



Local Agency Formation Commission
LAFCO of Napa County

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May 3, 2010
Agenda Item No. 7a (Action)

April 26, 2010

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

**SUBJECT: Establishment of an Ad Hoc Committee on Policies and Procedures:
Continuation from the April 5, 2010 Meeting**

The Commission will continue its deliberation with regards to establishing an ad hoc committee to review and update the agency's policies and procedures along with taking related actions.

At its April 5, 2010 meeting, the Local Agency Formation Commission of Napa County ("Commission") received a staff report recommending the establishment of an ad hoc committee to comprehensively review and update the agency's policies and procedures. The recommendation is consistent with the interest expressed by Commissioners during its recent workshop with the underlying goal of providing clear direction in guiding the agency in fulfilling its evolving directives in a manner responsive to local conditions. Four distinct tasks for the ad hoc committee were outlined beginning with an evaluation of the Commission's core objectives and priorities. Key policy issues to be address in the review and update were also outlined and include defining key terms, prescribing timing factors, and establishing quantifiable measurements in proposal review.

A. Discussion

The Commission agreed at its April 5, 2010 meeting to continue discussing the possible roles and duties of an ad hoc committee in order to receive input from Commissioners Chilton and Kelly. The Commission also requested additional information regarding the ad hoc committee's (a) potential composition and (b) task deadlines.

B. Analysis

Potential Composition

The April report recommended the Commission appoint any two of its members to the ad hoc committee, which would be staffed by the Executive Officer. This composition option would allow the ad hoc committee to meet without triggering compliance with the Brown Act due to the lack of a quorum. Several Commissioners, however, expressed interest in expanding the composition to include one member from each of its three

Juliana Inman, Chair
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Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

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

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
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appointment categories: 1) county; 2) city; and 3) public. This second composition option would provide equal representation on the ad hoc committee, but necessitate noticing and open meeting requirements under the Brown Act. Most notably, this would include providing no less than 72 hour posted notice for all meetings as well as providing reasonable accommodations for attendees. The latter consideration is most pertinent for the Commission given its office's conference room can only accommodate a total of eight persons. Two alternative meeting sites are available depending on the date and time, the County's Board Chambers and Napa County Transportation and Planning Agency's Board Room. Staff is confident one of these alternative sites would be available to the ad hoc committee if needed.

Interest in a third composition option was also discussed at the April meeting to include a member(s) from the general public. This option would presumably provide an "outsider" perspective on the appropriate policies and procedures of the Commission relative to the present and future needs of the community. Appointment of an outside public member(s) could be made similar to the selection of the regular and alternate public members and based on an open application process. This third option, though, would likely require a two to three month delay in the ad hoc committee initiating work on its assigned tasks due to the time tied to recruiting and interviewing applicants.

Task Deadlines

As mentioned, the April report outlined four distinct tasks for the ad hoc committee to complete in reviewing and updating the Commission's policies and procedures. The first three tasks are expected to require a considerable amount of time given the scope and complexity of the underlying issues. These factors make it difficult to project an informed deadline. Given this uncertainty, staff suggests the ad hoc committee provide regular updates on its activities at each Commission meeting with the broad goal of completing the first three tasks outlined in the April report within one calendar year.

C. Recommendation

It is recommended the Commission take the following actions:

- 1) Establish an Ad Hoc Committee on Policies and Procedures to include no less than two appointed Commissioners and the Executive Officer;
- 2) Appoint no less than two Commissioners to the Ad Hoc Committee on Policies and Procedures;
- 3) If desired, direct the Executive Officer to recruit candidates to serve as an outside public member(s) on the Ad Hoc Committee on Policies and Procedures and schedule the appointment by the Commission at a future public meeting;

- 4) Direct the Ad Hoc Committee on Policies and Procedures to accomplish the tasks listed below with or without any changes; and
 - a) Review and update the Commission's objectives and priorities.
 - b) Develop baseline standards with respect to review of proposals.
 - c) Examine and amend Commission policies and procedures for consistency.
 - d) Create a codified policies and procedures document.

- 5) Direct the Ad Hoc Committee on Policies and Procedures to provide regular updates to the Commission with the goal of completing its assigned tasks within one calendar year.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

- 1) Staff Report from April 5, 2010



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April 5, 2010
Agenda Item No. 8a (Action)

March 29, 2010

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Establishment of an Ad Hoc Committee on Policies and Procedures

The Commission will consider establishing an ad hoc committee to review and update the agency's policies and procedures. Additional actions to be considered include appointments and defining a scope of work.

Local Agency Formation Commissions (LAFCOs) are responsible for regulating the formation and development of local governmental agencies and their municipal services under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH"). LAFCOs commonly exercise their regulatory actions by processing applicant proposals, which most frequently include annexation and detachment requests. LAFCOs are required to inform their regulatory actions through various planning activities, namely preparing municipal service reviews and sphere of influence updates. All regulatory actions undertaken by LAFCOs must be consistent with their written policies and procedures. LAFCOs may also condition approval as long as they do not directly regulate land use.

A. Discussion

At its February 1, 2010 meeting, LAFCO of Napa County ("Commission") received a presentation from staff regarding the different factors required for review in processing applicant proposals. The presentation was provided for informational purposes as part of the Commission's biannual workshop and noted the list of factors have more than doubled since 2000. Staff noted a key challenge in assessing these factors in the review of applicant proposals is drawn from the lack of applicable standards and directives in the Commission's adopted policies and procedures, the majority of which were established prior to CHK.

In discussing the presentation materials, the Commission expressed interest in forming an ad hoc committee to comprehensively review and update the agency's policies and procedures. Commissioners commented the underlying goal of the review and update should be to provide clear direction in guiding the agency in fulfilling its evolving legislative directives in a manner responsive to local conditions. The Commission accordingly asked staff to return with an outline of specific tasks for the ad hoc committee to perform in anticipation of making possible appointments.

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B. Analysis

Establishing an ad hoc committee to review and update the Commission's policies and procedures should focus on accomplishing four distinct tasks. The first task would involve reviewing and updating the Commission's basic objectives and priorities under CKH by amending its Policy Determinations as needed. The second task would involve developing a baseline in reviewing proposals with respect to determining the type of information needed from applicants and level of analysis required by staff. This task would include identifying standards for individual proposal factors. The third task would involve examining and amending all other Commission policies and procedures to ensure, among other issues, internal consistency. The final phase would involve creating a single document containing all Commission policies and procedures with appropriate narratives. The document would serve the Commission similarly to a general plan in terms of directing the agency in exercising its regulatory and planning responsibilities in a fair and consistent manner.

The completion of each task will inform the next and therefore should be accomplished in phases. Pertinent policy issues to be addressed in the review and update include:

- Defining key terms
- Prescribing appropriate timing for certain proposals
- Establishing quantifiable measurements in evaluating proposal factors
- Imposing standard approval conditions
- Requiring automatic proposal modifications
- Organizational structure and management

C. Recommendation

It is recommended the Commission take the following actions:

- 1) Establish an Ad Hoc Committee on Policies and Procedures consisting of two appointed Commissioners and the Executive Officer;
- 2) Appoint two Commissioners to the Ad Hoc Committee;
- 3) Direct the Ad Hoc Committee to accomplish the tasks listed below; and
 - a) Review and update the Commission's objectives and priorities
 - b) Develop baseline standards with respect to proposal review
 - c) Examine and amend Commission policies and procedures for consistency
 - d) Create a codified policies and procedures document
- 4) Direct the Ad Hoc Committee to report back to the Commission for approval either at the conclusion of (a) each assigned task or (b) all assigned tasks.

Respectfully submitted,

Keene Simonds
Executive Officer

Attachment:

~~1) Presentation Materials from February 1, 2010 meeting~~