

**LOCAL AGENCY FORMATION COMMISSION
MENDOCINO COUNTY**

The Local Agency Formation Commission convened a regular meeting on Monday, February 4, 2008 at 10:00 a.m. at the City of Ukiah Council Chambers, 300 Seminary Ave., Ukiah, CA.

AGENDA ITEM 1 - CALL TO ORDER / ROLL CALL

Chairman Melo called the regular meeting of the Local Agency Formation Commission of Mendocino County to order at 10:01a.m. The following Commissioners were present and seated: Commissioners Oslund, Shoemaker, Ruff, Delbar, Kisslinger, Wattenburger and Chair Melo. Also present were Alternate Commissioners Smith, McCowen, Ward and Executive Officer McMichael. (Note: This was the first meeting of the Commission since the annual appointment of commissioners by the Board of Supervisors. The appointments this year included Commissioner Wattenburger as regular member and Commissioner Smith as Alternate; the reverse of last year.)

At this point in time, Chair Melo announced that Agenda Item 9, AUTHORIZATION LETTER REQUESTING EXTENSION OF TIME FOR COMMENTS TO AB 2121 REGULATIONS would be pulled as it had been learned that the State Water Resources Control Board had extended the deadline for comment to May 1, 2008.

AGENDA ITEM 2 - PUBLIC EXPRESSION

Lee Howard, Redwood Valley, provided comment to the Commission regarding three issues:

1. Persons who live in the Westfork Subdivision were unable to vote in this election and past elections because the paperwork substantiating the annexation was not available or not being acted on if available.
2. The former Ukiah Fire Station property previously owned by the City of Ukiah has not had the proper filings for release to the tax rolls.
3. There is a continuing circumstance of City of Ukiah providing services within the Willow Water District boundaries, a condition that was supposed to have been corrected seven years ago.

After his comments, Executive Officer McMichael provided the following observations:

1. The Certificate of Completion and associated documents (Resolution, legal description, maps) for the Westfork Subdivision was recorded approximately two years ago and at that time was filed with all appropriate agencies to include County Planning, Assessor, Auditor, Surveyor and Elections as well as the State Board of Equalization. Each Commissioner also received a copy of recorded documents. Beyond the filing of this information with these agencies LAFCO has no control over their response to the filing.
2. Generally, only contiguous property can be part of a city's boundaries. However, non-contiguous property that is owned by a city may be annexed to a city if the property is used for municipal purposes. If that property is sold by the city and continues to be non-contiguous, the property must be detached from the City. Per the requirements of G.C. 56742(g) the City Council is responsible for adopting a resolution confirming the detachment and the City Clerk is responsible for recording a Certificate of Completion and associated documents. The law is very specific; under these circumstances it is the City's responsibility to meet the requirements of law, not LAFCO. Mr. Howard's complaint would be better lodged with the City, not LAFCO.
3. While this issue and other similar circumstances, if they exist, might be reviewed in the City's MSR, it is still the responsibility of the City and the District to affect appropriate changes to the infrastructure appropriate to their boundaries. LAFCO had no authority to force such a change.

The Commission received Mr. Howard's statements and E.O. McMichael's observations without further direction.

AGENDA ITEM 3 – APPROVAL/CORRECTION/ADOPTION OF MINUTES

Upon a motion by Commissioner Oslund, seconded by Chair Melo the minutes of December 3, 2007 were approved as submitted by the following vote: Ayes: Oslund, Shoemaker, Wattenburger, Ruff, Delbar, Kisslinger and Chair Melo; Nays: None; Abstain: None; Absent: None.

AGENDA ITEM 4 – ELECTION OF OFFICERS FOR CALENDAR YEAR

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

E.O. McMichael reviewed the Commission's policy as to election of officers after which he called for nominations for Chair. Following that review, and upon a motion by Commissioner Delbar, seconded by Commissioner Wattenburger, Commissioner Melo was nominated for Chair. E.O. McMichael then called for additional nominations, hearing none and upon a motion by Commissioner Delbar, seconded by Commissioner Wattenburger, nominations were moved closed and the closure 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.

E.O. McMichael then called for nominations for Vice-Chair at which point, Commissioner Oslund nominated Commissioner Delbar for Vice-Chair. Commissioner Delbar indicated his appreciation for the nomination but declined the nomination.

Following that and upon a motion by Commissioner Oslund, seconded by Commissioner Delbar, Commissioner Wattenburger was nominated for Vice-Chair. E.O. McMichael then called for additional nominations, hearing none and upon a motion by Commissioner Delbar seconded by Commissioner Kisslinger the nominations were moved closed and the closure motion was approved by a unanimous voice vote. Following the closure vote for nominations, a unanimous voice vote approved Commissioner Wattenburger as Vice-Chair for this calendar year.

AGENDA ITEM 5 – APPOINTMENT OF COMMISSIONERS TO COMMITTEE

Chair Melo reviewed the requirements of the Commission's policy as to committees, indicating that the Chair and Vice-Chair were automatically members of the Executive Committee and that he was soliciting direction from the Commission as to the third member. It was the general direction of the Commission that Commissioner Kisslinger be appointed as the third member to the Committee.

After additional discussion, it was agreed that Commissioners Oslund, Shoemaker and Smith would be the Planning Committee.

AGEND ITEM 6—DISCUSSION OF REVISED CITY OF FORT BRAGG MSR

For this agenda item, Chair Melo stepped down as Chair and asked Vice-Chair Wattenburger to conduct the process for this agenda item. Upon direction of Vice-Chair Wattenburger, E.O. McMichael reviewed the agenda report and circumstances of the City's proposed draft MSR and the revised draft MSR.

After this review a wide ranging discussion occurred regarding the revised draft, the City's proposed draft, accuracy of information in the revised draft, format issues and concerns, possible format changes, the need for an overview of the GP Mill Site, Municipal Improvement District information and others. Marie Jones, Community Development Director, City of Fort Bragg provided insight as to the City's viewpoint and indicated that the City preferred that the report not be a blended report as per the revised draft but be a two section report, keeping the proposed draft MSR in one section and the SOI/MSA information in another section.

After additional discussion, Commissioner Oslund, seconded by Commissioner Melo, moved that the E.O. McMichael develop a two-part SOI/MSR document to be provided under one cover with the MSR section as originally presented by Fort Bragg with the updated Mill Site information to be in one section and the SOI, MSA and CEQA information to be in another section. The motion was unanimously approved by the following roll call vote: Ayes: Oslund, Shoemaker, Wattenburger, Ruff, Delbar, Kisslinger and Chair Melo; Nays: None; Abstain: None; Absent: None.

At the completion of vote, Vice-Chair Wattenburger returned the duties of the Chair to Chair Melo. After this vote, Commissioner Kisslinger left at 11:45 as prearranged with the Chair. Alternate Commissioner Ward was then seated as the public member.

AGENDA ITEM 7—DISCUSSION/REVIEW OF PROPOSED STANDARDIZED FORMAT FOR SOI/MSR

Upon direction of the Chair, E.O. McMichael reviewed the proposed format for the SOI/MSR process. Extensive questions and discussion ensued for a period of approximately 30 minutes. At the end of that time, E.O. McMichael indicated that he thought he had sufficient understanding, information and direction from the commissioners to simplify the format, especially for the section that describes the service provision of the agency. At that point he indicated that he thought he could bring the format down to a one or two page outline. No additional direction was given beyond that understanding. During the discussion, Commissioner Shoemaker left the meeting at 12:04 pm.

AGENDA ITEM 8—CITY OF FORT BRAGG ANNEXATION OF POMO BLUFFS PROPERTY

After discussion of this agenda item, Commissioner Delbar, seconded by Commissioner Oslund moved adoption of Option One which includes the following:

1. Ratify having this unpublished and unnoticed hearing.
2. Certify it has reviewed and considered the information contained in the Notice of Exemption as prepared by the City and agree that the proposal is Categorically Exempt.
3. Adopt this report and Resolution 2008-01 approving the proposal, to be known as the Pomo Bluffs Annexation to the City of Fort Bragg.
4. Find that the subject territory is uninhabited, and all affected landowners have given written consent to the annexation and the annexing agency has given written consent to the waiver of Conducting Authority proceedings.
5. Direct the Chair of the Commission to sign the Final Map.
6. Waive the Conducting Authority proceeding and direct the Executive Officer to complete the proceeding, after expiration of the reconsideration period, by recording a Certificate of Completion with the County Clerk and filing with appropriate agencies (City, County Departments, SBOE).
7. Direct that the Executive Officer provide copies of the Certificate of Completion to all Commissioners upon completion of the filings

The motion was approved by the following vote: Ayes: Oslund, Wattenburger, Ruff, Delbar, Ward and Chair Melo; Nays: None; Abstain: None; Absent: Kisslinger and Shoemaker.

AGENDA ITEM 9—AUTHORIZATION LETTER REQUESTING EXTENSION OF TIME FOR COMMENTS TO AB 2121 REGULATIONS

As indicated previously, this item was pulled by the Chair because it had been learned that the comment period for AB 2121 had been extended to May 1, 2008.

AGENDA ITEM 10—UPDATE OF MSR PROCESS

Upon direction of the Chair, E.O. McMichael reviewed the agenda report as to the progress of the SOI/MSR process. After comments and questions the Commission received this information without further direction.

AGENDA ITEM 11—REPORTS

There were no reports from the E.O. or the Commission.

AGENDA ITEM 12—ADJOURNMENT

Having no further business, the meeting adjourned at 12:32 p.m.