

# MENDOCINO

## Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482  
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### COMMISSIONERS

**Tony Orth, Chair**

Brooktrails Township CSD

**Scott Ignacio, Vice Chair**

Point Arena City Council

**Gerald Ward, Treasurer**

Public Member

**Matthew Froneberger**

Special District Member

**Glenn McGourty**

County Board of Supervisors

**Maureen Mulheren**

County Board of Supervisors

**Mari Rodin**

City Member

**Jenifer Bazzani, Alternate**

Ukiah Valley Fire District

**Gerardo Gonzalez, Alternate**

Willits City Council

**John Haschak, Alternate**

County Board of Supervisors

**Richard Weinkle, Alternate**

Public Member

### STAFF

**Executive Officer**

Uma Hinman

**Analyst**

Larkyn Feiler

**Commission Clerk**

Kristen Meadows

**Counsel**

Scott Browne

### REGULAR MEETINGS

First Monday of each month

at 9:00 AM in the

Mendocino County

Board of Supervisors

Chambers

501 Low Gap Road, Ukiah

*Approved by Commission on March 7, 2022*

## MINUTES

### Local Agency Formation Commission of Mendocino County

#### Regular Meeting of Monday, February 7, 2022

Meeting held via Zoom due to COVID-19 Pandemic Emergency Conditions

#### 1. CALL TO ORDER and ROLL CALL (Video Time 4:09)

Chair Orth called the meeting to order at 9:00 a.m.

**Regular Commissioners Present:** Tony Orth, Gerald Ward, Mari Rodin, Matthew Froneberger, Glenn McGourty, and Maureen Mulheren (*Note: Alternate Gonzalez immediately seated for Commissioner Ignacio*)

**Regular Commissioners Absent:** Scott Ignacio

**Alternate Commissioners Present:** Gerardo Gonzalez and Richard Weinkle

**Alternate Commissioners Absent:** John Haschak and Jenifer Bazzani

**Staff Present:** Uma Hinman, Executive Officer; Larkyn Feiler, Analyst; Kristen Meadows, Clerk; and Marsha Burch, Legal Counsel

#### 2. AB 361 REMOTE TELECONFERENCING ACTION (Video Time 5:30)

The Commission adopted Resolution No. 2021-22-10 making continued findings pursuant to Assembly Bill 361 to conduct public meetings remotely due to the COVID-19 pandemic.

**Motion** by Commissioner Mulheren to adopt Resolution No. 2021-22-10.

**Second** by Commissioner Froneberger.

**Approved** by roll call vote: unanimous.

Ayes: (7) Froneberger, Gonzalez, Rodin, McGourty, Mulheren, Ward, Orth

#### 3. PUBLIC EXPRESSION (Video Time 10:15)

Ernie Wipf, Ukiah Valley Sanitation District Board Chair, requested discussion regarding Out of Area Service Agreements for the Sanitation District.

Chair Orth recommended adding the topic to the March 7, 2022 agenda.

#### 4. OTHER BUSINESS (Video Time 13:20)

##### 4a) Announcements of Commission Appointments

The Mendocino County Board of Supervisors met in January and affirmed the appointment of current County members for 2022: Commissioners Mulheren, McGourty, and Haschak as alternate.

The City Selection Committee met on February 1<sup>st</sup>, 2022, affirmed Commissioner Ignacio as a regular member, and selected Commissioner Rodin to serve as a regular member and Commissioner Gonzalez as the alternate, both for the four-year term ending December 2025.

**4b) Selection of Officers and Appointments to Committees**

EO Hinman reviewed the policies governing the selection of officers and members of the standing committees and their responsibilities. She began the selection process by inviting nominations for Chair.

**Nomination** by Commissioner Ward of Commissioner Orth for Chair.

**Second** by Commissioner McGourty.

**Approved** by roll call vote: unanimous.

Ayes: (7) Ward, Froneberger, Mulheren, McGourty, Gonzalez, Rodin, Orth

**Nomination** by Chair Orth of Commissioner Ignacio as Vice-Chair and Commissioner Ward as Treasurer.

**Second** by Commissioner Gonzalez.

**Approved** by roll call vote: unanimous.

Ayes: (7) Ward, Mulheren, Gonzalez, Froneberger, Rodin, McGourty, Orth

Chair Orth made no changes to the 2021 committee appointments:

**2022 Executive Committee:** Commissioners Orth, Ignacio, and Ward

**2022 Policies & Procedures Committee:** Commissioners Froneberger, Gonzalez, and Mulheren

**2022 Ad Hoc Committee:** Commissioners Froneberger, Mulheren, and Rodin

**5. CONSENT CALENDAR (Video Time 19:01)**

Commissioners Ward and Rodin requested items c and d be pulled for further discussion.

**5a) December 6, 2021 Regular Meeting Summary**

Chair Orth requested an edit to page 3 of the Meeting Summary.

**5b) Ratify the December 2021 Claims & Financial Report**

<b>December 2021 Claims totaling:</b>	<b>\$12,353.69</b>
Hinman & Associates Consulting	8,561.00
P. Scott Browne	900.00
CSDA	1,250.00
Newspapers	187.69
Comcast	90.04
County of Mendocino IS	672.26
Streamline	50.00
Ukiah Valley Conference Center	492.70
Commissioner Stipends	150.00

**Motion** by Commissioner Gonzalez: Approve items a and b of the Consent Calendar, as amended.

**Second** by Commissioner McGourty.

**Approved** by roll call vote: unanimous.

Ayes: (7) Mulheren, McGourty, Ward, Gonzalez Froneberger, Rodin, Orth

**5c) January 2022 Claims & Financial Report**

<b>January 2022 Claims totaling:</b>	<b>\$15,953.30</b>
Hinman & Associates Consulting	14,357.69
P. Scott Browne	900
Comcast	90.04
Streamline	50.00
Ukiah Valley Conference Center	505.57
Commissioner Stipends	50.00

Commissioner Rodin requested a status update regarding Legal Counsel Scott Browne’s medical leave of absence. Following EO Hinman’s invitation, Interim Legal Counsel Marsha Burch responded that Mr. Browne is still in on medical

leave and she is unable to give a definitive answer as to when he will return. She has worked with Mr. Browne for over 10 years, has periodically filled in for him when necessary, and is familiar with his clients.

Commissioner Rodin asked how Ms. Burch is affiliated with Mr. Browne. Ms. Burch responded that although they are not partners within the same firm, they share the same building, administrative staff and collaborate frequently. She confirmed that the Commission maintains its legal coverage.

**5d) Lease with City of Ukiah for Office Space in the Ukiah Valley Conference Center**

Treasurer Ward confirmed his review and approval of the lease for the new office space and invited EO Hinman to comment. EO Hinman added that the new office is closer to the lobby of the Ukiah Valley Conference Center making it more visible to the public. It is slightly larger than the previous office, allows for natural light, and provides a more comfortable space for staff to work in. In closing, she thanked Treasurer Ward for his facilitation of the process.

Commissioner McGourty requested the current office hours, to which EO Hinman responded that the office is staffed two half days a week and by appointment.

**Motion** by Commissioner McGourty: Approve items c and d of the Consent Calendar.

**Second** by Commissioner Mulheren.

**Approved** by roll call vote: unanimous.

Ayes: (7) Rodin, Froneberger, Ward, Gonzalez, Mulheren, McGourty, Orth

**6. PUBLIC HEARING ITEMS** None

**7. WORKSHOP ITEMS** None

**8. MATTERS FOR DISCUSSION AND POSSIBLE ACTION** (Video Time: 27:12)

**8a) Status Determination for County Service Area 3 in Response to State Controller's Office Inactive District Notice**

In November, the State Controller's Office (SCO) sent notification that CSA 3 was identified as an inactive district. Pursuant to Government Code §56879, the Commission has 90 days from receipt of the notice to initiate disincorporation or determine that the district is still active based on the criteria in GC §56042.

Staff coordinated with the County Executive Office and County Counsel regarding the SCO's notice and was provided current financial documentation of the CSA assets. Substantial planning efforts by the County and several agencies and organizations have been underway for the past two years and LAFCo Staff is in the process of developing the first MSR/SOI Study for the district.

**Questions and Comments from the Commission:**

Commissioner Ward reminded the Commission of Legal Counsel Browne's advice to clearly define the intended powers for CSA 3. He asked what services, in addition to the Sherwood Road Pilot Project, an emergency secondary access for Brooktrails, are being explored for activation.

Chair Orth responded that the Brooktrails Township CSD Board has requested the CSA 3 Board to apply for fire, water, and transportation powers.

Commissioner McGourty added, like the Sherwood Road Pilot Project, emergency access for the East Hills Neighborhood in Ukiah is also being explored. Applications for grant funding are in progress and one landowner has expressed interest in participating.

Chair Orth said that the MSR/SOI process for CSA 3 will allow for discussion and education on CSAs in general and how CSA 3 can best serve the unincorporated areas of Mendocino County.

Commissioner Ward expressed concern that the CSA 3 MSR/SOI Update project is overbudget. He also asked how the district's assets will be utilized.

Chair Orth responded that the funds are, in part, for the application process and he invited EO Hinman to comment further. EO Hinman responded that Staff has been working with the County regarding activation of powers and facilitating communication for the service review and update in hopes that they will track concurrently. The administrative draft for the MSR is nearing completion and staff is working with the County to prepare it for presentation.

Commissioner McGourty asked for the scope of work for an MSR. EO Hinman responded that service reviews assess the overall health of an agency by reviewing the services provided, financials, cost sharing, and governance. Based on the findings, Staff will make recommendations for the Commission's consideration in adopting the Study by resolution. As this is the first for CSA 3, the results of the review process will aid in establishing the county-wide district's sphere of influence. The two studies provide a foundation for determining utilization of services and future annexations or detachments.

Commissioner Ward asked when the administrative draft will be complete and asked about the budget. EO Hinman responded that she will know more following the next coordination meeting and will provide an update on both items at the March meeting.

**Comments from the Public:** (Video time 37:13)

Tamara Alaniz, General Manager of Brooktrails Township CSD, expressed her interest in activation of CSA 3's water and fire powers. She believes they will provide opportunities to secure grant funding and coordination of common goals to best serve the residents of the County.

**Motion** by Commissioner Gonzalez determining that CSA 3 is an active district pursuant to Government Code Section 56042(c) and directing staff to notify the State Controller's Office of the Commission's determination.

**Second** by Commissioner Mulheren.

**Approved** by roll call vote: unanimous.

Ayes: (7) Ward, Mulheren, Gonzalez, Froneberger, Rodin, McGourty, Orth

**8b) Mid-Year Financial Report** (Video time 41:56)

EO Hinman provided a summary report on the status of the budget and work plan.

- The adopted budget for fiscal year 2021-22 is \$227,000.
- As of December 31, 2021, expenses totaled \$86,030, approximately 40%.
- As of December 31, 2021, reserves totaled \$81,030: \$50,000 for legal and \$31,030 for operations.

Two of the of the five work plan projects are complete. CSA 3's administrative draft is nearing completion, and the two largest agency studies, the Ukiah Valley Sanitation District (UVSD) and the City of Ukiah, are in the initial phases of development. Regular coordination meetings have been established with the City of Ukiah and meetings with the Sanitation district will be established in the coming weeks. Delays to work plan progress were due to application processing, which are prioritized. Staff anticipates the submission of two to three applications in the coming months.

**Questions from the Public:**

Mr. Wipf asked for a timeframe for completion of the MSR/SOI for the UVSD. EO Hinman responded that a coordination meeting with the District's general manager is scheduled for the following week and anticipates a timeline will be developed at that time.

Commissioner Ward referenced Mr. Wipf's first question regarding the District's out of area services agreements and asked about the correlation between Out of Area Services and the Sphere of Influence. EO Hinman responded that, typically, completing the MSR/SOI update is necessary before moving forward with any consideration of extending services.

Mr. Wipf asked if the existence of sewer lines indicates that an area is within the District's sphere of influence. Chair Orth responded that his questions would be addressed at the next meeting.

**Questions from the Commission:**

Commissioner Rodin asked how LAFCo responds to development applications processed by the County and if the planning department waits for a determination by LAFCo before moving forward with permit approvals. EO Hinman responded that development within the County that goes through discretionary review is analyzed through the CEQA documentation process and LAFCo should be provided an opportunity to comment if service extensions or annexations are needed. Any need for municipal services is typically included as a condition of approval and the developer then submits application to LAFCo. Additionally, in the case of out of agency extensions of service, there are LAFCo policies regarding the premature extension of services that would need to be considered.

## 9. INFORMATION AND REPORT ITEMS

### 9a) Work Plan, Current, and Future Proposals (Video Time: 52:58)

EO Hinman summarized staff's workload, providing an update on current and potential future proposals and the status of Fiscal Year 2021-22 Work Plan tasks.

#### Comments from the Commission and Public:

Commissioner Ward commented that he received a complaint from a City Council member regarding the delays and asked if any additional resources or support are needed to move the City's MSR/SOI forward. EO Hinman responded that one of the issues is tracking the MSR/SOI with the City's General Plan update. The Cortese-Knox Hertzberg Act (CKH) recommends the best planning approach for multiple service cities is coordinating SOI updates with the General Plan Update process. It will also be beneficial when adopting the SOI and completing the corresponding CEQA document. Including the SOI in the CEQA document for the General Plan Update will provide significant cost savings and allow for an efficient and thorough long-range planning process.

Commissioner Mulheren commented that the initial delays were due to the City and District's efforts to work together on the issues surrounding the provision of services. Despite the delay, the collaboration was imperative to effectively provide services to the community and she expressed appreciation to EO Hinman and both agencies for their efforts. She offered to facilitate communication to elected officials.

Wing-See Fox, General Manager of the UVSD, thanked Commissioner Mulheren for her comments and acknowledged the efforts of the City and District. She said that the challenge is weighing LAFCo's mandated responsibilities against the urgent need for out of area service agreements. She confirmed that the City and District are working together and want to partner with LAFCo to find a solution.

Craig Schlatter, Community Development Director for the City of Ukiah, commented that direct collaboration and coordination between the agencies is necessary to ensure the best outcomes for Valley-wide planning. Now that a productive relationship has been established with LAFCo staff, the City projects can effectively be completed and a long-term planning strategy for service provision for the Ukiah Valley can be developed.

Chair Orth commented that he is looking forward to next month's discussion and finding a way expedite provision of services.

Commissioner Ward thanked Commissioner Mulheren for her offer and will facilitate communication with the concerned Council member.

Commissioner Ward encouraged EO Hinman to provide more detail of behind-the-scenes collaboration on work plan items. EO Hinman responded that much of the delay has been coordinating the development of the studies. These specific studies are more complicated than most and have a significant amount of overlapping information that requires careful review and discussions. The coordination meetings are extremely important to development of the studies and will ultimately provide the Commission with the information it will need to make sound determinations.

Chair Orth commented that he is dedicated to helping to resolve some of the 40-year-old issues that the Commission and Staff are facing and believes that positive changes are happening.

Commissioner Rodin suggested utilizing the Work Plan Ad Hoc Committee. EO Hinman responded that she looks forward to working with the committee and hopes to schedule a meeting following the next coordination meeting with the UVSD.

### 9b) Correspondence (Video Time: 1:10:56)

A letter was received from BBK, special attorneys for the Sanitation District, requesting the status of the district's sphere of influence. Both the letter and staff's response were included in the agenda packet.

### 9c) CALAFCO Business and Legislation Report (Video Time: 1:12:04)

- CALAFCO Membership dues were adopted by the Board in January.
- Two legislative reports were included in the agenda packet for information: Office of Planning and Research and the Senate Committee on Governance and Finance summaries.
- The CAALFCO Board has selected a successor for the Executive Director position.

**9d) Executive Officer's Report** (Video Time: 1:13:59)

EO Hinman thanked the Commission for approving the move to the new office.

**9e) Committee Reports (Executive Committee/Policies & Procedures)**

None

**9f) Commissioners Reports, Comments or Questions** (Video Time: 1:14:58)

Commissioner Gonzalez asked if he should remain on the Ad Hoc Committee now that he is an Alternate. Chair Orth responded that the Commission keeps its Alternates fully engaged.

Commissioner Rodin requested a few weekdays to review the agenda packet. EO Hinman responded that Staff will continue to strive to distribute the packet as early in the week as possible.

Commissioner Ward asked for access to the recording of a CALAFCO Webinar that he missed. EO Hinman provided a summary and instructions on how to access it from the website.

EO Hinman announced that because Mendocino LAFCo is a member of CALAFCO, its member agencies are also considered CALAFCO members and can access the resources and tools available on the website.

**10. CLOSED SESSION** (Video Time: 1:20:41)

The Commission entered closed session at 10:17 a.m. to perform a contract Executive Officer performance evaluation in accordance with Government Code Section 54957(b)(1). The Commission will report out at the next regular meeting of the Commission.

**ADJOURNMENT**

Upon exiting closed session, the meeting immediately adjourned at 11:16 a.m.

The next regular meeting of the Commission will be held on Monday, March 7, 2022 at 9:00 a.m. and will be conducted remotely due to the continued state of emergency, guidelines adopted by the Mendocino County Public Health Officer, and Executive Orders regarding the COVID-19 pandemic.

*Live web streaming and recordings of Commission meetings are available via the County of Mendocino's YouTube Channel. [February 7, 2022, YouTube meeting recording](#). Links to recordings and approved minutes are also available on the [LAFCo website](#).*