

CITY OF AMERICAN CANYON

Administration

Gateway to the Napa Valley



RECEIVED

Clerk of the Napa Superior Court

August 29, 2002

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The Honorable W. Scott Snowden
Presiding Judge
Napa County Superior Court
825 Brown Street
Napa, CA 94559

Re: City of American Canyon's Response to the 2000-01 Grand Jury Report

Dear Judge Snowden:

Enclosed please find the City's response to the two Grand Jury items relating to the City of American Canyon. The full City Council considered and approved the responses at their July 18, 2002 meeting. However, due to vacations and staff shortages in our City Clerk's Office, the responses were not sent to you. I apologize for any inconvenience this may have caused.

Please feel free to contact me if you have any questions or concerns in this matter. I can be reached at (707) 647-4352, or by e-mail at markj@ci.american-canyon.ca.us.

Sincerely,

Mark Joseph
City Manager

cc City Council

enclosure

City of American Canyon
Responses to the Fiscal Year 2000-2001 Grand Jury Final Report

Airport Specific Plan – Napa County,

Recommendation 1: *Future litigation between the County and its cities or other governmental bodies should be avoided at almost any cost. In the future, staff should be directed to find a solution short of litigation. Mediation between the staff of the County and the staff of the City should be required before resorting to litigation.*

Response: The City agrees that litigation should be a measure of last resort. However, the City also believes that the history between the City and the County of Napa left the City with no other alternative. In the last six years, the City unilaterally dropped a property tax-related lawsuit against the County, in the hopes that this would "go a long way" to resolving our differences. County and City representatives (elected and appointed) met with then State Senator Thompson to address our concerns. The two jurisdictions met regularly in the South Napa County Working Group (along with the City of Napa) in an attempt to better understand each other's position and find a common ground. City staff and County staff met several times to work out an acceptable Rural-Urban Limit Line for the City. In 1997, the Board of Supervisors unanimously approved this reduced boundary proposal in concept, and directed staff to work out the details. In 1998, when the full City Council returned to meet with the Board and formally adopt the revised boundaries and related documentation, the Board "snubbed" the City and instructed American Canyon to deal with LAFCO regarding boundaries. Two years later, when the City was before the LAFCO Board for a revised Sphere of Influence, County staff requested the application be denied, so that the City and County could work out their differences before going to LAFCO. In short, the City has made every reasonable effort to work out its differences with the County, only to be rebuked at every turn. In some instances, the County's position has been the exact opposite of its position only a few months earlier. Under the circumstances, litigation was the only viable alternative. To some extent, the Grand Jury's findings and recommendations tend to reinforce the City's position, noting as it did a "lack of concern by the Napa County Board of Supervisors regarding the invalidity of the 1998 Plan, the invalidity of the General Plan, and, most importantly, the invalidity of the Housing Element of the General Plan."

Nonetheless, the City is still willing to engage in discussions, either one-on-one with the County, or in a Countywide setting, in the hopes of working out our differences. In fact, this is exactly what is happening at this time, thanks to the intervention of State Assembly Woman Patricia Wiggins. We are also encouraged by the new signals coming from the County, and look forward to a more cooperative relationship.

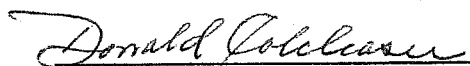
Planning – Napa County

Recommendation 2: *The Board of Supervisors must subordinate past differences with the Cities and direct staff to come up with a housing solution that is reasonable and avoids State imposed sanctions. The Board should enlist the assistance of its representatives in the State Assembly and State Senate with legislation that enables the County to comply with State housing requirements and preserves prime agricultural lands.*

Response: The City of American Canyon agrees with the Grand Jury's recommendation, but some clarification is in order. The City has always been willing to work with the County to help address its housing problems. We have also insisted that any help be coupled with County support on concerns relating to the City, particularly land annexations. The City is still prepared to work with the County, and has held several meetings with County elected and appointed representatives towards that end. However, we cannot supply any affordable housing credits for the County based on lands currently inside the City's jurisdiction. The reason is simple: the City is currently negotiating with the State to certify its Housing Element. One of the State's concerns is that we may not have sufficient affordable housing inside our current City limits for our own needs, leave alone any other jurisdiction. As such, we cannot jeopardize our long-term security to assist the County. However, we have identified areas just outside our boundaries that could be used for affordable housing. We would need the County's support on the annexation, and then to assist in the cost of extending infrastructure to the site(s) (roads, water and sewer lines, etc.). We recognize that these parcels are zoned agricultural in the County, but that designation applies to virtually all land outside the City's borders. The only exception is the airport industrial land north of the City, and residential uses are restricted in those areas.

As it relates to State legislation, the City agrees that revisions to the Housing Element law are required, but we do not support special legislation. This is based on the fact that ultimately, such legislation is counterproductive because it breeds resentment from other jurisdictions. In addition, reforms needed in State Housing Law should be applied to all Cities and Counties in the State. For example, the 5% "Vacancy Rate" imposed on everyone's housing requirements makes compliance more difficult. As a practical matter, it appears foolish to require local government to produce more homes than are needed, particularly when it is so difficult to produce enough homes that are needed. Partial credit for farmworker or other seasonal housing should be allowed for all jurisdictions. Some credit should also be allowed for affordable housing rehabilitation, if deed restrictions to ensure long-term affordability are included as part of the project.

Respectfully submitted,



Donald Colcleaser, Mayor

July 18, 2002