



VENTURA LOCAL AGENCY FORMATION COMMISSION  
**AGENDA**

Wednesday, September 20, 2017

9:00 A.M.

Hall of Administration, Board of Supervisors Hearing Room  
800 S. Victoria Avenue, Ventura CA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Agenda Review  
Consider and approve, by majority vote, minor revisions to Commission items and/or attachments and any item added to, or removed/continued from the LAFCo agenda and changes to the order of business to accommodate a special circumstance.
5. Commission Presentations and Announcements
6. Public Comments  
This is an opportunity for members of the public to speak to the Commission on any subject matter within the Commission’s jurisdiction, but not an item on today’s agenda. Each speaker’s presentation may not exceed 5 minutes.

Please note that for an item on today’s agenda, speakers should fill out a speaker card and address the commission when the agenda item is discussed and their name is called.

**CONSENT ITEMS**

7. Minutes of the Ventura LAFCo July 19, 2017, Meeting
8. Budget to Actual Reports: July and August 2017  
RECOMMENDED ACTION: Approval of Item 7 and Receive and File Item 8

COMMISSIONERS AND STAFF

COUNTY:	CITY:	DISTRICT:	PUBLIC:
Linda Parks, Vice Chair	Janice Parvin	Elaine Freeman, Chair	David J. Ross
John Zaragoza	Carmen Ramirez	Mary Anne Rooney	
<i>Alternate:</i>	<i>Alternate:</i>	<i>Alternate:</i>	<i>Alternate:</i>
Steve Bennett	Claudia Bill-de la Peña	Andy Waters	Pat Richards
<b>Executive Officer</b>	<b>Analyst</b>	<b>Office Manager/Clerk</b>	<b>Legal Counsel</b>
Kai Luoma, AICP	Andrea Ozdy	Richelle Beltran	Michael Walker

## **ACTION ITEMS**

9. Responsibilities of the Commission and the Applicant During the LAFCo Process  
Receive and file a presentation from LAFCo Legal Counsel regarding the responsibilities of the Commission and the applicant during the LAFCo process.  
RECOMMENDED ACTION: Receive and File
  
10. LAFCo 16-07 City of Ventura Reorganization – Northbank  
Determine if Condition No. 9 of LAFCo Resolution 16-07, adopted by the Commission on April 19, 2017, that the City has an adequate and available long-term water supply has been satisfied.  
CONTINUED FROM JULY 19, 2017, ITEM 9  
RECOMMENDED ACTION: Provide Direction as appropriate
  
11. Amendments to Commissioner’s Handbook Division 3 – Changes of Organization and Reorganization, and Division 4 – Spheres of Influence  
Adoption of a resolution adding Section 3.2.4.5 to Division 3 and Section 4.2.3 to Division 4, regarding military compatibility, to the Commissioner’s Handbook.  
RECOMMENDED ACTION: Approval
  
12. Attendance of Alternate Commissioners at Closed Session  
Determine whether the alternate commissioners have an essential role to play in the closed session described in item 14 and thus may attend the closed session.  
RECOMMENDED ACTION: Provide Direction as appropriate
  
13. Compensation of the Executive Officer  
Consideration of granting a merit increase for the LAFCo Executive Officer.  
MATERIALS WILL BE AVAILABLE AT THE MEETING

## **CLOSED SESSION**

14. Pursuant to Government Code Section 54957, the Ventura Local Agency Formation  
Commission will meet in closed session to consider the following item:  
Public Employee Performance Evaluation – Title: LAFCo Executive Officer

INFORMATIONAL ITEMS

Application Received:

17-08 Ventura County Fire Protection District Annexation – City of Santa Paula

EXECUTIVE OFFICER'S REPORT

The next LAFCo meeting will be held on October 18, 2017

COMMISSIONERS' COMMENTS

ADJOURNMENT

WEB ACCESS:

LAFCo Agendas, Staff Reports and Adopted Minutes can be found at: [www.ventura.lafco.ca.gov](http://www.ventura.lafco.ca.gov)

**Written Materials** – Written materials relating to items on this Agenda that are distributed to the Ventura Local Agency Formation Commission within 72 hours before they are scheduled to be considered will be made available for public inspection at the LAFCo office, 800 S. Victoria Avenue, Administration Building, 4<sup>th</sup> Floor, Ventura, CA 93009-1850, during normal business hours. Such written materials will also be made available on the Ventura LAFCo website at [www.ventura.lafco.ca.gov](http://www.ventura.lafco.ca.gov), subject to staff's ability to post the documents before the meeting.

**Public Presentations** – Except for applicants, public presentations may not exceed five (5) minutes unless otherwise increased or decreased by the Chair, with the concurrence of the Commission. Any comments in excess of this limit should be submitted in writing at least 10 days in advance of the meeting date to allow for distribution to, and full consideration by, the Commission. Members of the public who wish to make audio-visual presentations must provide and set up their own hardware and software. Set up of equipment must be complete before the meeting is called to order. All audio-visual presentations must comply with the applicable time limit for oral presentations and thus should be planned with flexibility to adjust to any changes to the time limit established by the Chair. For more information about these policies, please contact the LAFCo office.

**Quorum and Voting** – The By-Laws for the Ventura LAFCo Commissioner's Handbook provide as follows:  
**1.1.6.1 Quorum:** Four (4) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.  
**1.1.6.2 Voting:** Unless otherwise provided by law or these By-Laws, four affirmative votes are required to approve any proposal or other action. A tie vote, or any failure to act by at least four (4) affirmative votes, shall constitute a denial.

**Americans with Disabilities Act** – In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the LAFCo office (805) 654-2576. Notification 48 hours prior to the meeting will enable LAFCo to make reasonable arrangements to ensure accessibility to this meeting.

**Disclosure of Campaign Contributions** – LAFCo Commissioners are disqualified and are not able to participate in any proceeding involving an "entitlement for use" if, within the 12 months preceding the LAFCo decision, the Commissioner received more than \$250 in campaign contributions from the applicant, an agent of the applicant, or any financially interested person who actively supports or opposes the LAFCo decision on the matter. Applicants or agents of applicants who have made campaign contributions totaling more than \$250 to any LAFCo Commissioner in the past 12 months are required to disclose that fact for the official record of the proceeding.

Disclosures must include the amount of the contribution and the recipient Commissioner and may be made either in writing to the Clerk of the Commission prior to the hearing or by an oral declaration at the time of the hearing.

The foregoing requirements are set forth in the Political Reform Act of 1974, specifically Government Code Section 84308.





**VENTURA LOCAL AGENCY FORMATION COMMISSION**  
**MEETING MINUTES**  
 Wednesday, July 19, 2017  
 Hall of Administration, Board of Supervisors Hearing Room  
 800 S. Victoria Avenue, Ventura CA

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1. Call to Order  
 Chair Freeman called the meeting to order at 9:01 a.m.
  
2. Pledge of Allegiance  
 Alternate Commissioner Richards led the Pledge of Allegiance.
  
3. Roll Call  
 The following Commissioners were present:  
 Commissioner Parks  
 Commissioner Parvin  
 Commissioner Ramirez  
 Commissioner Ross  
 Commissioner Zaragoza  
 Chair Freeman  
 Alternate Commissioner Richards  
 Alternate Commissioner Waters
  
4. Agenda Review  
 No changes were made to the agenda.
  
5. Commission Presentations and Announcements  
 Chair Freeman welcomed and introduced Andy Waters, as the alternate special district member, to fill the unexpired term ending January 1, 2019.  
 Alternate Commissioner Waters thanked the Commission for the opportunity to be a part of LAFCo.
  
6. Public Comments  
 There were no public comments.

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COMMISSIONERS AND STAFF

<b>COUNTY:</b> Linda Parks, Vice Chair John Zaragoza <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Janice Parvin Carmen Ramirez <i>Alternate:</i> Claudia Bill-de la Peña	<b>DISTRICT:</b> Elaine Freeman, Chair Mary Anne Rooney <i>Alternate:</i> Andy Waters	<b>PUBLIC:</b> David J. Ross  <i>Alternate:</i> Pat Richards
<b>Executive Officer</b> Kai Luoma, AICP	<b>Analyst</b> Andrea Ozdy	<b>Office Manager/Clerk</b> Richelle Beltran	<b>Legal Counsel</b> Michael Walker

## CONSENT ITEMS

7. Minutes of the Ventura LAFCo May 17, 2017, Meeting
8. Budget to Actual Reports: May and June 2017

Motion: Approve Item 7 and Receive and File Item 8  
Moved by Linda Parks, seconded by Janice Parvin

Vote: Motion carried 7-0

Yes: Linda Parks, Janice Parvin, Carmen Ramirez, David J. Ross, Andy Waters, John Zaragoza, and Elaine Freeman.

## ACTION ITEMS

9. LAFCo 16-07 City of Ventura Reorganization - Northbank  
Determine if Condition No. 9 of LAFCo Resolution 16-07 adopted by the Commission on April 19, 2017, has been satisfied.

Kai Luoma presented the staff report

The following persons gave public comment: Jeff Lambert, Charles Vanoni, and Lynn Jensen.

The following persons submitted cards in support of the development: Laura Masonheimer, Laurie Vanoni, Anne Vanoni, Cheryl Vanoni, Brandon Vanoni, Jewelyn Vanoni, Charlie A. Vanoni, Charles Matthew Vanoni, Tara Vanoni, Gwen Vanoni, Robert Hill, Larry & Carol Davis, Bill Burke, Hezio Burke, and Jared Rosengren.

Motion: Continue the item to a future LAFCo meeting, and request that:

- (1) the City provide written documentation that it has an adequate long-term water supply; and
- (2) LAFCo staff or counsel provide clarification on both the City's and LAFCo's responsibilities to abide by California law.

Moved by John Zaragoza, seconded by Carmen Ramirez

Vote: Motion carried 6-1

Yes: Linda Parks, Janice Parvin, Carmen Ramirez, David J. Ross, John Zaragoza, and Elaine Freeman.

No: Andy Waters.

## **ACTION ITEMS, CONTINUED**

10. Commissioner's Handbook Section 1.4.3 - LAFCo as a Responsible Agency - Consideration of Agricultural Mitigation Measures by Lead Agencies

Adoption of a Resolution to amend Commissioner's Handbook Section 1.4.3.1.d in the Administrative Supplement to the California Environmental Quality Act (CEQA) Guidelines (Division 1, Chapter 4 of the Commissioner's Handbook) to state that Ventura LAFCo's Informational Guidelines for the Consideration of Agricultural Mitigation Measures is available on the Ventura LAFCo website.

Kai Luoma presented the staff report.

Lynn Jensen gave public comment.

Motion: Approve

Moved by John Zaragoza, seconded by Janice Parvin

Vote: Motion carried 7-0

Yes: Linda Parks, Janice Parvin, Carmen Ramirez, David J. Ross, Andy Waters, John Zaragoza, and Elaine Freeman.

11. 2017-2018 CALAFCO Board of Directors Nominations

Authorization for the Chair to submit nominations for the 2017-2018 CALAFCO Board of Directors for the city member and public member seats as approved by the Commission.

Kai Luoma presented the staff report.

Motion: Nominate Commissioner Ross for the public member seat for the 2017-2018 CALAFCO Board of Directors election.

Moved by Linda Parks, seconded by Janice Parvin

Vote: Motion carried 7-0

Yes: Linda Parks, Janice Parvin, Carmen Ramirez, David J. Ross, Andy Waters, John Zaragoza, and Elaine Freeman.

12. 2017-2018 CALAFCO Board of Directors Election - Voting Delegates

Approval of the Commission's designation of a voting delegate and an alternate for the 2017-2018 CALAFCO Board of Directors election.

Motion: Nominate Commissioner Freeman as the voting delegate and Commissioner Ross as the alternate voting delegate for the 2017-2018 CALAFCO Board of Directors election.

Moved by Linda Parks, seconded by Janice Parvin

Vote: Motion carried 7-0

Yes: Linda Parks, Janice Parvin, Carmen Ramirez, David J. Ross, Andy Waters, John Zaragoza, and Elaine Freeman.

## **ACTION ITEMS, CONTINUED**

### 13. 2017 CALAFCO Achievement Award Nominations

Determine whether the Commission wishes to submit nominations for the 2017 CALAFCO Achievement Awards.

Kai Luoma presented the staff report.

Motion: Nominate the *Ventura LAFCo Informational Guidelines for the Consideration of Agricultural Mitigation Measures* for Project of the Year; and nominate Richelle Beltran for Outstanding LAFCo Clerk.

Moved by Linda Parks, seconded by Janice Parvin

Vote: Motion carried 7-0

Yes: Linda Parks, Janice Parvin, Carmen Ramirez, David J. Ross, Andy Waters, John Zaragoza, and Elaine Freeman.

### **INFORMATIONAL ITEMS**

Application Received:

LAFCo 17-07 OASA – City of Thousand Oaks – La Cam Road & Moonridge Avenue

### **EXECUTIVE OFFICER'S REPORT**

The next LAFCo meeting will be held on September 20, 2017.

Kai Luoma informed the Commission that the annual CALAFCO conference will be held October 25-27 in San Diego.

### **COMMISSIONERS' COMMENTS**

Chair Freeman requested a report on the status of recent legislative actions pertaining to LAFCo that have taken place in Sacramento, and for the Commission to receive CALAFCO's Quarterly report when they are received.

Commissioner Parks commented that she is impressed with staff's analysis of the City of Ventura's water supply and appreciates the investigative work that was done.

Commissioner Ramirez commented on her involvement with Water Education for Latino Leaders, a year-long fellowship program regarding California water policy addressing community challenges with water.

### **ADJOURNMENT**

Motion: Adjourn at 10:20 a.m.

Moved by John Zaragoza, seconded by David J. Ross

Vote: Motion carried 7-0

Yes: Linda Parks, Janice Parvin, Carmen Ramirez, David J. Ross, Andy Waters, John Zaragoza, and Elaine Freeman.

Approved on this 20<sup>th</sup> day of September 2017.

Motion: \_\_\_\_\_

Second: \_\_\_\_\_

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Abstain: \_\_\_\_\_


\_\_\_\_\_  
Date Elaine Freeman, Chair, Ventura Local Agency Formation Commission

DRAFT



VENTURA LOCAL AGENCY FORMATION COMMISSION  
**STAFF REPORT**

Meeting Date: September 20, 2017  
*(Consent)*

**TO:** LAFCo Commissioners  
**FROM:** Kai Luoma, Executive Officer   
**SUBJECT:** Budget to Actual Reports – July and August 2017

**RECOMMENDATION:**

Receive and file the Budget to Actual Reports for July and August of the 2017-18 fiscal year.

**DISCUSSION:**

Pursuant to the Commissioner’s Handbook policies, the Executive Officer is to provide monthly budget reports to the Commission as soon as they are available. The attached reports have been prepared with the assistance of the County Auditor-Controller staff. No adjustments to the budget are being recommended at this time.

Attachments:

1. Budget to Actual Report, July 2017
2. Budget to Actual Report, August 2017
3. Expenditures Descriptions

COMMISSIONERS AND STAFF

<p><b>COUNTY:</b>                  Linda Parks, Vice Chair                  John Zaragoza  <i>Alternate:</i>                  Steve Bennett</p>	<p><b>CITY:</b>                  Janice Parvin                  Carmen Ramirez  <i>Alternate:</i>                  Claudia Bill-de la Peña</p>	<p><b>DISTRICT:</b>                  Elaine Freeman, Chair                  Mary Anne Rooney  <i>Alternate:</i>                  Andy Waters</p>	<p><b>PUBLIC:</b>                  David J. Ross    <i>Alternate:</i>                  Pat Richards</p>
<p><b>Executive Officer:</b>                  Kai Luoma, AICP</p>	<p><b>Analyst</b>                  Andrea Ozdy</p>	<p><b>Office Manager/Clerk</b>                  Richelle Beltran</p>	<p><b>Legal Counsel</b>                  Michael Walker</p>



**BUDGET TO ACTUAL FY 2017-18**  
**YEAR TO DATE ENDING JULY 31, 2017 (8.33% of year)**  
**Fund O720, Division/Unit 6170**

Summary	Budget	Adj. Budget	To Date
Estimated Sources:	743,491	743,491	412,079
Appropriations	743,491	743,491	20,232

Account Number	Title	BUDGET			ACTUAL YTD			Variance Favorable (Unfavorable)
		Budget	Proposed Adjustments	Adjusted Budget	Actual	Encumbered	Total Revenue/Obligation	
<b>FUND BALANCE</b>								
	Beginning Balance	549,858		549,858	549,857.70		549,857.70	0.00
5700	Committed	100,000		100,000	100,000.00		100,000.00	0.00
5995	Unassigned	354,858		354,858	354,857.70		354,857.70	0.00
5995	Unassigned - Appropriated	95,000		95,000	95,000.00		95,000.00	0.00
<b>REVENUE</b>								
8911	Investment Income	1,500		1,500	(2,144.27)		(2,144.27)	(3,644.27) -143%
9371	Other Governmental Agencies	626,991		626,991	321,680.00		321,680.00	(305,311.00) 51%
9790	Miscellaneous Revenue	20,000		20,000	(2,456.25)		(2,456.25)	(22,456.25) -12%
	<b>Total Revenue</b>	<b>648,491</b>	<b>0</b>	<b>648,491</b>	<b>317,079.48</b>		<b>317,079.48</b>	<b>(331,411.52) 49%</b>
	<b>TOTAL SOURCES</b>	<b>743,491</b>	<b>0</b>	<b>743,491</b>	<b>412,079.48</b>		<b>412,079.48</b>	<b>(331,411.52) 55%</b>
<b>EXPENDITURES</b>								
1101	Regular Salaries	350,500		350,500	12,832.40		12,832.40	337,667.60 4%
1106	Supplemental Payments	14,000		14,000	503.16		503.16	13,496.84 4%
1107	Terminations (Buydowns)	8,500		8,500	0.00		0.00	8,500.00 0%
1121	Retirement Contribution	76,000		76,000	2,489.20		2,489.20	73,510.80 3%
1122	OASDI Contribution	21,000		21,000	831.77		831.77	20,168.23 4%
1123	FICA Medicare	5,500		5,500	194.54		194.54	5,305.46 4%
1128	Retiree Health Payment 1099	7,100		7,100	887.14		887.14	6,212.86 12%
1141	Group Insurance	26,500		26,500	1,114.92		1,114.92	25,385.08 4%
1142	Life Insurance for Department Heads and Management	150		150	4.98		4.98	145.02 3%
1143	State Unemployment Insurance	350		350	8.03		8.03	341.97 2%
1144	Management Disability Insurance	2,750		2,750	88.35		88.35	2,661.65 3%
1165	Worker Compensation Insurance	2,500		2,500	97.28		97.28	2,402.72 4%
1171	401K Plan	11,000		11,000	184.61		184.61	10,815.39 2%
	<b>Salaries and Benefits</b>	<b>525,850</b>	<b>0</b>	<b>525,850</b>	<b>19,236.38</b>	<b>0.00</b>	<b>19,236.38</b>	<b>506,613.62 4%</b>
2032	Voice Data ISF	2,500		2,500	0.00		0.00	2,500.00 0%
2071	General Insurance Allocation ISF	1,500		1,500	0.00		0.00	1,500.00 0%
2114	Facilities and Materials Sq. Ft. Allocation ISF	16,100		16,100	0.00		0.00	16,100.00 0%
2115	Facilities Projects ISF	0		0	0.00		0.00	0.00 0%
2116	Other Maintenance ISF	500		500	0.00		0.00	500.00 0%
2131	Memberships and Dues	7,800		7,800	0.00		0.00	7,800.00 0%
2158	Cost Allocation Plan Charges	4,500		4,500	0.00		0.00	4,500.00 0%
2163	Books and Publications	500		500	0.00		0.00	500.00 0%
2164	Mail Center ISF	2,500		2,500	0.00		0.00	2,500.00 0%
2165	Purchasing Charges ISF	100		100	0.00		0.00	100.00 0%
2166	Graphics Charges ISF	500		500	0.00		0.00	500.00 0%
2167	Copy Machine Charges ISF	500		500	0.00		0.00	500.00 0%
2168	Stores ISF	50		50	0.00		0.00	50.00 0%
2179	Miscellaneous Office Expenses	5,500		5,500	0.00		0.00	5,500.00 0%
2181	Board and Commission Member Compensation 1099	5,000		5,000	350.00		350.00	4,650.00 7%
2185	Attorney Services (County Counsel)	22,500		22,500	(150.75)		(150.75)	22,650.75 -1%
2199	Other Professional and Specialized Non ISF	15,000		15,000	0.00		0.00	15,000.00 0%
2202	Information Tech ISF	2,500		2,500	0.00		0.00	2,500.00 0%
2203	County Geographical Information Systems Expense ISF	18,000		18,000	0.00		0.00	18,000.00 0%
2205	Public Works ISF Charges	3,000		3,000	0.00		0.00	3,000.00 0%
2206	Special Services ISF	100		100	0.00		0.00	100.00 0%
2221	Publications and Legal Notices	5,000		5,000	50.00		50.00	4,950.00 1%
2244	Storage Charges ISF	500		500	0.00		0.00	500.00 0%
2261	Computer Equipment < \$5,000	2,500		2,500	0.00		0.00	2,500.00 0%
2262	Furniture and Fixtures < \$5,000	500		500	0.00		0.00	500.00 0%
2272	Conferences / Seminars ISF (Training ISF)	500		500	0.00		0.00	500.00 0%
2273	Education Training Conferences and Seminars	1,000		1,000	0.00		0.00	1,000.00 0%
2291	Private Vehicle Mileage	9,300		9,300	746.11		746.11	8,553.89 8%
2292	Travel Expenses (Conferences / Seminars)	21,500		21,500	0.00		0.00	21,500.00 0%
2303	Motorpool ISF	600		600	0.00		0.00	600.00 0%
	<b>Services and Supplies</b>	<b>150,050</b>	<b>0</b>	<b>150,050</b>	<b>995.36</b>	<b>0.00</b>	<b>995.36</b>	<b>149,054.64 1%</b>
6101	Contingency	67,591		67,591	0.00		0.00	67,591.00 0%
	<b>TOTAL EXPENDITURES</b>	<b>743,491</b>	<b>0</b>	<b>743,491</b>	<b>20,231.74</b>	<b>0.00</b>	<b>20,231.74</b>	<b>723,259.26 3%</b>

0.00

Note: Amounts with "( )" in the ACTUAL column reflect FY17 accruals in excess of actual expenditures to date



**BUDGET TO ACTUAL FY 2017-18**  
**YEAR TO DATE ENDING AUGUST 31, 2017 (16.67% of year)**  
**Fund 0720, Division/Unit 6170**

Summary	Budget	Adj. Budget	To Date
Estimated Sources:	743,491	743,491	643,129
Appropriations	743,491	743,491	93,863

Account Number	Title	BUDGET			ACTUAL YTD			Variance Favorable (Unfavorable)	
		Budget	Proposed Adjustments	Adjusted Budget	Actual	Encumbered	Total Revenue/Obligation		
<b>FUND BALANCE</b>									
	Beginning Balance	549,858		549,858	549,857.70		549,857.70	0.00	
5700	Committed	100,000		100,000	100,000.00		100,000.00	0.00	
5995	Unassigned	354,858		354,858	354,857.70		354,857.70	0.00	
5995	Unassigned - Appropriated	95,000		95,000	95,000.00		95,000.00	0.00	
<b>REVENUE</b>									
8911	Investment Income	1,500		1,500	(1,379.82)		(1,379.82)	(2,879.82)	-92%
9371	Other Governmental Agencies	626,991		626,991	551,965.00		551,965.00	(75,026.00)	88%
9790	Miscellaneous Revenue	20,000		20,000	(2,456.25)		(2,456.25)	(22,456.25)	-12%
	<b>Total Revenue</b>	<b>648,491</b>	<b>0</b>	<b>648,491</b>	<b>548,128.93</b>		<b>548,128.93</b>	<b>(100,362.07)</b>	<b>85%</b>
	<b>TOTAL SOURCES</b>	<b>743,491</b>	<b>0</b>	<b>743,491</b>	<b>643,128.93</b>		<b>643,128.93</b>	<b>(100,362.07)</b>	<b>87%</b>
<b>EXPENDITURES</b>									
1101	Regular Salaries	350,500		350,500	49,036.06		49,036.06	301,463.94	14%
1106	Supplemental Payments	14,000		14,000	1,912.56		1,912.56	12,087.44	14%
1107	Terminations (Buydowns)	8,500		8,500	0.00		0.00	8,500.00	0%
1121	Retirement Contribution	76,000		76,000	9,417.14		9,417.14	66,582.86	12%
1122	OASDI Contribution	21,000		21,000	3,149.17		3,149.17	17,850.83	15%
1123	FICA Medicare	5,500		5,500	736.51		736.51	4,763.49	13%
1128	Retiree Health Payment 1099	7,100		7,100	1,774.28		1,774.28	5,325.72	25%
1141	Group Insurance	26,500		26,500	4,237.92		4,237.92	22,262.08	16%
1142	Life Insurance for Department Heads and Management	150		150	18.93		18.93	131.07	13%
1143	State Unemployment Insurance	350		350	37.01		37.01	312.99	11%
1144	Management Disability Insurance	2,750		2,750	337.77		337.77	2,412.23	12%
1165	Worker Compensation Insurance	2,500		2,500	368.74		368.74	2,131.26	15%
1171	401K Plan	11,000		11,000	709.48		709.48	10,290.52	6%
	<b>Salaries and Benefits</b>	<b>525,850</b>	<b>0</b>	<b>525,850</b>	<b>71,735.57</b>	<b>0.00</b>	<b>71,735.57</b>	<b>454,114.43</b>	<b>14%</b>
2032	Voice Data ISF	2,500		2,500	229.33		229.33	2,270.67	9%
2071	General Insurance Allocation ISF	1,500		1,500	0.00		0.00	1,500.00	0%
2114	Facilities and Materials Sq. Ft. Allocation ISF	16,100		16,100	2,676.00		2,676.00	13,424.00	17%
2115	Facilities Projects ISF	0		0	0.00		0.00	0.00	0%
2116	Other Maintenance ISF	500		500	0.00		0.00	500.00	0%
2131	Memberships and Dues	7,800		7,800	7,052.00		7,052.00	748.00	90%
2158	Cost Allocation Plan Charges	4,500		4,500	0.00		0.00	4,500.00	0%
2163	Books and Publications	500		500	275.21		275.21	224.79	55%
2164	Mail Center ISF	2,500		2,500	0.00		0.00	2,500.00	0%
2165	Purchasing Charges ISF	100		100	11.24		11.24	88.76	11%
2166	Graphics Charges ISF	500		500	0.00		0.00	500.00	0%
2167	Copy Machine Charges ISF	500		500	0.00		0.00	500.00	0%
2168	Stores ISF	50		50	0.00		0.00	50.00	0%
2179	Miscellaneous Office Expenses	5,500		5,500	506.97		506.97	4,993.03	9%
2181	Board and Commission Member Compensation 1099	5,000		5,000	350.00		350.00	4,650.00	7%
2185	Attorney Services (County Counsel)	22,500		22,500	2,821.50		2,821.50	19,678.50	13%
2199	Other Professional and Specialized Non ISF	15,000		15,000	0.00		0.00	15,000.00	0%
2202	Information Tech ISF	2,500		2,500	321.90		321.90	2,178.10	13%
2203	County Geographical Information Systems Expense ISF	18,000		18,000	1,867.34		1,867.34	16,132.66	10%
2205	Public Works ISF Charges	3,000		3,000	0.00		0.00	3,000.00	0%
2206	Special Services ISF	100		100	0.00		0.00	100.00	0%
2221	Publications and Legal Notices	5,000		5,000	50.00		50.00	4,950.00	1%
2244	Storage Charges ISF	500		500	0.00		0.00	500.00	0%
2261	Computer Equipment < \$5,000	2,500		2,500	0.00		0.00	2,500.00	0%
2262	Furniture and Fixtures < \$5,000	500		500	0.00		0.00	500.00	0%
2272	Conferences / Seminars ISF (Training ISF)	500		500	0.00		0.00	500.00	0%
2273	Education Training Conferences and Seminars	1,000		1,000	0.00		0.00	1,000.00	0%
2291	Private Vehicle Mileage	9,300		9,300	1,896.11		1,896.11	7,403.89	20%
2292	Travel Expenses (Conferences / Seminars)	21,500		21,500	4,070.00		4,070.00	17,430.00	19%
2303	Motorpool ISF	600		600	0.00		0.00	600.00	0%
	<b>Services and Supplies</b>	<b>150,050</b>	<b>0</b>	<b>150,050</b>	<b>22,127.60</b>	<b>0.00</b>	<b>22,127.60</b>	<b>127,922.40</b>	<b>15%</b>
6101	Contingency	67,591		67,591	0.00		0.00	67,591.00	0%
	<b>TOTAL EXPENDITURES</b>	<b>743,491</b>	<b>0</b>	<b>743,491</b>	<b>93,863.17</b>	<b>0.00</b>	<b>93,863.17</b>	<b>649,627.83</b>	<b>13%</b>

0.00

Note: Amounts with "( )" in the ACTUAL column reflect FY17 accruals in excess of actual expenditures to date



**EXPENDITURES**

<b>Account Code</b>	<b>Services and Supplies</b>	<b>Explanation of Services</b>
2032	Voice/Data ISF	Telephone / FAX services, voice and data network access.
2071	General Insurance Allocation ISF	Liability and general insurance.
2114	Facilities and Materials SQ FT Allocation ISF	Custodial services, facility maintenance, utilities, and special services, including security (based on square footage).
2115/ 2116	Facilities Projects ISF / Other Maintenance	Management of facility projects & repairs: heating/air conditioning, lighting, plumbing, roofing, flooring, painting, etc.
2131	Memberships and Dues	CALAFCO and American Planning Association.
2158	Cost Allocation Plan Charges	Building use, equipment/software use, general County services: payroll, financial, business technology, County Counsel, and human resources.
2163	Books and Publications	Newspaper subscription, miscellaneous publications (CEQA, planning/land use, etc.)
2164	Mail Center ISF	Incoming and outgoing U.S. mail and internal brown mail.
2165	Purchasing Charges ISF	Procurement services for processing purchase orders, verifying licenses and insurance coverage, and procurement credit card.
2166	Graphics Charges ISF	Printing services for large volume print jobs.
2167	Copy Machine Chgs ISF	Metered copies for printing large volume print jobs.
2168	Stores ISF	Warehousing and distribution services of surplus inventory.
2179	Miscellaneous Office Expenses	Miscellaneous office supplies.
2181	Board and Commission Member Compensation	Commission stipend payments.
2185	Attorney Services (County Counsel)	County Counsel charges.
2199	Other Professional and Specialized Non ISF (VTD Auditors and County Accounting Services)	Independent auditor and County auditing services.
2202	Information Tech ISF	MS Office licensing, email, network storage, and IT support.
2203	County Geographical Information Systems (GIS) Expense ISF	GIS Allocation, GIS services: map preparation & printing, and website hosting.
2205	Public Works ISF Charges	Surveyor updates to LAFCo maps, public inquiries charged to LAFCo.
2206	Special Services ISF	Security guard, permit parking, conference room reservations, audio-visual equipment requests, I.D. badges, etc.
2221	Publications and Legal Notices	Public hearing notices published in newspaper.
2244	Storage Charges ISF	Off-site record storage and retrieval (hard copies).
2261	Computer Equipment < \$5,000	Computer equipment under \$5,000.
2262	Furniture and Fixtures < \$5,000	Furniture and fixtures under \$5,000.
2272	Conferences/Seminars ISF (Training ISF)	County-offered training classes.
2273	Education Conference and Seminars	Tuition and textbook reimbursement.
2291	Private Vehicle Mileage	Mileage reimbursement and auto allowance.
2292	Travel Expense (Conferences / Seminars)	Expenses for CALAFCO conferences and workshops.
2303	Motorpool ISF	Use of County vehicle for official business.



VENTURA LOCAL AGENCY FORMATION COMMISSION  
**STAFF REPORT**

Meeting Date: September 20, 2017

**TO:** LAFCo Commissioners  
**FROM:** Kai Luoma, Executive Officer   
**SUBJECT:** Responsibilities of the Commission and the Applicant during the LAFCo process

**RECOMMENDATION:**

Receive and file a presentation from LAFCo Legal Counsel.

**DISCUSSION:**

At its July 19, 2017 meeting, the Commission considered whether the City of Ventura had satisfied a condition regarding water supply that was part of its approval of LAFCo 16-07 (City of Ventura Reorganization - Northbank). The Commission continued the matter to a future meeting and asked for additional information from the City (see agenda item 10). The Commission also requested that staff make a presentation to the Commission regarding the roll/responsibilities of the Commission during its consideration of a proposal, the authority of the Commission to question information provided by an applicant, and the responsibility of the applicant during the LAFCo process.

Please see attached Memorandum from Michael Walker, LAFCo Legal Counsel, dated September 14, 2017.

**Attachment:**

1. Memorandum from Michael Walker, LAFCo Legal Counsel, dated September 14, 2017


COMMISSIONERS AND STAFF

<p><b>COUNTY:</b>                      Linda Parks, Vice Chair                      John Zaragoza  <i>Alternate:</i>                      Steve Bennett</p>	<p><b>CITY:</b>                      Janice Parvin                      Carmen Ramirez  <i>Alternate:</i>                      Claudia Bill-de la Peña</p>	<p><b>DISTRICT:</b>                      Elaine Freeman, Chair                      Mary Anne Rooney  <i>Alternate:</i>                      Andy Waters</p>	<p><b>PUBLIC:</b>                      David J. Ross    <i>Alternate:</i>                      Pat Richards</p>
<p><b>Executive Officer:</b>                      Kai Luoma, AICP</p>	<p><b>Analyst</b>                      Andrea Ozdy</p>	<p><b>Office Manager/Clerk</b>                      Richelle Beltran</p>	<p><b>Legal Counsel</b>                      Michael Walker</p>

**MEMORANDUM  
COUNTY OF VENTURA  
COUNTY COUNSEL'S OFFICE**

September 14, 2017

TO: Commissioners and Alternate Commissioners  
Ventura Local Agency Formation Commission

FROM: Michael G. Walker, Chief Assistant County Counsel 

RE: RESPONSIBILITIES OF COMMISSION AND APPLICANT IN  
PROCEEDINGS FOR CHANGES OF ORGANIZATION

At your Commission's July 2017 meeting, your Commission requested guidance regarding the respective responsibilities of your Commission and the applicant in the consideration of a proposal for a change of organization, such as an annexation. The basic responsibilities are explained below. (This is not an exhaustive discussion; questions concerning particular proposals or responsibilities should be directed to your Commission's executive officer and/or me.)

As a preliminary matter, it is important to remember that your Commission is a quasi-legislative body.<sup>1</sup> As a quasi-legislative body, your Commission ascertains "the facts necessary to arrive at a sound and fair legislative decision."<sup>2</sup> However, because "no person has a right to the adoption of legislation," in a quasi-legislative proceeding, "due

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<sup>1</sup> "It is eminently clear . . . that LAFCO was created by the Legislature for a special purpose, i.e., to discourage urban sprawl and to encourage the orderly formation and development of local governmental agencies. In short, LAFCO is the "watchdog" the Legislature established to guard against the wasteful duplication of services that results from indiscriminate formation of new local agencies or haphazard annexation of territory to existing local agencies.' Thus, in the processing of annexation petitions and determination of municipal boundaries in accord with statutory mandate, LAFCO is merely a creature of the Legislature, exercising a legislative function." (*Bookout v. Local Agency Formation Commission* (1975) 49 Cal.App.3d 383, 388.)

<sup>2</sup> *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 388 (*City of Santa Cruz*).

process of law’ is not an issue”<sup>3</sup>; there is no “constitutional right to any hearing”<sup>4</sup>; and written findings of fact are not required.<sup>5</sup> Accordingly, all determinations made by your Commission under, and pursuant to, the CKH Act are “final and conclusive in the absence of fraud or prejudicial abuse of discretion.”<sup>6</sup> “Prejudicial abuse of discretion is established if the court finds that the determination or decision is not supported by substantial evidence in light of the whole record.”<sup>7</sup>

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<sup>3</sup> *City of Santa Cruz, supra*, 76 Cal.App.3d at pp. 388-389; see also p. 387 (“It is settled by a long, unbroken line of case authority that the matter of forming and adding new territory to municipal corporations, like cities and towns, and the extent and character of the territory to be included, are legislative matters which the Legislature has delegated to local [agency formation commissions] to be performed in accordance with the appropriate legislative acts . . . because the nature of the power exercised is legislative and political rather than judicial . . .”).

<sup>4</sup> *City of Santa Cruz, supra*, 76 Cal.App.3d at pp. 388-389. Under the law governing local agency formation commissions (that is, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Gov. Code, § 56000 et seq.; CKH Act), there are *statutory* requirements that hearings be held on proposals for changes of organization. (See, e.g., Gov. Code, § 56658, subd. (h), but see § 56662 for exception.) However, “a quasi-legislative hearing ‘allowed by legislative grace is not circumscribed by the restrictions applicable to judicial or quasi judicial adversary proceedings.’” (*City of Santa Cruz, supra*, 76 Cal.App.3d at pp. 388, 392.)

<sup>5</sup> *City of Santa Cruz, supra*, 76 Cal.App.3d at p. 389 (“Written findings of fact are alien to legislative procedures, for no person has a right to the adoption of legislation. And no one has any right, constitutional or otherwise, to be included, or excluded, from a proposed annexation.”). However, the CKH Act does require that certain findings be made in connection with some types of changes of organization – such as island annexations – and that those findings must be set forth in the commission’s resolution making determinations. (Gov. Code, § 56881, subd. (a).)

<sup>6</sup> Gov. Code, § 56107, subd. (b).

<sup>7</sup> Gov. Code, § 56107, subd. (c).



In light of the quasi-legislative function served by your Commission, the primary responsibilities of your Commission with respect to the consideration of proposals for changes of organization are the following:

(1) At the hearing on the proposal, “hear and receive any oral or written protests, objections, or evidence that shall be made, presented, or filed, and consider the report of the executive officer and the plan for providing services to the territory prepared pursuant to [Government Code] Section 56653<sup>[8]</sup>.”<sup>9</sup>

(2) Consider the relevant factors under the governing law (i.e., the CKH Act) and “demonstrate[] a rational connection between those factors, the choice made, and the purposes of the [CKH Act].”<sup>10</sup> While formal findings are not required, “a statement of basis sufficient for judicial review of the decision” is required.<sup>11</sup> The

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<sup>8</sup> See footnote 13, below.

<sup>9</sup> Gov. Code, § 56666, subd. (b).

<sup>10</sup> *McBail & Co. v. Solano County Local Agency Formation Commission* (1998) 62 Cal.App.4th 1223, 1230 (*McBail & Co.*). “Among the purposes of [your Commission] are discouraging urban sprawl, preserving open-space and prime agricultural lands, encouraging the efficient provision of government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities.” (Gov. Code, § 56301.)

<sup>11</sup> *San Joaquin Local Agency Formation Commission v. Superior Court* (2008) 162 Cal.App.4th 159, 171, fn. 4 (*San Joaquin LAFCO*), citing *McBail & Co.*, *supra*, 62 Cal.App.4th at p. 1227.

reports and proposed resolutions regularly prepared by your Commission's staff are intended to satisfy these requirements.<sup>12</sup>

The primary responsibility of the applicant is to provide your Commission with information and evidence (a) required by your Commission or your Commission's executive officer and (b) any other information and evidence relevant to the factors your Commission considers under the CKH Act in deciding whether to approve or disapprove the proposal.<sup>13</sup> An applicant usually provides this information and evidence through the application itself and communications with your Commission's staff before the hearing.<sup>14</sup>

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<sup>12</sup> In a case from the early 1990's involving your Commission, the court of appeal held that "[t]he executive officer's report, including the staff study and findings of earlier studies, covered the relevant factors LAFCO must consider" and the record of proceedings, including the resolution adopted by your Commission, "amply support[ed] LAFCO's decision." (*Oxnard Harbor Dist. v. Local Agency Formation Commission* (1993) 16 Cal.App.4th 259, 271.) In addition, your Commission "must in reason be presumed to have considered its earlier studies, reviews and reports, made at the expense of time and money in response to the [CKH] Act's mandate, as well as such evidence as was . . . produced at the hearings. The validity of such studies, reviews and reports [do] not depend upon their being 'presented' anew to the commissioners at the hearings. (*City of Santa Cruz, supra*, 76 Cal.App.3d at p. 392.)

<sup>13</sup> An application for a change of organization shall contain, among other things, any data and information as may be required by any commission regulation; any additional data and information, as may be required by the executive officer, pertaining to any of the matters or factors which the commission may consider; and a plan for providing services within the affected territory, which shall include specified information (such as an enumeration and description of the services, the level and range of those services, an indication of when those services can feasibly be extended to the affected territory, an indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory, and information with respect to how those services will be financed) and any additional information required by the commission or the executive officer. (Gov. Code, §§ 56652, subds. (d), (e), 56653, subds. (a), (b).)

<sup>14</sup> Gov. Code, §§ 56652, 56653.



The applicant must provide this information and evidence before the conclusion of the hearing.<sup>15</sup>

When your Commission is presented with conflicting evidence on a relevant factor, it is the responsibility of each commissioner to determine what evidence, if any, is deserving of credit; likewise, it is the responsibility of each commissioner to determine the weight to give any particular evidence or fact.<sup>16</sup>

Moreover, it is the responsibility of each commissioner (and ultimately the Commission) to determine the weight to give each of the relevant factors the Commission is to consider under the CKH Act in deciding whether to approve or disapprove a proposal.<sup>17</sup> However, it is not the obligation or responsibility of any commissioner to

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<sup>15</sup> Gov. Code, § 56666, subd. (b). “[P]ermitting disappointed applicants [after their proposal is denied] to inquire as [to] what further showing was necessary would result in unending cases and impede upon the separation of powers and the deference accorded quasi-legislative decisions.” (*San Joaquin LAFCO, supra*, (2008) 162 Cal.App.4th at p. 167, citing *Western States Petroleum Ass’n v. Superior Court* (1995) 9 Cal.4th 559, 572.)

<sup>16</sup> “[A]lthough the ascertainment of facts based upon evidence taken in the course of a formal hearing is normally associated with an exercise of the judicial power, it may be entirely proper in the exercise of legislative or executive power [citations] . . . [I]t is normally the duty of the legislature to make the determinations of fact upon the basis of which legislation is to become effective . . . .” (*Davis v. Municipal Court* (1988) 46 Cal.3d 64, 76, quoting *Parker v. Riley* (1941) 18 Cal.2d 83, 89-90, citations omitted; see also *Howard Jarvis Taxpayers Ass’n v. Padilla* (2016) 62 Cal.4th 486, 499 [citing and quoting *Parker v. Riley, supra*].)

<sup>17</sup> Gov. Code, § 56668. Under Government Code section 56668, “Factors to be considered [by your Commission] in the review of a proposal *shall include, but not be limited to, all of the following*” (italics added), followed by subdivisions (a) through (o), describing approximately two dozen factors. Your Commission has the power to adopt standards for any of the factors enumerated in Government Code section 56668. (Gov. Code, § 56375.) Your Commission has adopted such standards as set out in the Commissioner’s Handbook.

Commissioners and Alternate Commissioners  
Ventura Local Agency Formation Commission  
September 14, 2017  
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disclose his or her thought processes or motives in exercising the quasi-legislative power.<sup>18</sup>

I will be available at your Commission's September 20, 2017, meeting to answer any questions.

MGW:cn

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<sup>18</sup> "Prohibiting inquiry into thought processes of . . . LAFCO commissioners exercising quasi-legislative powers comports with the separation of powers. In an ordinary mandamus review of a legislative or quasi-legislative decision, courts decline to inquire into thought processes or motives, but evaluate the decision on its face because legislative discretion is not subject to judicial control and supervision." (*San Joaquin LAFCO, supra*, 162 Cal.App.4th at p. 171.)





VENTURA LOCAL AGENCY FORMATION COMMISSION  
**STAFF REPORT**

Meeting Date: September 20, 2017  
 (Continued from July 19, 2017)

**TO:** LAFCo Commissioners  
**FROM:** Kai Luoma, Executive Officer   
**SUBJECT:** LAFCo 16-07 City of Ventura Reorganization - Northbank

**RECOMMENDATION:**

- a. Determine if Condition No. 9 of LAFCo Resolution 16-07 has been satisfied.
- b. Provide direction as appropriate.

**BACKGROUND:**

At its April 2017 meeting, the Commission adopted LAFCo Resolution 16-07, approving LAFCo 16-07 City of Ventura Reorganization – Northbank. The purpose of the reorganization is to annex a 25-acre site to the City to allow for the construction of a 193-unit residential development. During its consideration of the matter, the Commission determined that the City had not demonstrated that it had an adequate water supply to meet demand and included the following condition (condition No. 9) as part of its approval:

*This reorganization shall not be recorded until the General Manager of Ventura Water submits to the LAFCo Executive Officer written confirmation, with supporting documentation, that the City has an adequate and available long term water supply to meet demand.*

On June 6, 2017, the Acting General Manager of Ventura Water submitted a letter to the LAFCo Executive Officer to which was attached the City’s 2017 Comprehensive Water Resources Report (CWRR). The CWRR was provided to the Commission under separate cover and is available on the LAFCo website at [www.ventura.lafco.ca.gov/lafco-16-07-city-of-ventura-reorganization-northbank/](http://www.ventura.lafco.ca.gov/lafco-16-07-city-of-ventura-reorganization-northbank/). After reviewing the materials submitted, LAFCo staff determined

COMMISSIONERS AND STAFF

<b>COUNTY:</b> Linda Parks, Vice Chair John Zaragoza <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Janice Parvin Carmen Ramirez <i>Alternate:</i> Claudia Bill-de la Peña	<b>DISTRICT:</b> Elaine Freeman, Chair Mary Anne Rooney <i>Alternate:</i> Andy Waters	<b>PUBLIC:</b> David J. Ross  <i>Alternate:</i> Pat Richards
<b>Executive Officer:</b> Kai Luoma, AICP	<b>Analyst</b> Andrea Ozdy	<b>Office Manager/Clerk</b> Richelle Beltran	<b>Legal Counsel</b> Michael Walker

that it appeared the submitted materials did not satisfy the condition of approval and LAFCo staff responded to the City's submission in a June 14 letter to the Acting General Manager. The matter was then scheduled for Commission consideration at the request of the City. The City's June 6 letter and LAFCo staff's response are attached to the July 19, 2017 Staff Report (Attachment 2).

The Commission considered the matter at its July 2017 meeting. The Commission determined that the letter and materials provided by the City did not demonstrate that the City has an adequate and available long-term water supply to meet demand. The Commission continued the matter and asked that the City provide additional materials consistent with the condition of approval. In response, on September 5, 2017, the Acting General Manager of Ventura Water and the City's Community Development Director submitted a letter<sup>1</sup> to the LAFCo Chair (Attachment 1).

### **DISCUSSION:**

As indicated in the July 19 Staff Report, under normal (non-drought) conditions, the City has an adequate water supply to meet demand. However, the U.S. Drought Monitor indicates that the entirety of Ventura County is still experiencing "Moderate Drought" conditions. The City's water supply, which comes entirely from local sources, has been reduced by nearly 20%. As a result, in September 2014 the City declared a Stage 3 Water Shortage Event, which requires water customers to reduce water usage by 20%. The City expects to remain in a Stage 3 Water Shortage Event for the remainder of 2017 and potentially beyond.

As noted, the Commission's condition of approval requires written confirmation with supporting documentation "that the City has an adequate and available long term water supply to meet demand". The City's September 5 letter states that the "City has adequate, timely, and available water supply to meet demands for the subject project as well as other development projects that are under construction or scheduled to be completed within the next several years. Water supplies will also be sufficient in the long-term as indicated in our June 6 letter to..." the LAFCo Executive Officer<sup>2</sup> (underline in original letter). The supporting documentation for the City's conclusion of sufficient water supply is a "water balance calculation sheet" attached to the letter.

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<sup>1</sup> The City's September 5 letter expresses various concerns regarding the LAFCo process that are unrelated to the Commission's request for additional information pertaining to the subject condition of approval. LAFCo staff addressed these unrelated concerns under separate cover to the Commission (Attachment 3).

<sup>2</sup> The Commission determined that the City's June 6 letter, which was the subject of the July 19 Staff Report, does not indicate that the City has sufficient long-term water supplies.

Current supply and demand

The water balance calculation sheet provided by the City is based on data from the 2017 CWRR. The calculation sheet’s conclusion that the City has an adequate and available water supply is based on a water demand factor that is derived using the average demand from the previous two years (2015 and 2016), as follows:

	<b>Drought Conditions (AFY) (2-year baseline demand)</b>
Current Supply*	14,988 – 16,847
Demand**	14,228
Current Available Supply	<b>760 – 2,619</b>

\* From CWRR Table 4-2

\*\* Baseline demand using two-year demand average (2015 and 2016) from CWRR Table 3-5

However, as discussed in the July 19 Staff Report, the CWRR establishes a baseline water demand using the average demand over the previous 10 years (2007-2016). Nowhere in the CWRR is a two-year baseline used. Using the 10-year baseline demand, the CWRR concludes that under current drought conditions for 2017 and 2018, demand is expected to exceed supply (Table ES-1 of the CWRR). Even if the demand baseline is decreased by using a five-year average (as was used in the 2016 CWRR) or even a three-year average (which has not been used in any CWRR), under current conditions, it appears that the City may not have an adequate water supply to meet current demand. The following table compares available supply using the 10-year average baseline of the CWRR, a five-year average baseline, a three-year average baseline, and the two-year baseline used in the City’s September letter:

**Current Supply and Demand – Drought Conditions (AFY)**

	<b>10-year baseline demand</b>	<b>5-year baseline demand</b>	<b>3-year baseline demand</b>	<b>2-year baseline demand</b>
Supply*	14,988 – 16,847	14,988 – 16,847	14,988 – 16,847	14,988 – 16,847
Demand**	17,111	16,236	15,150	14,228
Available Supply	<b>(2,123) – (264)</b>	<b>(1,248) - 611</b>	<b>(162) – 1,697</b>	<b>760 – 2,619</b>

\* Based on supply figures provided in Table 4-2 of the CWRR.

\*\* Baseline water demands from Table 3-7 of the CWRR (does not include two-year baseline demand).

The use of the demand factor from a two-year period to determine a water demand baseline appears to be inconsistent with the methodology of the CWRR and its conclusions. Therefore, it is not clear how it establishes a reasonable baseline to demonstrate that there will be an available long-term water supply.

## Future supply and demand

The western approximately one-third of the City is within the boundaries of the Casitas Municipal Water District (Casitas), which supplies wholesale water to the City. Casitas water may be used only within Casitas boundaries. The Northbank proposal is located outside Casitas boundaries. According to Ventura Water staff, and as reflected in the calculation sheet included with the City's September letter, as part of a recent agreement with Casitas, anticipated City development within the boundaries of Casitas will be supplied with water from Casitas. Casitas staff confirmed that Casitas has the capacity to serve anticipated development within its boundaries, even during the current moderate drought conditions. Therefore, the increased water demand from anticipated development within Casitas boundaries should not be a factor in determining increases in overall demand: Only increased demand from anticipated development located outside Casitas boundaries should be included.

According to Table 2-4 of the CWRR, as of December 2016, there were twenty-six approved City development projects located outside Casitas boundaries. These include over 1,000 units and approximately 248,000 square feet of other uses that are either under construction or seeking building permits. Another 662 units and approximately 235,000 square feet of other uses have been granted all entitlements and allocated water supply. According to the City's September calculation sheet, the water demand factors for these projects should be reduced by 20% to reflect the City's current Stage 3 Water Shortage Event<sup>3</sup>. The following includes the status of these projects, the total number of units and square footage, the water demand from CWRR Table 2-4, and the adjusted demand per the City's letter:

### **Approved Development Outside Casitas Boundaries**

<b>Status</b>	<b>Units</b>	<b>Other uses (sq. ft.)</b>	<b>Total Demand (AFY)</b>	<b>Adjusted Demand* (AFY)</b>
Under construction / in plan check	1,069	248,000	414	331
All planning approvals provided	662	235,000	299	239
<b>Total</b>	<b>1,731</b>	<b>483,000</b>	<b>713</b>	<b>570</b>

\* 20% reduction in demand per City's September 5, 2017 calculation sheet

<sup>3</sup> Table 2-4 of the CWRR lists the water allocations that have been given to anticipated development projects approved by the City. These allocations were derived using water usage factors established by the City. Among the 2017 CWRR recommendations (Attachment 4) is that the City "Use the City-specific water usage factors to calculate the water demand of all development projects as the projects proceed through the City process prior to approval." Each previous CWRR included a similar recommendation. LAFCo staff finds no mention in the CWRR that during drought conditions, the City's water-usage factors used to determine anticipated water usage for a proposed development project should be reduced by 20% after approval of that development project in order to calculate available water supplies for future development projects.

The following table summarizes the estimated available supply with the additional anticipated 331 AFY demand from the near-term development (those under construction and in plan check) discussed above:

**Current Supply + Near-Term Demand (outside Casitas boundaries)**

	<b>CWRR baseline demand</b>	<b>5-year baseline demand</b>	<b>3-year baseline demand</b>	<b>2-year baseline demand</b>
Available Supply	<b>(2,123) – (264)</b>	<b>(1,248) - 611</b>	<b>(162) – 1,697</b>	<b>760 – 2,619</b>
Near-term demand	331	331	331	331
<b>Available Supply</b>	<b>(2,454) – (595)</b>	<b>(1,579) – 280</b>	<b>(493) – 1,366</b>	<b>429 – 2,288</b>

When the near-term water demands are included, with the exception of the two-year average baseline used in the City’s September calculation sheet, demand exceeds supply in each of the scenarios.

Supply and demand including all allocations

In addition, the City has approved another 662 units and 235,000 square feet of other uses outside Casitas boundaries that have not yet sought building permits. These approved projects have been allocated approximately 239 AFY of water supply (as adjusted by 20%). The following table compares the various baselines including current demand, near-term demand, and the additional 239 AFY in approved allocations:

**Current Supply + Near-Term Demand + Remaining Allocations  
(Outside Casitas Boundaries)**

	<b>CWRR baseline demand</b>	<b>5-year baseline demand</b>	<b>3-year baseline demand</b>	<b>2-year baseline demand</b>
Supply	<b>(2,454) – (595)</b>	<b>(1,579) – 280</b>	<b>(493) – 1,366</b>	<b>428 – 2,288</b>
Allocations	239	239	239	239
<b>Available Supply</b>	<b>(2,693) – (834)</b>	<b>(1,818) – 41</b>	<b>(732) – 1,127</b>	<b>189 – 2,049</b>

**PROCESS CONSIDERATIONS**

Should the Commission determine that Condition No. 9 has been satisfied, LAFCo staff can record the reorganization after 1) all outstanding LAFCo fees have been paid and 2) the City formally amends its approval of the project to reflect the various changes to which the City and developer committed in order to address the concerns expressed by the Commission.

Should the Commission determine that Condition No. 9 has not been satisfied, no further action needs to be taken by the Commission. The Commission’s approval will expire one year from its approval of the proposal (on April 19, 2018) unless prior to the expiration 1) the City satisfies Condition No. 9 or 2) a request by the City for a time extension is approved by the Commission.

Attachments:

1. Letter from Joe McDermott and Jeff Lambert to the Executive Officer, dated September 5, 2017
2. July 19, 2017 Staff Report
3. Memo to Commission regarding responses to concerns expressed in City's September 5, 2017 letter
4. Recommendations from 2017 CWRR

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LAFCo  
September 20, 2017  
Item 10, Attachment 1

September 5, 2017

Elaine Freeman, Chair  
Ventura Local Agency Formation Commission  
1692 Sycamore Dr.  
Simi Valley, CA 93065

**RE: LAFCo 16-07 City of Ventura Reorganization – Northbank  
Project Name: Northbank Vanoni  
City Project Number: 6270  
Location: Eastern Terminus of North Bank Drive; APN 128-0-056-135 and 255**

Dear Ms. Freeman,

This letter is in response to LAFCo's latest request for another letter from the City based on the outcome of your Commission meeting held on July 19, 2017. We would like to reiterate that the City has adequate, timely, and available water supply to meet the demands for the subject project as well as other development projects that are under construction or scheduled to be completed within the next several years. Water supplies will also be sufficient in the long-term as indicated in our June 6, 2017 letter to Kai Luoma, Executive Director. We respectfully request that the determination to be made at the next hearing on September 20, 2017 be consistent with these conclusions.

The City does not agree with the conclusion made by Executive Director Luoma in his report to the Commission on July 19, 2017 that there is not adequate water supply. Executive Director Luoma used the City's 2017 Comprehensive Water Resources Report (CWRR) as a reference. The CWRR is an annual report that City staff uses to closely monitor the City's water balance. Its primary purpose is to provide guidance to the City for long-term planning. It is not a mandated report but a proactive approach the City commenced in 2013 to actively monitor and track the City's water demands and supplies. The assumptions used by Executive Director Luoma in his calculations are inconsistent with City staff's. Our calculations indicate that even during our current Stage 3 Water Shortage Event, there is a minimum of 189 acre-feet of additional water supply available after all projects listed in Table 2.4 of the 2017 CWRR are completed and occupied, including the subject project. The attached "water balance" calculation worksheet shows how this amount was calculated.

Regarding long-term supply availability, the City is aggressively pursuing new sources that will diversify its water supply portfolio. These new supply options are outlined in our letter to the Commission dated June 6, 2017. The planned connection that will allow the City to bring in State Water along with Potable Reuse will not only augment existing water supplies and further increase

the reliability of the drinking water system, but will provide other benefits such as improving water quality in the eastern area of the City.

In the July 19, 2017 meeting, Executive Director Luoma indicated that the City would not be able to connect to Calleguas Municipal Water District to supply State Water to the City. This is simply incorrect. We have confirmed with Calleguas and with Metropolitan Water District that a “Cyclic Agreement” to wheel State Water to the City would be supported by both entities. The person previously contacted by Executive Director Luoma was not familiar with the proposed connection and did not provide Executive Director Luoma with accurate information. We will happily provide you with our contact at Metropolitan Water District should you require any direct confirmation on the matter.

Should this additional information still not convince LAFCo that there is adequate, timely water supply in both the near and long-term, we suggest that LAFCo hire a “third-party” water professional that has qualifying knowledge and experience to provide an unbiased assessment on the matter. Short of conducting such a technical review, reliance upon Executive Director Luoma’s determination, whom we do not feel has qualifying experience in this area, is not a fair or adequate review of the annexation application.

The City would also like to express our overall concern with regard to how this annexation project is being processed through LAFCo. Beyond the City’s local development review and entitlement process which was conducted over 5 years and included 8 public hearings (City Council, Planning Commission, Design Review Committee, and Parks & Recreation Commission), circulation of an expanded Initial Study CEQA Addendum and the City’s response to comments from the County of Ventura, Watershed Protection District, LAFCo’s Executive Director, and follow-up meetings with each agency, the level of LAFCo review and engagement on this project is unlike any previous request for annexation from the City. Specifically:

- **Application Acceptance Hearing** – The City was held to a new standard of an “application acceptance determination” public hearing before the Commission because Executive Director Luoma’s indication that he would reject the application for processing based upon his concern of the CEQA documentation provided. For the first time in the collective careers of the City Community Development staff, who have worked at over 15 local cities and counties, a public hearing was held to accept or reject an application. An application filing should be a ministerial action and not an analysis of the project: all materials are provided per the permit/application filing requirements/checklist or not, after which agency staff accepts or rejects it for processing. At your November 16, 2016 LAFCo hearing, your Commission concurred with the City to accept the application for processing by LAFCo staff.
- **County Watershed Protection District (WPD)** – Executive Director Luoma solicited the participation of the County Watershed Protection District in additional meetings with the City beyond the two meetings held by the City staff with WPD during the local approval process. In this meeting, the WPD staff responded that the agency is trying to resolve a

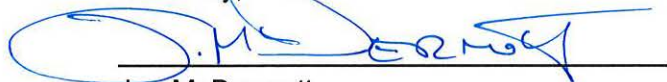


regional flooding issue but lacks the funding to do so. They also disclosed that the desired flood protection project is not ranked by the WPD as a priority improvement. Further, the proposed development does not contribute flows to the Brown Barranca. While City staff responded that there is no legal nexus for this project to provide physical improvements to WPD other than the required district fees, Executive Director Luoma opined differently and directed the City to continue to address WPD's concerns. Ultimately, your Commission concurred with City staff that additional improvements are not necessary and instead supported interagency coordination between the WPD and the City as normally occurs during technical implementation of a subdivision, from tentative to final map.

- **Saticoy Sanitary District (SSD) Late Engagement** – The Executive Director solicited SSD engagement in the annexation process, multiple times over a 6-month process, even though the SSD did not participate in the dually publicly noticed local approval process. Nonetheless, City staff along with the property owner, engaged with the SSD and incorporated project changes which your Commission supported.
- **CEQA Analysis** – During 5 years of the local permit approval process, which included LAFCo correspondence and another 3 LAFCo hearings, where the Executive Director had continuously claimed inadequate CEQA, the final action by the Commission as documented in LAFCo Resolution No. 16-07, Finding No. 5, concluded that no CEQA action was required by the Commission. While the City was pleased with this conclusion, it was surprising given the Executive Director's long-standing position on the matter. Unfortunately, the process resulted in unnecessary delays and additional costs.

Based on the efforts made to date and additional information provided in this letter, the City respectfully requests that the annexation be deemed in satisfactory compliance with LAFCo Resolution No. 16-07, Finding No. 9. Should you have any questions, we may be reached at the telephone numbers provided below.

Sincerely,



Joe McDermott  
Acting Ventura Water General Manager  
(805) 654-7828



Jeffrey Lambert, AICP  
Community Development Director  
(805) 658-4723

Enc: Water Balance Calculation Worksheet

Cc: Kai Luoma, Executive Director  
Ventura Local Agency Formation Commission  
800 S. Victoria Avenue  
Ventura, CA 93009-1850

**WATER BALANCE (AS OF 2017)**

\* ALL VALUES ARE IN ACRE-FEET

**AVAILABLE SUPPLY (FROM 2017 CWRR, TABLE 4-2)**

LOW      HIGH      (2017 DROUGHT)  
14,988    16,847 (ACRE-FEET/YR)

**ACTUAL CONSUMPTION IN 2015**

14,194 (FROM 2016 CWRR, TABLE 3-1)

**ACTUAL CONSUMPTION IN 2016**

14,262 (FROM 2017 CWRR, TABLE 3-1)

**AVERAGE OF 2015 ACTUAL AND 2016 ACTUAL CONSUMPTION**

14,228 (ACRE-FEET/YR)

**APPROVED AND UNDER CONSTRUCTION PROJECTS**

714 (ACRE-FEET/YR)      FROM TABLE 2.4 OF THE 2017 CWRR (OUTSIDE CASITAS)\*

571 (ACRE-FEET/YR)      ADJUSTED TO ACCOUNT FOR STAGE 3 - 20% REDUCTION

**ESTIMATED ANNUAL CONSUMPTION WITH ALL PROJECTS COMPLETED FROM TABLE 2.4**

14,228 + 571 =      14,799 (ACRE-FEET/YR)

**"WORST CASE" WATER BALANCE**

14,988 - 14,799 =      189 (ACRE-FEET/YR) REMAINING FOR FUTURE DEVELOPMENT

**"MOST PROBABLE CASE" WATER BALANCE**

16,847 - 14,799 =      2,048 (ACRE-FEET/YR) REMAINING FOR FUTURE DEVELOPMENT

\* USE ONLY "OUTSIDE CASITAS" BECAUSE DEVELOPMENT PROJECTS WITHIN CASITAS ARE ENTITLED TO ADDITIONAL SUPPLY FROM CASITAS

These calculations apply to Stage 3 Water Shortage Event conditions only





VENTURA LOCAL AGENCY FORMATION COMMISSION

STAFF REPORT

Meeting Date: July 19, 2017

LAFCo  
September 20, 2017  
Item 10, Attachment 2

**TO:** LAFCo Commissioners  
**FROM:** Kai Luoma, Executive Officer  
**SUBJECT:** LAFCo 16-07 City of Ventura Reorganization - Northbank

**RECOMMENDATION:**

- a. Determine if Condition No. 9 of LAFCo Resolution 16-07 has been satisfied.
- b. Provide direction as appropriate.

**BACKGROUND:**

At its April 2017 meeting, the Commission adopted LAFCo Resolution 16-07 (Attachment 1), approving LAFCo 16-07 City of Ventura Reorganization – Northbank. The purpose of the reorganization is to annex a 25-acre site to the City to allow for the construction of a 193-unit residential development. The Commission heard and discussed the proposal on three occasions: November 16, 2016, February 15, 2017, and April 19, 2017. The following four topics were the primary focus of each meeting:

- Water supply
- Flood impacts
- Impacts to the operations of the Saticoy Sanitary District
- Land use conflicts

After substantial discussion at each meeting, the Commission determined at the April 2017 meeting that the matters related to flooding, the Saticoy Sanitary District, and land use conflicts had been, or will be, adequately resolved. However, the Commission determined that the City had not demonstrated that it has an adequate water supply to meet demand and included the following condition as part of its approval:

COMMISSIONERS AND STAFF

<b>COUNTY:</b> Linda Parks, Vice Chair John Zaragoza <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Janice Parvin Carmen Ramirez <i>Alternate:</i> Claudia Bill-de la Peña	<b>DISTRICT:</b> Elaine Freeman, Chair Mary Anne Rooney <i>Alternate:</i> Andy Waters	<b>PUBLIC:</b> David J. Ross  <i>Alternate:</i> Pat Richards
<b>Executive Officer:</b> Kai Luoma, AICP	<b>Analyst</b> Andrea Ozdy	<b>Office Manager/Clerk</b> Richelle Beltran	<b>Legal Counsel</b> Michael Walker

*This reorganization shall not be recorded until the General Manager of Ventura Water submits to the LAFCo Executive Officer written confirmation, with supporting documentation, that the City has an adequate and available long term water supply to meet demand.*

To satisfy this condition of approval, on June 6 the Acting General Manager of Ventura Water submitted a letter to the LAFCo Executive Officer (Attachment 2) to which was attached the City's 2017 Comprehensive Water Resources Report (CWRR)<sup>1</sup>. Due to its length, the CWRR is not attached to this report, but was provided to the Commission under separate cover and is available on the LAFCo website at [www.ventura.lafco.ca.gov/lafco-16-07-city-of-ventura-reorganization-northbank/](http://www.ventura.lafco.ca.gov/lafco-16-07-city-of-ventura-reorganization-northbank/).

After reviewing the materials submitted, LAFCo staff determined that it appeared the submitted materials did not satisfy the condition of approval and met with the Acting General Manager to discuss the condition and the materials. At the meeting, the Acting General Manager indicated that additional materials would be submitted to LAFCo for consideration. However, two days later the Acting General Manager confirmed that the City would not be submitting additional information. LAFCo staff then responded to the City's submission in a June 14 letter to the Acting General Manager (Attachment 3). The matter was then scheduled for Commission consideration at the request of the City.

#### **DISCUSSION:**

As indicated in the City's letter and the CWRR, under normal (non-drought) conditions, the City has an adequate water supply to meet demand. However, as of June 27, 2017 the U.S. Drought Monitor indicates that the entirety of Ventura County is still experiencing "Moderate Drought" conditions. The City's water supply, which comes entirely from local sources, has been reduced by nearly 20%. As a result, in September 2014 the City declared a Stage 3 Water Shortage Event, which requires water customers to reduce water usage by 20%. According to the City's letter, the City expects to remain in a Stage 3 Water Shortage Event "for the remainder of 2017 and potentially beyond".

As noted, the Commission's condition of approval requires written confirmation "that the City has an adequate and available long term water supply to meet demand". However, the City's letter does not confirm that the City has a long term water supply to meet demand, only that there is available water for the project "at this time". In fact, the letter makes no mention of

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<sup>1</sup> The CWRR was presented to and accepted by the City Council in April 2017. The City has been preparing comprehensive water resources reports annually since 2013 primarily as a result of the Municipal Service Review adopted by LAFCo in 2012, in which the Commission made several determinations regarding water supply, including "It appears that anticipated reductions in supply during drought conditions will result in current and future normal water demand exceeding supplies, requiring implementation of measures to reduce demand."

“long term”, which is a key component of the condition of approval. In addition, the CWRR does not appear to establish an adequate and available long term water supply to meet demand, as discussed below.

Current supply and demand

The conclusion that the City has adequate water “at this time” is based on the water demand factor from a single year (2016) found in the CWRR. However, nowhere in the CWRR is demand from a single year used as a baseline to determine available supply. In fact, the CWRR establishes a baseline water demand using the average demand over the previous 10 years (2007-2016). Using this baseline demand, the CWRR concludes that under current drought conditions for 2017 and 2018, demand is expected to exceed supply (Table ES-1 of the CWRR). Even if the demand baseline is decreased by using a five-year average (as was used in the 2016 CWRR) or even a three-year average (which has not been used in any CWRR), under current conditions, it appears that the City may not have an adequate water supply to meet current demand. The following table compares available supply in 2017 using the 10-year average baseline of the CWRR, a five-year average baseline, a three-year average baseline, and the one-year baseline used in the City’s letter:

**2017 Supply and Demand**

	<b>2017 Drought (AFY) (10-year baseline demand)</b>	<b>2017 Drought (AFY) (5-year baseline demand)</b>	<b>2017 Drought (AFY) (3-year baseline demand)</b>	<b>2017 Drought (AFY) (1-year baseline demand)</b>
Supply*	14,988 – 16,847	14,988 – 16,847	14,988 – 16,847	14,988 – 16,847
Demand**	17,270	16,395	15,309	14,421
Available Supply	<b>(2,282) – (423)</b>	<b>(1,407) - 452</b>	<b>(321) – 1,538</b>	<b>567 – 2,426</b>

\* Based on supply figure provided in Table ES-1 of the CWRR.

\*\* Based on 2016 baseline demand conditions (Table 3-7 of the CWRR) plus 159 AFY from the assumed completion of 350 units in 2017 (Table 3-8 of the CWRR).

The use of the demand factor from a single year to determine a water demand baseline appears to be inconsistent with the methodology of the CWRR and its conclusions. The use of a single year’s demand factor demonstrates that there may be available supply for that single year, but does not appear to establish a reasonable baseline to demonstrate that there will be an available supply in any future year.

Near-term supply and demand

In addition, the City’s letter does not address the fact that, according to the City Planning Division’s most recent Pending Projects Summary (available on the City’s website), between January and April of 2017 construction of over 200 residential units and a limited amount of



commercial uses have been completed<sup>2</sup>. In addition, as of April 2017 nearly 1,000 units and several hundred thousand square feet of other uses were identified as “under construction”. Another over 500 units and over 150,000 square feet of development were in “plan check”, with the issuance of building permits imminent. The following table summarizes the anticipated demand from this near-term development according to the CWRR:

	<b>Units</b>	<b>Other uses (approx. square feet)</b>	<b>Total demand Per CWRR (AFY)</b>
Completed between January - April 2017	212	1,400	62
Under Construction as of April 2017	996	422,000	646
Building permits pending as of April 2017	531	152,000	201
<b>Near Term Total</b>	<b>1,739</b>	<b>575,400</b>	<b>909</b>

As noted in the table on the previous page, the estimated available supply for 2017 assumes an increase in demand of 159 AFY due to the completion of 350 units. The following table summarizes the estimated available supply in 2017 when the additional anticipated 750 AFY (909 AFY minus 159 AFY) demand from the near-term development discussed above is factored in:

<b>2017 Supply + Near-Term Demand</b>				
	<b>CWRR baseline demand</b>	<b>5-year baseline demand</b>	<b>3-year baseline demand</b>	<b>1-year baseline demand</b>
2017 Supply	(2,282) – (423)	(1,407) - 452	(321) – 1,538	567 – 2,426
Near-term demand	750	750	750	750
<b>Available Supply</b>	<b>(3,032) – (1,173)</b>	<b>(2,157) – (298)</b>	<b>(1,071) – 788</b>	<b>(183) – 1,676</b>

When considering development data made available by the City, when the near-term water demands are included, demand exceeds supply in each of the scenarios, including the 2016 single year baseline.

#### Supply and demand including all allocations

In addition, the City has approved another approximately 1,000 units and 300,000 square feet of other uses that have not yet sought building permits. These approved projects have been allocated approximately 383 AFY. The following table compares the various baselines including 2017 demand, near-term demand, and the additional 383 AFY in approved allocations:

<sup>2</sup> Table 2-4 of the CWRR “Summary of Approved and Under Construction Projects – as of December 2016” identifies these 200+ units and commercial development as being “under construction”. The City’s most recent Pending Projects Summary does not list these projects as of April 2017. LAFCo staff’s assumption is that these projects were completed between January and April 2017.

**2017 Supply + Near-Term Demand + Remaining Allocations**

	<b>CWRR baseline demand</b>	<b>5-year baseline demand</b>	<b>3-year baseline demand</b>	<b>1-year baseline demand</b>
2017 Supply	(3,032) – (1,173)	(2,157) – (298)	(1,071) – 788	(183) – 1,676
Allocations	383	383	383	383
<b>Available Supply</b>	<b>(3,415) – (1,556)</b>	<b>(2,540) – (681)</b>	<b>(1,454) – 405</b>	<b>(566) – 1,293</b>

Pending development projects

Finally, according to the Pending Projects Summary, as of April there were 26 development projects totaling 1,353 units and approximately 262,000 square feet of other uses that are in the City’s planning process, but for which final approval has not yet been granted. These include the subject Northbank project and a 250-unit residential development that will require annexation. Water demand totals for these projects were not available as of the writing of this report.

Attachments:

1. LAFCo Resolution 16-07
2. Letter from Joe McDermott, Acting General Manager for Ventura Water, dated June 6, 2017
3. Letter from Kai Luoma, LAFCo Executive Officer, dated June 14, 2017

**LAFCO 16-07**

**RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING THE CITY OF VENTURA REORGANIZATION – NORTHBANK; ANNEXATION TO THE CITY OF VENTURA AND THE VENTURA PORT DISTRICT, DETACHMENT FROM THE VENTURA COUNTY RESOURCE CONSERVATION DISTRICT, THE VENTURA COUNTY FIRE PROTECTION DISTRICT, AND COUNTY SERVICE AREA NOS. 32 AND 33**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission (LAFCo or Commission) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Section 56000 et seq. of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the public hearing on the proposal by the Commission; and

WHEREAS, the Commission duly considered the proposal on February 15, 2017 and April 19, 2017; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the LAFCo Staff Reports and recommendation, spheres of influence, and applicable local plans and policies; and

WHEREAS, all landowners within the affected territory have consented to the proposal; and

WHEREAS, the affected territory has fewer than twelve registered voters and is considered uninhabited; and

WHEREAS, the Commission finds the proposal to be in the best interest of the landowners and present and future inhabitants within the City of Ventura, the County of Ventura, the affected territory, and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Ventura Local Agency Formation Commission as follows:

- (1) The LAFCo Staff Report dated April 19, 2017 is adopted.
- (2) The proposal is hereby approved, and the boundaries are established as generally set forth in the attached Exhibit A.
- (3) The boundaries of the proposal are found to be definite and certain as approved.



- (4) The subject proposal is assigned the following distinctive short form designation: **LAFCO 16-07 CITY OF VENTURA REORGANIZATION – NORTHBANK**
- (5) Pursuant to California Environmental Quality Act (CEQA) Guidelines § 15096, the Commission has considered the Saticoy and Wells Community Plan and Code Environmental Impact Report (EIR), certified in 2009, and an addendum to that EIR, contained in the City’s resolution initiating proceedings for this reorganization, dated September 19, 2016, both as prepared by the City as lead agency. The EIR did not address the project and thus did not identify any significant effect on the environment resulting from the project. The addendum contained in the 2016 resolution initiating proceedings for this reorganization concluded that the project will result in no significant effect on the environment. Accordingly, the Commission is not required to, and does not, make any findings pursuant to CEQA.
- (6) The affected territory shall be liable for all taxes, charges, fees or assessments that are levied on similar properties within the City of Ventura.
- (7) **This reorganization shall not be recorded until all LAFCo fees have been paid and until fees necessary for filing with the State Board of Equalization have been submitted to the LAFCo Executive Officer.**
- (8) **This reorganization shall not be recorded until a map and legal description consistent with this approval and suitable for filing with the State Board of Equalization have been submitted to the LAFCo Executive Officer.**
- (9) **This reorganization shall not be recorded until the General Manager of Ventura Water submits to the LAFCo Executive Officer written confirmation, with supporting documentation, that the City has an adequate and available long term water supply to meet demand.**

This resolution was adopted on April 19, 2017.

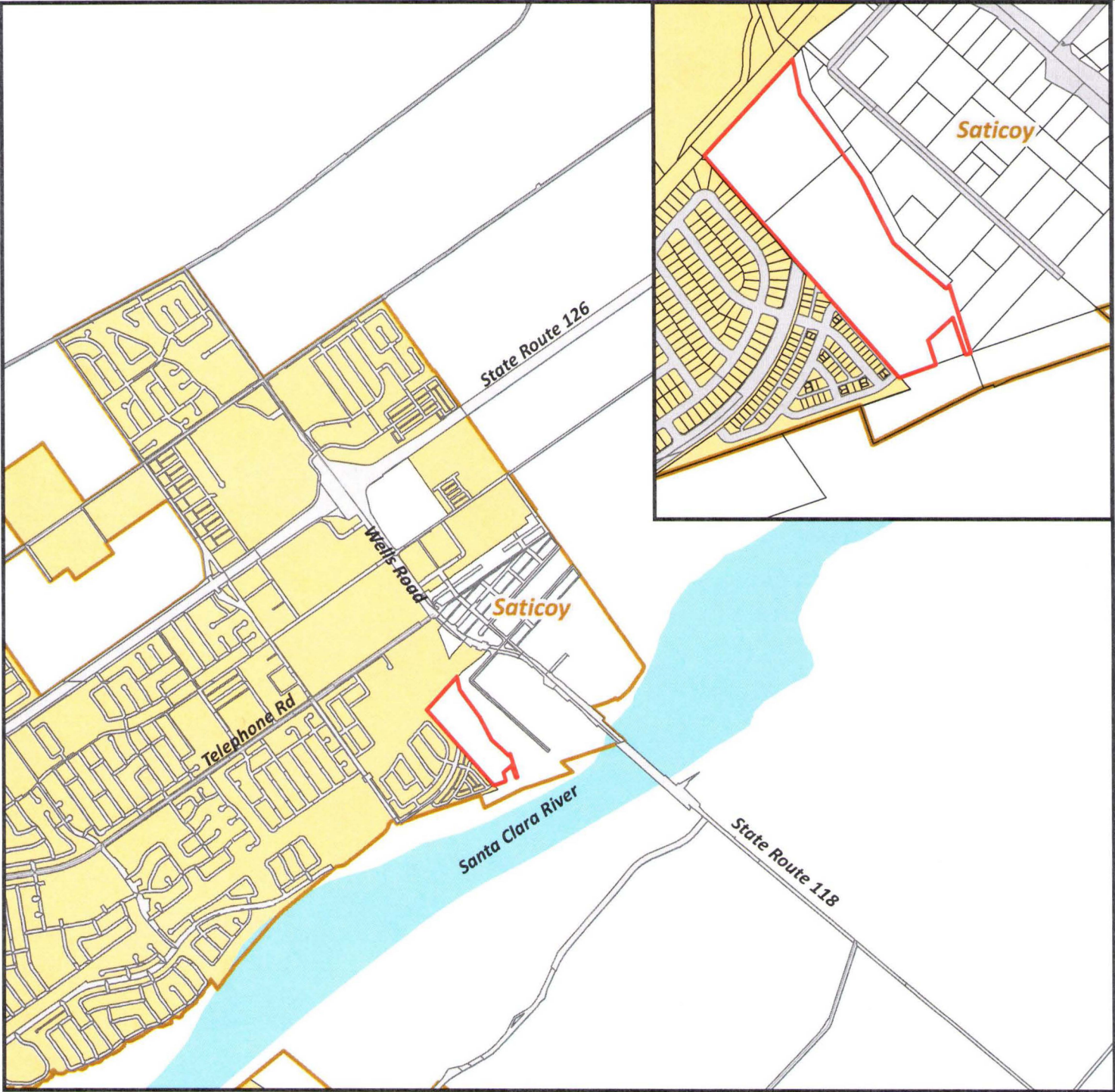
	AYE	NO	ABSTAIN	ABSENT
Commissioner Freeman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parvin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ramirez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Rooney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ross	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Zaragoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Bennett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Bill-de la Peña	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Richards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5-3-17  
Date

  
Elaine Freeman, Chair, Ventura Local Agency Formation Commission

Exhibit A

Copies: City of Ventura  
Ventura County Surveyor  
Ventura County GIS Officer



LAFCo 16-07  
City of Ventura Reorganization  
Northbank  
April 19, 2017

-  Proposal Area
-  City of Ventura - Sphere of Influence
-  City of Ventura





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LAFCo 16-07  
Attachment 2 of the  
July 19, 2017 Staff Report

June 6, 2017

Kai Luoma, Executive Officer  
Ventura Local Agency Formation Commission  
County Government Center, Hall of Administration  
800 S. Victoria  
Ventura, CA 93009-1850

**RE: LAFCo 16-07 City of Ventura Reorganization – Northbank**  
**Project Name: Northbank Vanoni**  
**City Project Number: 6270**  
**Location: Eastern Terminus of North Bank Drive; APN 128-0-056-135 and 255**

Dear Mr. Luoma,

This letter is in response to LAFCO's request for a letter for the subject annexation and development project. At this time, the City has adequate, timely, and available water supply to meet the demands for the project as explained below.

Ventura Water takes great pride in carefully monitoring available water supply and demand trends as part of our annual Comprehensive Water Resources Report (CWRR) updates. This effort goes beyond any statutory requirements and includes keeping close tabs on proposed new development projects that will result in increased demands for water. In accordance with the latest CWRR for 2017, which was presented to and received by the San Buenaventura City Council on April 24, 2017, the City's current estimated Normal Water Supply (under non-drought conditions), is 21,292 acre-Feet (p. 4-4, Table 4-1 of the CWRR). This exceeds the projected water demand of 17,270 acre-feet in the year 2017 and 18,519 acre-feet in the year 2025 (p. 3-11, Table 3-8 of the CWRR).

The City is currently in a Stage 3 Water Shortage Event and plans to remain in this condition for the remainder of 2017 and potentially beyond. With a Stage 3 Water Shortage in effect, the City still has adequate water supply for the subject project. While the water supply during this shortage condition is estimated at between 14,988 and

16,847 acre-feet for 2017 (p. 4-10, Table 4-2 of the CWRR), the anticipated demand will be below this range. The actual water consumption in 2016, for instance, was 14,262 acre-feet (p. 3-7, Table 3-5 of the CWRR).

We are also committed to exploring and developing additional water supplies in accordance with our Water Shortage Event Contingency Plan. Potential future supplies include, but are not limited to: a connection to State Water, which by 2021 could bring an average of 3,000 acre-feet per year of backup/emergency water supply, and a Potable Reuse Program, which by 2023 could provide an additional 2,381-3,898 acre-feet per year of water supply. These projects are subject to appropriate permitting and environmental review and the potential supplies are in addition to the 21,292 acre-feet of the current estimated normal-year supply.

Additionally, should conditions change, Government Code section 65858 and Water Code section 350 provide the City the authority to deny building permits and/or water service connections due to inadequate water supply.

Sincerely,



Joe McDermott  
Ventura Water  
Acting General Manager

Attachment: 2017 Comprehensive Water Resources Report



# VENTURA LOCAL AGENCY FORMATION COMMISSION

COUNTY GOVERNMENT CENTER • HALL OF ADMINISTRATION

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**LAFCo 16-07**  
**Attachment 3 of the**  
**July 19, 2017 Staff Report**

June 14, 2017

Joe McDermott, Acting General Manager  
Ventura Water  
501 Poli Street  
Ventura, CA 93001

SENT VIA E-MAIL

Subject: LAFCo 16-07 – City of Ventura Reorganization - Northbank

Dear Joe:

Thank you for taking the time to meet with me last week to discuss your June 6, 2017 letter regarding the City's water supply and demand.

As you know, the Commission's approval of the above-referenced reorganization included a condition that the reorganization shall not be recorded until the "General Manager of Ventura Water submits to the LAFCo Executive Officer written confirmation, with supporting documentation, that the City has an adequate and available long term water supply to meet demand." Your June 6 letter and the accompanying 2017 Comprehensive Water Resources Report (CWRR) were provided to satisfy this condition of approval.

Based on the CWRR, the City has an adequate water supply to meet demand under normal (non-drought) conditions. However, as you note in your letter, due to the ongoing drought conditions and resultant decreased water supplies, the City plans to remain under a Stage 3 Water Shortage Event "for the remainder of 2017 and potentially beyond."

Your letter concludes that even under drought conditions, "At this time, the City has adequate, timely, and available water supply to meet the demands for the project..." This conclusion is based on the water demand factor from a single year (2016) found in the CWRR. However, as you know, the CWRR establishes a baseline water demand using the average demand over the previous 10 years (2007-2016). Using this baseline demand, the CWRR concludes that for 2017 demand is expected to exceed supply. Even if the demand baseline is decreased by using a five-year average (as was used in the 2016 CWRR) or even a three-year average (which hasn't been used in any CWRR), under current conditions, it appears that the City may not have an adequate water supply to meet current demand. The following table compares available supply using the recommended 10-year average baseline in the CWRR, a five-year average baseline, a three-year average baseline, and the one-year baseline used in your letter:

	<b>2017 Drought (AFY) (CWRR baseline demand)</b>	<b>2017 Drought (AFY) (5-year baseline demand)</b>	<b>2017 Drought (AFY) (3-year baseline demand)</b>	<b>2017 Drought (AFY) (1-year baseline demand)</b>
Supply	14,988 – 16,847	14,988 – 16,847	14,988 – 16,847	14,988 – 16,847
Demand*	17,270	16,395	15,309	14,421
Available Supply	<b>(2,282) – (423)</b>	<b>(1,407) - 452</b>	<b>(321) – 1,538</b>	<b>567 – 2,426</b>

\* Based on 2016 baseline demand conditions (Table 3-5 of the CWRR) plus 159 AFY (as reflected in Table ES-1).

The use of the demand factor from a single year to determine a water demand baseline appears to be inconsistent with the methodology of the CWRR and its conclusions. The use of a single year’s demand factor demonstrates that there may be available supply for that single year, but does not appear to establish a reasonable baseline to demonstrate that there will be an available supply in any future year.

In addition, your letter does not address the fact that, according to the CWRR (Table 2-4), as of December 2016 there are nearly 700 residential units and approximately 420,000 square feet of other uses currently under construction that will soon increase water demand by over 500 AFY. There are another approximately 2,400 units and 415,000 square feet of other uses that have been approved, but are not yet under construction, that together have been allocated an additional approximately 900 AFY. When these allocations are considered, demand exceeds supply in each of the four scenarios in the above table.

For these reasons, it appears that the information submitted does not provide the written confirmation, with supporting documentation, that the City has “an adequate and available *long term* water supply to meet demand” as required by the Commission. I would be happy to consider any additional information that the City would like to submit that would help to satisfy the Commission’s condition of approval. I also would be open to scheduling this matter for Commission consideration at the City’s request.

Again, it was a pleasure meeting with you. Please feel free to contact me should you have any questions.

Sincerely,



Kai Luoma, AICP  
Executive Officer


c: LAFCo Commissioners  
Jeff Lambert, City of Ventura  
Vince Daly



## MEMORANDUM

DATE: September 11, 2017

TO: Ventura LAFCo Commissioners

FROM: Kai Luoma, Executive Officer 

SUBJECT: City of Ventura letter, dated September 5, 2017

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As you likely recall, the Commission's approval of LAFCo 16-07 (City of Ventura Reorganization – Northbank) included a condition that the proposal would not be recorded until the General Manager of Ventura Water submits written confirmation and supporting documentation that the City has an adequate and available long-term water supply. At the July 2017 LAFCo meeting, pursuant to the City's request, the Commission considered whether information submitted by the City of Ventura satisfied this condition of approval. The Commission determined that the information did not satisfy the condition and the Commission continued the matter with a request that the City provide it with additional information consistent with the condition.

On September 5, 2017, the City submitted another letter, signed by the City's Community Development Director and the acting General Manager of Ventura Water, and the matter is scheduled for further Commission consideration at the September 20 LAFCo meeting. In addition to providing information regarding water supply, the letter expresses a number of unrelated concerns regarding the process that the proposal has undergone at LAFCo. Although I had originally intended to respond to these points as part of the LAFCo staff report for this item, I've been made aware that the letter has been the topic of one or more conversations with Commissioners. Therefore, I am providing the letter to the Commission prior to the date that the staff report would normally be provided for the September meeting. I am also providing a response to the different concerns expressed in the letter that are not related to water supply. The issue of water supply will be evaluated in the staff report.

Please feel free to contact me should you have any questions.



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September 5, 2017

Elaine Freeman, Chair  
Ventura Local Agency Formation Commission  
1692 Sycamore Dr.  
Simi Valley, CA 93065

**RE: LAFCo 16-07 City of Ventura Reorganization – Northbank**  
**Project Name: Northbank Vanoni**  
**City Project Number: 6270**  
**Location: Eastern Terminus of North Bank Drive; APN 128-0-056-135 and 255**

Dear Ms. Freeman,

This letter is in response to LAFCo's latest request for another letter from the City based on the outcome of your Commission meeting held on July 19, 2017. We would like to reiterate that the City has adequate, timely, and available water supply to meet the demands for the subject project as well as other development projects that are under construction or scheduled to be completed within the next several years. Water supplies will also be sufficient in the long-term as indicated in our June 6, 2017 letter to Kai Luoma, Executive Director. We respectfully request that the determination to be made at the next hearing on September 20, 2017 be consistent with these conclusions.

The City does not agree with the conclusion made by Executive Director Luoma in his report to the Commission on July 19, 2017 that there is not adequate water supply. Executive Director Luoma used the City's 2017 Comprehensive Water Resources Report (CWRR) as a reference. The CWRR is an annual report that City staff uses to closely monitor the City's water balance. Its primary purpose is to provide guidance to the City for long-term planning. It is not a mandated report but a proactive approach the City commenced in 2013 to actively monitor and track the City's water demands and supplies. The assumptions used by Executive Director Luoma in his calculations are inconsistent with City staff's. Our calculations indicate that even during our current Stage 3 Water Shortage Event, there is a minimum of 189 acre-feet of additional water supply available after all projects listed in Table 2.4 of the 2017 CWRR are completed and occupied, including the subject project. The attached "water balance" calculation worksheet shows how this amount was calculated.

Regarding long-term supply availability, the City is aggressively pursuing new sources that will diversify its water supply portfolio. These new supply options are outlined in our letter to the Commission dated June 6, 2017. The planned connection that will allow the City to bring in State Water along with Potable Reuse will not only augment existing water supplies and further increase

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the reliability of the drinking water system, but will provide other benefits such as improving water quality in the eastern area of the City. ]

In the July 19, 2017 meeting, Executive Director Luoma indicated that the City would not be able to connect to Calleguas Municipal Water District to supply State Water to the City. This is simply incorrect. We have confirmed with Calleguas and with Metropolitan Water District that a “Cyclic Agreement” to wheel State Water to the City would be supported by both entities. The person previously contacted by Executive Director Luoma was not familiar with the proposed connection and did not provide Executive Director Luoma with accurate information. We will happily provide you with our contact at Metropolitan Water District should you require any direct confirmation on the matter. ] 3

Should this additional information still not convince LAFCo that there is adequate, timely water supply in both the near and long-term, we suggest that LAFCo hire a “third-party” water professional that has qualifying knowledge and experience to provide an unbiased assessment on the matter. Short of conducting such a technical review, reliance upon Executive Director Luoma’s determination, whom we do not feel has qualifying experience in this area, is not a fair or adequate review of the annexation application. ] 4

The City would also like to express our overall concern with regard to how this annexation project is being processed through LAFCo. Beyond the City’s local development review and entitlement process which was conducted over 5 years and included 8 public hearings (City Council, Planning Commission, Design Review Committee, and Parks & Recreation Commission), circulation of an expanded Initial Study CEQA Addendum and the City’s response to comments from the County of Ventura, Watershed Protection District, LAFCo’s Executive Director, and follow-up meetings with each agency, the level of LAFCo review and engagement on this project is unlike any previous request for annexation from the City. Specifically: ] 5

- **Application Acceptance Hearing** – The City was held to a new standard of an “application acceptance determination” public hearing before the Commission because Executive Director Luoma’s indication that he would reject the application for processing based upon his concern of the CEQA documentation provided. For the first time in the collective careers of the City Community Development staff, who have worked at over 15 local cities and counties, a public hearing was held to accept or reject an application. An application filing should be a ministerial action and not an analysis of the project: all materials are provided per the permit/application filing requirements/checklist or not, after which agency staff accepts or rejects it for processing. At your November 16, 2016 LAFCo hearing, your Commission concurred with the City to accept the application for processing by LAFCo staff. ] 6
- **County Watershed Protection District (WPD)** – Executive Director Luoma solicited the participation of the County Watershed Protection District in additional meetings with the City beyond the two meetings held by the City staff with WPD during the local approval process. In this meeting, the WPD staff responded that the agency is trying to resolve a ] 7



regional flooding issue but lacks the funding to do so. They also disclosed that the desired flood protection project is not ranked by the WPD as a priority improvement. Further, the proposed development does not contribute flows to the Brown Barranca. While City staff responded that there is no legal nexus for this project to provide physical improvements to WPD other than the required district fees, Executive Director Luoma opined differently and directed the City to continue to address WPD's concerns. Ultimately, your Commission concurred with City staff that additional improvements are not necessary and instead supported interagency coordination between the WPD and the City as normally occurs during technical implementation of a subdivision, from tentative to final map.

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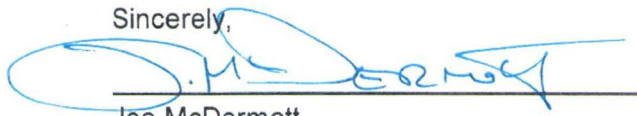
- **Saticoy Sanitary District (SSD) Late Engagement** – The Executive Director solicited SSD engagement in the annexation process, multiple times over a 6-month process, even though the SSD did not participate in the dually publicly noticed local approval process. Nonetheless, City staff along with the property owner, engaged with the SSD and incorporated project changes which your Commission supported.
- **CEQA Analysis** – During 5 years of the local permit approval process, which included LAFCo correspondence and another 3 LAFCo hearings, where the Executive Director had continuously claimed inadequate CEQA, the final action by the Commission as documented in LAFCo Resolution No. 16-07, Finding No. 5, concluded that no CEQA action was required by the Commission. While the City was pleased with this conclusion, it was surprising given the Executive Director's long-standing position on the matter. Unfortunately, the process resulted in unnecessary delays and additional costs.

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Based on the efforts made to date and additional information provided in this letter, the City respectfully requests that the annexation be deemed in satisfactory compliance with LAFCo Resolution No. 16-07, Finding No. 9. Should you have any questions, we may be reached at the telephone numbers provided below.

Sincerely,



Joe McDermott  
Acting Ventura Water General Manager  
(805) 654-7828



Jeffrey Lambert, AICP  
Community Development Director  
(805) 658-4723

Enc: Water Balance Calculation Worksheet

Cc: Kai Luoma, Executive Director  
Ventura Local Agency Formation Commission  
800 S. Victoria Avenue  
Ventura, CA 93009-1850

**WATER BALANCE (AS OF 2017)**

\* ALL VALUES ARE IN ACRE-FEET

**AVAILABLE SUPPLY (FROM 2017 CWRR, TABLE 4-2)**

LOW      HIGH      (2017 DROUGHT)  
14,988    16,847 (ACRE-FEET/YR)

**ACTUAL CONSUMPTION IN 2015**

14,194 (FROM 2016 CWRR, TABLE 3-1)

**ACTUAL CONSUMPTION IN 2016**

14,262 (FROM 2017 CWRR, TABLE 3-1)

**AVERAGE OF 2015 ACTUAL AND 2016 ACTUAL CONSUMPTION**

14,228 (ACRE-FEET/YR)

**APPROVED AND UNDER CONSTRUCTION PROJECTS**

714 (ACRE-FEET/YR)      FROM TABLE 2.4 OF THE 2017 CWRR (OUTSIDE CASITAS)\*

571 (ACRE-FEET/YR)      ADJUSTED TO ACCOUNT FOR STAGE 3 - 20% REDUCTION

**ESTIMATED ANNUAL CONSUMPTION WITH ALL PROJECTS COMPLETED FROM TABLE 2.4**

14,228 + 571 =      14,799 (ACRE-FEET/YR)

**"WORST CASE" WATER BALANCE**

14,988 - 14,799 =      189 (ACRE-FEET/YR) REMAINING FOR FUTURE DEVELOPMENT

**"MOST PROBABLE CASE" WATER BALANCE**

16,847 - 14,799 =      2,048 (ACRE-FEET/YR) REMAINING FOR FUTURE DEVELOPMENT

\* USE ONLY "OUTSIDE CASITAS" BECAUSE DEVELOPMENT PROJECTS WITHIN CASITAS ARE ENTITLED TO ADDITIONAL SUPPLY FROM CASITAS

These calculations apply to Stage 3 Water Shortage Event conditions only



1. Comment 1: City staff attempts to explain how it reached its conclusion that the City has an adequate, available, and long-term water supply to meet demand.

Response 1: Water supply and demand will be discussed in the September 20, 2017 LAFCo Staff Report.

2. Comment 2: The letter notes the City's pursuit of new sources of water.

Response 2: No response.

3. Comment 3: City staff claims that at the July LAFCo meeting, I incorrectly indicated "that the City would not be able to connect to Calleguas Municipal Water District [Calleguas] to supply state water to the City." The City also maintains that it has confirmed with Calleguas and the Metropolitan Water District (Metropolitan) that an agreement to wheel state water to the City would be supported by both entities. The City also maintains that I was provided inaccurate information regarding the proposed connection from a "person" contacted by me.

Response 3: I did not indicate at the July LAFCo meeting (or anywhere else) that the City would not be able to connect to Calleguas facilities.

The City has contractual rights to water from the State Water Project (SWP). However, due to a lack of necessary infrastructure connecting it to the SWP, the City has never received any state water. As LAFCo staff understands it, the City's current plan to obtain water from the SWP includes the construction of a new pipeline that would extend from the City several miles east to connect to an existing pipeline owned by Calleguas, a member district of Metropolitan. Metropolitan would receive the City's water from the SWP which would then be "wheeled" through pipelines owned by Metropolitan and Calleguas to the City's new pipeline. The City is located outside the boundaries of both Metropolitan and Calleguas. However, because the pipelines that would be used by Metropolitan and Calleguas convey only treated/potable water, the City's SWP water would first be treated by Metropolitan before it is delivered to the City. Staff understands that Metropolitan would charge the City a fee for the water treatment service. Therefore, it appears that the plan, as LAFCo staff understands it, would require Metropolitan to provide a new service (i.e. water treatment) to an agency located outside its boundaries and may be subject to LAFCo law.

At the July LAFCo meeting, I stated in response to questions from the Commission regarding wheeling state water that neither Calleguas nor Metropolitan had entered into any formal agreements with the City to wheel water and that such agreements were not a certainty, a fact confirmed by management staff from both water agencies. In addition, I informed the Commission that Metropolitan's authority to treat water for an agency located outside its boundaries may require additional research. Management staff from Calleguas and Metropolitan acknowledged that water treatment service was not a consideration in the initial discussions with the City regarding wheeling state water. In a telephone conversation

with me in late August, Metropolitan's Water Resources Manager committed to investigate the matter further and follow up with LAFCo staff. To date, LAFCo staff has not heard back from Metropolitan.

How City staff reached the conclusion that I was not presented with accurate information from "the person previously contacted" by me is unclear. It is not clear which "person" is being referenced, nor which agency this "person" represents. I have been in contact with multiple staff members at both Metropolitan and Calleguas and have no reason to believe that inaccurate information was provided at any time. City staff did not participate in any of these conversations.

4. Comment 4: City staff suggests that if the Commission finds that the information provided does not satisfy the condition of approval, it should hire a "third party" water consultant to give an unbiased assessment of the matter. City staff believes that I am not qualified to make a determination on the matter.

Response 4: Given that the Commission's condition of approval requires confirmation of a water supply from the General Manager of Ventura Water, it is implied that the Commission believes the General Manager is qualified to provide such confirmation.

5. Comment 5: City staff expresses that it has several concerns with how the proposal has been processed by LAFCo. City staff claims that after five years in the City's entitlement process, eight public hearings before the City Council and various City commissions/committees, the circulation of a CEQA document, and follow-up meetings with different agencies, the level of LAFCo review and engagement in the proposal was unlike any previous proposals submitted by the City. City staff cite five specific concerns.

Response 5: The level of LAFCo review and engagement during the review of a proposal submitted by a city largely depends on the adequacy of that city's review process to address the various aspects of the proposal that fall within LAFCo jurisdiction, not the length of time or the number of public hearings it takes during the city's review process.

At the conclusion of the City's entitlement review process for the subject proposal, outstanding issues remained in terms of land use conflicts, water supply, flooding, adverse impacts to the operations of an adjacent sanitary district, and CEQA review. In comment letters to City staff, the City Planning Commission, and the City Council, LAFCo staff had identified each of these items as matters that were subject to LAFCo review, pointing out that their evaluation would be necessary as part of the LAFCo process. Typically, matters such as these are evaluated in the lead agency's environmental document or at some other point during the city's entitlement review process. However, in this instance, the City's environmental document and review either did not acknowledge the issues or did not adequately address the issues for LAFCo purposes. When the Commission considered the proposal at the February 2017 LAFCo meeting, it agreed with LAFCo staff and continued the matter due to these unresolved issues. The Commission approved the proposal in April

2017 only after additional information was provided by the City and changes were made to the project (or, in the case of water supply, a condition was imposed) to address the issues.

The five specific concerns cited by the City are addressed below in comments 6-9.

6. Comment 6: Application Acceptance Hearing: The City claims that it was held to a new standard because, according to the City, the Commission held a public hearing to accept or reject the application. It claims that this is “the first time in the collective careers of the City Community Development staff” that a public hearing was held to accept or reject an application. Staff opines about the process for accepting LAFCo applications. The City also maintains that at the November 2016 meeting, the Commission concurred that the application should be accepted by LAFCo staff.

Response 6: The matter of whether the application for the subject proposal was complete was never subject to a public hearing nor did the Commission make any determination regarding its completeness. Pursuant to LAFCo law and Commission policies, the Executive Officer is charged with determining an application’s completeness. The subject application was submitted to LAFCo on September 20, 2016 and was determined to be incomplete for the reasons outlined in the incompleteness letter dated October 18, 2016 which was provided to the Commission. At the September 2016 LAFCo meeting, the Commission requested that LAFCo staff provide it with an update on the proposal at a future meeting. The update was presented to the Commission at the November 16, 2016 meeting as a “receive and file” item (approximately 30 days after the application was deemed incomplete). There was no public hearing, and no action or direction beyond “receive and file” was taken by the Commission. After receiving additional information from the City, on December 16, 2016 I determined that the application was complete for processing and issued a Certificate of Filing.

7. Comment 7: County Watershed Protection District (WPD): The City maintains that I solicited participation from the WPD and City beyond the two meetings that were held between the City and WPD during the City’s review process. The City also maintains that despite the City’s own determination that there is no legal nexus to require improvements to Brown Barranca, I continued to address WPD’s concerns and “directed” the City to address WPD’s concerns. The City also claims the Commission approved the project based on the interagency coordination that would occur between WPD and the City.

Response 7: LAFCo is mandated to notify other agencies of any proposal it receives. Govt. Code § 56658(b)(1) provides that “Immediately after receiving an application and before issuing a certificate of filing, the executive officer shall give mailed notice that the application has been received to each affected agency...” Furthermore, Govt. Code § 56668 provides that the Commission shall consider, among other factors, “The comments of any affected local agency or other public agency.” In addition, Commission policies provide that the Commission will look unfavorably on a proposal that accommodates new development in a floodplain or hazardous area. The WPD expressed several flood-related concerns with

the proposal in comments submitted to LAFCo on October 10, 2016, December 12, 2016, and January 30, 2017.

The LAFCo process and the City entitlement review process are distinct and separate processes that are subject to separate bodies of law. One does not take precedence over the other. The fact that the City met with the WPD during the City's entitlement review process has no bearing on whether additional meetings between LAFCo staff and the City and/or WPD are warranted during the LAFCo process. In addition, the City's own determination that it lacks a legal nexus to require improvements to the barranca is not applicable to LAFCo and in no way removes the Commission's requirement to consider WPD comments, nor does it limit the Commission's discretion to consider possible alternatives to address the concerns, which was the topic of these meetings. I never "directed" the City to address WPD's concerns, as the Executive Officer does not possess such authority.

8. Comment 8: Saticoy Sanitary District (SSD) Late Engagement: The City maintains that I solicited SSD engagement multiple times during the annexation process, even though SSD did not participate in the City's publicly-noticed local approval process. Nonetheless, according to the City, the City and property owner worked with SSD staff and incorporated changes to the project.

Response 8: There was no late engagement by SSD. As stated in the previous response, LAFCo is required to solicit engagement from affected local agencies and is required to consider any comments provided. In response to LAFCo's notification that it had received the Northbank application, on October 5, 2016 the SSD submitted comments to LAFCo citing several concerns with the proposal that were not addressed during the City's review process. SSD's level of participation, or lack thereof, during the City's entitlement review process has no bearing on the standing of SSD or its level of participation during the LAFCo process. It was the notification provided by LAFCo to SSD that brought the concerns of the SSD to the attention of the City and property owner so that they could be addressed. In fact, on multiple occasions the developer of the project expressed appreciation at LAFCo's involvement of SSD in the process, claiming that it made it a better project.

9. Comment 9: CEQA Analysis: According to the City, during the five-year approval process, I continually claimed inadequate CEQA review, yet the final action by the Commission concluded that no CEQA action was required. City staff claims this was surprising given my long-standing position on the matter. The City maintains the CEQA process resulted in unnecessary delays and additional costs.

Response 9: My position and the position of LAFCo Legal Counsel on the CEQA issue has not changed. As stated in the April 19, 2017 Staff Report, "LAFCo staff believes that the addended EIR prepared by the City is inconsistent with CEQA and LAFCo policies and is not the appropriate environmental document for the Northbank project..." The staff report goes on to outline the several reasons for this conclusion. CEQA provides few options for responsible agencies, such as LAFCo, to challenge the adequacy of a lead agency's



environmental document. LAFCo staff's recommendation to the Commission regarding CEQA allowed the Commission to avoid having to make CEQA findings based on the analysis and conclusions of an inadequate environmental document that was also inconsistent with CEQA.

It is unclear how LAFCo's participation in the CEQA process caused unnecessary delays and additional costs. As a responsible agency, LAFCo is required under state law and local policies to participate in the lead agency's CEQA process. Also, LAFCo was not the only agency that provided comments regarding the inadequacy of the EIR addendum prepared by the City.

## **RECOMMENDATIONS**

The results of this Report indicate that the spread between the current water demand and the current water supply is very tight, and if the drought persists the supply could be less than the demand. This presents significant challenges for the City moving forward in the ability to allocate water supply to development projects that will generate additional water demands. The recommendations for the City moving forward include:

1. Track the total water consumption on an annual basis.
2. Re-calculate the 3-year, 5-year and 10-year water consumption averages on an annual basis.
3. Update the water supply portfolio on an annual basis.
4. Update the existing land use data on an annual basis. This can be done through a system that tracks the development projects as they transition from “Approved” to “Under Construction” and “Under Construction” to “Existing”.
5. All future development projects should be evaluated based on current supply and demand conditions.
6. Consider adding a new project type in the land use tracking spreadsheet for approved projects under CIP or other City approval processes.
7. Use the City-specific water usage factors to calculate the water demand of all development projects as the projects proceed through the City process prior to approval.
8. Continue to develop water supply through demand side management, securing water rights, administer the Water Rights Dedication and Water Resource Net Zero Ordinance as approved in July 2016 and continue to integrate the new water supply sources into the City’s water supply portfolio.



VENTURA LOCAL AGENCY FORMATION COMMISSION  
STAFF REPORT

Meeting Date: September 20, 2017

**TO:** LAFCo Commissioners

**FROM:** Kai Luoma, Executive Officer 

**SUBJECT:** Amendments to Commissioner’s Handbook Regarding Military Compatibility

**RECOMMENDATION:**

Adopt the attached resolution (Attachment 1) adding Sections 3.2.4.5 and 4.2.3 to the Commissioner’s Handbook regarding military compatibility.

**BACKGROUND:**

In May 2011, the Commission accepted an invitation from the Naval Base Ventura County (NBVC) to support and participate in the development of a joint land use study (JLUS). The NBVC JLUS is a cooperative planning effort conducted in collaboration with the NBVC, surrounding cities, County of Ventura, state and federal agencies, and a number of other community stakeholders. The NBVC JLUS was funded through a grant from the Department of Defense, Office of Economic Adjustment and contributions by the designated local sponsor, Ventura County Transportation Commission (VCTC). Ventura LAFCo serves as a project partner for the NBVC JLUS with staff having served on the Technical Advisory Committee.

The JLUS was completed in 2015 and in January 2016 the Commission received a presentation on the JLUS and adopted a resolution (Attachment 2) expressing “support for the continued collaboration with regional partners to evaluate the NBVC JLUS recommended strategies and identified compatibility issues to decide feasible steps for implementation. The Commission further recognizes the Naval Base Ventura County Joint Land Use Study as a resource to help preserve long-term compatibility between NBVC and the surrounding areas and to better protect health, safety, and welfare.” The Commission also directed staff to develop policies that would implement the recommended strategies related to LAFCo. The JLUS is discussed in more detail in the January 2016 staff report (Attachment 3) and the three documents that comprise the JLUS, which were provided

COMMISSIONERS AND STAFF

<b>COUNTY:</b> Linda Parks, Vice Chair John Zaragoza <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Janice Parvin Carmen Ramirez <i>Alternate:</i> Claudia Bill-de la Peña	<b>DISTRICT:</b> Elaine Freeman, Chair Mary Anne Rooney <i>Alternate:</i> Andy Waters	<b>PUBLIC:</b> David J. Ross  <i>Alternate:</i> Pat Richards
<b>Executive Officer:</b> Kai Luoma, AICP	<b>Analyst</b> Andrea Ozdy	<b>Office Manager/Clerk</b> Richelle Beltran	<b>Legal Counsel</b> Michael Walker

to the Commission for the January 2016 meeting, and are still available on the LAFCo website by clicking the links below:

1. [Joint Land Use Study - Executive Summary](#)
2. [Joint Land Use Study - Report](#)
3. [Joint Land Use Study - Background Report](#)

Several of the JLUS recommended strategies call for regional collaboration in its implementation. These strategies include the formation of a JLUS coordination committee to oversee its implementation, the development of a memorandum of understanding that delineates the roles and responsibilities for each partner agency, the creation of a regional mapping data clearinghouse, and development of a reference guide outlining the responsibilities of each partner agency. To date, little progress has been made in achieving these regional collaborative strategies. However, both the NBVC and VCTC support LAFCo moving ahead with the adoption of policies that implement the recommended strategies of the JLUS that are specific to LAFCo.

## **DISCUSSION**

There are three recommended strategies in the JLUS that specifically involve LAFCo actions:

- **Strategy 1E-1B: Annexations and Sphere of Influence Changes.** The JLUS jurisdictions should communicate with NBVC on all proposed annexations or changes to spheres of influence or infrastructure service areas for review and comment before they submit their proposals to LAFCo for a decision.
- **Strategy LU-8B: Support Land Use Policies and Laws that Prevent Encroachment.** LAFCo should update and review its guidelines to include the evaluation of military compatibility issues within the JLUS Study Area (see also LU-6A). LAFCo should review school proposals within the JLUS Study Area to ensure siting and development are done in a way to be compatible with AICUZ guidance [Air Installations Compatible Use Zone Study<sup>1</sup>]. For any GPA [general plan amendment] or change in CURB [city urban restriction boundary] boundaries, the County and JLUS cities should review changes to ensure that military compatibility, including incorporation of concepts documented in the JLUS strategies and NBVC AICUZ recommendations, is addressed.
- **Strategy LU-6A: Update Municipal Service Review Process.** The Ventura LAFCo should update its Municipal Service Review process to incorporate military compatibility guidelines.

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<sup>1</sup> According to the 2015 NBVC Point Mugu Air Installations Compatible Use Zone Study, the Study “provides prospective aircraft operations, noise contours and accident potential zones, identifies areas of incompatible land use, and recommends actions to encourage compatible land use.” In short, the AICUZ contains recommended land uses that are/are not compatible within the varying noise contours and accident potential zones related to aircraft operations at the NBVC. The AICUZ is available on the LAFCo website: [Air Installations Compatible Use Zones \(AICUZ\)](#) See Section 7.

LAFCo staff coordinated with the NBVC staff to develop recommended draft policy language to implement these strategies. In short, the recommended policies would:

1. Provide that, unless exceptional circumstances exist, LAFCo will not support changes of organization/reorganizations or changes to an agency's sphere of influence that the NBVC determines would be in conflict with its military operations, as determined by the JLUS and AICUZ.
2. Encourage lead agencies that are considering development projects within the NBVC Military Influence Area to coordinate with the NBVC for review/comment before submitting an application to LAFCo.
3. Provide that LAFCo will coordinate with NBVC regarding any proposed changes of organization/reorganizations or changes to spheres of influence within the NBVC Military Influence Area.
4. Define the NBVC Military Influence Area as the area generally bounded by the City of Camarillo to the north, the City of Oxnard to the west, the Pacific Ocean to the south, and the Santa Monica Mountains to the east.

The only agencies that are subject to LAFCo jurisdiction that exercise land use authority in the Military Influence Area are the County and the Cities of Camarillo and Oxnard, each of which is a partner agency in the JLUS and adopted resolutions in support of the implementation strategies of the JLUS. The Directors of the County's Planning Division, Camarillo's Community Development Department, and Oxnard's Development Services Department reviewed the draft language for the policies and, after minor revisions were incorporated into the draft policies, have expressed no concerns. In addition, VCTC, which was the local sponsor of the JLUS, has expressed support for the draft policies.

Staff recommends that the Commission adopt two policies, one that would apply to changes of organization and reorganizations (Handbook Division 3), and another that would apply to spheres of influence (Handbook Division 4). The policy that would apply to changes of organization/reorganizations would include a new subsection to Handbook Section 3.2.4 – *Conformance with Local Plans and Policies*, as follows:

**DIVISION 3 – CHANGES OF ORGANIZATION AND REORGANIZATION**  
**CHAPTER 2 – SPECIFIC POLICIES**  
**SECTION 3.2.4 CONFORMANCE WITH LOCAL PLANS AND POLICIES**

**3.2.4.5 *Military Compatibility:*** *Ventura LAFCo was one of several stakeholder agencies which participated in the development of the 2015 Naval Base Ventura County (NBVC) Joint Land Use Study (JLUS). Ventura LAFCo recognizes the JLUS as a resource to help preserve long-term compatibility between NBVC and the surrounding areas and to better protect health, safety, and welfare. Ventura LAFCo supports the implementation of the recommended strategies to address the military compatibility issues identified in the JLUS.*

*As such, LAFCo will not approve a proposal that has been determined by the NBVC to be incompatible with its military operations based on the land use and compatibility recommendations of the JLUS and NBVC Air Installations Compatible Use Zone Study (AICUZ), unless exceptional circumstances are shown to exist. LAFCo encourages lead agencies for development projects within the NBVC Military Influence Area to consult the JLUS and current NBVC AICUZ, and to coordinate with NBVC, through the Community Planning Liaison Officer, for review and comment prior to submittal to LAFCo. LAFCo will communicate to NBVC any proposed changes of organization or reorganizations within the NBVC Military Influence Area to encourage compatible land uses and policies. For purposes of this section, coordination with NBVC should occur for projects within the NBVC Military Influence Area, which can be generally described as bounded by the City of Camarillo to the north, the City of Oxnard to the west, the Pacific Ocean to the south, and the Santa Monica Mountains to the east.*

The second recommended policy would apply to spheres of influence and would add a new section to *Chapter 4.2 – Specific Policies*. In addition to addressing aspects of JLUS Strategies 1E-1B and LU-8B, this recommended policy would address Strategy LU-6A regarding the preparation of municipal service reviews, as a MSR must be prepared as part of an update to a sphere of influence:

**DIVISION 4 – SPHERES OF INFLUENCE**  
**CHAPTER 2 – SPECIFIC POLICIES**

**SECTION 4.2.3 MILITARY COMPATIBILITY**

*LAFCo will not approve a change to a sphere of influence that has been determined by the Naval Base Ventura County (NBVC) to be incompatible with its military operations based on the land use and compatibility recommendations of the Joint Land Use Study (JLUS) and NBVC Air Installations Compatible Use Zone Study (AICUZ), unless exceptional circumstances are shown to exist. LAFCo encourages agencies seeking changes to their spheres of influence within the NBVC Military Influence Area to consult the JLUS and current NBVC AICUZ, and to coordinate with NBVC, through the Community Planning Liaison Officer, for review and comment prior to submittal to LAFCo. LAFCo will communicate to NBVC any proposed changes to spheres of influence within the NBVC Military Influence Area to encourage compatible land uses and policies. For purposes of this section, coordination with NBVC should occur for projects within the NBVC Military Influence Area, which can be generally described as bounded by the City of Camarillo to the north, the City of Oxnard to the west, the Pacific Ocean to the south, and the Santa Monica Mountains to the east.*

Attachments:

1. Resolution making amendments to Division 3, Chapter 2 and Division 4, Chapter 2 of the Commissioner’s Handbook
2. 2016 LAFCo Resolution expressing support for JLUS

**RESOLUTION OF THE VENTURA LOCAL AGENCY  
FORMATION COMMISSION MAKING AMENDMENTS TO  
DIVISION 3, CHAPTER 2 AND DIVISION 4, CHAPTER 2, OF  
THE COMMISSIONER’S HANDBOOK –  
MILITARY COMPATIBILITY**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) requires each Local Agency Formation Commission to adopt written policies and procedures; and

WHEREAS, the Ventura Local Agency Formation Commission (LAFCo or Commission) adopted a new and revised Commissioner’s Handbook containing its written policies and procedures on January 1, 2002; and

WHEREAS, the Commission periodically adopts revisions to the Commissioner’s Handbook containing its written policies, procedures, and bylaws as necessary; and

WHEREAS, in May 2011, the Commission accepted an invitation from the Naval Base Ventura County (NBVC) to support and participate in the development of a joint land use study (JLUS); and

WHEREAS, Ventura LAFCo serves as a project partner for the NBVC JLUS with staff having served on the Technical Advisory Committee; and

WHEREAS, in January 2016 the Commission received a presentation on the JLUS and adopted a resolution expressing “support for the continued collaboration with regional partners to evaluate the NBVC JLUS recommended strategies and identified compatibility issues to decide feasible steps for implementation. The Commission further recognizes the Naval Base Ventura County Joint Land Use Study as a resource to help preserve long-term compatibility between NBVC and the surrounding areas and to better protect health, safety, and welfare.” The Commission also directed staff to develop policies that would implement the recommended strategies related to LAFCo; and

WHEREAS, on September 20, 2017, the Commission heard and considered the Staff Report and the public had an opportunity to comment on the recommended amendments to the Commission’s policies;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Ventura Local Agency Formation Commission hereby:

- (1) Amends Division 3 – Changes of Organization and Reorganization, Chapter 2 – Specific Policies, Section 3.2.4 Conformance with Local Plans and Policies of the Commissioner’s Handbook by adding subsection 3.2.4.5 regarding military compatibility as shown on Exhibit A.

- (2) Amends Division 4 – Spheres of Influence, Chapter 2 – Specific Policies of the Commissioner’s Handbook by adding Section 4.2.3 regarding military compatibility as shown on Exhibit A.
- (3) Directs the Executive Officer to compile the amendment to the Commissioner’s Handbook in the form of replacement pages and distribute them to interested parties.
- (4) Establishes the effective date of this resolution as September 20, 2017.



This resolution was adopted on September 20, 2017.

	<b>AYE</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Commissioner Freeman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parvin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ramirez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Rooney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ross	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Zaragoza	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Bennett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Bill-de la Peña	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Richards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Waters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**Date**

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**Elaine Freeman, Chair, Ventura Local Agency Formation Commission**

Attachment: Exhibit A

c: Ventura County Cities  
Ventura County Special Districts

**EXHIBIT A**

**DIVISION 3 – CHANGES OF ORGANIZATION AND REORGANIZATION**  
**CHAPTER 2 – SPECIFIC POLICIES**  
**SECTION 3.2.4 CONFORMANCE WITH LOCAL PLANS AND POLICIES**

**3.2.4.5 Military Compatibility:** Ventura LAFCo was one of several stakeholder agencies which participated in the development of the 2015 Naval Base Ventura County (NBVC) Joint Land Use Study (JLUS). Ventura LAFCo recognizes the JLUS as a resource to help preserve long-term compatibility between NBVC and the surrounding areas and to better protect health, safety, and welfare. Ventura LAFCo supports the implementation of the recommended strategies to address the military compatibility issues identified in the JLUS.

As such, LAFCo will not approve a proposal that has been determined by the NBVC to be incompatible with its military operations based on the land use and compatibility recommendations of the JLUS and NBVC Air Installations Compatible Use Zone Study (AICUZ), unless exceptional circumstances are shown to exist. LAFCo encourages lead agencies for development projects within the NBVC Military Influence Area to consult the JLUS and current NBVC AICUZ, and to coordinate with NBVC, through the Community Planning Liaison Officer, for review and comment prior to submittal to LAFCo. LAFCo will communicate to NBVC any proposed changes of organization or reorganizations within the NBVC Military Influence Area to encourage compatible land uses and policies. For purposes of this section, coordination with NBVC should occur for projects within the NBVC Military Influence Area, which can be generally described as bounded by the City of Camarillo to the north, the City of Oxnard to the west, the Pacific Ocean to the south, and the Santa Monica Mountains to the east.

**DIVISION 4 – SPHERES OF INFLUENCE**  
**CHAPTER 2 – SPECIFIC POLICIES**  
**SECTION 4.2.3 MILITARY COMPATIBILITY**

LAFCo will not approve a change to a sphere of influence that has been determined by the Naval Base Ventura county (NBVC) to be incompatible with its military operations based on the land use and compatibility recommendations of the Joint Land Use Study (JLUS) and NBVC Air Installations Compatible Use Zone Study (AICUZ), unless exceptional circumstances are shown to exist. LAFCo encourages agencies seeking changes to their spheres of influence within the NBVC Military Influence Area to consult the JLUS and current NBVC AICUZ, and to coordinate with NBVC, through the Community Planning Liaison Officer, for review and comment prior to submittal to LAFCo. LAFCo will communicate to NBVC any proposed changes to spheres of influence within the NBVC Military Influence Area to encourage compatible land uses and policies. For purposes of this section, coordination with NBVC should occur for projects within the NBVC Military Influence Area, which can be generally described as bounded by the City of Camarillo to the north, the City of Oxnard to the west, the Pacific Ocean to the south, and the Santa Monica Mountains to the east.

**RESOLUTION SUPPORTING COLLABORATION WITH REGIONAL  
PARTNERS TO EVALUATE THE NAVAL BASE VENTURA COUNTY  
JOINT LAND USE STUDY RECOMMENDED STRATEGIES AND  
IDENTIFIED COMPATIBILITY ISSUES TO DECIDE FEASIBLE STEPS  
FOR IMPLEMENTATION**

WHEREAS, the Naval Base Ventura County (NBVC) Joint Land Use Study (JLUS) is a cooperative planning effort, in a defined study area, to identify compatibility guidelines within, and adjacent to, active military installations. Its primary objective is to establish and encourage a working relationship among military installations and stakeholders in the area to act as a team to prevent and / or reduce encroachment issues associated with current and future missions and local growth; and

WHEREAS, NBVC is the premier US Naval Base for fleets testing, evaluation, training and experimentation in all conflict scenarios and a premier naval construction mobilization base. NBVC has been an integral part of Ventura County through direct and indirect employment, operations, and maintenance contracts, and as an active member in the local community. In 2013, it was recognized that NBVC supported over 20,060 military and civilian personnel that generated an annual economic impact of two billion dollars; and

WHEREAS, the NBVC JLUS defined study area was designed to address all lands near NBVC that may impact current or future military operations or be impacted by military operations, including portions of unincorporated Ventura County, Cities of Camarillo, Oxnard, and Port Hueneme, San Nicolas Island, and the Point Mugu Sea Range; and

WHEREAS, conducted in collaboration with NBVC installation personnel, the JLUS stakeholders included surrounding Cities; County of Ventura; State and Federal agencies; Local, County, Regional, and State planning, regulatory, and land management agencies; advocacy organizations; non-governmental organizations; and a number of other special interest stakeholders including educational institutions; and

WHEREAS, the NBVC JLUS effort was funded through a grant from the Department of Defense, Office of Economic Adjustment and contributions by the designated local sponsor, Ventura County Transportation Commission. The content of the JLUS is produced by and for the local stakeholders; and

WHEREAS, the JLUS planning process was guided by two committees composed of community, agency, organizational and military representatives: the Policy Committee and a Technical / Advisory Committee. There were a number of public workshops where residents provided valuable feedback throughout the process; and

WHEREAS, the final NBVC JLUS Report includes 139 recommended strategies that address 82 compatibility issues developed by the public and study stakeholders. The JLUS Policy Committee accepted the document and recommended that project partners commit to continued regional collaboration to evaluate the JLUS recommended strategies and identified compatibility issues.

NOW, THEREFORE, BE IT RESOLVED, that the Ventura Local Agency Formation Commission does hereby express support for the continued collaboration with regional partners to evaluate the NBVC JLUS recommended strategies and identified compatibility issues to decide feasible steps for implementation. The Commission further recognizes the Naval Base Ventura County Joint Land Use Study as a resource to help preserve long-term compatibility between NBVC and the surrounding areas and to better protect health, safety, and welfare.

This resolution was adopted on January 20, 2016.

	<b>AYE</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Commissioner Cunningham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Dandy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Freeman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Morehouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parvin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Zaragoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Bennett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Ramirez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Rooney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Ross	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1/20/2016  
Date

*Paul S. Morehouse*  
Chair, Ventura Local Agency Formation Commission


Copies: Naval Base Ventura County  
Ventura County Transportation Commission  
County of Ventura  
City of Camarillo  
City of Oxnard  
City of Port Hueneme



VENTURA LOCAL AGENCY FORMATION COMMISSION  
 STAFF REPORT

Meeting Date: January 20, 2016

**TO:** LAFCo Commissioners

**FROM:** Kai Luoma, Executive Officer 

**SUBJECT:** Naval Base Ventura County Joint Land Use Study

**RECOMMENDATION:**

- A. Receive and File a presentation on the Naval Base Ventura County Joint Land Use Study.
- B. Adopt the attached resolution in support of the Ventura Local Agency Formation Commission's continued collaboration with regional partners to evaluate the Joint Land Use Study recommended strategies and identified compatibility Issues to decide feasible steps for implementation.

**BACKGROUND:**

On May 18, 2011, the Commission accepted an invitation from the Naval Base Ventura County (NBVC) to support and participate in the development of a joint land use study (JLUS). The NBVC JLUS is a cooperative planning effort conducted in collaboration with the NBVC, surrounding Cities, County of Ventura, State and Federal agencies, and a number of other community stakeholders. The NBVC JLUS was funded through a grant from the Department of Defense, Office of Economic Adjustment and contributions by the designated local sponsor, Ventura County Transportation Commission (VCTC). Ventura LAFCo serves as a project partner for the NBVC JLUS with staff serving on the Technical Advisory Committee.

**DISCUSSION:**

The primary objective of a JLUS is to reduce potential operational mission compatibility conflicts between a military installation and surrounding areas while accommodating new growth and economic development, sustaining economic vitality, and protecting the general public's health and safety. JLUS projects have three core objectives: understanding, collaboration and actions. These

COMMISSIONERS AND STAFF

<b>COUNTY:</b> Linda Parks John Zaragoza <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse, Vice Chair Janice Parvin <i>Alternate:</i> Carmen Ramirez	<b>DISTRICT:</b> Bruce Dandy Elaine Freeman <i>Alternate:</i> Mary Anne Rooney	<b>PUBLIC:</b> Lou Cunningham, Chair  <i>Alternate:</i> David J. Ross
<b>Executive Officer:</b> Kai Luoma, AICP	<b>Analyst</b> Andrea Ozdy	<b>Office Manager/Clerk</b> Richelle Beltran	<b>Legal Counsel</b> Michael Walker



objectives promote increased communication and collaboration to safeguard the mission of an installation from future incompatible development as well as developing and implementing strategies for reducing effects of incompatible activities.

The NBVC JLUS Study Area was designed to address all lands near NBVC that may impact current or future military operations or be impacted by military operations, including portions of unincorporated Ventura County, Cities of Camarillo, Oxnard, and Port Hueneme, San Nicolas Island, and the Point Mugu Sea Range. The final NBVC JLUS Report includes 139 recommended strategies that address 82 compatibility issues developed by the public and study partners, as described in more detail in the NBVC JLUS Report. The NBVC JLUS is comprised of three documents: the Executive Summary, the JLUS Report, and the Background Report. Links to these documents were provided to the Commission under separate cover, and remain available on the LAFCo website. For convenience, the Executive Summary is attached to this Staff Report (Attachment 1), as are pertinent sections of the JLUS Report (Attachment 2) that outline the recommended strategies that would affect LAFCo.

The JLUS planning process was guided by two committees composed of community, agency, organizational and military representatives: the Policy Committee and a Technical / Advisory Committee. There were a number of public workshops where residents provided valuable feedback throughout the process. Residents were also able to provide feedback through an interactive NBVC JLUS website: [www.nbvcilus.org](http://www.nbvcilus.org).

It is the vision of the Department of Defense as well as the Office of Economic Adjustment that local jurisdictions establish their own course of action to implement a JLUS. Steve DeGeorge, Director of Planning for VCTC, was invited to present an overview of the final report and urge the Commission's support to remain engaged with regional partners in reviewing the recommended strategies and identified compatibility issues to determine feasible next steps.

Attachments:

1. ~~Executive Summary NBVC JLUS~~
2. ~~Excerpts from JLUS Report~~
3. ~~Resolution Supporting Collaboration~~






VENTURA LOCAL AGENCY FORMATION COMMISSION

STAFF REPORT

Meeting Date: September 20, 2017

**TO:** LAFCo Commissioners  
**FROM:** Kai Luoma, Executive Officer   
**SUBJECT:** Attendance of Alternate Commissioners at Closed Session

RECOMMENDATION:

Determine whether the alternate commissioners have an “essential role to play” in the closed session described in Item 14 and thus may attend the closed session.

DISCUSSION:

Agenda item 14 is a closed session to consider the performance evaluation for the LAFCo Executive Officer. According to the state Attorney General, LAFCo alternate commissioners may not attend closed sessions unless they are filling in for a regular Commissioner or unless the Commission determines "they would have 'an official or essential role to play in the closed session.'"

In the past, it has been implied that the Commission has made such a determination when it invited the alternate commissioners to participate in previous closed sessions for the Executive Officer’s performance evaluations. However, beginning last year the commission began a new practice to make a formal determination that the alternate commissioners have “an essential role to play” in the closed session before they are invited to attend.

COMMISSIONERS AND STAFF

<b>COUNTY:</b> Linda Parks, Vice Chair John Zaragoza <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Janice Parvin Carmen Ramirez <i>Alternate:</i> Claudia Bill-de la Peña	<b>DISTRICT:</b> Elaine Freeman, Chair Mary Anne Rooney <i>Alternate:</i> Andy Waters	<b>PUBLIC:</b> David J. Ross  <i>Alternate:</i> Pat Richards
<b>Executive Officer</b> Kai Luoma, AICP	<b>Analyst</b> Andrea Ozdy	<b>Office Manager/Clerk</b> Richelle Beltran	<b>Legal Counsel</b> Michael Walker