



# ***NOYO HARBOR DISTRICT MUNICIPAL SERVICE REVIEW***

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*Approved by the Commission  
February 3, 2014*

Prepared for the  
Local Agency Formation Commission of Mendocino County

by  
Policy Consulting Associates, LLC.

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# **1. AGENCY OVERVIEW**

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Noyo Harbor District (NHD) provides port and harbor services to the residents and visitors of the District. This is the first municipal service review (MSR) for NHD.

Several jurisdictions share responsibility for the Noyo Harbor, which is located entirely within Mendocino County's jurisdiction; but is also within the City of Fort Bragg Sphere of Influence. The U. S. Army Corps of Engineers is responsible for maintaining the channel. The Noyo Harbor District operates the harbor, docks, and related facilities; and prepares long-term plans for facilities expansion. The State Department of Fish and Wildlife, the State Department of Boating and Waterways, the California Coastal Commission, the County of Mendocino, and the City of Fort Bragg have partial responsibility and jurisdiction in the area.

## **FORMATION**

NHD was formed in October 1950 as an independent special district. The District was formed to organize, fund, administer, and maintain the Noyo Harbor. It is an all-weather port and the most active and important harbor on the California Coast between Bodega Bay and Eureka. Noyo Harbor District has constructed 256 berths since 1968. Those berths are nearly always occupied, and approximately 43% of the boats moored there are commercial craft. The lower harbor also contains parking and ship building areas, boat launching and repair facilities, fish processing plants, and marine supply stores. Commercial outlets, including visitor-oriented restaurants, are clustered on the north bank of the harbor. One-half mile upriver, on the south side of the river, the Dolphin Cove private commercial marina provides berths for about 150 boats, most of which are recreational.

The principal act that governs the District is the Harbors and Navigation Code of the State of California.<sup>1</sup> Upon formation in 1950, the Noyo Harbor District was formed as a port district pursuant to Section 6231 of the Harbors and Navigation Code. While the chosen name for the District is confusing, it is actually a port district.

The principal act empowers a port district to provide for, and supervise pilots and the pilotage of sea-going vessels within the harbor and regulate and control the anchoring, mooring, towing, and docking of all vessels. Such districts may perform the functions of warehouse workers, stevedores, lighterers, reconditioners, shippers, and reshippers of properties of all kinds and manage the business of the district and promote the maritime and commercial interests of the district.

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<sup>1</sup> Harbors and Navigation Code §6000 *et seq.*

A port district may also acquire, purchase, takeover, construct, maintain, operate, develop, and regulate grain elevators, bunkering facilities, belt or other railroads, floating plants, lighterage, towage facilities, and any and all other facilities, aids, equipment, or property necessary for, or incident to, the development and operation of a port or harbor, or for the accommodation and promotion of commerce, navigation, or fishery in the district.<sup>2</sup>

## **BOUNDARY**

NHD is located in the central western portion of Mendocino County adjacent to the Pacific Ocean and encompasses 43 square miles. The District is bordered by Little Valley Road on the north and Jughandle Creek on the south. NHD's boundary area includes the City of Fort Bragg. The District did not undertake any annexations or detachments since its formation. (Refer to Figure 1: Noyo Harbor District Map)

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### **Extra-territorial Services**

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NHD serves customers and their boats from all over the world. About 45% of clients using the marina are from outside the District boundary. Industrial vessels, fishermen, commercial fishing vessels, and sport and pleasure fishing boats come from all over northern California because the NHD marina can accommodate large boats. In addition, the District accommodates a significant number of world-wide cruisers.

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### **Unserved Areas**

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There are no unserved areas within NHD boundaries.

## **SPHERE OF INFLUENCE**

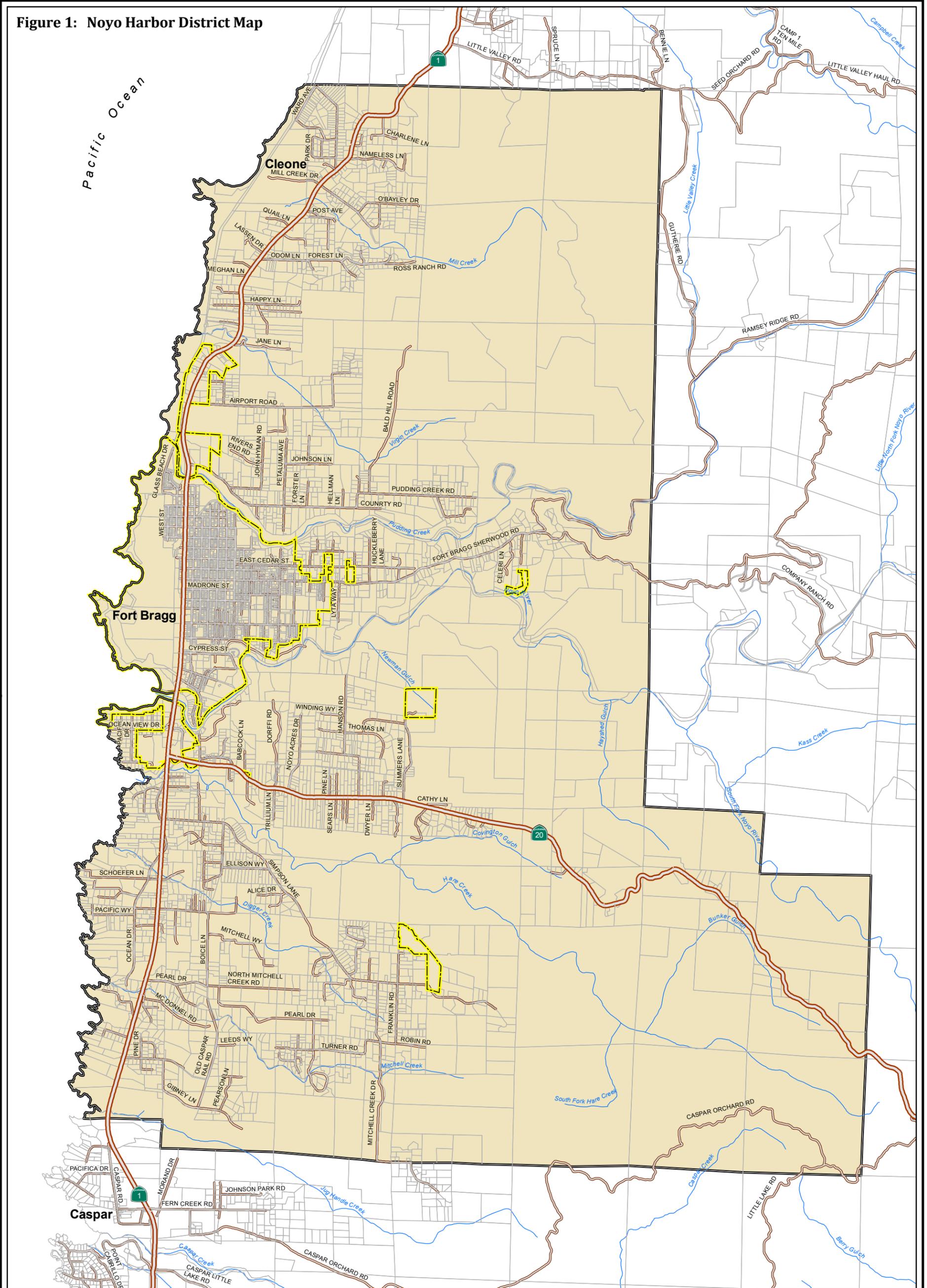
The Sphere of Influence (SOI) for NHD was established in 1994, and is coterminous with the District boundary. (Refer to Figure 1)

As part of the District's SOI Update, consideration should be given for expansion of the Sphere to include its service area, which is estimated to be about 225 square miles. NHD operates the only two public boat ramps within a 50 mile radius.

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<sup>2</sup> Harbors and Navigation Code §6077.2-6077.5

Figure 1: Noyo Harbor District Map



# Noyo Harbor District

Source: This map was created by the Mendocino County Department of Information Services GIS Program, April 2013.  
Note: This map is not a survey product.

- Noyo Harbor District
- City of Fort Bragg
- Parcels
- Highways
- Roads
- Streams



## ACCOUNTABILITY AND GOVERNANCE

Accountability of a governing body is signified by a combination of several indicators. The indicators chosen here are limited to 1) agency efforts to engage and educate constituents through outreach activities, in addition to legally required activities such as agenda posting and public meetings, 2) a defined complaint process designed to handle all issues to resolution, and 3) transparency of the agency as indicated by cooperation with the MSR process and information disclosure.

The principal act (specifically §6240 of the Harbors and Navigation Code), requires Noyo Harbor District to be governed by an appointed five-member Commission: two appointments by the Fort Bragg City Council, two appointments by the Mendocino County Board of Supervisors, and one appointment by consensus of the City Council and the BOS. Current commissioner names, positions, and term expiration dates are shown in Figure 2.

The Commission meets on the second Thursday of every month at 2:00 PM at the Town Hall public meeting facility in Fort Bragg. Commission meeting agendas are posted on the public bulletin board and e-mailed to the e-mail list. Minutes of the meetings are available upon request.

**Figure 2: Noyo Harbor District Governing Body**

<b>Noyo Harbor District</b>				
<i><b>District Contact Information</b></i>				
<b>Contact:</b>	Kevin Michel, Assistant Manager			
<b>Address:</b>	19101 S Harbor Dr, Fort Bragg, CA 95437			
<b>Telephone:</b>	707-964-4719			
<b>Email/website:</b>	noyohd@yahoo.com			
<i><b>Board of Directors</b></i>				
<b>Member Name</b>	<b>Position</b>	<b>Term Expiration</b>	<b>Manner of Selection</b>	<b>Length of Term</b>
Robert Armitage	Chair	November 2016	Appointed jointly	4 years
Tom Ancona	Commissioner	November 2016	Appointed City Council	4 years
Joe Caito	Commissioner	November 2017	Appointed BOS	4 year
James Burns	Commissioner	November 2015	Appointed BOS	4 years
Dusty Dillon	Commissioner	November 2014	Appointed City Council	4 years
<i><b>Meetings</b></i>				
<b>Date:</b>	Second Thursday of every month at 2:00 PM			
<b>Location:</b>	Meetings are held at Town Hall, 363 N Main Street, Fort Bragg			
<b>Agenda Distribution:</b>	Posted on the District bulletin board and e-mailed; posted on the City bulletin board			
<b>Minutes Distribution:</b>	Available upon request			

In addition to the required agendas and minutes, NHD tries to keep its constituents apprised of its activities through word of mouth and the Fort Bragg Advocate-News newspaper. NHD is in the process of establishing a website.

If a customer is dissatisfied with the District's services, complaints may be discussed at Commission meetings. If there is a significant complaint, the issue is placed on the next meeting's agenda. Received complaints are not formally tracked, and there is no designated person responsible for handling complaints. The District reported that there were four complaints in 2012 related to petty theft aboard the boats in the harbor.

NHD demonstrated accountability in its disclosure of information and cooperation with Mendocino LAFCO. The District responded to the questionnaires and cooperated with interview and document requests.

## **MANAGEMENT AND STAFFING**

While public sector management standards do vary depending on the size and scope of the organization, there are minimum standards. Well-managed organizations evaluate employees annually, track employee and agency productivity, periodically review agency performance, prepare a budget before the beginning of the fiscal year, conduct periodic financial audits to safeguard the public trust, maintain relatively current financial records, conduct advanced planning for future service needs, and plan and budget for capital needs.

NHD employs a total of 3.5 full time equivalent (FTE) positions: one full-time general manager, one full-time assistant manager, one full-time maintenance employee, and one half-time maintenance employee. Daily operations are managed by the general manager and the assistant manager. All staff members are accountable to the general manager who reports to the Commission. Personnel are evaluated annually at Commission meetings during the budget process.

Employee workload is tracked through timesheets. Office staff is paid a salary, and maintenance staff receive hourly wages.

NHD reported that it conducted District evaluations through a rate study, which included comparisons with other similar service providers.

The District's financial planning efforts include an annually adopted budget and annually audited financial statements. In addition, the District adopts a Capital Improvement Plan (CIP) with the planning horizon of four years. The most recent CIP was adopted in 2012.

Some of the opportunities for operational improvement identified by the District were: creating a new marina area in lower flats to expand boat capacity; implementing breakwater to improve channel entrance safety; expansion of the District to capture a tax base from the existing harbor users; expansion and improvements to the main pier for public access and commercial fishing users; and establishing a formalized responsibility of dredging and soil removal to be the sole responsibility of the U.S. Army Corps of Engineers (USACE).

## **GROWTH AND POPULATION PROJECTIONS**

This section discusses the factors affecting service demand, such as land uses, and historical and anticipated population growth.

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### **Land Use**

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The District boundary area is approximately 43 square miles, of which 2.8 square miles are also within the City of Fort Bragg city limits. A majority of the land uses within the District are residential, commercial and industrial within the city limits, and open area, forest lands, and agricultural areas beyond. The harbor area itself is not within the city limits, so land use authority remains with the County of Mendocino.

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### **Existing Population**

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There are approximately 10,000 residents within the District, of which approximately 7,250 are within the City of Fort Bragg.

NHD reported that population of the District has declined since 2008 mainly due to the closure of the lumber mill. Declining population trends have been negatively affecting district service demand; however, an even stronger negative effect is seen from the decline of fisheries.

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### **Projected Growth and Development**

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The District reports that there is potential for growth if the former Georgia Pacific mill site is developed with new residential, commercial and industrial uses. The City of Fort Bragg is developing a Specific Plan for the mill site that would allow such uses. In addition, NHD would like to better develop Noyo Harbor itself which would attract more visitors and customers; however, due to lack of personnel and funding, the District has no ability to prepare sufficient plans.

NHD reported that it did not have capacity to provide services to possible future growth. To do so, the District would have to expand in terms of personnel, facilities and boat slips, many of which had been destroyed by the tsunami tidal surge in March 2011.

## FINANCING

The financial ability of agencies to provide services is affected by available financing sources and financing constraints. This section discusses the major financing constraints faced by Noyo Harbor District and identifies the revenue sources currently available to the District.

NHD reported that current financial levels were adequate for operations of the District, but inadequate to complete necessary capital improvements. Challenges include the recent economic downturn, closure of fisheries, and silting that became a problem in 2005-2006, and which creates navigating hazards. In addition, the damage to Noyo Harbor from the tsunami was fairly extensive.

NHD identified multiple opportunities for additional financing sources and cost avoidance, including soliciting political assistance to cope with the costs of dredging and removing of soils, and applying for grants from the State Department of Boating and Waterways to construct new a bathroom facility, repave the parking lot; and rehabilitate the launch ramp.

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### Revenues

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The revenues for NHD for FY 11-12 were \$4,282,745, which consisted of operating revenues (10%) and non-operating revenues (90%). Significant non-operating revenue came from State grant funding and insurance proceeds. Details about the revenue sources and three year comparison are shown in Figure 3.

Noyo Harbor District charges fees for its services. Mooring basin fees vary by length of boat or berth (whichever is greater), and are charged daily, monthly or annually. Temporary (7-months or less) monthly slip rentals for vessels 35-feet and under is \$165 per month; vessels greater than 35-feet pay \$180 per month regardless of the size of the berth. The District also charges for tow services, boat repair in parking lot fees, miscellaneous use of facilities, main pier, hoist, yearly parking permit, fees for lower launch ramp, ground rent, annual permit to launch and/or park, daily parking permit, bumpers, oil spill, and use of Grader Park. District residents and non-residents are charged equal fees.

## Expenditures

Expenditures in FY 11-12 for NHD were \$563,860, which consisted of: operating and security expenses (70%); maintenance expenses (1%); administrative and general expenses (17%); depreciation, taxes, and interest expenses (10%); and disaster mitigation expenses (2%). Normal expenditures range from \$450,000 to \$560,000 depending on the year. Expenditure details are presented in Figure 3, which are similar from year to year.

**Figure 3: Three-Year Revenues and Expenditures Comparison<sup>3</sup>**

<i>Income/Expenses</i>	<i>FY 09-10</i>		<i>FY 10-11</i>		<i>FY 11-12</i>	
<b><i>Income</i></b>						
Slip rental	\$331,786	61%	\$347,362	70%	\$354,860	8%
Hoists	\$770	>1%	\$1,185	>1%	\$765	<1%
Main pier	\$5,720	1%	\$6,454	1%	\$6,845	>1%
Parking	\$10,520	2%	\$12,977	3%	\$20,969	>1%
Ground rents	\$26,696	5%	\$26,041	5%	\$25,275	>1%
Encroachment lease	\$19,001	3%	\$19,341	4%	\$18,052	>1%
Late charges	\$465	>1%	\$525	>1%	\$811	>1%
Miscellaneous revenue	\$71,395	13%	\$27	>1%	\$0	0%
<b><i>Total operating revenue</i></b>	<b>\$466,354</b>		<b>\$413,913</b>		<b>\$427,577</b>	
Interest income	\$1,416	>1%	\$1,170	>1%	\$1,327	>1%
Mendocino County taxes	\$76,741	14%	\$84,528	17%	\$84,352	2%
Grant Revenue - OES & EMA					\$1,841,697	43%
Insurnace Proceeds					\$1,927,792	45%
<b><i>Total non-operating revenue</i></b>	<b>\$78,157</b>		<b>\$85,698</b>		<b>\$3,855,168</b>	
<b><i>Total Income</i></b>	<b>\$544,511</b>	<b>100%</b>	<b>\$499,611</b>	<b>100%</b>	<b>\$4,282,745</b>	<b>100%</b>
<b><i>Expenses</i></b>						
Operating and security	\$315,176	66%	\$311,248	68%	\$397,792	70%
Maintenance	\$10,719	2%	\$5,617	1%	\$4,442	1%
Administrative and general	\$88,158	19%	\$81,045	18%	\$93,834	17%
Depreciation, taxes and interest	\$60,050	13%	\$58,024	13%	\$56,493	10%
Disaster Mitigation Expense					\$11,299	2%
<b><i>Total Expenses</i></b>	<b>\$474,103</b>	<b>100%</b>	<b>\$455,934</b>	<b>100%</b>	<b>\$563,860</b>	<b>100%</b>
<b><i>Net Income</i></b>	<b>\$70,408</b>		<b>\$43,677</b>		<b>\$3,718,885</b>	

<sup>3</sup> Noyo Harbor District, *Audited Financial Statements FY 09-10, FY 10-11, and FY 11-12*

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## Liabilities and Assets

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At the end of FY 11-12, NHD had long-term debt consisting of two loans from the State of California. The first loan with an interest rate of 4.1% was acquired for the construction of revenue producing facilities. The District makes annual principal and interest payments of \$44,202 on August 1<sup>st</sup> of each year through 2016. The second loan is the emergency dredging loan with an interest rate of 4%. NHD pays principal and interest in the amount of \$1,789 every August 11<sup>th</sup> through 2016.

As required by the Department of Boating and Waterways, the District keeps a reserve fund in which it maintains a mandatory minimum of \$50,000.

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## Financing Efficiencies

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The District does not participate in any Joint Powers Authorities (JPAs).

## 2. MUNICIPAL SERVICES

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### HARBOR SERVICES

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#### Service Overview

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NHD provides harbor-related services to residents and visitors of the District and owns and operates select parcels and facilities in Noyo Harbor.

- NHD owns and maintains the marina, one launch ramp, parking lot, park facility for community events, four public restrooms, one public shower, and the District office building. NHD also manages a second public launch ramp owned by the State Department of Boating and Waterways.
- The District collects rents for the State for the use of tideland and keeps these rents for the maintenance of public facilities.
- NHD owns the pier and manages a motor oil recycling center for customers of the facility.
- The District also owns storage facilities for boats, gear and equipment. Users of the facility pay storage fees to NHD.
- The District provides launching services for the Mendocino County Sheriff's Office patrol boat free of charge. NHD receives contract water and sewer services from the City of Fort Bragg.

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#### Demand for Services

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Noyo Harbor District projects its service demand through its annual budgeting process; by studies conducted by USACE; and by responding to specific conditions. NHD has 256 berths which are nearly always occupied; with approximately 43% of the moored boats being commercial craft. During the summer months, the marina and the parking lot are fully occupied. The District maintains a lengthy wait list and believes that there is an additional demand for more boat slips and a larger parking lot during summer. There is additional room for expansion of both; however, the District would have to obtain grant funding to make expansion possible.

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#### Infrastructure and Facilities

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A detailed description of the District's facilities is shown in Figure 4.

**Figure 4: Noyo Harbor District Facilities**

Existing Facilities	Owner	Location	Purpose	Date Built	Condition	Maintenance
Marina - Restrooms & Shower	NHD	Noyo River Mooring Basin	Boat mooring	9/27/1966	Fair / Poor	NHD
Office / Maintenance Shop / Restroom	NHD	Adjacent to Marina	Admin / Maintenance	9/27/1966	Fair	NHD
Grader Park	NHD	Adjacent to Marina	Picnic Area & Community Events	9/27/1966	Good	NHD
Storage Yard	NHD	Adjacent to main parking area	Comm. Fisherman Storage Area	9/27/1966	Fair	NHD
Main Parking Lot & Launch Ramp	NHD	Above office	Boat launch & parking	9/27/1966	Poor	NHD
Noyo Public Access Facility	DBW	Up river from basin	Boat launch & parking	6/14/1984	Fair	NHD
Jetty Parking Lot and Restroom	NHD	West of Hwy 1 North side	Parking beach & jetty access	2/20/1975	Fair	NHD
Vacant lot & Dock 18-140-27	NHD	North Harbor Dr.	Dock Access and Dock - leased	2/20/1975	Poor	Tennant
Vacant lot 018-140-28	NHD	North Harbor Dr.	El Mexicano Parking lot	2/20/1975	Fair	Tennant
Tidelands Leases (currently 21)	NHD	Tidal areas of river up to the eastern boundary of the district (~ 4 miles)	Manage docks in river	5/30/1961	varies	Tennant

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**Infrastructure Needs or Deficiencies**  
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The District’s facility needs are described in Figure 5. Planned facilities are depicted in Figure 6.

**Figure 5: Noyo Harbor District Facility Needs**

Needed Facilities	Purpose	Comments	Challenges
Marina Debris Wall	Shields Marina from River	Need to be replace with modern materials & tsunami surge relief engineering	Need grant funding
Fuel Dock	Currently no fuel dock exists	Old fuel dock in disrepair / permitting and construction cost beyond means of local private parties	Need grant funding
Main Parking Lot	Resurface & upgrade drainage	Currently in poor condition and needs modern storm water control systems	Need grant funding

**Figure 6: Noyo Harbor District Planned Facilities**

New Facility Plans	Description	Comments	Timeline	Cost	Sources of funding
Marina Tsunami Repair	Repair 2011 Tsunami Damage	Insurance proceeds not enough to repair and replace all damage.	2012-2015	\$2.3 million	Insurance Claim Settlement, Cal EMA
Marina Parking Lot and Launch Ramp	New accessible restroom/ partial parking lot & launch ramp improvement	Working with BBW on grant	2013-2015	\$1 million	DBW, RCAC- line of credit
Dining & Lodging	Economic revitalization	Grant awarded but not utilized	2013-2014	\$80,000	Mendocino Community Redevelopment - CDBG

In addition to the new planned facilities listed in Figure 6, the District needs a harbor work boat for which it does not have sufficient funding available.

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## Shared Facilities and Regional Collaboration

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Noyo Harbor District is a member of the California Marine Parks and Harbor Association, and the California Harbormasters Association. The District participated in the Plan for County Economic Revitalization study.

NHD shares some of its facilities with other entities. Grader Park is sometimes used for community events, a Salmon BBQ and the Abalone Festival. The main pier is utilized by the commercial fishing association for loading, unloading and repairs. Department of Boating and Waterways owns the land and has paid for the construction of the Noyo Public Access Facility, which is used by NHD to provide services and collect rents.

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## Service Adequacy

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Based on the information about facilities offered, management practices and accountability discussed in the previous sections, NHD's level of service appears to be adequate. NHD offers a broad range of harbor facilities and services and would like to further expand if funding becomes available. The facilities and services provided are appropriate to the needs of district residents and non-residents.

The District is well managed by the two full-time office staff. However, any capacity expansion will require additional personnel. The current General Manager and Assistant Manager keep the affairs of NHD organized; regularly evaluate the bookkeeping and the maintenance staff; prepare a budget before the beginning of the fiscal year; conduct annual financial audits; maintain current financial records; and perform sufficient capital improvement planning.

The District demonstrates accountability and transparency to its customers by having regular Commission meetings open to the public; by making efforts to engage and educate constituents through outreach activities beyond the required activities; and by cooperating with the MSR process and information disclosure. It is recommended that all public service providers have a website to keep their constituents apprised of their activities and make public document available to clients. NHD reported that it was in the process of building a website.

### **3. MSR DETERMINATIONS**

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#### Growth and Population Projections

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1. As of 2010, the population within Noyo Harbor District (NHD) was approximately 10,000.
2. Population of the District has declined in the last few years negatively affecting NHD's service demand. Even stronger negative effect is seen from the decline of fisheries.
3. Population growth within the District is possible if new residential uses are built within the District.
4. NHD projects its service demand through its annual budgeting process, by studies conducted by Army Corps of Engineers; and by responding to specific conditions.
5. During summer months, the marina and the parking lot are fully occupied. The District believes that there is an additional demand for more boat slips and a larger parking lot during summer.

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#### Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence

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6. Within the Noyo Harbor District Boundary and SOI, there exists one Disadvantaged Unincorporated Community (DUC). This is Cleone, a 'census designated place' with an estimated population of 618, and located at the north end of the district adjacent to the coast. Cleone qualifies as a DUC because its median household income of \$43,920 is less than 80% of the State median household income of \$61,632; or 71.3%. However, NHD does not provide water, sewer or structural fire protection services, and is therefore not responsible for assuring that these services are adequately provided to the Cleone community.

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## Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies

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7. Presently, the District's facilities have marginal capacity to provide adequate services. There are multiple infrastructure needs for which NHD does not have sufficient funding.
8. NHD does not have enough capacity to provide services to future growth. The District would have to expand in terms of personnel, facilities and number of boat slips.
9. Marina debris wall, fuel dock, marina parking lot, and harbor work boat are the infrastructure and vessel needs for which the District does not have funding.
10. Some of the District's infrastructure was severely damaged by the 2011 tsunami. NHD struggles to be compensated for the repairs from the District's insurance carrier.

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## Financial Ability of Agency to Provide Services

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11. The District is responsible for dredge material management and disposal, due to recent changes in the classification of the Noyo Harbor dredge material and associated increased costs of disposal. The District does not have the financial resources to dispose of the channel dredging material. The District is working to transfer channel dredge material disposal responsibility to the Army Corps of Engineers.
12. Noyo HD reported that current financial levels were adequate for operations of the District, but inadequate to complete necessary capital improvements.
13. In FY 11-12, the District's revenues exceeded expenses.
14. NHD keeps a required financial reserve of a minimum of \$50,000.
15. The main source of revenue for the agency is service charges. District residents and non-residents are charged equal fees.
16. The District has long-term debt represented by two loans from the State of California, both of which will be paid off in 2016.

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## Status and Opportunities for Shared Facilities

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17. Noyo Harbor District is a member of the California Marine Parks and Harbor Association, and the California Harbormasters Association.
18. The District participated in the Plan for County Economic Revitalization study.
19. NHD makes Grader Park available for community events. The main pier is frequently used by the commercial fishing association. Department of Boating and Waterways owns the land and has paid for the construction of the Noyo Public Access Facility, which is used by NHD to provide services and collect rents.

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## Accountability for Community Services, Including Governmental Structure and Operational Efficiencies

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20. NHD is governed by the appointed five-person Commission: two appointments by the Fort Bragg City Council, two appointments by the County Board of Supervisors, and one appointment by consensus of the City Council and the BOS.
21. Although the District tries to update its constituents through outreach activities beyond the required agendas and minutes, it is recommended that NHD acquire a website to make its agendas, minutes, notices and documents readily available to district residents.
22. The City of Fort Bragg's General Plan Land Use Policy LU.8.1 expresses Fort Bragg's consideration to annex the Noyo Harbor District. The harbor area is 'bracketed' on both the north and south by the City, although no specific actions have been taken by the City or the District towards the annexation of this area. Annexation would transfer land use authority from the County to the City.
23. The agency demonstrated accountability in its cooperation with the LAFCo information requests.