

MENDOCINO

Local Agency Formation Commission

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COMMISSIONERS

Tony Orth, Chair

Brooktrails Township CSD

Scott Ignacio, Vice Chair

Point Arena City Council

Gerald Ward, Commissioner

Public Member

Matthew Froneberger

Special District Member

Gerardo Gonzalez

Willits City Council

Glenn McGourty

County Board of Supervisors

Maureen Mulheren

County Board of Supervisors

Jenifer Bazzani, Alternate

Ukiah Valley Fire District

John Haschak, Alternate

County Board of Supervisors

Mari Rodin, Alternate

City Member

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 December 6, 2021

MINUTES

Local Agency Formation Commission of Mendocino County

Special Meeting of Monday, November 8, 2021

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

1. CALL TO ORDER and ROLL CALL

Chair Orth called the meeting to order at 10:00 a.m.

Regular Commissioners Present: Tony Orth, Scott Ignacio, Gerald Ward, Gerardo Gonzalez, Maureen Mulheren, Matthew Froneberger, and Glenn McGourty

Regular Commissioners Absent: None

Alternate Commissioners Present: Mari Rodin, Jenifer Bazzani and Richard Weinkle

Alternate Commissioners Absent: John Haschak

Staff Present: Uma Hinman, Executive Officer; Larkyn Feiler, Analyst; Kristen Meadows, Clerk; and Scott Browne, Legal Counsel

Note: Due to a demonstration at the LAFCo office, Executive Officer Hinman and Analyst Feiler were delayed and entered the meeting at 10:08. Additionally, Commissioner McGourty and Alternate Commissioner Weinkle were admitted into the meeting at 10:08.

2. PUBLIC EXPRESSION (Video Time 2:45)

None

3. CONSENT CALENDAR (Video Time 13:13)

3a) Resolution Authorizing Continued Remote Meetings per AB 361

Approval of the Resolution authorizes the continued use of teleconferenced meetings through December 8, 2021.

Motion by Commissioner Ignacio: Approve the Consent Calendar

Second by Commissioner Mulhern.

Approved by roll call vote: unanimous.

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

4. PROTEST HEARING (Video Time 17:56)

4a) Protest Hearing and Determination of the Value of Written Protests for the Ukiah Valley Fire District Change of Organization to Annex the City Limits of the City of Ukiah for Fire Services (File No. A-2021-02)

Chair Orth opened the Protest Hearing at 10:17 a.m. and invited EO Hinman to introduce the item.

On October 4, 2021 the Commission approved the annexation of the City of Ukiah (City) into the Ukiah Valley Fire District (UFVD or District) triggering a 30-day reconsideration period followed by a protest hearing. The hearing provides an opportunity for landowners and registered voters in the affected area to reverse LAFCo's decision.

The sole purpose of the hearing is to receive and count written protests and withdrawals. The number of protests received will determine whether the application is terminated, ordered with an election, or ordered without an election.

EO Hinman reviewed the protocols for public participation during the hearing and parameters for submitting or withdrawing a protest, and then invited Analyst Feiler to summarize the process.

Analyst Feiler detailed the steps taken by staff to notice the hearing with a minimum 21-day public notice requirement, which was completed by October 18, 2021.

She outlined the three steps of the protest hearing process:

1. Summarize Resolution 2021-22-03 approving the annexation pursuant to GOV §57050(b).
2. Receive Oral and Written Protests.
3. Determine the Value of Written Protests.

Analyst Feiler clarified that LAFCo staff will determine the value of written protests received and not withdrawn from landowners and registered voters in the City of Ukiah by the close of the Protest Hearing pursuant to GOV §57075, as briefly outlined below:

1. If written protest is less than 25%, the Commission approval stands.
2. If written protest is more than 25%, then a vote of the people follows.
3. If written protest exceeds 50%, then the annexation is terminated.

Analyst Feiler confirmed the protest denominators: with a total of 8,949 registered voters in the annexation area, the 25% threshold is 2,238 protestors. With a total of 4,986 landowners in the annexation area, the 25% threshold is 1,247 protestors with a land value of \$134 million.

Chair Orth invited public comment at 10:28 a.m., with a 3-minute time limit each. (Video Time 29:18)

Leonard Winter, CEO of Medstar Ambulance of Mendocino County, expressed concern for the District's proposal to increase Emergency Medical Services (EMS) staffing and the potential impact to Medstar.

John Rarick expressed frustration over the public health guidelines that limit in-person meetings and accessibility to petition local government. He is opposed to a property tax increase, which he believes will indirectly affect renters, and questioned the reason for the increase, especially given the current hyper-inflation environment. He does not believe enough time was given for the public to review and digest the documents relevant to the annexation to make an informed decision.

Lea Bergem, Director of Administration for Medstar Ambulance of Mendocino County, added to Mr. Winter's comments expressing concern for the City of Ukiah's investigation into ambulance feasibility and the potential impact to the viability of MedStar, a non-profit organization that is not funded by tax dollars.

Chair Orth asked Legal Counsel Browne if it would be appropriate to continue the hearing to a later date to calculate the protest forms received during the hearing. Mr. Browne confirmed that the hearing can be continued, but in order to determine the value of protests received the hearing must be closed.

Chair Orth closed the Protest Hearing at 10:44 a.m. (Video time 45:41).

Staff requested a 15-minute break to assess the number of written protests received during the hearing and to determine if additional time would be needed to calculate the results.

Commissioner Froneberger asked if 15 minutes would be sufficient time to calculate the protests received, specifically the assessed property value.

Analyst Feiler confirmed that the threshold calculation involves both the total number of landowners and the total assessed property value and LAFCo staff had this data available.

Legal Counsel Browne added that if the number of written protests received is less than 25% of landowners there is no need to calculate the assessed property value.

Chair Orth called for a 15-minute break at 10:48 a.m. (Video Time 49:51)

15-MINUTE BREAK

The meeting reconvened at 11:06 a.m.

Analyst Feiler reported Staff's findings: (Video Time 1:08:53)

- 75 additional written protests were received during the hearing.
- Protests received before the close of the protest hearing fell far below the 25% threshold for landowners and registered voters.
- Total protests received did not meet the minimum threshold in either category and, therefore, were insufficient to initiate an election process or reverse the Commission's approval.

Commissioner Ward asked about the percentage of protests received. Analyst Feiler responded that 360 protests from registered voters and 236 from landowners were received before the start of the hearing. Commissioner Ward offered a very rough estimation of 5% and Analyst Feiler agreed.

Commissioner Gonzalez asked if it was necessary to verify the validity of the 75 protests collected during the hearing.

Analyst Feiler responded that Staff received and calculated approximately 500 forms prior to the hearing to gain an understanding of the data, and even with an assumption that the additional 75 protests collected were all valid, the total protests calculation was still insufficient to trigger the minimum threshold requirements.

Commissioner Froneberger commented that although the hearing was noticed in accordance with the Brown Act, he does not believe the public was adequately notified or given enough time to respond. Given the curtailments of public gatherings due to the pandemic, he believes the current methods of advertising proceedings and soliciting community engagement are woefully inadequate and outdated.

Mr. Rarick agreed with Commissioner Froneberger and thanked him for his comments.

Commissioner Ward expressed his support of MedStar and the continuation of their ambulance services.

Commissioner Rodin commended Staff on lawfully notifying the public of the hearing. She suspects the public has unanswered questions and a misunderstanding of the application. She suggested that providing more public outreach and information would foster more support.

Motion by Commissioner Ignacio: Adopt Resolution No. 2021-22-08, finding insufficient protest and ordering without an election the Ukiah Valley Fire District Change of Organization to Annex the City Limits of the City of Ukiah for Fire Services pursuant to GOV §57075(a)(3)

Second by Commissioner Mulhern.

Approved by roll call vote: unanimous.

Ayes: (7) Froneberger, Gonzalez, Ignacio, Mulhern, Ward, McGourty, Orth

Following the vote, Commissioner Froneberger asked Staff to repeat the motion for clarification.

EO Hinman read the following:

After the close of the Protest Hearing, if it is determined that insufficient written protests were received by landowners and registered voters within the City of Ukiah prior to the close of the Protest Hearing, adopt Resolution No. 2021-22-08, finding insufficient protest and ordering without an election the Ukiah Valley Fire District Change of Organization to Annex the City Limits of the City of Ukiah for Fire Services pursuant to GOV §57075(a)(3).

ADJOURNMENT (Video Time: 1:25:41)

There being no further business, the meeting adjourned at 11:24 a.m. The next regular meeting is scheduled for Monday, December 6, 2021, at 9:00 a.m. The location is to be determined based on guidelines recommended 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. [November 8, 2021, YouTube meeting recording](#). Links to recordings and approved minutes are also available on the [LAFCo website](#).