



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY REGULAR MEETING MINUTES OF DECEMBER 7, 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 regular meeting of December 7, 2020 to order at 2:01 PM **via teleconference**. The Executive Officer clarified who the voting members would be due to recent changes in the Commission due Chair rotation, local elections and a resignation.

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

Regular Commissioners	Alternate Commissioners	Staff
Margie Mohler, Chair	Ryan Gregory	Brendon Freeman, Executive Officer
Diane Dillon, Vice Chair	Scott Sedgley (<i>Voting*</i>)	DeeAnne Gillick, Commission Counsel
Brad Wagenknecht	Eve Kahn (<i>Voting**</i>)	Dawn Mittleman Longoria, Analyst II
<i>City Member-Vacant*</i>		Kathy Mabry, Secretary
<i>Public Member-Vacant**</i>		

2. PLEDGE OF ALLEGIANCE

Alternate Commissioner and newly elected Napa Mayor, Scott Sedgley 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 Sedgley, the Commission adopted the agenda as submitted:

ROLL CALL VOTE:

AYES: WAGENKNECHT, SEDGLEY, DILLON, KAHN AND MOHLER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

4. PUBLIC COMMENTS

Public comment was received from Napa Resident, Jim Hinton about a Health Care District in Napa County.

5. RECOGNITION OF SERVICE: Gregory Rodeno

Commissioner Rodeno resigned effective November 2, 2020. While Commissioner Rodeno was not present during the meeting, the Commission presented him with a plaque of appreciation and Chair Mohler read the commendation recognizing his service. The Executive Officer delivered comments about Mr. Rodeno's tenure at LAFCO and other public service.

Mr. Rodeno also received a CALAFCO Certification, and a special commendation from Senator Bill Dodd's office.

The Commission thanked Mr. Rodeno for his LAFCO service. Each Commissioner shared their personal thoughts and memories, and wished him well.

6. CONSENT ITEMS

a) Approval of Meeting Minutes: November 2, 2020 Special Meeting

b) Budget Adjustment No. 3 for Fiscal Year 2020-2021

c) Approval of Meeting Calendar for 2021

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

ROLL CALL VOTE:

AYES: **WAGENKNECHT, SEDGLEY, DILLON, KAHN AND MOHLER**

NOES: **NONE**

ABSENT: **NONE**

ABSTAIN: **NONE**

7. INFORMATION ITEMS – No action was required on this item.

a) Chair Rotation Due to Vacancy – The Executive Officer explained a recent rotation in the position of Commission Chair due to a vacancy left by former Commissioner Kenneth Leary.

b) Current and Future Proposals

c) First Quarter Budget Report for Fiscal Year 2020-2021

d) Napa County Water and Wastewater Municipal Service Review Prologue

e) Work Program Progress Report

f) Expiring Commissioner Terms in 2021

g) Executive Officer Report

8. ACTION ITEMS

a) Audit Report for Fiscal Year Ending June 30, 2020

The Commission received a financial audit prepared by Brown Armstrong for the 2019-2020 fiscal year. The recommended action was for the Commission to receive and file the audit.

Tracy Schulze, Napa County Auditor-Controller, provided the Commission with a detailed overview of the written audit report, prepared by Brown Armstrong, CPA, showing the Commission is currently in a strong financial position.

Ms. Schulze commended LAFCO staff for the great work relating to a successful and clean audit again this year. The Executive Office noted credit should also be given to the Budget Committee.

No public comments were received.

Upon motion by Commissioner Wagenknecht and second by Commissioner Dillon, the Commission unanimously agreed to accept and file the 2019-2020 audit report:

ROLL CALL VOTE:

AYES: **WAGENKNECHT, DILLON, KAHN, MOHLER AND SEDGLEY**

NOES: **NONE**

ABSENT: **NONE**

ABSTAIN: **NONE**

8. ACTION ITEMS – continued:

b) Consideration of Appointment Procedure for Public Member and possible appointment of Alternate Public Member as Public Member

The city and county members of the Commission considered their options under local policy to fill the vacant Public Member position with an unexpired term ending May 2, 2022.

The city and county members of the Commission may appoint the current Alternate Public Member (Commissioner Eve Kahn) as the Public Member at this meeting, or provide direction to the Executive Officer with respect to appointing a Public Member as part of a public hearing at a future Commission meeting.

Public comments was received from former Commissioner Kenneth Leary who expressed an interest in applying for the Public Member position, asking the Commission to initiate a public recruitment so that he and other public candidates may be considered.

Commissioner Sedgley recommended appointing Commissioner Kahn to the vacant regular Public Member position, and suggested Kenneth Leary apply for the alternate public member position.

Commissioner Dillon stated she would like to see the position opened up for public recruitment.

Alternate Commissioner Kahn asked if there is a public recruitment for the regular alternate member position, could she apply for it. Chair Mohler confirmed she could apply.

Upon motion by Commissioner Wagenknecht and second by Commissioner Dillon, the Commission directed staff to post a notice of vacancy announcing a public recruitment to fill the remainder of the Public Member’s unexpired term; and schedule a public hearing for April 5, 2021 or a later date to appoint a Public Member:

ROLL CALL VOTE:

AYES: WAGENKNECHT, DILLON, MOHLER AND SEDGLEY
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

b) Subcommittee Appointments

The Commission considered the membership of three ad hoc subcommittees and one standing subcommittee. The recommended action is for the Commission to make appointments or re-appointments, as appropriate, to the following: 2021-2022 Budget Committee; Legislative Committee; Policy Committee; and Outreach Committee.

The Executive Officer reviewed each Committee appointment and their respective responsibilities. Staff recommended the Commission appoint two members to the **2021-2022 Budget Committee**. Chair Mohler and Alternate Commissioner Gregory volunteered for the appointments.

Upon motion by Commissioner Wagenknecht and second by Commissioner Dillon, the Commission unanimously agreed to appoint Chair Mohler and Commissioner Gregory to the 2021-2022 Budget Committee:

ROLL CALL VOTE:

AYES: WAGENKNECHT, DILLON, KAHN, MOHLER AND SEDGLEY
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

8. ACTION ITEMS – continued:

Staff recommended the Commission appoint or reappoint two members to the **Legislative Committee**. Vice Chair Dillon and Chair Mohler currently serve on the Legislative Committee.

Both Commissioners volunteered to serve again on this committee, however, Commissioner Sedgley suggested that the City Selection Committee will soon be appointing someone from the Napa City Council to serve on LAFCO as an Alternate and that person could be on this committee, and stated he would be willing to serve on the Committee up until the time a City Selection appointment is made. Upon motion by Commissioner Mohler and second by Commissioner Wagenknecht, the Commission reappointed Commissioner Dillon and Commissioner Sedgley (and his successor) to the Legislative Committee:

ROLL CALL VOTE:

AYES: **MOHLER, WAGENKNECHT, DILLON, KAHN AND SEDGLEY**
NOES: **NONE**
ABSENT: **NONE**
ABSTAIN: **NONE**

Staff recommended the Commission appoint a member to the **Policy Committee** to fill the seat recently vacated by former Commissioner Gregory Rodeno.

Chair Mohler currently serves on the Policy Committee. Commissioner Wagenknecht volunteered to serve on this committee.

Upon motion by Commissioner Sedgley and second by Commissioner Dillon, the Commission reappointed Chair Mohler and appointed Commissioner Wagenknecht to the Policy Committee:

ROLL CALL VOTE:

AYES: **SEDGLEY, DILLON, KAHN, MOHLER AND WAGENKNECHT**
NOES: **NONE**
ABSENT: **NONE**
ABSTAIN: **NONE**

Staff recommended the Commission appoint a member to the **Outreach Committee** to fill the seat recently vacated by former Commissioner Ken Leary.

Commissioner Kahn currently serves on the Committee.

Staff suggested the Commission may prefer deferring action on the Outreach Committee membership until after the Commission appoints a Public Member. Commissioners Sedgley and Dillon agreed. Staff was directed to bring this item back to the Commission once it has a full Commission.

No public comment were received on sub-committee appointments for the Budget, Legislative or the Policy Committees. Public comment was received by Kenneth Leary on the importance of the Outreach Committee to improve public outreach and engagement of LAFCO.

8. ACTION ITEMS – continued:

c) Establishing a Matching Retirement Savings Contribution for the Executive Officer in 2021

The Commission considered designating a matching \$1,000 contribution to a 401(a) retirement savings account for the Executive Officer. The recommended action was for the Commission to adopt a resolution consenting to participation in the County of Napa 401(a) Retirement Savings Plan and establishing the LAFCO match for the 2021 calendar year.

The Executive Office and Counsel provided an overview of this item.

No commissioner comments were received.

Public comment was received by Kenneth Leary who recommended approval of this item.

Upon motion by Commissioner Sedgley and second by Commissioner Dillon, the Commission approved staff's recommendation to adopt a resolution consenting to the participation in the County of Napa 401(a) Retirement Savings Plan and established a \$1,000 matching 401(a) retirement contribution for the Executive Officer for the 2021 calendar year:

ROLL CALL VOTE:

AYES: SEDGLEY, DILLON, KAHN, MOHLER AND WAGENKNECHT
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

d) Consideration of Legal Services Contract

The Commission considered its options related to contracted legal services prior to the expiration of the contract term on June 30, 2021. The recommended action was for the Commission to provide direction to the Executive Officer with respect to contracted legal services.

Following discussion of its options, Commissioner Sedgley recommended continuing with the legal services of Sloan Sakai and thus recommended extending the contract.

Upon motion by Commissioner Dillon and second by Commissioner Sedgley, the Commission directed the Executive Officer to return with a new contract amendment to extend the term of the contract an additional year from July 1, 2021 through June 30, 2022 and return in December of 2021 to consider legal options at that time:

ROLL CALL VOTE:

AYES: DILLON, SEDGLEY, KAHN, MOHLER AND WAGENKNECHT
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

9. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Commissioner Scott Sedgley announced his resignation from LAFCO, effectively immediately, due to his recently elected appointment as Mayor of the City of Napa, and thanked the Commission for the opportunity to serve on LAFCO. The Commission thanked Mr. Sedgley for his service on LAFCO and wished him well in his new endeavor.

10. CLOSED SESSIONS:

a) Public Employee Performance Evaluation – (Government Code Section 54957(b)(1))
Employee: Executive Officer

b) Conference with Labor Negotiators – (Government Code Section 54957.6)

Agency Designated Representative: Commission Chair

Unrepresented Employee: Executive Officer

There was no action to report from closed session, per DeeAnne Gillick, LAFCO Counsel.

11. ADJOURNMENT TO NEXT SCHEDULED MEETING

The meeting adjourned at 4:22 PM. The next meeting is scheduled for Monday, February 1, 2021 at 2:00 PM. **It is anticipated the meeting will be conducted by teleconference due to COVID-19 in compliance with Executive Order N-29-20.**

Margie Mohler

Margie Mohler (Feb 3, 2021 15:38 PST)

Margie Mohler, LAFCO Chair

ATTEST:

Dawn Mittleman Longoria, Analyst II

Prepared by:

K. Mabry

Kathy Mabry, Commission Secretary

12-7-20 Minutes

Final Audit Report

2021-02-03

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