



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

Due to Coronavirus (COVID-19) and consistent with Governor Newsom's Executive Order N-29-20 promoting social distancing, the meeting was conducted **via teleconference. The meeting was accessible for members of the public to attend electronically via a link and phone number displayed on page 3 of the agenda under Notice of Meeting Procedures.*

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Leary called the regular meeting of August 3, 2020 to order at 2:07 PM *via teleconference*. At the time of roll call, the following Commissioners and Staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Kenneth Leary, Chair	Ryan Gregory	Brendon Freeman, Executive Officer
Diane Dillon, Vice Chair	(left @ 4:13 PM)	DeeAnne Gillick, Commission Counsel
Margie Mohler	Eve Kahn	Dawn Mittleman Longoria, Analyst II
Gregory Rodeno	Scott Sedgley	Kathy Mabry, Secretary
Brad Wagenknecht		

2. PLEDGE OF ALLEGIANCE

Chair Leary invited members of the audience to join him in reciting the Pledge of Allegiance.

3. APPROVAL OF AMENDED AGENDA

Chair Leary asked if there were any requests to rearrange the agenda. There were no requests. Upon motion by Commissioner Mohler and second by Commissioner Dillon, the Commission adopted the agenda as submitted.

VOTE:

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

4. PUBLIC COMMENTS

Prior to the meeting, the public was encouraged to submit comments to the Commission concerning any matter not on the agenda, with specific instructions noted under Coronavirus (COVID-19) – Notice of Meeting Procedure on page 3 of the agenda.

There were no public comments received prior to the meeting, via mail or email.

5. CONSENT ITEMS

a) Approval of Minutes: June 1, 2020 Regular Meeting and July 13, 2020 Special Meeting

Upon motion by Commissioner Mohler and second by Commissioner Rodeno, the consent items were approved by roll call vote:

VOTE:

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

6. INFORMATION ITEMS

- a) **Current and Future Proposals**
- b) **Fourth Quarter Budget Report for 2019-2020**
- c) **Countywide Update on Housing and General Plans**
- d) **Strategic Plan and Work Program Progress Report**
- e) **Executive Officer Report**

Though no action is required on this item, the Chair requested the Executive Officer to provide a review of the anticipated annexation proposals listed in agenda item #6a.

7. ACTION ITEMS

a) Los Robles Drive No. 2 Annexation to the Napa Sanitation District and Associated CEQA Findings

The Commission considered approving a proposal submitted by landowner petition for annexation of four incorporated parcels totaling approximately 15.4 acres in size to the Napa Sanitation District. The affected territory is within the City of Napa, is located at 21 Los Robles Drive, 33 Los Robles Drive, 45 Los Robles Drive, and a property with no situs address, and identified by the County Assessor as 046-180-017, 046-180-008, 046-180-009, and 046-180-016, respectively.

Analyst Dawn Mittleman Longoria provided an overview of this agenda item.

There were no Commissioner comments received. Chair Leary opened the public hearing.

There were no public comments received. Chair Leary closed the public hearing.

Upon motion by Commissioner Rodeno and second by Commissioner Mohler, the Commission approved the staff recommendation to adopt the resolution approving the annexation, by roll call vote (**Resolution No. 2020-08**):

VOTE:

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

b) Linda Vista Avenue No. 21 Annexation to the Napa Sanitation District and Associated CEQA Findings

The Commission considered approving a proposal submitted by landowner petition for annexation of four incorporated parcels totaling approximately 2.8 acres in size to the Napa Sanitation District. The affected territory is within the City of Napa, is located at 3660 Linda Vista Avenue, 4009 Linda Vista Avenue, 4213 Linda Vista Avenue, and 2415 Trower Avenue, and identified by the County Assessor as 007-231-002, 007-152-030, 007-103-004, and 007-172-023, respectively. The purpose of the annexation is to eliminate private septic systems.

Staff presented an overview and history of this item, noting that neighbors have joined together to annex the subject property. A brief discussion was held on the topic of combined annexations.

There were no Commissioner comments received. Chair Leary opened the public hearing.

There were no public comments received. Chair Leary closed the public hearing.

Upon motion by Commissioner Mohler and second by Commissioner Rodeno, the Commission approved the staff recommendation to adopt the resolution approving the annexation, by roll call vote (**Resolution No. 2020-09**):

VOTE:

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

7. ACTION ITEMS – continued:

c) Public Comments Received on the Countywide Water and Wastewater Municipal Service Review Draft Report

The Commission discussed the public comments received on the draft Countywide Water and Wastewater Municipal Service Review (MSR).

Staff provided an overview of this agenda item, noting the Public Draft MSR was released May 18th, a public virtual workshop was held on July 13th; and July 20th was the deadline for all comments. Staff also informed the Commission that three separate comments were received prior to this meeting. Those comments were added as supplemental items on LAFCO's website under Staff Reports for today's meeting, and the comments were emailed to all Commissioners.

Staff summarized that the majority of public comments received (attached to Staff Report) generally related to clarifying information, technical corrections, governance structure options, water security, groundwater for municipal use, trucked water policies, LAFCO sphere of influence policies, environmental considerations, water quality and rate issues in Berryessa, and the need to plan for future emergencies. All comments will be included in the final MSR, and revisions will be made to the report to address certain comments, based on the Commission's direction, and the Consultant team and staff discussions. A final report will be presented to the Commission on October 5, 2020 as part of a public hearing, which may also include adoption by the Commission.

Staff noted that if the Commission does not specifically discuss a comment and give direction on that comment, Staff and the Consultant will still confer and decide what revisions would be appropriate for the report.

The Commission was asked to discuss the public comments and direct staff to incorporate any desired revisions into the report, or direct staff to provide written responses to any of the comments. Staff noted the MSR Consultant, Jennifer Stephenson of Policy Consulting Associates, is present.

Commissioner comments:

- Commissioner Mohler suggested staff move forward with any specific numerical or wording details provided by each municipality in terms of correcting any information in the draft MSR, and appreciates what LAFCO, the Consultant and Stakeholders have done to prepare a great baseline document. She also recommends having a conclusion in the report about possibly forming a countywide agency, or developing a Joint Powers Authority (JPA) agreement, or any other options.
- Commissioner Dillon expressed concern about repetition in the report and asked that to be minimized. A discussion was held with the Consultant about Resort Improvement Districts (RID's) and past recommendations to create a Community Services Area in a 2011 MSR report. Commissioner Dillon requested the Consultant further research this and any findings be incorporated into this MSR.
- Chair Leary agreed with Commission Dillon about having concise and accurate information in one place, and back stories on certain issues should be part of the discussion in the report.
- Commission Kahn agreed with Commission Dillon on some private water districts. Specifically, she was recently moved by comments from Jay Gardner, from the Milton Road private water district. They are not a municipal service, so they were not included in the report, and wondered if there is any way to bring an organization like that into the discussion. Trucked water policies were also discussed and it was suggested the topic be brought into the discussion in regards to having a countywide agency.
- Commissioner Mohler said she liked a letter from City of Napa's Phil Brun about trucked water policies, and asked how those comments will be incorporated in to the updated MSR. Staff answered that any recommendations are discussed with agency staff to ask if it is on their radar, or on their work plan. If the Commission is silent on the matter, the comments would be still included in the comments log.

7. ACTION ITEMS – continued:

c) Public Comments Received on the Countywide Water and Wastewater Municipal Service Review Draft Report - continued:

- Commissioner Gregory said we should be starting with the question: *What are we trying to accomplish with such an agency?* The report includes the recommendation that Napa Sanitation District take over NBRID and LBRID, but would there be cost savings and efficiencies discovered? Those type of considerations need to be addressed.

Public comments:

- Jason Holley, City Manager, City of American Canyon thanked the Commission for the opportunity to address LAFCO, and complimented the work product, staff and the Consultant team for a process that has been under way for a year or more. Mr. Holley stated a comment letter from the City was sent to LAFCO today, which addresses the confirmation of the service boundaries for American Canyon. The City is working with LAFCO Counsel and staff and believes it can get this resolved and continue to work with that group, and that the final document that the Commission will be asked to approve on October 5, 2020 will reflect the accurate historical boundaries that exist.

No other public comments were received.

Chair Leary thanked everyone for their comments. He also discussed how the comments pertaining to the report are included, and then suggested two Commissioners work together (Ad Hoc) with staff on what the final report will look like and how the recommendations and determinations will show up. Clarification from staff was requested regarding finalizing the report, or a summary of comments received.

MSR Consultant, Jennifer Stephenson informed the Commission that a comment log is included in the report (as an appendix) which should address any concerns, and summarize for the public and the Commissioners those comments that were received and any changes made, thus allowing the Commissioners to focus their direction on comments of interest or significance.

Ms. Stephenson suggested that perhaps the purpose of the ad hoc Committee would be to review the comment log and changes made, address the comments, then the Commission could provide any additional direction if there was something of concern.

Staff noted it will also put together all substantive Commissioner comments from today’s meeting.

Commissioner Wagenknecht supported the idea of a two-person committee to review comments.

He also suggested the small water companies who may have no protection be included in the MSR.

Commissioner Mohler suggested staff and consultant put together comments of significance for the ad hoc Committee in order to have a focused discussion.

Chair Leary asked Commissioners who would be interested in being on the ad hoc Committee.

The Commission nominated Vice Chair Dillon and Commissioner Mohler to form a committee along with the Executive Officer to address the comments from the MSR.

Upon motion by Commissioner Wagenknecht and second by Commissioner Rodeno, the Commission appointed Commissioners Dillon and Mohler to the ad hoc MSR Comments Committee.

Staff will coordinate the committee meetings in the next few weeks:

VOTE:

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

7. ACTION ITEMS – continued:

d) Legislative Report

The Commission received a report on legislative items affecting LAFCOs. The recommended action is for the Commission to authorize the Executive Officer to submit letters to the Assembly Appropriations Committee and Senator Anna Caballero opposing the proposed pending amendments to Senate Bill 414.

The Commission’s Legislative Committee, comprised of Vice Chair Dillon and Commissioner Mohler, along with the Executive Officer met on March 9, 2020, and reviewed 30 bills that were being tracked by CALAFCO at the time. The Committee agreed to watch several bills and potentially return with recommended positions for the full Commission’s consideration at a future meeting. However, in response to the COVID-19 pandemic, the Legislature adjusted its priorities and many bills that affected LAFCOs were suspended or withdrawn including all bills being watched by the Committee. At this time, the Legislature’s focus is on bills related to COVID-19, education, fire response and prevention, and public safety reform.

One the bills, Senate Bill (SB) 414, relating to Small System Water Authority Act is relevant to the Commission and is being watched by the Committee. CALAFCO recently released an urgent call for action requesting all individual LAFCOs take a formal position opposing the proposed pending amendments to SB 414. The negative impacts of the amendments are further described in the draft letters of opposition, which were provided to the Commission in the staff report.

The Commission has not taken a position on SB 414 to date. However, given the urgent nature and the bill’s potential relevance to certain recommendations in the Commission’s Countywide Water and Wastewater Municipal Service Review, staff believes it is imperative to take a position on the pending amendments. With this in mind, it was recommended the Commission authorize the Executive Officer to submit the draft letters with any desired changes to the Assembly Appropriations Committee and Senator Anna Caballero opposing the pending amendments. Staff provided a full report on Senate Bill 414, as it relates to LAFCO’s existing authority. The recommended action was for the Commission to authorize the Executive Officer to submit formal letters opposing the pending amendments for Senate Bill 414.

Vice Chair Dillon questioned why two letters would be required.

Pamela Miller, CALAFCO Director was present and answered that one of the letters is to the Appropriations Committee, which deals with the fiscal aspects, and the other letter, which is to the Senator, involves fiscal and policy issues.

Chair Leary thanked Pamela Miller for the clarification regarding the two letters in question. Upon motion by Commissioner Mohler and second by Commission Dillon, the Commission authorized the Executive Officer to submit formal letters opposing the proposed pending amendments to Senate Bill 414, with all of the Commissioners names listed on the letters:

VOTE:

AYES: MOHLER, DILLON, LEARY, RODENO AND WAGENKNECHT

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

7. ACTION ITEMS – continued:

e) Outreach Committee Update

The Commission received an update from the ad hoc Outreach Committee on potential strategies and resources needed to provide outreach and education to the general public related to LAFCO activities.

Analyst Dawn Mittleman Longoria presented this item.

The Committee (Commissioners Kahn and Leary) met on July 20, 2020, and considered the significant impacts of COVID-19 with respect to previously discussed outreach strategies.

The Committee concluded the plan and its implementation should be flexible to accommodate changed conditions. The Committee agreed upon a Draft Outreach Plan as described in the staff report, entitled: *Napa LAFCO at a Glance*.

Topics include: Who is the target audience (such as newly elected officials), what resources are available, and what strategies are possible based on available resources.

The goals of the draft outreach plan include building trust in the community; providing transparency; making LAFCO more visible and less obscure; and providing reliable and consistent facts.

The implementation strategy was also reviewed. Complete details are listed in the staff report.

The recommended action was for the Commission to provide direction to staff and/or the Outreach Committee to initiate any additional outreach efforts.

Commissioner Kahn suggested reaching out to newly elected officials.

Chair Leary noted that the Committee is cognizant of the budget and is not looking at spending a lot of money, but utilizing resources already available. He also suggested the Commission consider a student intern, and perhaps even providing a stipend for the intern.

Commissioner Wagenknecht suggested when the Outreach Committee does begin their work to contact him and Commissioner Gregory (Board of Supervisors) and they will work with the Committee.

f) CALAFCO Voting Delegates and Board Nominations

The Commission considered appointing voting delegates to represent the Commission for the California Association of Local Agency Formation Commissions (CALAFCO) Board of Directors election and making nominations for the CALAFCO Board.

Analyst Dawn Mittleman Longoria presented this item, noting the CALAFCO Annual Conference has been cancelled this year, and that the annual Board elections will occur electronically.

The Commission was asked to appoint one regular voting delegate and one alternate voting delegate for the Board of Directors election. Past practice has been to appoint the Chair and Vice Chair.

This year’s Board elections for the Coastal Region involve the County and District Member seats.

The Commission does not have special district representation, therefore, the only eligible candidates for the Board seat are Vice Chair Dillon, Commissioner Wagenknecht, and Alternate Commissioner Gregory (County members). No County Member expressed interest or was nominated for the CALAFCO Board.

Commissioner Mohler is serving a 2nd term, which expires October 2021 as the Coastal City Member.

Upon motion by Commissioner Wagenknecht and second by Commissioner Mohler, the Commission formally nominated Commissioners Leary and Dillon to serve as Napa’s voting delegate and alternate delegate, respectively, for the CALAFCO Board elections:

VOTE:

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

8. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Chair Leary and Commissioner Mohler both agreed to wrap up the current MSR.

9. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting adjourned at 4:28 PM. The next regular LAFCO meeting is scheduled for Monday, October 5, 2020 at 2:00 PM.

It is anticipated the meeting will be held telephonically due to COVID-19 in compliance with California Governor Gavin Newsom's Executive Order N-29-20.

Kenneth Leary, LAFCO Chair

ATTEST:

Dawn Mittleman Longoria, Analyst II

Prepared by:

Kathy Mabry, Commission Secretary