



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 5d (Consent/Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer *BF*
MEETING DATE: August 1, 2022
SUBJECT: Approval of Policy Amendments

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the *Policy for the Appointment of Counsel*, included as Attachment One; and
- 2) Adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the *Policy on Scheduling of Commission Meetings*, included as Attachment Two.

SUMMARY

The Commission's adopted Strategic Plan includes a schedule for the Commission's ad hoc Policy Committee (Mohler and Wagenknecht) to comprehensively review all local policies and propose amendments as appropriate.

On July 13, 2022, the Policy Committee met and agreed to recommend amendments to the Commission's *Policy for the Appointment of Counsel* and *Policy on Scheduling of Commission Meetings*. The proposed amendments are generally non-substantive in nature and limit to formatting changes. The Policy Committee also reviewed the Commission's *Conflict of Interest Code* and determined no amendments are needed at this time.

The only substantive amendment involves the *Policy on Scheduling of Commission Meetings* and would eliminate the language allowing the Chair to change the date or the time of a regular meeting if it is determined the Commission cannot achieve a quorum or there is a lack of business. This language is inconsistent with public meeting law that changes regular meetings to special meetings if the date or time are changed. The proposed amendment addresses this inconsistency.

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

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

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

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

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

A clean version of the proposed amendment to the *Policy for the Appointment of Counsel* is an exhibit to the draft resolution, included as Attachment One. A tracked change version of the amendment is included as Attachment Three.

A clean version of the proposed amendment to the *Policy on Scheduling of Commission Meetings* is an exhibit to the draft resolution, included as Attachment Two. A tracked change version of the amendment is included as Attachment Four.

ATTACHMENTS

- 1) Draft Resolution Amending the *Policy for the Appointment of Counsel*
- 2) Draft Resolution Amending the *Policy on Scheduling of Commission Meetings*
- 3) Proposed Amendments to *Policy for the Appointment of Counsel* (Tracked Changes)
- 4) Proposed Amendments to *Policy on Scheduling of Commission Meetings* (Tracked Changes)

RESOLUTION NO. _____

RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDING ITS POLICY FOR THE APPOINTMENT OF COUNSEL

WHEREAS, on April 11, 2001, the Local Agency Formation Commission of Napa County (the "Commission") adopted a *Policy for the Appointment of Counsel*; and

WHEREAS, the Commission considered a proposed amendment to the *Policy for the Appointment of Counsel* at its regular meeting on August 1, 2022; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy for the Appointment of Counsel* as attached hereto as "Exhibit A".

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on August 1, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Interim Commission Clerk



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on the Appointment of Counsel (Adopted: April 11, 2001; Last Amended: August 1, 2022)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Commission to appoint legal counsel to advise it and to appoint alternate legal counsel in the event of a conflict of interest consistent with [California Government Code §56384\(b\)](#).

II. PURPOSE

The purpose of this policy is to guide the Local Agency Formation Commission (LAFCO) of Napa County in appointing legal counsel and, when appropriate, alternate legal counsel.

III. PROCEDURES

The Commission shall appoint a Commission Counsel for a term specified as part of the appointment. Further, the policy of the Commission is:

- A. If the Commission determines that a conflict of interest exists for its counsel in the processing and review of a proposal, the Commission will appoint alternate legal counsel for that proposal. If the Commission determines that an applicant should bear the costs of alternate counsel, it shall require that the applicant put on deposit with the County Auditor funds sufficient to cover associated costs.
- B. The Commission will consider written requests that alternate legal counsel advise the Commission and its staff on matters pertaining to a particular proposal. This request may be made by any applicant, affected agency, or affected individual. Requests will be considered at the next regular meeting of the Commission for which the matter may be noticed properly. Approval of any such request is contingent upon the placement on deposit with the County Auditor of funds sufficient to cover associated costs.
- C. In all instances, appointment of alternate legal counsel is solely at the discretion of the Commission.
- D. When alternate legal counsel is used, the Commission reserves the right to make final approval of a proposal contingent upon payment of any outstanding legal costs in excess of the deposit on hand with the County Auditor.
- E. When alternate legal counsel is used, upon written confirmation from the Executive Officer that all billing matters have been resolved, the County Auditor will return any unexpended portion of funds on deposit.

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDING ITS POLICY ON SCHEDULING OF COMMISSION MEETINGS**

WHEREAS, on June 14, 2001, the Local Agency Formation Commission of Napa County (the “Commission”) adopted a *Policy on Scheduling of Commission Meetings*; and

WHEREAS, the Commission most recently amended the *Policy on Scheduling of Commission Meetings* on June 6, 2016; and

WHEREAS, the Commission considered a proposed amendment to the *Policy on Scheduling of Commission Meetings* at its regular meeting on August 1, 2022; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy on Scheduling of Commission Meetings* as attached hereto as “Exhibit A”.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on August 1, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Interim Commission Clerk



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Policy on Scheduling of Commission Meetings

(Adopted: June 14, 2001; Last Amended: August 1, 2022)

I. BACKGROUND

Meetings of the Local Agency Formation Commission (LAFCO) of Napa County will be noticed and conducted in accordance with the Ralph M. Brown Act, [California Government Code \(G.C.\) §54950 et seq.](#) In response to [G.C. §54954](#), this policy establishes the time and place for regular meetings and additionally establishes how a special meeting may be scheduled.

II. PROCEDURES

A. Regular Meetings

- 1) The regular meeting day of the Commission is the first Monday of each even-number month (February, April, June, August, October, and December) at 2:00 PM. The location will be the County of Napa Board of Supervisors Chambers located at 1195 Third Street, Third Floor, Napa, California 94559.
- 2) The Chair may cancel a regular meeting if he or she determines the Commission cannot achieve a quorum or there is a lack of business. Regular meetings may also be canceled with the consent of a majority of the regular members of the Commission. For the purpose of this policy, a majority includes at least one member representing the cities and one member representing the county.

B. Special Meetings

- 1) Special meetings may be scheduled in accordance with the Ralph M. Brown Act which at the time of the adoption of this policy allows the Commission Chair to schedule special meetings as needed. The Chair shall consult with the Executive Officer in scheduling special meetings to ensure a quorum is available at a specified place and time.
- 2) Requests from outside parties for special meetings must be made in writing and submitted to the Executive Officer. If approved and scheduled by the Chair, the affected outside party requesting the special meeting will be responsible for any related charges pursuant to the Commission's *Schedule of Fees and Deposits*.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy ~~for~~ on the Appointment of Counsel

(Adopted: April 11, 2001; Last Amended: August 1, 2022)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Commission to appoint legal counsel to advise it and to appoint alternate legal counsel in the event of a conflict of interest consistent with California Government Code §56384(b).

Pursuant to Government Code §56384(b):

~~The commission shall appoint legal counsel to advise it. If the commission's counsel is subject to a conflict of interest on a matter before the commission, the commission shall appoint alternate legal counsel to advise it. The commission may recover its costs by charging fees pursuant to Section 56383.~~

II. PURPOSE

The purpose of this policy is to guide the Local Agency Formation Commission (LAFCO) of Napa County in appointing legal counsel and, when appropriate, alternate legal counsel.

III. PROCEDURES

The Commission shall appoint a Commission Counsel for a term specified as part of the appointment. Further, the policy of the Commission is:

- A. If the Commission determines that a conflict of interest exists for its counsel in the processing and review of a proposal, the Commission will appoint alternate legal counsel for that proposal. If the Commission determines that an applicant should bear the costs of alternate counsel, it shall require that the applicant put on deposit with the County Auditor funds sufficient to cover associated costs.
- B. The Commission will consider written requests that alternate legal counsel advise the Commission and its staff on matters pertaining to a particular proposal. This request may be made by any applicant, affected agency, or affected individual. Requests will be considered at the next regular meeting of the Commission for which the matter may be noticed properly. Approval of any such request is contingent upon the placement on deposit with the County Auditor of funds sufficient to cover associated costs.
- C. In all instances, appointment of alternate legal counsel is solely at the discretion of the Commission.
- D. When alternate legal counsel is used, the Commission reserves the right to make final approval of a proposal contingent upon payment of any outstanding legal costs in excess of the deposit on hand with the County Auditor.
- E. When alternate legal counsel is used, upon written confirmation from the Executive Officer that all billing matters have been resolved, the County Auditor will return any unexpended portion of funds on deposit.



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Policy on Scheduling of Commission Meetings

(Adopted: June 14, 2001; Last Amended: ~~June 6, 2016~~ August 1, 2022)

I. BACKGROUND

Meetings of the Local Agency Formation Commission (LAFCO) of Napa County will be noticed and conducted in accordance with the Ralph M. Brown Act, California Government Code (G.C.) Section-§54950 et seq. In response to G.C.Government Code Section §54954, this policy establishes the time and place for regular meetings and additionally establishes how a special meeting may be scheduled.

II. ~~GUIDELINES-PROCEDURES~~

A. Regular Meetings

- 1) The regular meeting day of the Commission is the first Monday of each even-number month (February, April, June, August, October, and December) at 2:00 PM. The location will be the County of Napa Board of Supervisors Chambers located at 1195 Third Street, Third Floor, Napa, California 94559.
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- 2) Requests from outside parties for special meetings must be made in writing and submitted to the Executive Officer. If approved and scheduled by the Chair, the affected outside party requesting the special meeting will be responsible for any related charges pursuant to the Commission's *Schedule of Fees and Deposits*.