



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

MEETING MINUTES OF OCTOBER 1, 2007

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

Chair Gingles called the meeting to order at 4:01 p.m.

Roll was called with Regular Commissioners Inman, Kelly and Chair Gingles present. Alternate Commissioners Coffey, Luce (*voting*) and Rodeno were also present.

Commissioners Dodd and Wagenknecht were excused.

Staff present: Keene Simonds, Executive Officer; Jackie Gong, Commission Counsel and Kathy Mabry, Commission Secretary.

2. **PLEDGE OF ALLEGIANCE**

Chair Gingles led the audience, staff and Commission in the Pledge of Allegiance. At the end of the pledge, Chair Gingles expressed condolences to the American Canyon Fire Protection District for the recent passing of Captain James Stavas.

3. **APPROVAL OF MINUTES**

The Commission was presented with minutes from the August 6, 2007 and August 20, 2007 meetings for approval. Upon motion by Commissioner Kelly and second by Commissioner Luce, the minutes were approved.

4. **PUBLIC COMMENT**

Chair Gingles invited members of the audience to provide public comment. No comments were received.

5. **CONSENT CALENDAR**

a) **LAFCO Budget Contributions by Funding Agencies (Information)**

The Commission received a written report identifying the amounts required of the six funding agencies for the 2007-2008 fiscal year.

b) **Amendment to FY2007-2008 Budget (Action)**

The Commission received a written report recommending an amendment to the 2007-2008 budget to transfer \$18,500 from Regular Salaries (Account #51100000) to Professional Support Services (Account #52185000) to make payments associated with the agreement between LAFCO and Baracco and Associates.

c) **Amendment to Support Services Agreement with County of Napa (Action)**

The Commission received a written report recommending an amendment to its Support Services Agreement with the County of Napa (LAFCO Agreement No. 03-02) to make changes relating to the provision of information technology services and other non-substantive updates.

Upon motion by Commissioner Luce and second by Commissioner Kelly, the consent calendar items were approved.

6. PUBLIC HEARING ITEMS

a) American Canyon Fire Protection District: Sphere of Influence Review

Staff provided an overview of the written report representing the Commission's scheduled sphere of influence review of the American Canyon Fire Protection District. Staff recommended the Commission adopt a prepared draft resolution updating the District's sphere of influence to include all lands within its jurisdictional boundary and within the City of American Canyon's sphere of influence. Chair Gingles opened and closed the public hearing with no comments received. Commissioner Luce commented that it would be appropriate during the next review to revisit the sphere designation to consider the effect of the scheduled extension of Devlin Road. Upon motion by Commissioner Kelly and second by Luce, the resolution was approved (LAFCO Resolution #07-25).

b) County Service Area No. 3: Sphere of Influence Review

Staff provided an overview of the written report representing the Commission's scheduled sphere of influence review of County Service Area No. 3. Staff recommended the Commission adopt a prepared draft resolution affirming the District's sphere of influence with no changes. Chair Gingles opened and closed the public hearing with no comments received. Upon motion by Commissioner Luce and second by Kelly, the resolution was approved (LAFCO Resolution #07-26).

7. COMMISSION ACTION ITEMS

a) California Government Code §56133

Staff provided an overview of the written report evaluating two policy options addressing the Commission's role under California Government Code §56133 as it relates to the City of American Canyon providing water and sewer services outside its jurisdictional boundary. Staff noted that both options evaluated are reasonable alternatives. Staff recommended a comprehensive approach to Option "D." Staff noted that the County of Napa had prepared and provided copies of a third option for Commission consideration.

At 4:23pm, Chair Gingles invited audience members to address the Commission. Summaries of the following comments were received:

- Leon Garcia, American Canyon Mayor, spoke to the Commission stating that the proposed comprehensive approach to Option D serves their best interest and those they serve in the county area, and encouraged the Commission to approve the staff recommendation.
- Hillary Gitelman, County of Napa Planning Director, introduced Alan Lilly. Alan Lilly thanked LAFCO staff for their extensive work on this complicated topic. He also commended the City of American for engaging in responsible water planning, and said he hopes they continue to do so in the future without discriminating outside its limits. Mr. Lilly summarized the County's proposed alternative option for Commission consideration.
- Joan Bennett, American Canyon Vice-Mayor, provided commentary and recommended the Commission approve the staff recommendation.
- Ed West, American Canyon Councilmember, provided commentary and recommended the Commission approve the staff recommendation.

7. COMMISSION ACTION ITEMS - *continued*:

a) California Government Code §56133

- Bill Ross, American Canyon Counsel, provided commentary and recommended the Commission approve the staff recommendation. Mr. Ross also requested clarification with respect to the words “extraterritorial” and “in-fill”.
- Robert Weil, American Canyon Public Works Director, provided a map to the Commission depicting the City’s current water and sewer infrastructure.
- Rich Ramirez, American Canyon City Manager, recommended the Commission approve the staff recommendation. Mr. Ramirez also noted the fragile nature of water resources.
- Bud Cane, business owner, expressed his desire that the Commission resolve its review of California Government Code §56133.
- John Wilkinson, business owner, expressed his desire that the Commission resolve its review of California Government Code §56133.
- Michael Abramson, Napa Sanitation District General Manager, requested that the resolution the Commission approves be amended to include separate exhibits showing the approved extraterritorial water and sewer service areas.

At 5:26pm, Chair Gingles invited comments from Commissioners. The following comments were received:

Commissioner Luce stated that he supports the County’s alternative option.

Commissioner Inman asked staff to accommodate Mr. Abramson’s (NSD) request to add an additional map to the resolution. Commissioner Inman stated that Comprehensive Option ‘D’, as supported by the American Canyon City Council Members who spoke today and as recommended by LAFCO staff, is a good direction and will be supporting that option.

Commissioner Kelly stated his concern that the underlying issue between the City and the County has not been resolved. Commissioner Kelly added that the County’s proposed alternative option seems to better address the key issues.

Chair Gingles agreed with the comments of Commissioner Kelly.

Commissioner Inman pointed out that the County’s alternative option deletes the words “new” and “extended”.

Commissioner Luce stated the County’s alternative option is a bit of a hybrid; and clarify areas of service.

Commissioner Inman added that the interjection of the word “infill” creates a lack of clarity and stated she is not comfortable with the type of language change without staff review.

7. COMMISSION ACTION ITEMS - *continued*:

a) California Government Code §56133

Chair Gingles asked Commissioners for their preference in terms of moving forward.

Commissioner Luce made a motion and a second by Kelly to adopt the resolution for the approval of the County's proposed alternative option. At the request of Chair Gingles, roll call was taken with the following votes: Commissioner Luce=Yes, Kelly=No, Inman=No and Gingles=No. The motion was unsuccessful.

A new motion was made by Commissioner Inman and second by Chair Gingles for a special meeting on October 15 to continue this item and allow staff more time to evaluate the County's alternative option.

8. COMMISSION DISCUSSION ITEMS

a) Legislative Report

Staff provided a verbal report on the current session of the California Legislature as it relates to approved or pending bills that have a direct impact on LAFCO law or the laws LAFCO helps to administer.

b) Report from 2007 CALAFCO Annual Conference

Staff provided a verbal report on the issues and topics raised at the 2007 Annual Conference of the California Association of Local Agency Formation Commissions, which was held in Sacramento between August 29-31.

9. EXECUTIVE OFFICER REPORT

The Executive Officer provided the Commission with a verbal report summarizing current staff activities, communications, studies, and special projects.

10. INFORMATION ITEMS

Staff provided the Commission with a verbal report regarding the current status of active proposals on file with LAFCO.

11. CLOSED SESSION

None.

12. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS

None.

13. ADJOURNMENT TO NEXT SCHEDULED MEETING

The meeting was adjourned at 5:49 p.m. The next special LAFCO meeting is scheduled for Monday, October 15, 2007 at 4:00 p.m.

Jack Gingles, LAFCO Chair

ATTEST: Keene Simonds, Executive Officer

Prepared by:

Kathy Mabry, Commission Secretary