



**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*

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**October 7, 2013**

**Agenda Item No. 5b (Consent/Action)**

September 30, 2013

**TO:** Local Agency Formation Commission

**FROM:** Kathy Mabry, Commission Secretary

**SUBJECT: Approval of Meeting Minutes**

The Commission will consider approving summary minutes prepared by staff for the August 5, 2013 regular meeting, and for the August 26, 2013 and September 23, 2013 special meetings.

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**A. Discussion and Recommendation**

Attached are summary minutes prepared for the Commission's August 5, 2013 regular meeting, and for the August 26, 2013 and September 23, 2013 special meetings. Staff recommends approval.

Respectfully submitted,

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Kathy Mabry  
Commission Secretary

Attachments: as stated

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Joan Bennett, Commissioner  
Councilmember, City of American Canyon

Gregory Pitts, Commissioner  
Councilmember, City of St. Helena

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

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

Bill Dodd, Commissioner  
County of Napa Supervisor, 4th District

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Brian J. Kelly, Vice Chair  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Peter Banning  
*Acting Executive Officer*



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MEETING MINUTES OF AUGUST 5, 2013**

**1. CALL TO ORDER BY CHAIR; ROLL CALL 4:00 P.M.**

Chair Wagenknecht called the regular meeting of August 5, 2013 to order at 4:00 pm.

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

Regular Commissioners	Alternate Commissioners	Staff
Brad Wagenknecht, Chair	Juliana Inman	Keene Simonds, Executive Officer
Brian J. Kelly, Vice-Chair	Gregory Rodeno	Jackie Gong, Commission Counsel
Joan Bennett		Brendon Freeman, Analyst
Bill Dodd		Kathy Mabry, Secretary
<i>Excused: Greg Pitts and Mark Luce</i>		

**2. PLEDGE OF ALLEGIANCE**

Chair Wagenknecht led the Pledge of Allegiance.

**3. APPROVAL OF AGENDA**

Chair Wagenknecht asked if there were any changes to the prepared agenda.

Staff requested Agenda Item #8a be removed from today's agenda for placement at a future meeting.

The Commission unanimously approved a motion to accept the agenda as modified.

**4. PUBLIC COMMENTS**

Chair Wagenknecht invited members of the audience to provide public comment. There were no comments received.

**5. CONSENT ITEMS**

**a) Fourth Quarter Budget Report for 2012-2013**

The Commission reviewed a fourth quarter budget report comparing budgeted versus actual transactions for 2012-2013. The report noted the Commission eliminated its budgeted funding gap of (\$8,811) and finished with an overall operating surplus of \$19,101; the latter amount increasing the agency's available fund balance to \$137,623.

**b) Authorization to Approve Audit Expenditure**

The Commission considered authorizing the Executive Officer to approve an expenditure in the amount of \$4,725 to Gallina LLP to prepare an independent audit of the agency's financial statements for 2012-2013.

The agenda report included an attachment from the Auditor-Controller's Office outlining their own RFP process for selecting an outside auditor, which was requested when the Commission took up this matter last year.

**c) Approval of Meeting Minutes**

The Commission considered the minutes prepared by staff for the June 3, 2013 meeting.

**5. CONSENT ITEMS – continued:**

**d) Current and Future Proposals**

The Commission received a report summarizing current and future proposals.

One new proposal has been received since the last meeting involving a landowner request to annex 2.2 acres of incorporated territory to the Napa Sanitation District for purposes of providing long-term sewer service to an existing single family residence at 3174 Valley Green Lane. (The filing of this proposal satisfies a condition tied to the outside service extension separately agendaized for this meeting as Agenda Item #6b.)

**e) CALAFCO Quarterly Report**

The Commission received the most recent quarterly report prepared by the California Association of Local Agency Formation Commissions.

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

**6. PUBLIC HEARING ITEMS**

**a) Spanish Flat Water District Sphere of Influence Update**

The Commission considered taking two separate actions relating to the agency's scheduled sphere of influence update on the Spanish Flat Water District. The first proposed action involved formally receiving and filing a final report on the sphere update. The second proposed action involved adopting a draft resolution enacting the final report's central recommendation to affirm and expand the District's sphere designation to include additional land identified as Study Area A.

Staff summarized the report and noted it was nearly identical to the draft presented back in June and circulated for public review with the key recommendation to add two developed lots immediately adjacent to the existing sphere for the Berryessa Pines service area and identified in the report as Study Area A; both lots already receive water and sewer from SFWD through grandfathered outside service agreements. Additionally, the final report had been slightly amended from the June meeting to include more discussion on previous zoning standards in and around the District's two service areas as requested by the Commission.

Staff recommended approval as presented.

Chair Wagenknecht opened the public hearing. No comments were received.

Chair Wagenknecht closed the public hearing.

Upon motion by Commissioner Kelly and second by Commissioner Bennett, Alternative One of the staff report was approved to (a) accept and file the final report as presented and (b) adopt the resolution confirming the determinative statements therein updating SFWD's sphere as specified (**Resolution No. 2013-08**).

**b) Ratification of Outside Service Agreement for the Napa Sanitation District Involving 3174 Valley Green Lane**

The Commission considered a recommendation to ratify an outside service agreement approved by the Chair authorizing the Napa Sanitation District to provide temporary public sewer service to an incorporated property at 3174 Valley Green Lane (APN: 050-400-005) to address a public health threat. This request was made due to a failing septic system with the need under LAFCO law for these actions to be approved by the Commission.

Staff noted Chair Wagenknecht's earlier approval was conditioned on the landowner filing an annexation application, which was satisfied as noted in Agenda Item #5d.

**b) Ratification of Outside Service Agreement for the Napa Sanitation District Involving 3174 Valley Green Lane – *continued*:**

Staff recommended approval as presented.

Chair Wagenknecht opened the public hearing. No comments were received.

Chair Wagenknecht closed the public hearing.

Following discussion, the Commission determined there was sufficient evidence that authorizing Napa Sanitation District to provide temporary public sewer service would address an existing and pending threat to public health and safety.

Chair Wagenknecht opened the public hearing. No comments were received.

Chair Wagenknecht closed the public hearing.

Upon motion by Commissioner Dodd and second by Commissioner Inman, the Commission approved the resolution ratifying the Chair's approval of the outside service agreement (**Resolution No. 2013-09**).

**7. ACTION ITEMS**

There were no action items.

**8. DISCUSSION ITEMS**

**a) Municipal Service Review on Central County Region: Draft Section on City of Napa \***

As recommended by staff, the Commission pulled this item for discussion at a future meeting.

*\* Staff recommended removal of this item from the agenda for placement at a future meeting.*

**b) Legislative Report**

The Commission received a status report on the first year of the 2013-2014 session of the California Legislature as it relates to items directly or indirectly effecting Local Agency Formation Commissions. The report also updated the Commission on potential changes to the section of law involving outside municipal service extensions.

Staff provided a brief overview of the report. Only one bill of local interest to Napa LAFCO is making its way through the first year of the 2013-2014 session: AB 743. This would eliminate the existing January 1, 2014 sunset date tied to using the expedited island annexation proceedings. Staff noted the Commission is on record as supporting this bill along with the City of Napa.

Staff asked Commissioner Inman who is on the CALAFCO Board for a verbal report.

Commissioner Inman affirmed that CALAFCO has formally changed its course as it relates to sponsoring amendments to G.C. Section 56133; the Board is no longer – and in contrast to what Napa proposed - willing to accommodate extensions outside spheres that would produce new development under certain local conditions.

Commissioners discussed its preferences going forward with respect to G.C. Section 56133 and directed staff to work with the County Legislative Committee on possible joint venture and report back.

**9. EXECUTIVE OFFICER REPORT**

There was no report.

**10. CLOSED SESSION**

There was no closed session.

**11. COMMISSIONER COMMENTS**

Commissioner Kelly asked if there was a date set for the Commission's retreat (Biennial Strategic Planning Session). Staff noted there is no official date yet, but asks the Commission to hold January 6, 2014 in anticipation of adopting a new meeting calendar in December 2013.

**12. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING**

The meeting was adjourned at 4:47 p.m. The next regular LAFCO meeting is scheduled for Monday, October 7, 2013 at 4:00 p.m.

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Brad Wagenknecht, Chair

ATTEST:

Keene Simonds, Executive Officer

Prepared by:

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Kathy Mabry  
Commission Secretary



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
SPECIAL MEETING  
MINUTES OF AUGUST 26, 2013**

**1. CALL TO ORDER BY CHAIR; ROLL CALL 4:00 P.M.**

Chair Wagenknecht called the special meeting of August 26, 2013 to order at 4:00 pm. At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Brad Wagenknecht, Chair	Juliana Inman	Jackie Gong, Commission Counsel
Brian J. Kelly, Vice-Chair	Gregory Rodeno	Kathy Mabry, Secretary
Joan Bennett		<i>Excused: Keene Simonds</i>
Bill Dodd		<i>and Brendon Freeman</i>
<i>Excused: Mark Luce</i>		

**2. PLEDGE OF ALLEGIANCE**

Chair Wagenknecht led the Pledge of Allegiance.

**3. PUBLIC COMMENTS**

Chair Wagenknecht invited members of the audience to provide public comment. There were no comments were received.

**4. CLOSED SESSION**

**a) Public Employee Appointment – Executive Officer** (Government Code Section 54957(b)(1))  
There was nothing to report from the closed session, per County Counsel, Jackie Gong.

**5. DISCUSSION ITEMS**

**a) Recruitment for Executive Officer – Procedural Direction**

County Counsel, Jackie Gong, provided a verbal report to the Commission affirming that Executive Officer Keene Simonds has announced he is leaving Napa LAFCO for a position as Executive Director of Marin County LAFCO. Ms. Gong informed the Commission that under a Support Services Agreement between LAFCO and Napa County, the County Human Resources department provides recruitment services. Ms. Gong then introduced the Napa County Human Resources Staff Director, Suzanne Mason, and Heather Ruiz, Deputy Director for a brief presentation.

Ms. Mason and Ms. Ruiz outlined for the Commission the County's recruitment process, options and recommendations for the staffing of the Executive Officer position, including the option of hiring an outside recruiter. Ms. Mason presented draft recruitment fliers to the Commission and suggested that they be distributed at the annual CALAFCO conference taking place this week in Lake Tahoe and at the CA League of Cities' annual conference, September 18-20 in Sacramento. Chair Wagenknecht and the Commission thanked Ms. Mason and Ms. Ruiz for their presentation. Following discussion, the Commission unanimously agreed it would be more fitting to utilize the services of Napa County's Human Resources department for recruitment of a new Executive Officer, rather than using outside recruitment services.

**6. ACTION ITEMS**

**a) Request to Form a Committee for the Recruitment of the Executive Officer**

The Commission considered a request from the Chair and LAFCO staff to form an advisory committee to oversee the recruitment process and provide ongoing direction to LAFCO staff.

Chair Wagenknecht suggested that he and Commissioner Inman form an ad-hoc advisory committee.

Upon a motion from Commissioner Dodd and second by Commissioner Kelly, the Commission appointed Chair Wagenknecht and Commissioner Inman to be on the advisory committee to oversee the recruitment process of the Executive Officer. All Commissioners voted in favor of the committee appointment, except Commissioner Bennett, who voted no.

**7. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING**

The special meeting was adjourned at 4:46 p.m. The next regular LAFCO meeting is scheduled for Monday, October 7, 2013 at 4:00 p.m.

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Brad Wagenknecht, Chair

ATTEST:

Jackie Gong, County Counsel

Prepared by:

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Kathy Mabry  
Commission Secretary



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
SPECIAL MEETING  
MINUTES OF SEPTEMBER 23, 2013**

**1. CALL TO ORDER BY CHAIR; ROLL CALL 4:07 P.M.**

Chair Wagenknecht called the special meeting of September 23, 2013 to order at 4:07 pm. At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Brad Wagenknecht, Chair	Juliana Inman	Jackie Gong, Commission Counsel
Brian J. Kelly, Vice-Chair	Mark Luce	Kathy Mabry, Secretary
Joan Bennett	Gregory Rodeno	<i>Excused: Brendon Freeman</i>
Bill Dodd		
Greg Pitts		

**2. PLEDGE OF ALLEGIANCE**

Chair Wagenknecht led the Pledge of Allegiance.

**3. PUBLIC COMMENTS**

Chair Wagenknecht invited members of the audience to provide public comment. There were no comments were received.

**4. CLOSED SESSION**

**a) Public Employee Appointment – Executive Officer** (Government Code Section 54957(b)(1))  
There was nothing to report from the closed session, per County Counsel, Jackie Gong.

**5. DISCUSSION ITEMS**

**a) Recruitment for Executive Officer – Procedural Direction**

County Counsel, Jackie Gong provided a verbal report to the Commission on the continued efforts to replace the Executive Officer, and obtain Interim Executive Officer services during the recruitment process.

Chair Wagenknecht reported that the Commission's Advisory Committee (Chair Wagenknecht and Commissioner Inman) have met a couple times and stated the committee would like to recommend a candidate to fill the interim position until January 2014.

Ms. Gong then informed the Commission that the recruitment committee explored possible options and recommends retaining Peter Banning, the recently retired Executive Officer of Marin County LAFCO, to assist during this transition period. Mr. Banning was present at the meeting.

Ms. Gong introduced Suzanne Mason, Human Resources Staff Director, who provided an update on the search efforts for a permanent Executive Officer, and requested input and direction from the Commission. Ms. Mason presented a draft work plan/timeline to the Commission which was prepared by Heather Ruiz, plus recruitment fliers describing the ideal candidate, noting they were distributed at the annual CALAFCO conference in August which provided a few leads.

Fliers/brochures will also be distributed and at the CA League of Cities' annual conference held September 18-20 in Sacramento, as well as to other related organizations such as the CA Special Districts Association, City of Berkeley Planning Dept. Cal Berkeley's Public Policy Program, etc. Chair Wagenknecht and the Commission thanked Ms. Mason for her presentation.



**6. ACTION ITEMS**

**a) Authorization of Commission Counsel to Approve Personnel and Other Office Transactions (Action)**

The Commission considered giving authority to Commission Counsel to approve personnel and other office transactions, as needed, including staff payroll timesheets and expense reimbursements, effective until the appointment of an Executive Officer and further ratifying any approvals of the Commission Counsel, dated September 7, 2013 to September 23, 2013.

Upon a motion from Commissioner Pitts and second by Commissioner Kelly, the Commission unanimously agreed to give authority to Commission Counsel to approve various office transactions from September 7, 2013 through September 23, 2013.

**b) Approval of Contract for Consultant to Perform Interim Executive Officer Services**

The Commission considered the approval of a contract with Peter Banning to provide Interim Executive Officer services for the term of September 24, 2013 through January 31, 2014, and to appoint him as the Acting Executive Officer.

County Counsel, Jackie Gong presented a verbal report regarding the contract for consultant services, along with a copy of the contract to the Commission. Ms. Gong then informed the Commission that Mr. Banning is present and available for questions.

Peter Banning introduced himself to the Commission, and provided a history of his experience with LAFCO's.

After a general question and answer period from the Commission, Chair Wagenknecht thanked Mr. Banning for attending the meeting and speaking to the Commission.

Upon a motion from Commissioner Kelly and second by Commissioner Bennett, the Commission unanimously agreed to contract with Peter Banning as a Consultant to perform Interim Executive Officer services from September 24, 2013 through January 31, 2014, and to appoint him as the Acting Executive Officer.

Chair Wagenknecht congratulated Mr. Banning on his appointment and welcomed him to Napa LAFCO.

**7. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING**

The special meeting was adjourned at 5:07 p.m. The next regular LAFCO meeting is scheduled for Monday, October 7, 2013 at 4:00 p.m.

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Brad Wagenknecht, Chair

ATTEST:

Jackie Gong, County Counsel

Prepared by:

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Kathy Mabry  
Commission Secretary