

AGENDA ITEM 8 - REPORTS

No oral reports were provided by Commissioners or E.O. McMichael

AGENDA ITEM 9—ADJOURNMENT

Having no further business, the meeting adjourned at 12:26 PM.

- provided in the Resolution, that the territory shall be liable for any existing or authorized taxes, charges fees of assessments comparable to properties presently within the Districts.
- D. Find that the subject territory is uninhabited, all affected landowners have given written consent to the annexation and the annexation agency has given written consent to the waiver of conducting authority proceedings.
 - E. Waive the conducting authority proceeding and the direct the staff to complete the proceeding by recording the Certificate of Completion and filing with all necessary agencies.

The motion was approved by the following roll call vote: Ayes: Rodin, Kisslinger, Shoemaker, McCowen and Chair Melo; Nays: None; Abstain: None; Absent: Colfax and McFadden.

AGENDA ITEM 7 - NOTICED PUBLIC HEARING FOR REVIEW AND ADOPTION OF BROOKTRAILS TOWNSHIP CSD SPHERE OF INFLUENCE/MUNICIPAL SERVICE REVIEW REPORT AND DETERMINATION OF SPHERE OF INFLUENCE

Upon direction of the Chair, E.O. McMichael reviewed the changes provided in the Brooktrails Township CSD October 2, 2010 SOI/MSR Report as directed by the Commission at the September 13, 2010 meeting. A lengthy discussion and debate ensued amongst the Commissioners regarding the changes in the Report and the Determinations provided in the Report. After this discussion, Chair Melo indicated a need to open the public hearing and thus needed a motion for accepting Proof of Publication for the hearing. Upon this request, Commissioner McCowen, seconded by Commissioner Rodin, moved acceptance of the Proof of Publication for the Public Hearing. The motion was approved by the following vote: Ayes: Rodin, Kisslinger, Shoemaker, McCowen and Chair Melo; Nays: None; Abstain: None; Absent: Colfax and McFadden.

At 12:01 Chair Melo opened the public hearing. With the opening of the public hearing the Commission continued its discussion as to whether to move forward with the Report and Sphere determination or to make changes, specifically changes to the Determinations. At 12:20, Commissioner Kisslinger, seconded by Chair Melo, moved to close the public hearing and to move forward with the decision process. The motion was approved by the following vote: Ayes: Rodin, Kisslinger, Shoemaker, and Chair Melo; Nays: McCowen; Abstain: None; Absent: Colfax and McFadden.

Upon closure and after another brief discussion, Commissioner Kisslinger, seconded by Chair Melo, moved adoption of Resolution 2010-04, entitled *Resolution of the Local Agency Formation Commission of Mendocino County Adopting the Brooktrails Township CSD SOI/MSR Report and Determining the Sphere of Influence for Brooktrails Township Community Services District*. The following roll call vote was recorded: Ayes: Kisslinger, Shoemaker, and Chair Melo; Nays: McCowen and Rodin; Abstain: None; Absent: Colfax and McFadden.

Upon completion of this vote, questions were raised as to whether a majority of the quorum of the Commissioners present for the vote was required or whether a majority vote of the Commission was required. E.O. McMichael indicated that he thought a majority of the Commission was required but would need to research the Commission's Policy and Procedures to verify this. He was then directed by the Chair to research the issue and provide this information for the record. (Note for the Record: On page 26, of the Commission's Policy and Procedures, under Meeting Procedures is the following statement: "A majority vote of four or more commissioners shall be required to transact business and no act will be valid without a majority vote.") Therefore, the motion failed for lack of sufficient majority.

AGENDA ITEM 5 – NOTICED PUBLIC HEARING FOR REVIEW AND ADOPTION OF COVELO SPHERE OF INFLUENCE/MUNICIPAL SERVICE REVIEW REPORT AND DETERMINATION OF SPHERE OF INFLUENCE

Upon direction of the Chair, E.O. McMichael reviewed the agenda report, the Covelo CSD SOI/MSR Report, the proposed Sphere of Influence (SOI) and the environmental review for the SOI determination. After this review and some discussion, Commissioner Rodin, seconded by Commissioner Kisslinger, moved acceptance of the Proof of Publication of Public Hearing. The motion was approved by the following vote: Ayes: Rodin, Kisslinger, McCowen and Chair Melo; Nays: None; Abstain: None; Absent: Colfax and McFadden. Commissioner Shoemaker was temporarily out of the room.

At 11:12 am Chair Melo opened the Public Hearing for the purpose of receiving input on this item. There was no one in the audience, so Chair Melo closed the Public Hearing at 11:13a.m. Upon closure, Commissioner Kisslinger, seconded by Commissioner Rodin, moved adoption of Resolution 2010-01, *Resolution of the Local Agency Formation Commission of Mendocino County Adopting the Covelo CSD SOI/MSR Report and Determining the Sphere of Influence for Covelo Community Services District*. The motion was approved on the following roll call vote: Ayes: Rodin, Kisslinger, Shoemaker, McCowen and Chair Melo; Nays: None; Abstain: None; Absent: Colfax and McFadden.

AGENDA ITEM 6 - COVELO REORGANIZATION

Upon direction of the Chair, Executive Officer McMichael reviewed the agenda report for the Item 6A, Steve Travis annexation. After discussion, Commissioner Kisslinger, seconded by Commissioner Rodin, moved adoption of Option 1 from the agenda report which included the following:

- A. Ratify having this unpublished hearing.
- B. Certify it has reviewed and considered the information contained in the environmental review as prepared by the Executive Officer. Find the proposal will not have a significant environmental impact and affirm the attached Negative Declaration.
- C. Adopt this report and Resolution 2010-01 making determinations approving the proposal, to be known as the **Travis Annexation to Covelo CSD-2010** subject to the conditions as provided in the Resolution, that the territory shall be liable for any existing of authorized taxes, charges fees of assessments comparable to properties presently within the Districts.
- D. Find that the subject territory is uninhabited, all affected landowners have given written consent to the annexation and the annexation agency has given written consent to the waiver of conducting authority proceedings.
- E. Waive the conducting authority proceeding and the direct the staff to complete the proceeding by recording the Certificate of Completion and filing with all necessary agencies.

The motion was approved by the following roll call vote: Ayes: Rodin, Kisslinger, Shoemaker, McCowen and Chair Melo; Nays: None; Abstain: None; Absent: Colfax and McFadden.

After the above vote and upon direction of the Chair, E.O. McMichael reviewed the agenda report for Item 6B, Covelo CSD Requested Annexations. Upon conclusion of his report and after discussion, Commissioner Kisslinger, seconded by Commissioner Shoemaker, moved adoption of Option 1 from the agenda report which included:

- A. Ratify having this unpublished hearing.
- B. Certify it has reviewed and considered the information contained in the environmental review as prepared by the Executive Officer. Find the proposal will not have a significant environmental impact and affirm the attached Negative Declaration.
- C. Adopt this report and Resolution 2010-03 making determinations approving the proposal, to be known as the **Covelo CSD Reorganization-2010** subject to the conditions as

**LOCAL AGENCY FORMATION COMMISSION
MENDOCINO COUNTY**

The Local Agency Formation Commission convened a meeting on Monday, October 4, 2010 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 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, Rodin, Shoemaker, Kisslinger and Chair Melo. Alternate Commissioner Ward and Executive Officer McMichael were also present. Commissioners Colfax and McFadden and Alternate Commissioners Orth, Madrigal and Pinches were not present.

AGENDA ITEM 2 - PUBLIC EXPRESSION

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

AGENDA ITEM 3 – APPROVALCORRECTION/ADOPTION OF MINUTES

Upon a motion by Commissioner Kisslinger, seconded by Commissioner McCowen, the minutes of September 13, 2010 were unanimously approved as submitted by the following vote: Ayes: Kisslinger, McCowen, Rodin, Shoemaker and Chair Melo; Nays: None; Abstain: None; Absent: Colfax and McFadden.

Upon a motion by Commissioner McCowen, seconded by Commissioner Shoemaker, the Planning Committee minutes of May 6, 2010 were approved unanimously by the following vote: Ayes: McCowen, Shoemaker and Chair Melo; Nays: None; Abstain: None; Absent: None.

Upon a motion by Commissioner McCowen, seconded by Commissioner Shoemaker, the Planning Committee minutes of September 23 were approved unanimously by the following vote: Ayes: Shoemaker and McCowen; Nays: None; Abstain: None; Absent: None.

AGENDA ITEM 4 - REVIEW AND APPROVAL OF BUDGET REPORTS

Upon direction of the Chair, E.O. McMichael reviewed the process for budget reports as developed and provided at the September meeting and the changes directed by the Commission at that meeting. He then requested Larry Restel to review the reports as provided in the agenda packet for this meeting which included those changes. After Mr. Restel's presentation and lengthy discussion by the Commission of various additional suggestions and recommendations were made by individual commissioners with the request that those changes be provided in the next budget report. Upon completion of the discussion, Commissioner Kisslinger, seconded by Commissioner Shoemaker, moved that the budget reports as provided be accepted and that Mr. Restel return to the next meeting to review the budget reports with the requested changes.