



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

MEETING MINUTES OF JUNE 4, 2012

1. CALL TO ORDER; ROLL CALL

Chair Chilton called the regular meeting of June 4, 2012 to order at 4:00 P.M. At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Lewis Chilton, Chair	Juliana Inman	Keene Simonds, Executive Officer
Brad Wagenknecht, Vice Chair	Gregory Rodeno	Jackie Gong, Commission Counsel
Joan Bennett		Brendon Freeman, Analyst
Brian J. Kelly	Excused: Mark Luce	Kathy Mabry, Secretary
Bill Dodd		

2. PLEDGE OF ALLEGIANCE

Chair Chilton led the Pledge of Allegiance.

3. AGENDA REVIEW

At this time, Executive Officer Keene Simonds formally requested to remove agenda item #6c (*Devlin Road/South Kelly Road No. 2 Annexation to American Canyon*) from the agenda due to an error in noticing requirements, and stated that the item will be noticed again for the next meeting. Upon motion by Commissioner Kelly and second by Commissioner Dodd, agenda item # 6c was removed from the agenda by unanimous vote.

4. PUBLIC COMMENT

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

5. CONSENT ITEMS

a) Third Quarter Budget Report for 2011-2012

The Commission reviewed a third quarter budget report for 2011-2012. The report compared budgeted versus actual revenues and expenses through two-thirds of the fiscal year. The report projected the Commission is on pace to measurably improve its budgeted operating funding gap from (\$32,829) to approximately (\$15,759).

b) Amendment to Support Services Agreement with the County of Napa

The Commission approved a sixth amendment to its support services agreement with the County of Napa via resolution (*Napa County Agreement No. 4433, LAFCO Agreement No. 03-02*). The amendment establishes the Commission's 2012-2013 annual charge for information technology services provided by the County in the amount of \$22,009.

c) Approval of Meeting Minutes

The Commission approved the minutes prepared by staff for the April, 2, 2012 meeting.

d) Approval of Meeting Calendar for Second Half of 2012

The Commission approved a meeting calendar for the second six months of 2012 to include the following dates: August 6th, October 1st, and December 3rd.

e) **Report on the 2012 CALAFCO Staff Workshop**

The Commission received a report summarizing activities at the CALAFCO Staff Workshop held in Murphys on April 25th through April 27th, and was presented for information only.

f) **Current and Future Proposals**

The Commission received a report summarizing current and future proposals. No new proposals have been submitted since the April 2, 2012 meeting.

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

6. **PUBLIC HEARING ITEMS**

a) **Final Budget for Fiscal Year 2012-2013**

Staff presented the Commission with a final budget for 2012-2013 prepared by the Budget Committee (Chilton, Kelly and Simonds). The budget report is nearly identical to the proposed version approved in April and subsequently circulated for review among local funding agencies. Proposed operating expenses total \$432,461 and represent a 1.0% increase over the current fiscal year. Proposed operating revenues total \$423,650 with the remaining shortfall (\$8,811) to be covered by drawing down on agency reserves.

Chair Chilton opened the public hearing. No comments were received. Chair Chilton closed the public hearing.

Upon motion by Commissioner Kelly and second by Commissioner Wagenknecht, the final budget was unanimously approved by the Commission. In addition, the Commission directed the Executive Officer to work with the County Auditor's Office in issuing invoices to the funding agencies accordingly (**Resolution No. 2012-05**).

b) **Amendments to Adopted Fee Schedule**

Staff presented the Commission with amendments to its adopted fee schedule prepared by the Policy Committee. The proposed amendments include increasing the composite hourly staff rate from \$113 to \$118 along with making changes to the policy statements accompanying the fee schedule to improve implementation.

Staff provided clarification of the proposed amendments to the adopted fee schedule.

Chair Chilton opened the public hearing. No comments were received. Chair Chilton closed the public hearing.

Upon motion by Commissioner Wagenknecht and second by Commissioner Bennett, the amendments to the adopted fee schedule were unanimously approved.

d) **Municipal Service Review on Countywide Law Enforcement Services**

Staff presented the Commission with the final report on its scheduled municipal service review on countywide law enforcement services. The report examined the availability and adequacy of local law enforcement services relative to the Commission's mandates to facilitate orderly growth and development. This included making determinative statements on specific governance and service factors prescribed under law. No substantive changes were made to the report since its draft presentation in April. Staff commented the report continues – among other notable items – to recommend the Cities of Calistoga and St. Helena begin to work towards sharing law enforcement services with the eventual end-point of either establishing a joint powers authority to deliver law enforcement within the two respective communities and/or contract for law enforcement through a third party, such as County Sheriff.

Chair Chilton opened the public hearing. No comments were received. Chair Chilton closed the public hearing and invited comments from Commissioners. Commissioner Kelly

commented on the report's recommendation for Calistoga and St. Helena to begin pursuing alternative law enforcement arrangements by noting it is incumbent upon all local agencies to continually consider opportunities for sharing and economizing resources irrespective of the public services. Commissioner Dodd added it will be imperative to perform outreach among the North Valley residents to help ensure their concerns and interest in any alternative law enforcement arrangement is considered. Chair Chilton cited Commissioner Kelly's comments in stating that the report highlights there are economic necessities to justify the conclusion that alternative law enforcement arrangements in the North Valley are needed in the long-term. Commissioner Rodeno agreed with other Commissioner comments and reiterated that pursuing alternative law enforcement arrangements in the North Valley is going to be a process and require commitments among multiple stakeholders.

Upon motion by Commissioner Bennett and second by Commissioner Wagenknecht, the report was unanimously accepted and the resolution was approved (**Resolution No. 2012-06**).

7. ACTION ITEMS

a) **Continuation: Proposed Strategic Plan for 2012-2014**

The Commission continued consideration of a two-year strategic plan prepared by the Policy Committee. The strategic plan outlined goals and implementing strategies based on Commissioner comments provided at the most recent biennial workshop. The strategic plan was initially presented at the April meeting and continued to allow for public review. Staff commented no public comments were received and recommended the Commission move forward with approval with any desired changes.

Upon motion by Commissioner Wagenknecht and second by Commissioner Dodd, the proposed strategic plan was unanimously approved.

b) **Approving a Commission Tagline**

The Commission considered the Policy Committee's recommendation to approve an official tagline to more effectively convey the agency's core responsibilities to the public. Staff reviewed the five alternative taglines identified in the Committee's report and reiterated its belief a tagline would improve the general public's understanding of the Commission's present day activities, most of which involve post-formation actions. Staff noted the Committee's preferred alternative being "We Manage Local Governmental Boundaries and Evaluate Municipal Services". Chair Chilton invited comments from the audience, no comments were received. Chair Chilton invited comments from Commissioners. Commissioner Wagenknecht suggested the tagline should make reference to preserving agricultural resources. Commissioner Inman suggested amending the Committee's preferred alternative to read "We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture".

Upon motion by Commissioner Kelly and second by Commissioner Bennett, the Commission unanimously approved the tagline offered by Commissioner Inman.

c) **Consideration of a Fee Waiver Request for a Pending Proposal to Form a New Special District**

The Commission considered a request from an interested property owner, Robert Joe, to waive the agency's application fees tied to processing a pending proposal to form a new special district to assume water and sewer services for the Capell Valley Estates. The total value of the fee waiver is estimated at \$9,000. Staff provided an overview of the request and its direct

relationship to Mr. Joe's interest in forming a special district to assume water and sewer service responsibilities for the Capell Valley Mobile Home Estates and surrounding commercial properties. Staff commented that the estimated value of the fee waiver of \$9,000 was based on projecting 80 hours of staff time and would only cover the direct costs tied to processing the special district formation request; indirect costs, such as election and surveyor work, are estimated at \$6,000 to \$8,000 and cannot be waived by the Commission. Staff commented the Commission has broad discretion in considering the request given a lack of policy direction and past precedence. Chair Chilton invited initial comments from Commissioners before hearing from Robert Joe. Commissioner Bennett questioned the public benefit relative to LAFCO's interest in waiving its application fee. Commissioner Wagenknecht commented on his concern about the indirect consequence of waiving the application fee given it would suggest LAFCO may be encouraging the formation of a new special district in a region with existing challenges tied to special district operations. Commissioner Dodd commented that the potential of transferring the responsibility for managing the water and sewer systems from the property owner to residents by way of a special district needed to be carefully considered in terms of its long-term feasibility. Commissioner Dodd also suggested more information is needed on the part of the applicant to understand the purpose and benefits of a special district formation before deciding on whether a fee waiver is appropriate. Chair Chilton invited Robert Joe to address the Commission. Mr. Joe stated he would work with Commission staff in providing more information as needed. Mr. Joe also commented that the underlying purpose of the fee waiver request is to help maximize the amount of resources available to address the significant needed capital improvements to both water and sewer systems within the community. Commissioner Rodeno commented that it would be appropriate for Mr. Joe to complete an actual application packet for the special district formation along with submitting any related materials as part of any review of a fee waiver request.

Upon motion by Commissioner Wagenknecht and second by Commissioner Bennett, the Commission approved Alternative Action One in the staff report to disapprove the fee waiver request without prejudice to allow Mr. Joe to return with a fee waiver request along with the additional information cited.

8. DISCUSSION ITEMS

a) Update on Island Annexation Program

At staff's request, the Commission agreed to postpone consideration of the update to the next regular meeting.

b) Legislative Report

Staff provided the Commission with a report regarding the status on the second year of the 2011-2012 session of the California Legislature relating to bills directly or indirectly effecting Local Agency Formation Commissions. No comments were received.

9. EXECUTIVE OFFICER REPORT

The Commission received a verbal report from the Executive Officer regarding current staff activities, including the recent office move to 1030 Seminary Street, Suite B, Napa.

10. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS

There was no discussion of this item.

11. ADJOURNMENT

The meeting was adjourned at 5:48 p.m. The next regular LAFCO meeting is scheduled for Monday, August 6, 2012 at 4:00 p.m.

Lewis Chilton, Chair

ATTEST: Keene Simonds
Executive Officer

Prepared by:

Kathy Mabry
Commission Secretary