



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MEETING MINUTES OF AUGUST 6, 2012**

**1. CALL TO ORDER; ROLL CALL**

Chair Chilton called the regular meeting of August 6, 2012 to order at 4:05P.M. At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Lewis Chilton, Chair	Juliana Inman	Keene Simonds, Executive Officer
Brad Wagenknecht, Vice Chair	Gregory Rodeno (arrived at 4:07)	Jackie Gong, Counsel
Joan Bennett		Brendon Freeman, Analyst
Brian J. Kelly	Mark Luce (arrived at 4:28)	Kathy Mabry, Secretary
Bill Dodd (arrived at 4:05)		

**2. PLEDGE OF ALLEGIANCE**

Chair Chilton led the Pledge of Allegiance.

**3. AGENDA REVIEW**

The Commission approved a motion to accept the agenda as prepared.

**4. PUBLIC COMMENT**

Chair Chilton invited members of the audience to provide public comment.

Tab Borge stated he and his mother would like to discuss staff's recommendation on the sphere update for County Service Area No. 3. Chair Chilton asked Mr. Borge to return to the podium and provide comments during item #6b.

**5. CONSENT ITEMS**

**a) Fourth Quarter Budget Report for 2011-2012**

The Commission reviewed a fourth quarter budget report for 2011-2012. The report compared budgeted versus actual revenues and expenses for the recently completed fiscal year. The report noted the Commission measurably improved its funding gap during the fiscal year from the budgeted total of (\$32,829) to the actual year-end total of (\$14,825).

**b) Authorization to Approve Audit Expenditure**

The Commission considered a request for the Chair to enter into an agreement with Gallina, LLP for the preparation of an independent audit for the 2011-2012 fiscal year at a cost of \$4,725. An engagement letter was signed by Chair Chilton.

**c) Approval of Meeting Minutes**

The Commission considered a request for minutes prepared by staff for the June 4, 2012 meeting.

**d) CALAFCO Quarterly Report**

The Commission received the most recent quarterly report prepared by the California Association of Local Agency Formation Commissions.

**e) Current and Future Proposals**

The Commission received a report summarizing current and future proposals. No new proposals have been submitted since the June 4, 2012 meeting.

Upon motion by Commissioner Wagenknecht and second by Commissioner Dodd, the consent calendar items were approved.

**6. PUBLIC HEARING ITEMS**

**a) Devlin Road/South Kelly Road No. 2 Reorganization**

Staff presented the Commission with a joint proposal from the City of American Canyon and American Canyon Fire Protection District to annex approximately 1.1 acres of unincorporated territory located southwest of the intersection of Devlin and South Kelly Roads. The affected territory comprises a portion of a legal lot owned and dedicated as a train track by Southern Pacific Railroad and identified by the County of Napa Assessor's Office as 057-090-057. Staff recommended approval of the proposal with a discretionary amendment to concurrently detach the affected territory from County Service Area No. 4. Staff also recommended approval of a fee waiver request given the limited scope of the proposal.

Chair Chilton opened the public hearing. No public comments were received. Chair Chilton closed the public hearing.

Commissioner Wagenknecht requested clarification on the recommendation to approve a fee waiver. Staff noted the waiver appeared justified given the number of hours dedicated to reviewing the proposal was approximately one-fourth of the typical number of hours expended on these types of applications.

Upon motion by Commissioner Dodd and second by Commissioner Bennett, the annexation was approved unanimously.

**b) Sphere of Influence Update on County Service Area No. 3**

The Commission received a final report on its scheduled sphere of influence update on County Service Area (CSA) No. 3. The final report recommended the Commission update the existing sphere of influence to include an additional 100 acres of unincorporated land located in the vicinity of Devlin Road's intersection with South Kelly Road identified as "A-1"; one of four subareas evaluated for possible inclusion into the sphere. Also presented to the Commission was a resolution confirming the final report's recommendations and related determinative statements. The Commission was also provided with a copy of a letter from Larry G. Atkins, dated July 26, 2012 requesting inclusion of his 25.4 lot in the sphere.

Chair Chilton opened the public hearing. The following public comments were received:

- Tab Borge, 2205 Loma Heights Road, spoke to the Commission on behalf Larry G. Atkins, Mr. Borge noted he, his mother and Mr. Atkins are the co-owners of a 25 acre lot that has been assigned to "A-2" in the report prepared by staff. Mr. Borge stated he would read a letter from Mr. Atkins who was unable to attend. In the letter, Mr. Atkins states that he believes his property should be taken out of the A-2 area and put into CSA #3, citing numerous inaccuracies in the staff report. He also requests this matter be postponed until the facts about his property have been determined. (Note: The letter Tab Borge read into the record at this meeting was not left with the Clerk. Staff has since requested a copy of this letter from Larry Atkins.)
- Amy Borge, 764 South Jefferson Street (mother of Tab Borge), spoke to the Commission on behalf Mr. Atkins, noting prior lawsuits involving their property and the County of Napa.
- Chair Chilton noted he would keep the hearing open while asking for comments or questions by Commissioners.
- Commissioner Bennett expressed concern regarding the property owners having enough time to respond to this matter. Staff replied that it had engaged the affected landowners by public noticing this matter in the local newspaper 21 days prior to this meeting, in addition to sending out an announcement letter by U.S. mail.

**b) Sphere of Influence Update on County Service Area No. 3 ~ continued:**

- Commissioner Dodd commented on the past lawsuits that Ms. Borge previously spoke about and expressed a desire to continue the matter to allow more time to vet out concerns of Mr. Atkins and Mr./Ms. Borge before making a decision.
- Commissioner Rodeno inquired about whether the County is in the process of buying the lot.

Following Commission discussion, Chair Chilton deferred to Mr. Atkins' request and ordered a continuance of this matter to the next regular meeting on October 1<sup>st</sup>, plus directed staff to prepare a supplemental document addressing Mr. Atkins' specific concerns/comments.

Upon motion by Commissioner Bennett and second by Commissioner Dodd, this item was continued until the next regular meeting. Chair Chilton asked the Commission to retain their copy of the staff report for the next meeting.

**7. ACTION ITEMS**

**a) California Association of Local Agency Formation Commissions: Annual Conference**

The Commission considered items relating to CALAFCO's Annual Conference scheduled for October 3-5 at the Hyatt Regency in Monterey. This included appointing a delegate and alternate delegate, nominating an interested County member for board election, and making a nomination for the achievement awards.

Upon motion by Commissioner Kelly and second by Commissioner Bennett, the Commission appointed Chair Chilton and Vice-Chair Wagenknecht to serve as delegate and alternate delegate respectfully, and nominated the *Municipal Service Review on County-wide Law Enforcement* for project of the year.

**8. DISCUSSION ITEMS**

**a) Update on Island Annexation Program**

The Commission received a report summarizing staff's activities to date in developing an island annexation program aimed at eliminating unincorporated pockets within the City of Napa. Staff noted it believes an appropriate next step is to move forward in cooperation with the City and initiate proceedings for the "Easum Island"; a three-property island anchored by a bed & breakfast establishment. Staff noted the benefit in moving forward with the Easum Island was two-fold: (a) establish momentum to leverage other island in going next, and; (b) show the Legislature the island proceedings work in order to justify extending or eliminating the current 2014 sunset provision. Staff also noted the need to work out an arrangement with both the County and the City to reduce or waive their indirect fees as a key premise in being able to go forward with any proposal. The report was presented to the Commission for discussion and feedback.

Chair Chilton invited audience members to provide comments.

Rick Tooker, City of Napa's Community Development Director, spoke to the Commission. He stated he is aware of the Easum island and believes it would be easy to get approval since there are only three properties involved. Mr. Tooker noted in his previous jobs, he was successful in getting islands annexed through proactively meeting with individual island owners and residents and if this model were applied here, we might be able to get more islands annexed.

Commissioner Wagenknecht noted one long-term advantage of having property in the City would be for purposes of future development.

**a) Update on Island Annexation Program ~ continued:**

Commissioner Inman noted that most of these island properties are already served by the City of Napa for water and Napa Sanitation District for sewer; therefore, we may want to waive their annexation fees. In addition, Commissioner Inman stated she would be willing to bring this issue to the City Council and propose it as a package along with other governmental agencies in effort to do a whole group of annexations and minimize the fees associated therein. Chair Chilton agreed that City's involvement and coordination is essential in this program, and stated he is in favor of taking this program further with the City staff. Staff was directed to work with the City of Napa and its staff for formal requests to waive or reduce the annexation fees for property owners in the island areas.

**b) Legislative Report**

Staff provided the Commission with a report on the legislative activities of the California Association of Local Agency Formation Commissions, which summarized the bills under consideration in the current legislative session relevant to the Commission. No action was taken.

**9. EXECUTIVE OFFICER REPORT**

The Commission was provided with a verbal report from the Executive Officer regarding the following items:

- Report on Bay Area LAFCO Meeting for Executive Officers/Analysts
- Disadvantaged Unincorporated Communities

**10. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS**

Staff reported that the Commission approved tagline: "*We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture*" is now displayed on the front of all staff reports and agency letterhead. Staff thanked Commissioner Inman for bringing that forward at the last meeting.

**11. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING: October 1, 2012**

The meeting was adjourned at 5:06 p.m. The next regular LAFCO meeting is scheduled for Monday, October 1, 2012 at 4:00 p.m.

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Lewis Chilton, Chair

ATTEST: Keene Simonds  
Executive Officer

Prepared by:

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Kathy Mabry  
Commission Secretary