

LOCAL AGENCY FORMATION COMMISSION MENDOCINO COUNTY

The Local Agency Formation Commission convened a regular meeting on Monday, October 4, 2004 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 10:00 AM. The following Commissioners were present and seated: Melo, Oslund Colfax, Simon, Delbar and Chairwoman Ranker. Also present were Alternate Commissioners Wagonet, Ward, Orth and Larson as well as Executive Officer McMichael. Commissioner O'Brien was not present. Alternate Commissioner Orth was seated in Commissioner O'Brien's absence.

AGENDA ITEM 2—PUBLIC EXPRESSION

There was no one from the public who indicated an interest in speaking at this time.

AGENDA ITEM 3—APPROVAL/CORRECTION/ADOPTION OF MINUTES

Upon a motion by Commissioner Melo and seconded by Commissioner Simon the minutes of August 2, 2004 were approved and adopted as submitted. (Ayes: Melo, Simon, Colfax, Delbar and Chairwoman Ranker) Nays: None; Abstain: Oslund and Orth; Absent: O'Brien)

AGENDA ITEM 4—DISCUSSION/DIRECTION AS TO NICOLL SUBDIVISION APPLICATION AND COMPLETION OF WASTEWATER MSR

Chairwoman Ranker requested that Executive Officer McMichael provide a review of his written report regarding the Nicoll subdivision application for annexation to the Ukiah Valley Sanitation District.

Upon completion of that report and discussion among the Commissioners, Commissioner Delbar entered a motion, seconded by Commissioner Colfax, that direction was given to Executive Officer McMichael to complete the annexation application process for the Nicoll subdivision prior to completing the Ukiah Valley Wastewater MSR.

It was requested that the following information and reasons for providing this motion for direction to Executive Officer McMichael be made part of the record for the motion:

“The Nicoll subdivision process had been begun prior to the requirements of Cortese-Knox-Hertzberg and the Commission’s subsequent Policy and Procedure requirements requiring a service review for the annexing agency before an annexation could be completed. The subdivision process had been unable to be completed because of a State imposed moratorium on the Millview CWD, which is the water supplier to the project. Upon appeal and after many months, the State subsequently released the moratorium for the Nicoll project, because Millview had approved this project for service prior to the imposition of the moratorium. With the release of the moratorium for this project, the subdivision process with the County and the annexation process with LAFCO were able to go forward. However, because of the delay caused by this special circumstance, the annexation application was in “straddle” of the old Cortese-Knox requirements and policies and the new Cortese-Knox-Hertzberg requirements and policies, which required that a service review be completed for the annexing agency before an annexation could be completed. The extended delay was not caused by the applicant but by agency decisions and processes outside of his control. Because of this extensive delay, new requirements were enacted that were not in place when the applicant began the process. The motion acknowledges the particular circumstances of this application.”

The motion was approved unanimously: (Ayes: Melo, Oslund, Colfax, Simon, Orth, Delbar and Chairwoman Ranker; Nays: None; Abstain: None; Absent: O’Brien)

Upon completion of the vote on the motion, the Commission requested that the record indicate that this decision did not reflect a precedent for future applications, in that this was a “straddle” application between old and new requirements, caused by the special circumstance of a moratorium imposed by the State Water Control Board, which moratorium was subsequently lifted for this project only. Because future applications would not have these special circumstances of moratorium and “straddle” between old and new requirements, this decision would, therefore, not be a precedent for future applications or decisions of the Commission.

After the vote on this agenda item, Commissioner Delbar left for attendance at another meeting. Alternate Commissioner Wagonet served for the balance of the meeting.

AGENDA ITEM 5—DISCUSSION/DIRECTION AS TO INTEGRATED REGIONAL WATER MANAGEMENT PLAN (IRWMP) REQUESTED BY COMMISSIONER MELO

Commissioner Melo provided a review of his memo dated August 22, 2004 and attached documents. After discussion by the Commission regarding the IRWMP, direction was given to Executive Officer McMichael that a cover letter and the documents provided by Commissioner Melo be sent to all water and wastewater districts in the County so as to make the districts aware of this issue. The letter was to provide emphasis that those agencies that did not approve a Memorandum of Mutual Understanding and become part of the IRWMP would not be eligible for Proposition 50 funding and future water bonds.

AGENDA ITEM 6—REPORTS

- A. Executive Officer McMichael provided a report of his attendance at the CALAFCO conference; his meeting with the Westport CWD Chair and BOD and; that he had received an application from Redwood Coast Fire Protection District for annexation of the Irish Beach Water District territory.
- B. Commissioner Wagonet provided a report that the Russian River Flood Control and Water Conservation District (RRFC&WCD) had held a meeting on September 13, 2004 regarding its plans to require contracts for water. He stated that these contracts would be the same for all private and public entities and it was his belief that the contracts would not encourage conservation and that parties potentially subject to these contracts had not had sufficient time for comment and response regarding the proposed contracts. Additionally, he stated that the public comment period for the proposed contracts would close before the next regular scheduled meeting of LAFCO and that the Commission should have the opportunity to comment.

After providing the report regarding the Russian River Flood Control and Water Conservation Improvement District's proposed water supply contracts and that the comment period would close before the next regular scheduled meeting of LAFCO, Commissioner Wagonet entered a motion that "The Russian River Flood Control and Water Conservation Improvement District water supply contracts be placed on the this meeting's agenda as Agenda Item 7, in that there is a need to take immediate action on this issue and that the need for action came to the attention of the Commission subsequent to the posting of the agenda." Commissioner Melo provided the second. The motion was approved unanimously (Ayes: Melo, Oslund, Colfax, Simon, Orth, Wagonet and Chairwoman Ranker; Nays: None; Abstain: None; Absent: O'Brien and Delbar)

AGENDA ITEM 7—NEW BUSINESS NOT APPEARING ON THE POSTED AGENDA—RUSSIAN RIVER FLOOD CONTROL AND WATER CONSERVATION IMPROVEMENT DISTRICT WATER SUPPLY CONTRACTS

Chairwoman Ranker announced that as allowed by Section 54954.2(b) of the Brown Act the Commission would discuss the Russian River Flood Control and Water Conservation Improvement District's proposed water supply contracts and the need for comment by the Commission.

After additional input from Commissioner Wagonet and discussion by the Commission, and upon a motion by Commissioner Wagonet seconded by Commissioner Orth, Executive Officer McMichael was directed to send a letter to the Russian River Flood Control and Water Conservation Improvement District requesting that the period of time available for comment on the proposed water supply contracts be extended so that the Commission would have time to examine the issue. Additionally, the motion included an invitation to the District Chair that she, or her designate, attend the November LAFCO meeting for purposes of briefing the Commission on this important issue. The motion was

approved unanimously (Ayes: Melo, Oslund, Colfax, Simon, Orth, Wagonet and Chairwoman Ranker; Nays: None; Abstain: None; Absent: O'Brien and Delbar).

AGENDA ITEM 8—ADJOURNMENT

Being no further business the Commission adjourned at 10:58 AM.