



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MEETING MINUTES OF AUGUST 1, 2022**

1. WELCOME AND CALL TO ORDER; ROLL CALL (teleconference)

Chair Mohler called the regular meeting of August 1, 2022, to order at 2:05 PM.

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

Regular Commissioners	Alternate Commissioners	Staff
Margie Mohler, Chair	Ryan Gregory	Brendon Freeman, Executive Officer
Brad Wagenknecht, Vice Chair	Eve Kahn	Gary Bell, Commission Counsel
Mariam Aboudamous	Beth Painter	Dawn Mittleman Longoria, Analyst II and Interim Clerk
Diane Dillon		
Kenneth Leary		

Chair Mohler read the agenda section regarding the authority to conduct the meeting via teleconference due to the COVID-19 state of emergency.

Chair Mohler welcomed LAFCO's new legal counsel, Gary Bell of the legal firm, Colantuono, Highsmith & Whatley. Mr. Bell expressed enthusiasm to serve as the Commission's legal counsel.

2. PLEDGE OF ALLEGIANCE

Chair Mohler led the Pledge of Allegiance.

3. APPROVAL OF AGENDA

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

VOTE:

AYES: LEARY, WAGENKNECHT, ABOUDAMOUS, AND MOHLER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

4. PUBLIC COMMENTS

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

Commissioner Dillon joined the meeting after technical issues were resolved, at 2:08

5. CONSENT ITEMS

Action Items:

- a) **Approval of Resolution Authorizing Continued Teleconference Meetings under Government Code Section 54953(e) (AB 361)**
- b) **Approval of Meeting Minutes:** June 6, 2022, Regular Meeting
- c) **Close Imprest Cash Fund**
- d) **Approval of Policy Amendments**

Receive Report for Information Only:

- e) **Fiscal Year 2021-22 Budget to Actual Report**
- f) **Napa LAFCO Quarterly Newsletter**
- g) **Current and Future Proposals**

Chair Mohler asked if Commissioners wanted to discuss any of the consent items, no requests were made.

Upon motion by Commissioner Aboudamous and second by Vice Chair Wagenknecht, the consent items were approved by roll call vote:

VOTE:

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

6. INFORMATION ITEMS

Updates on Napa Countywide Water and Wastewater Municipal Service Review

Executive Officer Freeman introduced the presenters for this item. He explained that these agencies have taken actions consistent with recommendations included in the Commission's Napa Countywide Water and Wastewater Municipal Service Review (MSR). These agencies have achieved increased resource management and shared services.

Joy Eldridge, Deputy Utilities Director, City of Napa, provided an overview of the City's implemented water shortage regulations including limitations on the trucking of water. She noted that the City's Urban Water Management Plan has been updated for long term planning and reviewed their Drought Contingency Plan which provides countywide regional cooperation.

Chair Mohler requested questions or comments from the Commission.

Alternate Commissioner Kahn questioned why potable rather than recycled water is used for construction.

Ms. Eldridge responded that requirement may be necessary in the future, but at this time onsite use of onsite hydrants reduces truck traffic on the roads that would occur with collection of recycled water.

Commissioner Leary referred to City of Napa's plans to buy into the Sites reservoir, noting that City of American was an early purchaser of Sites reservoir.

Ms. Eldridge explained that the City's process is in the initial stages with the City on a waiting list along with other agencies.

Chair Mohler commended the City's current efforts and long-range planning. She asked if the water use restrictions are voluntary or mandatory.

Ms. Eldridge replied that restrictions are mandatory, the majority of the community has been responsive, and staff has tagged violators last year resulting in increased compliance this year.

Chair Mohler requested further comments from the Commission and then from the public, none were received.

Andrew Damron, Technical Services Director and District Engineer, Napa Sanitation District (NapaSan), provided background on the formation of the District, area of services and explained the extent of their recycled water service.

John Ferons, Public Works Director, Town of Yountville, provided background regarding the Town's wastewater treatment facility, which was constructed as a shared facility with the Veterans Home.

Mr. Damron explained that the MSR recognized NapaSan's level of expertise and facilities. The MSR recommended that NapaSan partner with smaller sanitation agencies for economies of scale, efficiency and shared resources. This recommendation led to the Town to contact the District for the development of shared services.

Mr. Ferons explained that State law requires plant supervision by highly trained operator. The Town attempted to hire a replacement for the retired operator but were not successful in the current tight job market. The Town and District formed a Joint Powers Agreement (JPA) for supervisor level plant operator. The JPA agreement includes the flexibility to expand services in the future. The agreement is not a cost for District ratepayers.

Chair Mohler expressed appreciation to the presenters. She then asked for questions from the Commissioners.

Vice Chair Wagenknecht complimented the agencies for their cooperation to achieve a "win-win" for the community.

Steve Rogers, Yountville Town Manager, referenced the Town's involvement in the MSR creation process. He expressed appreciation to the District. He stated that these types of cooperative agreements, which were recommended in the MSR, provide a method for agencies to work smarter at meeting their needs, provide more practical solutions for each agency and for the ratepayers. He emphasized that expanded coordination among agencies in the County can provide significant benefits.

Chair Mohler requested comments from the public.

Gary Margadant expressed appreciation and support for this type of cooperation in the County, stating the benefit to the community as a whole.

Chair Mohler expressed appreciation for this wonderful informational item.

7. ACTION ITEMS

a) CALAFCO Nominations and Annual Conference Items

Executive Officer Freeman reviewed his staff report including the details of the upcoming CALAFCO Annual Conference. He noted that the Commission appoints voting delegate at the conference. In addition, the Commission may consider making nominations for a County representative on the CALAFCO Board of Directors and achievement awards.

Upon motion by Vice Chair Wagenknecht and second by Commissioner Dillon, the Commission unanimously appointed Chair Mohler as regular voting delegate and Commissioner Leary as alternate:

VOTE:

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

The Commission chose not to nominate a candidate for the Board or to make an achievement award nomination.

Chair Mohler requested comments from the public; none were received.

b) Legislative Report

Executive Officer Freeman reviewed his staff report including the Commission's *Legislative Policy, Platform* and the structure of the Legislative Committee. He summarized the status of bills reviewed by the Committee and their recommendations, including support of Senate Bill 1449 (SB 1449). The bill proposes support for infrastructure funding for annexation of surrounded unincorporated islands,

Chair Mohler requested comments from the Commission.

Commissioner Painter urged support of SB 1449, reiterating the support of the League of California Cities.

Chair Mohler requested comments from the public; none were received.

Upon motion by Commissioner Dillon and second by Commissioner Aboudamous, to support Senate Bill 1449 was approved by roll call vote:

VOTE:

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

Chair Mohler provided an update of the CALAFCO Legislative Committee. She stated that priority will be given to the exemptions for outside service agreements (Government Code section 56133, subsection (e)). The proposed language would require LAFCO to determine when exemptions apply.

8. DISCUSSION ITEMS

a) Draft Municipal Service Review and Sphere of Influence Review for the Silverado Community Services District (SCSD MSR/SOI)

Dawn Mittleman Longoria, LAFCO Analyst II/Interim Clerk, provided an overview of the Draft Report. She stated that it is a review of the MSR conducted in 2014 and the SOI conducted in 2015. Staff advised that the Draft Report includes the legally required determinations for Commission consideration. She provided background information regarding the District's structure, governance, funding and services provided. The District is a dependent district with the Board of Supervisors as the governing body and County employees providing staff through funding from the District. Input and guidance are provided by Municipal Advisory Committee comprised of District residents. Staff analysis concluded that the District operates in a transparent manner, services are provided efficiently to meet the needs of current residents and projected future needs of the community.

Staff expressed appreciation for the assistance and cooperation received from County staff, especially to Steven Lederer, District Manager and Michael Karath, Staff Services Analyst. She noted that they were in attendance at the meeting should there be additional questions.

Staff noted that public comment had been submitted in a letter from Gary Margadant. His concern regarded the golf course's use of potable water instead of recycled water. He felt that the SOI should be amended to exclude the golf course. Staff advised that water is not provided by the District, but by the City of Napa since 1977.

Staff advised that no formal action by the Commission is necessary at this time. The Draft Report will be distributed for public comment and will be brought back to LAFCO for formal action at its October meeting.

Chair Mohler requested comments from the Commission.

Alternate Commissioner Kahn made comments regarding the determinations in the Draft Report. She recommended additional focus regarding the impact of climate change on the District's operations.

Chair Mohler requested comments from District staff.

Michael Karath, Staff Services Analyst referenced the letter from Mr. Margadant. He noted that water service to the golf course is provided by the City of Napa, rather than dependence on groundwater. He noted that the District does not use groundwater or creek water. The District uses only City of Napa water.

Chair Mohler requested comments from the public; none were received.

Executive Officer Freeman referenced the comments from Alternate Commissioner Kahn. He requested guidance from the Commission.

Commissioner Dillon agreed on the need for additional focus on the issue of climate change. She felt an appropriate question would be "How have district operations been affected by climate change?". Also, "Is climate change expected to affect district operations in the future?".

Chair Mohler agreed with the recommendation.

Commission Leary that catastrophic climate adaptation should be reviewed regarding impacts on our environment. He also asked if the MAC has reviewed this matter.

Alternate Commissioner Painter agreed with comments from Alternate Commissioner Kahn. She suggested that this matter be discussed at the Commission's Strategic Planning Session, noting that other LAFCOs are including climate change impacts in their MSRs.

Chair Mohler noted that climate change impacts were a discussion during the Policy Committee update of the *MSR Policy*. She agreed that it is a very important issue to address. Also, she noted that numerous agencies are developing methods to address this matter. Chair Mohler suggested that the Commission could leverage its efforts by using one of these methods as a basis to delve into the subject.

b) Strategic Plan and Work Program Progress Report

Executive Officer Freeman reviewed the Commission's Strategic Plan and the Work Program. He noted that the timing on MSRs is a guideline rather than mandatory. Regarding island annexations, he advised that the City of Napa is currently understaffed and focused on completing a General Plan Update. The Executive Officer recommended delaying LAFCO's focus on this matter until the City is better able to focus on the matter. In addition, possible legislation (SB 1449) could provide grant funding to cities for infrastructure needs in the islands. He provided an update of Commission recommended amendments to the Support Services Agreement (SSA) with the County. Mr. Freeman also referenced the future Strategic Plan as previously discussed by the Commission. He noted that, regarding a facilitator, Pamela Miller, former CALAFCO Executive Director is interested in serving in this capacity. Staff requested guidance from the Commission.

Chair Mohler stated that Pamela Miller would be an excellent facilitator since she is extremely knowledgeable about LAFCO and Napa County.

Vice Chair Wagenknecht supported scheduling the Strategic Planning session next year since there will be new County Supervisors seated. Also, he agreed that Pamela Miller would be an excellent choice for facilitator with her extensive knowledge of LAFCO.

Chair Mohler requested that the Executive Officer schedule this discussion for next year when the new Commissioners have been appointed.

c) Direction on Future Commission Meetings

Executive Officer Freeman noted that the Commission has previously discussed this matter and expressed a preference for in-person, hybrid meetings. He explained that Chair Mohler and LAFCO staff met with Board of Supervisor's staff to review the hybrid meeting process in the Supervisor's chambers. Apparently, it requires four staff members to operate the six computer monitors, camera views, audio equipment and possible technical difficulties during the meeting. LAFCO's staff of two would not be able to address all the necessary functions for a hybrid meeting. Executive Officer Freeman extended his compliments to County Clerk of the Board staff for mastering the hybrid meetings and making it appear easy. He requested guidance from the Commission.

Vice Chair Wagenknecht also complimented County staff for operating hybrid meetings. He referenced his involvement with other agencies conducting hybrid meetings. He stated that they use "OWL" software to assist since the staff is small. He agreed that at this point a virtual meeting would be preferable to a poorly run hybrid meeting.

Chair Mohler stated that she was amazed by what it requires for County staff to operate a hybrid meeting. It was apparent that they do an admirable job. Chair Mohler stated that she watches the CDC guidelines regarding COVID-19. She recommended that LAFCO address the situation meeting by meeting as conditions change.

Chair Mohler requested any comments from Commissioners; none were received.

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Chair Mohler opened the meeting to Commission comments/requests; none were received.

10. CLOSED SESSIONS:

The Commission adjourned to the following closed sessions:

a) Public Employee Performance Evaluation – (Government Code Section 54957(b)(1))
Employee: Executive Officer

b) Conference with Labor Negotiators – (Government Code Section 54957.6)
Agency Designated Representative: Commission Chair
Unrepresented Employee: Executive Officer

Following the closed sessions, Chair Mohler reconvened the meeting and stated that no reportable actions had occurred during the closed session.

10. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting was adjourned at 4:18 PM. The next regular LAFCO meeting is scheduled for Monday, October 3, 2022, at 2:00 PM. The meeting may be conducted by teleconference in compliance with California Assembly Bill 361. If the meeting is held in person, the meeting location will be at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3rd floor, Napa, CA 94559.

Margie Mohler

[Margie Mohler \(Oct 5, 2022 10:30 PDT\)](#)

Margie Mohler, LAFCO Chair

ATTEST:

Brendon Freeman, Executive Officer

Prepared by:

Dawn Mittleman Longoria

[Dawn Mittleman Longoria \(Oct 5, 2022 09:14 PDT\)](#)

Dawn Mittleman Longoria, Interim Commission Clerk