



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

Agenda Item 6a (Public Hearing)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer
MEETING DATE: June 4, 2018
SUBJECT: Appointment of Alternate Public Member

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Invite candidates to address the Commission;
- 3) Close the public hearing;
- 4) Appoint an Alternate Public Member to complete an unexpired four-year term ending on May 4, 2020.

BACKGROUND AND SUMMARY

Under Government Code (G.C.) Section 56325(d), the composition of Local Agency Formation Commissions (LAFCOs) includes one member representing the general public, who is appointed to a four-year term by the city and county members of the Commission. The city and county members may also appoint one Alternate Public Member who shall serve pursuant to G.C. Section 56331.

To qualify, the Public Member and Alternate Public Member cannot be officers or employees with local governmental agencies and must be residents of Napa County. The Public Member and Alternate Public Member must receive at least one vote each from a city and county member. G.C. Section 56334 specifies all Commissioner terms are to begin on the first Monday in the month of May.

On April 2, 2018, the Commission appointed then-Alternate Public Member Gregory Rodeno to the Public Member position. On May 7, 2018, Public Member Rodeno's four-year term commenced and the Alternate Public Member position became vacant with an unexpired term ending May 4, 2020. Therefore, the Alternate Public Member appointment would fill an unexpired four-year term that ends on May 4, 2020.

Margie Mohler, Chair
Councilmember, Town of Yountville

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

Gregory Rodeno, Commissioner
Representative of the General Public

Scott Sedgley, Commissioner
Councilmember, City of Napa

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Vacant, Alternate Commissioner
Representative of the General Public

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

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

Brendon Freeman
Executive Officer

The Commission fully complied with the notice requirements and recruitment procedure found in the Commission's *Policy on the Appointment of a Public Member and Alternate Public Member* ("the Policy") included as Attachment One, including posting an announcement in the Napa Valley Register and on the Commission's website and Facebook page. The announcement was also circulated to all local agencies that are subject to Commission oversight as well as other local stakeholder groups.

The Commission received three applications for the Alternate Public Member position from: Eve Kahn, Bruce Ketron, and Erik Lawrence. All three applicants qualify for appointment. The applications are attached.

Hearing Procedure for Appointment of Alternate Public Member

Each city and county member may nominate a candidate. The Chair shall ask if there is a second to any of the nominations. If there is a second, the Chair shall call for a vote on that nomination. If the vote is in the affirmative, the appointment is made. If the vote is not in the affirmative, the Chair shall call for a second to another of the nominations. This process shall continue until an appointment is made or all of the nominations are exhausted. If all of the nominations are exhausted, the Chair may begin the entire procedure again by calling for one nomination from each Commissioner, or call for the use of the ballot system as described in Paragraph 5 of the Policy.

ALTERNATIVES FOR COMMISSION CONSIDERATION

Staff has identified two alternatives for Commission consideration with respect to appointing an Alternate Public Member as follows.

Alternative One:

Appoint a candidate to complete the remainder of the unexpired term as the Alternate Public Member.

Alternative Two:

Continue this item to the next scheduled meeting. This alternative would be appropriate if the procedure to appoint an Alternate Public Member pursuant to the Policy does not result in an affirmative vote of any candidate.

ATTACHMENTS

- 1) Policy on the Appointment of a Public Member and Alternate Public Member
- 2) Candidate Application: Eve Kahn
- 3) Candidate Application: Bruce Ketron
- 4) Candidate Application: Erik Lawrence



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

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

(Adopted: October 11, 2001; Last Amended: April 7, 2008)

Authority

California Government Code Section 56325(d) states the composition of the Commission shall include one member representing the general public, hereinafter referred to as “public member.” This code section also states that the Commission may designate one alternate public member. The selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members appointed by each of the Board of Supervisors and City Selection Committee.

Eligibility

The public member and alternate public member shall be a resident of Napa County. No person may serve as public member or alternate public member if at the same time he or she is an officer or employee of a local public agency. No person may also serve as public member or alternate public member if he or she is member of a local public board, commission, or committee with the authority to make advisory or final decisions relative to land use or the provision of municipal services.

Term of Office

The term of office for public member and alternate public member shall be four years and shall end on the first Monday in May of the year in which the term expires. The public member and alternate public member shall continue to serve until his or her successor is appointed.

Appointment Procedures

New Term for Public Member or Alternate Public Member

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

1. At a regular meeting no less than 120 days prior to the scheduled expiration of public member or alternate public member’s term, the Executive Officer shall inform the Commission of the impending vacancy and whether the incumbent is eligible to seek reappointment. The Commission shall take either of the following two actions set forth in 1.a) or 1.b).
 - a) Direct the Executive Officer to recruit candidates and schedule a hearing date to consider making an appointment to the position. Tasks of Executive Officer shall include, but not limited to, the following:

- i) Issue a notice announcing the vacancy and that the Commission is accepting applications for the position no less than 60 days prior to the scheduled hearing for the appointment. The notice shall be posted at the LAFCO office and on its website, sent to all local agencies, and published in the Napa Valley Register.¹ The notice shall indicate if the incumbent is eligible for reappointment.
 - ii) Determine the filing period to receive applications for the position. All applications shall be made available to each city and county member on the Commission no less than 14 days prior to the scheduled hearing for the appointment.
 - iii) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the appointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.
- b) If the incumbent is eligible and has served no more than all or a portion of one term, the Commission may direct the Executive Officer to schedule a public hearing to consider approving reappointment. Tasks of Executive Officer shall include, but not limited to, the following:
- i) Issue a notice announcing the scheduled reappointment of the incumbent. The notice shall be posted at the LAFCO office and on its website and sent to all local agencies. The notice shall be posted no less than 21 days prior to the hearing for which the reappointment has been scheduled.
 - ii) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the reappointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.

Mid-Term Vacancy for Public Member

If the position of public member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term through one of the following:

1. Choose from among the remaining applicants for the position if no more than 12 months have passed since the appointment of the public member.
2. Appoint the alternate public member.
3. Fill the position in the manner prescribed for the appointment for a public member to a new term.

An appointment to fill an unexpired term shall be preceded by posting a notice of vacancy. The notice will be posted at the LAFCO office and on its website and sent to all local

¹ For purposes of this policy, notice to local agencies is fulfilled by sending a copy of the notice to the clerk or secretary of the legislative body of each local agency in Napa County.

agencies. The notice will be posted no less than 21 days prior to the meeting at which time the Commission will consider taking action to fill the unexpired term.

Mid-Term Vacancy for Alternate Public Member

If the position of alternate public member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term through one of the following:

1. Choose from among the remaining applicants for the position if no more than 12 months have passed since the appointment of the alternate public member.
2. Fill the position in the manner prescribed for the appointment of an alternate public member to a new term.

An appointment to fill an unexpired term shall be preceded by posting a notice of vacancy. The notice will be posted at the LAFCO office and on its website and sent to all local agencies. The notice will be posted no less than 21 days prior to the meeting at which time the Commission will consider taking action to fill the unexpired term.

Conducting Public Hearings for Appointing a Public Member or Alternate Public Member

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

1. The Chair shall open the public hearing and first invite candidates to address the Commission. The Chair shall then invite public comments from the audience.
2. Upon the close of the public comment period, the Chair shall ask each commissioner to make one nomination. Commissioners may nominate anyone from the applicant pool, and an applicant may receive more than one nomination.
3. After each commissioner has made a nomination, the Chair shall ask if there is a second to any of the nominations. If there is a second, the Chair shall call for a vote on that nomination. If the vote is in the affirmative, the appointment is made. If the vote is not in the affirmative, the Chair shall call for a second to another of the nominations. This process shall continue until an appointment is made or all of the nominations are exhausted.
4. If all of the nominations are exhausted, the Chair may 1) begin the entire procedure again by calling for one nomination from each commissioner or 2) call for the use of the ballot system as described in Paragraph 5.
5. If the Chair calls for use of a ballot system, then the Clerk shall provide each commissioner with a ballot that has been preformatted to label their printed name. Each commissioner shall mark the ballot with the name of a candidate from

among the applicants. The ballots are then submitted to the Clerk for tabulation. The Clerk determines the number of votes for each candidate. If a candidate receives at least three votes, the Clerk announces the name of the candidate and the number votes. The Commission then formally votes to appoint that candidate. If no candidate receives at least three votes, the Clerk shall announce which candidates received votes and shall provide each commissioner with a second ballot that has been preformatted to label their printed name. Each commissioner shall mark the ballot with the name of candidate from among those candidates that received votes in the previous round of voting. The ballots are then submitted to the Clerk for tabulation. The Clerk determines the number of votes for each candidate. If a candidate receives at least three votes, the Clerk announces the name of the candidate and the number votes. The Commission then formally votes to appoint that candidate. If no candidate receives at least three votes, the Clerk shall announce which candidates received votes and the Commission shall engage in another round of voting. This shall continue until a candidate is selected.

As mentioned, California Government Code Section 56325(d) specifies that the appointment of a public or alternate public member requires the vote of at least one commissioner appointed by the Board of Supervisors and one commissioner appointed by the City Selection Committee. If a candidate receives at least three votes, this requirement is fulfilled.

I. General Information			
a) Name:	EYE	KAHN	
	First	Last	
b) Address:	[REDACTED]	Napa	94558
	Street Address	City	Zip Code
c) Contact Information:	[REDACTED]	[REDACTED]	
	Phone Number	E-Mail	
d) Present Employer:	Keller Williams	Real Estate	
	Employer Name	Employer Field	
II. Questionnaire (Applicants may use additional sheets to complete the following questions)			
a) Summarize your interest in serving on the Commission.	SEE ATTACHED		
b) Summarize your qualification to serve on the Commission.	SEE ATTACHED		
c) List any formal education received beyond high school.	SEE ATTACHED		
d) List community activities and interests.	SEE ATTACHED		

Application for LAFCO Alternate Public Member Position

II. Questionnaire

A. Summarize your interest in serving on the Commission.

Water is, and has been, the currency of growth. Water issues around the US and around the world are similar, on a smaller scale, here in Napa County. And a renewed focus on housing comes at the same time as a diminishing water supply to fuel this growth. The role of LAFCO to set direction, control and manage our municipal services within and outside our city/township boundaries will be key to our success. Being able to help steer this slowly turning ship is very appealing and clearly within the bounds of my community involvement over the past 20 years. I was very pleased to learn that the Alternate Public Member is an active participant of LAFCO serving on various committees and/or study groups. And the initiation of a Countywide Water and Wastewater MSR will be an interesting and challenging effort I hope to participate in.

B. Summarize your qualification to serve on the Commission.

For over 20 years I have been actively engaged in Preventing Sprawl and Promoting Slow, Smart, and Sustainable Growth. I have participated in General Plans and Housing Element updates and various committees and/or focus groups at the City and County level. I am eager to get more involved in supporting and managing the growth in Napa, and LAFCO is the right place to use my skills and expertise.

C. List and formal education received beyond high school.

BA Mathematics State University of NY at Oneonta 1966
 MA Mathematics Education State University of NY at Albany 1967
 California licensed Realtor 2001- current

D. List community activities and interests.

Citizen Activist
 Leadership Napa Valley Class 17
 Chair of Get a Grip on Growth
 Board member Vision 2050
 Member Napa Housing Coalition
 Member of APAC [Agricultural Protection Advisory Council]
 Secretary, Board of Trustees Congregation Beth Shalom
 North Bay Association of Realtors, Napa Chapter – member of Napa Chapter Council,
 member of Local Government Relations Committee, and Scholarship Chair.

MAY 1 2018

NAPA COUNTY
LAFCO

I. General Information			
a) Name:	Bruce	Ketron	
	First	Last	
b) Address:	[Redacted]	Napa	94559
	Street Address	City	Zip Code
c) Contact Information:	[Redacted]	[Redacted]	
	Phone Number	E-Mail	
d) Present Employer:	Own business	Businessman/lawyer	
	Employer Name	Employer Field	

II. Questionnaire
(Applicants may use additional sheets to complete the following questions)

a) Summarize your interest in serving on the Commission. My interest in serving on Napa LAFCO has grown greatly in two years of attending its meetings. My law practice is in the field of legacy planning and family wealth management. My approach is to carry out deepest values and goals that give significance to clients' lives and those of their families. What LAFCO does impacts our legacy to Napa's future in my view.

b) Summarize your qualification to serve on the Commission. My 3 terms on the NVC Board of Trustees (and an earlier 4 years of the Santa Rosa School Board) provided extensive training and familiarity with the Brown Act and the importance of public input. As a lawyer I have the highest regard for CEQA, the statutes and regulations the LAFCO adheres to and carries out.

c) List any formal education received beyond high school. Perhaps the most important formal education is from conferences and the ongoing training and staff advice while on a public board. I attended the October CALAFCO San Diego conference and the all day 2/16/18 LAFCO: Planning and regulating the Boundaries and Service Areas of Cities and Special Districts in California. Law degree from Hastings. BA (Economics) UCSB. LLM from London School of Economics.

d) List community activities and interests. I am a member of the NVC Foundation Board (scholarships and fundraising) and for Napa Creek Senior Housing. I am active in my church, political organizations and follow local elections. My personal purpose is working for a more healthy community with inclusion of all.

The Napa LAFCO web site lists goals that have my strong support:

"Planning for the Present and Future Needs of the Community."

My planning approach looks to the values expressed by stated goals. Looking at present and future needs, in my view, requires consideration of logical and natural consequences of actions taken.

"Overseeing the Logical Formation and Development of Cities and Special Districts."

Service on board/commissions (along with my legal work) shows me the need for balance between following "the rules" and accepting all the input provided. The outline of LAFCOs' regulatory powers (Government Code §56375 and §56133) include "approving, establishing, expanding, reorganizing, and, in limited circumstances, dissolving cities and special districts." But those involved and those who experience the impact must also be considered.

"Coordinating the efficient and sensible expansion of Municipal Services."

Attending the October CALAFCO San Diego conference gave me a powerful sense of being among people who want government to work.

"Discouraging Urban Sprawl."

A lifetime living in this area gives me grateful appreciation that hard work and carefully planning are required to engage in the discussions of making planned, thoughtful change.

"Preserving Agriculture and Open Space Resources."

The extra time to write these short comments is in recognition of the many aspects that make Napa distinctive as well as respect for those who made the good decisions. I hope to do my part for the future.

Bruce Ketron

I. General Information			
a) Name:	Erik	Lawrence	
	First	Last	
b) Address:	[REDACTED]	Napa	94558
	Street Address	City	Zip Code
c) Contact Information:	[REDACTED]	[REDACTED]	[REDACTED]
	Phone Number	E-Mail	
d) Present Employer:	Gaw Van Male, LLP	Legal Services	
	Employer Name	Employer Field	
II. Questionnaire (Applicants may use additional sheets to complete the following questions)			
a) Summarize your interest in serving on the Commission.	I am eager to serve my community. I was born in Napa, and moved back in 2008 to raise my family here. As an attorney in town, I've seen the impact LAFCO has on growth and development in the community.		
b) Summarize your qualification to serve on the Commission.	As an attorney, I am able to understand the legal ramifications, constraints and risks associated with new government agencies, expansion of sphere of influence, etc. As a native and long-time citizen, I can provide first-hand knowledge of prior expansions.		
c) List any formal education received beyond high school.	UC Davis, BS Ag. Econ. 1997 UC Davis, JD 2007 (top 5% of class) Leadership Napa Valley, Class 24		
d) List community activities and interests.	Napa Valley College Foundation, board member If Given a Chance, board member involved in education (wife is a teacher, young children ages 12, 9 and 2)		