



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

Agenda Item 9 (Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: December 4, 2017

SUBJECT: Executive Officer Report

SUMMARY

This item includes a summary of the Executive Officer's recent activities as well as other miscellaneous items pertaining to LAFCO. This item is for information purposes only. No formal action will be taken by the Commission as part of this item.

New Legal Counsel Primary Contact

Following the departure of Jennifer Gore from Renne Sloan Holtzman Sakai (RSHS), the Commission's new primary legal counsel contact is Madeline Miller. Ms. Miller has been directly involved in RSHS' representation of Sacramento LAFCO and San Francisco LAFCO for 13 years and has extensive experience processing sphere of influence amendments, annexations, and municipal service reviews. Ms. Miller's resume is included as Attachment One.

City Member Vacancy

One of the Commission's City Member seats was vacated on November 8 with the departure of Juliana Inman, resulting in an unexpired term for the City Member seat. The LAFCO term for this seat expires in May 2019 as reflected in Agenda Item 5i.

Pursuant to the City Selection Committee's adopted policy, the City of Napa retains the LAFCO seat and nominates a Councilmember to serve the remainder of the unexpired term. The City Selection Committee then considers an official appointment at its next meeting. Toward this end, the City of Napa has nominated Councilmember Scott Sedgley to serve the remainder of the unexpired term. The City Selection Committee's next meeting is scheduled for January 9, 2018, at which time the appointment is expected to be formally made. It is anticipated the newly appointed Commissioner will be sworn in at the Commission's February 5, 2018 meeting.

Vacant, Commissioner
Councilmember, City of Napa

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

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

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brendon Freeman
Executive Officer

CALAFCO Conference

CALAFCO's 2017 Annual Conference was held from October 25, 2017 through October 27, 2017 at the Bahia Resort in San Diego. The Commission was represented at the Conference by the Executive Officer, Secretary Mabry, Chair Wagenknecht, and Commissioner Mohler. Additionally, Napa City Councilmember (and expected new Commissioner) Scott Sedgley attended the Conference.

Most notably, Commissioner Mohler was elected to the CALAFCO Board of Directors and will serve a two-year term as a city member representing the Coastal Region. Commissioner Mohler's first CALAFCO Board meeting was on October 27, 2017 and the next CALAFCO Board meeting is scheduled for December 8, 2017 in Sacramento. A letter of appreciation from CALAFCO that congratulates Commissioner Mohler for her election to the CALAFCO Board of Directors is included as Attachment Two.

The Executive Officer participated as a member of the Conference Planning Committee and assisted in the development of general and breakout sessions. The Executive Officer also coordinated and moderated a session titled "Commission Decisions: the Great Balancing Act" with a speaker panel that included three CALAFCO Board members – Michael McGill of Contra Costa LAFCO, Josh Susman of Nevada LAFCO, and Shiva Frentzen of El Dorado LAFCO – along with Chair Derek McGregor of Orange LAFCO.

Other notable topics that were covered at the Conference included transparency, communicating with the public, local agency fiscal health, Commissioners and Executive Officers expectations, unincorporated islands, ethics, and new legislation.

Recent Meetings of Note

Subsequent to the Commission's October 2nd meeting, the Executive Officer met with, or made presentations for, the following groups and individuals for purposes of information sharing with respect to current and future LAFCO activities:

- October 6: Elliot Mulberg coaching phone call
- October 6: Alternate Commissioner Rodeno
- October 10: CALAFCO Conference Planning Committee conference call
- October 10: County Planning Director David Morrison and Principal Planner John McDowell
- October 16: Napa Sanitation District Engineers Andrew Damron and Matthew Lemmon, County Environmental Health Specialist Darrel Choate, and Randy Gularte representing the property owner for 410 Stonecrest Drive
- October 16: Policy Committee (Commissioners Mohler and Rodeno)
- October 19: American Canyon Community Development Director Brent Cooper and Elliot Mulberg

- October 20: State Senator Bill Dodd phone call
- October 20: Strategic Planning Committee (Chair Wagenknecht and Vice Chair Kelly)
- October 23: Policy Committee (Commissioners Mohler and Rodeno)
- October 25-27: CALAFCO Annual Conference
- October 31: Mark Andrilla and Jack Burns to discuss annexation of 360 Silverado Trail to the City of Napa
- November 1: Napa Sanitation District Board meeting
- November 2: Elliot Mulberg coaching phone call
- November 2: County Surveyor Danielle Goshert
- November 6: Commissioner Dillon phone call
- November 7: Elliot Mulberg coaching phone call
- November 7: Napa City Council meeting
- November 8: Legal Counsel Madeline Miller full briefing on current activities
- November 13: Farm Bureau Land Use Committee conference call
- November 15: CALAFCO Executive Director Pamela Miller and Commissioner Margie Mohler
- November 16: Elliot Mulberg coaching phone call
- November 16: Napa Sanitation District General Manager Tim Healy and Senior Engineer Andrew Damron
- November 17: Napa City Councilmember Scott Sedgley
- November 21: Policy Committee (Commissioners Mohler and Rodeno)
- November 22: Chair Wagenknecht agenda briefing
- November 22: Strategic Planning Committee (Chair Wagenknecht and Vice Chair Kelly)
- November 30: Elliot Mulberg coaching phone call

ATTACHMENTS

- 1) Madeline Miller Resume (Renne Sloan Holtzman Sakai)
- 2) Letter from CALAFCO (November 8, 2017)



Madeline E. Miller

Senior Counsel

EXPERIENCE

Madeline E. Miller is Senior Counsel with Renne Sloan Holtzman Sakai LLP. Ms. Miller's practice involves representation of public agencies, in both transactions and civil litigation. Ms. Miller has also represented clients in matters involving the California Environmental Quality Act, local agency formation commissions, real property transactions, and eminent domain.

Her practice also involves resolution and litigation of contract disputes. Ms. Miller has represented clients in administrative hearings and participated in litigation at both the trial court and appeals court levels. She has also defended public agency clients in employment litigation.

Before her current practice with the firm, Ms. Miller was an Associate Attorney at Kronick, Moskowitz, Tiedemann, & Girard, where she practiced in the area of Water Law. In that position, she assisted in litigation and regulatory compliance involving water districts, water agencies, and municipalities and participated in administrative proceedings before the State Water Resources Control Board. During law school, Ms. Miller was a law clerk at the firm of Ellison, Schneider, & Harris, where assisted the firm in its representation of clients in California Environmental Quality Act litigation.

Ms. Miller was recently re-appointed for a two-year term as a member of the Placer County Fairgrounds Revitalization Committee. She was appointed by the Placer County Board of Supervisors to the Committee, which was formed to provide advice to Placer County on ongoing and future operations of its Fairgrounds. Ms. Miller also serves on the Board of Directors for Roseville Community Preschool, a non-profit organization.

SACRAMENTO OFFICE

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PRACTICE AREAS

Public Agency Law

Contracts

CA Environment Quality Act

Appeals & Writs

Litigation

Employment Law

BAR ADMISSION

California

United States District Court, Eastern
District of CA

EDUCATION

University of Pacific, JD, with distinction

University of San Diego, BA, magna cum
laude

MADELINE E. MILLER RESUME

EDUCATION:

University of the Pacific, McGeorge School of Law, Sacramento, California

Juris Doctor, May 2002, With Distinction

Honors and Activities:

Dean's Honor List 2000-2002

Traynor Honor Society

First Year Mock Trial Competition Finalist, 1999

McGeorge Academic Scholarship Recipient

Transnational Lawyer Law Review, Managing Editor 2001-2002, Staff Writer 2000-2001

University of San Diego, San Diego, California

Bachelor of Arts in History, Minors in Political Science and Philosophy, May 1999,

Magna Cum Laude

Honors and Activities:

USD Honors Program

Alpha Delta Pi Sorority President

LEGAL EXPERIENCE:

Miller, Owen & Trost, Sacramento, CA

June 2004 – present. Senior Counsel.

Practice involves general representation of public agencies, including transactions and litigation. Representation includes local agency formation commissions, transportation agencies, and joint powers authorities.

Kronick, Moskovitz, Tiedemann & Girard, Sacramento, CA

September 2002 - June 2004. Associate Attorney.

Conduct legal research; assist in litigation and regulatory compliance involving water districts, water agencies, and municipalities; participate in administrative proceedings before the State Water Resources Control Board.

MEMBER:

State Bar of California

Sacramento County Bar Association

Fairgrounds Revitalization Committee, recently appointed for a second term

Board of Directors, Roseville Community Preschool (non-profit)

REPRESENTATIVE CASES

Cequel III Communications I, LLC v. Nevada County LAFCo (2007)
149 Cal.App.4th 310

Nancy Miller and Madeline Miller successfully represented the Truckee Donner Public Utility District in this action challenging a decision by the Nevada County Local Agency Formation Commission. The Plaintiff in the action is a cable company seeking to prevent the District from providing broadband and other services. The Superior Court ruled in favor of the District and Nevada LAFCo. The Plaintiff appealed the decision and after briefing and oral argument, the decision was upheld in favor of the District and Nevada LAFCo.

Pacific Gas and Electric Company v. Sacramento Municipal Utility District; Sacramento LAFCo (2007)
Sacramento County Superior Court, Case No. 05GS01582

Sacramento LAFCo has retained the firm to act as General Counsel since 1993. We have processed numerous annexation requests for cities and special districts including large service areas such as Sacramento Municipal Utilities District's (SMUD) proposed annexation of parts of Yolo County, which was the subject of this case. The firm successfully defeated PG&E's challenge to SMUD's annexation.

ECOS v. City of Sacramento Local Agency Formation Commission Sacramento Superior Court (2013)
Superior Court Case No. 34-2008-00004668

Nancy Miller and Madeline Miller, with assistance from Jennifer Gore, successfully defended the LAFCo and the City against CEQA claims from environmentalists in connection with LAFCo's approval of the annexation of the Greenbriar project area by the City. The Petitioner appealed and the firm successfully settled that appeal, which allowed the development process to move forward.

November 8, 2017

Napa LAFCo
1195 Third Street, Room 310
Napa, CA 94559

Dear Chair and Commission:

On behalf of the California Association of Local Agency Formation Commissions (CALAFCO), I would like to thank your commission for allowing some of your members and/or staff the opportunity to attend the CALAFCO 2017 annual conference in San Diego.

We know that resources remain tight and understand that prioritizing expenditures can be difficult. Ensuring you and your staff have access to ongoing professional development and specialized educational opportunities, allows all of you the opportunity to better serve your commission and fulfill the mission of LAFCo. The sharing of information and resources among the LAFCo commissioners and staff statewide serves to strengthen the LAFCo network and creates opportunities for rich and value-added learning that is applied within each LAFCo.

We wish to congratulate Commissioner Margie Mohler on her election to the CALAFCO Board of Directors.

Thank you again for your participation in the CALAFCO 2017 annual conference, I hope you found it a valuable experience. We truly appreciate your membership and value your involvement in CALAFCO.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Pamela Miller".

Pamela Miller
Executive Director