

LOCAL AGENCY FORMATION COMMISSION  
MENDOCINO COUNTY

The Local Agency Formation Commission convened a regular meeting on Monday, October 3, 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, Wattenburger, Delbar, Melo and Chairwoman Ranker. Also present were Alternate Commissioners Ward and Smith as well as Executive Officer McMichael. Commissioner O'Brien had previously called to indicate his expected absence. Alternate Commissioner Ashiku was absent without providing notice.

## 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 Simon and seconded by Commissioner Wattenburger the minutes of September 12, 2005 were approved and adopted as presented. (Ayes: Simon, Melo, Oslund, Delbar, Wattenburger and Chair Ranker; Nays: None; Abstain: None; Absent: O'Brien)

## 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 AND  
SEPTEMBER 12, 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 September meeting for the purpose of having him appear at the September 21, 2005 City Council meeting. He indicated that he attended the City Council meeting and after some amount of discussion by the City Council, unanimous direction was given to City staff to begin the process of developing an agreement on sphere boundaries, development standards and zoning requirements as required by Government Code Section 56425.

After reviewing his staff report, E.O. McMichael recommended to the Commission that this agenda item be tabled to allow the process as required in Section 56425 to be completed by City and County staff.

After discussion of the value of a “tabled” item and the need for continued future tracking of a “tabled” item by the Executive Officer, Commissioner Wattenburger entered a motion, seconded by Commissioner Delbar, that no action be taken on this item so as to allow the process described in Section 56425 to proceed with City and County staff. After additional questions and discussion of the motion by the Commission, Commissioner Wattenburger modified his motion to include the requirement that the Commission’s policy requiring approved development plans would not apply to the Cox-Mayfield proposed annexation to the City of Ukiah.

During the discussion for this modified motion, E.O. McMichael indicated that if it is the intent of the maker of the motion and the majority of the Commission to apply the process as described in Section 56425 (b) & (c) and to not apply LAFCO’s policy requiring approved development plans to the Cox-Mayfield application, that it would be best that there be some reason for the record as to why that decision was made at this time. Given the apparent intent of the maker of the proposed motion, E.O. McMichael suggested that it would be better that Motion #2 in the Agenda Report for the August meeting be used with modifications to also reflect the intention of the original motion.

Upon consideration of that recommendation and review of Motion #2 in the August 1, 2005 staff report for Agenda Item 4, Commissioner Wattenburger, with agreement of Commissioner Delbar as second, rescinded his original motion and introduced the following motion: Based on Section 56375(a)(3), move to override the Commission’s policy as written and direction is given to staff to process the Cox-Mayfield application, once received, without the requirements of LAFCO’s development policy; review of this application is to be based on the City of Ukiah’s recommendations from the Section 56425 process. Commissioner Delbar seconded the motion.

After extensive discussion on this motion, Commissioner Delbar called for the question. The motion was approved on the following roll call vote: Ayes: Delbar, Wattenburger, Melo and Simon; Nays: Oslund and Ranker; Abstention: None; Absent: O’Brien.

#### **AGENDA ITEM 6 — DISCUSSION/DIRECTION FOR THE SETTING OF A NEW DEADLINE FOR THE COMPLETION OF THW WATER SERVICE REVIEW FOR THE UKIAH VALLEY/RUSSIAN RIVER WATERSHED**

The Commission discussed the possibility of providing a new deadline for the completion of the water service review. After discussion, it was the consensus of the Commission that it would be best not to set a new deadline but to have the water service review committee meet with those agencies that had not completed the service review or requested assistance from Mr. Sanford.

#### **AGENDA ITEM 7 — DISCUSSION/DIRECTION FOR THE USE OF GLADYS M. HOUSTON, ATTORNEY AT LAW, AS LAFCO COUNSEL**

Upon direction of the Chair, E.O. McMichael provided an overview of his agenda report and for the need for independent counsel. He indicated that he thought that Ms. Houston with her extensive experience with Alameda LAFCO would be a valuable addition to the Commission. Ms. Houston introduced herself to the Commission and provided an overview of her experience with LAFCO issues and other experiences with Alameda County. After a number of questions regarding her expertise and experience, Commissioner Simon indicated that he thought that the Commission should wait an additional month or two to select a counsel and should see if there are other local attorneys who might be interested in the position.

Seeing no apparent agreement with this suggestion, Commissioner Oslund provided a motion to authorize E.O. McMichael to use Ms. Houston, as needed, as counsel to the Commission. The motion was seconded by Commissioner Wattenburger and was

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

#### AGENDA ITEM 8 — REPORTS

- A. Commissioner Wattenburger reported that the Fire/Ambulance Ad Hoc Committee of the Board of Supervisors had reviewed the Fire MSR questionnaire and were interested in adding additional questions for the purpose of developing a 25 year strategic plan for fire service in Mendocino county.
- B. Commissioner Ranker reported that it appears that the hospital district could not continue providing ambulance service and that there was discussion about forming a special district for ambulance service.

#### AGENDA ITEM 9—AJOURNMENT

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