



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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June 4, 2012
Agenda Item No. 7b (Action)

May 29, 2012

TO: Local Agency Formation Commission

FROM: Policy Committee (Luce, Rodeno, and Simonds)

SUBJECT: Approving a Commission Tagline

The Commission will consider the Policy Committee's recommendation to approve an official tagline to more effectively convey the agency's core responsibilities to the public. Five alternative taglines are identified in the Committee's report and presented for Commission consideration.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 delegates the California Legislature's authority to regulate and plan the formation and development of cities and special districts to independent commissions located in all 58 counties. These commissions have been defined since their initial creation in 1963 as "local agency formation commissions," and more commonly known through the acronym "LAFCO."

A. Background

On November 18, 2011, LAFCO of Napa County's ("Commission") Executive Officer formally requested the California Association of LAFCOs' (CALAFCO) Legislative Committee formally explore interests and options in renaming/redefining commissions. The Legislative Committee agreed with the request and the underlying argument the current name – LAFCO – is antiquated with no meaningful connection to present day responsibilities and muddles the public's understanding of commissions. Towards this end, the Legislative Committee appointed a five-member working group with direction to begin outreach to all 58 LAFCOs to solicit feedback and preferences with regards to an alternative name subject to Board approval. The Board, however, voted against the working group proceeding with any formal activities at its February 10, 2012 meeting in deference to prioritizing other legislative issues at this time. The Board also suggested individual LAFCOs develop and use their own tagline as a preferred alternative to seeking new legislation on a formal name change.

Lewis Chilton, Chair
Councilmember, Town of Yountville

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

Brian J. Kelly, Commissioner
Representative of the General Public

Joan Bennett, Commissioner
Councilmember, City of American Canyon

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

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

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

Keene Simonds
Executive Officer

B. Discussion

The Policy Committee (Luce, Rodeno, and Simonds) proposes the Commission approve a tagline to more effectively convey the agency's core responsibilities to the public and other governmental agencies. The Committee believes a tagline is merited to readily clarify the Commission's principal tasks given they have measurably expanded over the last 50 years to increasingly emphasize post-formation activities. Examples of post-formation activities now commonly undertaken by the Commission include annexations, detachments, municipal service reviews, and sphere of influence updates; all of which are not conveyed in the term "LAFCO."

With the preceding factors in mind, the Committee has drafted five alternative taglines for Commission consideration. Each alternative is written in an active tense and promotes variations in the Commission's core functions and objectives. Each alternative also includes an option to start each phrase with a "we" to serve as a more explicit action statement. The five alternatives are identified as "A," "B," "C," "D," and "E" and listed in order of Committee preference below.

Alternative A

"(We) Oversee Local Government Boundaries and Evaluate Municipal Services"

Alternative B

"(We) Manage Local Government Boundaries to Promote Sustainable Growth"

Alternative C

"(We) Plan Logical and Orderly Municipal Growth"

Alternative D

"(We) Protect Agriculture and Open Space Resources for Future Generations"

Alternative E

"(We) Protect Against Premature Losses of Agriculture and Open Space Resources"

C. Analysis

The Committee believes all five alternative taglines identified in the preceding section would be advantageous in effectively conveying the Commission's core responsibilities and objectives with variations in emphasis. Alternatives A, B, and C emphasize the Commission's function in facilitating smart urban growth. Conversely, Alternatives D and E emphasize the Commission's role in protecting agricultural and open space resources. Markedly, to help initiate discussion, the Committee has identified Alternative A as its preferred option given it emphasizes the Commission's dual role as both a regulating (i.e., overseeing boundary lines) and planning (i.e., evaluating services) agency. It would also be the preference of the Committee to make this or any other alternative tagline more action oriented by premising the phrase with "we."

D. Alternatives for Action

The following alternative actions are available to the Commission.

Alternative Action One (Recommended)

Approve by motion an official tagline for the agency. Committee recommends the tagline identified as Alternative A in the preceding sections.

Alternative Action Two:

Continue by motion consideration of the item to a future meeting with any additional information as requested by members.

Alternative Action Three:

Take no action.

E. Recommendation

It is recommended the Commission take actions consistent with Alternative One and establish an official tagline. Significantly, if approved, the Commission would be the first LAFCO in California to have an official agency tagline.

F. Procedures for Consideration

This item has been agendaized as part of the action calendar. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from the Committee;
- 2) Invite public testimony (optional); and
- 3) Discuss item and consider action on recommendation.

Respectfully submitted on behalf of the Committee,

Keene Simonds
Executive Officer

Attachments:

- 1) Request by Executive Officer to CALAFCO to Consider a Formal Name Change, November 18, 2011
- 2) Initial CALAFCO Working Group Report on Name Change, January 20, 2012
- 3) CALAFCO Board Meeting Minutes, February 10, 2012



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October 25, 2011

TO: Bill Chiat, Director, CALAFCO
 Legislative Committee, CALAFCO

FROM: Keene Simonds, Napa Executive Officer

SUBJECT: **Amending California Government Code Section 56027**
 Changing the assigned/defined name of commissions

I respectfully request CALAFCO's Legislative Committee consider the merits of amending Government Code Section 56027. This code section was enacted as part of the Knox-Nisbet Act of 1963 and assigns the formal name of commissions as "local agency formation commissions;" more commonly known through the acronym "LAFCO." It appears this name assignment was – by all accounts – relatively appropriate at the time given the original charge to commissions was to focus on regulating the formation of cities and special districts. However, while the statutes governed by commissions have dramatically evolved and expanded over the last 40 plus years to include increasing emphasis on regulating and planning post-formation agency activities, the assigned name remains the same. Markedly, and put another way, the current name is antiquated with no meaningful connection to present day responsibilities and helps muddle the public's understanding of commissions.

With the preceding comments in mind coupled with commissions' approaching 50th anniversary, it would seem reasonable and timely for the Legislative Committee to convene a working group to vet and bring forward potential name changes for future consideration. If approved by the Committee, it would be ideal for the working group to make use of CALAFCO's recent reorganization and include at least one representative from the four geographic regions. A potential task-outline for the working group follows:

- Prepare and solicit suggestions from all 58 commissions on potential name changes.
- Review solicited name change suggestions provided by all 58 commissions and prepare a report summarizing the results along with incorporating the collected information into a recommend list of preferred alternatives for Committee review.

Thank you for considering this request.

Lewis Chilton, Vice Chair
 Councilmember, Town of Yountville

Joan Bennett, Commissioner
 Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner
 Councilmember, City of Napa

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January 20, 2012

TO: CALAFCO Legislative Committee

FROM: 56027 Working Group
 - Keene Simonds, Napa (Facilitator)
 - Bob Braitman, Santa Barbara
 - Kay Hosmer, Colusa
 - Mike Ott, San Diego
 - Paul Novak, Los Angeles

SUBJECT: Renaming Commissions

The Legislative Committee will receive an update from the working group tasked with (a) soliciting membership input and (b) making related recommendations on renaming commissions for future consideration.

A. Background

At its November 18, 2011 meeting, the Legislative Committee established a working group to explore interest and options in renaming commissions under Government Code Section 56027; a statute that defines commissions as “local agency formation commissions.” Premising the working group’s establishment is a shared belief by several Committee members the current name – “LAFCOs” – is antiquated with no meaningful connection to present day responsibilities and muddles the public’s understanding of commissions. The working group was appointed five volunteer members and assigned two distinct tasks:

- perform outreach to all 58 commissions with respect to querying interest and suggestions for an alternative name; and
- prepare a report summarizing the results of the outreach and, based on input received, offer a recommended list of preferred alternatives names for Committee review.

B. Discussion

The working group has developed the attached draft survey for distribution among all 58 commissions. The survey is divided into three distinct sections. The first two sections gauge the importance and preference, respectively, of a potential name change based on specific questions and measured on a five-point scale ranging from no/dislike to yes/like. The third and final section solicits up to three alternative name suggestions.

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The working group believes, given the significance of the underlying topic and in consultation with Bill Chiat, it would be appropriate to delay circulating the survey to all 58 commissions until after the next scheduled CALAFCO Board meeting on February 10, 2012. Assuming the Board is agreeable with or without further modifications, the working group proposes the survey be circulated for a two-month period to help ensure all members have an opportunity to present the item for formal discussion/action by their respective commissions.

D. Committee Review

The working group respectfully requests the Committee review the attached survey and offer any suggestions with regards to improvements in anticipation of the Board's review at its February 10, 2012 meeting.

Attachment: draft survey

CALAFCO LEGISLATIVE COMMITTEE MEMBERSHIP SURVEY

The CALAFCO Legislative Committee is interested in determining the level of interest within the membership to consider new legislation to redefine/rename “Local Agency Formation Commissions” to an alternative name. Towards this end, the Legislative Committee respectfully requests each CALAFCO member to complete and return the following survey by **Friday, May 8, 2012**. The Legislative Committee asks for responses to be returned by e-mail to Keene Simonds at ksimonds@napa.lafco.ca.gov.

*For each question below, please identify with an **X** mark in the cell
best fitting your commissions’ opinion on the importance/preference of the issue under consideration*

| Question | Scale of Importance | | | | |
|--|----------------------|-----------------|---------|--------------|------|
| | No | Leaning No | Neutral | Leaning Yes | Yes |
| How important is it for the name of the agency to accurately describe its duties and responsibilities? | | | | | |
| Do you believe the current name “Local Agency Formation Commissions” is an accurate description of the commission’s actual duties/activities and responsibilities? | | | | | |
| Do you believe there can be a more accurate and descriptive name for Local Agency Formation Commissions? | | | | | |
| How important do you believe an easy-to-say acronym is with respect to considering an alternative name for commissions? | | | | | |
| Do you believe there would be any substantive objection from your local agencies if commissions were given a new name? | | | | | |
| Do you support an effort by CALAFCO to consider and potentially propose a new name for commissions for future legislative action? | | | | | |
| Question | Scale of Preferences | | | | |
| | Dislike | Leaning Dislike | Neutral | Leaning Like | Like |
| If an alternative name is considered by CALAFCO, do you have preferences with regard to the inclusions of any of the following words or phrases? | | | | | |
| “Local” | | | | | |
| “Agency” | | | | | |
| “Governance” | | | | | |
| “Government” | | | | | |
| “Governmental” | | | | | |
| “Formation” | | | | | |
| “Development” | | | | | |
| “Boundary” | | | | | |
| “Municipal Services” | | | | | |
| “Growth Management” | | | | | |
| “Organization” | | | | | |
| “Oversight” | | | | | |
| “Commission” | | | | | |
| Continued... | | | | | |

If interested, please provide up to three alternative title suggestions you would like the Legislative Committee to consider if the membership is agreeable with pursuing legislation. Alternative title suggestions should be listed in order of preference.

| | |
|--------------------------------|--|
| 1. Alternative Name Suggestion | |
| 2. Alternative Name Suggestion | |
| 3. Alternative Name Suggestion | |

Responding Commission:

**California Association of Local Agency Formation Commissions
Board of Directors**

**Draft Minutes – Meeting of Friday, 10 February 2012
(IRVINE)**

Board Directors Present

Jerry Gladbach, **Chair**, District (LA)
 Ted Novelli, **Vice Chair**, County (Amador)
 Mary Jane Griego, **Secretary**, County (Yuba)
 John Leopold, **Treasurer**, County (Santa Cruz)
 Julie Allen, Public (Tulare)
 Patricia Bates, County (Orange)
 Louis Cunningham, Public (Ventura)
 Larry R. Duncan, District (Butte)*
 Jon Edney, City (Imperial)
 Juliana Inman, City (Napa)*
 Gay Jones, District (Sacramento)*
 Cathy Schlottmann, District (Santa Barbara)
 Stephen Souza, City (Yolo)*
 Josh Susman, Public (Nevada)
 Andy Vanderlaan, Public (San Diego)

Eugene Montanez, City (Riverside)

*Participated by Phone

Staff Present

William Chiat, CALFACO Executive Director
 Clark Alsop, Legal Counsel, BBH&K
 Lou Ann Texeira, CALAFCO EO
 June Savala, CALAFCO Deputy EO
 Steve Lucas, CALAFCO Deputy EO*
 Marjorie Blom, CALAFCO Deputy EO

Guests

Carolyn Emery, OC LAFCo
 George Spiliotis, Riverside LAFCo
 Jeff Moorhouse, Santa Barbara LAFCo
 Paul Novak, LA LAFCo
 Kathy Rollings-McDonald, San Bernardino LAFCo
 Sergio Prince, OC LAFCo

Board Members/Staff Absent

Kay Hosmer, City (Colusa)

Call to Order and Establish Quorum

Chair Jerry Gladbach called the meeting to order at 10:02 A.M. and a quorum was declared. Chair Gladbach then led an introduction of Board Members, Staff and Guests.

Legal Counsel Clark Alsop requested an addition to the Agenda (9a) for an amicus brief request regarding a Huntington Beach annexation.

CONSENT

1. Minutes, November 4, 2011 Board Meeting

On motion of Director Vanderlaan, seconded by Director Schlottmann, and carried unanimously, the minutes were approved.

ACTION

2. Appointment of Board Member to Fill Vacancy

Executive Director Chiat informed the Board that at the November 2011 general election, Board Member Jon Edney of Imperial LAFCo lost his reelection bid to his City Council seat. As a result, a vacancy was created on the CALAFCO Board for a city member from the Southern Region. The CALAFCO By-laws provides the Board with the authority to fill the position by appointment for the balance of the term. The Southern Region has nominated Riverside LAFCo Commissioner and Corona Mayor Eugene Montanez to fill the vacated seat.

On motion of Director Susman, seconded by Director Bates, the Board appointed Commissioner Eugene Montanez of Riverside LAFCo to fill the vacant city Board seat from the Southern Region.

Following the vote, Chair Gladbach stated that Cathy Schlottmann (Coastal Region) was not reappointed effective March 1, 2012. He said that the Board was losing a very good member, and then presented outgoing member Schlottmann with a Certificate of Recognition. Executive Director Chiat informed the Board that an appointment to fill the Coastal Region Board position is expected at the May Board meeting.

3. FY 2011-12 CALAFCO Quarterly Financial Report

Executive Officer Texeira provided a summary of the second quarterly report to the Board. She noted that the Association is in good financial shape at the end of the (second) quarter of FY 2011-12. Director Leopold (Treasurer) noted that the budget is well managed by staff, and that there were a number of related budgetary items on today's agenda. Staff also discussed that the Association will likely end FY 2011-2012 with limited carry over funds, and as a result, the Board may look towards budget cuts and/or increases in conference/workshop registration for next Fiscal Year 2012-13.

On motion of Director Schlottmann, seconded by Director Duncan, the Board received the Second Quarter Financial Report for FY 2011-12.

Director Souza joined the meeting by phone at 10:14 a.m.

4. Investment and Bank Account Report

Executive Officer Texeira provided a summary of the CALAFCO investment bank account report. Director Schlottmann asked a question concerning a possible typographical error on the Staff report regarding the LAIF Account. Executive Officer Texeira stated that the amount should read \$248,991, and that the spreadsheet for Agenda Item No. 3 (page 11) had the correct figure.

On motion of Director Schlottmann, seconded by Director Leopold, the Board unanimously accepted the report.

5. Adopt 2012 CALAFCO Legislative Policies

Director Novelli arrived at 10:24 a.m.

Executive Director Chiat noted that CALAFCO policy calls for the Board to approve their legislative policies and priorities on annual basis. He stated that the Legislative Committee has recommended adding language to reflect interest in supporting shared services (draft policy 5.5). He noted that Monterey LAFCo has requested language specific to support of the Williamson Act and restore program funding through State subvention payments, which is included as draft policy 3.5. The Board discussed CALAFCO Legislative Policies, including the issues of interest with regards to flood control, including security of the delta, levee districts, and clarifying the language if necessary.

On motion of Director Novelli, seconded by Director Leopold, the Board voted to add new sections 3.5 (Williamson Act) and 5.5 (shared services) and approve the 2012 CALAFCO Legislative Policies. Director Bates abstained from the vote, stating the need for more staff review.

6. Legislative Committee Report

Executive Director Chiat provided an overview of the Legislative Committee report and highlighted certain legislative items, including there may be follow-up legislation regarding SB 244 – Disadvantaged Unincorporated Communities and to SB 89, Vehicle License Fee (VLF) shift. He also stated that the Legislative Committee has been working very hard on bringing clarity and consistency to the protest provisions in the C-K-H Act; and thanked former San Diego LAFCo and County Counsel Bill Smith and San Diego LAFCo Staff for their efforts to retool the protest provisions so that they are all in one place in the law.

Further, the Legislative Committee is working on three additional initiatives: 1) transfer of Principal County for sphere of influence changes; 2) allow LAFCo's to be eligible to apply for Strategic Growth Council Grants; and 3) streamline the waiver of notice and protest proceedings for county service area proposals.

The Board then discussed two issues from the Legislative Committee:

- a. Section 56133 Extension of Services Proposal – The Board reviewed the feedback from several LAFCo's (five in support, one opposed, one watch, and one with a “not support” position), as well as considered the letter received from the Environmental Defense Center requesting more input from stakeholders. The Board, recognizing the importance of receiving feedback from stakeholders, requested Staff to initiate conversations with environmental and agricultural communities with the goal of introducing the new language regarding 56133 in 2013.
- b. LAFCo Name Change – upon consideration of seeking a name change for LAFCo's, the Board felt that there were many pending legislative issues and found no sufficient justification to spend the time and/or resources on this matter.

On motion of Director Leopold, seconded by Director Allen, the Board received and filed the report.

7. CALAFCO 2012-13 Member Dues

Following the report by Executive Director Chiat, the Board discussed whether or not to proceed with a dues increase for FY 2012-13. It was noted that the Board has voted not to implement an increase in the Association dues for the past three years, because of the economic crisis. The Board also reviewed the CALAFCO By-laws which call for the dues to be increased annually to reflect changes in the Consumer Price Index (CPI). Due to increasing costs, and limited reserves, a 2.2 percent dues increase was approved for FY 2012-2013

On motion of Director Duncan, seconded by Director Vanderlaan, the Board directed Staff to notify the membership of the 2.2 percent dues increase for FY 2012-2013. (Director Bates, voted no.)

8. CALAFCO Policy on Guests at Conferences and Workshops

Executive Director Chiat noted that at the recent CALAFCO conference in Napa, a question was raised regarding the transferability of registration and/or meal tickets to guests. He then provided an overview of the current policy to charge guests the actual costs of meals at conferences and/or workshops. The Board discussed the current policy and reiterated that guests should pay for their meals.

On motion of Director Leopold, seconded by Director Novelli, the Board voted to maintain the current policy of charging guests the costs of their meals and not allow transfers of meal tickets or conference registrations to guests.

9. Proposal to Consider a Name Change for LAFCo

The Commission reviewed the preliminary report from the Legislative Committee's "56027 Working Group" regarding redefining the current name of "LAFCo's". As discussed by the Board in Item 6 b, the Commission reiterated their concern for spending limited staff time to pursue a name change for LAFCo. It was mentioned that individual LAFCo's could use "tag line" if they so chose.

On Motion of Director Novelli, seconded by Director Schlottmann, the Board voted unanimously to not proceed with pursuing a name change for LAFCo.

Directors Bates and Montanez left at 12:00 noon.

Matters Too Late for the Agenda:

9a. Amicus Brief Support Request

Clark Alsop, CALAFCO Legal Counsel stated that the attorney representing the City of Huntington Beach has requested for CALAFCO to provide a brief in support of an annexation to the City. The Board reviewed the matter, and agreed that since the affected LAFCo did not request support, the request should be denied.

On motion of Director Leopold, seconded by Director Vanderlaan, the Board voted unanimously not to support the request.

INFORMATION

10. Legislative Analyst Office Report on Special Districts and LAFCo

Executive Director Chiat provided the Board with an overview of the recently released LAO report on Special Districts. He noted that Legislative Committee will be looking into potential policy questions raised by the Report with regards to LAFCo's.

11. 2012 Staff Workshop Update

Executive Officer Texeira provided the Board with an update on the CALAFCO Staff Workshop, scheduled for April 25-27, 2012 in Murphys.

12. 2012 Annual Conference Update

Deputy Executive Officer Blom noted that Kate McKenna, Monterey LAFCo EO, is in the beginning stages of putting together a Mobile Workshop for the annual conference to be held October 3-5, 2012. Director Schlottmann noted that she had been on the Conference Awards Committee in the past, and that someone else may want to serve on the Awards Committee due to her departure from the Board. Director Cunningham stated he would like to be on the Conference Committee.

13. CALAFCO University Update

Deputy Executive Officer June Savala provided an update on the upcoming CALAFCO University Course, entitled "Shared Services and Service Efficiencies", to be held Tuesday, April 24, 2012.

14. CALAFCO/OPR White Paper on CEQA

Executive Officer Teixeira stated that CALAFCO staff and the Governor's Office of Planning and Research (OPR) have completed an update to the white paper "LAFCo's, General Plans and City Annexations"; and is now available on the CALFACO web site.

15. 2012 Conflict of Interest Reports

CALAFCO Counsel Alsop noted that no new disclosures were reported, and requested that the Board receive and file the report.

16. Board Member Reports and Announcements

Director Allen inquired as to whether or not other CALAFCO regions communicate through a newsletter. Director Vanderlaan mentioned that the Board has a CALAFCO Quarterly Report and noted his involvement with the southern California coalition group. Director Cunningham noted that it is hard for his region to meet due to travel distances. Director Susman stated he liked the regional list serve.

17. Executive Director's Report

Executive Director Chiat announced he would be retiring after eight years of service with CALAFCO, and noted that he would stay through the annual CALAFCO Conference in October. He also announced that Executive Assistant, Jamie Szutowicz, would be leaving CALAFCO in October with Bill.

EXECUTIVE SESSION

18. Annual Performance Review of Executive Director – Chair Gladbach

The Board adjourned to closed session.

Following closed session, the Board returned to the meeting and Chair Gladbach announced that he will head up a committee to oversee the recruitment of a new Executive Director, and that an RFP should be released in the spring.

Director Vanderlaan stated that he felt Bill did an amazing job for CALAFCO, especially with regards to legislative issues and that Bill was extremely effective in Sacramento. He then expressed his heartfelt thanks to Bill and wished him Godspeed.

Director Leopold noted that it was tough to be the Executive Director when the Agency had been a state of flux, but with the new regional base, and financial stability it has made a big difference, and thanked Bill for his years of service.