

**LOCAL AGENCY FORMATION COMMISSION  
MENDOCINO COUNTY**

The Local Agency Formation Commission convened a regular meeting on Monday, September 12, 2005 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 10:03 AM. The following Commissioners were present and seated: Simon, Oslund, O'Brien, Wattenburger, Melo and Chairwoman Ranker. Also present were Alternate Commissioners Ward and Orth as well as Executive Officer McMichael. Commissioner Delbar and Smith were absent but had previously called to indicate their expected absence. Alternate Commissioner Ashiku was absent without providing notice of his expected absence.

**AGENDA ITEM 2 — PUBLIC EXPRESSION**

There was no one from the public in attendance at the meeting who requested the opportunity to speak at this time.

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

Upon a motion of approval by Commissioner Melo and seconded by Commissioner Simon the minutes of August 1, 2005 were approved and adopted as presented. (Ayes: Simon, Melo, Oslund, O'Brien and Chair Ranker; Nays: None; Abstain: Wattenburger; Absent: Delbar and Smith)

**AGENDA ITEM 4 — OATH OF OFFICE FOR ALTERNATE COMMISSIONER MARK ASHIKU AS APPOINTED BY THE CITY SELECT COMMITTEE**

Because Alternate Commissioner Ashiku was absent from the meeting, Chairwoman Ranker directed that this item be continued to the next meeting.

**AGENDA ITEM 5 — CONTINUED ITEM FROM AUGUST 1, 2005 MEETING  
DISCUSSION/DIRECTION REGARDING LAFCO POLICY REQUIRING APPROVED  
DEVELOPMENT PLANS WHEN VACANT TERRITORY THAT CAN BE  
SUBDIVIDED IS PROPOSED FOR ANNEXATION TO A CITY OR DISTRICT AND  
PROPOSED ANNEXATION TO CITY OF UKIAH OF THE BRUSH STREET  
TRIANGLE [See LAFCO's Policy and Procedures, Chapter IV—General Policies That  
Apply For All Applications, Page 37, Paragraph 9 ([www.mendolafco.org](http://www.mendolafco.org))]**

Executive Officer McMichael reported that this item was continued from our August meeting for the purpose of receiving input from the city council of the City of Ukiah and that they had held their meeting on this issue at the same time that he had been attending the CALAFCO conference. And, that the City Council had continued their agenda item

regarding this issue until September 21, 2005 so the E.O. McMichael could be at that meeting for purpose of answering questions.

E.O. McMichael recommended that this agenda item be continued to the October regular meeting for the purpose of accommodating the Council's request. Chair Ranker, after ascertaining Commission's agreement, indicated that this item would be continued to the October meeting but she would allow any one in the audience who wished to speak on this item to speak now.

Lee Howard, Redwood Valley, spoke of his concerns about the poor planning efforts of the City, Willow CWD water service issues in the south part of the City, the City providing service to hangar areas not annexed to the City and the need for completion of the Sphere of Influence Update according to its general plan.

Judy Pruden, Ukiah, speaking for the Wagonseller Neighborhood Association, indicated her belief that the entire Brush St. Triangle should have a comprehensive planning document. She urged that the Commission's policy requiring approved development plans be followed by the Commission and that the Commission should not circumvent the annexation process as provided in their policy and procedures. She also indicated that she sat on the Citizen's Advisory Committee (CAC) for the City's General Plan and that the failure to properly plan for the Brush Street Triangle area could affect the future of the Ukiah Valley in significant ways.

Jack Cox, 551 Pomo Lane, Ukiah, stated that he found it hard to understand the need for a specific plan for the Brush Street Triangle because things are forever changing and what may seem appropriate today may not be the reality over time.

At the conclusion of Mr. Cox's statements no other person from the audience indicated an interest in speaking on this issue. At that time E. O. McMichael asked for the opportunity to correct the record based on a statement by Mr. Cox. Upon the Chair's concurrence E.O. McMichael indicated that Commission's policy did not require a specific plan as indicated by Mr. Cox but that approved development plans could include such things as a use permit, a vested tentative map, a specific plan, a planned unit development or an area plan as indicated in the City's General Plan or recently completed EIR. Chairwoman Ranker directed that the record so indicate this correction for the record.

Alternate Commissioner Orth requested the opportunity to speak on this issue and was granted the opportunity to speak by the Chair. Alternate Commissioner Orth indicated that he supported Commission's policy under question and that he supported Motion #1 as contained in the staff report. He stated that the Commission should follow the guidelines as developed in LAFCO's policy and procedures and that following the guidelines would ensure that good planning from the City would occur and that we should not go forth with a growth inducing proposal without a specific planning document for the purpose of making our decisions.

Upon conclusion of Alternate Commissioner Orth's remarks, Commissioner Simon indicated that he generally agreed with Commissioner Orth and that we should uphold the policy as written but that he had no objection to continuing this item until October.

Seeing no interest from any other Commissioner to speak on this matter, Chairwoman Ranker directed that this item be continued until the October meeting.

AGENDA ITEM 6 — DISCUSSION/DIRECTION OF THE USE OF THE MENDOCINO COUNTY WATER AGENCY DIRECTOR, ROLAND SANFORD, FOR THE PURPOSE OF INTERVIEWING AGENCIES FOR THE COMPLETION OF THE WATER SERVICE REVIEW QUESTIONNAIRE AND THE COMPILING OF THE REPORT FOR THE UKIAH VALLEY/RUSSIAN RIVER WATERSHED

Upon direction of the Chair, E.O. McMichael provided a report that he had met with Mr. Sanford several times in discussion of the process and budget for this effort and that Mr. Sanford had contacted the water agencies offering to assist in the completion of the water service review questionnaire but that most had refused, indicating that they would complete the process themselves. E.O. McMichael indicated that the budget was therefore difficult to quantify, that the \$2,000 to \$3,000 figure in the written report for hard costs was very conservative and that it could easily be more, depending on the need for GIS, multiple drafts for circulation, etc. He also indicated the \$5,000 to \$8,000 figure in the written report for overall costs for compilation and completion of the report was also an estimate based on very little information as to the time that will be needed for interacting with the agencies under review.

Roland Sanford, from the County Water Agency, reported that subsequent to his meeting with E.O. McMichael, two agencies (Willow and Calpella) had indicated a possible interest in help and Redwood Valley CWD and Hopland CWD had indicated a “maybe” for help.

After receiving this reports, the Commission discussed the possibility of applying a new deadline to the agencies. Commissioner Melo indicated that if completion could not be obtained soon, he would consider a closed session for the purpose of pursuing court action for a writ of mandamus to force the agencies to respond.

Commissioner Wattenburger indicated that he agreed that the Commission needs to move forward on this issue but thought one final attempt should be made before court action is pursued.

He provided a motion that LAFCO continue to work with County Water Agency on this issue up to a maximum of \$8,000 dollars in costs. The motion was seconded by Commissioner Melo and was unanimously approved. (Ayes: Wattenburger, Simon, Melo, Oslund, O’Brien and Chair Ranker; Nays: None; Abstain: None; Absent: Delbar and Smith) During the discussion on this issue and the motion Commissioner Wattenburger indicated that he thought that the subcommittee for this service review (Delbar, Wattenburger & Simon) should seek to be placed on the agendas of the agencies under review for the purpose of speaking to agency Board members about the necessity of completing these reviews.

AGENDA ITEM 7 — RESOLUTION OF THE COMMISSIONERS OF THE LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY FOR THE ELECTION OF SEVEN DIRECTORS TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS

The Commission discussed and reviewed the candidate list for the SDRMA Board of Directors. Upon completion of the discussion, Commissioner Simon provided a motion, seconded by Commissioner Wattenburger, to approve Resolution 2005-02 with Thomas N. Lewis, Gregory S. Hall and John Woolley as the candidates selected by the Commission. The motion was approved

on the following roll call vote: Ayes: Wattenburger, Simon, Melo, Oslund, O'Brien and Chair Ranker; Nays: None; Abstain: None; Absent: Delbar and Smith.

#### AGENDA ITEM 8 — REPORTS

A. Executive Officer McMichael reported that he would be appearing before the County Grand Jury on September 26, 2005 per their request. He also indicated that he would be appearing before Ft. Bragg Rural FPD on September 28 to provide information about LAFCO per their request.

B. Commissioner Melo reported that the City of Fort Bragg had received a specific plan proposal from the owners of the White property proposed for annexation to the City and that the City would be engaging in the SOI/MSR process with the use of consultants.

Commissioner Wattenburger indicated that the Fire/Ambulance subcommittee of the BOS, comprised of Board members Wattenburger and Wagonet along with representatives from the Fire Chief Association had met previously regarding the MSR process for fire and were intending to complete the MSRs on the basis of four zones in the County and were interested in using the MSR process for purpose of addressing service response issues and long term funding.

#### AGENDA ITEM 9 — AJOURNMENT

Being no further business the Commission adjourned at 11:15 am.