NSD's SOI and if service is available.

(2) City of American Canyon and American Canyon Fire Protection District (ACFPD):

a) Annexations to ACFPD:

All annexation proposals to ACFPD involving territory located outside of the City should annex to the City if the affected territory is located within the City's SOI, is located within the City's Urban Limit Line, and annexation is legally possible.

b) Annexations to the City:

All annexation proposals to the City involving territory located outside of ACFPD should annex to ACFPD if the affected territory is located within ACFPD's SOI and if service is available.

(3) County Service Area (CSA) No. 4:

a) Annexations to Cities or Towns:

All annexations to a city or town should include concurrent detachment from CSA No. 4 unless the affected territory has been, or is expected to be, developed to include planted vineyards totaling one acre or more.

**VI. Policies Concerning City or Town Incorporations**

A) The Commission discourages proposals to incorporate communities unless substantial evidence suggests the County and any affected special districts are not effectively meeting the needs of the community.

B) The Commission discourages proposals to incorporate communities involving land that is not already receiving essential public services from special districts.



## LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY

### *Policy on Records Retention and Destruction*

(Adopted: August 1, 2011; Last Amended: August 2, 2021)

#### I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, pursuant to [California Government Code \(G.C.\) §56382](#), directs the Commission to make arrangements for the retention and safekeeping of records relating to activities and actions tied to administering its regulatory and planning responsibilities. This includes preserving and protecting records for future public reference relating to the formation, expansion, and reorganization of cities and special districts and their municipal services.

Many other laws and standards apply to the management, retention, and destruction of Commissions records, including G.C. §58000 *et seq.* related to destruction of public agency records.

#### II. Purpose

The intent of this policy is to provide guidance to Commission staff regarding the management, retention, and, when authorized by the Executive Officer upon compliance with this Policy, destruction of agency records. Effective implementation of the policy will help to ensure accountable and accurate handling of agency records in a manner that provides for prompt retrieval while reducing storage requirements for inactive and outdated documents.

Benefits include:

- Reduce administrative expenses, expedite procedures
- Free filing cabinet and office space
- Reduce the cost of records storage
- Eliminate duplication of effort
- Find records faster
- Protection of records

#### III. Definitions

- A) **Computer Drives:** Computer drives, including network drives, USB drives, etc.; other than the Laserfiche repository.
- B) **Drafts:** Those records that are not retained for the purpose of preserving the informational content for future reference.<sup>1</sup>
- C) **Electronic Document Management System (EDMS):** the Commission has purchased Laserfiche software as one of multiple systems for the purpose of preserving selected final versions of Official Records in a manner that complies with the Trustworthy Electronic Records laws.

<sup>1</sup> 64 Ops. Cal. Atty. Gen. 317 (1981)



- D) **Non-Record:** Published books and pamphlets printed by outside agencies.
- E) **Official Records:** Final versions of records which are made or retained for the purpose of preserving the informational content for future reference or documents defined in the agency's business practices.<sup>2, 3</sup>
- F) **Records:** Any writing containing information relating to the conduct of the Commission's business that is prepared, owned, used, or retained, regardless of physical form or characteristics.<sup>4</sup>
- G) **Trustworthy Electronic Records:** Electronic records that can serve as the Official Records.<sup>5</sup>

#### IV. General Guidelines

- A) The Commission's Executive Officer shall be responsible for administering this policy to ensure the effective management, retention, and, as appropriate, destruction of records consistent with this policy and the attached Records Retention Schedule (Attachment A).
- B) The following general guidelines apply to all Commission records:
  - (1) **Copies, drafts, notes, or non-records** may be destroyed at any time without authorizations being obtained. This includes copies, drafts, notes, and non-records stored on computer drives.
  - (2) **Destruction of Official Records** that have exceeded their retention period (as provided for in the Records Retention Schedule (Attachment A)) shall be authorized according to policies and procedures prior to destroying them, using the "Authorization to Destroy Records" form (Attachment B), and obtaining all authorizations prior to the official record being destroyed.
  - (3) **Holds on Destruction:** Litigation, complaints, claims, public records act requests, audits, and/or investigations suspend normal retention periods, and records shall not be destroyed unless authorized by the Commission's attorney.
  - (4) **Repository for Trustworthy Electronic Records:** If an electronic record is to serve as the Commission's Official Record, it may be placed in the Laserfiche repository or the Commission's shared drive or the County of Napa's trustworthy record, and various legal requirements complied with. The record shall include all referenced attachments. All official records shall comply with Basic Legal Requirements.<sup>6</sup>

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<sup>2</sup> 64 Ops. Cal. Atty. Gen. 317 (1981)

<sup>3</sup> 2 CCR §22620.1 *et seq.*

<sup>4</sup> Government Code §6252 through §6257

<sup>5</sup> Government Code §56382, §12168.7, EVC §1550, 2 CCR §22620.1 *et seq.*

<sup>6</sup> Government Code §56382, §12168.7, EVC §1550, 2 CCR §22620.1 *et seq.*



ATTACHMENT A

LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY  
*Policy on Records Retention and Destruction (Last Amended: August 2, 2021)*

Records Retention Schedule

Record Type	Record Description (Non-Exclusive)	Retention: Original Record
<b>Administrative</b>		
Accounts Payable	invoices for purchase orders, reimbursements, services received	audited + 4 years
Accounts Receivable	invoices for applications, miscellaneous fees, services provided	audited + 4 years
Administrative Policies & Procedures	adopted guidelines, standards, requirements <sup>1</sup>	superseded + 4 years
Audits	independent analyses of year-end financial statements	Permanent
Budgets	annual revenue and expense ledgers, adjustments, transfers	Permanent
Consultant Contracts	information services provided by contracted third parties	completion + 7 years
General Correspondence	communication with public and local agencies, including e-mails	5 years
Oath of Office	commissioners' oaths of office taken at commencement of term	Permanent
Payroll	employee timesheets, leave balances, labor distribution reports <sup>2</sup>	audited + 7 years
Personnel Files	employee applications, performance reviews, leave forms <sup>3</sup>	separation + 6 years
Personnel Files – Medical Files	pre-employment physical clearances, etc.	separation + 30 years
Public Member Recruitment	notice of vacancy, applications, appointments	current + 10 years
Public Records Requests	written requests to inspect or copy agency documents	current + 2 years
Requests for Proposals	written solicitation for consultant services <sup>4</sup>	current + 5 years
Statements of Economic Interest	FPPC Form 700 - disclosure of income/gifts <sup>5</sup>	current + 7 years
Vendor Agreements and Leases	third party equipment/facility services	completion + 5 years
<b>Meetings</b>		
Affidavits	affirmations relating to postings and publications	2 years
Agendas & Agenda Packets	staff reports and related documents for calendared meeting items	Permanent
Audio/Video Recordings	auditory and visual recordings of regular and special meetings	2 years
Elections – Administration	correspondence, schedules, etc.	2 years
Elections – Historical	Sample ballot, final results	Permanent
Mailing Lists	landowner and/or registered voter rolls tied to public hearings	2 years
Minutes	summary of discussion/action for regular and special meetings	Permanent
Resolutions	records of adopted actions	Permanent
<b>Regulatory Records</b>		
Agency Maps	jurisdictional boundaries, spheres of influence, service areas	Permanent
Change of Organization Proposals	application, petition, staff report, certificates, etc. <sup>6</sup>	Permanent
Change of Reorganization Proposals	application, petition, staff report, certificates, etc. <sup>7</sup>	Permanent
Outside Service Requests	application, staff report, environmental document <sup>8</sup>	Permanent
Related Correspondence	communication with public and local agencies including e-mails	5 years
<b>Planning Records</b>		
Municipal Service Reviews <sup>9</sup>	written report and supporting documentation	Permanent
Other Studies	written report and supporting documentation	Permanent
Sphere of Influence Updates <sup>10</sup>	written report and supporting documentation	Permanent
Related Correspondence	communication with public and local agencies including e-mails	5 years

**Notes**

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<sup>1</sup> Records relating to administrative policies and procedures shall include documents that have been subsequently amended, superseded, or replaced.

<sup>2 / 3</sup> : Commission currently contracts with the County of Napa for staff support services. Accordingly, the County's Auditor's Office and Human Resources Department independently retain payroll and personnel records, respectively, pursuant to their own records retention schedules.

<sup>4</sup> : Records relating to requests for proposals include accepted and unaccepted bids, including proposal statements, bidder forms, data sheets, proof of insurance, and evaluation rankings.

<sup>5</sup> : Government Code §81009 specifies statements of economic interest must be maintained a minimum of seven years; original statements can be stored on space-saving materials after two years.

<sup>6 / 7 / 8</sup> : Records relating to change of organization proposals, change of reorganization proposals, and outside service requests include information generated or managed by LAFCO.

<sup>9 / 10</sup> : The contents of municipal service reviews and sphere of influence updates shall include written reports and resolutions making determinations with respect to Government Code §56430 and §56425, respectively.

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ATTACHMENT B

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

Department: LAFCO of Napa County

**AUTHORIZATION TO DESTROY PAPER RECORDS**

Records Description (All records from LAFCO office)	Agency
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	

I certify the above Records are approved for destruction on an on-going (day-forward) basis, provided they comply with written policies and procedures approved by the Commission:

\_\_\_\_\_  
LAFCO Secretary/Clerk

\_\_\_\_\_  
Date

**CHECK ONE OPTION FOR DESTRUCTION:**

Shredding is required (Records contain private information) or  Recycle (Records do NOT contain private info.)

**THE PAPER VERSION OF THE ABOVE RECORDS ARE APPROVED FOR DESTRUCTION:**

\_\_\_\_\_  
LAFCO Executive Officer

\_\_\_\_\_  
Date

-----  
*(Complete after destruction has been performed, if done by employees).*

**I HEREBY CERTIFY** that the items listed above have been destroyed in accordance with policies and procedures:

\_\_\_\_\_  
LAFCO Secretary/Clerk

\_\_\_\_\_  
Date



## Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

### Schedule of Fees and Deposits

Effective Date: January 1, 2023

These are the policies of the Local Agency Formation Commission (LAFCO) of Napa County with respect to setting fees and deposits in fulfilling LAFCO's regulatory and planning duties prescribed under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

1. This schedule shall be administered in accordance with the provisions of [Government Code \(G.C.\) Section 56383](#).
2. This schedule includes both "fixed" and "at-cost" fees. Fixed fees represent reasonable cost estimates for processing routine proposals and based on a number of predetermined staff hours. At-cost fees apply to less routine proposals and based on the number of actual staff hours. Staff time is charged at a fully burdened hourly rate of \$170.
3. Proposals submitted to the Commission shall be accompanied by the appropriate proposal fees as detailed in this schedule. Staff shall identify which fees are due at the time the proposal is submitted and the timing when other fees are required. Any required proposal fees that have not been received at the time of Commission action on a proposal shall be made a condition of proposal approval.
4. Staff may stop work on any proposal until the applicant submits a requested deposit or fee.
5. All deposit amounts for at-cost proposals shall be determined by the Executive Officer. The Executive Officer shall provide a written accounting of all staff time and related expenses billed against the deposit. If the cost in processing a proposal begins to approach or exceed the deposited amount, the Executive Officer shall request additional monies from the applicant.
6. Upon completion of an at-cost proposal, staff shall issue to the applicant a statement detailing all billable expenditures from a deposit. Staff shall refund the applicant for any monies remaining from the deposit less one-half hour of staff time to process the return as provided in this schedule.
7. All fees payable to the Commission shall be submitted by check and made payable to "LAFCO of Napa County."
8. In the course of processing proposals, staff is required to collect fees on behalf of other agencies such as the State Board of Equalization. The Commission recognizes these are "pass through" fees that are not within the Commission's discretion and therefore no Commission action is required to make changes to those fees in this schedule.

9. Applicants are responsible for any fees or charges incurred by the Commission and/or required by other governmental agencies in the course of the processing of a proposal.
10. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.
11. Proposal fees shall not be charged by the Commission for city annexation proposals involving one or more entire unincorporated islands subject to [G.C. Section 56375.3](#) and the Commission's [Policy on Unincorporated Islands](#), unless otherwise determined by the Executive Officer based on extraordinary circumstances.
12. If the processing of a proposal requires the Commission contract with another agency firm, or individual for services beyond the normal scope of staff work, such as the drafting of an Environmental Impact Report or Comprehensive Fiscal Analysis, the applicant shall be responsible for all costs associated with that contract. The applicant will provide the Commission with a deposit sufficient to cover the cost of the contract.
13. With respect to instances where the Commission approves an outside service agreement under [G.C. Section 56133](#), the fee for a subsequent annexation involving the affected territory and affected agency will be reduced by one-half if filed within one calendar year.
14. Requests for research on any particular subject will be provided at no cost for the first two hours. This includes, but is not limited to, archival retrieval, identifying properties relative to agency boundaries, and discussing potential proposals. Any additional research time will be billed at the fully burdened hourly rate provided in this schedule.
15. Annexation or detachment proposals involving boundary changes for two or more agencies qualify as reorganizations and will be charged an additional fee of \$850 (five hours). Annexation proposals involving cities that require concurrent detachment from County Service Area No. 4 and no other boundary changes will only incur an additional fee of \$170 (one hour).
16. The Commission shall annually review this schedule and update the fully burdened hourly rate to help maintain an appropriate level of cost-recovery.

**INITIAL PROPOSAL FEES**

The following fees must be submitted to the Commission as part of the proposal filing. The Executive Officer will identify the specific deposits, fees, and amounts that apply to the proposal.

**Change of Organization or Reorganization: Annexations and Detachments**

<b>• Proposals Exempt from California Environmental Quality Act</b>	
100% Consent from Landowners and Agencies where the Commission is Responsible or Lead Agency	\$5,100 (30 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Responsible or Lead Agency	\$6,800 (40 hours)
<b>• Proposals Not Exempt from California Environmental Quality Act / Negative Declaration</b>	
100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$5,950 (35 hours)
100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$8,500 (50 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$7,650 (45 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$10,200 (60 hours)
<b>• Proposals Not Exempt from California Environmental Quality / Environmental Impact Report</b>	
100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$6,800 (40 hours)
100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$8,500 (50 hours) plus consultant contract
Without 100% Consent from Landowners and Agencies where the Commission is Responsible Agency	\$8,500 (50 hours)
Without 100% Consent from Landowners and Agencies where the Commission is Lead Agency	\$10,200 (60 hours) plus consultant contract

**Change of Organization or Reorganization: Other**

• City Incorporations and Disincorporations	at-cost
• Special District Formations, Consolidations, Mergers and Dissolutions	at-cost
• Special District Requests to Activate or Deactivate Powers	at-cost

**Other Service Requests**

• New or Extended Outside Service Request	\$3,400 (20 hours)
• Request for Reconsideration	\$3,400 (20 hours)
• Request for Time Extension to Complete Proceedings	\$850 (5 hours)
• Municipal Service Reviews	at-cost
• Sphere of Influence Establishment/Amendment	at-cost

<b>Miscellaneous</b>	
• Special Meeting	\$1,200
• Alternate Legal Counsel	at-cost

**OTHER PROPOSAL FEES**

These fees generally apply to proposals that have been approved by the Commission and are not required at the time of filing. An exception involves the fee for registered voter lists, which may be required before the Commission takes action on an application if the underlying activity is subject to protest proceedings. Other fees in this section apply to service requests that are not tied to a specific proposal, such as research and photocopying.

<b>Fees Made Payable to the County of Napa</b>	
• Assessor’s Annexation Mapping Fee	\$162
• Ownership Verification Fee (Landowner Proposals)	\$13
• Signature Verification Fee (Registered Voter Proposals)	\$13
• County Surveyor’s Review Fee	\$253.09
• Elections’ Registered Voter List Fee	\$75 hourly
• Clerk-Recorder’s Environmental Filing Fee	\$50
• Clerk-Recorder’s Environmental Document Fee	
.....Environmental Impact Report	\$3,839.25
.....Mitigated Negative Declaration	\$2,764.00
.....Negative Declaration	\$2,764.00

<b>Fees Made Payable to LAFCO</b>	
• Geographic Information System Update	\$170
• Public Hearing Notice Newspaper Publishing	at-cost
• Photocopying	\$0.10 (black) / \$0.40 (color)
• Mailing	at-cost
• Audio Recording of Meeting	at-cost
• Research/Archive Retrieval	\$170 hourly

<b>Fees Made Payable to the State Board of Equalization to Record Boundary Changes</b>			
Acre	Fee	Acre	Fee
0.00-0.99	\$300	51.00-100.99	\$1,500
1.00-5.99	\$350	101.00-500.99	\$2,000
6.00-10.99	\$500	501.00-1,000.99	\$2,500
11.00-20.99	\$800	1,001.00-2,000.99	\$3,000
21.00-50.99	\$1,200	2,001.00+	\$3,500





## LOCAL AGENCY FORMATION COMMISSION OF NAPA

### *Policy on Scheduling of Commission Meetings*

(Adopted: June 14, 2001; Last Amended: August 1, 2022)

#### **I. BACKGROUND**

Meetings of the Local Agency Formation Commission (LAFCO) of Napa County will be noticed and conducted in accordance with the Ralph M. Brown Act, [California Government Code \(G.C.\) §54950 et seq.](#) In response to [G.C. §54954](#), this policy establishes the time and place for regular meetings and additionally establishes how a special meeting may be scheduled.

#### **II. PROCEDURES**

##### **A. Regular Meetings**

- 1) The regular meeting day of the Commission is the first Monday of each even-number month (February, April, June, August, October, and December) at 2:00 PM. The location will be the County of Napa Board of Supervisors Chambers located at 1195 Third Street, Third Floor, Napa, California 94559.
- 2) The Chair may cancel a regular meeting if he or she determines the Commission cannot achieve a quorum or there is a lack of business. Regular meetings may also be canceled with the consent of a majority of the regular members of the Commission. For the purpose of this policy, a majority includes at least one member representing the cities and one member representing the county.

##### **B. Special Meetings**

- 1) Special meetings may be scheduled in accordance with the Ralph M. Brown Act which at the time of the adoption of this policy allows the Commission Chair to schedule special meetings as needed. The Chair shall consult with the Executive Officer in scheduling special meetings to ensure a quorum is available at a specified place and time.
- 2) Requests from outside parties for special meetings must be made in writing and submitted to the Executive Officer. If approved and scheduled by the Chair, the affected outside party requesting the special meeting will be responsible for any related charges pursuant to the Commission's *Schedule of Fees and Deposits*.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Social Media Use*

(Adopted: October 3, 2011; Last Amended: April 5, 2021)

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization (“CKH”) Act of 2000, pursuant to [California Government Code §56300](#), directs the Commission to exercise its regulatory and planning responsibilities consistent with its written policies and procedures. The Commission is also directed under subsection (f) to maintain an internet website to ensure pertinent agency information is readily available to the public; a provision intended to improve engagement with the public. Further, subsequent to CKH’s enactment in January 1, 2001, advances in internet-based programs have significantly expanded the type and scope of social media tools available in engaging the public. Several social media tools are now commonly used by public agencies to promote government information and services to a continually increasing audience.

#### **II. Purpose**

The purpose of this policy is to provide clear and concise direction to Commission staff regarding the appropriate use of authorized social media sites in disseminating information to, and engaging with, the public. This includes establishing standards and protocols in managing authorized social media sites to help ensure appropriate decorum is maintained in communicating with the public.

#### **III. Policy Statement**

The Commission shall use authorized social media sites to maintain and enhance effective communication with local agencies and the public. This policy shall be reviewed periodically to ensure consistency with industry practices.

#### **IV. Administration**

- A) The Executive Officer shall be responsible for maintaining user accounts and passwords for all social media sites authorized by the Commission for use by staff. The Executive Officer or designee will be responsible for posting, monitoring, and removing content consistent with this policy.
- B) This policy shall be implemented in conjunction with all related administrative policies adopted by the Commission or as applicable through the Commission’s contract with the County of Napa for staff support services. This includes, but is not limited to, complying with the County’s policies concerning the use of computers pursuant to [County Policy Manual Section 31A](#).

- C) The Commission shall exercise discretion in reconciling inconsistencies or conflicts between Commission and County policies as it relates to the use of social media sites.

#### **V. Compatibility with Website**

- A) The Commission's website (<https://www.napa.lafco.ca.gov>) shall continue to serve as the agency's primary and predominant internet presence. Towards this end, whenever possible, content posted on the Commission's social media sites will also be made available on the agency website.
- B) Content published by staff on the Commission's social media sites shall not be offered in lieu of information on the agency's website. The Commission's social media sites shall all contain hyperlinks to the agency's website.

#### **VI. Posts**

- A) Posts published by staff on the Commission's social media sites are not kept in the ordinary course of business of the Commission.
- B) Posts published by visitors on the Commission's social media sites are deemed transitory in nature and are not considered records of the Commission.

#### **VII. Disclaimer Notice**

- A) The Commission's social media sites shall include a disclaimer notice informing visitors that all postings must comply with content standards as they are outlined in Section VIII, Subsection C of this policy. This includes advising visitors that the Commission disclaims responsibility and liability for any materials the agency deems inappropriate for posting that cannot be removed in an expeditious and otherwise timely manner.

#### **VIII. General Content Standards**

- A) The Executive Officer or designee shall regularly monitor the Commission's social media sites to ensure content standards as established in this policy are maintained.
- B) The Commission's social media sites shall notify visitors that the intended purposes of the sites are to facilitate communication between the Commission and the public. Sites must provide clear statements of the discussion topics introduced for public comments so that the public is aware of the limited nature of the discussion and that inappropriate posts are subject to removal.

- C) The Executive Officer or designee shall remove any postings, comments, or other communications on its social media sites that are deemed inappropriate if any of the following forms of content are present:
- (1) Profane language or content;
  - (2) Content promoting, fostering, or perpetuating discrimination of protected classes under California Government Code §12940;
  - (3) Sexual content or hyperlinks to sexual content;
  - (4) Comments in support of or opposition to political campaigns or ballot measures;
  - (5) Solicitations of commerce;
  - (6) Conduct or encouragement of illegal activity;
  - (7) Information that may compromise the safety or security of the public or public infrastructure; and
  - (8) Content violating a legal ownership interest of any other party.

#### **IX. Authorized Social Media Sites**

- A) The social media sites authorized by the Commission for use by staff are identified by their short-term designation below and corresponding address.
- (1) Facebook / <http://www.facebook.com>
  - (2) Twitter / <http://www.twitter.com>

#### **X. Specific Standards and Protocols for Authorized Social Media Sites**

##### A) Facebook

- (1) The Executive Officer shall hold and maintain the Commission's Facebook account. Account information, including the password, will be kept by the Executive Officer and registered to his or her work e-mail address.
- (2) The Commission will have only one Facebook account, but may have more than one Facebook page under that account.
- (3) Postings and comments will not be added to the Commission's Facebook page(s) without the approval of the Executive Officer or designee.
- (4) The Commission's Facebook page(s) will be described as "government" and depict the agency's adopted logo and mission statement in the introduction box. The following description will be included on each Facebook page:

"This is an official Facebook page of LAFCO of Napa County. More information about LAFCO is available on our agency's website, <https://www.napa.lafco.ca.gov>. This page is intended to facilitate broad and enhanced communication between LAFCO and the public."

- (5) The Executive Officer will determine when to turn on the comment option on the Facebook page(s). If comments are allowed, the Facebook page shall include the following disclaimer on content:

“Comments posted to this page will be monitored, and inappropriate content will be removed, as soon as possible consistent with the agency’s Policy on Social Media Use available on LAFCO’s website at: [https://www.napa.lafco.ca.gov/uploads/documents/Policy\\_SocialMediaUse\\_4-5-21.pdf](https://www.napa.lafco.ca.gov/uploads/documents/Policy_SocialMediaUse_4-5-21.pdf). LAFCO disclaims responsibility and liability for any inappropriate postings that cannot be removed in an expeditious and otherwise timely manner.”

- (6) The Executive Officer or designee shall monitor comments on the Facebook page(s) no less than once a week. If monitoring is not available, the Executive Officer or designee shall turn off the comment option.
- (7) The Executive Officer or designee may add photographs or videos to the Facebook page(s). However, all postings of photographs or videos of the public must be accompanied by written waivers of the affected individuals.
- (8) Visitors to the Facebook page(s) shall not be allowed to post photographs, videos, or hyperlinks. Notification will be provided through a disclaimer.

#### B) Twitter

- (1) The Executive Officer shall hold and maintain the Commission’s Twitter account. Account information, including the password, will be kept by the Executive Officer and registered to his or her work e-mail address.
- (2) The Commission will have only one Twitter account.
- (3) Postings and retweets will not be added to the Commission’s Twitter page without the approval of the Executive Officer or designee.
- (4) The Commission’s biography summary on its Twitter page will include a hyperlink to the agency’s website along with the following disclaimer:

“This is an official Twitter page of LAFCO of Napa County. More information about LAFCO is available on our agency’s website, <https://www.napa.lafco.ca.gov>. This page is intended to facilitate specific and enhanced communication between LAFCO and the public.”

- (5) Postings and retweets shall be relevant, timely, and informative. Postings shall also remain professional and incorporate proper grammar and avoid the use of jargon or abbreviations.



## 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](http://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.

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

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- 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

### *Policy on Telecommuting*

(Adopted: July 8, 1997; Last Amended: November 18, 2019)

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act of 2000 is the enabling legislation for LAFCO. The Act includes the legislative intent, powers and composition of the Commission. LAFCO is established as an independent agency although the Commission is comprised of local government representatives. Each LAFCO has the authority to establish standards and policies to reflect local conditions. In order to carry out its legislative mandate, the Commission has the authority to appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission ([Government Code \(G.C.\) §56375\(k\)](#)).

#### **II. Purpose**

LAFCO considers telecommuting to be a viable work option that, when appropriately applied, benefits both the organization and the individual employee. Various studies confirm that telecommuting is cost effective and has a positive environmental impact ([Forbes, July 20, 2017](#)). It is the intent of the Commission to adopt a policy which allows staff to telecommute at the discretion of the Executive Officer.

Telecommuting is defined as allowing designated employees, on a periodic basis and during their scheduled work hours, to fulfill their job responsibilities at a site other than their primary work location. Telecommuting can both accommodate the needs of employees and benefit the community by reducing distractions, interruptions, stress, traffic, greenhouse gas emissions, and parking impacts.

#### **III. Guidelines and Principles**

Telecommuting is a cooperative arrangement between the supervisor and employee, not an entitlement, and is based upon the needs of the job as well as the employee's past and present levels of performance. Jobs suitable for telecommuting are characterized by clearly defined tasks and work products. Telecommuting is a tool allowing for flexibility in work options. Telecommuting does not change the basic terms and conditions of employment with LAFCO. Each telecommuting arrangement is jointly agreed between the employee and Executive Officer. Telecommuting is voluntary and may be terminated, at will, at any time either by the Executive Officer or the employee.

#### **IV. Ground Rules**

Telecommuting occurs on a part-time basis. Salary, job responsibilities, and benefits do not change as a result of telecommuting. Telecommuters shall have regularly scheduled work hours agreed upon with the Executive Officer. Telecommuters will be as accessible as their on-site counterparts during their agreed upon regular business hours, regardless of work location. Telecommuters will exercise caution to ensure they have a safe work area. Telecommuters working at home will take all precautions necessary to secure privileged information in the home and prevent unauthorized access to the LAFCO shared drive from the home. Telecommuting expenses related to equipment will be dealt with on a case-by-case basis between the employee and the Executive Officer. Telecommuters shall comply with all established employment rules and regulations as set forth by the [County of Napa](#).



## LOCAL AGENCY FORMATION COMMISSION OF NAPA

### *Policy on Unincorporated Islands*

(Adopted: February 3, 2020)

#### **I. Background**

Unincorporated islands (hereinafter “islands”) are areas of unincorporated territory that are completely or substantially surrounded by an incorporated city or town. The Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act of 2000 includes provisions for streamlining the annexation of islands to cities and towns ([California Government Code \(G.C.\) §56375.3](#)). CKH prohibits creation of new islands unless the Commission determines the prohibition would be detrimental to the orderly development of the community and that the area is located such that it could not reasonably be annexed to another city or town, or incorporated as a new city or town ([G.C. §56744](#)). As a condition of annexation to a city or town that includes territory located within an island, the Commission may require that the annexation include the *entire* island ([G.C. §56375\(a\)\(5\)](#)).

#### **II. Purpose**

It is the intent of the Commission to establish a policy that clearly defines the characteristics of islands in Napa County to allow for their streamlined annexation to cities and towns. This is consistent with the intent of the California Legislature when it enacted special legislation, originally adopted in 1977 and subsequently expanded, that made it possible for certain islands to be annexed *without* a protest hearing or election. In approving this legislation, the Legislature recognized the following:

- A) Islands continue to represent a serious and unnecessary statewide governmental inefficiency and that this inefficiency would be resolved if these islands were annexed into the appropriate surrounding city or town.
- B) Property owners’ ability to vote on boundary changes is a statutory privilege and not a constitutional right.
- C) Islands are inherently inefficient and that these inefficiencies affect not just residents within islands, but also those residing throughout the city or town and the county.

#### **III. Annexation Procedures**

In order to utilize the streamlined annexation provisions codified under [G.C. §56375.3](#), a city or town is required to initiate the process by adopting a resolution of application and submit the adopted resolution to the Commission. The Commission shall approve the annexation at a noticed public hearing and waive protest proceedings. The Commission may not disapprove the annexation. A property tax sharing agreement between the County and the affected city or town is required before the Commission may take final action on annexation consistent with [Revenue and Taxation Code §99](#). The Commission encourages any city or town to enter into tax sharing agreements for affected islands prior to adoption of a resolution of application.

#### **IV. Local Policy Definition of “Island”**

The Commission defines an “island” in Napa County to include unincorporated territory that meets all of the following criteria:

- A) Located entirely within a city or town’s sphere of influence;
- B) Does not exceed 150 acres in size;
- C) Does not contain prime agricultural land as defined in the Cortese-Knox-Hertzberg Act ([G.C. §56064](#));
- D) Does not contain lands subject to Measure P or has a General Plan designation of Agricultural Resource or Agriculture, Watershed and Open Space as reflected in the County of Napa General Plan Land Use Map;
- E) Designated for urban development in the general plan of the annexing city or town;
- F) Surrounded or substantially surrounded by the annexing city or town. Substantially surrounded territory is unincorporated territory with an outer boundary that is 50% or more contiguous to the annexing city or town’s jurisdictional boundary;
- G) The outer boundary is the annexing city or town’s jurisdictional boundary, the annexing city or town’s sphere of influence, and/or property owned by the State of California;
- H) The territory is developed or developing. This determination is based on the availability of public utilities, the presence of public improvements, or the presence of physical improvements on the parcels within the area; and
- I) The territory is currently receiving municipal service benefits from the annexing city or town, or would benefit from the city or town following annexation.