



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

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

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**Agenda Item 5a (Consent/Action)**

**TO:** Local Agency Formation Commission

**PREPARED BY:** Kathy Mabry, Commission Secretary

**MEETING DATE:** May 4, 2020

**SUBJECT:** Approval of Meeting Minutes: **February 3, 2020 Regular Meeting**

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**DISCUSSION AND RECOMMENDATION**

The Commission will consider approving the attached summary minutes prepared by staff for the February 3, 2020 Regular Meeting.

Staff recommends approval.

**ATTACHMENT**

- 1) Meeting Minutes: February 3, 2020

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Kenneth Leary, Chair  
Councilmember, City of American Canyon

Margie Mohler, Commissioner  
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner  
Councilmember, City of Napa

Diane Dillon, Vice Chair  
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner  
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Gregory Rodeno, Commissioner  
Representative of the General Public

Eve Kahn, Alternate Commissioner  
Representative of the General Public

Brendon Freeman  
*Executive Officer*



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MEETING MINUTES OF FEBRUARY 3, 2020**

**1. WELCOME AND CALL TO ORDER; ROLL CALL**

Chair Rodeno called the regular meeting of February 3, 2020 to order at 2:00 PM.

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

Regular Commissioners	Alternate Commissioners	Staff
Gregory Rodeno, Chair	Ryan Gregory	Brendon Freeman, Executive Officer
Kenneth Leary, Vice Chair (arrived at 2:14 PM)	Eve Kahn	DeeAnne Gillick, Commission Counsel
Diane Dillon	Scott Sedgley	Dawn Mittleman Longoria, Analyst II
Margie Mohler		Kathy Mabry, Secretary
Brad Wagenknecht		

**2. PLEDGE OF ALLEGIANCE**

Commissioner Sedgley led the Pledge of Allegiance.

**3. APPROVAL OF AMENDED AGENDA**

The Commission was provided with an amended agenda prior to today's meeting, which included potential action items for items #7a and 7b.

Chair Rodeno asked if there were any requests to rearrange the agenda.

Commissioner Dillon had a question regarding item #5 (Consent Items) and whether or not all of the items should be in the Consent section or perhaps in another part of the agenda due to the possibility of requiring potential action and conflict of interest.

Following discussion by the Commission and Counsel, staff agreed to look into rules regarding placement of consent items on meeting agendas.

Upon motion by Commissioner Mohler and second by Commissioner Dillon, the Commission adopted the amended agenda, as submitted:

**VOTE:**

**AYES: MOHLER, DILLON, RODENO AND WAGENKNECHT**

**NOES: NONE**

**ABSENT: LEARY**

**ABSTAIN: NONE**

**4. PUBLIC COMMENTS**

Chair Rodeno invited members of the audience to provide public comment.

No public comments were received.

**5. CONSENT ITEMS**

a) **Approval of Meeting Minutes: November 18, 2019 Special Meeting**

b) **Current and Future Proposals**

c) **Second Quarter Budget Report for Fiscal Year 2019-2020**

d) **Proposed Amendment to Contract with Policy Consulting Associates, LLC**

e) **Executive Officer Report**

Staff noted an inaccuracy in item #5a, page 1, under roll call, regarding Counsel's name.

Staff corrected the minutes to state the correct Counsel's name in attendance (Madeline Miller).

**5. CONSENT ITEMS – continued:**

Additionally, Commissioner Dillon commented on item #5d and the payment schedule dates relating to the contract.

Staff clarified that the proposed contract amendment involves extending the term of the contract through December 31, 2020, with no change in the financial amount of the contract. Legal counsel stated the Commission could extend the contract without change in the final amount and direct staff to clarify the documentation to extend the payment schedule.

Upon motion by Commissioner Wagenknecht and second by Commissioner Mohler, the consent items were approved, including a modification to #5a (November 18, 2019 minutes):

**VOTE:**

**AYES:** **WAGENKNECHT, MOHLER, DILLON, AND RODENO**

**NOES:** **NONE**

**ABSENT:** **LEARY**

**ABSTAIN:** **NONE**

**6. ACTION ITEMS****a) Request from the Napa Valley Unified School District for a Waiver of the Concurrent Annexation Policy**

The Commission considered a request submitted by the Napa Valley Unified School District (NVUSD) for a waiver of the Commission's adopted policy involving concurrent annexation to the Napa Sanitation District (NSD) and the City of Napa.

The request is in anticipation of NVUSD proposing a sphere of influence amendment and annexation involving Vintage High School's farm facility relocation and NSD.

It is anticipated that an annexation request to the City of Napa (involving Trower Avenue) will be forthcoming.

Staff requests the Commission provide formal direction to process the anticipated proposal to annex a new farm facility to NSD without the concurrent annexation and detachment consistent with the provisions of the *General Policy Determinations* and allow the policy waiver due to the unique conditions of the property.

Staff recommends the farm vineyards remain within County Service Area No. 4's boundary to support the funding of farmworker housing.

Commissioner Gregory recused himself from this item.

Staff provided a brief overview of the request and showed a map of the property.

Presentations were provided by Mike Pearson, NVUSD Operational Services, and by Kelli Jurgenson, who represents the contractor (VPSC) for this project.

The Commission requested information from staff and engaged in discussion. Legal counsel provided clarification.

Chair Rodeno opened the public hearing.

Public comment was received from Vin Smith, Napa's Community Development Director.

Chair Rodeno closed the public hearing.

**6. ACTION ITEMS – continued:****a) Request from the Napa Valley Unified School District for a Waiver of the Concurrent Annexation Policy**

Upon motion by Commissioner Dillon and second by Commissioner Leary, the Commission approved NVUSD's request for a waiver of the Commission's adopted policy involving concurrent annexation to the NSD and the City of Napa based on the community serving elements associated with anticipated annexation; including outreach to the City of Napa:

**VOTE:**

**AYES:** **DILLON, LEARY, MOHLER, RODENO AND WAGENKNECHT**  
**NOES:** **NONE**  
**ABSENT:** **NONE**  
**ABSTAIN:** **GREGORY**

**b) Request from the Napa County Resource Conservation District for a Waiver of Fees**

The Commission considered approving a request submitted by the Napa County Resource Conservation District (NCRCD) to waive the Commission's two proposal processing fees in anticipation of annexation of territory located outside NCRCD's jurisdictional boundary, but within NCRCD's sphere of influence. The recommended action is for the Commission to adopt a resolution approving the fee waiver request.

The fees include \$6,240 for the initial proposal fee and \$156 for the Geographic information Systems (GIS) update fee. The NCRCD plans to submit an annexation application during the current calendar year, and states the annexation would benefit the community by creating a more accurate reflection of the geographic scope of NCRCD's current programming and making it easier for NCRCD's governing body to represent the entirety of the Napa County community. A vicinity map showing the subject area was included in the staff report. Staff provided an overview of this item. Presentation was made by Beth Painter, NCRCD Board Member supporting the request.

The Commission requested information from staff and engaged in discussion.

Chair Rodeno opened the public comment period.

No public comments were received.

Chair Rodeno closed the public comment period.

Upon motion by Commissioner Dillon and second by Commissioner Mohler, the Commission adopted a resolution to preemptively waive proposal fees associated with the anticipated annexation, in order to create a more logical and orderly jurisdictional boundary for the NCRCD. Fee waiver is based on the exemption for "community serving projects".

**(Resolution #2020-01):**

**VOTE:**

**AYES:** **DILLON, MOHLER, LEARY, RODENO AND WAGENKNECHT**  
**NOES:** **NONE**  
**ABSENT:** **NONE**  
**ABSTAIN:** **NONE**

**6. ACTION ITEMS – continued:****c) Proposed Adoption of Policy on Unincorporated Islands**

The Commission considered the Policy Committee's *proposed Policy on Unincorporated Islands* and amendments to the *General Policy Determinations*. The recommended action is for the Commission to adopt a resolution adopting the *proposed Policy on Unincorporated Islands* and amending the *General Policy Determinations*.

The Commission's policies currently exist in both stand-alone documents and in the more comprehensive *General Policy Determinations* document. The Commission intends to revise its existing policies with a goal of creating a new, fully updated, single volume of policies.

As part of this process, the *General Policy Determinations* will be superseded by a single volume of policies and procedures.

Staff provided an overview and history of the Commission's existing and proposed policy.

Staff was recently contacted by the Registrar of Voters to discuss the possibility of annexing islands to facilitate the 2020 Census and County redistricting.

The Commission requested information from staff and engaged in discussion.

Commissioner Dillon suggested adding the following language to the proposed policy:

"An island subject to the streamlining process would not include any land that has a General Plan Designation of Agricultural Resource (AR), or Agriculture, Watershed or Open Space (AWOS)."

In addition, staff noted the proposed resolution should explicitly state that a property tax exchange agreement between the County and the affected city or town is required before LAFCO could take final action on an annexation.

Commissioner Kahn requested clarification on what a protest proceeding entails, as well as what constitutes special conditions or circumstances, and the Executive Officer answered in detail.

Chair Rodeno opened the public comment period.

Public comment was provided by Gary Orton, Spokesperson for the Napa County Progressive Alliance. Mr. Orton discussed the County's history of the islands within Napa's city limits, and resident's rights and benefits, specifically for the Latino/Hispanic population which make up a large part of certain island areas in Napa. Mr. Orton stated the Alliance recently petitioned the City of Napa to transition from at-large City Council elections to district-based elections. The City has announced it will hold a special Council meeting to adopt a resolution to do that. If adopted, the City will hold hearings over the next few months to establish Council district maps prior to the November 3, 2020 elections.

Public comments also received from Napa resident Xulio Soriano, and other residents who addressed the Commission in Spanish (their comments were translated to LAFCO staff by County staff).

Chair Rodeno closed the public comment period.

Legal Counsel provided clarification to a section in the California Revenue and Taxation Code regarding property tax agreement.

Staff noted the Policy Committee would meet again soon to discuss the policy and island maps. Upon motion by Commissioner Dillon and second by Commissioner Mohler, the Commission adopted the resolution, with the suggested amendments, adopting the *Policy on Unincorporated Islands* and amending the Commission's *General Policy Determinations* (**Resolution #2020-02**):

**VOTE:**

<b>AYES:</b>	<b><u>DILLON, MOHLER, LEARY, RODENO AND WAGENKNECHT</u></b>
<b>NOES:</b>	<b><u>NONE</u></b>
<b>ABSENT:</b>	<b><u>NONE</u></b>
<b>ABSTAIN:</b>	<b><u>NONE</u></b>

**7. DISCUSSION AND POTENTIAL ACTION ITEMS****a) Strategic Plan and Work Program Progress Report**

The Commission received an update from staff on the adopted Strategic Plan 2018-2022 as well as the adopted Work Program for 2019-2020.

Staff provided an overview of up-to-date agency work, including the Countywide Water & Wastewater Municipal Service Review Public Draft document, to be reviewed more at the Commission's April 6, 2020 and May 4, 2020 meeting, and forming an ad hoc subcommittee to develop a communications and outreach plan.

The Commission discussed materials and allocating resources for efforts associated with public communications and outreach including forming an ad hoc subcommittee for purposes of determining options and resources needed to develop a communications and outreach strategy.

Several Commissioners provided comments with regard to a possible workshop, social media vs. paper and in multiple languages.

The Commission agreed with staff recommendations to establishing an ad hoc subcommittee. Commissioner Leary and Eve Kahn volunteered to serve on this subcommittee.

Staff will schedule a meeting with the ad hoc subcommittee, and return with more information before any decisions are made. No vote was taken on this item.

**b) Legislative Report**

Staff Analyst Dawn Mittleman Longoria presented an overview of this item.

At its November 18, 2019 meeting, the Commission requested an opportunity to discuss the potential for State legislation to provide funding for LAFCOs to prepare municipal service reviews as a future agenda item.

On January 7, 2020, Senator Dodd introduced Senate Bill 799, which would amend G.C. Section 56133.5 to remove the scheduled repeal date. The bill text and a fact sheet from Senator Dodd's office for SB 799 was provided to the Commission in the staff report.

The Commission considered providing direction to staff to circulate the SB 799 bill text and fact sheet to local agencies for purposes of soliciting feedback prior to the Commission's next scheduled meeting of April 6, 2020.

Possible pilot program: AB 1253, introduced in 2019 and sponsored by CALAFCO was also discussed. This bill would provide funding for LAFCOs to prepare municipal service reviews. The bill was pulled by the author but expected to come back to the Legislature later this year. Commissioner Mohler provided a detailed CALAFCO update.

The Pilot Program for G.C. Section 56133.5 was also discussed in detail. A report from Napa LAFCO on how the program is working has been submitted to the Legislature.

The Commission's Legislative Committee (Commissioners Dillon and Mohler) will meet in the foreseeable future to review all bills that are relevant to LAFCOs and return at a future Commission meeting with information on current bills and possible recommendations to take formal positions.

Upon motion by Commissioner Wagenknecht and second by Commissioner Dillon, the Commission directed staff to circulate the SB 799 bill text and fact sheet to local agencies for purposes of soliciting feedback prior to the Commission's next meeting April 6, 2020:

**VOTE:**

<b>AYES:</b>	<b><u>WAGENKNECHT, DILLON, MOHLER, LEARY AND RODENO</u></b>
<b>NOES:</b>	<b><u>NONE</u></b>
<b>ABSENT:</b>	<b><u>NONE</u></b>
<b>ABSTAIN:</b>	<b><u>NONE</u></b>

**8. PUBLIC HEARING ITEMS****a) Reappointment of Eve Kahn as Alternate Public Member**

The city and county members considered approving the expedited reappointment of Alternate Public Member Eve Kahn to a new four-year term beginning May 4, 2020.

On November 18, 2019, staff provided notice that Commissioner Eve Kahn's term as Alternate Public Member expires on Monday, May 4, 2020. Commissioner Kahn has served less than one full term as the Alternate Public Member after having been appointed to the position on August 5, 2019, to fill the vacancy created with the resignation of Erik Lawrence.

As allowed under the Policy, the Commission's voting city and county members unanimously elected to forgo an open recruitment and directed staff to schedule a public hearing for February 3, 2020, to formally reappoint Commissioner Kahn to a new four-year term as Alternate Public Member.

Chair Rodeno opened the public hearing. No public comments were received.

Chari Rodeno closed the public hearing.

Upon motion by Commissioner Mohler and second by Commissioner Leary, the Commission regular city and county members voted to approve the reappointment of Alternate Public Member Eve Kahn to a new four-year term beginning May 4, 2020:

**VOTE:**

**AYES: MOHLER, LEARY, DILLON, AND WAGENKNECHT**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

**9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS**

Commissioner Kahn had a comment regarding emergency components within the County.

Commissioners noted that each individual agency has its own emergency preparedness plan in place.

Commissioner Sedgley made a comment regarding islands around the recent NVUSD proposal.

**10. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING**

The meeting adjourned at 4:20 PM. The next regular LAFCO meeting is scheduled for Monday, April 6, 2020, at 2:00 PM at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3<sup>rd</sup> floor, Napa, CA 94559.

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Gregory Rodeno, LAFCO Chair

ATTEST:

Brendon Freeman, Executive Officer

Prepared by:

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Kathy Mabry, Commission Secretary