

**LOCAL AGENCY FORMATION COMMISSION
MENDOCINO COUNTY
Minutes**

The Local Agency Formation Commission convened a regular meeting on Monday, August 4, 2003 at 10:00 AM, at the City of Ukiah Council Chambers, 300 Seminary, Ukiah.

AGENDA ITEM 1—CALL TO ORDER / ROLL CALL

Chairwoman Ranker called the regular meeting of the Local Agency Formation Commission of Mendocino County to order at 10:02 AM. The following Commissioners were present and seated: Delbar, O'Brien, Simon and Chairwoman Ranker. Also present were Alternate Commissioners Orth, Larson and Wagonet as well as Executive Officer McMichael. Commissioner Melo and Oslund were absent but had called to indicate that they would be unable to attend; Commissioner Ward was absent. Alternate Commissioner Larson and Wagonet were immediately seated as Commissioners. At 10:08 AM Commissioner Colfax arrived and was seated with Commissioner Wagonet relinquishing his seat.

AGENDA ITEM 2—PUBLIC EXPRESSION

There was no one from the public who expressed an interest in speaking.

AGENDA ITEM 3—APPROVAL/CORRECTION/ADOPTION OF MINUTES

Upon a motion by Commissioner Simon and seconded by Commissioner Larson the minutes of June 2, 2003 were approved as submitted. (Ayes: Simon, Colfax, Delbar, Larson and Chairwoman Ranker; Nays: None. Absent: Melo, Oslund)

Upon a motion by Commissioner Delbar and seconded by Commissioner Simon the Executive Committee minutes of July 10, 2003 were approved as submitted. (Ayes: Delbar, Simon, and Chairwoman Ranker; Nays: None).

AGENDA ITEM 4—SWEARING IN OF NEW DISTRICT COMMISSIONER

Chairwoman Ranker swore in Commissioner Edward F. O'Brien, III at 10:10 a.m. and signed the certificate of appointment. A copy was provided to the new commissioner and for the records of LAFCO.

AGENDA ITEM 5—BROOKTRAILS OUT-OF-AREA SERVICE AGREEMENT

Chairwoman Ranker reopened the public hearing at 10:12 a.m. Executive Officer McMichael provided a report on Brooktrails out-of-area service agreement to the commissioners and suggested correction of two typographical errors to Resolution 2003-05.

Tony Orth, member of the Board of Directors of Brooktrails CSD and alternate Commissioner to LAFCO, spoke in support of approval of the out of area service agreement.

Mike Chapman, General Manager of Brooktrails CSD, answered questions as to inspection procedures and response time to the subject location.

Upon closure of the public hearing at 11:00 a.m., and upon a motion by Commissioner Delbar seconded by Commissioner Simon, Resolution 2003-05 as corrected and as provided below was

approved for an out-of-area service agreement for Brooktrails CSD by the following roll call vote: Ayes: Simon, Colfax, O'Brien, Delbar, Larson and Chairwoman Ranker; Nays: None; Absent: Melo, Oslund).

RESOLUTION 2003-05
APPROVING AN OUT-OF-AREA FIRE SERVICE AGREEMENT BETWEEN BROOKTRAILS
TOWNSHIP COMMUNITY SERVICES DISTRICT AND EARL AND CHRISTINA COLLINS
LOCATED AT 30901 SHERWOOD RD., WILLITS, APN 037-602-04

WHEREAS, the owners of the subject parcel have made application to the County of Mendocino for a Use Permit to operate a bed-and-breakfast inn at 30901 Sherwood Rd., Willits and have been granted said Use Permit #U11-2002; and

WHEREAS, the subject property is outside the Brooktrails Township Community Services District boundary but is within the sphere of influence of said district; and

WHEREAS, the District has concern that the proposed change of use of the property would result in additional risk of fire to be borne by the community of Brooktrails; and

WHEREAS, LAFCO has received a proposal for an out-of-area service agreement between the Brooktrails Township Community Services District and Earl and Christina Collins located at 30901 Sherwood Rd. Willits; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report as per the requirements of Government Code Section 56133 including his recommendation thereon, and the proposal and report have been presented to and considered by this Commission; and

WHEREAS, this Commission called for and held a public hearing on the proposal on June 2, 2003 and continued the hearing to August 4, 2003 where the Commission heard and received any and all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, the Commission certifies that they have reviewed and considered the environmental document prepared for this proposal and a Notice of Exemption will be filed upon approval; and

WHEREAS, the Commission has determined that there is an impending risk to public safety of the residents of the Brooktrails community and the residents and customers of the bed-and-breakfast because of the issuance of this use permit and the increased number of people and activities associated with this location; and

WHEREAS, there will be an increased need for fire prevention services to this location, the Commission has determined that it is crucial that regular facility inspections occur and a Vegetation Management Program be enforced; and

WHEREAS, an out-of-area fire services contract will be executed between Brooktrails Township CSD and the owners of the subject parcel and is attached hereto and by this reference is incorporated herein and the Commission has determined that the ability of the Brooktrails Township Community Services District to provide service to the annexation area is adequate;

NOW, THEREFORE, BE IT DETERMINED, RESOLVED AND ORDERED BY the Local Agency Formation Commission of the County of Mendocino, as follows:

1. The out-of-area service agreement as noted in Exhibit A attached hereto and by reference incorporated herein, is approved.

2. Because of special circumstances of public safety, the Brooktrails Township Community Services District is not required to seek annexation of this parcel in the future.
3. The territory which includes one parcel is found to be uninhabited, and is assigned the following distinctive short form designation:

BROOKTRAILS OUT-OF-AREA FIRE SERVICE AGREEMENT—AUGUST 2003

4. The end date for the reconsideration period as required in Government Code Section 56895 subdivision (b) and Section 57002 is determined to be September 3, 2003.
5. The Chair is authorized to sign and date the Fire Service Agreement concerning real property identified as APN 0370602-04.
6. The Executive Officer is hereby authorized to file and record the Notice of Exemption with the County Clerk

Passed and adopted on August 4, 2003 by the following vote, to wit:

AYES:
NAYS:
ABSTAINS:
ABSENT:

Dated: August 4, 2003

_____ F. Camille Ranker, Chairwoman—LAFO

After the public hearing closure and vote, direction was given to Executive Officer McMichael to contact county planning regarding their approval of Use Permit U11-2002 without acknowledging the requirements of Brooktrails CSD and LAFCO for approval of fire services to the subject location and that a report be placed on the September agenda regarding this issue.

AGENDA ITEM 6—EXECUTIVE COMMITTEE REPORT AND RECOMMENDATION FOR SERVICE REVIEWS

Chairwoman Ranker and the Executive Committee provided a report and recommendation of approval of a proposal by Executive Officer McMichael to attempt to complete the requirements of Sphere Updates/Service Reviews as required by Government Code Section 56425 and 56430 with him as primary staff and with the help of a secretary/clerk position to be funded by the Commission.

After discussion and questions of Executive Officer McMichael of his ability to complete this work without the hiring of consultants and without a high cost to districts and cities, Commissioner Delbar entered a motion, seconded by Commissioner Larson that the proposal be approved and that the position be funded at a cost of \$25,000 per year.

Additional discussion and questions ensued, during the course of which Commissioner Larson left the meeting at 11:35 a.m. Subsequent to his leaving the following roll call vote was taken: Ayes: Simon, Colfax, Delbar, and Chairwoman Ranker; Nays: None; Abstain: O'Brien; Absent: Melo, Oslund and Larson

AGENDA ITEM 7—CALAFCO CONFERENCE

- A. Executive Officer McMichael received confirmation from Commission Ward, Commissioner Simon, Commissioner Oslund and Commissioner Wagonet that they will be attending the CALAFCO Conference.
- B. Chairwoman Ranker asked for nominations to the CALAFCO Board but none were proposed.

AGENDA ITEM 8—REPORTS

- A. Executive Officer McMichael reported to the commissioners on the up coming projects he will be working on.
- B. There were no reports by the commissioners.

AGENDA ITEM 9—CORRESPONDENCE

- A. The Commission received the Memo to Districts regarding AB 1948 without comment.

AGENDA ITEM 10—ADJOURNMENT

Being no further business the Commission adjourned at 11:45 a.m.