

**LOCAL AGENCY FORMATION COMMISSION
MENDOCINO COUNTY**

The Local Agency Formation Commission convened a regular meeting on Monday, April 6, 2009 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 10:02 a.m. The following Commissioners were present and seated: Commissioners McCowen, Shoemaker, Smith, Rodin, Ruff, Kisslinger and Chair Melo. Alternate Commissioners Orth, Ward, Brown, Madrigal and Executive Officer McMichael were also present.

AGENDA ITEM 2 - PUBLIC EXPRESSION

Lee Howard, representing the Builders Exchange provided information as to a uniform cost accounting seminar to be conducted 9:00 to 12:00 a.m. on April 22, 2009, at the Ukiah conference center. This seminar presentation is being provided by the Builders Exchange at no cost to attendees; all cities, districts and other public agencies are being encouraged to attend.

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

AGENDA ITEM 3 – APPROVAL/CORRECTION/ADOPTION OF MINUTES

Upon a motion by Commissioner McCowen, seconded by Commissioner Smith, the submitted minutes of March 2, 2009 were approved with one correction on the following vote: Ayes: Shoemaker, Smith, McCowen and Rodin, Ruff and Chair Melo; Nays: None; Abstain: Kisslinger; Absent: None. Correction to the minutes included a change to the first sentence of the bottom paragraph on page 1 to read (changes in italics): “After approximately an hour-and-half of these presentations and questions by Commissioners, the Commission directed Deputy County Counsel Terry Gross, who was functioning as LAFCO counsel, to prepare an opinion as to the latent powers issue, receivership process for CSSC and the *removal and* appointment process for CSWD board of directors for directors who are not continuing to function as board members.

**AGENDA ITEM 4 –DISCUSSION/DIRECTION REGARDING SB215 SUPPORT LETTER—
SENATOR WIGGINS**

Upon direction of the Chair Melo, Executive Officer McMichael provided a review of a letter from Senator Wiggins requesting support for Senator Wiggin’s bill, SB 215. After discussion of SB 215 and SB 375, and upon a motion by Commissioner McCowen, seconded by Commissioner Rodin, Executive Officer McMichael was directed to prepare a letter of support with the following qualifications: (1) concern about ever increasing costs for State mandates to LAFCO; (2) reservations about the repeal of G.C. 56668.5; such letter to be signed by the Chair.

AGENDA ITEM 5—CASPAR SOUTH WATER DISTRICT REPORT

Upon direction of Chair Melo, Executive Officer McMichael provided a review of this issue and the agenda report. Mr. Roy Falk, resident of the Caspar South community, spoke about his concern about the lack of a functioning CSWD board, the lack of a board meeting for six months or more, the failure of the board of directors to adopt a budget, failure to provide for annual audit and the declining condition of the infrastructure and associated maintenance issues.

After receipt of this information and additional discussion, the Commission directed Executive Officer McMichael to call LAFCO's attorney, Deputy County Counsel Terry Gross, to expedite her opinion as requested by the Commission last month. Additionally, direction was given to have this issue on the May agenda.

AGENDA ITEM 6—PUBLIC HEARING FOR FY 2009-2020 BUDGET

The Commission reviewed the Proof of Publication of Notice of Public Hearing and upon a motion by Commissioner Kisslinger, seconded by Commissioner Smith the Proof of Publication was accepted by unanimous vote.

After this vote, Chair Melo directed Executive Officer McMichael to review the Proposed Budget as recommended by the Executive Committee and as adopted by the Commission at the March 2, 2009 workshop as the Proposed Budget for the first of two required noticed public hearings before final adoption. During this review, Executive Officer McMichael provided a Memo that he had received by Fax at 8:25 a.m. from the City of Fort Bragg. The Memo was from the CEO of the County and the four city managers.

After this presentation and resulting discussion by the Commission regarding the memo, Chair Melo opened the Public Hearing at 11:10 a.m. Lee Howard, representing himself, spoke against the extended time that it took for the public hearing to be opened and questioned why the respective supervisors and council members were not aware of this memo. There was no else one in attendance who indicated a desire to speak.

Subsequent to this discussion, Commissioner Kisslinger, seconded by Commissioner Smith, entered a motion to accept the Proposed Budget as the Final Budget for the Commission for Fiscal Year 2009-2010 and directed Executive Officer McMichael to provide notice for a public hearing for adoption of the Final Budget at the May 4, 2009 regular meeting. The motion was approved by the following vote: Ayes: McCowen, Shoemaker, Smith, Rodin, Kisslinger, Orth and Chair Melo. Note: Commissioner Ruff left the meeting prior to the vote thus Alternate Commissioner Orth became the district representative for this vote. Prior to the submittal of the motion, it was generally agreed by the Commission that the Proposed Budget and the received memo should be reviewed by the Executive Committee for recommendation for the May meeting.

The Pubic Hearing was closed 12:05 p.m.

AGENDA ITEM 7—REPORT ON THE STATUS OF THE FORMATION OF A COMMUNITY ENERGY AUTHORITY IN MENDOCINO COUNTY

Due to the lateness of the meeting time, Commissioner Orth provided some reading material regarding this issue to the Commission and requested that this agenda item be placed on the May agenda. The Commission agreed to this request.

AGENDA ITEM 8—ADJOURNMENT

Having no further business, the meeting adjourned at 12:10 p.m.