



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY REGULAR\* MEETING MINUTES OF OCTOBER 5, 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 October 5, 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	Eve Kahn	DeeAnne Gillick, Commission Counsel
Margie Mohler	Scott Sedgley	Dawn Mittleman Longoria, Analyst II
Gregory Rodeno ( <i>joined at 2:10</i> )		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 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 Wagenknecht, the Commission approved the agenda as submitted.

#### VOTE:

AYES: MOHLER, WAGENKNECHT, DILLON AND LEARY  
NOES: NONE  
ABSENT: RODENO  
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 several public comments received via email prior to the meeting relating to specific items on the agenda as well as one general public comment, and those comments were provided to the Commission prior to the meeting. The general public comment was allowed to be made at the conclusion of public hearing item #7a.

### 5. CONSENT ITEMS

a) Approval of Minutes: August 3, 2020 Regular Meeting

b) Proposed Amendment No. 2 to Contract with Policy Consulting Associates, LLC

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

#### VOTE:

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

6. **INFORMATION ITEMS** – No action was required on this item.

a) **Current and Future Proposals**

b) **Work Program Progress Report**

c) **Executive Officer Report:** The Executive Officer provided a verbal report to the Commission highlighting recent activities/meetings. Chair Leary congratulated the Executive Officer on his recent graduation from Leadership Napa Valley, and thanked him for being a member of Rotary.

7. **PUBLIC HEARING ITEMS**

a) **Final Napa Countywide Water and Wastewater Municipal Service Review and Associated CEQA Findings**

The Commission reviewed a redline final Napa Countywide Water and Wastewater Municipal Service Review (MSR). The final report included written determinations making statements on the level and range of services provided by the 14 local government agencies in Napa County with a role in providing public water and/or wastewater services. The final MSR recommends the subject agencies continue a conversation about opportunities for more efficient and/or cost-effective provision of water and/or wastewater services, and that agencies are not compelled to implement MSR recommendations. No formal process is being initiated by finalizing the MSR.

The recommended actions for the Commission are to: (1) receive and file the final MSR report and; (2) adopt a resolution confirming the determinative statements contained therein and making CEQA findings.

Staff provided an overview and timeline of the agenda item, adding that a public hearing was noticed in the Napa Valley Register on September 8, 2020. Public comments received on this matter were emailed to all Commissioners, and added as supplemental items on LAFCO's website under Staff Reports for today's meeting. Additionally, the ad hoc subcommittee met on September 4, 2020 to discuss the comment log with responses to all public comments received on the earlier public draft report.

Recent comments were received on the redline final report following the posting of the agenda from California Farm Bureau Federation (Supplemental Item Two) and the City of American Canyon (Supplemental Items Four & Six).

Jennifer Stephenson, and Richard Berkson, consultant team for Policy Consultant Associates (PCA) were present. Ms. Stephenson summarized the comments received on the MSR.

Comments received on the redline final MSR following release included: City of Napa, Napa County, City of American Canyon (two letters), Alan Galbraith, and the California Farm Bureau Federation. Staff noted the Commission received a written request from American Canyon staff to meet in a 2x2 setting to discuss any lingering disagreement over the City's water service area and past LAFCO actions. Staff recommended continuing the MSR to allow the 2x2 meeting to occur and reach common ground with American Canyon prior to completion of the MSR.

LAFCO Counsel stated comments in the MSR are factually correct concerning American Canyon's water service area, based on findings from the 2007 MSR study and resolution, which states that any existing service at that time outside the city limits was not an issue. In summary, Counsel stated that LAFCO is not aware of any statements in the current MSR that are inaccurate. However, LAFCO is open to further discussions with the City of American Canyon or others.

The Executive Officer also presented the Government Code 56133.5 Pilot Program for Napa Sanitation District and Monticello Park; and St. Helena and Meadowood and the Highway 29 business corridor, and the code's statutory requirements.

*(continued next page)*

**7. PUBLIC HEARING ITEMS**

**a) Final Napa Countywide Water and Wastewater Municipal Service Review and Associated CEQA Findings – *continued*:**

Chair Leary opened the public hearing. Public comments were received from:

- Jason Holley, American Canyon City Manager, requested a continuance on this item proposing LAFCO schedule 2x2 meetings with City staff to discuss the water service area disagreement, which he claims is a long-standing issue regarding boundaries of where American Canyon is authorized to provide water service, stating that Figure 4-5 and the analysis in the MSR are not accurate.
- Chris Schering, representing California Farm Bureau Federation on behalf of Napa County Farm Bureau, requested the Commission not take action today on this agenda item.
- David Morrison, Director of Napa County Planning Department, made clarifications about enforcement of the County’s trucked water within its jurisdiction, expressed disagreement with comments on pages 51 and 52 and requested that references to service to areas such as Meadowood not be included in the document, as they are speculative projects.
- Gary Margadant, resident of Mt. Veeder Road, commented that with the fires and COVID-19, some citizens may not be able to listen to this meeting and participate in the discussion.
- Molly Moran-Williams, representing Napa Valley Grapegrowers also suggested that LAFCO postpone approving this report because of current challenges with fires and the pandemic.
- Michelle Benvenuto, representing Winegrowers of Napa County, thanked the Commission for such a comprehensive MSR document, yet expressed concerned that intent and focus of the report is stated as a study of the agencies providing water and wastewater, yet the most persistent recommendation does not focus on the agency providing municipal services, but on creating a countywide agency to regulate distribution and consumption of all water, and this is concerning to agricultural agencies.

Chair Leary closed the public hearing.

Following Commissioner discussion, some Commissioners expressed interest in continuing the item in order to sort out any significant issues, while other Commissioners wanted to complete the study and not wait two more months until LAFCO’s December meeting to finalize it. Consensus was to clean up the MSR, and include recent public comments; schedule another ad hoc committee (Commissioners Dillon & Mohler) meeting to address any new changes, appoint two Commissioners to form a 2x2 committee to discuss American Canyon issues, per the City’s request; and continue this item to a Special Meeting on November 2, 2020 at 2:00 PM.

Upon motion by Commissioner Dillon and second by Commissioner Mohler, the Commission agreed to take the following action:

- 1) Continue this item to a Special Meeting on November 2, 2020 at 2:00 PM;
- 2) Schedule another ad hoc committee meeting, along with PCA Consultant and Executive Officer;
- 3) Form a new committee to engage in 2x2 meetings with American Canyon representatives:

**VOTE:**

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

Upon motion by Commissioner Mohler and second by Commissioner Rodeno, the Commission agreed to form a committee comprised of Commissioners Mohler and Wagenknecht to engage in 2x2 meetings with American Canyon representatives to discuss the water service area disagreement:

**VOTE:**

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

**7. PUBLIC HEARING ITEMS**

**a) Final Napa Countywide Water and Wastewater Municipal Service Review and Associated CEQA Findings – *continued*:**

Additionally, a general public comment was received via telephone from Mr. William McKinnon, representing Water Audit California (written letter also submitted, Supplemental Item One) who spoke to the Commission about wild fires, and LAFCO’s possible participation in future discussions on the topic. Staff had informed Mr. McKinnon via email that his group may make a very brief presentation (no more than 5 minutes) during general public comments, and the Commission may consider requesting an item related to the request be placed on a future agenda.

Chair Leary thanked Mr. McKinnon and the group for their interest in LAFCO.

Commissioner Mohler stated she did not support LAFCO staff taking on this matter at this time due to the current workload. Chair Leary stated the Commission would likely read any future letters from the requesting group, however, he agrees with Commissioner Mohler that staff is too busy at this time, although the Commission could perhaps take a closer look at this subject later.

**8. ACTION ITEMS**

**a) Streamlined Island Annexation Proceedings and Maps**

The Commission received a report with maps of all unincorporated areas located within any city or town’s sphere of influence in Napa County. The report and maps clarified which of these unincorporated areas are consistent with the local adopted definition of an “island” pursuant to the Commission’s Policy on Unincorporated Islands. Staff presented background information on the streamlined island annexation process, plus current information, and displayed maps of all island areas within the City of Napa.

No formal action is requested for this item. The recommended action is for the Commission to provide direction to staff (or one of LAFCO’s subcommittees) with respect to any desired island annexation efforts:

- Pursue an amendment to the statutory definition of prime agricultural land
- Submit correspondence to the City regarding initiation of island annexation proceedings
- Return with additional information
- Schedule a future public workshop in order to engage the public
- Return with an amended local policy
- Initiate public education and outreach

Staff announced that an Island Annexation page has recently been added to LAFCO’s website.

Public comments were received from the following:

- Gary Orton, Napa County Progressive Alliance-*letter read by Clerk* (Supplemental Item Three)
- Adriana Montez-Avina (Supplemental Item Five)
- Ron Rhyno (email received just prior to meeting was not a formal public comment request)
- Erin Morris, City of Napa Planning Department with an update on the City’s contract with an engineering firm reviewing infrastructure in the larger island area is about to be concluded.

Commissioner Kahn commented about the City’s General Plan Update and how annexation could impact that process, and how there seem to be issues with the language

used in the General Plan. Ms. Morris replied that the language within the General Plan Update came from the consultant, not the City of Napa.

Chair asked if the Commission wanted to consider any other options. No comments were received.

Upon motion by Commissioner Mohler and second by Commissioner Dillon, the Commission received and filed the report and took no other actions:

**VOTE:**

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

**9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS**

No comments were received.

**10. 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

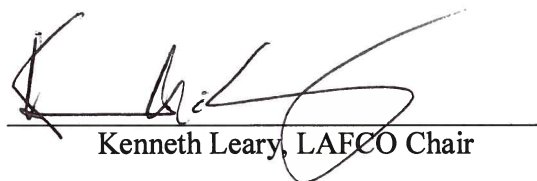
Due to time constraints, this item was continued to the next regular meeting on December 7, 2020.

**11. ADJOURNMENT TO NEXT SCHEDULED MEETING**

The meeting adjourned at 4:56 PM.

The next **Special Meeting** is scheduled for **Monday, November 2, 2020, at 2:00 PM** at the Napa County Board of Supervisors Chambers, located at 1195 Third Street, 3<sup>rd</sup> floor, Napa, CA.

**It is anticipated the meeting may be conducted by teleconference due to COVID-19 in compliance with Executive Order N-29-20.**



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Kenneth Leary, LAFCO Chair

ATTEST:

Brendon Freeman, Executive Officer

Prepared by:



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Kathy Mabry, Commission Secretary