

No oral reports were provided by Commissioners. E.O. McMichael indicated while the Planning Committee had not yet provided additional direction for MSRs, he was proceeding with the Fort Bragg Rural Fire Protection District MSR based on his present understanding of the items that had been discussion by the Commission for MSRs but for which no majority direction had been provided.

AGENDA ITEM 9—ADJOURNMENT

Having no further business, the meeting adjourned at 12:40 p.m.

After additional discussion by the Commission , January 10, 2011 from 10:00 am to 1:00 pm was set for the special meeting.

AGENDA ITEM 4 - REVIEW AND APPROVAL OF BUDGET REPORTS

Upon direction of the Chair, E.O. McMichael reviewed briefly commented on the budget reports as developed and provided for the October meeting and the changes requested by commissioners 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 commissioners discussed the reports and various questions were provided to Mr. Restel. Upon completion of the discussion, Commissioner Shoemaker, seconded by Commissioner Kisslinger, moved that the budget reports as provided be accepted and that Mr. Restel return to the next meeting to review the budget reports and direction was provided to E.O. McMichael to explain budget Line 16.

AGENDA ITEM 5 - NOTICED PUBLIC HEARING FOR REVIEW AND ADOPTION OF BROOKTRAILS TOWNSHIP CSD SPHERE OF INFLUENCE/MUNICIPAL SERVICE REVIEW REPORT AND DETERMINATION OF SPHERE OF INFLUENCE

Chair Melo reviewed the historical process for this agenda item. At the October meeting, a motion to approve Resolution 2010-04 as provided for that meeting failed for lack of a majority of the Commission. The motion failed because of differing viewpoints as to the content of the determinations. The meeting was concluded after this vote.

Because the vote to approve the SOI for Brooktrails failed to receive a majority of four votes at the October meeting, it was necessary to return this item for another review by the Commission. The primary disagreement at the October meeting was regarding the determinations. Because of the failure to receive a majority vote, Chair Melo organized an ad hoc committee for purposes of reviewing the determinations. The Ad Hoc Committee consisted of Commissioners Melo, McCowen and Ward. Prior to the December meeting the determinations were re-written and a new public hearing was noticed for December meeting..

The agenda for the December meeting indicated that a motion for reconsideration for this issue was needed. After discussion, it was the consensus of the Commission and the agreement of the Chair that because a new set of determinations had been completed and were before the Commission for their review, a reconsideration motion was not needed.

The Commission then reviewed and discussed the new determinations and through this review provided some minor changes to the proposed determinations. At 12:17 p.m. Chair Melo opened the public hearing. There was no one in the audience at this time and at no time during the review of this item was there anyone in the audience. Seeing this, Chair Melo closed the public hearing at 12:18 p.m. After closure and upon a motion by Commissioner Kisslinger, seconded by Commissioner McCowen the determinations were approved with the changes indicated by the discussion. The motion was approved unanimously on the following vote: Ayes: Kisslinger, McCowen, Shoemaker, Rodin, Orth and Chair Melo; Nays: None; Abstentions: None; Absent: Colfax and McFadden.

At the conclusion of this vote, Commissioner Shoemaker, seconded by Commissioner Orth, moved approval 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*. This motion was approved on the following roll call vote: Ayes: Kisslinger, McCowen, Shoemaker, Rodin, Orth and Chair Melo; Nays: None; Abstentions: None; Absent: Colfax and McFadden.

AGENDA ITEM 6 - REPORTS

**LOCAL AGENCY FORMATION COMMISSION
MENDOCINO COUNTY**

The Local Agency Formation Commission convened a meeting on Monday, December 6, 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 10:05 a.m. The following Commissioners were present and seated: Commissioners McCowen, Rodin, Shoemaker, Kisslinger and Chair Melo. Alternate Commissioners Ward and Orth and Executive Officer McMichael were also present. Commissioners Colfax and McFadden and Alternate Commissioners Madrigal and Pinches were not present. Commissioner Orth was immediately seated.

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 Shoemaker, seconded by Commissioner McCowen, the minutes of October 4, 2010 were approved as submitted by the following vote: Ayes: Kisslinger, McCowen, Rodin, Shoemaker and Chair Melo; Nays: None; Abstain: Orth; Absent: Colfax and McFadden.

OFF AGENDA ITEM

At this point in the meeting, Chair Melo indicated that he had received a letter from the City of Ukiah requesting that the City "hire a consultant to complete all outstanding MSR documents for the City." At this point he provided copies of the letter to all Commissioners and members of the public. Chair Melo indicated that since he received the letter after the agenda was published he was seeking to discuss the letter as an off agenda item. Upon the completion of this statement, Chair Melo provided a motion seconded by Commissioner Kisslinger that the letter be placed on the agenda as an urgency item per the requirements of G.C. 54954.2(b)(2). Two members of the public immediately requested the opportunity to speak. Lee Howard, Redwood Valley, strongly objected to the off agenda item as there was no urgent need to proceed with the discussion of the letter, that sufficient findings would have to be made, and other agencies and members of the public may have concerns and would want the opportunity to speak to the letter. Mr. Howard recommended that a special meeting be held for this purpose.

Rick Kennedy, Ukiah Valley Sanitation District Manager also entered an objection on behalf of the District to discussing the letter as an off agenda item and also recommended a special meeting.

Charlie Stump, City of Ukiah indicated that while the City was interested in discussing the letter with the Commission, the City did not believe that it had to occur today at this meeting and having a special meeting would be appropriate.

After conclusion of these remarks, Chair Melo indicated he would withdraw his motion in favor of conducting a special meeting for this issue. Commissioner Kisslinger therefore withdrew his second.