

## **LOCAL AGENCY FORMATION COMMISSION MENDOCINO COUNTY**

The Local Agency Formation Commission convened a regular meeting on Monday, February 4, 2002 at 10:00 AM at the Ukiah Civic Center, Council Chambers.

### **AGENDA ITEM 1—CALL TO ORDER / ROLL CALL**

Chairman Melo called the regular meeting of the Mendocino Local Agency Formation Commission to order at 10:01 AM. The following Commissioners were present and seated: Hebrard, Lucier, Ranker, Simon, and Chairman Melo. Commissioners Ashiku and Commissioner Delbar were not present. Both had called to indicate that they would be unable to make the meeting.

Also present were Alternate Commissioners Shoemaker and Oslund as well as Executive Officer McMichael. Alternate Commissioner Shoemaker and Oslund were seated at 10:02 AM.

### **AGENDA ITEM 2—PUBLIC EXPRESSION**

No one indicated an interest in speaking during this time.

### **OFF AGENDA ITEM**

Chairman Melo reported that the Executive Committee (Melo, Lucier, Ranker) had met immediately previous to this meeting for purposes of discussing an item regarding the interim contract for services for Amy Jones Consulting. He further stated that the item was of sufficient urgency that he felt the full Commission should hear the issue and that the need for action on this item came forward after publishing and posting of the agenda.

Commissioner Lucier moved to place this item on the agenda as an urgency item that required action that came forward after the publication of the agenda. Commissioner Ranker provided the second. A polling of the Commissioners indicated unanimous approval of the motion. (Ayes—Hebrard, Shoemaker, Lucier, Simon, Oslund, Ranker, Melo; Nays—none; Abstains—none)

### **AGENDA ITEM 3—APPROVAL/CORRECTION OF MINUTES**

Alternate Commissioner Shoemaker requested delay in approving/correcting the minutes until the next meeting on March 4, 2002. Chairman Melo so ordered the delay.

**AGENDA ITEM 5—INTERVIEW SELECTION OF ALTERNATE PUBLIC MEMBER**

Chairman Melo asked Executive Officer McMichael to review the selection procedure for an alternate public member. After this presentation and some discussion, Candidate Gerald Ward was asked to make a presentation. Subsequent to Mr. Ward's presentation and questions of him, Commissioner Simon moved approval of the selection of Mr. Ward as the alternate public member. Alternate Commissioner Shoemaker provided the second. A polling of the Commissioners indicated unanimous approval of the motion. (Ayes—Hebrard, Shoemaker, Lucier, Simon, Oslund, Ranker, Melo; Nays—none; Abstains—none)

Subsequent to his selection, alternate Public Member Ward was given an agenda packet and Statement of Economic Interest for his assuming office statemnt.

**AGENDA ITEM 6—SELECTION OF OFFICERS**

Chairman Melo turned the proceedings over to Executive Officer McMichael for purposes of receiving nominations and conducting polling of nominees.

Commissioner Simon nominated Commissioner Melo for Chair. Before a second was received, Commissioner Melo declined the nomination indicating that he had served for three years and believes that it would be appropriate that someone else be chair. Commissioner Simon then removed his nomination from the floor. Subsequent to this Commissioner Melo nominated Commissioner Ranker for chair. Commissioner Oslund provided the second. Commissioner Ranker was approved for chair upon unanimous roll call vote of the Commissioners. (Ayes—Hebrard, Shoemaker, Lucier, Simon, Oslund, Ranker, Melo; Nays—none; Abstains—none)

Commissioner Simon then nominated Commissioner Lucier for vice-chair. Commissioner Ranker provided the second. Commissioner Lucier was approved for vice-chair upon unanimous roll call vote of the Commissioners. (Ayes—Hebrard, Shoemaker, Lucier, Simon, Oslund, Ranker, Melo; Nays—none; Abstains—none)

It was decided by unanimous agreement that Commissioner Melo would continue as chair for the balance of this meeting and that incoming Chairwoman Ranker would assume her duties at the March 4, 2002 meeting.

It was also agreed that assignment to committees would occur at the March 4<sup>th</sup> meeting as an agenda item.

**AGENA ITEM 5—TIMED PUBLIC HEARING**  
**LAYTONVILLE COUNTY WATER DISTRICT ANNEXATION AND SPHERE**  
**OF INFLUENCE AMENDMENT PROTEST PROCEEDINGS**

Chair Melo began this item at 10:30 a.m. Chairman Melo reviewed the Proof of Publication Notice for these proceedings. Commissioner Oslund seconded by Commissioner Lucier moved acceptance of the Proof of Publication. The polled vote by the chair was unanimous for acceptance. (Ayes—Hebrard, Shoemaker, Lucier, Simon, Oslund, Ranker, Melo; Nays—none; Abstains—none)

Chairman Melo then directed Executive Officer McMichael to review his report. E.O. McMichael reviewed his report as written and submitted. He requested one change to report; that is the motion as indicated in the report for Item 4 be in the form of a resolution. He provided a copy of the proposed resolution to each Commissioner, the substance of which was the same as the motion indicated in his staff report. He reported that he had received two written protests previous to this hearing.

At 10:41 a.m. Chairman Melo opened the public hearing and asked persons to come forward to protest. There were only three people in the audience; they included newly appointed public member alternate Commissioner Gerald Ward, Dave White, General Manager of the Laytonville County Water District and an unknown third person. No one came forward to speak.

Chairman Melo closed the public hearing at 10:42 a.m.

It was noted that the two written protests received did not approach the number of voters or landowners required for an election or termination. After closure of the public hearing Commissioner Lucier moved acceptance and waiver of reading of Resolution 2002-01, titled Resolution of Approval after Protest Hearing for Laytonville County Water District Annexation—January 2001. Commissioner Ranker provided the second. Upon a roll call vote (Ayes—Hebrard, Shoemaker, Lucier, Simon, Oslund, Ranker, Melo; Nays—none; Abstains—none) the resolution was approved.

### **AGENDA ITEM 7—MID YEAR BUDGET REVIEW**

The mid-year budget as reported in the staff report was reviewed by the Commissioners. E.O. McMichael reviewed various year-to-date (12-31-01) expenditures and the balance of the various line items. He noted that the Commission year-to-date revenues were \$30,798.99 below anticipated revenues. This amount was from a few districts not paying their apportioned fees with the bulk of the amount being from the Coast Hospital District.

Executive Officer McMichael then reviewed the process whereby the Auditor can be requested to remove the money from the property taxes or any other fee or eligible revenue. After discussion and questions of the process and the need for the process as outlined in the resolution, Commissioner Hebrard moved approval and waiver of reading of Resolution 2002-02, titled Resolution Requesting the Auditor to Collect Apportioned Fees Due to LAFCO Under Government Code Section 56381. Alternate Commissioner Shoemaker provided the second. The resolution was approved 6/1 upon a roll call vote (Ayes—Hebrard, Shoemaker, Lucier, Simon, Ranker, Melo; Nays—Oslund; Abstain—None)

## **ITEM 8—REPORTS**

### A. Executive Officer Reports/Off Agenda Item

Executive Officer McMichael reviewed the circumstances surrounding the re-write of the Policies and Procedures as contracted to Amy Jones Consulting. He then reported the substance of a phone call that he made to her on January 31, 2002 regarding her failure to provide the Policies and Procedures by December 31, 2001 as required by her contract. He further reported her statement in that phone conversation that she had not completed the policies and procedures, that she was uncertain as to when she might complete the re-write, that she could not provide a date certain for the completion and that she would return the money paid to her for the re-write if the Commission so desired. After questions and discussion two motions were proposed.

The first motion by Commissioner Simon, seconded by Commissioner Ranker, directed E.O. McMichael to communicate to Amy Jones Consulting that the Commission found her in violation of her contract, that they were terminating any further contractual relationship with her and she was to return all funds that she had received for writing the contract within 30 days. Upon a polled vote by the Chair, the Commission was unanimous in approving the motion. (Ayes—Hebrard, Shoemaker, Lucier, Simon, Oslund, Ranker, Melo; Nays—none; Abstains—none)

The second motion by Commissioner Lucier, seconded by Commissioner Simon, directed that a contract be negotiated with E.O. McMichael to rewrite the Policies and Procedures and that such contract was not to exceed the amount budgeted for the work that Amy Jones Consulting was to provide; and that such funds were to be obtained from contingency reserve until the funds owed by Amy Jones Consulting were returned. The proposed contract was to be brought to the Commission on March 4, 2002 for review and approval.

Upon a polled vote by the Chair, the Commission was unanimous in approving the motion. (Ayes—Hebrard, Shoemaker, Lucier, Simon, Oslund, Ranker, Melo; Nays—none; Abstains—none)

### B. Commission Reports

There were no reports from the Commissioners.

## **AGENDA ITEM 9—CORRESPONDENCE**

The Commission received the letter to Redwood Valley County Water District from the State Water Resources Board without comment.

## **AGENDA ITEM 10—ADJOURNMENT**

Being no other business the Commission adjourned at 12:10 p.m.

Chairman Melo placed this item to be heard at the time that Executive Officer McMichael made his report.

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Upon hearing this, the Executive Committee indicated that they were unable to make a decision regarding this issue and that it should be brought before the full Commission at 10:00 AM as an off agenda item.

The Executive then adjourned to the regular scheduled meeting of the Commission at 9:50 AM.