



**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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**Agenda Item 7b (Action)**

**TO:** Local Agency Formation Commission

**PREPARED BY:** Policy Committee (Mohler, Rodeno, and Freeman)

**MEETING DATE:** December 4, 2017

**SUBJECT:** Proposed Adoption of a Legislative Policy

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**RECOMMENDATION**

It is recommended the Commission take the following actions:

- 1) Adopt the draft *Legislative Policy* (Attachment One);
- 2) Establish a new standing committee (“Legislative Committee”) and appoint two members pursuant to the *Legislative Policy*;

**BACKGROUND**

At its February 6, 2017 meeting, the Commission established an ad hoc Policy Committee (“the Committee”) to review the agency’s written policies and propose amendments as appropriate.

At its October 2, 2017 meeting, the Committee presented a draft *Legislative Policy* (“Policy”) for discussion. The Commission directed the Committee to circulate the draft Policy for public review and comment. The draft Policy was made available for review and comment from October 3, 2017 through November 3, 2017. Comments on the draft Policy that were received by the November 3, 2017 deadline are included as Attachment Three.

Following the October 2, 2017 meeting, the Committee met via teleconference on October 23, 2017 and November 21, 2017.

**SUMMARY**

The Commission will receive and consider adopting a draft *Legislative Policy* that has been prepared by the Committee. The Committee recommends the Commission adopt the draft Policy and immediately establish a Legislative Committee with two appointed members as outlined in the draft Policy.

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Vacant, Commissioner  
Councilmember, City of Napa

Margie Mohler, Commissioner  
Councilmember, Town of Yountville

Kenneth Leary, Alternate Commissioner  
Councilmember, City of American Canyon

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

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

Ryan Gregory, 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

Brendon Freeman  
*Executive Officer*

## **DISCUSSION**

State Legislators annually propose new legislation that can significantly impact LAFCOs. This includes bypassing the LAFCO process for boundary changes and governmental reorganizations, creating new unfunded mandates, and other legislative changes that reduce or eliminate local discretion. Given that the Commission's regular meetings are scheduled every other month, the Commission does not regularly have an opportunity to take a formal position on proposed legislation. To address the issue of timing – and to ensure the Commission is following consistent and defined procedures – the Policy Committee has drafted a new policy that would enable the Commission to take positions on legislation in emergency situations when proposed legislation affecting LAFCOs cannot be considered by the full Commission.

The Committee determined further revisions to the draft Policy were needed prior to formal adoption. A clean version of the revised draft Policy is included as Attachment One. The revised draft Policy showing all changes that were made after the Commission's October 2, 2017 meeting is also included as Attachment Two.

It is important to note formal adoption of the draft Policy would direct the Commission to establish a new standing committee and, at the beginning of each two-year legislative session, appoint (or re-appoint) two Commissioners to serve with the Executive Officer on the Legislative Committee. The Legislative Committee's responsibilities would be as follows:

- Review the legislative platform of the California Association of Local Agency Formation Commissions on at least an annual basis and, if applicable, the Commission's adopted local legislative platform;
- Present recommendations to the full Commission with respect to any needed actions related to the local legislative platform; and
- Review proposed legislation affecting LAFCOs on at least an annual basis.

The Executive Officer would be responsible for presenting recommendations to the full Commission with respect to taking formal positions on proposed legislation. Further, the Executive Officer would be authorized to submit formal position letters related to specific proposed legislation on behalf of the Commission if the position is consistent with the local legislative platform. This action would require the review and approval of the Chair, or the Vice-Chair if the Chair is unavailable.

## **ALTERNATIVES FOR COMMISSION ACTION**

Staff has identified three alternatives for Commission consideration.

### **Alternative Action One (Recommended):**

Discuss the draft Policy and take the following two actions:

- 1) Adopt the draft Policy (Attachment One) with any desired changes identified by members of the Commission;
- 2) Establish a new standing committee (“Legislative Committee”) and appoint two members pursuant to the Policy;

### **Alternative Action Two:**

Provide direction to the Policy Committee to circulate the draft Policy for public review and comment. This alternative would be appropriate if the Commission collectively agrees the recent revisions to the draft Policy are substantial and merit additional public review.

### **Alternative Action Three:**

Provide direction to the Policy Committee to make additional changes to the draft Policy as desired by members of the Commission and continue this item to the February 5, 2018 regular meeting. This alternative would be appropriate if the Commission collectively agrees the draft Policy requires further revisions prior to public circulation and/or formal adoption.

## **ATTACHMENTS**

- 1) Draft Legislative Policy (Clean)
- 2) Draft Legislative Policy (Tracked Changes Following the Commission’s October 2, 2017 Meeting)
- 3) Comments on the Draft Legislative Policy from Mr. John Stewart (October 3, 2017)



## LOCAL AGENCY FORMATION COMMISSION OF NAPA

### *Legislative Policy*

(Adopted: December 4, 2017)

- 1) The Local Agency Formation Commission (LAFCO) of Napa County (“the Commission”) shall establish a standing committee to review proposed legislation (“Legislative Committee”). At the beginning of each two-year legislative session, the Commission shall appoint (or re-appoint) two members to the Legislative Committee, in addition to LAFCO’s Executive Officer. Meetings of the Legislative Committee must be noticed in accordance with the Ralph M. Brown Act.
- 2) The Legislative Committee shall, at least annually, review the California Association of LAFCOs’ legislative platform as well as the Commission’s adopted legislative platform if applicable and determine what action is needed in terms of adopting or amending a local legislative platform. The Legislative Committee shall present recommendations to the full Commission with respect to actions related to the local legislative platform.
- 3) The Legislative Committee shall, at least annually, review proposed legislation affecting LAFCO. The Executive Officer shall continue monitoring proposed legislation and present recommendations to the full Commission with respect to formal positions on proposed legislation.
- 4) In the event that proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer is authorized to submit written correspondence to the legislation’s author regarding the Commission’s position if the position is consistent with the adopted legislative platform of the Commission. The Chair, or the Vice-Chair if the Chair is unavailable, shall review and approve the written correspondence prior to it being submitted by the Executive Officer.
- 5) All submitted correspondence pursuant to this policy will be included on the next available Commission agenda.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA

### *Legislative Policy*

(Adopted: December 4, 2017)

- 1) The Local Agency Formation Commission (LAFCO) of Napa County (“the Commission”) shall establish a standing committee to review proposed legislation (“Legislative Committee”). At the beginning of each two-year legislative session, the Commission ~~and~~ shall ~~annually~~ appoint (or re-appoint) two members to the Legislative Committee, in addition to LAFCO’s Executive Officer. Meetings of the Legislative Committee must be noticed in accordance with the Ralph M. Brown Act.
- 2) The Legislative Committee shall, at least annually, review the California Association of LAFCOs’ CALAFCO’s legislative platform as well as the Commission’s adopted legislative platform if applicable and determine ~~to~~ what ~~extent~~ action is needed in terms of adopting or amending a local legislative platform. The Legislative Committee shall present recommendations to the full Commission with respect to actions related to the local legislative platform.
- 3) The Legislative Committee shall, at least annually, review ~~and monitor~~ proposed legislation affecting LAFCO. The ~~Legislative Committee~~ Executive Officer shall continue monitoring proposed legislation and present recommendations to the full Commission with respect to formal positions on proposed legislation.
- 4) In the event that proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer is authorized to submit written correspondence to the legislation’s author regarding the Commission’s position if the position is consistent with the adopted legislative platform of the Commission. The ~~Legislative Committee~~ Chair, or the Vice-Chair if the Chair is unavailable, shall review and approve the written correspondence prior to it being submitted by the Executive Officer. ~~The Executive Officer shall forward the submitted correspondence to the full Commission.~~
- 5) All submitted correspondence pursuant to this policy will be included on the next available Commission agenda ~~for information.~~

**From:** [John Stewart](#)  
**To:** [Freeman, Brendon](#)  
**Subject:** RE: LAFCO Draft Legislative Policy  
**Date:** Tuesday, October 03, 2017 5:45:39 PM

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Brendon

Good afternoon.

My comments as to this policy.....

It seems like the proposed policy puts organization to the legislative review process, which is good for any organization.

The thing I reacted to during my first read was the use of the term “standing” committee.

A “standing” committee has way different Brown Act implications versus an “ad hoc” committee.

I always utilized the ad hoc committee concept whenever I could.

In the case of legislation, it seems like it is relatively sporadic, so it seems like an ad hoc committee would work nicely.

Just a thought.

If you need, I can put this in letter format.

Thanks jws

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**From:** Freeman, Brendon [mailto:[bfreeman@napa.lafco.ca.gov](mailto:bfreeman@napa.lafco.ca.gov)]  
**Sent:** Tuesday, October 03, 2017 4:04 PM  
**To:** Freeman, Brendon  
**Subject:** LAFCO Draft Legislative Policy

Good afternoon,

Please see the attached notice of public review and comment for LAFCO’s draft Legislative Policy. Written comments on the draft policy are welcome through **November 3, 2017**. It is expected LAFCO will consider formal adoption of the policy at its December 4, 2017 meeting.

Let me know if you have any questions or comments about this item.

Thank you,

Brendon Freeman, Executive Officer  
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