

LOCAL AGENCY FORMATION COMMISSION
MENDOCINO COUNTY

The Local Agency Formation Commission convened a regular meeting on Monday, November 7, 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 10:01 AM. The following Commissioners were present and seated: O'Brien, Delbar, Wattenburger, Simon, Melo and Chairwoman Ranker. Also present were Alternate Commissioners Ward and Orth as well as Executive Officer McMichael. Commissioner Oslund had called earlier in the morning to indicate her expected absence. Alternate Commissioner Ashiku was not present at roll call but arrived at 10:20 AM.

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 Melo the minutes of September 12, 2005 were approved and adopted with a correction of the vote for Agenda Item 7 to indicate that the vote was as follows: Ayes: Delbar, Wattenburger, Melo, Oslund and Chair Ranker; Nays: Simon; Abstention: None; Absent: O'Brien. With this correction, the minutes were approved by the following vote: Ayes: O'Brien, Delbar, Wattenburger, Simon, Melo and Chair Ranker; Nays: None; Abstentions: None; Absent: Oslund.

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

At this point in time, Alternate Commissioner Ashiku was absent from the meeting; Chairwoman Ranker directed that this item be continued to the next meeting. At 10:20 AM Commissioner Ashiku arrived while the Commission was reviewing Agenda Item 5. Chairwoman Ranker indicated that upon the completion of Agenda Item 5, she would return to Agenda Item 4 for the purpose of conducting the oath of office for Alternate Commissioner Ashiku.

After completion of Agenda Item 5, Alternate Commissioner Ashiku indicated that he would prefer to postpone the oath of office until such time as issues regarding his potential for conflict of interest could be understood. Chairwoman Ranker agreed to allow this postponement and directed that this item be on the agenda for the next meeting.

AGENDA ITEM 5 — DISCUSSION DIRECTION REGARDING SB 135, THE NEWLY REVISED COMMUNITY SERVICES DISTRICT LAW THAT TAKES EFFECT ON JANUARY 1, 2006

Upon direction of Chairwoman Ranker Executive Officer McMichael reviewed the written staff report presented to the Commission.

Upon completion of his report and after some amount of questions by various Commissioners for clarification of understanding of the impact of this new law;

Commissioner O'Brien indicated his frustration, as a member of the Board of Directors of Mendocino City CSD, with not knowing about this new law until receiving the letter from LAFCO requesting confirmation of the services being provided by MCCSD. He indicated that this was just one more way that state was taking over control of decisions made by his agency and placing them in the hands of agencies, such as LAFCO, that are not accountable to the constituents of his District.

Upon conclusion of his remarks and after some additional discussion and questions, Commissioner Simon, seconded by Commissioner Wattenburger provided the following motion: Executive Officer McMichael is directed to develop an inventory of the services and facilities provided by CSDs in Mendocino County prior to December 31, 2005. This inventory of services and facilities will become the official list that will be used by LAFCO for future determinations of "latent powers" of CSDs.

The motion was approved on the following vote: Ayes: Delbar, Wattenburger, Simon, Melo and Chair Ranker; Nays: O'Brien; Abstentions: None; Absent: Oslund.

AGENDA ITEM 6 — REPORTS

A. Executive Officer

E.O. McMichael provided a verbal report on an article in the Ukiah Daily Journal regarding the ability of people living in the Westfork subdivision to vote for candidates for the Board of Directors of Millview CWD.

He reminded the Commission that he had raised this issue previously; that the annexation had never been finalized by previous Executive Officers by the filing of a Certificate of Completion; and that he had previously attempted to get the original legal description and maps from Millview CWD for the purpose finalizing the annexation and had been unsuccessful. And, that failing to find the original map and legal description, he had also attempted to have the District obtain a duplicate Mylar map and legal description from the District's engineer for purpose of having the map re-signed by appropriate Chairs.

He indicated to the Commission that he was going to attempt, one more time, to get a duplicate Mylar map from Millview CWD. And if received, he would attempt to have the Commission Chair of 1998 and the Chair of Millview CWD in 1998 re-sign the map with appropriate notes for the record. He also indicated that before he did this, he would confer with LAFCO's attorney to ascertain if that would be acceptable for correction of the record or to see if there was another way to proceed with finalizing this issue.

He provided a copy of an email, dated November 02, 2005 at 1:33 PM received from Amy Mickelson-Beauchane, the previous E.O. (AKA Amy Jones), addressed to him and his reply to her dated November 03, 2005 at 10:49 AM and her reply back to his email, dated November 03, 2005 at 11:07 AM. In addition to the emails, he provided to the Commission copies of LAFCO Resolution L98-01, Millview CWD Resolution 2000-09 and the LAFCO minutes of the regular meeting of July 12, 2000.

E.O. McMichael indicated, that barring any other direction from the Commission, he would proceed as indicated above, if a duplicate Mylar map could be obtained, or would proceed as described in his email to Amy Mickelson-Beauchane, cited above, if a duplicate map could not be obtained, provided that LAFCO's attorney was in concurrence. The Commission provided no other direction to E.O. McMichael and by general concurrence, indicated that he should proceed as he had so indicated.

B. Commissioners

There were no reports from the Commissioners.

AGENDA ITEM 7—AJOURNMENT

Being no further business the Commission adjourned at 11:00 AM.