



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY SPECIAL MEETING MINUTES OF NOVEMBER 2, 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 special meeting of November 2, 2020 to order at 2:03 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		Kathy Mabry, Secretary
Brad Wagenknecht		

2. PLEDGE OF ALLEGIANCE

Alternate Commissioner Kahn led 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 Wagenknecht and second by Commissioner Mohler, the Commission adopted the agenda as submitted:

VOTE:

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

No public comments were received.

Napa resident, James Hinton, questioned the volume of the Zoom meeting. Chair and staff reviewed the matter and found no adjustment needed.

5. CONSENT ITEM

a) Approval of Minutes: October 5, 2020 Regular Meeting

Upon motion by Commissioner Rodeno and second by Commissioner Mohler, the consent item was approved by roll call vote:

VOTE:

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

6. PUBLIC HEARING ITEM

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

The Commission reviewed a revised final *Napa Countywide Water and Wastewater Municipal Service Review* (MSR). The public hearing was continued from the October 5, 2020 regular meeting. The report was prepared by Policy Consulting Associates (PCA) and includes 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. Staff recommendations are to receive and file the final MSR and adopt a resolution confirming the report's determinations. Optional recommendations were for staff to provide resources to facilitate future meetings with subject agencies to discuss the MSR recommendations, and/or waive or reduce future processing fees for the water/wastewater providers in the MSR. Consultants Jennifer Stephenson and Richard Berkson were available to answer any questions the Commission had.

Staff noted it had received three public comment letters; two were from the Hess Collection Winery and were circulated to the Commission (Supplemental Items One and Two). The third letter was from the City of American Canyon and was circulated to the Commission (Supplemental Item Three). All three letters were posted to the Commission's website.

Staff provided a timeline from the release of the initial public draft report up to today's meeting, and a Power Point presentation. Staff noted that any changes from the previous report were based on direction from the MSR Comments Committee (Dillon and Mohler) and a 2x2 committee (Mohler and Wagenknecht) and are described in the staff report for this agenda item.

Staff displayed a map from the MSR, Figure 4-5 which shows American Canyon's water service area as recognized by LAFCO. The map included the Hess Property, which is located within the Extraterritorial Service Area, and recognized as part of LAFCO Resolution #07-27, adopted in 2007. The Hess property is located outside of the Airport Industrial Area. Staff noted this means that if the City of American Canyon were to provide water service to the Hess property in the future, they would need to seek LAFCO approval to do so. This is LAFCO's position on the matter, however, it should be noted that the City of American Canyon does have a different position than LAFCO as it relates to their water service area. Staff expects to continue the conversation about American Canyon's water service area by way of possible MOU discussions, which would involve the City and LAFCO, and include the County.

Commissioners Mohler and Wagenknecht reported out the actions of the 2x2 meetings held recently with LAFCO and American Canyon staff and counsel, which resulted in a possible MOU agreement.

Staff briefly discussed the Government Code Section 56133.5 Pilot Program (which expires at the end of 2020) which could potentially be utilized by two of our subject agencies in the future, as identified in the MSR, for service extensions outside agency boundaries and spheres of influence.

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6. PUBLIC HEARING ITEM

a) Revised 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 the following:

- Jason Holley, American Canyon City Manager, thanked the Commission for its direction at the October meeting that allowed for the 2x2 committee to meet. Mr. Holley thanked Commissioners Mohler and Wagenknecht who met with City of American Canyon staff and counsel, and he believes resulted in a map that now accurately reflects American Canyon’s water service area. Mr. Holley stated the City added the source of the information (historical water agreements) which references the boundaries and highlighted in their letter received today. Mr. Holley asked LAFCO staff & counsel to continue to work with American Canyon staff in the hopes of having a unified perspective of the Figure 4-5 map and its boundaries.
- Mark Prestwich made himself available to answer any questions relating to St. Helena.
- John McDowell, Napa County Planning Dept. thanked the Commission, Executive Officer, staff and consultants for their responsiveness during this process. He also requested revising a section about extending services to Meadowood Resort and areas south of St. Helena and feels more discussions should occur before finalizing the MSR document.
- Jeri Hansen, Groundwater Sustainability group commented on the MSR report and believes it warrants further exploration, and doesn’t believe all parties have had ample time to respond to this review and respond to comments.
- Robert Hull spoke on behalf of Hess Collection Winery. He thanked the Commission for its consideration of the late letters submitted prior to the meeting. Mr. Hull asked for this matter to be continued until the water service area issues with American Canyon can be resolved.

Chair Leary closed the public hearing.

Chair Leary asked the Executive Officer to define a municipal services review, which he did. Chair Leary then asked each Commissioner to comment on where they are and where they want to go with this matter. The majority of the Commissioners expressed how proud and impressed they are of this document. Commissioner Mohler noted a comment from CALAFCO that they are amazed that Napa LAFCO undertook this important study. Still, some Commissioners agreed that there are more improvements needed (such as an appendix and a prologue to the MSR) and that we need to continue this important discussion.

Upon motion by Commissioner Mohler and second by Commissioner Wagenknecht, the Commission agreed to receive and file the revised final *Napa Countywide Water and Wastewater Municipal Service Review* report. The formal action included the addition of Figure 4-5a, which was included in an earlier version of the report, and the addition of a prologue to be presented to the Commission for information at the December 7, 2020 meeting. The Commission also directed staff to return in the future with a new appendix, which would include ongoing updates to other studies and activities undertaken by local agencies that are related to the MSR:

VOTE:

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

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6. PUBLIC HEARING ITEM

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

Upon motion by Commissioner Mohler and second by Commissioner Wagenknecht, the Commission adopted the resolution confirming the determinative statements in the revised final *Napa Countywide Water and Wastewater Municipal Service Review* report and finds the report is exempt from further review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15306 (**Resolution #2020-10**).

The formal action included revising the resolution to note the addition of Figure 4-5a, which was included in an earlier version of the report, and the addition of a prologue to be presented to the Commission for information at the December 7, 2020 meeting:

VOTE:

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

7. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Commissioner Gregory Rodeno announced his resignation from LAFCO, effectively immediately. Commissioner Rodeno was originally appointed as an alternate public member on LAFCO in 2007, then as a regular public member in April 2018. He also served as the LAFCO Chair in 2019.

The Commission, staff and counsel thanked Commissioner Rodeno for his service and wished him well in future endeavors. LAFCO will present a plaque of appreciation of service and a Certificate of Recognition from CALAFCO to Commissioner Rodeno at the December 7, 2020 meeting. Staff will post a notice of vacancy for the Public Member position, and the Commission will be presented with its options to recruit a new Public Member at the December meeting.


Commissioner Mohler announced that she has recently been elected to CALAFCO Executive Board as their Treasurer, and will be the Chair of CALAFCO in four years from now.

The Commission, staff congratulated Commissioner Mohler on her achievement.

Chair Leary announced that he is not seeking re-election in American Canyon, therefore, he will no longer be on LAFCO, effective December 1, 2020. The Commission and staff thanked Chair Leary for his dedicated service and wished him well in the future.

8. ADJOURNMENT TO NEXT SCHEDULED MEETING

The meeting adjourned at 3:55 PM. The next meeting is scheduled for Monday, December 7, 2020 at 2:00 PM. **It is anticipated the meeting may be conducted by teleconference due to COVID-19 in compliance with Executive Order N-29-20.**


for Kenneth Leary, LAFCO Chair

ATTEST:
Brendon Freeman, Executive Officer

Prepared by:


Kathy Mabry, Commission Secretary