



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

Agenda Item 6a (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: August 5, 2019

SUBJECT: Appointment of Alternate Public Member

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Invite candidates to address the Commission;
- 3) Close the public hearing;
- 4) Appoint an Alternate Public Member to complete an unexpired four-year term ending on May 4, 2020.

BACKGROUND AND SUMMARY

Under Government Code (G.C.) Section 56325(d), the composition of Local Agency Formation Commissions (LAFCOs) includes one member representing the general public, who is appointed to a four-year term by the city and county members of the Commission. The city and county members may also appoint one Alternate Public Member who shall serve pursuant to G.C. Section 56331.

To qualify, the Public Member and Alternate Public Member must be residents of Napa County and cannot be officers or employees with local governmental agencies. The Public Member and Alternate Public Member must receive at least one vote each from a city and county member of the Commission.

The Alternate Public Member position is vacant with an unexpired four-year term ending May 4, 2020. Staff recommends the city and county members of the Commission appoint a new Alternate Public Member appointment to fill the unexpired term.

Kenneth Leary, Vice Chair
Councilmember, City of American Canyon

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

Gregory Rodeno, Chair
Representative of the General Public

Margie Mohler, Commissioner
Councilmember, Town of Yountville

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

Vacant, Alternate Commissioner
Representative of the General Public

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brendon Freeman
Executive Officer

Staff fully complied with the notice requirements and recruitment procedure found in the Commission's *Policy on the Appointment of a Public Member and Alternate Public Member* ("the Policy"), included as Attachment One, including publishing an announcement in the Napa Valley Register as well as posting the announcement on the Commission's website and Facebook page. The announcement was also circulated to all local agencies subject to Commission oversight as well as other local stakeholder groups.

The Commission received two applications for the Alternate Public Member position from Eve Kahn and Michael Basayne. The applications are attached.

Hearing Procedure for Appointment of Alternate Public Member

Each Commissioner may nominate a candidate. An applicant may receive more than one nomination.

The Chair shall then ask if there is a second to any of the nominations. If there is a second, the Chair shall call for a vote on that nomination. If the vote is in the affirmative, the appointment is made.¹ If the vote is not in the affirmative, the Chair shall call for a second to another of the nominations and a vote on that nomination. This process shall continue until an appointment is made or all of the nominations are exhausted.

If all of the nominations are exhausted, the Chair may begin the entire procedure again, starting with a call for one nomination from each Commissioner.

ATTACHMENTS

- 1) Policy on the Appointment of a Public Member and Alternate Public Member
- 2) Candidate Application: Eve Kahn
- 3) Candidate Application: Michael Basayne

¹ For purposes of the appointment procedure, an affirmative vote requires at least one vote coming from a city member and at least one vote coming from a county member.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on the Appointment of a Public Member and Alternate Public Member

(Adopted: October 11, 2001; Last Amended: April 7, 2008)

Authority

California Government Code Section 56325(d) states the composition of the Commission shall include one member representing the general public, hereinafter referred to as “public member.” This code section also states that the Commission may designate one alternate public member. The selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members appointed by each of the Board of Supervisors and City Selection Committee.

Eligibility

The public member and alternate public member shall be a resident of Napa County. No person may serve as public member or alternate public member if at the same time he or she is an officer or employee of a local public agency. No person may also serve as public member or alternate public member if he or she is member of a local public board, commission, or committee with the authority to make advisory or final decisions relative to land use or the provision of municipal services.

Term of Office

The term of office for public member and alternate public member shall be four years and shall end on the first Monday in May of the year in which the term expires. The public member and alternate public member shall continue to serve until his or her successor is appointed.

Appointment Procedures

New Term for Public Member or Alternate Public Member

It is the policy of the Commission that in anticipation of the expiration of a four-year term for the public member or alternate public member, the following procedures will be taken:

1. At a regular meeting no less than 120 days prior to the scheduled expiration of public member or alternate public member’s term, the Executive Officer shall inform the Commission of the impending vacancy and whether the incumbent is eligible to seek reappointment. The Commission shall take either of the following two actions set forth in 1.a) or 1.b).
 - a) Direct the Executive Officer to recruit candidates and schedule a hearing date to consider making an appointment to the position. Tasks of Executive Officer shall include, but not limited to, the following:

- i) Issue a notice announcing the vacancy and that the Commission is accepting applications for the position no less than 60 days prior to the scheduled hearing for the appointment. The notice shall be posted at the LAFCO office and on its website, sent to all local agencies, and published in the Napa Valley Register.¹ The notice shall indicate if the incumbent is eligible for reappointment.
 - ii) Determine the filing period to receive applications for the position. All applications shall be made available to each city and county member on the Commission no less than 14 days prior to the scheduled hearing for the appointment.
 - iii) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the appointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.
- b) If the incumbent is eligible and has served no more than all or a portion of one term, the Commission may direct the Executive Officer to schedule a public hearing to consider approving reappointment. Tasks of Executive Officer shall include, but not limited to, the following:
- i) Issue a notice announcing the scheduled reappointment of the incumbent. The notice shall be posted at the LAFCO office and on its website and sent to all local agencies. The notice shall be posted no less than 21 days prior to the hearing for which the reappointment has been scheduled.
 - ii) If it becomes necessary for the Commission to cancel or reschedule the meeting at which the hearing for the reappointment has been scheduled, the Executive Officer shall reschedule the hearing for the next regular meeting.

Mid-Term Vacancy for Public Member

If the position of public member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term through one of the following:

1. Choose from among the remaining applicants for the position if no more than 12 months have passed since the appointment of the public member.
2. Appoint the alternate public member.
3. Fill the position in the manner prescribed for the appointment for a public member to a new term.

An appointment to fill an unexpired term shall be preceded by posting a notice of vacancy. The notice will be posted at the LAFCO office and on its website and sent to all local

¹ For purposes of this policy, notice to local agencies is fulfilled by sending a copy of the notice to the clerk or secretary of the legislative body of each local agency in Napa County.

agencies. The notice will be posted no less than 21 days prior to the meeting at which time the Commission will consider taking action to fill the unexpired term.

Mid-Term Vacancy for Alternate Public Member

If the position of alternate public member becomes vacant prior to the expiration of the term, it is the policy of the Commission that it may fill the unexpired term through one of the following:

1. Choose from among the remaining applicants for the position if no more than 12 months have passed since the appointment of the alternate public member.
2. Fill the position in the manner prescribed for the appointment of an alternate public member to a new term.

An appointment to fill an unexpired term shall be preceded by posting a notice of vacancy. The notice will be posted at the LAFCO office and on its website and sent to all local agencies. The notice will be posted no less than 21 days prior to the meeting at which time the Commission will consider taking action to fill the unexpired term.

Conducting Public Hearings for Appointing a Public Member or Alternate Public Member

It is the policy of the Commission that a public hearing to appoint either the public member or alternate public member shall be conducted as follows:

1. The Chair shall open the public hearing and first invite candidates to address the Commission. The Chair shall then invite public comments from the audience.
2. Upon the close of the public comment period, the Chair shall ask each commissioner to make one nomination. Commissioners may nominate anyone from the applicant pool, and an applicant may receive more than one nomination.
3. After each commissioner has made a nomination, the Chair shall ask if there is a second to any of the nominations. If there is a second, the Chair shall call for a vote on that nomination. If the vote is in the affirmative, the appointment is made. If the vote is not in the affirmative, the Chair shall call for a second to another of the nominations. This process shall continue until an appointment is made or all of the nominations are exhausted.
4. If all of the nominations are exhausted, the Chair may 1) begin the entire procedure again by calling for one nomination from each commissioner or 2) call for the use of the ballot system as described in Paragraph 5.
5. If the Chair calls for use of a ballot system, then the Clerk shall provide each commissioner with a ballot that has been preformatted to label their printed name. Each commissioner shall mark the ballot with the name of a candidate from

among the applicants. The ballots are then submitted to the Clerk for tabulation. The Clerk determines the number of votes for each candidate. If a candidate receives at least three votes, the Clerk announces the name of the candidate and the number votes. The Commission then formally votes to appoint that candidate. If no candidate receives at least three votes, the Clerk shall announce which candidates received votes and shall provide each commissioner with a second ballot that has been preformatted to label their printed name. Each commissioner shall mark the ballot with the name of candidate from among those candidates that received votes in the previous round of voting. The ballots are then submitted to the Clerk for tabulation. The Clerk determines the number of votes for each candidate. If a candidate receives at least three votes, the Clerk announces the name of the candidate and the number votes. The Commission then formally votes to appoint that candidate. If no candidate receives at least three votes, the Clerk shall announce which candidates received votes and the Commission shall engage in another round of voting. This shall continue until a candidate is selected.

As mentioned, California Government Code Section 56325(d) specifies that the appointment of a public or alternate public member requires the vote of at least one commissioner appointed by the Board of Supervisors and one commissioner appointed by the City Selection Committee. If a candidate receives at least three votes, this requirement is fulfilled.

I. General Information			
a) Name:	First	EVE	Last
			KAHN
b) Address:	Street Address	[REDACTED]	City
			Napa
			Zip Code
			94558
c) Contact Information:	Phone Number	[REDACTED]	E-Mail
			[REDACTED]
d) Present Employer:	Employer Name	Keller Williams Napa Valley Real Estate	
	Employer Field		
II. Questionnaire (Applicants may use additional sheets to complete the following questions)			
a) Summarize your interest in serving on the Commission.	See Attached (page 2)		
b) Summarize your qualification to serve on the Commission.	See Attached (page 2)		
c) List any formal education received beyond high school.	See Attached (page 2)		
d) List community activities and interests.	See Attached (page 2)		

Application for LAFCO Alternate Public Member Position

II. Questionnaire

A. Summarize your interest in serving on the Commission.

Water is, and has been, the currency of growth. Water issues in Napa County are similar, yet on a smaller scale, than those around the world. A renewed focus on housing comes at the same time as a diminishing water supply to fuel this growth. The role of LAFCO to set direction, control and manage our municipal services within and outside our city/township boundaries will be key to our success. Being able to help steer this slowly turning ship is very appealing and clearly within the bounds of my community involvement over the past 20 years. Climate change has evolved into a climate crisis and cannot be ignored in future service area evaluations. Should LAFCO take a regional approach to water and develop plans and legal agreements in the event that one or more of our key water sources become unavailable?

B. Summarize your qualification to serve on the Commission.

For over 20 years I have been actively engaged in Preventing Sprawl and Promoting Slow, Smart, and Sustainable Growth. I have participated in General Plans and Housing Element updates and various committees and/or focus groups at the City and County level. I am eager to get more involved in managing the growth in Napa, and LAFCO is the right place to use my skills and expertise.

C. List and formal education received beyond high school.

BA Mathematics State University of NY at Oneonta 1966
 MA Mathematics Education State University of NY at Albany 1967
 California licensed Realtor 2001- current

D. List community activities and interests.

Citizen Activist
 Leadership Napa Valley Class 17
 Chair of Get a Grip on Growth
 Board member Vision 2050
 Member Napa Housing Coalition
 Member of APAC [Agricultural Protection Advisory Council]
 Secretary, Board of Trustees Congregation Beth Shalom
 North Bay Association of Realtors, Napa Chapter – member of Napa Chapter Council,
 member of Local Government Relations Committee, and Scholarship Chair.

I. General Information			
a) Name:	Michael	Basayne	
	First	Last	
b) Address:	[REDACTED]	Napa	94558
	Street Address	City	Zip Code
c) Contact Information:	[REDACTED]	[REDACTED]	
	Phone Number	E-Mail	
d) Present Employer:	Napa Valley College SBDC	Education/Business Advisory	
	Employer Name	Employer Field	
II. Questionnaire (Applicants may use additional sheets to complete the following questions)			
a) Summarize your interest in serving on the Commission.	Please see below pg. 3.		
b) Summarize your qualification to serve on the Commission.	Please see below pg. 3.		
c) List any formal education received beyond high school.	Please see below pgs. 3 & 4.		
d) List community activities and interests.	Please see below pg. 4.		

Michael Basayne

II. Questionnaire

a) Summarize your interest in serving on the Commission.

I am a 35-year resident of the unique and treasured Napa Valley. During this time I've lived in both the unincorporated County of Napa and the incorporated City of Napa, while working as an agricultural banker, project manager, and business consultant. The father of five sons, I have been a wine grower, and served in a number of community volunteer roles, and as a director of several non-profits. Simply put, I care about the sustainability of our greater community and want to continue to serve to help shape its future health and vibrancy. I believe that as the economy and demographics of Napa's county and cities evolve, a careful and deliberate approach to land use issues is critical. I have a deep appreciation of our precious environmental resources, to include open space and wildlife. I also understand the importance of effective management of the growth of our cities, and the judicious mitigation of sphere of influence issues, honoring our Agricultural Preserve and Agricultural Watershed.

b) Summarize your qualification to serve on the Commission.

I will bring a perspective of proactively planning urban growth, having worked for two years as a Napa City Planning Commissioner. I've learned that each project introduced to our communities requires vigilant analysis, heightened collaboration with the community members, planners, and legislators, and thoughtful decision-making, particularly with regard to the City of Napa's General Plan, to include housing, hospitality, and infill projects. As a nine-year member of the Napa County Planning Commission, twice Chair, I have learned to seek the most beneficial, fair and balance outcome to all parties, while embracing the vision and spirit of the Agricultural Preserve, County of Napa's General Plan, and Winery Definition Ordinance. The position required collaboratively managing the delicate balance between preserving and protecting our rural and agrarian identity, economic livelihood, and accommodating reasonable housing and infrastructure development. For example, I was Chair during the Napa Pipe Hearings, among other high profile projects. I have served as Chair of the Airport Land Use Commission and the Airport Advisory Commission, understanding and managing the significant impacts of development in appropriately designated areas, utilizing the Airport Land Use Compatibility Plan. I have served on the Watershed Information and Conservation Council, and know the issues facing our Agricultural Watershed and the value of both tree and water protection. I have recently served as Chair of the Napa County Assessment Appeals Board, and understand the determinants and impacts of countywide taxation and land valuation.

c) List any formal education received beyond high school.

EDUCATION

- **Master of Business Administration, Saint Mary's College of California**
Honors: Entrepreneurship
- **Bachelor of Arts, University of California Berkeley** History/Urban Planning
Thesis: Urban Planning of Daniel Hudson Burnham
- **Graduate Certification, University of Washington Foster School of Business /Pacific Coast Banking School** Finance/Bank Administration
Thesis: Environmental Risks and Superfund Legislation
- **Archeology/Architecture Certification, Hebrew University Jerusalem**

Michael Basayne

PROFESSIONAL CERTIFICATION AND ADDITIONAL STUDY:

- Tax Assessor Training/CA Board of Equalization (ongoing)
- Airport Land Use Planning, CEQA, Wetlands Habitat Conservation, UC Davis Extension
- Sustainability and General Plans, Climate, American Planning Association
- Planning Commissioner Academy, California League of Cities
- Leadership Napa Valley Graduate Class 19, Winner Best Practicum Project: Napa Valley Clean
- Additional courses in California Real Estate Practice, Principles, Finance, Law

d) List community activities and interests

- Chairman Napa County Assessment Appeals/Board of Equalization 2018- Present
- Commissioner Napa County Planning Commission 2009 – 2018
- Chairman Napa County Planning Commission 2016, 2011
- Commissioner, Napa County Airport Land Use Commission 2009 - 2018;
- Chairman, Napa County Airport Land Use Commission (2016, 2011)
- Liaison, Napa County Airport Advisory Commission 2012 - 2018
- Director, Napa Chamber of Commerce Board of Directors 2015 - Present
- Director, Leadership Napa Valley Board of Directors 2016- 2018
- President and Director, U.C. Berkeley Napa Valley Alumni Board of Directors 2007 - Present
- President Napa Sunrise Rotary 2018-2019;
- Sergeant-At-Arms, Napa Sunrise Rotary Board of Directors 2011-2014
- Director, Community Services, Napa Sunrise Rotary Board of Directors 2008-2009
- Director, Napa County Watershed Information Board of Directors 2009 -2012
- Founding Member Napa Valley Clean/Earth Day 2006-2010
- Member, Steering Committee Napa Valley Wine Auction 2005 - 2011
- Commissioner, Napa City Planning Commission 2006-2009
- Vice Chairman, Napa City Planning Commission 2008
- Director & Finance Chairman, Volunteer Center of Napa 2005-2008
- Director, Napa Youth Optimist Basketball League Board of Directors 2001-2010
- Director, Junior Achievement of Napa Board of Directors 2005-2010
- Assistant Troop Leader, Boy Scouts Silverado District, Mt. Diablo/Silverado Council 1998-2001