

**LOCAL AGENCY FORMATION COMMISSION  
MENDOCINO COUNTY**

The Local Agency Formation Commission convened a regular meeting on Monday, August 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 10:05 a.m. The following Commissioners were present and seated: Commissioners Delbar, Oslund, Ruff and Chair Melo. Also present were Alternate Commissioners McCowen, Ward, Orth and Executive Officer McMichael. Commissioner Kisslinger had previously indicated his expected absence. With the absence of Commissioners Shoemaker and Kisslinger, alternate Commissioners Orth and Ward were immediately seated. Alternate Commissioner Smith arrived at 10:43 a.m. and because of Commissioner Wattenburger's absence was immediately seated upon arrival.

**AGENDA ITEM 2 - PUBLIC EXPRESSION**

There was no one in attendance from the public who indicated an interest in speaking.

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

Upon a motion by Commissioner Oslund, seconded by Commissioner Ruff the minutes of May 5, 2008 were approved as submitted by the following vote: Ayes: Delbar, Oslund, Ruff, Ward and Chair Melo; Nays: None; Abstain: Orth; Absent: Shoemaker and Wattenburger.

**AGENDA ITEM 4 – NOTICED PUBLIC HEARING FOR MENDOCINO COAST RECREATION AND PARK DISTRICT SPHERE OF INFLUENCE UPDATE, MUNICIPAL SERVICE REVIEW AND ANNEXATION**

Upon direction of the Chair, Executive Officer McMichael reviewed the SOI/MSR Report and the annexation report for the MCRPD. Mr. John Dickerson provided information regarding the financial aspects of the SOI/MSR Report. In response to questions by alternate Commissioner McCowen regarding provision of services to the Pt. Arena and South Coast area, Ms. Beth Pine, District Administrator provided an overview of meetings and proposals in this area.

After completion of the review and discussion by the Commission of the reports, the Commission reviewed the Proof of Publication of Notice of Public Hearing and upon a motion by Commissioner Orth, seconded by Commissioner Ward the Proof of Publication was accepted by the following vote: Ayes: Delbar, Ruff, Oslund, Orth, Ward and Chair Melo; Nays: None; Abstain: None; Absent: Shoemaker and Wattenburger.

At the conclusion of this vote, Chair Melo opened the Public Hearing at 10:40 a.m. No one in the audience indicated an interest in speaking on this issue; Chair Melo closed the Public Hearing at 10:41 a.m. Commissioner Smith arrived at 10:43 a.m. Upon closure of the Public Hearing, Commissioner Oslund, seconded by Commissioner Ward, moved adoption of Option 1 in the agenda report as follows:

**OPTION 1 - APPROVE this proposal.**

- A. Ratify the action of the Executive officer in holding this 21-day noticed public hearing per the requirements of G.C. Section 56157(g).
- B. Certify it has reviewed, considered and accepted the Negative Declaration as prepared by Executive Officer.

- A. Adopt this report and approve:
- Resolution 2008-02—Resolution Making Determinations of Approval for the SOI/MSR Report for MCRPD
  - Resolution 2008-03— Resolution Making Determinations Approving the Annexation of the Described Territory in Exhibit “A” and as depicted on Exhibit “B”
  - Resolution 2008-04—Resolution Making Determinations for the Sphere of Influence of MCRPD
- D. Find the subject annexation territory is inhabited, that all affected landowners have not given written consent to the annexation and that the annexing agency has given written consent.
- E. Direct the Executive Officer to notice a protest hearing (conducting authority proceedings) for the annexation approval per the requirements of 56157(g) and authorize him to conduct the hearing per the requirements of 57000 et sequens, once the reconsideration period has been completed.
- F. Regarding the annexation, if insufficient protest occurs at the protest hearing, direct the Executive Officer to record a Certificate of Completion and complete the filing of the recorded documents including returning a copy to each Commissioner.
- G. If a majority protest occurs for the annexation at the protest hearing direct the Executive Officer to issue a Certificate of Termination for these proceedings.
- H. If less than a majority protest occurs for the annexation but more than 25% protest occurs, direct the Executive Officer to confer with MCRPD as to their willingness to fund an election and provide a report to the Commission as to the decision made.
- I. Regardless of the outcome of the protest hearing, direct that Resolutions 2008-02 adopting the SOI/MSR Report and 2008-04 determining the SOI for the District are approved.

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

**AGENDA ITEM 5—NOTICED PUBLIC HEARING FOR CITY OF FORT BRAGG SPHERE OF INFLUENCE DETERMINATION AND MUNICIPAL SERVICE REVIEW**

Upon direction of the Chair, Executive Officer McMichael reviewed the SOI/MSR Report and the overall process for completing the report. After completion of the review and discussion by the Commission of the Report, the Commission reviewed the Proof of Publication of Notice of Public Hearing and upon a motion by Commissioner Orth, seconded by Commissioner Ward the Proof of Publication was accepted by the following vote: Ayes: Delbar, Ruff, Oslund, Orth, Ward, Smith and Chair Melo; Nays: None; Abstain: None; Absent: Shoemaker and Wattenburger.

At the conclusion of this vote, Chair Melo opened the Public Hearing at 10:52 a.m. No one in the audience indicated an interest in speaking on this issue; Chair Melo closed the Public Hearing at 10:53 a.m. Upon closure of the Public Hearing, Commissioner Orth, seconded by Commissioner Oslund, moved adoption of Resolution 2008-05 (Resolution of the Local Agency Formation Commission of Mendocino County Making Determinations Adopting the Combined Sphere of Influence/Municipal Service Review/Maximum Service Area Report for the City of Fort Bragg) and Resolution 2008-06 (Resolution of the Local Agency Formation Commission of Mendocino County Making a Sphere of Influence Determination for the City of Fort Bragg and the Fort Bragg Municipal Improvement District).

The motion was approved on the following roll call vote: Ayes: Delbar, Ruff, Oslund, Orth, Ward, Smith and Chair Melo; Nays: None; Abstain: None; Absent: Shoemaker and Wattenburger.

**AGENDA ITEM 6—CHAPMAN ANNEXATION TO MENDOCINO CITY COMMUNITY SERVICES DISTRICT**

Upon direction of the Chair, Executive Officer McMichael reviewed the agenda report for this item. After discussion of this report by the Commission, Chair Melo asked if anyone in the audience wished to speak to this issue. Ms. Judith Chapman spoke as to her interest in building a small home on the property and

asked that the Commission approve her annexation request. After completion of these comments, Commissioner Orth, seconded by Commissioner Smith, moved approval of Option 1 in the agenda report as follows:

OPTION 1 - APPROVE this proposal.

- A. Ratify the action of the Executive officer in holding this unpublished hearing.
- B. Certify it has reviewed, considered and accepted the Categorical Exemption as prepared by Executive Officer.
- C. Adopt this report and approve Resolution 2008-04
- D. Find the subject territory is uninhabited, that all affected landowners have given written consent to the annexation and that the annexing agency has not given written opposition to the waiver of conducting authority proceedings.
- E. Waive the conducting authority proceeding and the direct the staff to complete the proceedings.

The motion was approved on the following roll call vote: Ayes: Delbar, Ruff, Oslund, Orth, Ward, Smith and Chair Melo; Nays: None; Abstain: None; Absent: Shoemaker and Wattenburger.

**AGENDA ITEM 7—REVIEW AND RESPONSE TO REDWOOD COAST FIRE PROTECTION DISTRICT LETTER REQUESTING THAT LAFCO PAY FOR MAP COSTS FOR ITS JANUARY 2005 REORGANIZATION**

Upon direction of the Chair, Executive Officer McMichael reviewed the letter received from RCFPD requesting that LAFCO reimburse the District approximately \$5,160 for their map costs for their recent reorganization. He also reviewed his four page agenda report detailing his response to that request. No one from RCFPD was at the meeting to provide additional input to their letter. Upon completion of that review and discussion by the Commission, Commissioner Orth, seconded by Commissioner Smith, moved that a letter making the points provided in the agenda report and the additional point that the District did not pay the original estimated cost of \$12,000 to \$14,000 for the full reorganization process be sent with the Chair's signature. The motion was approved on the following unanimous vote: Ayes: Delbar, Ruff, Oslund, Orth, Ward, Smith and Chair Melo; Nays: None; Abstain: None; Absent: Shoemaker and Wattenburger.

**AGENDA ITEM 8—REPORTS**

- A. Executive Officer McMichael provided a report indicating his search for an attorney that could function as the LAFCO attorney. He indicated that he had received a letter from Myron Sawicki indicating a willingness to provide services as needed for \$150 per hour. It was the general view of the board that E.O. McMichael should continue the search.

E.O. McMichael indicated that two Commissioners (Delbar and Ward) had registered and would be attending the CALAFCO conference in September.

- B. Commissioner Orth provided a report and provided Brooktrails Resolution No. 2008-19 to each Commissioner in support of "Remade" Proposal for formation of a community energy authority.

**AGENDA ITEM 8—ADJOURNMENT**

Having no further business, the meeting adjourned at 11:23 a.m.