



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### MEETING MINUTES OF DECEMBER 3, 2007

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

Chair Gingles called the meeting to order at 4:04 p.m.

Roll was called with Regular Commissioners Dodd, Kelly, Inman, Wagenknecht and Chair Gingles present. Alternate Commissioners Luce and Rodeno were also present.

Absent: Alternate Commissioner Coffey.

Staff present: Keene Simonds, Executive Officer; Jackie Gong, Commission Counsel and Kathy Mabry, Commission Secretary.

#### 2. **PLEDGE OF ALLEGIANCE**

Chair Gingles led the audience, staff and Commission in the Pledge of Allegiance.

#### 3. **APPROVAL OF MINUTES: October 1, 2007 and October 15, 2007 Meetings**

The Commission was presented with minutes from the regular meeting of October 1, 2007 and special meeting of October 15, 2007 for approval. Upon motion by Commissioner Wagenknecht and second by Commissioner Dodd, the minutes were approved.

#### 4. **PUBLIC COMMENT**

Chair Gingles opened the public comment period. Napa Resident, Muriel Fagiani, 905 Caymus Street, made a request to have agenda item #10b be heard first. Chair Gingles asked for a show of hands in the audience of others who were present for agenda item #10b. After seeing the show of hands, Chair Gingles stated that he did not object to Ms. Fagiani's request, and asked the Commission if they objected to moving up agenda item #10b. There were no objections to this request. Commissioner Wagenknecht then requested that agenda item #5 (consent calendar) be heard before item #10b. There were no objections to this request. Chair Gingles closed the public comment period.

#### 5. **CONSENT CALENDAR**

##### **a) First Quarter Budget Report for Fiscal Year 2007-2008**

The Commission reviewed a first quarter budget report for the 2007-2008 fiscal year.

##### **b) Adoption of Calendar for the First-Half of 2008**

The Commission adopted the calendar for the first-half of 2008 with meeting dates of February 4, March 3, April 7, May 5 and June 2, 2008 (Note: no meeting is scheduled for January 2008).

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

**At the public's request, this item was moved up to this point:**

**10. b) INFORMATION ITEMS – Current and Future Proposal**

Commissioner Dodd reminded the public that agenda item #10b is considered an information item where staff is summarizing current and future proposals, and that no action will be taken on the proposals today.

Staff summarized the current status of the proposals currently on file with LAFCO. Staff noted that it was still reviewing the *Golden Gate Drive/Foster Road Reorganization*. Staff continues to evaluate the proposal with respect to addressing the 14 service factors required for consideration under Government Code §56668. In addition, a property tax agreement between the City and County must be completed before the Commission can consider the proposal. The 60-day negotiation period for the agencies to enter into an agreement ends on December 28, 2007.

Napa Resident, Bob Walsh, 1020 Grandview Drive, asked if the City of Napa has complied with CEQA and if LAFCO will consider that in this proposal. Staff responded that CEQA will be a part of LAFCO's consideration of this proposal.

Commissioner Kelly asked when this matter might come back for future consideration by the Commission. Staff responded with an estimated March 2008 meeting date, and advised that when the proposal is ready for consideration, there will be a 21-day public notice period to property owners or registered voters within 300 feet of the proposal site, as well as a posting on the LAFCO website.

Muriel Fagiani asked if she could be placed on the mailing list. Staff responded by informing her and anyone else who is interested, that upon request, their name will be placed on a mailing list to receive notices regarding the Golden Gate/Foster Road Reorganization.

**6. PUBLIC HEARING ITEMS**

**a) Lake Berryessa Resort Improvement District: Sphere of Influence Review**

Staff provided an overview of the final municipal service review report that had been prepared for the Lake Berryessa Resort Improvement District. Chair Gingles opened and closed the public hearing with no comments received.

Upon motion by Commissioner Wagenknecht and second by Commissioner Kelly, the resolution affirming the sphere of influence was approved. (LAFCO Resolution #07-28).

**b) Napa-Berryessa Resort Improvement District: Sphere of Influence Review**

Staff provided an overview of the final municipal service review report that had been prepared for the Napa-Berryessa Resort Improvement District. Chair Gingles opened and closed the public hearing with no comments received.

Upon motion by Commissioner Wagenknecht and second by Commissioner Dodd, the resolution affirming the sphere of influence was approved. (LAFCO Resolution #07-29).

**c) Spanish Flat Water District: Sphere of Influence Review**

Staff provided an overview of the final municipal service review report that had been prepared for the Spanish Flat Water District. Chair Gingles opened and closed the public hearing with no comments received.

Upon motion by Commissioner Dodd and second by Commissioner Wagenknecht, the resolution affirming the sphere of influence was approved. (LAFCO Resolution #07-30).

## **7. COMMISSION ACTION ITEMS**

### **a) Proposed Study Schedule for 2008-2012**

The Commission was presented with a proposed study schedule for 2008-2012 to calendar municipal service reviews and sphere of influence reviews for each local agency pursuant to Government Code Sections 56430 and 56425, respectively. Minor changes have been made to incorporate the comments and suggestions made by the Commission at its August 20, 2007 biennial workshop, which include advancing the review date of the Napa Sanitation District to occur in the same year as the review of the City of Napa.

Staff informed the Commission that a letter was received prior to this meeting from William Ross, City Counsel for American Canyon, requesting to move the City's Sphere of Influence Review to 2008. Mr. Ross addressed the Commission and advised that American Canyon has applied for an amended Sphere of Influence Review (see letter dated December 3, 2007), and asked that any review of the sphere and related MSR be removed from the current proposed study schedule.

Staff responded that it has been the practice of LAFCO to accommodate a City's request, and there is good reason to adjust/move American Canyon's review to 2008 due to comments received today, advising the Commission that it would be appropriate to move forward, and then staff revise the schedule and bring back to the Commission in February. Chair Gingles stated that would be acceptable to the Commission.

Upon motion by Commissioner Kelly and second by Commissioner Dodd, the Commission: 1) Approved the proposed study schedule for 2008-2012 as submitted; 2) Directed staff to circulate the proposed study schedule to each affected local agency for their comment; and 3) Directed staff to schedule a public hearing for the Commission to consider adopting a final study schedule at its first regular meeting in 2008.

### **b) Potential Reorganization Proceedings for the Napa River Reclamation District No. 2109**

Staff provided an overview to the Commission with respect to pursuing proceedings to reorganize the Napa River Reclamation District No. 2109 from a reclamation district to a community services district. Commissioner Wagenknecht provided background information on the district, stating that NRRD, like some other districts, does not have the powers to do what it is suppose to do.

Upon motion by Commissioner Wagenknecht and second by Chair Gingles, the Commission directed staff to: 1) Prepare an estimated outline of costs to process the reorganization for Commission review at the February 4, 2008 regular meeting; and 2) Prepare an estimated timeline to process the reorganization for Commission review at the February 4, 2008 regular meeting.

### **c) Appointments to the 2008-2009 Budget Committee**

Staff reported that the Commission's *Policy on the Preparation of the LAFCO Budget* requires it to appoint two members to serve as the budget committee and assist in the preparation of the next fiscal year budget.

Upon motion by Commissioner Dodd and second by Commissioner Wagenknecht, the Commission appointed Chair Gingles and Commissioner Kelly to serve as the 2008-2009 Budget Committee.

**7. COMMISSION ACTION ITEMS - continued:**

**d) Notice of Expiring Term: Alternate Public Member**

Staff summarized the Commission's options with respect to scheduling the appointment of an alternate public member to a four-year term commencing on May 5, 2008. Commissioner Rodeno was appointed on April 2, 2007 to fill the vacant and unexpired term of the alternate public member position. Commissioner Rodeno's term will expire on May 4, 2008. The Commission determined that the incumbent alternate public member, Gregory Rodeno, is eligible to seek reappointment. Commissioner Rodeno affirmed that he will seek reappointment to serve a new four-year term expiring May 4, 2011.

With the support of the Commission and after consultation with Counsel, a motion was made by Commissioner Wagenknecht and second by Commissioner Kelly to: 1) Return in April with noticed item for the Commission to reappoint Commissioner Rodeno. Staff added that it would renew and offer potential policy amendments consistent with the direction from the Commission at the April meeting.

**8. COMMISSION DISCUSSION ITEMS**

**a) Progress Report on the Current Study Schedule**

Staff provided the Commission with a progress report on its current study schedule for municipal service reviews and sphere of influence reviews for the period 2001 to 2007. The report was presented for discussion only. Staff informed the Commission that the remaining scheduled reviews would not be completed by the statutory deadline of January 1, 2008, and discussed the factors which contributed to the delay in completing the current schedule.

**9. EXECUTIVE OFFICER REPORT**

The Executive Officer provided the Commission with an oral report regarding:

- CALAFCO Legislative Committee: The last meeting was held in October and attended by staff. Changes to the County Services Area law and a clean-up of the Cortese-Knox-Hertzberg Act were discussed by staff.
- Comprehensive Policy Review: Staff advised that, beginning in February, staff will start presenting the Commission reviews of its current policies to consider whether or not revisions are appropriate as they relate to State and local laws.

**10. INFORMATION ITEMS**

**a) Designation of Chair and Vice-Chair for 2008**

Staff provided the Commission with a written report regarding the designation of the Chair and Vice-Chair for the 2008 calendar year. Based on the rotation system, Chair Gingles welcomed Commissioners Wagenknecht and Kelly as Chair and Vice-Chair, respectively, in 2008.

Chair Gingles stated that it has been a pleasure to serve as the Chair in the past year.

- b) At the public's request, this agenda item was moved up and heard following agenda item #5, Consent Calendar.**

**10. INFORMATION ITEMS – continued:**

**c) Request for Reconsideration of Commission Resolution No. 07-27**

Staff provided the Commission with a report regarding a written request from the City of American Canyon for the Commission to reconsider its recently approved policy relating to Government Code Section 56133 (Resolution No. 07-27). The City is seeking clarification of the policy but has offered no suggested amendments to the policy. After discussion, the Commission suggested that LAFCO staff meet with City staff to better understand and address the City's concerns with the policy, which will also give the City an opportunity to propose specific amendments to the policy for the consideration to the Commission.

**11. CLOSED SESSION**

**a) Public Employee Performance Evaluation** Title: Executive Officer

There was no reportable action taken.

Note: Commissioner Dodd left the meeting prior to this item.

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

There was no discussion of this item.

**13. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING:**

The meeting was adjourned at 5:09 p.m. The next regular LAFCO meeting is scheduled for Monday, February 4, 2008 at 4:00 p.m.

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Jack Gingles, Chair

ATTEST: Keene Simonds  
Executive Officer

Prepared by:

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Kathy Mabry  
Commission Secretary