

LOCAL AGENCY FORMATION COMMISSION MENDOCINO COUNTY

The Local Agency Formation Commission convened a regular meeting on Monday, February 5, 2007 at 10:00 AM, at the City of Ukiah Council Chambers, 300 Seminary Ave, Ukiah, CA.

AGENDA ITEM 1 - CALL TO ORDER / ROLL CALL

Due to the Chair's absence, Vice-chairman Melo assumed the duties of the Chair and 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: Oslund, Kisslinger, Smith and Vice-chairman Melo. Also present were Alternate Commissioners Orth, Wattenburger, Ward and Executive Officer McMichael. Commissioners Ranker, O'Brien and Delbar were absent. Commissioner Delbar had called prior to the meeting indicating his expected absence. Commissioners Orth and Wattenburger were immediately seated.

AGENDA ITEM 2 - PUBLIC EXPRESSION

There was no one from the public in attendance at the meeting who indicated an interest in speaking on a non-agenda item.

AGENDA ITEM 3 - APPROVAL/ADOPTION OF MINUTES

Upon a motion of approval by Commissioner Oslund and seconded by Commissioner Orth, the minutes of the December 4, 2006 regular meeting were approved on the following vote: Ayes: Oslund, Kisslinger, Melo, Smith, Orth and Wattenburger; Nays: None; Abstentions: None; Absent: O'Brien, Delbar and Ranker.

AGENDA ITEM 4 - ELECTION OF OFFICERS FOR CALENDAR YEAR

Upon direction by Vice-chairman Melo, and under the requirements of the Commission bylaws, Executive Officer McMichael conducted the election process for Chair and Vice-Chair.

Upon a motion by Commissioner Wattenburger, seconded by Commissioner Oslund, Commissioner Melo was nominated for Chair.

Upon a motion by Commissioner Smith, seconded by Commissioner Kisslinger, nominations were moved closed and the motion was approved by a unanimous voice vote.

Following the closure vote for nominations, a unanimous voice vote approved Commissioner Melo as Chair for this calendar year.

Upon a motion by Commissioner Orth, seconded by Commissioner Melo, Commissioner Smith was nominated for Vice-Chair. A motion to nominate Commissioner Delbar was entered by Commissioner Wattenburger; no second to this motion was offered therefore the motion failed.

Upon a motion by Commissioner Oslund, seconded by Chairman Melo, nominations were moved closed and the motion was approved by a unanimous voice vote.

Following the closure vote for nominations, a unanimous voice vote approved Commissioner Smith as Vice-Chair for this calendar year.

AGENDA ITEM 5 - APPOINTMENT OF COMMISSIONERS TO COMMITTEES

After discussion by the Commission, Chairman Melo, with the agreement of the Commission, appointed Commissioner Delbar to the Executive Committee. After additional discussion and agreement of the Commission, Commissioners Kisslinger, Oslund and Smith were appointed to serve on the Planning Committee.

AGENDA ITEM 6 - ANNUAL CONFLICT OF INTEREST FILINGS

Form 700, Statement of Economic Interests, was distributed to each Commissioner present. Executive Officer McMichael indicated to the Commissioners that they must file with LAFCO no later than April 1, 2007.

AGENDA ITEM 7 - APPROVAL OF FINAL AUDIT FOR FISCAL YEAR 2005-2006

The Commission reviewed the Final Audit for 2005-2006. After review and discussion, Commissioner Wattenburger moved acceptance of the Final Audit, seconded by Commissioner Oslund. The motion was approved by the following vote: Ayes: Melo, Smith, Oslund, Kisslinger, Orth and Wattenburger; Nays: None; Abstentions: None; Absent: Delbar, O'Brien and Ranker.

AGENDA ITEM 8 - DISCUSSION/DIRECTION AS TO INTERIM REPORT ON PROGRESS OF UKIAH VALLEY/RUSSIAN RIVER WATERSHED MSR

Upon direction by Chairman Melo, Executive Officer McMichael provided a review of the Ukiah Valley/Russian River Watershed MSR Interim Report as provided in the agenda packet. After this review, questions and points of clarification were requested of E.O. McMichael.

Discussion ensued whereby the Commission expressed concern about the ability to complete the MSR by the January 1, 2008 deadline, potential for lawsuits, the failure of some agencies to respond to the RFI questionnaire and the implications of Option Three as provided in the report. Additional observations and direction were provided as to the need for a Workplan to facilitate completion of the MSR process and the ability of the Commission and/or Commissioners to influence those agencies that had not responded to the RFI questionnaire.

After this discussion, Chairman Melo requested public comments on this item.

City Councilman John McCowen expressed frustration with the lack of the City of Ukiah's progress with response to the water RFI and the failure to complete the general MSR for the City. He provided additional comments as to the value of the Tax Share Agreement proposed between the City and the County and took issue with a statement in the report questioning the value of this agreement.

Davy (unknown last name) expressed concerns regarding the lack of restoration of the railroad depot.

Lee Howard commented that with no MSR there can be no Sphere of Influence determination and therefore, the UVAP process can not move forward. He encouraged action on the part of the Commission.

Antonio Andrade spoke to the cooperation of the City, County and Agencies to integrate information for the development of the UVAP. He supported the development of an MOU that would require the integration of City and County processes within the UVAP.

Benj Thomas suggested the Commission produce some sort of chart or graphics to illustrate to the public all of the necessary elements needed for the UVAP process to move forward.

Seeing no one else coming forward, Chairman Melo closed the public comments and the discussion was returned to the Commission.

After additional discussion that reflected the Commission's concern regarding the various issues and circumstances for water as outlined in the Interim Report, a motion was entered by Commissioner Orth, seconded by Commissioner Wattenburger, directing Executive Officer McMichael to proceed with the Ukiah Valley/Russian River Watershed MSR as outlined in Option Three of Section Three in the Interim Report. The motion was adopted unanimously by a roll call vote as follows: Ayes: Melo, Smith, Oslund, Kisslinger, Orth, and Wattenburger; Nays: None; Abstentions: None; Absent: Delbar, O'Brien and Ranker.

AGENDA ITEM 9 – REPORTS

Chairman Melo indicated that the City of Fort Bragg will be initiating a small annexation in the Pomo Bluff area. Also, Fort Bragg's MSR team is going to hold a workshop March 26, 2007 to review their draft MSR for possible submission to LAFCO.

Commissioner Orth reported that the Brooktrails dam projects were approved by the SWRCB in January 2007. It was noted that only one of the dams is currently needed to serve their agency needs at this time, and the second dam will be able to serve future demand for the "next generation."

Commissioner Kisslinger reported that he had researched the possibility of applying for grant money to help in the MSR process, but indicated that acquiring private funds to facilitate what is generally viewed as a governmental process is unlikely.

AGENDA ITEM 10 – ADJOURNMENT

With no further business, the Commission adjourned at 12:43 PM.