

MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482
Telephone: (707) 463-4470 | E-mail: eo@mendolafo.org | Web: www.mendolafo.org

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

Gerardo Gonzalez
Willits City Council

Glenn McGourty
County Board of Supervisors

Maureen "Mo" 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

A G E N D A

Regular Meeting of **Monday, October 4, 2021 at 9:00 AM**
County Board of Supervisors Chambers 501 Low Gap Road, Ukiah, California

Special Notice

On September 16, 2021, Governor Newsom signed AB 361, which modified the Brown Act to allow for teleconferencing participation at local legislative body public meetings during a proclaimed state of emergency. As urgency legislation, this law took effect immediately. Pursuant to Government Code §54953(e)(1)(B), the Commission will conduct its October 4, 2021 meeting by Zoom. Therefore, Commissioners, staff and members of the public will attend this meeting via teleconference, as provided below.

Instructions for Meeting Participation

Join Meeting Live: Please click the following Zoom link below to join the meeting or utilize the telephone option (audio only)

1. Zoom meeting link: <https://mendocinocounty.zoom.us/j/81112482078>
2. Telephone option:
Dial: **(669) 900-9128** (*Please note that this is not a toll-free number*)
Meeting ID: **811 1248 2078**

Public Participation is encouraged and public comments are accepted:

1. Live: via the Zoom meeting link or telephone option above
2. Via Email: eo@mendolafo.org by 8:30 a.m. the day of the meeting
3. Via Mail: Mendocino LAFCo, 200 S School Street, Ukiah, CA 95482

Meeting Participation

1. When joining the Zoom meeting, please enter your name so that you can be identified to speak.
2. To provide comments, please use the raise hand function in Zoom. For those accessing from a computer or smartphone, the raise hand function may be selected by clicking or tapping it. For members utilizing the telephone option (audio only), please use the raise hand feature by pressing ***9** on your keypad to raise your hand, and ***6** to unmute yourself. When it is your turn to speak, you will be called on by the last four digits of your phone number, if available, and asked to identify yourself for the record.

All comments received will be conveyed to the Commission for consideration during the meeting. All meetings are live-streamed, recorded and available through the link below.

The Commission appreciates the public's adaptation and patience during this crisis.

*Live web streaming and recordings of Regular Commission meetings are available via the [Mendocino County YouTube Channel](#).
Links to recordings, approved minutes, and meeting documents are available on the LAFCo website: <https://www.mendolafo.org/commission-meetings>*

1. CALL TO ORDER and ROLL CALL

2. PUBLIC EXPRESSION

The Commission welcomes participation in the LAFCo meeting. Any person may address the Commission on any subject within the jurisdiction of LAFCo which is not on the agenda. There is a three-minute limit and no action will be taken at this meeting. See public participation information above.

3. OTHER BUSINESS

3a) Authorizing Continued Remote Meetings per Assembly Bill 361

Pursuant to Assembly Bill 361 (AB 361), and in order for the Commission to retain the option to conduct its meetings remotely, the Commission will consider a resolution indicating that a Gubernatorial State of Emergency exists and to determine, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, Commissioners or staff.

4. CONSENT CALENDAR

The following consent items are expected to be routine and non-controversial, and will be acted on by the Commission in a single action without discussion, unless a request is made by a Commissioner or a member of the public for discussion or separate action.

4a) Approval of the September 13, 2021 Regular Meeting Summary

4b) Approval of the September 2021 Claims & Financial Report

5. PUBLIC HEARING ITEMS

5a) Ukiah Valley Fire District Municipal Service Review and Sphere of Influence Update and UVFD Fire Services Annexation and Fire District Sphere Amendment (File No. A-2021-02)

The Commission will consider adoption of a Municipal Service Review and Sphere of Influence Update as required by LAFCo law. The final report includes written determinations on the level and scope of services provided by Ukiah Valley Fire District. The recommended Sphere of Influence includes the City of Ukiah per the District's application to annex the City of Ukiah for fire services. The Commission will also consider adoption of the Ukiah Valley Fire District (UVFD) proposed change of organization, with support from the City of Ukiah, for UVFD annexation of the Ukiah City Limits for fire services and a related Sphere of Influence amendment to add the proposed annexation area to the UVFD SOI.

6. WORKSHOP ITEMS

None

7. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

7a) Ratification of an Out of Agency Water Service Agreement for the City of Fort Bragg

The Commission will ratify an out of agency service agreement approved by the Executive Officer per LAFCo Policy 12.2.4 authorizing the City of Fort Bragg to provide new public water service to two unincorporated properties located within the City's Sphere of Influence at 19970 Minnesota Avenue (APN 018-300-06) and 19981 Minnesota Avenue (APN 018-300-01) to address a public health threat. The out of agency service agreement is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(4) and CEQA Guidelines 15282(k).

7b) Update on LAFCo's Role in Drought Emergency Out of Agency Water Transfers

Informational report on the Executive Committee's discussion and direction to staff regarding out of agency emergency water transfers in response to the countywide drought emergency.

7c) Proposed Special Meeting

The Commission will consider scheduling a Special Commission Meeting for purposes of holding the required protest hearing for the Ukiah Valley Fire District application to annex the City of Ukiah (LAFCo File No. A-2021-02).

8. INFORMATION AND REPORT ITEMS

The following informational items are reports on current LAFCo activities, communications, studies, legislation, and special projects. General direction to staff for future action may be provided by the Commission.

8a) Work Plan, Current and Future Proposals (Written)

8b) Correspondence (Copies provided upon request)

8c) CALAFCO Business and Legislative Report

8d) Executive Officer's Report (Verbal)

8e) Committee Reports (Executive Committee, Policies & Procedures, Work Plan Ad Hoc) (Verbal)

8f) Commissioner Reports, Comments or Questions (Verbal)

ADJOURNMENT

The next Regular Commission Meeting is scheduled for Monday, **November 1, 2021** at 9:00 AM
Location to be determined based on current State and local mandates related to the COVID-19 pandemic.

Notice: This agenda has been posted at least 72 hours prior to the meeting and in accordance with the temporary Brown Act Guidelines instated by State Executive Order N-29-20 and AB 361.

Participation on LAFCo Matters: All persons are invited to testify and submit written comments to the Commission on public hearing items. Any challenge to a LAFCo action in Court may be limited to issues raised at a public hearing or submitted as written comments prior to the close of the public hearing.

Americans with Disabilities Act (ADA) Compliance: Because the meeting is being held by teleconference, if you are hearing impaired or otherwise would have difficulty participating, please contact the LAFCo office as soon as possible so that special arrangements can be made for participation, if reasonably feasible.

Fair Political Practice Commission (FPPC) Notice: State Law requires that a participant in LAFCo proceedings who has a financial interest in a Commission decision and who has made a campaign contribution to any Commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission before the hearing.

MENDOCINO
Local Agency Formation Commission
Staff Report

MEETING October 4, 2021
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Authorizing Continued Remote Meetings per Assembly Bill 361**

RECOMMENDATION

Commission consider and adopt Resolution No. 2021-22-05 acknowledging that a Gubernatorial State of Emergency exists and authorizing the use of teleconferenced meetings for a 30-day period.

BACKGROUND

Following the Governor’s declaration of a state of emergency in March 2020 due to COVID-19, Mendocino LAFCo switched from in-person Commission meetings to fully remote Commission meetings. The transition was authorized by Executive Orders N-25-20, N-29-20, and N-35-20, which collectively modified requirements of the Ralph M. Brown Act, the State’s local agency public meeting law. On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the prior executive orders modifying the Brown Act effective September 30, 2021.

Pursuant to Assembly Bill 361 (AB361), which was signed into order on September 21, 2021, in order for the Commission to continue to conduct its meetings remotely, it must adopt a resolution indicating that a Gubernatorial State of Emergency exists and the Commission has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, Commissioners or staff.

Primary Differences

The primary differences between the Governors prior executive orders modifying Brown Act requirements and AB361 are:

- Local agency must allow the public to participate (listen/comment) in the meeting in real time. This means local agencies must clearly advertise the means by which members of the public can observe a public meeting or offer comment during a meeting remotely, via either a call-in or internet-based option. ***LAFCo meetings have consistently met this standard by allowing the public to view and comment on agenda items in real time via the Zoom meeting platform.***
- An individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body that requires registration to log in to a teleconference, may be required to register as required by the third-party internet

website or online platform to participate. ***LAFCo meetings have consistently met this standard, although we have requested participants to voluntarily identify themselves for the record and ease of communication.***

At this time, the Governor's Proclamation of a State of Emergency-COVID executed on March 4, 2020, remains in effect. Furthermore, the State Department of Public Health [website](#) "recommends universal mask use for indoor public settings, regardless of vaccination status."

To provide the Commission with the greatest flexibility to conduct its business in a safe manner, Staff is recommending the Commission adopt a resolution finding that the COVID 19 pandemic state of emergency remains in effect and continuing to allow Commission meetings to be conducted remotely.

Background

The Governor's existing Executive Orders (N-25-20, N-29-20, N-35-20) allowing for modifications to the Brown Act to address COVID pandemic concerns terminates on September 30, 2021. These modifications allowed local agencies to conduct remote meetings with minimal restrictions. In response to the continued pandemic health and safety concerns, as well as other potential emergencies such as fires, earthquakes or floods, Assembly Bill 361 (AB361) was signed by the Governor effective October 1, 2021, and allows for local agencies, under specified circumstances, to continue utilizing remote meetings under Brown Act modifications as previously done, provided they adopt a resolution declaring such. The current process can be distilled as follows:

1. An emergency situation arises. The specific nature of the emergency produces an imminent risk to public health and safety (pandemic, fire, floods, earthquakes, etc.)
2. A state of emergency is declared by the Governor (pursuant to §8625) *or* state/local officials continue to impose or recommend measures to promote social distancing.
3. A local agency wishes to meet remotely via teleconferencing as a result of the emergency. A meeting notice/agenda are produced and posted, with an agenda item dedicated to consideration of a resolution to transition to teleconferenced meetings.
4. A resolution is passed by majority vote determining that meeting in person would present imminent risks to the health or safety of attendees. This resolution is valid for 30 days.
5. 30 days later, if the state of emergency remains active, a local agency may act to *renew* its resolution effecting the transition to teleconferenced meetings by passing another resolution which includes findings that legislative body has both: 1) reconsidered the circumstances of the state of emergency, and 2) the state of emergency continues to directly impact the ability of the members or the public to meet safely in person.

Governor's Executive Orders

Starting in March 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the Novel Coronavirus. These Executive Orders (N-25-20, N-29-20, N-35-20) collectively modified certain requirements created by the Ralph M. Brown Act ("the Brown Act"), the state's local agency public meetings law. The orders waived several requirements, including requirements in the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting. Furthermore, the orders:

- waived the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting (RETAINED in AB361),
- waived the requirement that each teleconference location be accessible to the public (RETAINED in AB361),
- waived the requirement that members of the public be able to address the legislative body at each teleconference location (NOW REQUIRED by AB361),
- waived the requirement that local agencies post agendas at all teleconference locations, (RETAINED in AB361) and,
- waived the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction. (RETAINED in AB361).

The Brown Act Executive Orders Sunset – September 30, 2021

On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the aforementioned modifications made to the Brown Act, effective September 30, 2021. After that date, local agencies must adopt a resolution pursuant to AB361 to continue to conduct remote meetings with modified Brown Act requirements or they are required to observe all the usual Brown Act requirements as they existed prior to the issuance of the orders.

New AB 361 – Flexibility for Remote Open Meetings During a Proclaimed State Emergency

Assembly Bill 361 provides local agencies with the ability to continue to meet remotely under modified Brown Act requirements during proclaimed state emergencies with the adoption of resolution finding that either:

- 1) Open physical meetings present imminent risks to the health or safety of attendees; *or*
- 2) State/local officials recommend/require measures to promote social distancing.

These criteria permit a local agency to schedule a remote meeting to determine whether meeting in-person during the state of emergency would pose imminent risk to the health or safety of attendees. At that remote meeting, a local agency may determine by majority vote that sufficient risks exist to the health or safety of attendees as a result of the emergency and pass a resolution to that effect. These criteria also permit a local agency to meet remotely in the event that there is a state of emergency declaration while state or local officials have recommended or required measures to promote social distancing.

Renewal

AB 361 requires that the renewal of the resolution effecting the transition to the modified Brown Act requirements must be based on findings that the state of emergency declaration remains active, the local agency has thoughtfully reconsidered the circumstances of the state of emergency, and the local agency has either identified A) ongoing, direct impacts to the ability to meet safely in-person or B) active social distancing measures as directed by relevant state or local officials.

- Attachment:
1. Governor’s Order N-15-21
 2. Draft Resolution 2021-22-05

Attachment 1
EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-15-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS on June 11, 2021, I issued Executive Order N-08-21 to roll back certain provisions of my COVID-19-related Executive Orders and to clarify that other provisions remained necessary to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic; and

WHEREAS Paragraph 42 of Executive Order N-08-21 waived and set forth certain requirements related to public meetings of local legislative and state bodies, and specified that it would be valid through September 30; and

WHEREAS on September 16, 2021, I signed into law Assembly Bill 361 (AB 361), which pertains to the same subject matter as Paragraph 42 of Executive Order N-08-21, which took effect immediately pursuant to an urgency clause, and which may, in some instances, have different substantive provisions than the provisions contained in Paragraph 42 of Executive Order N-08-21; and

WHEREAS it is necessary to provide clarity around the applicable procedures governing meetings of local legislative and state bodies until Paragraph 42 of Executive Order N-08-21 expires to further mitigate the impacts of the COVID-19 pandemic as the state continues to reopen and to ensure that critical governmental functions are not interrupted.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The provisions governing teleconference meetings in Education Code section 89305.6, Government Code section 11133, and subdivision (e) of Government Code section 54953 are suspended through September 30, 2021, except that any local legislative body that meets to take a majority vote pursuant to subparagraph (B) of paragraph (1) of subdivision (e) of Government Code section 54953 shall conduct the meeting at which such vote is taken as required by paragraph (2) of subdivision (e) of Government Code section 54953. Except as otherwise specified in this paragraph, the requirements related to public meetings of local legislative and state bodies specified in Paragraph 42 of Executive Order N-08-21 shall continue to govern such meetings through September 30, 2021.
2. This Order shall expire at 11:59 p.m. on October 1, 2021.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 20th day of September 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, Ph.D.
Secretary of State

Attachment 2

Resolution No. 2021-22-05 of the Local Agency Formation Commission of Mendocino County

Ratifying the Proclamation of a State of Emergency by Governor Newsom On March 4, 2020 to Address the COVID 19 Pandemic, and Authorizing, Pursuant to AB361, Remote Teleconference Meetings for the Period from October 4, 2021 to November 3, 2021 Pursuant to Brown Act Provisions

WHEREAS, the Mendocino Local Agency Formation Commission, hereinafter referred to as the “Commission”, is committed to preserving and nurturing public access and participation in meetings of the Commission; and

WHEREAS, all the meetings of the Commission are open and public, as required by the Ralph M. Brown Act (“Brown Act”) (California Government Code 54950 -54963), so that any member of the public may attend, participate, and watch the Commission conduct business; and

WHEREAS, the Brown Act, Government Code Section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code Section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the boundaries of Mendocino County, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, if the legislative body meeting in person would present imminent risks to the health and safety of attendees, Commissioners and staff; and

WHEREAS, such conditions now exist in the County of Mendocino, specifically, the State of Emergency proclaimed by Governor Newsom on March 4, 2020, due to the COVID 19 pandemic; and

WHEREAS, the California Department of Public Health and the Mendocino County Public Health Department continues to recommend requiring face coverings in all public indoor settings attributable to the rise in SARS-CoV-2 Delta Variant and the Commission cannot be certain that all persons in attendance at meetings will follow the guidelines or be fully vaccinated; and

WHEREAS, the Commission does hereby find that the rise in SARS-CoV-2 Delta Variant has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of the Commission or its staff, and desires to proclaim a local emergency exists and ratify the proclamation of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Commission does hereby find that the legislative bodies of the Mendocino Local Agency Formation Commission shall continue to

conduct their meetings without compliance with Government Code Section 54953(b)(3), as authorized by Section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to meetings as prescribed in Section 54953(e)(2); and

WHEREAS, the Commission provides written agenda that fully describes the process for the public to fully participate in the Commission's virtual meetings to include viewing, listening and commenting in real time on all agenda items; and

NOW, THEREFORE, the Mendocino Local Agency Formation Commission does hereby RESOLVE, DETERMINE, and ORDER as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Commission hereby proclaims that a local emergency now exists throughout the Commission's jurisdictional boundaries, and the rise in SARS-CoV-2 Delta Variant has caused, and will continue to cause, conditions of peril to the safety of all persons participating in the Commission's meetings that are likely to be beyond the control of the Commission or its staff, equipment, and facilities of the Commission.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Commission hereby ratifies the Governor of the State of California's Proclamation of State of Emergency for COVID 19, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Executive Officer and the Mendocino Local Agency Formation Commission are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect on October 4, 2021, and shall be effective until the earlier of November 3, 2021, or such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative body of the Mendocino Local Agency Formation Commission may continue to teleconference without compliance with Section 54953(b)(3).

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County this 4th day of October 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

CHARLES A. ORTH, Commission
Chair

UMA HINMAN, Executive Officer

MENDOCINO

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REGULAR MEETINGS

First Monday of each month
at 9:00 AM in the
Mendocino County
Board of Supervisors
Chambers
501 Low Gap Road, Ukiah

Agenda Item No. 4a

DRAFT MINUTES

Local Agency Formation Commission of Mendocino County

Regular Meeting of Monday, September 13, 2021

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

1. CALL TO ORDER and ROLL CALL (Video Time 2:00)

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

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

Regular Commissioners Absent: None

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

Alternate Commissioners Absent: John Haschak

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

2. PUBLIC EXPRESSION None

3. CONSENT CALENDAR (Video Time 4:30)

3a) Approval of the July 12, 2021 Regular Meeting Summary

3b) Approval of the July 2021 Claims & Financial Report

July 2021 Claims totaling:		\$21,298.47
Hinman & Associates Consulting		14,961.63
P. Scott Browne		900.00
Ukiah Valley Conference Center		478.28
Pacific Internet		86.96
Streamline		50.00
Comcast		90.04
SDRMA		2,600.87
CALAFCO		2,220.00
County of Mendocino		180.69

3c) Approval of the August 2021 Claims & Financial Report

August 2021 Claims totaling:		\$20,750.34
Hinman & Associates Consulting		17,473.58
P. Scott Browne		900.00
PNP CPA		1,760.00
Comcast		90.04
Streamline		50.00
Ukiah Valley Conference Center		476.72

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

Abstain: (1) Commissioner Ward (Meeting Summary only)

4. **MATTERS FOR DISCUSSION AND POSSIBLE ACTION** (Video Time 5:48)

4a) Mendocino County Drought Coordination and Emergency Response

The Commission was presented with an update on current drought conditions in the county followed by a request from staff for direction on LAFCo's role in the drought emergency and authorization of temporary water hauling.

EO Hinman welcomed a presentation from Josh Metz of Regional Government Services – a joint powers authority providing senior advisory services to local government agencies and universities in California. He gave a presentation on his ongoing work with the Mendocino County Water Agency and the Mendocino County Board of Supervisor's Drought Ad Hoc Committee to support drought emergency response, future strategies, and implementation within Mendocino County.

Regular coordination meetings are held with both coastal and inland communities to assess water status and concerns, with priority focused on the Coast's immediate need for hauled water.

To address the emergency, following curtailment of all other water supplies, a mutual aid agreement was implemented to allow for long hauling of water from Ukiah to Fort Bragg. They are working closely with the State Division of Drinking Water to address water quality for health and human safety, and the Department of Water Resources to address funding, domestic vs commercial water end use, and concerns due to the Coast's economic dependence on the hospitality industry.

In response, the Board of Supervisors made the following actions: (Note: Listed below are emergency responses. A more sustainable solution is in progress.)

- 4/20/21 Declaration of Drought Emergency
- Initial funding of \$1.5M for water hauling with direction to pursue State and Federal grants
- 8/31/21 Direction to cover 100% of domestic and 80% of commercial water hauling

Status:

- Emergency contract is in place
- Hauling began 9/8/21
- Current Daily Volume: 10,000 gal (10-12 truckloads/day)

Overall, there are 36 drought projects identified within the County, for which grant funding will be sought.

Questions and Comments from the Commission, answered by Josh Metz: (Video Time 20:39)

Commissioner McGourty thanked Mr. Metz for his expertise and the work he is doing for the County. He believes the drought has revealed a need for development of a strong central policy for water purveyance.

Commissioner Gonzalez asked about restrictions to new construction. EO Hinman complimented his question and said that it would be discussed in the next item.

Commissioner Froneberger:

Q Where is the City of Ukiah drawing its water from?

A From surface water. Sean White, City of Ukiah Director of Water/Sewer Utilities, can provide further details.

Commissioner Ward:

Q Describe some of the 36 projects identified in the County and do any of them address water storage?

A There is a wide range of projects, many of them address water storage on both community and residential levels. Examples include the Town of Mendocino's application for two 500,000 gal. storage tanks, and a ground water monitoring system in the Ukiah Valley. The projects are categorized and ranked by cost, lead agency, ability to secure funding, speed of implementation, and ability to address near-future

demands. Projects that meet a certain criterion will be recommended for funding, filtered through the Drought Ad Hoc Committee, and finally presented to the Board of Supervisors for direction by the end of September. County Staff will lead the approved projects through the application process for funding from Department of Water Resources.

Q Could agricultural landowners be allowed to expand ponds to increase capacity?

A The project idea has not been presented, but it is a reasonable one to contemplate.

Chair Orth:

Q Could the National Guard haul potable water to Fort Bragg?

A Mobilizing that sort of response is complex. The question been raised in conversations with Cal OES and Diane Feinstein's office. Cal OES counseled that any request of a Federal Agency will require a description of outreach attempts to solve the problem locally. He confirmed the County's outreach has been extensive.

Q Have you worked with other County LAFCo's?

A Yes

Q Are you aware of County Service Area 3 and efforts to enable and leverage its latent waterpower to help coordinate and seek grant funding; similar to Sonoma County Service Area 41?

A No, but welcome any information.

Q To Commissioner McGourty: Has the Ad Hoc Committee investigated how much rain is needed to re-charge wells on the Coast?

A Typically, after 6-7 inches of rain the ground begins to perk. Inland, around late November/early December, when the leaves begin to fall off the Oak trees water demand is reduced, and ground water starts to rise. Condensed amounts of rainfall results in rapid replenishment vs. 1 in. increments of rainfall.

Correction: Agenda Packet, pg. 31 "Brooktrails is at 75% capacity and is doing a ~~portable reuse study~~ domestic water from sewer recycle study." He would like to see the study compared to desalination.

Commissioner McGourty said the practice of using water once is becoming outdated. For example, UC Davis's experimental winery reuses water seven times.

Following the discussion, Chair Orth invited EO Hinman to present Staff's request for direction on LAFCo's role in the drought emergency and authorization of temporary water hauling.

(Video Time 36:45)

EO Hinman informed the Commission that Counsel Scott Browne would only be available until 10:00 a.m. to answer questions on the topic. She thanked Mr. Metz for his presentation, his coordination efforts, and for including her in the drought meetings.

She explained that it is not LAFCo's intent to impede the delivery of necessary resources during an emergency, but to fulfill its government mandates while supporting the current and future needs of the community.

To clarify Staff's request for Commission direction and to facilitate the discussion, she gave an overview of LAFCo's charge, the relevant laws and policies, and LAFCo's review process. Options identified by staff for Commission consideration and direction are as follows:

- Develop a policy for temporary emergency water hauling
- Develop a blanket out of area service agreement (OASA) for consistency
- Require an application for each hauling instance. This option would fall under the LAFCo's urgency policy and would be reviewed by the EO for approval – a much faster process than a regular application for an OASA.
- Waive application requirements for emergency water hauling associated with the current drought. Because LAFCo relies on data and documentation to make determinations for its agencies, EO Hinman strongly recommended that staff work closely with the County Drought Ad Hoc Committee and the agency in question to obtain data necessary for reporting and decision making if this option is chosen.

Comments and Questions from the Commission:

Commissioner Froneberger

Q Has a drought been used in the past as a health and safety exemption? Droughts are common in California. Is this a standard response?

A Counsel Browne responded that there have been similar situations, but none as comprehensive as Mendocino County's. The current decision is for a longer provision of service than other LAFCo's have had to address - water hauling potentially into January (+/- 5 months). There is no existing standard, so the Commission will have to set the standard.

Q What strategies are in place that ensure that affected agencies adequately prepare for future emergencies?

A EO Hinman responded, emphasizing the importance for LAFCo to receive related data for inclusion in MSR/SOI updates which require determining agency adequacy of resources for provision of services within an agency's jurisdiction and when reviewing applications for annexation.

Counsel Browne agreed, stating that the key point is properly considering these issues when conducting agency MSR/SOI updates. For example, in the recent preparation of the Mendocino City CSD MSR/SOI update, and the subsequent drought emergency, the need to emphasize the development of new facilities was underestimated. The sharing of resources is a critical issue when determining the development and capacity of an agency.

Q Could a similar application initiate an early MSR/SOI study and would that be warranted in an emergency?

A EO Hinman responded that it was at the Commission's discretion, adding that while working on the Mendocino City CSD's review and update, there was no mention of supportive water hauling between agencies along the coast. The situation highlights the need for accurate data surrounding available resources (water supply) and demand. Staff would have emphasized water services if given the knowledge of demand on the resource.

Commissioner McGourty shared the standard for LAFCo involvement of water hauling in California for information. He explained that the amount of water under discussion is relatively small (25–50-acre feet), which is less than what a vineyard owner has on hand, in comparison. He noted that when he shared Mendocino LAFCo's interest with the State Water Resources Control Board, they were surprised: LAFCos typically don't join the discussion due to the small amount in question.

Chair Orth commented that Mendocino has always been a leader in public policy. He supports policy development for future emergencies waiving application requirements with the submittal of relevant data.

Commissioner Gonzalez thanked Commissioner Froneberger for his questions. He also expressed support of waiving application requirements with data collection. He expressed concern of allowing new construction/growth and the capacity to serve.

Commissioner Ward

Q Have any Out of Area Service Agreements (OASA) been approved?

A EO Hinman noted that an application from the City of Fort Bragg had been received, which requested water service to two parcels that are within its SOI but out of its jurisdiction, due to dry wells. The application will be approved administratively this week and brought to the Commission for ratification at the October meeting.

Q Will the options proposed for consideration be assigned to one of the Committees?

A EO Hinman noted that depending on the Commission's direction today, next steps may be taken by a committee.

Commissioner Froneberger, in response to Commissioner McGourty's comments, reiterated that the County's water situation is unique.

EO Hinman added that the discussion has been ongoing for months among LAFCo Executive Officers and most likely will be addressed by CALAFCo working with the State Water Board. Examples that the issue is state-wide include Butte LAFCo's consideration of two water hauling applications and Riverside LAFCo's experience dealing with similar issues.

Commissioner McGourty questioned the amount of LAFCo involvement in water hauling in the County. He welcomes Staff's collaboration with the Ad Hoc Committee.

Chair Orth clarified that LAFCo is only interested in domestic potable water hauling.

Commissioner Ignacio

Q According to the CKH, does LAFCo have an option to address the situation?

A Counsel Browne recommended the Commission consider development of a blanket OASA rather than waiving the application process. Simply waiving the application process lacks legal clarity, creates ambiguity, and would necessitate detailing very tight conditions.

Following Counsel's comments, he expressed support of a blanket OASA.

Chair Orth invited Public Comment and acknowledged Sage Sangiacomo, City of Ukiah City Manager.

Mr. Sangiacomo stated that emergency services are governed separately under the California Emergency Services Act, therefore Government Code (GC) 56133 is not addressing emergency services. Also, the code is not limited to water service, rather it refers to all extended OASAs. He agrees that LAFCo's role is collecting and reviewing the data through MSR/SOIs, ensuring orderly growth, and determining long-term OASAs. He does not believe that LAFCo has a role in determining emergency temporary mutual aid agreements.

Commissioner Ignacio responded that mutual aid agreements are typically agreements that have been in place for decades. He pointed out that this conversation is about new services in an unprecedented state. He suggested the matter be assigned to one of the Committees and invited Manager Sangiacomo to participate in the conversation.

Chair Orth acknowledged the recommendation of a blanket OASA and suggested a policy to address any mutual aid agreements and declared emergency to clarify LAFCo's role.

Commissioner Ward encouraged the Commission to focus on its responsibilities. Chair Orth invited final comments. Mr. Browne added that further discussion won't produce a legal resolution. Development of a Blanket approval solves the issue and, most importantly, the water continues to flow.

5. PUBLIC HEARING ITEMS (Video Time 1:11:14)

5a) Covelo Community Services District MSR/SOI Update

EO Hinman thanked the Covelo Community Services District (CCSD/District) staff for their assistance in developing the document for the hearing and informed the Commission that General Manager Dane Downing was available to answer any questions.

A Workshop on the item was held on July 12, feedback from the Commission was received, and EO Hinman provided answer to the questions and comments:

- There are two wastewater treatment facilities in the valley. One managed by the district and the other owned and operated by the Round Valley Tribes.
- The downtown lots that burned in a fire last year are not subject to the moratorium.
- The district's financial statements use a depreciation expense method giving the appearance of deficit operations and further clarification was included in the agenda packet. The district continues to operate under a balanced budget.

Treasurer Ward indicated that the budget was missing total liabilities and equity, possibly a missing page. EO Hinman will investigate.

He also commented on the population growth in the valley and asked about the impact to the CCSD. EO Hinman replied that a note is included addressing the discrepancy between the US Census record and actual population and invited the General Manager to provide comment.

Commissioner Gonzalez asked if an MOU exists between the Tribe and the District in case of emergencies, to which Manager Downing responded there was not. There has been discussion about combining the water treatment plants or providing mutual support in the past; however, the regulatory requirements aren't compatible (State vs. federal).

Commissioner McGourty asked the General Manager if the CCSD has investigated developing a water system. Manager Downing responded that while the District has not, the Round Valley County Water District has discussed the issue, but was met with great resistance. The infrastructure, management and maintenance of a water system has been thought to be prohibitive.

Commissioner McGourty asked about efforts to provide legally potable water in Round Valley. Manager Downing answered that the Covelo Fire Protection District has a well with potable water that is available to residents without water.

Chair Orth asked if anyone in Covelo has expressed interest in developing a hydrant system for the downtown area following the recent fire. EO Hinman responded that the Round Valley Area Municipal Advisory Committee (RVAMAC) has been discussing the issue and invited Manager Downing to comment. Manager Downing, who is also Treasurer of the RVAMAC, confirmed lengthy discussions and explained that the challenge is infrastructure, community capacity, and identifying an agency to lead the project. Chair Orth encouraged tracking of CSA 3 and its ability to help communities with water issues.

In response to the previous question of population, Manager Downing reported that issues with the local phone system generated investigation into causes of overwhelmed cell towers. It was determined that 14-16,000 cell phone users would cause a breakdown in service, a significant difference from the posted population of 1,400. In closing, he reported no significant change is expected to the Census report.

Motion by Commissioner Gonzalez: Find the Covelo Community Services District Municipal Service Review and Sphere of Influence Update exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations §15306 and §15061(b)(3) and approve the Notice of Exemption for filing.

Second by Commissioner Froneberger.

Approved by roll call vote: unanimous.

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

Commissioner Ignacio asked for clarification of the Resolution number. EO Hinman clarified the correct Resolution No. 2021-22-01.

Motion by Commissioner Ignacio: Adopt LAFCo Resolution 2021-22-01, approving the Covelo Community Services District Municipal Service Review and Sphere of Influence Update and affirming a coterminous sphere.

Second by Commissioner Gonzalez.

Approved by roll call vote: unanimous.

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

Chair Orth thanked Staff for a very well-prepared document.

6. WORKSHOP ITEMS (Video Time 1:29:17)

6a) Ukiah Valley Fire District MSR/SOI Update

Before inviting Analyst Feiler to present the draft update, EO Hinman offered a special thank you to Craig Schlatter and Fire Chief Hutchison for their assistance in review and development of the report. She noted that this is a crucial step in the Fire District's application for annexation of the City of Ukiah as it sets the framework for a sphere amendment. She also recognized and thanked the Chief for his presence considering the recent fire activity in Calpella.

Analyst Feiler introduced the Workshop Draft MSR/SOI for the Ukiah Valley Fire District. This is the second MSR for the District, the first review was adopted in 2013. Formed in 1947, the District provides fire protection and emergency medical services to the greater Ukiah Valley area of approximately 17,000 people and is 80-square miles in size. A 2017 Joint Powers Agreement (JPA) is in place with the City of Ukiah; the two agencies operate together as the Ukiah Valley Fire Authority.

In June 2021, the District, with the City's support, applied for annexation of the Ukiah City limits for fire service only and including a concurrent amendment of its SOI. More details will be provided during the Public Hearing scheduled for the October meeting.

She informed the Commission that the Fire Chief and the City Community Development Director are present to answer questions.

Questions and Comments from the Commission:

Commissioner Froneberger asked why the application for annexation is only for fire services and if the District provides solely fire services in the other areas it serves.

Analyst Feiler clarified that the term “Fire Services” includes a range of services listed under section 2.1.3 of the study. Chair Orth added that the description is limited by state code terminology; however, the operational capacity of the District is extensive.

Commissioner Gonzalez asked the Chief if the annexation will affect its ISO rating. Chief Hutchinson replied that the annexation is more of a business arrangement and the ISO will not be affected.

Commissioner McGourty ask about the financial implications of the annexation, specifically the fees. Chief Hutchinson responded that the District has been struggling to maintain its cost share for the current arrangement with the City. The District tax measures are not indexed and have not changed since they were passed in 1997 and 2003, making it challenging to keep up with increasing costs of doing business. The annexation will allow for equitable distribution of fees across the entire service area.

City Manager Sangiacomo added that, currently, fire services are not adequately funded. Although the annexation will not solve the problem entirely, it is a step toward the final goal of standardizing contributions for fire services in the area. Following the completion of the annexation, the next steps are to index the District tax measures to further equalize the payments collected for fire services. He noted that a key aspect of the JPA outlines the orderly development of fire services.

Chair Orth pointed out additional revenue streams for fire services noting that a portion of sales tax from the unincorporated areas goes toward fire services and work is being done to increase the amount. He requested that the Transient Occupancy Tax (TOT) campground tax revenue stream be added to the list of revenues included in section 2.4.1.3 and pledged his continued support of distribution of equal shares going to the District and the City. He again solicited support for the review of CSA 3 MSR/SOI process underway.

City Manager Sangiacomo also identified potential revenue from the 1% Bradley-Burns General Sales tax that goes toward public safety. In closing, he thanked the Commission for the timely review of the item because if the deadlines are not met the District taxes will not be allocated to fire services in the next fiscal year. Additionally, the City has already budgeted for service enhancements based on anticipated revenue generated from the annexation.

Chair Orth asked which agencies are involved in approval of the tax share agreement. Analyst Feiler answered that approval is required from the City and District prior to approval from the County.

EO Hinman added that she and Analyst Feiler have been meeting with the Fire Chief and City of Ukiah Community Development Director on a weekly basis to coordinate on expedited application processing. In addition, staff is in close contact with the County Assessor and Auditor staff for facilitation of the tax share agreement process. She thanked the Board of Supervisors Tax Share Ad Hoc Committee for their help as well.

Chair Orth asked if a special meeting would be necessary to meet the application deadlines. EO Hinman responded that Staff has initiated public noticing of the hearing to be held at the October 4th meeting. If changes occur, she will contact him regarding scheduling a special meeting.

Analyst Feiler noted the December 1st deadline for the State Board of Equalization to process the boundary change to take effect for the following fiscal year and expressed appreciation for great collaboration and flexibility.

7. INFORMATION AND REPORT ITEMS

7a) Work Plan, Current, and Future Proposals (Video Time: 1:54:17)

Active Proposals: There has been no movement on proposals 2-5; item 6 is a new proposal.

1. Ukiah Valley Fire District Annexation of the City of Ukiah
2. City of Ukiah Annexation of City-Owned Properties
3. City of Ukiah Detachment of Ukiah Valley Sanitation District (UVSD) Served Areas

4. City of Ukiah Pre-Application for Annexation of Areas North of the City
5. Millview County Water District Pre-Application for Annexation of Masonite Properties
6. City of Fort Bragg Application for an Out of Agency Service Agreement for water services

Future Proposal(s):

1. City of Ukiah Annexation of the Western Hills Home Properties – City Council to consider later this week.
2. Elk Community Services District Activation of Latent Powers for Wastewater Services

Work Plan:

The Fiscal Year 2021-22 Work Plan includes the following agencies:

1. Covelo Community Services District – complete with today’s approval
2. Ukiah Valley Fire District – workshop completed; will be scheduled for October 4, 2021 public hearing
3. County Service Area 3 – administrative draft in process
4. City of Ukiah - pending
5. Ukiah Valley Sanitation District - pending

Commissioner Rodin asked Mr. Sangiacomo to provide an update on the City’s progress resolving differences with the UVSD. He replied that monthly meetings are held by Ad Hoc Committees and potential options are discussed.

Commissioner Ward asked for an update on the Sustainable Lands Grant Project. EO Hinman stated the LAFCo’s role has been minimal; however, she will receive an update at a meeting later today. The project is to be completed at the end of this year and LAFCo may not utilize all the grant funds per contract.

7b) Countywide Planning Activities Report None.

7c) Correspondence None.

7d) Executive Officer’s Report (Video Time: 2:00:00)

EO Hinman reported that Staff has been working on the annual audit materials, participating in the drought coordination meetings, processing an Out of Agency Service Agreement, and coordinating with the County on the transition to hybrid meetings.

Treasure Ward asked when he could expect the audit documents for review, to which EO Hinman responded she hoped by mid-month.

7e) Committee Reports (Executive Committee/Policies & Procedures)

The Executive Committee met in August and was updated on application processing and staff workload.

7f) Commissioners Reports, Comments or Questions

Commissioner Ignacio recognized Chair Orth for his efforts.

7g) CALAFCO Business and Legislation Report

The Annual Conference was canceled due to COVID Delta variant concerns. It will be held in Newport Beach in 2022. Commissioner Mulheren has been selected as the voting delegate for Mendocino LAFCo for the CALAFCO Annual Board of Directors Election.

ADJOURNMENT (Video Time: 2:08:36)

There being no further business, the meeting adjourned at 11:07a.m. The next regular meeting is scheduled for Monday, October 4, 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. Links to recordings and approved minutes are also available on the [LAFCo website](#). [September 13, 2021, YouTube meeting recording.](#)

MENDOCINO Local Agency Formation Commission Staff Report

DATE: October 4, 2021
 TO: Mendocino Local Agency Formation Commission
 FROM: Uma Hinman, Executive Officer
 SUBJECT: **Financial Report and Claims for September 2021**

RECOMMENDED ACTION

Approve the September 2021 claims and financial report.

Name	Account Description	Amount	Total
Hinman & Associates Consulting, Inc.	5300 Basics Services	\$ 8,078.00	\$ 11,622.00
	5601 Office Supplies (QB)	\$ 80.00	
	6200 Bookkeeping	\$ 430.00	
	7000 Work Plan (Covelo CSD)	\$ 150.00	
	8027 City of Fort Bragg OASA	\$ 500.00	
	8026 UVFD Annex City of Ukiah	\$ 2,384.00	
P. Scott Browne	6300 Legal Counsel - General Services	\$ 1,765.50	\$ 1,765.50
Cash	5600 Petty Cash	\$ 153.90	\$ 153.90
Newspapers	5900 Covelo CSD PHN	\$ 275.71	\$ 275.71
Comcast	5700 Internet	\$ 190.08	\$ 190.08
Streamline	5700 Website Hosting	\$ 50.00	\$ 50.00
Ukiah Valley Conf. Center	5502 Office Space	\$ 464.00	\$ 464.00
Commissioner Stipends	6740 Re-issue of Feb. 2020 Stipend - Weinkle	\$ 76.45	\$ 126.45
	6740 Weinkle Sept. Meeting	\$ 50.00	
Total:			\$ 14,647.64

Deposits: City of Fort Bragg, \$500; City of Ukiah, \$7500.

Attachments:

- Budget Tracking Spreadsheet
- Work Plan Tracking
- Invoices: Hinman & Associates Consulting, P. Scott Browne

Please note that copies of all invoices, bank statements, and petty cash register were forwarded to the Treasurer.



Hinman & Associates Consulting

PO Box 1251 | Cedar Ridge, CA 95924

(916) 813-0818

uhinman@comcast.net

Date September 27, 2021
To Mendocino LAFCo
Project Executive Officer Services
Work Period September 1 - 26, 2021

Invoice No. 606
Invoice Total \$ 11,622.00

Account	Description	Staff/Hours			Other (At Cost)	Totals
		Executive Officer \$100	Analyst \$68	Clerk \$40		
5300	Basic Services Public Records Act Requests	58.00	11.00	38.25		\$ 8,078.00
5601	Office Supplies Quickbooks Online Fee Office Equipment (Phone, file recovery)				\$ 80.00	\$ 80.00
6200	Bookkeeping	3.50		2.00		\$ 430.00
7000	Work Plan (MSR/SOI/Special Studies) UVFD City of Ukiah UVSD CSA 3 Covelo CSD	1.50				\$ - \$ - \$ - \$ - \$ 150.00
8010	City of Ukiah Detachment Application					\$ -
8022	City of Ukiah North Annex Pre-App					\$ -
8024	Millview CWD Annex Pre-App					\$ -
8025	City of Ukiah Annex City Properties					\$ -
8026	UVFD Annex City of Ukiah	6.50	25.50			\$ 2,384.00
8027	City of Fort Bragg OASA	5.00				\$ 500.00
8601	SALC Project (grant reimbursed)					\$ -
Totals		\$ 7,450.00	\$ 2,482.00	\$ 1,610.00	\$ 80.00	\$ 11,622.00

5300 Basic Services

Administrative tasks and Clerk duties. File research and maintenance. Comprehensive city/special District directory update. Implement new phone system. August claims. Communications with Commissioners, public inquiries, etc. Agenda packet development for September 23 Executive Committee meeting and September 13 Commission meeting. Responded to Public Records Act request.

6200 Bookkeeping

Prepared and coordinated with Treasurer regarding claims. Entered claims into Quickbooks and prepared checks. Reconciled Quickbooks. Developing Fiscal Year End reports.

7000 Work Plan (Sphere of Influence Updates, Municipal Service Reviews, and Special Studies)

Finalization of Covelo CSD MSR/SOI Update. Coordinated preparation of Administrative Draft CSA 3.

8010 City of Ukiah Detachment of UVSD Area

No activity.

8022 City of Ukiah North Annex Pre-App

No activity.

8025 City of Ukiah Annexation of City-owned Properties

No activity.

8026 UVFD Annexation of City of Ukiah

Weekly conference calls with City and UVFD staff regarding application processing, information needs, and process steps. Coordinated with County Assessor and Auditor regarding the tax share negotiation process. Reviewed and processed application and tied in to UVFD MSR/SOI Update.

8601 Sustainable Agricultural Lands Committee Grant Project

No activity

From: Intuit QuickBooks Team <intuit@notifications.intuit.com>
Sent: Sunday, September 19, 2021 7:14 AM
To: eo@mendolafco.org
Subject: We received your QuickBooks subscription payment!

Flag Status: Flagged



Payment success

Executive Officer, thank you for your payment.

Invoice number:
10001118365493
Invoice date: 09/19/2021
Total: \$80.00
Payment method: VISA ending
in

Sign in to QuickBooks where you can see your billing history and view, save, and print your invoice.

[View billing history](#)

Account details

Billed to: Mendocino LAFCo
Company ID ending:
Items on this invoice: QuickBooks Online Plus

(1) For subscriptions, your payment method on file will be automatically charged monthly/annually at the then-current list price until you cancel. If you have a discount it will apply to the then-current list price until it expires. To cancel your subscription at any time, go to [Account & Settings](#) and cancel the subscription. (2) For one-time services, your payment method on file will reflect the charge in the amount referenced in this invoice. Terms, conditions, pricing, features, service, and support options are subject to change without notice.

Law Office of P. Scott Browne
 131 South Auburn Street
 Grass Valley, CA 95945
 5302724250
Tax ID: 68-0348904

September 15, 2021

Mendocino LAFCo
 200 South School St. Ste F
 Ukiah, CA 95482

Invoice Number: 1005
 Invoice Period: 08-16-2021 - 09-15-2021

Payment due by the 15th of next month.

RE: Mendocino LAFCo - General
 Mendocino LAFCo - General

Mendocino LAFCo - General

Time Details

Date	Staff Member	Description	Hours
08-16-2021	PSB	Mendo CSA 3 - Review email from Uma; Respond	0.65
08-16-2021	PSB	Monthly flat rate, as agreed upon in Legal Representation Agreement	
08-19-2021	PSB	Research emergency services act;	
08-25-2021	PSB	Mendo CSA 3 - Review CSA 3 letter and approve;	0.50
08-31-2021	PSB	Email from Uma re mutual aid as basis for water transfer; Respond	0.60
09-01-2021	PSB	Respond to Uma re mutual aid agreement	0.75
09-08-2021	PSB	Email from Uma re water hauling options; Respond	0.70
09-09-2021	PSB	Review agenda and staff report	0.80
09-13-2021	PSB	Meeting from meeting of commission via zoom;	1.50
		Total	900.00

Expenses

Date	Staff Member	Expense	Amount
09-15-2021	PSB	Legal Research	33.00

We appreciate your business.

Page 1 of 3

Date	Staff Member	Expense	Amount
		Legal Research	
09-15-2021	PSB	Misc. Excess hours over 16 from 5/16/2021 - 8/15/2021	832.50
		Total Expenses	865.50
		Total for this Invoice	1,765.50
		Total Amount to Pay	1,765.50

We appreciate your business.

Page 2 of 3

Project Statement of Account

As of 09-15-2021

Project		Balance Due
Mendocino LAFCo - General		1,765.50
	Total Amount to Pay	1,765.50

Mendocino LAFCo - General

Transactions

Date	Transaction	Applied	Invoice	Amount
08-15-2021	Previous Balance			900.00
08-19-2021	Payment Applied	900.00	779	
09-15-2021	Payment Received - Reference Check # 1691			(900.00)
09-15-2021	Payment Applied	900.00	952	
09-15-2021	Invoice 1005			1,765.50
			Balance	1,765.50

We appreciate your business.

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**Mendocino Local Agency Formation Commission
FY 2020-21 Budget and Application Tracking**

Acct #	Task	FY 21-22 Adopted Budget	July	August	Sept	1st Qtr Subtotals	Year to Date	Remaining Budget	% of Budget Expended
EXPENSES									
5300	Basic Services - EO/Analyst/Clerk	\$108,000	\$10,493.00	\$8,317.00	\$8,078.00	\$26,888.00	\$26,888.00	\$81,112.00	25%
	Unfunded Mandates	\$0							
5500	Rent	\$5,775	\$464.00	\$464.00	\$464.00	\$1,392.00	\$1,392.00	\$4,383.00	24%
5600	Office Expenses	\$3,300	\$193.06	\$370.30	\$233.90	\$797.26	\$797.26	\$2,502.74	24%
5700	Internet & Website Costs	\$2,500	\$242.85	\$140.04	\$240.08	\$622.97	\$622.97	\$1,877.03	25%
5900	Publication & Legal Notices	\$2,000			\$275.71	\$275.71	\$275.71	\$1,724.29	14%
6000	Televising Meetings	\$2,000	\$180.69			\$180.69	\$180.69	\$1,819.31	9%
6100	Audit Services	\$3,500		\$1,760.00		\$1,760.00	\$1,760.00	\$1,740.00	50%
6200	Bookkeeping	\$4,500	\$80.00	\$180.00	\$430.00	\$690.00	\$690.00	\$3,810.00	15%
6300	Legal Counsel (S Browne)	\$19,000	\$900.00	\$900.00	\$1,765.50	\$3,565.50	\$3,565.50	\$15,434.50	19%
6400	A-87 Costs County Services	\$2,100				\$0.00	\$0.00	\$2,100.00	0%
6500	Insurance - General Liability	\$2,450	\$2,600.87			\$2,600.87	\$2,600.87	\$-150.87	106%
6600	Memberships (CALAFCO/CSDA)	\$3,525	\$2,220.00			\$2,220.00	\$2,220.00	\$1,305.00	63%
6670	GIS Contract with County	\$2,500				\$0.00	\$0.00	\$2,500.00	0%
6740	In-County Travel & Stipends	\$4,000			\$126.45	\$126.45	\$126.45	\$3,873.55	3%
6750	Travel & Lodging Expenses	\$6,250				\$0.00	\$0.00	\$6,250.00	0%
6800	Conferences (Registrations)	\$4,100				\$0.00	\$0.00	\$4,100.00	0%
7000	Work Plan (MSRs and SOIs)	\$51,500	\$1,768.00	\$6,940.00	\$150.00	\$0.00	\$8,858.00	\$42,642.00	17%
Monthly/ Year to Date Totals		\$227,000.00	\$19,142.47	\$19,071.34	\$11,763.64	\$49,977.45	\$49,977.45	\$177,022.55	22%
APPLICATIONS									
		DEPOSIT (total by application)	July	August	Sept	1st Qtr Subtotals	Project Total to Date	Remaining Budget	Notes
D-2014-8010	City of Ukiah Detachment of UVSD lands	\$19,032.75				\$0.00	\$15,080.75	\$3,952.00	
P-2020-01 (8022)	City of Ukiah North Annexation Pre-Application	\$1,500.00				\$0.00	\$1,122.00	\$378.00	
P-2020-04 (8024)	Millview CWD Annexation Pre-Application	\$3,500.00				\$0.00	\$2,721.50	\$778.50	
A-2021-01 (8025)	City of Ukiah Annexation of City-Owned Properties	\$5,000.00	\$34.00			\$34.00	\$1,815.00	\$3,185.00	
A-2021-02 (8026)	UVFD Annexation of City of Ukiah	\$6,500.00	\$1,272.00	\$1,679.00	\$2,384.00	\$5,335.00	\$5,743.00	\$757.00	
O-2021-03 (8027)	Fort Bragg Extension of Water Service to Minnesota Ave	\$500.00			\$500.00	\$500.00	\$500.00	\$0.00	
8601	Sustainable Ag Lands Committee Grant Project	\$5,100.00	\$850.00			\$850.00	\$1,425.00	\$3,675.00	
Application Totals		\$41,132.75	\$2,156.00	\$1,679.00	\$2,884.00	\$6,719.00			
EXPENSES AND APPLICATION TOTALS		\$268,132.75	\$21,298.47	\$20,750.34	\$14,647.64	\$56,696.45			

DEPOSITS		
City of Ukiah	\$ 7,500.00	9/10/2021
City of Fort Bragg	\$ 500.00	9/10/2021

ACCOUNT BALANCES			
County of Mendocino Account Balance	\$ 3,494	Est. balance as of	9/1/2021
Operations (Checking) Account Balance	\$ 82,685	Bank Statement as of	8/31/2021
Legal Reserve Balance	\$ 50,000	Bank Statement as of	8/31/2021
Operations Reserve Balance	\$ 31,016	Bank Statement as of	8/31/2021
Total	\$ 167,195		

Mendocino LAFCo
FY 2021-22 Estimated Work Plan Implementation Schedule and Cost Tracking
 September 2021

Subject to Change: The estimated schedule and costs for the Fiscal Year 2021-22 Work Plan are subject to change based on agency responsiveness, timely provision of requested information, complexity of issues, level of public and affected agency controversy, and changing needs and priorities.

CEQA: Based on LAFCo practice, the work plan assumes minimal costs for CEQA compliance related to preparing a Notice of Exemption, unless an agency proposes a non-coterminous SOI and pays for any necessary studies and preparation of a Negative Declaration or Environmental Impact Report.

Rolling Work Plan: It is difficult to completely contain staff activities in a single fiscal year; therefore, completion of a study may roll over to the next fiscal year. This estimated work plan implementation schedule and cost tracking table is intended to enhance communication and transparency.

Agency	Request for Information	Admin Draft	Public Workshop	Public Hearing	Final Study	Cost Estimate ¹	FY 2021-22 Budget	FY 2021-22 Expenses	Cost to Date ²
Ukiah Valley Sanitation District	Complete	Pending	TBD	TBD	TBD	\$40,000	\$20,000	\$251	\$3,992
City of Ukiah	Pending	Pending	TBD	TBD	TBD	\$25,000	\$12,500	\$125	\$4,395
Ukiah Valley Fire District	Complete	Complete	9/13/21	10/4/21	TBD	\$7,000	\$6,000	\$5,991	\$9,068
County Service Area 3	In progress	In progress	TBD	TBD	TBD	\$10,000	\$6,000	\$1,162	\$5,259
Covelo CSD	Complete	Complete	7/12/21	9/13/21	9/24/21	\$8,000	\$3,000	\$1,329	\$8,769
Estimated Total						\$90,000	\$51,500	\$8,858	\$31,483

¹ Column indicates the initial cost estimated for each study and accounts for in process studies rolled over from prior fiscal years.

² Column indicates a running total for actual expenses incurred to date for each study in process and is not limited to a specific fiscal year.

**MENDOCINO
Local Agency Formation Commission**

Staff Report

MEETING October 4, 2021
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Public Hearing** to consider adoption of the Ukiah Valley Fire District Municipal Service Review and Sphere of Influence Update and UVFD Fire Services Annexation and Fire District Sphere Amendment (File No. A-2021-02)

RECOMMENDATION

- 1) Find the Ukiah Valley Fire District Municipal Service Review and Sphere of Influence Update and UVFD Fire Services Annexation and Fire District Sphere Amendment (File No. A-2021-02) exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code §21065 and Title 14 of the California Code of Regulations §15306, §15378(a), §15061(b)(3), 15261, 15301, and 15320 and approve the Notice of Exemption for filing; and
- 2) Adopt LAFCo Resolution 2021-22-02, approving the Ukiah Valley Fire District Municipal Service Review and Sphere of Influence Update and amending the existing coterminous Ukiah Valley Fire District Sphere of Influence to add the entire City Limits of the City of Ukiah and designate as Areas of Interest the proposed Western Hills annexation area and two unincorporated island areas within the District boundary; and
- 3) Adopt LAFCo Resolution 2021-22-03, conditionally approving the UVFD Fire Services Annexation and Fire District Sphere Amendment (File No. A-2021-02) change of organization application to annex the City Limits of the City of Ukiah for fire services.

BACKGROUND

This is a Public Hearing to consider public testimony and proposed adoption of the following study and the proposed change of organization:

- 1) The Ukiah Valley Fire District Municipal Service Review and Sphere of Influence Update.
- 2) The UVFD Fire Services Annexation and Fire District Sphere Amendment (File No. A-2021-02), a Ukiah Valley Fire District initiated proposed change of organization, with support from the City of Ukiah, for UVFD annexation of the Ukiah City Limits for fire services and a related Sphere of Influence Amendment to add the proposed annexation area to the UVFD SOI.

Proposed MSR/SOI Update

The Commission held a Workshop on September 13, 2021 to hear public comments and provide direction on revisions to the draft Ukiah Valley Fire District Municipal Service Review (MSR) and Sphere of Influence (SOI) Update study in preparation for this Public Hearing item.

MSR/SOI Comments

The following is a list of revisions from the Commission requested during the workshop:

a) Add the TOT Campground and Recreational Vehicle Parks Tax to Table 2.6 Special Revenues.

There were no public comments received during the workshop item, but the following summary of public comments were received after the workshop:

1. The proposed annexation will result in a change of legal authority for fire services in the Ukiah City limits from Municipal Law (GOV §34000 et seq.) to Fire Protection District Law (HSC §13800 et seq.), with provisions such as:
 - The District prepares and adopts its own annual budget and independent audit by October
 - Debt cannot exceed 3-times Ad Valorem Taxes and requires approval by resolution (2/3rds votes)
 - If the District cannot afford the current level of service, it must reduce services
 - The District Board of Directors can be elected by zones versus an at-large representation model
2. It is unclear whether the Ukiah Valley Fire Authority is a Joint Powers Authority under the Joint Exercise of Powers Act (GOV §6500).
3. The Fire Authority 50/50 cost split does not appear equitable based on the 70/30 service call split.
4. It is unclear who the Fire Authority Fire Executive Committee represents.
5. The District will need to adopt the City Fire Code resulting in two Fire Codes.
6. The City of Ukiah 2017 Ambulance Plan is not available for public review.
7. It is unclear whether the City of Ukiah provision of ambulance services will displace Medstar Ambulance of Mendocino County Inc., a 501(c)(3) non-profit public charity dba Ukiah Ambulance.
8. It is unclear how much of the City of Ukiah Measure P Sales Tax for Public Safety will continue to be contributed to the Ukiah Valley Fire Authority post annexation.
9. The District has roughly a total \$1.7 million deficit, and it will take years to repay City loans in order to rebuild reserves post annexation.
10. It is unclear what happens if the JPA is terminated post annexation.
11. The projected annexation revenue generated is a broad range from \$850,000 to \$1 million.
12. It does not seem prudent to add additional staff positions amidst financial restraints.
13. The amount of money the District generates in Strike Team assignments is not addressed.
14. LAFCo Law requires a 20-year SOI planning horizon and the District finances plan should be 10-years.
15. Under Section 2.4.2.3, the CIP does not contain costs or dates and should be longer than 5-years.
16. The City charges the District for financial and general services provided by City staff, but the District does not charge the City for services.
17. The District does have reserves for Mitigation Fees, which are restricted funds.
18. Under Section 2.1.2, the District boundary description is unclear; it does not cover the entire valley.
19. Under Section 2.2.4, there are no complaints listed.
20. Under Section 2.3.3.6, CAL FIRE does staff the Ukiah Station during the winter months.
21. Under Section 2.5.1.2, the information diminishes the capacity of water districts.
22. Under Section 3.1.2.1, the Fire Authority does not maintain the District fire stations.

These comments have been addressed in the attached Public Hearing Draft document, where appropriate. The District and City provided the following responses to some of the key public comments.

The Fire Authority 50/50 cost split does not appear equitable based on the 70/30 service call split.

Section 7 of the Amended JPA details the annual process for determining the budget and cost apportionment. The District and City, as parties to the agreement, and through the Fire Executive Committee, are charged with agreeing to a Cost Apportionment Plan on an ongoing basis in consideration of changing resource needs, service demands and other factors.

It is unclear how much of the City of Ukiah Measure P Sales Tax for Public Safety will continue to be contributed to the Ukiah Valley Fire Authority post annexation.

The City will continue to contribute Measure P funds in accordance with the advisory measure that was passed with Measure P, as well as the terms and conditions of the JPA, and based upon LAFCo approving the annexation. The JPA is a condition of approval which cannot be terminated without the mutual consent of both the District and the City. The District and City are committed to maintaining an equitable share of the service cost in accordance with any agreed upon Cost Apportionment Plan.

The projected annexation revenue generated is a broad range from \$850,000 to \$1 million.

This is an estimate based on revenues from operations in past years, developed in coordination with a property tax consultant with expertise in this type of analysis. It is derived considering an evaluation of individual parcels and their uses relative to the provisions of the District's Measures J and B.

The District has roughly a total \$1.7 million deficit, and it will take years to repay City loans in order to rebuild reserves post annexation.

The District has relied on available reserves to meet its nominal obligations under the cost sharing arrangement with the City. As reported by the District in its audited financial statements, to end the fiscal year June 30, 2020, the District's expenditures exceeded its revenues by \$615,238. The District and City would work together to structure cost sharing and any potential interagency loan repayment plan, including potential loan forgiveness. The District and City are committed to ensuring the financial sustainability of the Fire Authority. Furthermore, the District and City will continue to explore opportunities to ensure the Fire Authority has the appropriate revenues to support service levels including fees and indexing specialty tax measures.

It is unclear what happens if the JPA is terminated post annexation.

As indicated previously, the JPA has been designed by both the District and City in such a way as to make termination undesirable and difficult to achieve by one party only. If something were to change in the future, the District and City would need to reevaluate and mutually decide the best path forward.

MSR/SOI Information

UVFD was formed in 1947 and provides all-risk fire and emergency services adjacent to the City of Ukiah and within the greater Ukiah Valley area (approximately 80 square miles).

The UVFD MSR/SOI study includes written determinations on the level and scope of services provided by the District through the Ukiah Valley Fire Authority arrangement with the City of Ukiah. Under the Fire Authority, there is no redundancy in services provided in the District and City service areas.

The existing SOI for the UVFD is coterminous (identical to) with the District boundary and was established by LAFCo in 1984. There have been no changes to the District SOI since then. The recommended SOI Amendment includes the Ukiah City Limits as proposed by the District in the UVFD Fire Services Annexation and Fire District Sphere Amendment change of organization application.

The proposed Western Hills annexation area and two unincorporated island areas within the District boundary have been identified as an Area of Interest (AOI) for enhanced coordination between the District and the City and County on any plans or projects with the potential to impact District lands, facilities, and/or services.

Proposed Change of Organization

On May 18, 2021, the Ukiah Valley Fire District Board of Directors approved Resolution No. 2021-04 to initiate a proposed District annexation of the City of Ukiah City limits for fire services and concurrent

amendment of the District's Sphere of Influence (SOI) to be contiguous with the proposed new boundary (Attachment 4). On May 19, 2021, the City of Ukiah City Council approved Resolution 2021-21 to support the District's proposed annexation and SOI amendment (Attachment 5). The proposed annexation is in accordance with State law which expressly authorizes a district to annex territory within the boundaries of a city pursuant to HSC §13810.

The short title for the proposed change of organization is UVFD Fire Services Annexation and Fire District Sphere Amendment (File No. A-2021-02). The proposed annexation area is the City Limits of the City of Ukiah and the Justification of Proposal (Attachment 6) and Plan for Services (Attachment 7) are included for further information.

In 2017, the Ukiah Valley Fire District (UVFD or District) and the City of Ukiah (City) entered into an agreement for combined fire services, known as the Ukiah Valley Fire Authority (UVFA or Fire Authority). Although the District and City have not legally consolidated their entities, for operational purposes they function as one entity. The proposed annexation is the next step in many taken between the agencies since 2012 to establish a long-range functional consolidation of fire/emergency services to improve staffing and performance levels for the District and City service areas.

According to the District's Plan for Services, the purpose of the proposed annexation is to:

- o Further strengthen the operating relationship between the Fire District and Ukiah;
- o Establish a fair and equitable funding resource for fire and emergency medical response services for all Ukiah Valley residents; and
- o Ensure fiscal stability of fire and emergency medical response services for the long-term benefit of Ukiah Valley residents served by the Fire Authority.

The proposed annexation is intended to equalize the tax structure and government representation model for all District and City residents. The proposed annexation is anticipated to result in additional revenue to address multiple needs and more effectively provide fire/emergency services.

In the short-term, the same level of service that is currently being provided by the District and the City under the Fire Authority is proposed to continue to be provided by the same shared personnel using the same shared facilities and equipment under the same JPA service delivery model. The District and City anticipate accomplishing important service enhancement goals, such as increased staffing on apparatus and providing an overall improved level of service in the District and City service areas.

Agreement for Shared Management of Fire Departments

On July 1, 2017, the Ukiah Valley Fire District and the City of Ukiah entered into a Joint Powers Agreement (JPA) entitled the "Agreement for Shared Management of Fire Departments" for the shared provision of fire services. The JPA outlines the terms for jointly managing, equipping, maintaining, and operating all-risk fire, medical, and emergency services in the District and City boundaries.

The joint effort between the District and City is known as the Ukiah Valley Fire Authority (UVFA), but the JPA did not create a separate legal entity. The Fire Authority and Fire Executive Committee (FEC) is not a joint powers agency or authority, partnership, or joint enterprise. UVFA was formed to maximize the use of existing resources, create cost containment opportunities, reduce duplication, maintain local control, and continue to deliver high quality services.

The District and City provide direction to the Fire Chief regarding services and desired special projects. The FEC collaborates regarding direction from their respective agencies for the purpose of avoiding conflicting guidance or creating conflicts relating to priority of services.

Under the JPA, after receiving a recommendation from the FEC, the District Board of Directors and City Council adopt an annual budget for the combined operations of the Fire Authority. The terms of the

Agreement state that general operating costs of the UVFA (with some exceptions) are to be split between the two agencies 50/50.

On June 17, 2020, the District and the City entered into an Amended and Restated Agreement for Shared Management of Fire Department, which becomes effective if the City is annexed by the District (Attachment 9). The 2020 Amended JPA provides a different method for apportioning costs and establishes higher conditions for termination of the agreement to promote longevity, including a requirement that both parties must agree to terminate the agreement based on a determination that termination will not affect the continued provision of services.

It is noteworthy that agreements for the joint provision of municipal services are not under the purview of LAFCo beyond posting such agreements on the LAFCo website and reviewing joint operations within the context of an MSR/SOI study of applicable participating agencies when appropriate and feasible.

The proposed annexation application was based, in part, on the executed 2020 Amended JPA between the District and City and includes many provisions that are relevant to consideration of the proposed annexation. This includes provisions such as the joint approval of annual budgets, the way services are jointly provided by the District and City, and the ongoing agreement on how much the District and City will each contribute toward the joint provision of services. Therefore, Commission approval of the annexation is proposed to be conditioned on the effective implementation of the 2020 Amended JPA between the District and City.

201 Transport Rights

The District and City have requested that Commission approval of the annexation be conditioned on the basis that the District and City do not intend for the annexation to transfer the City's retained right to administer pre-hospital emergency medical transport services under HSC §1797.201 (201 Transport Rights) to the District or otherwise extinguish the City's 201 Transport Rights. Therefore, Commission approval of the annexation is proposed to be conditioned on such a requirement.

Tax Share Agreement

On September 28, 2021, the Mendocino County Board of Supervisors adopted a Tax Share Agreement by Resolution related to the proposed annexation application pursuant to RTC §99(b). A draft resolution is included because the final version was not available at time of print. This resolution authorized a zero property tax agreement such that the shares of property taxes, including all future base tax and tax increments of all jurisdictions within the annexation area, including the City of Ukiah, shall continue to be apportioned in the existing manner post annexation. This is substantially similar with the District and City Tax Share Agreements adopted by Resolutions on September 21, 2021. (Attachment 10)

District Measures J and B

In 1997 and 2003, the District lawfully imposed parcel taxes on the real property in the District through the adoption of ordinances approved as ballot Measures J and B. The City's Resolution of Support for the proposed annexation included City consent to the levying of taxes, including Measures J and B, and to the allocation of those special parcel taxes to the District for those taxes' respective purposes. Through the tax share process, the County, City and District addressed that without further action of the legislative bodies of their respective agencies, any territory in the City annexed to the District will become subject to the taxes previously enacted within the District pursuant to GOV §57330. Therefore, Commission approval of the annexation is proposed to be conditioned on extension of the UVFD parcel taxes Measures J and B to the annexation area pursuant to GOV § 56886(1).

Factors for Consideration

There are seventeen factors to be considered in the Commission's review of an application pursuant to GOV §56668 which are outlined and addressed in the following table. A number of the factors are not relevant to the subject change of organization application.

Factors for Consideration	
Factor	Analysis
(a) Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.	According to the UVFD MSR, the District can expect a small population increase of about 363 people within the next five years, based on an estimated annual growth rate of 0.5% for Mendocino County. Population is not the predominant factor driving service needs. Other factors, such as an aging population, transient populations (tourism and commerce related), increasing severity of fire disasters, and higher expectations for emergency medical services are more significant factors. None of the factors in this section are determinants of fire and emergency service provision growth.
(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services that would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.	The Ukiah Valley Fire Authority, through a partnership of the Ukiah Valley Fire District and City of Ukiah, provides critical fire and emergency services to the affected territory, and existing and future residents and visitors will continue to need these critical public services, including anticipated service enhancements. The proposed annexation is financially beneficial to the provision of fire and emergency services in the District and City service areas through the imposition of UVFD Measure J and B special tax structure over the affected territory, in addition to the on-going financial contributions from the City of Ukiah through the Agreement for Shared Management of Fire Departments.
(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.	Approval of the annexation would allow registered voters and landowners in the affected territory to have direct representation by the District Board of Directors, run for the District Board, and vote in District elections. The District is proposing to annex the Ukiah City limits for fire services to equalize the tax structure and government representation model for all District and City residents. No negative effects of the annexation are anticipated.
(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. (Note: Section 56377 encourages preservation of agricultural and open-space lands.)	The proposal is consistent with Commission policies. The affected territory is within the City of Ukiah, contiguous to the District boundary, and proposed to be added to the District Sphere of Influence with written support from City Council.
(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.	Some properties within the affected territory are agricultural or open space. Annexation of the area to Ukiah Valley FD will not impact the existence of or activities on agricultural or open space lands.

Factors for Consideration	
Factor	Analysis
(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.	The parcels that comprise the affected territory have specific boundary lines that are certain and identifiable, and proposed annexation will not result in irregular boundaries or islands.
(g) A regional transportation plan adopted pursuant to Section 65080.	Not applicable.
(h) The proposal's consistency with city or county general plans.	The application is consistent with the City of Ukiah General Plan.
(i) The sphere of influence of any local agency that may be applicable to the proposal being reviewed.	The proposed annexation area is within the District's proposed sphere amendment area.
(j) The comments of any affected local agency or other public agency.	The City of Ukiah adopted a resolution supporting the proposed annexation and sphere amendment related to changes to the Ukiah City Limits. Comments were received from CAL FIRE Mendocino Unit regarding the City proposed Western Hills annexation, and this area has been included as an Area of Interest in the District SOI.
(k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.	According to the UVFD MSR, through the Ukiah Valley Fire Authority, the District has adequate personnel, facilities, and equipment to meet current and future demands for public services. The District estimates a projected revenue increase in the range of \$850,000 to \$1 million annually, with an annual net gain of approximately \$500,000 to rebuild reserves, from the proposed annexation. It is anticipated that the proposed annexation would help maintain existing levels of service, ensure the long-term provision of critical services, and lead to an improved level of service for everyone in the Fire Authority service area.
(l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.	Not applicable.
(m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.	Not applicable.
(n) Any information or comments from the landowner or landowners, voters, or residents of the affected territory.	No public comments have been received from landowners or voters, to date, specific to the proposed annexation and sphere amendment public notice. A summary of comments received related to the UVFD MSR/SOI have been provided.

Factors for Consideration	
Factor	Analysis
(o) Any information relating to existing land use designations.	The affected territory is incorporated and subject to the City of Ukiah General Plan. No change in land-use designations is anticipated.
(p) The extent to which the proposal will promote environmental justice. As used in the law, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.	The proposed change of organization application makes no representations or exclusions of peoples of any race, culture and/or income with respect to location of public facilities and public services.
(q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 21178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.	Not applicable.

In addition, the District annexation is proposed for the interest of landowners and present and future inhabitants within the District and within the affected territory proposed to be annexed to the District pursuant to GOV §56668.3(1).

Sphere of Influence

The proposed annexation is consistent with the concurrently proposed sphere amendment as previously detailed in this report.

Disadvantaged Unincorporated Communities

The proposed annexation area does not include a Disadvantaged Unincorporated Community (DUC) because it is an incorporated area served by the City of Ukiah.

CEQA Compliance

LAFCo staff agrees with the environmental determination of the Ukiah Valley Fire District, as Lead Agency, in finding that the proposed annexation and sphere amendment is not a project under the California Environmental Quality Act (CEQA) pursuant to PRC §21065 and Title 14 CCR §15378(a), and even if it was a project under CEQA, it is categorically exempt pursuant to Title 14 CCR 15061(b)(3), 15261, 15301, and 15320 in the Notice of Exemption recorded June 8, 2021 (Mendocino County Official Records 2021-E0033) (Attachment 8).

Public Notice

The 21-day Notice for this Public Hearing was properly published, posted, and distributed by Monday September 13, 2021. The Ukiah Daily Journal Proof of Publication is included (Attachment 11).

Public Comments

Public comments have been received in response to the District MSR/SOI Workshop held on September 13, 2021, as previously noted in this report.

Attachments:

1. UVFD MSR/SOI Public Hearing Draft
2. LAFCo Resolution 21-22-02
3. LAFCo Notice of Exemption
4. UVFD Resolution of Application
5. City of Ukiah Resolution of Support
6. UVFD Application Proposal Justification
7. UVFD Plan for Services
8. UVFD Notice of Exemption
9. UVFD-City of Ukiah 2020 Joints Powers Agreement
10. County, City, and District Tax Share Agreements
11. Public Notice Proof of Publication
12. LAFCo Resolution 21-22-03

PUBLIC HEARING DRAFT



(Ukiah, 2021k)

UKIAH VALLEY FIRE DISTRICT

Municipal Service Review and Sphere of Influence Update

Prepared for:

MENDOCINO LAFCO

200 South School Street

Ukiah, California 95482

<http://www.mendolafco.org/>

Workshop: September 13, 2021

Public Hearing: October 4, 2021

Adopted: TBD

LAFCo Resolution No: TBD

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1 INTRODUCTION

1.1 LOCAL AGENCY FORMATION COMMISSION

Local Agency Formation Commissions (LAFcos) are quasi-legislative, independent local agencies that were established by State legislation in 1963 to oversee the logical and orderly formation and development of local government agencies including cities and special districts. There is one LAFco for each county in California.

LAFco is responsible for implementing the Cortese-Knox-Hertzberg (CKH) Local Government Reorganization Act of 2000 (California Government Code Section 56000 et. seq.) in order to promote orderly growth, prevent urban sprawl, preserve agricultural and open space lands, and oversee efficient provision of municipal services.

LAFco has the authority to establish and reorganize cities and special districts, change their boundaries and authorized services, allow the extension of public services, perform municipal service reviews, and establish spheres of influence. Some of LAFco's duties include regulating boundary changes through annexations or detachments and forming, consolidating, or dissolving local agencies.

1.2 MENDOCINO LAFCO

The CKH Act provides for flexibility in addressing State regulations to allow for adaptation to local needs. Mendocino LAFco has adopted policies, procedures and principles that guide its operations. These policies and procedures can be found on Mendocino LAFco's website at the following location: <http://www.mendolafco.org/policies.html>.

Mendocino LAFco has a public Commission with seven regular Commissioners and four alternate Commissioners. The Commission is composed of two members of the Mendocino County Board of Supervisors, two City Council members, two Special District representatives, and one Public Member-At-Large. The Commission also includes one alternate member for each represented category.

1.3 MUNICIPAL SERVICE REVIEW

The CKH Act (GC §56430) requires LAFco to prepare a Municipal Service Review (MSR) for all local agencies within its jurisdiction. MSRs are required prior to and in conjunction with the update of a Sphere of Influence (SOI).

An MSR is a comprehensive analysis of the services provided by a local government agency to evaluate the capabilities of that agency to meet the public service needs of their current and future service area.

An MSR must address the following seven factors:

1. Growth and population projections for the affected area.
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared facilities.
6. Accountability for community service needs, including governmental structure and operational efficiencies.
7. Any other matter related to effective or efficient service delivery, as required by commission policy.

MSRs include written statements or determinations with respect to each of the seven mandated areas of evaluation outlined above. These determinations provide the basis for LAFCo to consider the appropriateness of a service provider's existing and future service area boundary.

1.4 SPHERE OF INFLUENCE PLAN

The CKH Act requires LAFCo to adopt an SOI for all local agencies within its jurisdiction. A SOI is "a plan for the probable physical boundary and service area of a local agency or municipality as determined by the Commission" (GC §56076).

When reviewing an SOI for a municipal service provider, LAFCo will consider the following five factors:

1. The present and planned land uses in the area, including agricultural and open space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

Sphere of Influence Plan Updates include written statements or determinations with respect to each of the five mandated areas of evaluation outlined above. These determinations provide the basis for LAFCo to consider the appropriateness of establishing or modifying a service provider's SOI or probable future boundary.

1.5 MENDOCINO LAFCO POLICIES

In addition to making the necessary determinations for establishing or modifying a SOI Plan consistent with the CKH Act, the appropriateness of an agency's SOI is also based on an evaluation of consistency with local LAFCo policies.

The following Sphere of Influence policies are from the Mendocino LAFCo Policies and Procedures Manual, adopted November 5, 2018.

10.1.1 Legislative Authority and Intent

A sphere of influence is the probable 20-year growth boundary for a jurisdiction's physical development. The Commission shall use spheres of influence to:

- a) promote orderly growth and development within and adjacent to communities;
- b) promote cooperative planning efforts among cities, the County, and special districts to address concerns regarding land use and development standards, premature conversion of agriculture and open space lands, and efficient provision of public services;
- c) guide future local government reorganization that encourages efficiency, economy, and orderly changes in local government; and
- d) assist property owners in anticipating the availability of public services in planning for the use of their property.

10.1.2 Definitions

The Commission incorporates the following definitions:

- a) an “establishment” refers to the initial development and determination of a sphere of influence by the Commission;
- b) an “amendment” refers to a limited change to an established sphere of influence typically initiated by a landowner, resident, or agency; and
- c) an “update” refers to a comprehensive change to an established sphere of influence typically initiated by the Commission.

10.1.3 Sphere Updates

In updating spheres of influence, the Commission’s general policies are as follows:

- a) The Commission will review all spheres of influences every five years for each governmental agency providing municipal services. Municipal services include water, wastewater, police, and fire protection services.
- b) Sphere of influence changes initiated by any agency providing a municipal service shall generally require either an updated or new service review unless LAFCo determines that a prior service review is adequate.
- c) Spheres of influence of districts not providing municipal services including, but not limited to, ambulance, recreation, hospital, resource conservation, cemetery, and pest control shall be updated as necessary.

10.1.4 Reduced Spheres

The Commission shall endeavor to maintain and expand, as needed, spheres of influence to accommodate planned and orderly urban development. The Commission shall, however, consider removal of land from an agency’s sphere of influence if either of the following two conditions apply:

- a) the land is outside the affected agency’s jurisdictional boundary but has been within the sphere of influence for 10 or more years; or
- b) the land is inside the affected agency’s jurisdictional boundary but is not expected to be developed for urban uses or require urban-type services within the next 10 years.

10.1.5 Zero Spheres

LAFCo may adopt a “zero” sphere of influence encompassing no territory for an agency. This occurs if LAFCo determines that the public service functions of the agency are either nonexistent, no longer

needed, or should be reallocated to some other agency (e.g., mergers, consolidations). The local agency which has been assigned a zero sphere should ultimately be dissolved.

10.1.6 Service Specific Spheres

If territory within the proposed sphere boundary of a local agency does not need all of the services of the agency, a “service specific” sphere of influence may be designated.

10.1.7 Agriculture and Open Space Lands

Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an agency’s sphere of influence unless the area’s exclusion would impede the planned, orderly and efficient development of the area. In addition, LAFCo may adopt a sphere of influence that excludes territory currently within that agency’s boundaries. This may occur when LAFCo determines that the territory consists of agricultural lands, open space lands, or agricultural preserves whose preservation would be jeopardized by inclusion within an agency’s sphere. Exclusion of these areas from an agency’s sphere of influence indicates that detachment is appropriate.

10.1.8 Annexations Are Not Mandatory

Before territory can be annexed to a city or district, it must be within the agency’s sphere of influence (G.G. §56375.5). However, territory within an agency’s sphere will not necessarily be annexed. A sphere is only one of several factors that are considered by LAFCo when evaluating changes of organization or reorganization.

10.1.9 Islands or Corridors

Sphere of influence boundaries shall not create islands or corridors unless it can be demonstrated that the irregular boundaries represent the most logical and orderly service area of an agency.

10.1.10 Overlapping Spheres

LAFCo encourages the reduction of overlapping spheres of influence to avoid unnecessary and inefficient duplication of services or facilities. In deciding which of two or more equally capable agencies shall include an area within its sphere of influence, LAFCo shall consider the agencies’ service and financial capabilities, social and economic interdependencies, topographic factors, and the effect that eventual service extension will have on adjacent agencies. Where an area could be assigned to the sphere of influence of more than one agency, the following hierarchy typically applies:

- a) Inclusion within a city’s sphere
- b) Inclusion within a multi-purpose district’s sphere
- c) Inclusion within a single-purpose district’s sphere

Territory placed within a city’s sphere indicates that the city is the most logical provider of urban services. LAFCo encourages annexation of developing territory (i.e., area not currently receiving services) that is currently within a city’s sphere to that city rather than to one or more single-purpose special districts. LAFCo discourages the formation of special districts within a city’s sphere. To promote efficient and coordinated planning among the county’s various agencies, districts that provide the same type of service shall not have overlapping spheres.

10.1.11 Memorandum of Agreements (For City Sphere Amendments and Updates)

Prior to submitting an application to LAFCo for a new city sphere of influence or a city sphere of influence update, the city shall meet with the County to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on development standards and planning and zoning requirements as contained in G.C. §56425. If an agreement is reached between the city and County the agreement shall be forwarded to LAFCo. The Commission shall consider and adopt a sphere of influence for the city consistent with the policies adopted by LAFCo and the County, and LAFCo shall give great weight to the agreement to the extent that it is consistent with LAFCo policies in its final determination of the city sphere.

10.1.12 Areas of Interest

LAFCo may, at its discretion, designate a geographic area beyond the sphere of influence as an Area of Interest to any local agency. (Resolution No. 2018-19-01)

- a) An Area of Interest is a geographic area beyond the sphere of influence in which land use decisions or other governmental actions of one local agency (the "Acting Agency") impact directly or indirectly upon another local agency (the "Interested Agency"). For example, approval of a housing project developed to urban densities on septic tanks outside the city limits of a city and its sphere of influence may result in the city being forced subsequently to extend sewer services to the area to deal with septic failures and improve city roads that provide access to the development. The city in such a situation would be the Interested Agency with appropriate reason to request special consideration from the Acting Agency in considering projects adjacent to the city.
- b) When LAFCo receives notice of a proposal from another agency relating to the Area of Concern, LAFCo will notify the Interested Agency and will consider its comments.
- c) LAFCo will encourage Acting and Interested Agencies to establish Joint Powers Agreements or other commitments as appropriate.

(LAFCo, 2018)

1.6 SENATE BILL 215

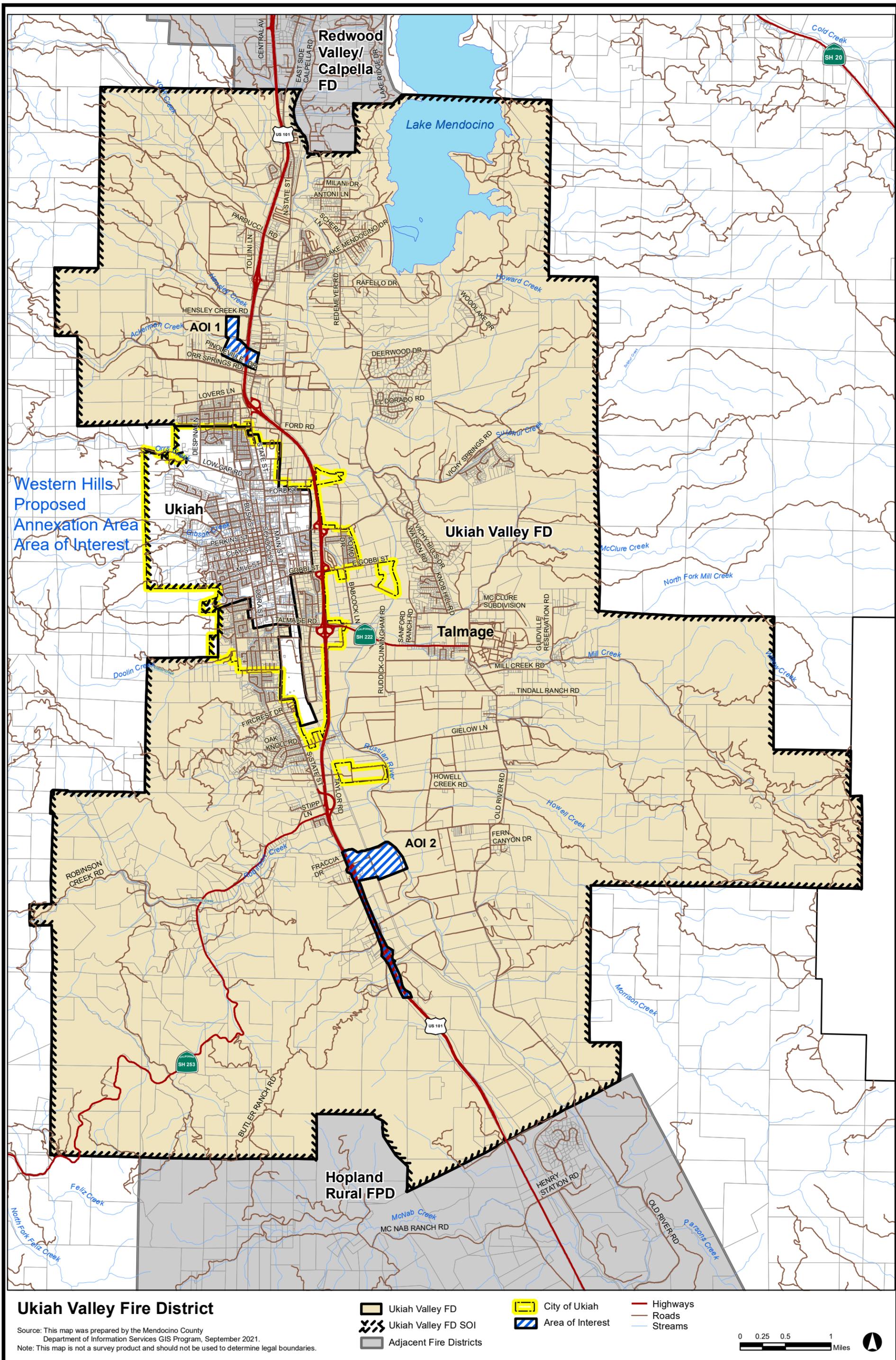
Senate Bill (SB) 215 (Wiggins) requires LAFCo to consider regional transportation plans and sustainable community strategies developed pursuant to SB 375 before making boundary decisions. Senate Bill 375 (Sustainable Communities and Climate Protection Act) requires each metropolitan planning organization (MPO) to address regional greenhouse gas (GHG) emission reduction targets for passenger vehicles in their Regional Transportation Plan (RTP) by integrating planning for transportation, land-use, and housing in a sustainable communities strategy.

Mendocino County is not located within an MPO boundary and therefore is not subject to the provisions of SB 375. However, the Mendocino Council of Governments (MCOG) supports and coordinates the local planning efforts of Mendocino County and the Cities of Fort Bragg, Point Arena, Ukiah, and Willits to address regional housing and transportation needs and helps provide a framework for sustainable regional growth patterns through the 2018 Mendocino County Regional Housing Needs Allocation (RNHA) Plan and Vision Mendocino 2030 Blueprint Plan. MCOG is also responsible for allocating regional transportation funding to transportation improvement projects consistent with the 2017 RTP for Mendocino County.

Mendocino County and the Cities of Fort Bragg, Point Arena, Ukiah, and Willits are the local agencies primarily responsible for planning regional growth patterns through adoption and implementation of general plan and zoning regulations. While Mendocino County is not subject to the provisions of SB 375, LAFCo will review applicable regional transportation and growth plans when considering a change of organization or reorganization application.

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FIGURE 1.1



2 AGENCY OVERVIEW

Table 2.1 UVFD Profile

Agency Name:	Ukiah Valley Fire District
Phone Number:	(707) 462-7921
Fax Number:	N/A
Mailing Address:	1500 South State Street, Ukiah CA 95482
District Office:	1500 South State Street, Ukiah CA 95482
Website:	https://www.cityofukiah.com/uvfd/
Digital Budget:	https://stories.opengov.com/ukiahca/published/3vuNUgwii
General Email:	uvfd@sonic.net
Date of Formation:	1947
Agency Type:	Independent Special District, Single-Service Provider
Enabling Legislation:	Fire Protection District Law: Health and Safety Code §13800 et seq.
Board Meeting Schedule:	2nd Tuesday of the month at 6:00 p.m. at 151 Laws Avenue, Ukiah, CA 95482 (Willow Water District Board Room)
FEC Meeting Schedule:	2nd Wednesday of odd numbered months at 4:00 p.m. at 200 South School Street, Ukiah, CA 95482 (Ukiah Valley Conference Center)

Source: UVFD, 2018b; Ukiah, 2021d; UVFD, 2021b.

2.1 HISTORY

2.1.1 FORMATION

The Ukiah Valley Fire District (District or UVFD) has a long history in the Ukiah Valley area. After the public school house in Ukiah burned down on July 17, 1875, the town residents formed the Eagle Fire Company in 1876 equipped with a hook and ladder truck, four Babcock extinguishers, and a house and lot on which to operate from. Eagle Fire Company was renamed Ukiah Fire Department (UFD) in the early 1900s, and in 1947 the Ukiah Valley Fire District (UVFD) was formed. UFD provided fire protection for the area until UVFD separated from UFD on July 1, 1989. UFD was then responsible for areas within the City limits, while UVFD protected the rest of the surrounding Ukiah Valley. (Ukiah, 2021d)

On January 1, 2014, a temporary two-year merger of the District and UFD was adopted (Ukiah Daily Journal, 2014), and on July 1, 2017, UFD and UVFD approved a Joint Powers Agreement under Resolution 2017-41 of the Ukiah City Council, which consolidated services and functions into the Ukiah Valley Fire Authority (UVFA). (Ukiah, 2017) UVFA is not a separate legal entity, and both fire agencies continue to function as separate legal entities with distinct funding sources, although services and staff are shared across both agencies. (Grebil, 2018)

For the purposes of this MSR, UVFD's distinct data is used whenever possible. Due to the overlap in service areas, staffing, and equipment, however, at times the data presented is for the UVFA. When this occurs, every effort has been made to identify it as such.

2.1.2 BOUNDARY

The District is located in the southern and inland portion of Mendocino County and is situated around the City of Ukiah within the greater Ukiah Valley area. The UVFD boundary comprises approximately 80 square miles or 51,200-acres (Figure 1.1). (UVFD, 2021)

The Ukiah Valley is located approximately 30-miles inland of the Pacific Ocean. It is a north-south trending valley of approximately 9-miles in length and 3-miles in width. The unincorporated communities in the Ukiah Valley include Calpella, Talmage, The Forks, Vichy Springs, Presswood, Regina Heights, and El Roble. US 101 serves as the transportation backbone in the valley and connects with SR 20 to the north and SR 253 to the south. The average elevation of the valley floor is 630 feet and is flanked by the Mendocino and Mayacamas ranges reaching up to 3,000 feet in elevation. The Russian River enters the Ukiah Valley at the northern end and runs south winding along the valley floor east of US 101. (Mendocino, 2011)

The District and City of Ukiah boundaries overlap along the eastern and southern portions of the core City limits and within two incorporated islands (non-contiguous area) located adjacent to East Gobbi Street and Taylor Road.

2.1.2.1 Boundary Change History

Since 1967 there have been several annexations to and detachments from the District, as shown in Table 2.2 below. There have been no changes to the District boundary since the prior 2013 MSR. (UVFD, 2018b)

Year	File Name
1967	Detachment of Waugh Lane
1969	German Annexation
1972	Redemeyer Annexation
1974	Curtis Annexation
1974-75	Deerwood #3 Annexation
1975	Orr Spring Road Annexation
1975	Mendocino State Hospital Annexation
1976	Alexander Estates Annexation
1976	Pinoleville Annexation
1976	Rolling Oaks Estates Annexation
1978	Robinson Creek Annexation
1979	Kauffman Annexation #78-7
1980	Orchard Ave South Detachment
1981	Munson-Hastings Reorganization
1983	Mendocino/Lake Community College District Detachment
1990	Annexation #90-1

2.1.2.2 Proposed Boundary Change

On May 18, 2021, the Ukiah Valley Fire District Board of Directors approved Resolution No. 2021-04 to initiate a proposed District annexation of the City of Ukiah City limits for fire services and concurrent amendment of the District's Sphere of Influence (SOI) to be contiguous with the proposed new boundary. On May 19, 2021, the City of Ukiah City Council approved Resolution 2021-21 to support the District's proposed annexation and SOI amendment. Refer to Figure 1.2 for a map of the proposed annexation area (LAFCo File No. A-2021-02).

According to the District's Plan for Services, the purpose of the proposed annexation is to:

- Further strengthen the operating relationship between the Fire District and Ukiah;
- Establish a fair and equitable funding resource for fire and emergency medical response services for all Ukiah Valley residents; and
- Ensure fiscal stability of fire and emergency medical response services for the long-term benefit of Ukiah Valley residents served by the Fire Authority.

(UVFD, 2021)

The proposed annexation is intended to equalize the tax structure and government representation model for all District and City residents. The proposed project is anticipated to result in additional revenue to address multiple needs and more effectively provide fire protection and emergency response services.

In the short-term, the same level of service that is currently being provided by the District and the City under the Fire Authority is proposed to continue to be provided by the same shared personnel using the same shared facilities and equipment under the same JPA governing authority. In the long-term, the District and City anticipate accomplishing important service enhancement goals shown below, such as increased staffing on apparatus, and providing an overall improved level of service for everyone in the Ukiah Valley area.

Service Enhancement Goals

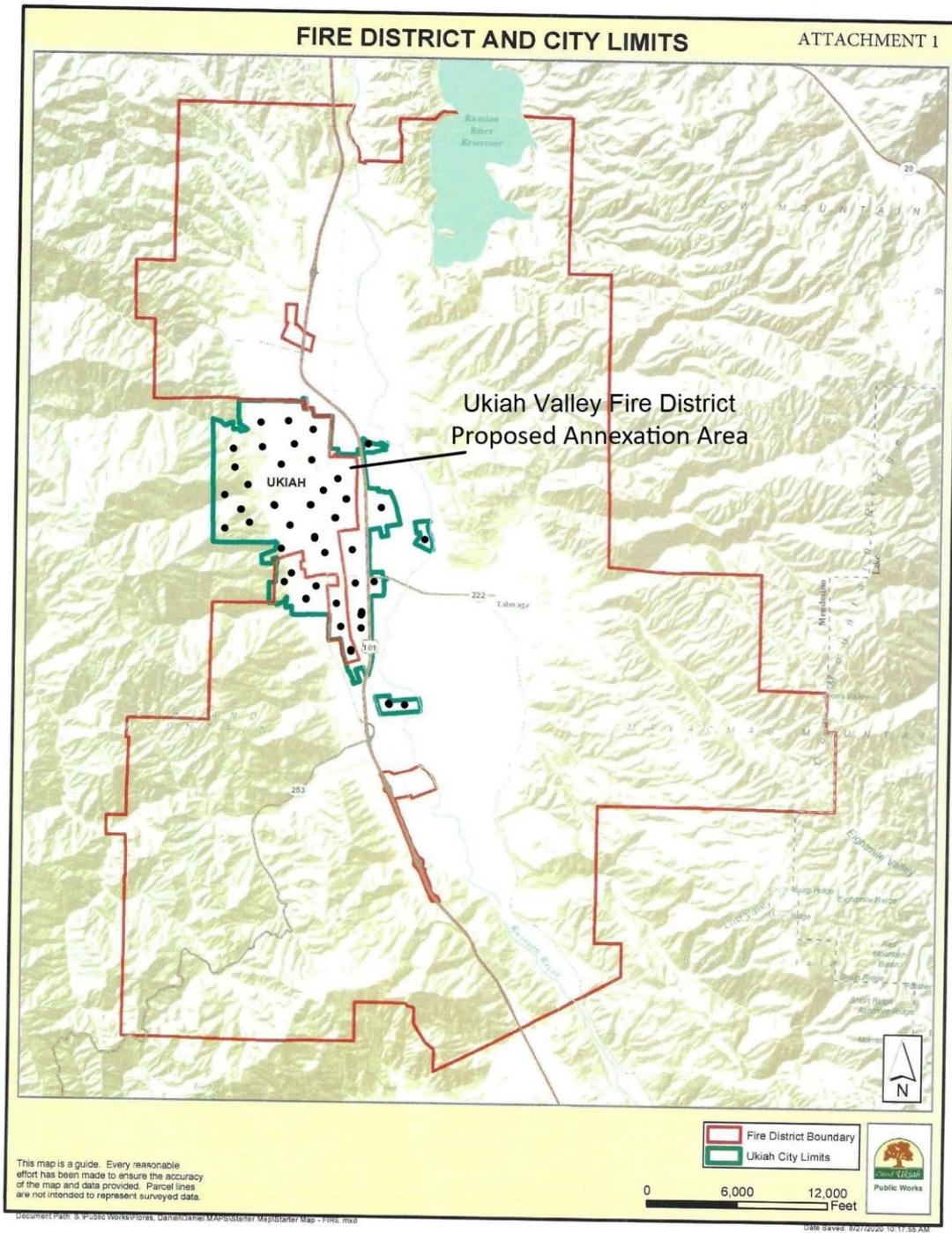
Some of the District's near- and long-term service enhancement goals include, but are not limited to, the following:

1. Enhance total fire suppression capabilities and EMS services through the increasing of staffing, particularly for staff on fire and EMS apparatuses.
2. Improve the Central Station Training Facility and grounds to ensure District personnel are provided the most up-to-date training.
3. Improve training for District personnel. Specifically - provide all California Fire Service Training and Education System (CFSTES) certification training internally; and complete the process for the Center for Public Safety Excellence (CPSE) accreditation.
4. Fully implement a District Fleet Replacement Master Plan. Development of this plan is currently in-progress. The proposed annexation would realize revenue that is expected to hasten the implementation, thereby improving future reliability of vehicles.
5. Purchase upgraded auto-extrication equipment to replace aged auto-extrication equipment.
6. Develop a facilities enhancement plan and fully implement the plan with expected additional revenues from the proposed annexation.
7. Partner with allied agencies on mitigation for Wildland fires. The District has been working with CALFIRE to reduce the risk of Wildland fires in the surrounding Wildland Urban Interface areas of the Ukiah Valley, and a fuel reduction program is in place through CALFIRE to reduce the fuel load and create fire breaks on the eastern and western hills surrounding Ukiah. The District plans to expand its partnerships to include the Bureau of Land Management and other federal agencies.

8. Achieve District fiscal sustainability to ensure long-term and stable fire and EMS services in the Ukiah Valley.
(UVFD, 2021b)

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Figure 1.2 Annexation Map



2.1.3 SERVICES

The District provides the following fire protection and emergency response services (Refer to Section 3.1 for more information):

- Structural fire protection
- Wildland fire suppression
- Vehicle fire suppression
- Emergency Medical Services (EMS) at an Advanced Life Support (ALS) level
- High and low angle rescue
- Vehicle extrication
- Swift water rescue
- Hazardous materials incident response
- Fire prevention including Fire Code plan reviews and inspections for building permit applications, such as for new commercial construction, multi-unit housing, occupancy changes, or tenant changes.
- Fire safe inspections of all existing commercial and institutional buildings
- Public education services
- Advisory home visits upon request regarding defensible space, fuel loads reduction, firewise landscaping, home hardening including fire safe materials and fire rated roofing, safe building egress, reflective two-way address signage, and other components of fire prevention planning.

(Ukiah, 2021e)

2.2 GOVERNMENT STRUCTURE

2.2.1 JOINT POWERS AGREEMENT

2.2.1.1 History

In 1876, the Eagle Fire Company was formed to provide fire protection for the entire Ukiah Valley area. In the early 1900s, Eagle Fire Company was renamed Ukiah Fire Department (UFD) and continued to provide service to the Ukiah Valley. However, on July 1, 1989, the District and UFD began providing separate fire protection services within their respective jurisdictions; UFD served areas within the City limits and the District served the surrounding Ukiah Valley area. (Ukiah, 2021d)

In March 2012, the District and the City of Ukiah began exploring the feasibility of combining fire service efforts. (Ukiah, 2021d) On January 1, 2014, the District and the City entered into a two-year interim operating agreement to create a single administration and combined fire department. (Ukiah Daily Journal, 2014) On March 10, 2015, the District Board of Directors and the Ukiah City Council held a joint meeting to create a consolidated fire district and select an Ad Hoc Committee to explore the findings and options from a consolidation study. In 2017, the District and the City entered into an agreement for combined fire services. (Ukiah, 2021d)

2.2.1.2 Agreement for Shared Management of Fire Departments

On July 1, 2017, the Ukiah Valley Fire District and the City of Ukiah entered into a Joint Powers Agreement (JPA) entitled the “Agreement for Shared Management of Fire Departments” for the shared provision of fire services. The JPA outlines the terms for jointly managing, equipping, maintaining, and operating all-risk fire, medical, and emergency services in the District and City boundaries. The joint effort between the

District and City is known as the Ukiah Valley Fire Authority (UVFA), but the JPA did not create a separate legal entity. The Fire Authority and Fire Executive Committee (FEC) is not a joint powers agency or authority, partnership, or joint enterprise (Ukiah, 2017). UVFA was formed to maximize the use of existing resources, create cost containment opportunities, reduce duplication, maintain local control, and continue to deliver high quality services. The UVFA service area covers the jurisdictional boundaries of the District and the City; approximately 85-square miles. (Ukiah, 2017; UVFD, 2021b)

The Fire Authority JPA arrangement addresses the following:

- Allows for the shared use of fire stations.
- Includes all fire protection personnel as City employees.
- Combines equipment and assets of the City and District to provide fire services to the City and District under a unified command structure headed by a Fire Chief.
- Reduces District costs by taking advantage of economies of scale by having the City provide the District with financial and general services.
- Creates a Fire Executive Committee consisting of two City Council members and two Board members to coordinate decision-making by the governing bodies of the City and District.

(UVFD, 2020)

The Agreement provides for a Fire Chief who manages the general administration and oversight of the UVFA. The Fire Chief of the UVFA reports to the City Manager and provides general administration and oversight of the City and District Fire Operations. The Fire Chief coordinates and cooperates with the City and District regarding performance of services within their respective jurisdiction. The Fire Chief also actively participates as a member of the City of Ukiah's management team which includes participation in staff meetings and workshops. The City and District provide direction to the Fire Chief regarding services or any desired special projects to be performed for them. The FEC collaborates regarding directions from their respective agencies, for the purpose of avoiding conflicting guidance or creating conflicts relating to priority of services. (Ukiah, 2021g)

Under the JPA, after receiving the recommendation of the FEC, the City Council and District Board of Directors adopt an annual budget for the combined operations of the Ukiah Valley Fire Authority. The terms of the Agreement state that general operating costs of the UVFA (with some exceptions) are to be split between the two agencies 50/50. (Ukiah, 2017)

On June 17, 2020, the District and the City entered into an Amended and Restated Agreement for Shared Management of Fire Department ("2020 Amended JPA"), which becomes effective if the City is annexed by the District. The 2020 Amended JPA provides a different method for apportioning costs and requires both parties to agree to terminate the agreement based on a determination that termination will not affect the provision of services. (UVFD, 2020; UVFD, 2021b)

2.2.1.3 Volunteer Organizations

The Ukiah Valley Fire District Firefighters Association (UVFFA) augments or supports the activities of the Fire Authority. As a 501(c)(3) non-profit organization, UFA accepts charitable funds on behalf of the Fire Authority. The UVFFA also hosts fundraisers and capital campaigns that support donations to the Fire Authority for purposes of purchasing equipment and making facility improvements. The relationship

between the Fire Authority and the UVFFA is structured such that finances are held separately and the District and/or City owns and maintains the equipment and facilities. (UVFD, 2021b)

The Ukiah Fire Department (UFD) also has an Explorer Post chartered through the Boy Scouts of America for individuals between 14 and 18 years of age. Explorers receive training in the various aspects of the fire service. Although they are not permitted to be directly involved in emergency response, they attend emergency incidents and provide support services while learning about the various types of emergencies handled by the fire department. (Ukiah, 2021c)

2.2.2 GOVERNING BODY

2.2.2.1 Ukiah Valley Fire District Board of Directors

UVFD operates under Fire Protection District Law pursuant to Health and Safety Code §13800 et seq.

The Board of Directors is the legislative body for the District and is responsible for establishing policy, adopting and amending the annual budget, enacting ordinances, adopting resolutions, and appointing committees. The five-member Board of Directors is elected at-large to serve staggered four-year terms (see Table 2.3 below).

In order to be elected to the Board, candidates must be registered voters residing within the District boundaries. If there are insufficient candidates for election of Board vacancies, or if the number of filed candidates is equal to the number of Board vacancies, then District Board members may be appointed in lieu of election by the County Board of Supervisors per Elections Code §10515.

Government Code §1780-1782 governs the process for appointment of a Director to fill a seat vacated prior to the scheduled term expiration date. The District Board of Directors has 60-days to appoint an interested and qualified individual to a vacant seat if proper notice requirements have been met. The individual must live within the District boundary and be a registered voter. If the District cannot fill the seat within the 60-day period, the Mendocino County Board of Supervisors can appoint a Director to the District Board during a 30-day period following the initial 60-day period. If the vacant seat is not filled during the 90-day period, the vacant seat remains empty until the next election.

The District Board of Directors elects Officers annually at the December regular meeting. Officers include a President, Vice-President, and Secretary/Treasurer elected and served by Board members. District Board members do not receive compensation for their public service or a stipend for attending meetings; however, tuition, travel, lodging, meals, and other expenses incurred by a Board member for educational conferences and professional meetings may be reimbursed per established Board policy. Staff support for the Board includes a Clerk of the Board.

Name	Office/Position	Term Expiration	First Year of Service	Serving Consecutive Terms
David B. Haas	President	2024	2015	Yes
Jenifer Bazzani	Vice President	2024	2017	Yes
Bobby Banks	Secretary/Treasurer	2022	2020	No
Michael Graham	Director	2022	2019	No
Peter Bushby	Director	2024	2019	Yes

Source: Ukiah, 2021i; UVFD, 2021b.

The Board is currently fully seated and generally does not have difficulty filling vacancies. Two of the Board members have served the District for multiple consecutive terms which can be a significant benefit in establishing long-standing positive working relationships in the community, understanding the history and unique aspects of the organization, and maintaining institutional knowledge.

Public Meetings

Regularly scheduled meetings for the District Board of Directors are held on the second Tuesday of the month at 6:00 p.m. in the Willow Water District Board Room located at 151 Laws Avenue in Ukiah. (Ukiah, 2021i)

In accordance with the Brown Act, all meetings are open to the public and are publicly posted a minimum of 72 hours prior to regular meetings and a minimum of 24 hours prior to special meetings at the meeting location, on the City's website, and bulletin boards located at the Ukiah Valley Fire District headquarter station. (UVFD, 2018b; UVFD, 2021b). Meeting agendas are also sent via email or fax to anyone that has requested such notification and sent to local radio stations. 21-day Public Hearing Notice is also published in the local newspaper and mailed as required.

Public meeting information including agendas, staff reports, and approved meeting minutes were previously posted on the District's website, but the postings are only current through 2019. The most recent meeting notice on the website is for a November 12, 2020 meeting. Minutes are kept for all public Board meetings and are adopted at a subsequent meeting. Agendas and minutes are available at the District's office upon request. (Ukiah, 2021i)

Pursuant to State Executive Order N-29-20 pertaining to the convening of public meetings in response to the COVID-19 pandemic, effective March 20, 2020, local government agency public meetings were temporarily permitted to be conducted remotely and instead of requiring in-person public participation. For the District, pandemic adjustments for public participation include live streaming meetings at <https://global.gotomeeting.com>. Audio recordings were previously posted on the District website, but have ceased since the COVID-19 pandemic began. It is recommended that remote meetings be recorded and posted along with minutes promptly to ensure public transparency and accessibility to representative government proceedings.

2.2.2.2 Fire Executive Committee

Committees assist in carrying out various functions of local government. The District currently participates in one standing committee, the Fire Executive Committee (FEC), which is a committee of the Ukiah Valley Fire Authority.

The Joint Powers Agreement between the Ukiah Valley Fire District and the City of Ukiah established the FEC, whose membership consists of two appointees from each of the two governing bodies. A quorum for business transactions consists of the entire FEC, and meetings are required once quarterly at a minimum. The FEC is not an authority, partnership, or other decision-making body. The FEC jointly develops and recommends to the respective agencies of the JPA an annual budget and cost apportionment plan, and policies, ordinances, and fees. The FEC also collaborates to ensure equity in cost of services and those benefiting from the services, and to determine service levels, facilities, and equipment, among other responsibilities. (Ukiah, 2017) FEC meetings are subject to Brown Act requirements. Minutes are kept for all FEC meetings and are adopted at a subsequent meeting. FEC meeting agendas and minutes are

available at the District's office upon request and posted on the City of Ukiah's website. FEC members do not receive compensation for their public service. (UVFD, 2021b)

2.2.3 PUBLIC OUTREACH

In addition to public meetings, the District and the Fire Authority try to reach constituents through community outreach efforts.

The District does not maintain a website, but the City of Ukiah maintains a website for the UVFD, UFD, and UVFA at <https://www.cityofukiah.com/uvfd/> that provides comprehensive information regarding the various bodies, volunteering, permits and fees, and fire prevention. The City's website has well organized information but is currently out of date. The website would be enhanced by updating the information to meet all the special district transparency requirements of State law including the availability of agendas, policies, and financial information. In addition, the District's website could be improved by incorporating a content management system, such as DocuShare, to provide a searchable and chronologically organized document archive system for Board meeting packets and adopted ordinances, resolutions, annual budgets, financial audit reports, and other digital records.

Because of the unique role of the Fire District in relation to the City and the Fire Authority, consolidating information regarding fire services in one location would be a useful tool.

Many of the District's public resources are provided under the umbrella of the UVFA. The UVFA maintains a Facebook page at <https://www.facebook.com/UkiahValleyFireAuthority/> which posts regular updates of fire events and special events organized for the community. Social media posts are a useful tool to provide instant and easy outreach to the public, and can be diversified for best outreach potential, such as presence on Twitter, Nextdoor, and other similar platforms.

2.2.4 COMPLAINTS

The public can submit written or provide verbal comments or complaints in person or by phone at the District office during business hours, Monday through Friday from 8:00 a.m. to 5:00 p.m., or at the District Board of Directors meetings during the general public comment period. In the last five years, the District has not received any complaints

2.2.5 TRANSPARENCY AND ACCOUNTABILITY

The District has adopted a Policy Manual that addresses the Board of Directors roles and responsibilities, officers, Rosenberg's rules of order, meetings, committees, code of ethics, and conflict of interest, among other things, in addition to administrative, financial, general operating, personnel, and volunteer firefighter program policies and procedures for the District. (UVFD, 2021b)

The Political Reform Act requires all state and local government agencies to adopt and promulgate a Conflict of Interest Code pursuant to Government Code §81000 et seq. The Political Reform Act also requires persons who hold office to disclose their investments, interests in real property, and incomes by filing a Statement of Economic Interests (Fair Political Practices Commission Form 700) each year pursuant to Government Code §87203.

According to AB 1234, if a local agency provides compensation or reimbursement of expenses to local government officials, then all local officials are required to receive two hours of training on public service ethics laws and principles at least once every two years and establish a written policy on reimbursements pursuant to Government Code §53235.

Board members receive regular training on Brown Act requirements. (UVFD, 2018b)

The District complies with the above requirements. (UVFD, 2021b)

Refer to Appendix A for a brief list of educational resources regarding open government laws and Appendix B for a website compliance handout.

2.3 OPERATIONAL EFFICIENCY

2.3.1 MANAGEMENT AND STAFFING

The Fire Chief manages and oversees the daily operations of the Fire Authority to ensure that the policies, programs, and priorities of the joint fire service operation between the District and City is implemented effectively and efficiently. The responsibilities and specific duties of the Fire Chief include the following:

- Providing general administration and oversight of the City and District Fire Departments.
- Coordinating and cooperating with the City and District regarding the performance of services in each agency. The Fire Executive Committee provides advisory support to the Fire Chief.

(Ukiah, 2017)

The District contracts for legal representation of the District. The Ukiah City Attorney is available to advise City employees performing services for the District and upon request is available to provide legal advice to the Fire Executive Committee. (UVFD, 2021b)

Fire agencies are structured as paramilitary agencies; the Fire Chief is supported by Battalion Chiefs, who in turn are supported by Captains, Engineers, and Firefighters. The Fire Authority is staffed by 19 full-time safety employees, one 0.8 time Administrative Secretary, and 15 volunteer firefighters. Currently one Battalion Chief position and three Firefighter positions are vacant (not accounting for additional hires authorized in the FY 2021-22 budget). All paid staff are employees of the City and the District manages volunteers. (UVFD, 2021; UVFD, 2021b)

In the past year, the UVFA has updated all personnel job descriptions to meet current standards and needs. (Ukiah, 2021h)

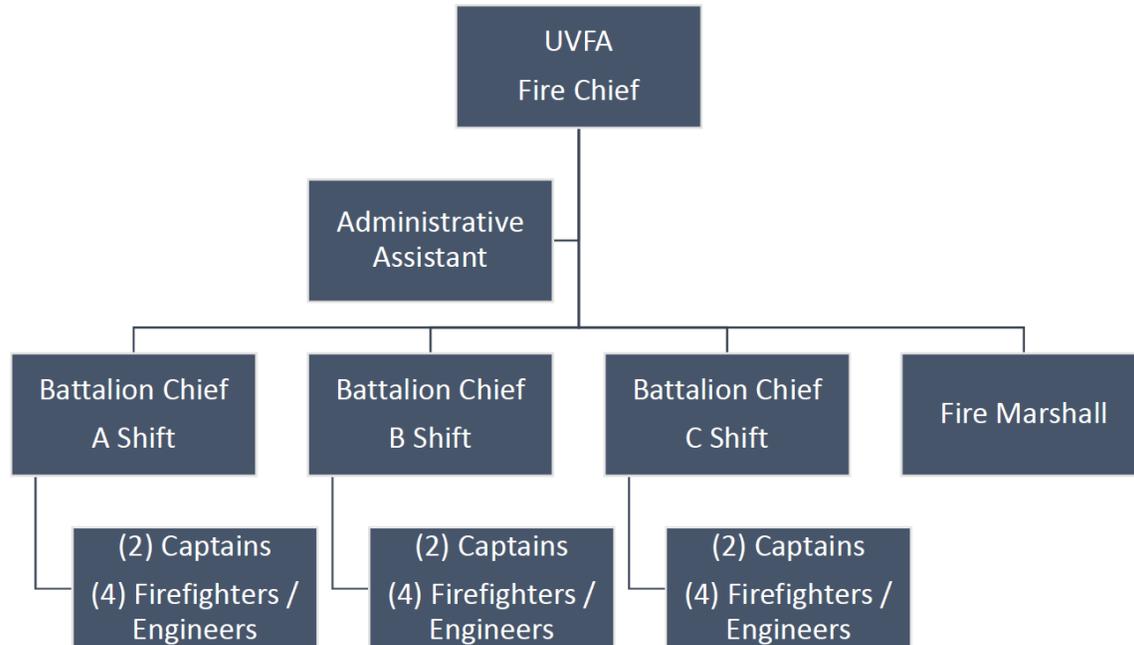
The UVFA is budgeted for a staffing increase of 10 full-time equivalent (FTE) employees in Fiscal Year 2021-22, which accounts for 4 new Firefighters and 6 new Ambulance Operators (EMTs and Paramedics not trained as Firefighters). Staffing levels by personnel groups are shown below. (Ukiah, 2020, UVFD, 2021b)

Personnel Groups	FTE	
	20/21	21/22
Executive	1.0	1.0
Management	9.0	9.0
Professional	9.0	19.0
Administrative & Technical	0.8	0.8
Total	19.8	29.8

Source: (Ukiah, 2020).

Figure 2.1 shows the Fire Authority organizational chart.

Figure 2.1 Ukiah Valley Fire Authority 2021 Organizational Chart



The UVFA is organized into four divisions: Administration, Operations, Training and Safety, and Fire Prevention. The Administration division provides leadership and management to the Operations, Training and Safety, and Fire prevention activities, including the implementation and liaison of the financial and general services provided by the City of Ukiah. The Administration division also supports the UVFD Board and FEC functions.

The Operations division provides emergency response to fires, medical emergencies, traffic collisions, technical rescues, hazardous materials, explosions, floods and earthquakes, as well as non-emergency public service calls, through a consistent state of readiness. Volunteer Firefighters participate in training activities and augment career staffing during emergency and non-emergency activities.

The Training and Safety division ensures that all personnel complete annual in-service mandatory and recurrent training, all required medical continuing education and certifications, along with maintaining license and training records, administering skills testing, course development and instruction, maintaining and updating training materials, setting standards, assisting in recruitments and testing, all designed to attain and provide for a high level of proficiency and excellence for career and volunteer staff.

The Fire Prevention division ensures compliance and is responsible for administering the California Fire Code, as amended by the City and District, as it relates to new and existing businesses, schools, multifamily and other permitted occupancies. Further, services are provided for new construction plan reviews and inspections, vegetation management and weed abatement, hazard abatement, along with fire cause and origin investigations, community awareness and safety programs, public education and outreach.

(Ukiah, 2021h)

2.3.2 AGENCY PERFORMANCE

A key component of monitoring agency performance is routinely evaluating staff productivity. The Fire Authority, on behalf of the District and the City, tracks paid employee workload through regular timesheets and leave requests and productivity through annual written performance reviews. In addition, the Fire Chief informally evaluates volunteer firefighters as part of regular training sessions.

The Fire Authority maintains an emergency response log and training records. During the bi-monthly District Board, the Fire Chief provides a report on all emergency calls that occurred since the prior meeting and provides an update on Fire Authority activities.

The District Board, City Council, and Fire Executive Committee periodically review goals and objectives from the prior fiscal year and modify or add new goals and objectives for the upcoming fiscal year. (Ukiah, 2018) Objectives are listed in the annual special report prepared by the City of Ukiah on the Ukiah Valley Fire Authority. The most recent report on the UVFA indicates that in the past year, the Ukiah Fire Department and Ukiah Valley Fire District have combined their Standard Operating Procedures and updated them to meet current standards. Additionally, key management services have been established utilizing the Shared Management Agreement. (Ukiah, 2021h)

In the regular performance of duty, Fire Authority staff identify areas of improvement and take corrective action when feasible and appropriate or inform the Fire Chief when further direction is needed. UVFA staff also learn about new opportunities to achieve operational efficiencies by attending regional and service-specific meetings and communicating with colleagues regarding industry standards, best management practices, changing regulations, and service delivery models implemented by other local agencies.

2.3.3 SHARED SERVICE DELIVERY AND COLLABORATION

2.3.3.1 Regional and Service-Specific Participation

The District participates in the following regional and service-specific associations and organizations:

- The Fire Chief is an active member of the Mendocino County Fire Chief's Association, the Mendocino County Association of Fire Districts, the Fire Districts Association of California, and the California Fire Chiefs Association.
- One District Board member serves on the Local Agency Formation Commission.
- The District is a sponsor of the Mendocino Fire Safe Council.
(UVFD, 2018a; UVFD, 2021; UVFD, 2021b)

2.3.3.2 Interagency Collaboration

Below are examples of the District's interagency collaborative arrangements and efforts:

- The District actively participates in Redwood Empire Hazardous Incident Team.
- The District is a County Emergency Medical Services (EMS) System participant.
- The District works with CAL FIRE in implementing vegetation fuel management grants to reduce vegetative fire hazards in and around the District, such as when the District as part of the UVFA cooperated with CAL FIRE on the Western Hills Fuel Break.

(UVFD, 2018a; Ukiah, 2021h)

2.3.3.3 Adjacent Providers

Local fire protection providers adjacent to the District include the City of Ukiah to the west, Redwood Valley-Calpella Fire District to the north, and Hopland Fire Protection District to the south. The areas located east of the District and west of the City of Ukiah are not within the jurisdiction of a local fire agency; these areas are within the State Responsibility Area and receive wildland fire protection services from CAL FIRE during wildfire season and local fire agencies when dispatched.

Ambulance or medical transport service is provided within the District and City by the Fire Authority and private ambulance companies including MedStar.

2.3.3.4 Mutual and Automatic Aid Agreements

Mutual aid refers to reciprocal service and support provided to another agency upon request under a mutual aid agreement between one or more agencies. Automatic aid differs in that no request for aid is necessary for reciprocal service and support between agencies within the automatic aid agreement. These types of pre-arrangements allow for the dispatch and use of additional equipment and personnel that a single jurisdiction cannot provide on its own and also entails a reciprocal return of resources when needed. The District maintains verbal mutual aid agreements with the Redwood Valley-Calpella Fire District, Hopland Fire Protection District, Potter Valley Community Services District and Little Lake Fire Protection District, as well as an automatic aid agreement with CAL FIRE. (UVFD, 2018a; Ukiah, 2021h)

The Fire Authority primarily serves residents and property within the District and City jurisdictional boundaries. However, due to the critical need for rapid response in emergency situations, when a call for service is received, the nearest available response unit is dispatched regardless of jurisdictional boundary. Therefore, the Fire Authority response area is larger than the District and the City boundaries based on the Countywide Mutual Aid System. According to the 2015 Mendocino County Community Wildfire Protection Plan, the Fire Authority is within Mutual Aid/Planning Zone 2, which includes the City of Ukiah, Ukiah Valley Fire District, Potter Valley Community Services District, Redwood Valley-Calpella Fire District, and Hopland Fire Protection District. (MCFCA, 2015)

In addition to the local mutual aid system, the Fire Authority participates in the California Fire Service and Rescue Emergency Mutual Aid System for wildland fire incidents throughout the State. The Fire Authority responds to out-of-County fire incidents upon request and when the remaining equipment and personnel are capable of providing adequate service levels in the District and City boundaries.

2.3.3.5 Dispatch

In Mendocino County, dispatch for fire protection services and emergency medical services are provided by the CAL FIRE Emergency Communications Command Center (ECC) at the Howard Forest Station near Willits. Mendocino County pays for the countywide dispatch service call system from a portion of Proposition 172 funds.

Due to the dynamic and unpredictable nature of emergencies, multiple public agencies could be dispatched to a single service call. In responding to medical emergencies, local fire protection and ambulance service providers are often dispatched simultaneously. In many cases, local fire agencies are the first to arrive on scene and provide first aid and basic life support while preparing the patient for transport to a hospital.

2.3.3.6 State Responsibility Area

The State Responsibility Area (SRA) is the area of the state where the State of California is financially responsible for the prevention and suppression of wildfires, and the Federal Responsibility Area (FRA) indicates areas where the Federal government is responsible for such services. While almost the entire District boundary is located within the SRA designation, with smaller areas of FRA designation, the District, through the Fire Authority, is also responsible for responding to wildfires within its jurisdictional boundary. During wildfire season, the California Department of Forestry and Fire Protection (CAL FIRE) is also dispatched to wildfires in the SRA, and the first agency to respond generally assumes the role of Incident Command (IC). The Fire Authority is often the first to respond to such incidents, particularly if the CAL FIRE Mendocino Unit - Ukiah Fire Station located at 2690 North State Street is not staffed. The City of Ukiah is located within the Local Responsibility Area (LRA) designation and CAL FIRE responds to wildfires in this area per an automatic aid agreement. (UVFD, 2021b)

2.3.3.7 Contract or JPA Services

There are no additional contract or JPA services provided to District residents other than through the JPA previously discussed, which formed the UVFA and created a functional consolidation of the District and the City of Ukiah.

2.3.3.8 Shared Services and Facilities

The District has worked cooperatively with the City of Ukiah to maximize the efficient provision of fire services in Ukiah Valley since 2012. In 2012 Ukiah hired the District Fire Chief to also serve as the Ukiah Fire Department's Chief and approved a cooperative agreement with the Fire District to drop jurisdictional boundaries of the two fire agencies through the aforementioned JPA. Additionally, the District has mutual aid agreements with surrounding fire districts as noted in Section 2.3.3.4 to deliver services more effectively and efficiently by sharing public facilities, resources, and/or service responsibility with other fire agencies when feasible. All fleet maintenance for the UVFD and UVFA is completed by trained fleet mechanics at the City of Ukiah Fleet Maintenance facility. (UVFD, 2018b)

2.3.4 GOVERNMENTAL STRUCTURE AND COMMUNITY NEEDS

2.3.4.1 Enhanced Service Delivery Options

Although the UVFD and City of Ukiah have not legally consolidated their entities, for operational purposes they function as one entity. The functional consolidation of services under the Fire Authority has resulted in better staffing and performance levels for the Ukiah Valley area.

Mutual aid agreements are already in place with surrounding fire agencies to provide an enhanced fire protection system in the area, particularly for the adjoining fire agencies with lower staffing levels.

There are no new opportunities for the District to achieve organizational or operational efficiencies identified during the preparation of this MSR.

2.3.4.2 Government Restructure Options

Government restructure options should be pursued if there are potential benefits in terms of reduced costs, greater efficiency, better accountability or representation, or other advantages to the public.

In 2012, the District and the City hired a consultant to investigate the possibility of legally consolidating their fire agencies. The study concluded that consolidation would improve service but would not provide

any cost savings for multiple reasons, such as the salary differential between fire personnel and the substantial equipment replacement needs of both agencies. (LAFCo, 2013)

The District is currently proposing to annex the Ukiah City limits for fire services to equalize the tax structure and government representation model for all District and City residents and lead to an improved level of service for everyone in the Fire Authority service area.

Under the JPA, there is no redundancy in fire and emergency medical services provided in the District and City boundaries. There is no government restructure recommendation for local municipal fire service providers in the area at this time.

2.4 FINANCES

The JPA funding arrangement for the Fire Authority provides that the District and City will equally divide operational costs (personnel, services, materials, and supplies), capital maintenance, and indirect costs. Capital outlays and outstanding debt service are the responsibility of each agency independently.

The UVFA had an annual operating budget of approximately \$4.3 million in FY 2020-21, and the District's portion of the UVFA's overall budget was \$1.9 million. (Ukiah, 2021h)

The District and City are fundamentally different local government agencies. The District is a special-purpose agency providing fire protection and emergency response services to the unincorporated areas of the Ukiah Valley and all District revenue must be used in the provision of those services only.

The City is a general-purpose agency providing a full-service City and can collect property tax, sales tax, and special taxes to fund those services. The City can also collect utility rates, fees, and charges for sewer and water services that can only be used in the provision of those services under Propositions 218 and 26. The City Council has dedicated funds collected through Measure P to fund public safety, including fire services. Funding from Measure P and the General Fund are relied on for the City's annual contribution to the Fire Authority 50/50 cost share formula. (UVFD, 2021)

Under the JPA, the City provides financial and general services to the District, including accounts payable, procurement, billing and accounts receivable, general accounting and reporting, budget development and monitoring, and other general services such as human resources and city clerk services. The District compensates the City for these direct District services in accordance with the mutually approved annual budget. Personnel, services, and other operating, and indirect costs are contracted costs through the City also subject to the mutually approved annual budget. (Ukiah, 2019a; UVFD, 2021b)

2.4.1 CURRENT FISCAL HEALTH

2.4.1.1 Financial Summary

Annual budgets are developed in a joint effort with the City of Ukiah each year in keeping with the JPA. The District and the City both independently adopt the budget by June 30th of each year. Information is entered into the City of Ukiah's OpenGov cloud; using this information the City creates a "Budget in Brief" narrative description of the financial and operational conditions as well as a "Special Report" which highlights key budgetary data in a visually understandable format. The City posts all of these reports annually on their webpage, where they are accessible to the public. The budget serves as a financial planning tool and an expense control system. A written summary of monthly expenditures is provided at District Board meetings and all checks issued require two signatures by active Board members.

The District has indicated that the City prepares an annual audit under the terms of the JPA, but this information was not provided for the purposes of this MSR. Given that the City's posted budgets include year-end actuals that were determined by audit, the information presented below is sufficient. This section includes District financial information for Fiscal Year (FY) 2017-18, 2018-19, 2019-20, and 2020-21 and highlights specific revenue sources and long-term financial considerations.

Table 2.5 below provides actual year-end (not budget) financial information for the District, although the FY 2020-21 information is still projected as of the time of this writing. This table summarizes the "District-Only Revenues and Expenditures" section of the City of Ukiah's "Ukiah Valley Fire Authority Special Report for the Ukiah Valley Fire District," which they have been preparing since the formation of the Ukiah Valley Fire Authority and presenting to the public, City Council, and Board members on an annual basis.

Table 2.5 UVFD Financial Summary				
	FY 17-18¹	FY 18-19²	FY 19-20²	FY 20-21³
Revenue				
Taxes	\$928,908	\$1,057,253	\$1,072,354	\$1,138,925
Charges for Service	\$134,060	\$179,582	\$37,501	\$60,628
Grants and Subventions	\$0	\$69,402	\$50,959	\$120,069
Use of Money and Property	\$8,364	\$8,079	\$12,291	\$1,624
Licenses/Permits/Franchises	\$95,684	\$58,157	\$36,796	\$60,794
Other Revenues	\$521,334	\$320,706	\$504,777	\$366,520
Loan Proceeds	\$0	\$24,208	\$0	\$576,019
Transfers In	\$0	\$0	\$808,811	\$0
Total Revenues	\$1,688,350	\$1,717,387	\$2,523,489	\$2,324,580
Expenses				
Direct				
Personnel	\$1,248,937	\$1,533,245	1,486,999	\$1,553,183
Services & Other Operating	\$196,853	\$253,885	\$193,598	\$305,715
Debt Service	\$1,217	\$76,769	\$74,824	\$97,006
Capital	\$0	\$212,511	\$256,641	\$14,300
Indirect				
Admin Overhead	\$108,845	\$126,563	\$140,584	\$163,908
Internal Service Use	\$177,326	\$84,903	\$100,361	\$118,693
Transfers Out	\$0	\$24,208	\$32,686	\$0
Total Expenses	\$1,733,178	\$2,312,085	\$2,285,693	\$2,252,806
Net Income/(Loss)	(\$44,828)	(\$594,698)	\$237,796	\$71,774

Source: 1. Ukiah, 2019b; 2. Ukiah, 2020; 3. Ukiah, 2021f; Ukiah, 2021h.

The information above represents the financial standing of the District based on self-reported income and expenses in the City's fully digitized budget that is produced using OpenGov. Refer to the following hyperlink from the City's website to download a full copy of the District's budget information: <http://www.cityofukiah.com/finance/>.

According to this financial information, the District operated at a net loss between FY 2017-18 and FY 2018-19 and has been operating at a net income or revenue gain for the last two years. Operating at a net

income is normally a key measure of fiscal health and indicates that the District does not need to utilize reserve funds to balance the budget or meet current operating costs.

According to the FY 2019-20 Special Report for Ukiah Valley Fire District, FY 2017-18 and 2018-19 were years of concentrated capital equipment purchases. The same report notes that in FY 2019-20, the City budgeted for a transfer of \$600,000 to the District. (Ukiah, 2019c)

The District's budgeted \$2.2 million revenue in FY 2020-21 included an interagency loan, estimated to be \$700,000, from the City to the District. The terms of the loan are expected to be zero percent interest with repayment beginning in FY 2023-24. (Ukiah, 2021h)

The District's budgeted revenue of \$2.3 million in FY 2021-22 includes an interagency loan, estimated to be \$458,000, from the City to the District. The terms of the loan are expected to be zero percent interest with repayment beginning in FY 2023-24. (Ukiah, 2020)

The District's fiscal health for the last two years is not actually a net income as it would appear because City contributions have resulted in an increase in the District's debt service. The District relies heavily on property taxes and special taxes and has been operating at a deficit since the JPA was formed in 2017.

2.4.1.2 District Revenue Shortfall

Under the JPA, general operating costs of the Fire Authority are intended to be split between the agencies based on a 50/50 cost share formula. The District has not been able to meet its obligations under this arrangement and the City has agreed to subsidize a portion of the District's share for a limited time at a 75/25 de facto share of cost. Even at the lower cost share formula, the District has had to draw down reserves to participate. The District's revenue shortfall is not sustainable. (UVFD, 2021)

The District is proposing to annex the Ukiah City limits for fire services (Refer to Section 2.1.2.2 for more information). The District estimates that the proposed annexation would generate additional revenue from development fees and Measure J and B special taxes in the range of \$850,000 to \$1 million annually, with an annual net gain of approximately \$500,000 to rebuild reserves. The District indicates that these revenues may be used in any number of ways related to improving fire protection and emergency medical services such as additional personnel, new equipment, or facility upgrades. The projected revenue increase could also allow the District to participate more closely to the Fire Authority 50/50 cost share target with less City subsidy. (UVFD, 2021)

The anticipated transition from the District's deficit-based budget to a surplus budget model could stabilize District finances, help maintain existing levels of service, ensure the long-term provision of critical fire protection and emergency response services, and lead to improving the overall level of service for the benefit of everyone served by the District and City.

2.4.1.3 Special Revenues

Table 2.6 below shows the Ukiah Valley Fire District's Special Revenues for the past four years.

	FY 17-18¹	FY 18-19²	FY 19-20²	FY 20-21³
Ad Valorem Property Taxes	\$341,081	\$357,040	\$366,064	\$378,227
Measure J	\$587,826	\$583,510	\$588,575	\$619,050
Measure B	\$19,132	\$161,822	\$134,232	\$157,319
Proposition 172	\$503	\$133,571	\$124,158	\$185,218

	FY 17-18¹	FY 18-19²	FY 19-20²	FY 20-21³
Mitigation Fees	\$0	\$6,866	\$42,315	\$24,729
TOT Campground & RV Parks Tax	n/a	n/a	n/a	\$37,631.37
Net Income	\$948,542	\$1,242,809	\$1,255,344	\$ 1,402,174

Source: UVFD, 2021b; 1. Ukiah, 2019a; 2. Ukiah, 2020; 3. Ukiah, 2021h.

2.4.1.4 Special Taxes

On March 4, 1998, District voters passed Measure J, a special fire tax that replaced 95% of the Benefit of Assessment that was nullified by the passage of Proposition 218. This special fire tax is assigned a variable unit value of \$50 per “unit.” For example, a single-family household within the UVFD is assigned two units of value for an annual tax of \$100. (LAFCo, 2013)

On November 4, 2003, District voters passed Measure B, a special tax for the specific purpose of replacing fire suppression vehicles, emergency equipment, personnel safety equipment, and the provision of training. This special tax is assigned a variable unit value of \$10 per unit. In the first ten years, Measure B funding allowed for the replacement of seven of the District’s eleven emergency response vehicles, radio communications equipment, fire hose, self-contained breathing apparatus, and other firefighting equipment. (LAFCo, 2013)

The District’s two special taxes (Measures J and B) make up the bulk of the District’s tax revenue. These special taxes are assessed according to a benefit unit classification system which varies based on the development and use of property. A limitation of the District special taxes is that they are flat amounts without adjustments for inflation. Therefore, these special taxes have not increased since they were approved by voters and have lost considerable value due to inflation. Additionally, Measure B can only be used for equipment and training, not additional staffing which is a critical need at this time. (UVFD, 2021)

2.4.1.5 Other Revenue

Proposition 172, passed by California voters in 1993, established a half-cent sales tax. The money is divided among the counties and added to their general funds. Individual counties are then required to spend the money to support public safety institutions. Mendocino County began disbursing funds to fire districts in FY 2017-18. These allocations are discretionary and reviewed annually based on availability of funding. Based on the current adopted County Budget for FY 2021-22, Proposition 172 funding is anticipated to be significantly lower this fiscal year, but is projected to increase again in future years. There is no stated reason for this significant reduction in Proposition 172 to the District. (Ukiah, 2021f)

The District relies on Fire Protection Mitigation Fees authorized by County Ordinance No. 4175 as a funding mechanism for capital facilities and equipment needed to accommodate new growth. The District assesses a fee of \$0.39 per square foot for new development. The mitigation fees are not sufficient for infrastructure needs of new areas. (LAFCo, 2013) Mitigation fees are anticipated to be steady in FY 2021-22 (UVFD, 2021b).

The Fire Authority also participates in Strike Team assignments for wildland fire incidents throughout the State and receives reimbursement for firefighters and the responding fire engine from the out-of-county California Fire Assistance Agreement (CFAA). The UVFFA has not hosted any recent fundraising activities to assist the Fire Authority with equipment purchases and facility needs (UVFD, 2021b).

2.4.1.6 Gann Limit

Local agencies that receive taxes are subject to certain spending limits (Gann Limit or Proposition 4). Annual appropriations that are subject to spending limits may not exceed an appropriations limit based on a calculated limit for fiscal year 1978-1979, adjusted annually for population and cost of living increases. On or before July 1st of each year the board is required to adopt its appropriation limit and make other necessary determinations for the following fiscal year pursuant to Article XIII B of the California Constitution and Government Code Section 7900 et seq. [61113(b)].

Not all appropriations are subject to this limit. The limit only applies to tax revenues. The limit does not apply to proceeds from user charges, user fees or other such assessments provided that these revenue sources do not exceed the costs reasonably borne in providing the product or service for which the fee or assessment is imposed. The limit does not apply to a district which existed on January 1, 1978 and which did not as of 1977-1978 fiscal year levy an ad valorem tax on property in excess of 12½ cents per hundred dollars of assessed value.

The District's Gann Limit for FY 21-22 is \$2,279,389. (UVFD, 2021b)

2.4.2 LONG TERM FINANCIAL CONSIDERATIONS

2.4.2.1 Reserves

The District does not have any reported reserve due to ongoing revenue issues. The budgets prepared by the City since FY 2016-17 do not specify the amount of funds held in reserve by the District, although there are restricted funds held in reserve from District Mitigation Fees. The District would benefit from starting reserve accounts for the following:

- Capital Reserve for the purpose of funding any needed expansion of capital facilities or the acquisition of capital equipment.
- Equipment, and/or Capital Replacement Reserve to provide for acquisition of equipment to replace equipment originally purchased and replace and repair existing capital facilities using revenues from those funds.
- Contingency Reserve to be used for funding unbudgeted and unforeseen expenditures during the fiscal year as authorized by a specific appropriation resolution of the Board of Directors.
- Debt Service Reserve from which payments to principal and interest on debt or lease purchase obligations is made. An amount equal to the payment due on such obligation during the next fiscal year is appropriated to said reserve at the end of every fiscal year.

2.4.2.2 Outstanding Debt

Table 2.7 shows the District's long-term debt activity for FY 2017-18 through FY 2020-21. As with previous tables showing financial information, FY 2020-21 information is estimated year-end data, whereas FY 2017-18 through FY 2019-20 shows actual data. Regular long-term debt activity since FY 2018-19 when the JPA went into effect includes debt service and loan principal and interest payments to the City of Ukiah, as well as capital leases for the purchase of fire equipment and vehicles in governmental activities. The District's last year of debt payments for the current schedule is FY 2025 (UVFD, 2021b).

	FY 17-18¹	FY 18-19²	FY 19-20²	FY 20-21²
Debt Service	\$0	\$16,362	\$10,103	\$0
Loan Principal Payments	\$0	\$5,646	\$0	\$6,846
Loan Interest	\$0	\$7,972	\$0	\$9,499
Capital Lease Payments	\$32,737	\$35,117	\$41,376	\$51,480
Net Income	\$32,737	\$65,097	\$51,479	\$67,825

Source: 1. Ukiah, 2019a; 2. Ukiah, 2020.

2.4.2.3 Capital Improvement Plan

A Capital Improvement Plan (CIP) or facilities plan identifies near-term and long-term facility and infrastructure needs, including upgrades, renovations, major maintenance, capital improvements, capital purchases, and facility expansions, and identifies potential revenue sources and implementation schedules for addressing those needs.

Under the Fire Authority, the District and City work together to prioritize and budget for long-term capital needs in addition to on-going operations and maintenance costs. The Fire Authority prepares a combined 5-Year Capital Improvement Plan (see Figure 2.2) which is adopted with the City's annual budget process. (UVFD, 2021b)

**FIGURE 2.2
FIVE YEAR CAPITAL IMPROVEMENT PLAN*
JULY 2021**

FACILITIES/BUILDINGS/LAND																										
FIRE AUTHORITY																										
Project Name	Project Description	Department	Division	Org/Object	Project Number	Allocation to Multi-funds	Project Contact Name (s)	Project Contact Email (s)	Project Location	Improvement Type	Project Status	Project Timeline		Funding Source	Funding Identified	Funding Type	Funding Type Add'l Comments	Costs to date	Estimated Cost per Fiscal Year					Totals	Comments	City Council Status
												Start	End						21/22	22/23	23/24	24/25	25/26			
Fire Station Upgrades and Retrofit	The Fire Stations are in dire need of an upgrade. At the South Station (due to the building's layout and size), UVFA has currently outgrown the living space. The station needs to include additional bedrooms, a bathroom with an extra shower, office space, and installing security measures to protect the facility and fire equipment. This upgrade will maintain the building's footprint utilizing a change in layout to accommodate the Department's current and future needs. It will also comply with the current fire code by installing a sprinkler system. The North Station is also in need of improvements to the grounds and security of the station. The driveway and pad require repair, which would reduce the impact on department equipment.	Fire Authority	City/District	TBD	TBD	N/A	Doug Hutchison	dhutchison@cit yofukiah.com	1500 South Street/141 Lovers Lane	Facilities/ Buildings/Land	New	2021	2022	TBD	No	New Revenues	Fiscal Year Allocation TBD						\$ -	Prioritization and funding source(s) under review; Need to explore grant funding; Department estimate/request is \$250,000; Additional evaluation of North Station Location is needed prior to expending substantial funding on existing location.	Reviewed	
Emergency Standby Generators	This project will include placing two external generators with automatic transfer capabilities at the North and South Stations. The project also includes updates to the current electrical system and panels to integrate the building's generators. These generators will allow for power at the stations during an emergency or planned power outage. The facilities must be able to operate and carry out the Authority's mission regardless of outside influences, making both stations self-sufficient. As planned power outages are expected to continue for the foreseeable future, along with sporadic emergency outages, the Authority must maintain power for critical infrastructure needed to complete our mission.	Fire Authority	City/District	TBD	TBD	N/A	Doug Hutchison	dhutchison@cit yofukiah.com	1500 South Street/141 Lovers Lane	Facilities/ Buildings/Land	New	2021	2022	TBD	No	New Revenues	Fiscal Year Allocation TBD						\$ -	Prioritization and funding source(s) under review; Need to explore grant funding. Department estimate/request is \$120,000	Reviewed	
SUB-TOTAL:																			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTALS FOR FACILITIES/BUILDINGS/LAND :																			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

*Refer to last page of this document for definition of terms used.

FIVE YEAR CAPITAL IMPROVEMENT PLAN*
JULY 2021

INFORMATION TECHNOLOGY																																														
FIRE AUTHORITY																																														
Project Name	Project Description	Department	Division	Org/Object	Project Number	Allocation to Multi-funds	Project Contact Name (s)	Project Contact Email (s)	Project Location	Improvement Type	Project Status	Project Timeline		Funding Source	Funding Identified	Funding Type	Funding Type Add'l Comments	Costs to date	Estimated Cost per Fiscal Year					Totals	Comments	City Council Status																				
												Start	End						21/22	22/23	23/24	24/25	25/26																							
Mobile Data Terminals (MDT)	The Ukiah Valley Fire Authority has begun to modernize utilizing wireless data through Mobile Data Terminals (MDT) to enhance safety, reduce repetitive radio communications, and access live up-to-date data. In an ever-changing environment in Fire Operations, the need for mobile field data rises; these units will allow us to track and send out information vital to the success of our mission. This equipment also allows us to have real-time data on the location of units to allow for a safer environment for our team members. Additionally, these units will tie into the CalFire system allowing for better, faster, and more reliable information to be passed between agencies in the field. The Terminals use Mobile Wireless, GPS, & Satellite communications allowing for increased situational awareness in severe operational environments.	Fire Authority	City Fire	Multiple	18271	N/A	Doug Hutchison	dhutchison@cityofukiah.com	300 Seminary Avenue	Information Technology	New	2021	2022	General	Yes	Current Revenues			\$	121,800						\$	121,800	Funds to be used are 710, 100, 915 and 917.	Reviewed																	
SUB-TOTAL:																			\$ -	\$	121,800	\$ -	\$ -	\$ -	\$ -	\$	121,800																			
TOTALS FOR INFORMATION TECHNOLOGY:																			\$ -	\$	121,800	\$ -	\$ -	\$ -	\$ -	\$	121,800																			

*Refer to last page of this document for definition of terms used.

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VEHICLES, MACHINERY & EQUIPMENT

FIRE AUTHORITY																											
Project Name	Project Description	Department	Division	Org/Object	Project Number	Allocation to Multi-funds	Project Contact Name (s)	Project Contact Email (s)	Project Location	Improvement Type	Project Status	Project Timeline		Funding Source	Funding Identified	Funding Type	Funding Type Add'l Comments	Costs to date	Estimated Cost per Fiscal Year					Totals	Comments	City Council Status	
												Start	End						21/22	22/23	23/24	24/25	25/26				
Command/ Chief Vehicle	This new Command/Chief vehicle would serve as a Division Chief's vehicle. It will replace C-6805, a 2006 Chevy 2500 HD, with current mileage of 106,495. The vehicle transmission is currently failing, leaving the vehicle unfit, unreliable, and leaving team members in a possibly unsafe or life-threatening environment during fire suppression activities. However, the vehicle can be repurposed as a non-suppression utility vehicle for the department.	Fire Authority	City Fire	10021210.80100	V3165	N/A	Doug Hutchison	dhutchison@cit.yofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	New	2021	2022	General	Yes	New Revenues		\$	75,000						\$ 75,000	Moved from FYE 21 due to COVID-19. Increased the amount from \$50k to include vehicle outfitting. Moved from FYE 21.	Reviewed
Command/ Chief Vehicle	This new Command/Chief vehicle will serve as a Command/Chief vehicle. It will replace D-6802, a 2007 Chevy 2500 HD with 84,072 miles. This vehicle's transmission is also currently failing along with multiple other problems, leaving the vehicle unfit, unreliable, leaving team members in a possibly unsafe or life-threatening environment during fire suppression activities. This vehicle will be decommissioned and placed as surplus.	Fire Authority	District Fire	91721400.80100	18277	N/A	Doug Hutchison	dhutchison@cit.yofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	New	2021	2022	District	Yes	New Revenues		\$	75,000						\$ 75,000	Purchase cost covers Fire Service Emergency Vehicle outfitting (Lights, Siren, Radio's, etc.)	Reviewed
Auto Extrication Equipment	It is recommended to replace our aging gas powered hydraulic auto extrication equipment, commonly know as the "Jaws Of Life". Replacement units will consist of newer technology battery operated E-Hydraulic extrication equipment. These newer units will eliminate heavy gas powered motors and associated hydraulic lines increasing mobility and range of use. This will be a three year phased purchase to replace the units currently in service.	Fire Authority	City/District Fire	91621400.80100 & 25321210.80100	18101	Yes	Doug Hutchison	dhutchison@cit.yofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	Ongoing	2019	2022	Special Revenue	Yes	Current Revenues	Prop. 172	\$	57,274	\$	33,000				\$ 33,000	The first set has been purchased and placed into service. Second set has been purchased. Final purchase set planned for FYE 22.	Budget Adopted
SCBA Compressor	This specialized unit is necessary and mandatory to fill Self-Contained Breathing Apparatus Bottles crucial for the Ukiah Valley Fire Authority to carry out our mission of saving and protecting life, property, and the environment. This unit will be housed at the Central Station and will replace our current mobile air unit, which is currently out of service.	Fire Authority	City Fire	10021210.80100	18195	N/A	Doug Hutchison	dhutchison@cit.yofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	New	2021	2022	General	Yes	New Revenues		\$	60,000						\$ 60,000	This will require new funding. Moved from FYE 21 due to COVID-19.	Reviewed
SCBA/Gear Sanitizer	This unit is critical for sanitation of fire protection gear and equipment used and worn by team members, due to the increasing awareness of cancer causing exposures faced by Fire Personnel. The sanitation of gear and equipment has been proven to reduce the risk to cancer(s). This promotes a safer and healthier work environment.	Fire Authority	City Fire	10021210.80100	18196	N/A	Doug Hutchison	dhutchison@cit.yofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	New	2021	2022	General	Yes	New Revenues		\$	35,000						\$ 35,000	This will require new funding. Moved from FYE 21 due to COVID-19. Increased from \$28k.	Reviewed
Water Tender	Following industry standard NFPA guidelines recommends fire apparatus serve 10 years or 75,000 miles as a first out response vehicle, and an additional 5 to 10 years or 100,000 miles in service as a reserve apparatus. WT-6892 is a 2004 Peterbilt single-axle 2,500 gallon water tender. It was initially designed for construction, and was converted to a fire apparatus. It does not have a fire rated pump, which the apparatus does not meet the demand for service. The purchase of a new fire rated water tender is vital to the Fire Authority's mission while working in the rural environment. Additionally, utilizing OES-State contracts, the entire purchase cost recovery would be completed over the next few years. WT-6892 would not only be placed in a reserve status for the Fire Department, other departments in the City could utilize the water tender, adding additional cost savings to the City, as they have been renting a water tender in the past several years.	Fire Authority	City Fire	10021210.80100	V2543	N/A	Doug Hutchison	dhutchison@cit.yofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	New	2021	2022	TBD	Yes	Reserves		\$	325,000						\$ 325,000		Reviewed
Quint Aerial Apparatus	The Ukiah Valley Fire Authority annual fleet replacement identified T-6852 for replacement. Following industry-standard NFPA guidelines recommends fire engines serve 10-years or 75,000 miles as a first out response vehicle, and an additional 5 to 10-years or 100,000 miles in service as a reserve apparatus. T-6852 is a 2009 Pierce Quint Aerial Apparatus with a 75-ft. ladder with a current mileage of 47,536. With a continually growing city in size and height, revised truck's specifications will need to be considered to meet future demands. T-6852 will be placed in a reserve status for the Department.	Fire Authority	City Fire	10021210.80100	TBD	N/A	Doug Hutchison	dhutchison@cit.yofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	New	2025	2026	TBD	No	New Revenues	Fiscal Year Allocation TBD						\$	1,500,000	\$ 1,500,000	Fiscal year allocation might move to out years contingent on condition of the vehicle.	Reviewed
Active Shooter Safety Equipment	Due to the current events happening around the United States and the world, it is unfortunate but imperative that we prepare and be equipped for any and all situations the UVFA may face. We are taking a proactive instead of a reactive stance in protecting and providing our team members with the equipment they need to handle even the direst situations. Following industry-standard (NFPA-3000 Active Shooter) equipment to be purchased will include Flak Jackets, Kevlar Helmets, Medical Triage Bags, and Medical Triage Equipment.	Fire Authority	City Fire	10021210.80100	TBD	N/A	Doug Hutchison	dhutchison@cit.yofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	New	2022	2023	TBD	No	New Revenues	Fiscal Year Allocation TBD/Seek grant funding.								\$ -	Staff will actively pursue grants to possibly offset some cost. Department estimate/request is \$60,000	Reviewed

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Radios	Due to the Federal Communications Commissions (FCC), all Fire Department Analog Radios (currently all UVFA radio's are analog) are required to be replaced with Digital Radios. The FCC's move from analog to digital increased and improved radio efficiency and met the radio spectrum's increasing demand (Narrow banding). This is a two-year phased purchase, replacing the Hand-Held Radio's in the first year and the Mobile Radio's (Vehicle Radio's) in the second phase.	Fire Authority	City Fire	10021210.54100	18240	N/A	Doug Hutchison	dhutchison@cityofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	New	2021	2023	TBD	Yes	New Revenues	Seeking grant funding.	\$ 225,000	\$ 153,200				\$ 378,200	Staff will continue to actively pursue grants to possibly offset some of the cost during the phased process.	Reviewed
Safety Extractors	This unit is critical for sanitation of Personal Protective Equipment (PPE) used and worn by team members due to the increasing awareness of cancer-causing exposures faced by Fire Personnel. The sanitation of gear and equipment has been proven to reduce cancer risk (s) by removing the carcinogens or our team members deal with while performing their duties. These Safety Extractors were built and designed to remove debris and carcinogens as a normal washing machine does not, nor meet the industry standard of NFPA.	Fire Authority	District Fire	91621400.80100	18278	N/A	Doug Hutchison	dhutchison@cityofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	New	2021	2022	District	Yes	New Revenues		\$ 30,000					\$ 30,000		Reviewed
Ambulance Patient Transport Unit	This ambulance will serve the greater Ukiah area for the growing demands of the Emergency Medical Services. The Ukiah Valley Fire Authority has had to supplement/augment the private ambulance industry to county-wide ambulance shortage.	Fire Authority	Ambulance	71021000.80100	TBD	N/A	Doug Hutchison	dhutchison@cityofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	New	2021	2022	TBD	Yes	New Revenues	Looking at financing options.	\$ 250,000					\$ 250,000		Reviewed
Ambulance Patient Transport Unit	This ambulance will serve the greater Ukiah area for the growing demands of the Emergency Medical Services. The Ukiah Valley Fire Authority has had to supplement/augment the private ambulance industry to county-wide ambulance shortage.	Fire Authority	Ambulance	71021000.80100	18269	N/A	Doug Hutchison	dhutchison@cityofukiah.com	1500 South State Street	Vehicles, Machinery & Equipment	New	2021	2022	TBD	Yes	New Revenues	\$141,648 to be CDBG funded, balance financed.	\$ 300,000					\$ 300,000		Reviewed
SUB-TOTAL:																		\$ -	\$ 1,408,000	\$ 153,200	\$ -	\$ -	\$ 1,500,000	\$ 3,061,200	
TOTALS FOR VEHICLES, MACHINERY & EQUIPMENT :																		\$ -	\$ 1,408,000	\$ 153,200	\$ -	\$ -	\$ 1,500,000	\$ 3,061,200	

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Definition of terms used:	
Project Name	The name of the project.
Project Description	Provides a description and additional narrative to assist in the understanding of the need and value of the proposed project.
Division	The specific division within the identified department where the expenditure will be made within the budget.
Org/Object	The proposed account code where the expense will be accounted for.
Project Number	The number assigned to track all expenses related to the project.
Allocation to Multi-funds	Indicates if the cost of the proposed cost is shared. In this case, here it will state what other funds are sharing the cost.
Project Status	This indicates whether the project is "NEW", "IN PROGRESS", "ONGOING" or "COMPLETED".
Project Timeline	General calendar year "start" and "end" date.
Funding Source	The Fund the actual expense will come out of.
Funding Identified	"Yes" indicating funding has been identified and will be available, "No" indicating funding has not yet been identified and is unavailable.
Funding Type	"Reserves" indicates it is, or is planned to be, transferred from a reserve account, "Current Revenues" means that the expenditure is anticipated to be funded by existing revenues at the time of the purchase, "New Revenues" means that a funding source other than current revenues will be used, including or grant funding or fundraising.
Funding Type Add'l Comments	To further explain, as necessary, the funding type used selected.
Costs to date	Costs spent on the project.
Estimated Costs per Fiscal Year	Costs estimated to be spent in each of the fiscal years.
Totals	The sum of the five year estimate for each project.
Comments	Additional information as needed.
City Council Status	"Not Reviewed" - First time that Council has been presented the project; "Reviewed" - Council has been presented the project during an agenda meeting; "Explore" - Council has reviewed and has asked staff to further explore; "Reviewed and Supported" - Council has reviewed and supports the placement of the project on the CIP Plan; "Budget Adopted" - Council has approved the project through the Council action that takes place through either the full budget adoption process, or through a specific agenda item brought to Council.

2.5 GROWTH

2.5.1 PRESENT AND PLANNED LAND USE AND DEVELOPMENT

The Ukiah Valley is located approximately 30 miles east and inland from the Pacific Ocean. The Ukiah Valley runs north to south for about 9 miles, with a maximum width of about 3 miles. With an average elevation of about 630 feet, the hills surrounding the Valley range up to about 3,000 feet. The Russian River enters the Valley at the north end and runs south along the Valley floor. Soils are composed of fertile alluvium, and many pear orchards and vineyards flourish along the east side of the river. Residential and commercial land uses predominate on the west side of the river. The railroad right-of-way and Highway 101 also parallel the river through the Valley. Existing land uses in the Ukiah Valley, include residential, commercial, industrial, and agricultural uses. Unincorporated communities include Calpella, The Forks, and Talmage, while the City of Ukiah is the sole incorporated community in the Valley.

The UVFD boundaries include The Forks and Talmage. Calpella is located north of the existing boundaries. (See Figure 1.1.) The Forks and Talmage are unincorporated and are governed by Mendocino's land use authority, while the City of Ukiah represents its own jurisdictional land use authority. The UVFD boundaries include an area of approximately 80-square miles, and the resident population is approximately 17,000; however the true service area under the UVFA is 85-square miles, with an additional residential population of about 16,000 in the City of Ukiah.

Development in the vicinity of The Forks is of a mixed nature, including commercial uses on North State Street near the intersection with Lake Mendocino Drive, residential uses (single-family homes and mobile homes), and light industrial activities. The North State Street corridor south of The Forks has historically been developed with heavier industrial uses interspersed with commercial uses; however, the area may be entering a period of transition with shifts away from timber related uses. Mendocino Community College, Pinoleville Indian Reservation, and urban residential uses are located west of US 101.

Southeast of Ukiah is the community of Talmage. Situated around the intersection of Talmage Road (State Route 222) and Eastside Road, the area has slowly developed with urban uses (mostly commercial activities and rural residential lots) replacing historical agricultural uses. Talmage is also home to the City of Ten Thousand Buddhas, which encompasses the site originally occupied by the State Hospital.

(PMC, 2008; Mendocino, 2011)

The District boundaries do not generally overlap with the City of Ukiah's jurisdictional limits, but the District has recently applied to annex the City into its territory. The City of Ukiah is the Mendocino County seat and the largest city Mendocino County. Ukiah serves as the city center for Mendocino County and much of neighboring Lake County due to its accessible location on the US Route 101 corridor. (USCB, 2021; Ukiah, 2019b)

Development patterns in the Ukiah Valley are anticipated to generally follow historical zoning and development patterns, maintaining a north-south pattern following the major transportation corridors. The area within the City limits is approaching build-out and a relatively significant level of urban development has occurred in portions of the sphere of influence. The Ukiah Valley Area Plan adopted by Mendocino County in 2011 for the unincorporated areas within the District boundaries generally maintains the development patterns of the Valley, allowing expansion of The Forks Rural Community, and along the U.S. 101 corridor, as well as limited growth in the eastern hills. (Mendocino, 2011)

Ukiah Valley Area Plan policies pertaining to growth and land use development include the following:

Section 3: Land Use and Community Development

GOAL LU1 Create compact, mixed-use, and well-balanced communities that can achieve this plan's principles of sustainability.

Policy LU 1.1: Promote development and building practices that support healthy communities.

Policy LU 1.2: Utilize planning tools and incentives to guide the development process towards creating a compact, mixed use community achieving a balance among social, economic, and environmental systems. Policy LU1.3: Promote suitably located housing and services for a range of ages and incomes within the Ukiah Valley

Policy LU 1.4: Continue to allow growth in High Intensity Development Corridors.

GOAL LU2 Promote compatible land uses adjacent to important transportation facilities and protect against incompatible ones.

GOAL LU4 Manage future growth to ensure that essential support infrastructure is in place prior to development.

Policy LU 4.1: Apply growth management strategies when reviewing discretionary projects.

Policy LU 4.2: Promote balanced development to improve the community's ability to support and fund facilities and services.

Goal LU 7 Recognize that the Ukiah Valley is one community, and foster collaborative decision-making between County and City Agencies.

Policy LU 7.1: Collaborate with the City of Ukiah to fund programs and evaluate planning issues in the Valley.

LU 7.1a: Tax-Sharing Agreements: Continue to collaborate with the City of Ukiah to create and implement a tax-sharing agreement that will help fund services in both the County and the City.

LU7.1b: Sphere of Influence: Work with the City of Ukiah to revise the City's Sphere of Influence (SOI), and continue to collaborate on planning decisions that regulate land in the SOI.

LU7.1c: Comprehensive Planning Team: Investigate the feasibility of forming a Valley-wide planning team with staff from the City and the County to jointly oversee planning in both jurisdictions.

Section 8: Health and Safety

GOAL HS1 Consider natural and human-made hazards when planning development and minimize potential conflicts.

Policy HS1.3: Maintain land use and building regulations that promote fire safety.

HS1.3.a Valley-Wide Fire Safety Standards Assess the need for Valley-wide fire safety standards to address:

- Funding
- Site development
- Flammable vegetation clearance around structures
- Road access
- Hillside and terrain challenges; and
- Water supply Prepare comprehensive standards if warranted.

HS1.3b Fire Hazard Areas Do not approve subdivision of existing parcels in areas designated by CAL FIRE as having “high” or “very high” fire hazard rating unless the responsible fire protection agency determines in writing that adequate access, evacuation routes, emergency response, and fireflow are available, and that the project complies with the most current State requirements for development in wildlands.

HS1.3c Wildfire Protection Plan Implement the recommendations of the Wildfire Protection Plan when approving new development. Support the proposed signage and address project included in that plan and support maintenance of improvements constructed as part of the Westside Vegetation Management Plan.

Policy HS1.4: Maintain an interagency comprehensive disaster preparedness program

HS1.4.a Disaster Preparedness Plans Collaborate with the Mendocino County Office of Emergency Services to incorporate plans for fire, flood and seismic disasters into the County’s emergency response planning and the Operational Area Emergency Plan.

HS1.4b Emergency Response Team Assemble a Valley-wide emergency response team.

HS1.4c Neighborhood Emergency Services Team (NEST) Encourage formation of strong Neighborhood Emergency Services Teams. Develop tools to support neighborhood teams, such as:

- Resource materials to describe neighborhood-based strategies in dealing with emergencies;
- Outreach materials to recruit volunteers and raise neighborhood awareness of NEST;
- Training programs to build knowledgeable neighborhood leaders; and
- Organizational assistance in creating a database of neighborhood information; identifying neighborhood shelters, and locating critical equipment and supplies.

HS1.4d Public Service Master Plans To ensure that the County maintains an adequate number of public safety workers, including emergency service providers, individual departments should update their public service master plans in conformance with the amount and type of development specified in this area plan.

(Mendocino, 2011)

As shown in these policies, there is a strong desire on the part of the community for strong collaboration between the City and County in land use planning and government operations in the Ukiah Valley, both for community continuity and cost sharing purposes. These policies also promote development in already-impacted areas such as the main transportation corridors as well as a mix of uses with strong supporting infrastructure for those uses.

Additionally, the Area Plan policies show a strong community desire to maintain adequate fire protection service levels, discourage development in fire-prone areas, and encourage community involvement with emergency planning and response.

2.5.1.1 Land Use

The Ukiah Valley contains the unincorporated communities of Calpella, The Forks, Talmage, as well as the City of Ukiah. Existing land uses include residential, commercial, industrial, and agricultural uses.

The following land use classifications established in the County General Plan also apply without modification to lands in the Ukiah Valley Area Plan:

- SR - Suburban Residential (all densities)
- RC Rural Community
- RR - Rural Residential (all densities)
- RMR - Remote Residential (all densities)
- C - Commercial
- AG - Agricultural
- RL - Range Lands
- I -Industrial
- PS - Public Services
- PL - Public Lands
- OS - Open Space
- MU - Mixed Use MUNS – Mixed Use North State Street
- MUBST – Mixed Use Brush Street Triangle
- MU-2 – Mixed Use General

See Figure 2.5 for the County’s land use map of the Ukiah Valley.

The UVAP goals and policies direct that higher density residential uses be located within the City of Ukiah’s sphere of influence, areas designated Rural Communities, and within the City itself, in order to concentrate development in areas with adequate services and access and limit impacts to resource lands. Development potential can be maximized through comprehensive and coordinated planning of areas which are currently undeveloped or underdeveloped.

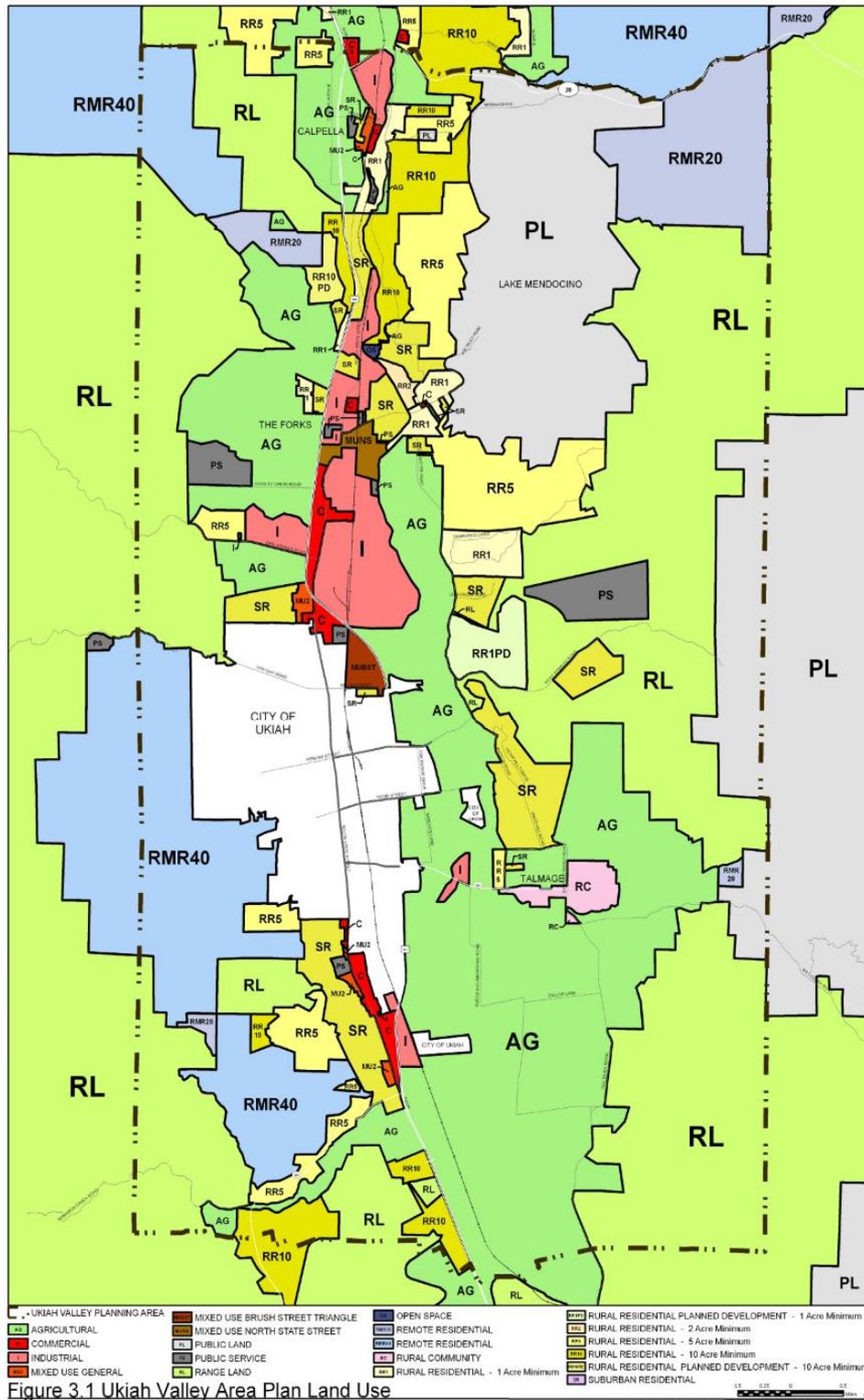
Mendocino County has identified housing, mixed-use development, and agriculture as especially important to the area. The UVAP supports affordable worker housing by designating more properties for mixed uses and allowing for higher density development in more locations and configurations, with much of the density around community areas and the City of Ukiah for multiple family and mixed uses. The UVAP also provides for mixed use development patterns to allow greater efficiency and economy in providing public services, conserves agriculture and resource lands, preserves the rural character desired by many of the County’s residents, and adds more affordable housing.

The UVAP also protects agriculture, which is a major part of Mendocino County’s economy. Many types of agriculture exist in the Ukiah Valley, including vineyards, orchards, forage crops, specialty crops, and livestock. Farms are both full time and part time operations. Agricultural production in some areas is threatened both by pressures of urban development and by creation of small residential lots in the midst of agricultural lands.

(Mendocino, 2011)

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Figure 2.5 Ukiah Valley Area Plan Land Use Map



Source: Mendocino, 2011.

2.5.1.2 Development

Existing development in Ukiah Valley consists of a mix of uses, including agricultural, residential, commercial, and light industrial. Within the UVFD boundaries are historic downtown buildings, county governmental buildings including a county courthouse and jail, Mendocino Community College, Dharma Realm Buddhist University, a local hospital, lower half of Lake Mendocino including the Coyote Dam, industrial and commercial complexes, expansive wildland urban interface areas, hotels, multi-family residential complexes, multiple mobile home parks, Ukiah Municipal Airport, US 101 and State Route 253.

Water availability has long been an issue in the Ukiah Valley and is a likely constraint to future development in the Valley, complicated by legal, environmental, political and socioeconomic issues. Challenges include decreased water diversion, as well as difficulties and lengthy time inherent in developing new supplies in the face of increasing demand. Various “unknowns” related to water supply make planning for future growth and development a difficult task. There are areas within the UVAP planning area that are served by public water providers which are under a moratorium.

Non-environmental constraints to development include a limited amount of developable land and regulatory requirements mandated by state government. While neither factor prevents development, it does increase time and cost of land use projects.

(Mendocino, 2011)

2.5.2 EXISTING POPULATION AND PROJECTED GROWTH

The UVFD boundaries include three census tracts whose population in the 2020 census is estimated at 14,077. This number excludes Calpella, which is not in the UVFD and has a population of 682. Table 2.8 shows the population estimates of the three census tracts in comparison to the population of the City of Ukiah and Mendocino County. The table indicates the population of the UVFD is comparable to the City of Ukiah.

Area	2019 Population Estimates
Census Tract 109	4,989
Census Tract 113	5,673
Census Tract 117	4,097
Less Calpella	(682)
Estimated District Total	14,077
City of Ukiah	15,943
Mendocino County	86,749

Sources: USCB, 2019d; USCB, 2019a; USCB, 2019c; USCB, 2020; California Department of Finance, 2021.

According to the 2020 Census total population data, there was a minor difference from the figures in the above table based on the 2019 American Community Survey 5-Year population projections as follows: Census Tract 109 had a total of 4,983 (difference of 6 people), Census Tract 113 had a total of 6,010 (difference of 337 people), and Tract 117 had a total of 4,236 (difference of 139 people). (UVFD, 2021b)

It should be noted these figures are not exact as they are based on Census tracts rather than actual District boundaries. In its recent Plan for Services application to annex the City of Ukiah into its sphere, the District has indicated that, when considered in consolidation with the Fire Authority, it serves a population of

approximately 33,000, with approximately 16,000 within City limits and 17,000 in the unincorporated area. (UVFD, 2021) For the purposes of consistency and accuracy, this population number has been used throughout this MSR.

Population growth is expected to increase at an annual rate of approximately 0.5% for Mendocino County (Caltrans, 2017). Population growth rate estimates vary depending on the source. Based on US Census Bureau population projections, Mendocino County will grow by 1,255 people in the next five years, as shown in the table below.

Area	2020	2025	2030	2035	2040	2045
Mendocino County	87,491	88,746	89,232	89,106	88,205	86,956

Source: USCB, 2019e.

Assuming a District service population of approximately 17,000 per UVFD's recent application for annexation, based on this growth rate the District can expect a population increase of about 363 people within the next five years. However, according to this data, after the year 2033, the population will begin decreasing at a slow rate of approximately 0.007% per year. (USCB, 2019e)

2.6 DISADVANTAGED UNINCORPORATED COMMUNITIES

Senate Bill (SB) 244, which became effective in January 2012, requires LAFCo to evaluate any Disadvantaged Unincorporated Communities (DUCs), including the location and characteristics of any such communities, when preparing an MSR that addresses agencies that provide water, wastewater, or structural fire protection services. A DUC is an unincorporated geographic area with 12 or more registered voters with a median household income (MHI) that is less than 80% of the State MHI of \$75,235, or \$60,188 (USCB, 2020). This State legislation is intended to ensure that the needs of these communities are met when considering service extensions and/or annexations in unincorporated areas.

As previously noted, the UVFD includes three Census tracts. The MHIs for these three tracts are \$57,344 (Tract 109), \$46,234 (Tract 113), and \$70,536 (Tract 117). Tracts 109 and 113 qualify as DUCs individually, and the average of these three tracts is \$58,038, which is below 80% of the State MHI of \$60,188. The City of Ukiah has an MHI of \$49,889, which is also less than 80% of the State MHI, but the City does not qualify as a DUC because it is an incorporated area. (USCB, 2019b; USCB, 2021)

Special consideration will be given to any DUCs affected by future annexation proposals consistent with GC §56375(8)(A) and LAFCo Policy. The District does not provide water or wastewater services and is therefore not responsible for ensuring that these services are adequately provided to the community.

3 MUNICIPAL SERVICES

A Municipal Service Review (MSR) is a comprehensive analysis of the services provided by a local government agency to evaluate the capabilities of that agency to meet the public service needs of their current and future service area. The MSR determinations inform the SOI Update process and assist LAFCo in considering the appropriateness of a public service provider's existing and future service area boundary. The information and analysis presented in Chapters 2 and 3 of this document form the basis for the MSR determinations provided under Section 3.3.

3.1 FIRE PROTECTION SERVICES

This section provides information regarding the municipal services provided by the Ukiah Valley Fire District (UVFD) and the Ukiah Valley Fire Authority (UVFA) under a Joint Powers Agreement (JPA) for the joint provision of fire protection services in the Ukiah Valley area. This is the second MSR prepared for the District; the first one was adopted by the Commission on May 6, 2013.

3.1.1 SERVICE OVERVIEW

3.1.1.1 Services

The Ukiah Valley Fire District provides fire protection, suppression and prevention services, emergency medical services, and other emergency related first-responder services as detailed in Section 2.1.3.

The District does not have its own hazardous materials response team. Mendocino County's Redwood Empire Hazardous Incident Team (REHIT) is responsible for HAZMAT incidents including direct management and control of the event. All Firefighters of the Fire Authority are trained to the Hazardous Materials First Responder - Operations level at minimum (UVFD, 2021b).

The Fire Authority enforces a weed abatement program within the District and City boundaries.

3.1.1.2 Customers

The District serves approximately 17,000 people in the District boundary and the Fire Authority serves approximately 30,000 people in the District and City boundaries. There are also large influxes of visitors to the Ukiah Valley area during the summer and special events such as Concerts in the Park and Pumpkinfest (UVFD, 2021b).

3.1.1.3 Out-of-Agency Services

The District does not maintain contracts with individual property owners to provide services outside its boundary. However, under the JPA, the Fire Authority responds to service calls both within the District and the City boundaries. The District does not provide any other out-of-agency services (OAS), except for mutual aid responses and dispatched service calls as necessary for public health and safety.

3.1.1.4 Wildfire Danger

The steep terrain on either side of the Ukiah Valley is considered a Wildland Urban Interface (WUI). This area consists of manzanita and scrub vegetation with a high oil and fuel content that burns quickly and with extreme heat, is very susceptible to wildland fires, and can be difficult for emergency response vehicles and firefighters to access due its remoteness. A wildfire in the adjacent hills of the Ukiah Valley

pose a threat to life and property for residents located in the hills and endanger the more populated areas along the base of the slopes and the densely populated valley floor.

The City of Ukiah has adopted Hillside Development Regulations for the areas of high fire hazard in the hill areas on the west side of the City. These regulations require substantive fire protection features for new development in the western hills portion of the City, such as fire suppression water storage, safe access routes, fire-resistant construction and the creation of a 100-foot defensible space around residences.

The Mendocino County Office of Emergency Services is responsible for planning and coordinating disaster response Countywide. Multiple jurisdictions have regulatory authority for fire prevention and planning, including Mendocino County, which imposes the State Fire Safe Regulations. These regulations require minimum standards for emergency vehicle access, dead-end road length, road slope and width, clearance of flammable vegetation around structures and ingress/egress routes, water storage and compatible fire agency connection, and identification signs. In addition, the County enforces the Uniform Fire Codes.

The UVFD can also enact its own local ordinance or development requirements and currently performs site inspections and plan reviews for County development projects.

(Mendocino, 2011)

3.1.2 SERVICE ADEQUACY

3.1.2.1 JPA Service Delivery Model

The Fire Authority is currently staffed by 19 paid firefighters, one Administrative Secretary, and 15 dedicated volunteer firefighters that augment the career personnel, including a Volunteer Division Chief. (UVFD, 2021)

The Fire Authority operates from four fire stations, of which two are staffed with career personnel. These two stations have a Type I (Structural) engine owned by the City, a Type II/III (Wildland Interface) engine owned by the District, and an ambulance owned by the City. The District volunteer firefighters work primarily out of the City-owned Central Fire Station, which also houses a mixture of City and District owned apparatus. (UVFD, 2021)

The minimum daily on-duty staffing level is five full-time firefighters covering two stations, consisting of two two-person crews cross staffing Type I (Structural) and Type II/III (Wildland Interface) Engines and a Battalion Chief. Each of the two staffed stations are assigned a utility vehicle and each of the four Chief Officers are assigned a staff/command vehicle. (Ukiah, 2021k) Starting in Fiscal Year 2021-22, the staffing level will be increased to two three-person crews with the increase of three positions. Ambulance services in the District and City are primarily provided by MedStar of Mendocino County acts, Fire Authority crews staff ambulances and transport patients as a secondary provider. (Ukiah, 2020; UVFD, 2021; UVFD, 2021b)

The Fire Authority refers to its current staffing as “Engine Couples” rather than as Engine Companies. The task organization of a Fire Engine Company typically calls for a Captain, an Engineer, and a Firefighter. Current personnel constraints very often preclude forming an Engine Company, and instead often result in two firefighters on an Engine. This personnel restriction further exacerbates the concurrent call situation because the Fire District often has to send both Engine Companies (as “Engine Couples”) to a single incident to have sufficient firefighters on the scene. For example, a fire that requires three

firefighters may result in two Engine Companies responding, with no remaining firefighters available to respond to a concurrent call. (UVFD, 2021)

3.1.2.2 Staffing

The following table provides information regarding the current staff resources dedicated to providing fire protection and emergency medical services to the District and the City under the Fire Authority.

Title	Career*	Paid On-Call	Volunteer*
Fire Chief	1		
Battalion Chief	2		
Captain	6		
Engineer	6		
Firefighter	3		15
Adm. Secretary	1		
*There are 5 EMTs and 11 Paramedics that operates at an EMT level.			

Source: (UVFD, 2021; UVFD, 2021b).

The District reports that the current paid staffing level is not adequate to deliver services.

Based on the International City Manager's Association's recommendation of 0.98 firefighters per 1,000 residents, the Fire District should have at least 33 firefighters. The National Fire Protection Association Code and Standard 1720 calls for a minimum of 15 firefighters to respond to a residential structure fire in an urban area (defined as an area with more than 1,000 people per square mile). With current personnel resources, the Fire District rarely achieves half that. (UVFD, 2021).

Given that the population amount is expected to increase by approximately 363 residents in the service area in the next five years, one additional part-time position would be needed in addition to the 14 that are also needed to meet the City Manager's Association.

3.1.2.3 Volunteers

The Fire Authority is an All-Risk combination fire department, consisting of paid career firefighters as well as volunteer firefighters. Volunteer firefighters have been provided with the necessary safety equipment and basic training, including mandatory weekly training. Volunteers are eligible to augment daily staffing levels as well as receive additional training, and they receive a stipend semiannually based upon their attendance at training and their response to emergency incidents.

Volunteer personnel are trained in Emergency Medical Services, fire suppression, technical rescue, hazardous materials release response, the Incident Command System, wildland firefighting, and the operation of fire engines and aerial apparatus. The volunteer workforce creates a source of individuals who can also compete for and obtain permanent full-time career positions.

(Ukiah, 2021j)

Volunteer firefighters have a bi-weekly regular training schedule on alternating Thursday nights and Saturday mornings. Volunteer firefighters are encouraged to attend 100% of all mandatory trainings per year. Volunteer firefighters are trained to a Firefighter 1 level and must meet first responder level under Title 22 requirements.

The maximum number of volunteers that the District can support is 25 regular members. Currently, the District has 15 volunteer firefighters and 0 auxiliary members. The District reports that there are not sufficient volunteers available to supplement paid staff for all shifts throughout the 24/7 operation. The District is always recruiting for new volunteer firefighters because their volunteer force is aging, declining in number, and becoming less available during daytime hours.

(UVFD, 2021b)

3.1.2.4 Service Calls

The following table provides a summary of the total number and types of service calls by location the Fire Authority responded to over the last two years.

Service Call Type	2020		2021 YTD	
	District	City	District	City
Fires	92	129	62	68
Overpressure rupture, explosion, overheating - no fire	3	1	2	1
Rescue & Emergency Medical Service	666	1287	414	826
Hazardous Condition (No Fire)	27	55	13	28
Service Call	123	299	79	163
Good Intent Call	305	631	154	373
False Alarm & False Call	34	103	39	68
Severe Weather & Natural Disaster	2	1	2	7
Special Incident Type	2	1		
Subtotal	1254	2507	765	1534
Grand Total	3,761		2,299	

Source: (UVFD, 2021b).

The Fire Authority responds to over 3,700 calls per year, varying from structure fires to public assistance. The majority of service calls are related to emergency medical responses, at approximately 70%. The Fire Authority can struggle at times to successfully manage multiple service calls simultaneously and for all shifts throughout the 24/7 operation. In 2020, the Fire Authority had an overall overlapping call rate of 35.5%, and is running at 33% so far in 2021. These overlaps can last seconds to hours depending on the type of incident(s) occurring. With only two-staffed units, anything more than two simultaneous incidents, or a single multi-unit response, effectively limits any further response from the Fire Authority until volunteers arrive, unless volunteers are already included in the multi-unit response, or until adjacent service providers are dispatched for additional service calls. (UVFD, 2021b)

3.1.2.5 Response Times

Response time relates to the time elapsed between the dispatch of personnel and the arrival of the first responder on the scene of an incident. There are different response time expectations and first responder capabilities in serving urban, suburban, and rural areas. In general, the faster the response time the higher the likelihood of a positive outcome related to managing and addressing the incident. A fast response time for medical care is especially important for incidents involving patients who are suffering from a life-threatening condition. Further, a fast response time for fire suppression is important to prevent a structure fire from rapidly spreading to other structures and/or wildland interface areas.

While there are no established response times for fire agencies in Mendocino County, there are standards for ambulance contract providers which provides an indication of what is considered appropriate response times for medical emergencies.

Emergency response time standards vary by the level of urbanization of an area; the more urban an area, the faster a response should be. The Coastal Valleys EMS Agency has established recommended guidelines for response times which apply to ambulance contract providers Mendocino County. For 90% of emergency responses, response times for first responders should not exceed 5-minutes in metropolitan to urban areas, 15-minutes in suburban to rural areas, and 30-minutes for wilderness areas (CVEMSA, 2012).

The National Fire Protection Association (NFPA) has also established industry standards for response time performance based on the service structure of the agency: NFPA 1710 for agencies with paid staff and NFPA 1720 for agencies with volunteer staff. NFPA 1720 recommends the following response times: 9-minutes in urban areas 90% of the time, 10-minutes in suburban areas 80% of the time, 14-minutes in rural areas 80% of the time, and in remote areas response time is directly dependent on travel distance (NFPA, 2010). The Fire Authority would fall under the NFPA 1720 category due to its mixed professional and volunteer staff composition.

The Fire Authority's average response time varies throughout the Ukiah Valley based on the call location. For purposes of tracking call locations and response times, the Fire Authority is divided into six (6) zones. Average response times for the 6 zones in calendar year 2020 were as follows: District NW- 7:50, District NE- 8:41, District SW- 8:58, District SE- 10:39, City North- 5:48, and City South- 5:52. (UVFD, 2021b)

The Fire Authority operates such that volunteers are not paged for medical emergencies until both paid units are already committed. However, if volunteers happen to be monitoring the radio they may respond directly to the scene if they would have to pass the incident on the way to the Central Fire Station. (UVFD, 2021b)

3.1.2.6 ISO Rating

Fire services in communities are classified by the Insurance Service Office (ISO), which is an advisory organization depended on by insurance companies for establishing the availability and costs for fire insurance. The ISO rating classifies fire service in communities with a ranking from 1 to 10, indicating the general adequacy of coverage. Communities with the best fire protection facilities, systems for water distribution, fire alarms, communications, equipment, and personnel receive a rating of 1. Primary factors assessed in establishing ISO ratings are maintaining more than one fire station within a district boundary to meet the 5-mile radius requirements, ensuring appropriate facility maintenance and upgrades are made, and sufficient personnel and volunteers exist to respond to each station.

The District has an ISO rating of 4/4X on a scale of 1 to 10, with 1 being the highest. The City of Ukiah has an ISO rating of 3. (UVFD, 2021b)

While wildfires are a natural occurrence in California, the effects of prolonged drought, high tree mortality rates from bark beetles and other infestations, high fuel loads and ladder fuels in wildland areas, record high temperatures, and longer fire seasons are resulting in increasingly extreme and destructive wildfires. There is a growing trend of insurance companies issuing non-renewal notices for existing homeowner's insurance policies due to high wildfire risk.

The insurability of property has historically been closely tied to the ISO rating classification system. With the changing landscape of wildfires in California, some insurance companies are moving away from ISO rating altogether and some are also relying on information regarding the level of fire severity established by CAL FIRE. With more sophisticated fire behavior modeling available, CAL FIRE is anticipated to update the 2007 Fire Hazard Severity Zones mapping, which could potentially result in property being re-classified into a higher fire severity zone and becoming less insurable.

As a last resort, the California Fair Access to Insurance Requirements (FAIR) Plan is a fire insurance pool comprised of all California licensed insurers to provide insurance for property owners that are not able to obtain basic coverage in the voluntary insurance market. There may be properties within the District boundary that have received notice of non-renewal, but the District has not received reports of property owners unable to find coverage from other insurance providers. (UVFD, 2021b)

3.1.3 FACILITIES AND INFRASTRUCTURE

The Fire Authority operates and maintains multiple capital assets including land, buildings, equipment, and infrastructure owned and funded by the District and the City.

3.1.3.1 Facilities

The District owns three fire stations and the Fire Authority primarily operates from two of these stations.

- The South Fire Station is located at 1500 South State Street and is the Main Station. The South Station was once a CHP administrative office and was not intended to house staff. The Fire Authority currently houses its administrative staff, including three Division Chiefs, one Fire Chief and one Administrative Secretary, as well as two suppression members at this station. The South Station is in need of significant remodel to bring it up to modern, livable standards, since it was never intended to be used to house suppression staff.
- The North Fire Station is located at 141 Lovers Lane. The North Station was once a general contractor's business location and residence. The typical on-duty staff of two live in a relatively comfortable doublewide modular home, which adequately houses them, and may be able to accommodate two additional members if the need should arise. The apparatus bay at this location is an uninsulated building housing the duty office, one ladder truck, and one engine. The property is not paved and is in need of paving around the entire site. The dust generated at this site is problematic for the microswitches and electronics on the apparatus as well as the storage of safety gear and structural turnout.
- The Talmage Volunteer Fire Station is located at 1301 Talmage Road, at the intersection of Talmage Road and Sanford Ranch Road. The Talmage station only houses antiques and additional equipment. It is not adequate to house staff without significant improvements and upgrades, including upgrades for ADA compliance. It has a small office space but no kitchen, living room, or sleeping quarters.

(UVFD, 2018b; UVFD, 2021; UVFD, 2021b)

3.1.3.2 Equipment

The District owns, operates, and maintains multiple fire engines, emergency response vehicles, and other capital assets. The following table shows the current schedule of vehicles for the Fire Authority.

Unit #	Year	Vehicle Type	Owner
--------	------	--------------	-------

6881	2018	Type I Engine	City
6882	2007	Type I Engine	District
6883	2018	Type I Engine	City
6861	2014	Type II Engine	District
6862	2019	Type IV Engine	City
6863	2015	Type II Engine	District
6872	1980	Type III Engine	District
6852	2009	75 ft. Aerial/Quint	City
6892	2005	2000 gal. Water Tender	District
6856	2002	Support Unit	District
6821	2014	Type 3 Ambulance	City
6823	2000	Type 3 Ambulance	City
6800	2019	Utility Pickup	City
6802	2007	Utility Pickup	City
6804	2008	Utility Pickup	District
6806	2019	Utility Pickup	District
6807	2006	Utility Pickup	City
6841	1999	Utility	City

(UVFD, 2021b)

Reserve and volunteer assigned apparatus includes a Type I Ladder Truck (Quint), Type I (Structural) Engine, Type V (Wildland) Engine, Type I Water Tender, Breathing Air Support Unit, Breathing Air and Light Trailer, USAR Trailer and Rescue Boat. The Fire Authority is also the host agency for the Redwood Empire Hazardous Incident Team Hazmat Unit and the Mendocino County Fire Chiefs Association's Fire Safety Trailer. (Ukiah, 2021k)

The District reports that the current fire protection fleet is adequate to deliver services, provided that the Fire Authority Fleet Replacement Plan continues to be implemented and updated regularly to reflect the actual condition of vehicles and to address unanticipated needs. (UVFD, 2021b)

Routine maintenance of equipment and facilities is generally performed based upon the manufacturer's recommended schedule, industry best practices, and actual need, and is funded through the annual budget development process.

3.1.3.3 Water Supply

Available water supply for fire suppression varies based on location in the District and includes such resources as hydrants from small water districts, on-site residential water storage tanks, various water tenders, on-board tanks on fire engines, and other water supplies available for drafting such as ponds,

rivers, and streams. In some cases, property located within the District near the City limits may have use of City fire hydrants in an emergency.

In the City of Ukiah, water for fire suppression is available from the City's public water system via fire hydrants located throughout the City limits. The City's water distribution system provides adequate water pressure for fire flow and is not subject to unreliability issues from different pressure zones.

3.1.3.4 Needs and Deficiencies

The District and the City work together to plan and fund capital improvements through a 5-Year Capital Improvement Plan (Refer to Section 2.4.2.3 for more information). Through the Fire Authority, the District and City prepare a Fleet Replacement Plan to address equipment needs. The Fire Authority does not currently have a Facilities Replacement Plan, which would require studies to determine the best locations based on various factors, such as, current and projected population growth, call volumes, response times.

While funding capital needs and maintenance costs are generally addressed at the individual agency level, conducting joint comprehensive planning activities for capital needs and priorities is important since deficiencies in facilities, equipment, and infrastructure can translate to a diminished level of the shared delivery of services.

It is recommended that the Fire Authority develop a long-range comprehensive Service Enhancement Plan that prioritizes fire and emergency response service enhancement projects related to such goals as increasing staffing levels, equipment replacement and major maintenance, facility upgrades and improvement needs including water storage, tactical and specialized training, expanded fire prevention programs, and technological advancements (drones, in-helmet thermal imaging cameras, etc.) and identifies options for generating additional revenue and an anticipated implementation schedule for priority projects.

Below are needs and deficiencies identified by the District to date:

- District fire station deficiencies include providing adequate sleeping quarters for personnel, ADA compliance, seismic retrofits, and emergency generators for power during outages. (UVFD, 2018b)
- The District has indicated that their staffing was currently impacted by the freezing of an open Firefighter position, which has caused one shift to always run at minimum staffing levels. (Ukiah, 2021h)
- The District is also impacted by a major reduction in Learning and Development funding due to significant staff turnover and the high cost of external training sources. The District intends to send some of their own staff members in the instructor cadre to classes and conferences so that they can in turn provide in-house training. (Ukiah, 2021h)

3.2 DETERMINATIONS

This section presents the required MSR determinations pursuant to California Government Code §56430(a) for the Ukiah Valley Fire District.

3.2.1 MSR REVIEW FACTORS

3.2.1.1 Growth

Growth and population projections for the affected area

1. The Ukiah Valley Fire District is estimated to serve a population of approximately 17,000 residents, within an 80 square-mile area. In conjunction with the Ukiah Valley Fire Authority, the District also serves an additional 16,000 residents in the City of Ukiah.
2. Population growth is expected to increase at an annual rate of approximately 0.5% for Mendocino County. Based on this growth rate, the District can expect a small population increase of 363 people within the next five years.
3. Mendocino County has land use authority over privately owned lands within the unincorporated portions of the District boundary and makes land use decisions based on the County's General Plan and Zoning Regulations as well as the Ukiah Valley Area Plan. The City of Ukiah has land use authority over privately owned lands within the incorporated portion of the District boundary and makes land use decisions based on the City's General Plan and Zoning Regulations.

3.2.1.2 Disadvantaged Unincorporated Communities

The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence

4. UVFD includes three Census tracts, two of which qualify as DUCs with MHIs of \$57,344 (Tract 109) and \$46,234 (Tract 113). The City of Ukiah has an MHI that is less than 80% of the State MHI, but the City does not qualify as a DUC because it is an incorporated area. Special consideration will be given to any DUCs affected by future annexation proposals consistent with GC §56375(8)(A) and LAFCo Policy. The District does not provide water or wastewater services and is therefore not responsible for ensuring that these services are adequately provided to the community.

3.2.1.3 Capacity of Facilities and Adequacy of Services

Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence

5. The District provides structural fire protection, suppression, and prevention, first responder for emergency medical services and hazardous materials incidents, and rescue/extrication to approximately 17,000 people within the District boundaries, as well as approximately 16,000 people in the City of Ukiah under the terms of the existing Fire Authority JPA.
6. The District also has mutual aid agreements with surrounding fire agencies for fire protection and emergency medical services, including Hopland Fire Protection District, Redwood Valley-Calpella Fire District, Potter Valley Community Services District, and an automatic aid agreement with CAL FIRE.
7. The Fire District owns three stations and operates primarily from two. Each station has a Type I (Structural) engine owned by the City, a Type II/III (Wildland Interface) engine owned by the District, and an ambulance owned by the City. The District's volunteer firefighters work primarily out of the City-owned Central Fire Station, which also houses a mixture of City and District-owned apparatus.
8. The District's capital facilities at their three owned fire stations are in need of repair and improvement, including providing adequate sleeping quarters for personnel, ADA compliance, seismic retrofits, and emergency generators for power during outages.
9. The Fire Authority is authorized for 19 full-time firefighters, not counting an administrative assistant. These positions include one (1) Fire Chief, three (3) Battalion Chiefs, six (6) Captains, six (6) Engineers, and three (3) Firefighters. The Fire District employs no full-time firefighters and has 15 volunteer

firefighters. All full-time staff are employees of the City, and reflect the authorized positions, except that one Battalion Chief and three Firefighter positions are not currently staffed. Daily, on-duty staffing is five (5) full-time firefighters covering two stations.

10. Based on the International City Manager's Association's recommendation of 0.98 firefighters per 1,000 residents, the Fire District should have at least 33 firefighters. The District therefore needs 14 additional positions to meet current demand. The current staffing level is inadequate to deliver services as the District is often left understaffed or minimally staffed for fire events.
11. In 2020 there were 3,761 calls for service in the UVFA, with 2,507 within City limits and 1,254 in the Fire District. The Fire Authority is divided into six (6) zones with the following average response times in 2020: District NW- 7:50, District NE- 8:41, District SW- 8:58, District SE- 10:39, City North- 5:48, and City South- 5:52. The Fire District has an Insurance Services Office rating of 4/4X on a scale of 1 to 10, with 1 being the highest.
12. Available water supply for fire suppression varies based on location in the District and includes such resources as hydrants from small water districts, on-site residential water storage tanks, various water tenders, on-board tanks on fire engines, and other water supplies available for drafting such as ponds, rivers, and streams.

3.2.1.4 Financial Ability of Agency

Financial ability of agencies to provide services

13. The District prepares an annual budget and has annual financial audits prepared by a qualified Certified Public Accountant through the City of Ukiah. The District shall provide LAFCo a complete copy of all future financial audit reports (starting with Fiscal Year 2020-21) prepared by a Certified Public Accountant within 12 months of the end of the fiscal year or years under examination consistent with the timeframes established by Government Code Section 26909(a)(2)(b)(ii) as amended by SB 448. Audits should also be posted on the District's webpage for public access.
14. According to financial information from Fiscal Years 2017-18, 2018-19, 2019-20, and 2020-21, the District generally operates at a net loss and cannot sufficiently cover operating costs or maintain a reserve balance to protect against unexpected costs. This indicates that under the current level of service delivery, the District is unable to meet its ongoing financial obligations. However, with the proposed annexation of the Ukiah City limits for fire services, this net loss is expected to transition to a net income and rebuild reserves.
15. As of June 30, 2017, the District's cash and cash equivalents balance was \$304,549 for governmental activities.
16. The District does not currently maintain reserve accounts, but does have restricted funds from District Mitigation Fees. The District would benefit from a Capital Reserve account, Equipment or Capital Replacement Reserve account, a Contingency reserve, and a Debt Services reserve.
17. Under the Fire Authority, the District and City work together to prioritize and budget for long-term capital needs in addition to on-going operations and maintenance costs. The Fire Authority prepares a combined 5-Year Capital Improvement Plan which is adopted with the City's annual budget process..

3.2.1.5 Shared Services and Facilities

Status of, and opportunities for, shared facilities

18. The District participates in a Joint Powers Agreement with the City of Ukiah, and formed the Ukiah Valley Fire Authority (UVFA) in 2017. The District provides service to the City of Ukiah through the

UVFA, and the City provides financial and general services to UVFD including accounts payable, procurement, billing and accounts receivable, general accounting and reporting, budget development and monitoring, and other general services such as human resources and city clerk services. All full-time staff are employees of the City.

19. The District actively participates in Redwood Empire Hazardous Incident Team.
20. The District is a County Emergency Medical Services (EMS) participant.
21. The District collaborates with other public agencies by providing fire protection and emergency medical services through the countywide dispatch service call system and mutual aid agreements.
22. The District has an automatic aid agreement with CAL FIRE.
23. The District works with CAL FIRE in implementing vegetation fuel management grants to reduce vegetative fire hazards in and around the District, such as when the District as part of the UVFA cooperated with CAL FIRE on the Western Hills Fuel Break.
24. The District is working with CAL FIRE to renegotiate the dispatch contract while maintaining cost effectiveness.

3.2.1.6 Accountability, Structure, and Operational Efficiencies

Accountability for community service needs, including governmental structure and operational efficiencies

25. The District is governed by a five-member Board of Directors elected at-large to serve staggered 4-year terms. The Board is currently fully seated and generally does not have difficulty filling seats. Two of the Board members have served the District for multiple consecutive terms which can be a significant benefit in establishing long-standing positive working relationships in the community, understanding the history and unique aspects of the organization, and maintaining institutional knowledge.
26. Regularly scheduled Board meetings are held on the second Tuesday of the month, starting at 6:00 p.m. at the Willow Water District Board Room located at 151 Laws Avenue in Ukiah. All meetings are open to the public and are publicly posted a minimum of 72 hours prior to the meeting in accordance with the Brown Act.
27. Public meeting information including agendas, staff reports, and approved meeting minutes were previously posted on the District's website, but the postings are only current through 2019. It is recommended that recorded meetings and public meeting information be posted on the District's website promptly to ensure public transparency, accountability, and accessibility.
28. The District Board of Directors conducts business and takes action by approving motions and adopting resolutions and ordinances by a majority vote of a sufficient quorum. The District complies with local government ethics laws and regulations and operates with accountability and transparency.
29. The City of Ukiah maintains a website at <https://www.cityofukiah.com/uvfd/> that provides information regarding the District, the UFVA, volunteering, permits and fees, and fire prevention information. The City's website has well organized information but is currently out of date. The website would be enhanced by updating the information to meet all the special district transparency requirements of State law including the availability of agendas, policies, financial information. In addition, the District's website would be improved by incorporating a content management system, such as DocuShare, to provide a searchable and chronologically organized document archive system for Board meeting packets and adopted ordinances, resolutions, annual budgets, financial audit reports, and other digital records.

30. The UVFA maintains a Facebook page. Social media posts are a useful tool to provide instant and easy outreach to the public. The District would benefit from diversifying social media platforms for best outreach potential, such as presence on Twitter, Nextdoor, and other similar platforms.
31. The public can submit written or provide verbal comments or complaints in person or by phone at the District office during business hours, Monday through Friday from 8:00 a.m. to 5:00 p.m., or at the District Board of Directors meetings during the general public comment period.
32. The District is currently proposing to annex the Ukiah City limits for fire services to equalize the tax structure and government representation model for all District and City residents and lead to an improved level of service for everyone in the Fire Authority service area.
33. The functional consolidation of District and City fire services under the Fire Authority has resulted in better staffing and performance levels for the Ukiah Valley area. There are no new opportunities for the District to achieve organizational or operational efficiencies identified during the preparation of this MSR.

3.2.1.7 Other Service Delivery Matters

Any other matter related to effective or efficient service delivery, as required by commission policy

34. There are no other matters related to service delivery required by Mendocino LAFCo Policy.

4 SPHERE OF INFLUENCE

LAFCo prepares a Municipal Service Review (MSR) prior to or in conjunction with the Sphere of Influence (SOI) Update process. An SOI Update considers whether a change to the SOI, or probable future boundary, of a local government agency is warranted to plan the logical and orderly development of that agency in a manner that supports CKH Law and the Policies of the Commission. The MSR and required determinations are presented in Chapters 2 and 3 of this document and form the basis of information and analysis for this SOI Update. This chapter presents the SOI Update and required determinations pursuant to California Government Code §56425(e).

4.1 SOI UPDATE

4.1.1 EXISTING SPHERE OF INFLUENCE

The Sphere of Influence (SOI) for the UVFD is coterminous (identical to) with the District boundary and was established by LAFCo in 1984. There have been no changes to the District SOI since then.

4.1.2 STUDY AREAS

4.1.2.1 City of Ukiah

The District is proposing to annex the Ukiah City limits for fire services. (Refer to Section 2.1.2.2 for more information.)

4.1.2.2 Western Hills Annexation

The City of Ukiah is in the environmental review process for a proposal to acquire and annex approximately 695-acres of land within unincorporated Mendocino County into the Ukiah City limits. The project scope includes a Lot Line Adjustments to reconfigure the existing parcels into seven lots for future potential development, and a Development Agreement allowing for development of seven single-family dwelling units and potentially associated accessory-dwelling dwelling units on a 55-acre portion of the parcels proposed for annexation with the balance of 639-acres preserved as open space and a resource conservation area.

4.1.2.3 Two Unincorporated Island Areas

There are two unincorporated island areas within the District boundary. These areas are surrounded by the District but are not located within the jurisdictional boundary of the District. One area is located in the northern portion of the District between Hensley Creek Road and Pinoleville Drive encompassing the Pinoleville Pomo Nation and the other area is located in the southern portion of the District encompassing Rivino Estate Vineyards & Winery and a stretch of US 101 between exit 545 and the end of Burke Hill Road.

4.1.3 AREA OF INTEREST DESIGNATION

LAFCo's Area of Interest Policy, per Section 10.1.12, provides for the designation or identification of unincorporated areas located near to, but outside the jurisdictional boundary and established SOI of a city or district, in which land use decisions or other governmental actions of another local agency directly or indirectly impact the subject local agency.

An Area of Interest (AOI) designation serves as a compromise approach that recognizes situations involving challenging boundary or municipal service delivery considerations, or for which urbanization

may be anticipated in the intermediate or long range planning horizons. It is a tool intended to enhance communication and coordination between local agencies.

An AOI designation is most helpful when the county and city or district can reach agreement that development plans related to LAFCo designated Areas of Interest will be treated the same as if these areas were within the city or district SOI boundary regarding notification to and consideration of input from the city or district.

The proposed Western Hills annexation area and two unincorporated island areas described in the SOI Study Areas above have been designated as an AOI as shown on Figure 1.1. These areas are identified on the map to further emphasize and support the District in requesting consideration from the City of Ukiah and County of Mendocino regarding discretionary land use entitlements or other development plans with the potential to impact District lands, facilities, and/or services.

4.1.4 PROPOSED SOI CHANGES

The District has submitted an application for annexation of the City of Ukiah City limits for fire services and concurrent amendment of the District's Sphere of Influence (SOI) to be contiguous with the proposed new boundary. (Refer to Section 2.1.2.2 for more information.)

4.1.5 CONSISTENCY WITH LAFCO POLICIES

Expanding the existing coterminous District SOI to be contiguous with the proposed annexation area (Ukiah City limits) is consistent with Mendocino LAFCo Policies (refer to Section 1.5 for the specific SOI policies).

4.1.6 OTHER LOCAL POLICIES

Refer to Section 2.5.1 for applicable policies of local jurisdictions.

4.1.7 DETERMINATIONS

It is recommended that the Commission amend the existing coterminous Ukiah Valley Fire District Sphere of Influence to add the entire City Limits of the City of Ukiah consistent with Figure 1.1. The following statements have been prepared in support of this recommendation.

4.1.7.1 Land Uses

The present and planned land uses in the area, including agricultural and open space lands

The Ukiah Valley is located approximately 30 miles east and inland from the Pacific Ocean. The Ukiah Valley runs north to south for about 9 miles, with a maximum width of about 3 miles. With an average elevation of about 630 feet, the hills surrounding the Valley range up to about 3,000 feet. The Russian River enters the Valley at the north end and runs south along the Valley floor. Soils are composed of fertile alluvium, and many pear orchards and vineyards flourish along the east side of the river. Residential and commercial land uses predominate on the west side of the river. The railroad right-of-way and Highway 101 also parallel the river through the Valley. Existing land uses in the Ukiah Valley, include residential, commercial, industrial, and agricultural uses. Unincorporated communities include Calpella, The Forks, and Talmage, while the City of Ukiah is the sole incorporated community in the Valley. Development patterns in the Ukiah Valley are anticipated to generally follow historical zoning and development patterns, maintaining a north-south pattern following the major transportation corridors. The area within the City limits is approaching build-out and a relatively significant level of urban development has occurred in portions of the sphere of influence. The Ukiah Valley Area Plan adopted by Mendocino County in 2011

generally maintains the development patterns of the Valley, allowing expansion of The Forks Rural Community, and along the U.S. 101 corridor, as well as limited growth in the eastern hills, which are prone to wildfire. There are ongoing drought conditions at this time that affect water supply in the Ukiah Valley and create a greater threat of fire in proximity to the urbanized area of City of Ukiah.

4.1.7.2 Need for Facilities and Services

The present and probable need for public facilities and services in the area

The District, through the Fire Authority, provides fire protection, suppression, prevention and emergency services in the Ukiah Valley area to a population of approximately 33,000 people (17,000 in the unincorporated areas and 16,000 in City limits). Population growth is expected to increase at an annual rate of approximately 0.5% for Mendocino County. Based on this growth rate the District can expect a population increase of about 363 people within the next five years. The District provides critical services to the public. The residents and visitors currently receiving fire protection and emergency response services from the District will continue to need this public service.

4.1.7.3 Capacity of Facilities and Adequacy of Services

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide

The Fire Authority staffing level is considered inadequate based on the number of residents served. Based on the International City Manager's Association's recommendation of 0.98 firefighters per 1,000 residents, the Fire District should have at least 33 firefighters according to industry standards, and currently only has 19 authorized positions. The District's capital facilities at their three owned fire stations are in need of repair and improvement, including providing adequate sleeping quarters for personnel, ADA compliance, seismic retrofits, and emergency generators for power during outages.

As determined in the MSR prepared for the District, through the Ukiah Valley Fire Authority and under the Joint Powers Agreement with the City of Ukiah, the Ukiah Valley Fire District has adequate personnel, facilities, and equipment to meet current and future demands for public services within the next five years.

The District has been operating at a deficit since the Fire Authority was formed in 2017 and the District's revenue shortfall is not sustainable. The District is proposing to annex the Ukiah City limits for fire services to equalize the tax structure and government representation model for all District and City residents. The District estimates a projected revenue increase in the range of \$850,000 to \$1 million annually, with an annual net gain of approximately \$500,000 to rebuild reserves, from the proposed annexation.

It is anticipated that the proposed annexation would help maintain existing levels of service, ensure the long-term provision of critical services, and lead to an improved level of service for everyone in the Fire Authority service area.

4.1.7.4 Communities of Interest

The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

No social or economic communities of interest have been identified that should be included in the Ukiah Valley Fire District boundary or SOI. There are two SOI Study Areas that have been designated as an Area

of Interest, including the proposed Western Hills annexation area and two unincorporated island areas. These areas have been identified to assist the District in requesting consideration from the City of Ukiah and Mendocino County for discretionary land use entitlements or other development plans with the potential to impact District lands, facilities, and/or services.

4.1.7.5 Disadvantaged Unincorporated Communities

The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence

The UVFD includes three Census tracts. The MHI for these three tracts is \$57,344 (Tract 109), \$46,234 (Tract 113), and \$70,536 (Tract 117). Tracts 109 and 113 qualify as DUCs individually, and the average of these three tracts is \$58,038, which is below 80% of the State MHI of \$60,188. The City of Ukiah has an MHI of \$49,889, which is also less than 80% of the State MHI, but the City does not qualify as a DUC because it is an incorporated area. Special consideration will be given to any DUCs affected by future annexation proposals consistent with GC §56375(8)(A) and LAFCo Policy. The District does not provide water or wastewater services and is therefore not responsible for ensuring that these services are adequately provided to the community.

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6 ACRONYMS

AOI	Area of Interest
ALS	Advanced Life Support
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
CFM	cubic feet per minute
CIP	Capital Improvement Plan
CKH	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
DAC	Disadvantaged Community
District	Ukiah Valley Fire District
DUC	Disadvantaged Unincorporated Community
EMS	Emergency Medical Services
FEC	Fire Executive Committee
FY	Fiscal Year
GHG	greenhouse gas emissions
GPM	gallons per minute
JPA	Joint Powers Agreement
LAFCo	Local Agency Formation Commission
MCOG	Mendocino Council of Governments
MG	million gallons
MGD	million gallons per day
MHI	median household income
MPO	Metropolitan Planning Organization
MSR	Municipal Service Review
PSI	pounds per square inch
RHNA	Regional Housing Needs Allocation
RTP	Regional Transportation Plan
SB	Senate Bill
SOI	Sphere of Influence
UFD	Ukiah Fire Department
USCB	United States Census Bureau
UVFA	Ukiah Valley Fire Authority
UVFD	Ukiah Valley Fire District

7 ACKNOWLEDGEMENTS

7.1 REPORT PREPARATION

This Municipal Service Review and Sphere of Influence Update was prepared by Hinman & Associates Consulting, Inc., contracted staff for Mendocino LAFCo.

Uma Hinman, Executive Officer
 Larkyn Feiler, Analyst
 Kristen Meadows, Commission Clerk

7.2 ASSISTANCE AND SUPPORT

This Municipal Service Review and Sphere of Influence Update could not have been completed without the assistance and support from the following organizations and individuals.

Ukiah Valley Fire Authority	Doug Hutchison, Fire Chief
City of Ukiah	Craig Schlatter, Community Development Director

8 APPENDICES

8.1 APPENDIX A – OPEN GOVERNMENT RESOURCES

The purpose of this appendix is to provide a brief list of some educational resources for local agencies interested in learning more about the broad scope of public interest laws geared towards government transparency and accountability. This appendix is not intended to be a comprehensive reference list or to substitute legal advice from a qualified attorney. Feel free to contact the Mendocino LAFCo office at (707) 463-4470 to make suggestions of additional resources that could be added to this appendix.

The websites listed below provide information regarding the following open government laws: (1) **Public Records Act** (Government Code §6250 et seq.), (2) **Political Reform Act** – Conflict-of-Interest regulations (Government Code §81000 et seq.), (3) **Ethics Principles and Training** (AB 1234 and Government Code §53235), (4) **Brown Act** – Open Meeting regulations (Government Code §54950 et seq.), and (5) **Online Compliance** regulations (Section 508 of the US Rehabilitation Act and Government Code §11135).

- Refer to the State of California Attorney General website for information regarding public access to governmental information and processes at the following link: <https://oag.ca.gov/government>.
- Refer to the State of California Attorney General website for information regarding Ethics Training Courses required pursuant to AB 1234 at the following link: <https://oag.ca.gov/ethics>.
- The Fair Political Practices Commission (FPPC) is primarily responsible for administering and enforcing the Political Reform Act. The website for the Fair Political Practices Commission is available at the following link: <http://www.fppc.ca.gov/>.
- Refer to the California Department of Rehabilitation website for information regarding Section 508 of the US Rehabilitation Act and other laws that address digital accessibility at the following link: <http://www.dor.ca.gov/DisabilityAccessInfo/What-are-the-Laws-that-Cover-Digital-Accessibility.html>.
- Refer to the Institute for Local Government (ILG) website to download the Good Governance Checklist form at the following link: www.ca-ilg.org/post/good-governance-checklist-good-and-better-practices.
- Refer to the Institute for Local Government (ILG) website to download the Ethics Law Principles for Public Servants pamphlet at the following link: www.ca-ilg.org/node/3369.
- Refer to the Institute for Local Government (ILG) website for information regarding Ethics Training Courses required pursuant to AB 1234 at the following link: <http://www.ca-ilg.org/ethics-education-ab-1234-training>.
- Refer to the California Special Districts Association (CSDA) website for information regarding online and website compliance webinars at the following link: <http://www.csda.net/tag/webinars/>.

8.2 APPENDIX B – WEBSITE COMPLIANCE HANDOUT

Refer to the next page.

DRAFT

Appendix B

California Website Compliance Checklist

Use this checklist to keep your district's website compliant with State and Federal requirements.

Public Records Act

SB 929

Our district has created and maintains a website

Passed in 2018, all independent special districts must have a website that includes contact information (and all other requirements) by Jan. 2020

SB 272

Our Enterprise System Catalog is posted on our website

All local agencies must publish a catalog listing all software that meets specific requirements—free tool at getstreamline.com/sb272

AB 2853 (optional):

We post public records to our website

This bill allows you to refer PRA requests to your site, if the content is displayed there, potentially saving time, money, and trees

The Brown Act

AB 392:

Agendas are posted to our website at least 72 hours in advance of regular meetings, 24 hours in advance of special meetings

This 2011 update to the Act, originally created in 1953, added the online posting requirement

AB 2257:

A link to the most recent agenda is on our home page, and agendas are searchable, machine-readable and platform independent

Required by Jan. 2019—text-based PDFs meet this requirement, Microsoft Word docs do not

State Controller Reports

Financial Transaction Report:

A link to the Controller's "By the Numbers" website is posted on our website

Report must be submitted within seven months after the close of the fiscal year—you can add the report to your site annually, but posting a link is easier

Compensation Report:

A link to the Controller's PublicPay website is posted in a conspicuous location on our website

Report must be submitted by April 30 of each year—you can also add the report to your site annually, but posting a link is easier

Healthcare District Websites

AB 2019:

If we're a healthcare district, we maintain a website that includes all items above, plus additional requirements

Including budget, board members, Municipal Service Review, grant policy and recipients, and audits

Open Data

AB 169:

Anything posted on our website that we call "open data" meets the requirements for open data

Defined as "retrievable, downloadable, indexable, and electronically searchable; platform independent and machine readable" among other things

Section 508 ADA Compliance

CA gov code 7405:

State governmental entities shall comply with the accessibility requirements of Section 508 of the federal Rehabilitation Act of 1973

Requirements were updated in 2018—if you aren't sure, you can test your site for accessibility at achecker.ca



California Special Districts Association
CSDA
Districts Stronger Together



STREAMLINE
Website compliance made easy

The Brown Act: new agenda requirements

Tips for complying with AB 2257 by January, 2019

Placement:

What it says: An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda.

What that means: Add a link to the **current agenda directly to your homepage**. It cannot be in a menu item or otherwise require more than a single click to open the agenda.

Exception:

What it says: A link to the agenda management platform may be added to the home page instead of a link directly to the current agenda, if the agency uses an integrated agenda management platform that meets specified requirements, including, among others, that the current agenda is the first agenda available at the top of the integrated agenda management platform.

What that means: If you use an agenda management system, you may add a link to that system directly to your homepage (again, not in a menu item), if the format of the agenda meets the requirements below, and if the current agenda is the first at the top of the list.

Format:

What it says: [agenda must be] Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications. Platform independent and machine readable. Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

What that means: You cannot add Word Docs or scanned (image-based) PDFs of your agenda to your website—Word Docs are not platform independent (the visitor must have Word to read the file), and scanned PDFs are not searchable. Instead, **keep your agenda separate from the packet** and follow these steps:

1. From Word or other document system: Export agenda to PDF
2. Add that agenda to your website (or to your agenda management system), and include a link to that agenda on your homepage
3. Then, you can print the agenda, add it to your pile of documents for the packet, and scan that to PDF - just keep the packet separate from the agenda (only the agenda must meet AB 2257)
4. Keep the link on the homepage until the next agenda is available, then update the link

Questions? Contact sloane@getstreamline.com or dillong@csga.net

Resolution No. 2021-22-02
of the Local Agency Formation Commission of Mendocino County

Approving Adoption of the
Ukiah Valley Fire District
Municipal Service Review and Sphere of Influence Update

WHEREAS, the Mendocino Local Agency Formation Commission, hereinafter referred to as the “Commission”, is authorized to conduct municipal service reviews and establish, amend, and update spheres of influence for local governmental agencies whose jurisdictions are within Mendocino County; and

WHEREAS, the Commission conducted a municipal service review to evaluate the Ukiah Valley Fire District, hereinafter referred to as the “District”, pursuant to California Government Code Section 56430; and

WHEREAS, the Commission conducted a sphere of influence update for the District pursuant to California Government Code Section 56425; and

WHEREAS, the Executive Officer gave sufficient notice of a public hearing to be conducted by the Commission in the form and manner prescribed by law; and

WHEREAS, the Executive Officer’s report and recommendations on the municipal service review and sphere of influence update were presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the municipal service review and sphere of influence update on October 4, 2021; and

WHEREAS, the Commission considered all the factors required under California Government Code Sections 56430 and 56425.

NOW, THEREFORE, the Mendocino Local Agency Formation Commission does hereby RESOLVE, DETERMINE, and ORDER as follows:

1. The Commission, as Lead Agency, finds the municipal service review is exempt from further review under the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations §15306. This finding is based on the use of the municipal service review as a data collection and service evaluation study. The information contained within the municipal service review may be used to consider future actions that will be subject to additional environmental review.
2. The Commission, as Responsible Agency, agrees with the environmental determination of the Ukiah Valley Fire District, as Lead Agency, for the sphere of influence update/amendment as found to be exempt from the California Environmental Quality Act in the Notice of Exemption recorded June 8, 2021 (Mendocino County Official Records 2021-E0033) pursuant to PRC §21065 and Title 14 CCR §15378(a), 15061(b)(3), 15261, 15301, and 15320, with no evidence presented of unusual circumstances (Title 14 CCR §15300.2(c)).
3. This municipal service review and sphere of influence update is assigned the following distinctive short-term designation: “UVFD MSR/SOI Update 2021”.

4. Pursuant to Government Code Section 56430(a), the Commission makes the written statement of determinations included in the municipal service review, hereby incorporated by reference.
5. Pursuant to Government Code Section 56425(e), the Commission makes the written statement of determinations included in the sphere of influence update, hereby incorporated by reference.
6. The Executive Officer shall revise the official records of the Commission to reflect this update of the sphere of influence for the District.

BE IT FURTHER RESOLVED that the Ukiah Valley Fire District MSR/SOI Update 2021 is hereby approved and incorporated herein by reference and that the District's existing coterminous Sphere of Influence be amended to add the entire City Limits of the City of Ukiah and designate as Areas of Interest the proposed Western Hills annexation area and two unincorporated island areas within the District boundary as depicted in Exhibit "A", attached hereto.

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County this 4th day of October 2021 by the following vote:

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

NOES:

ABSTAIN:

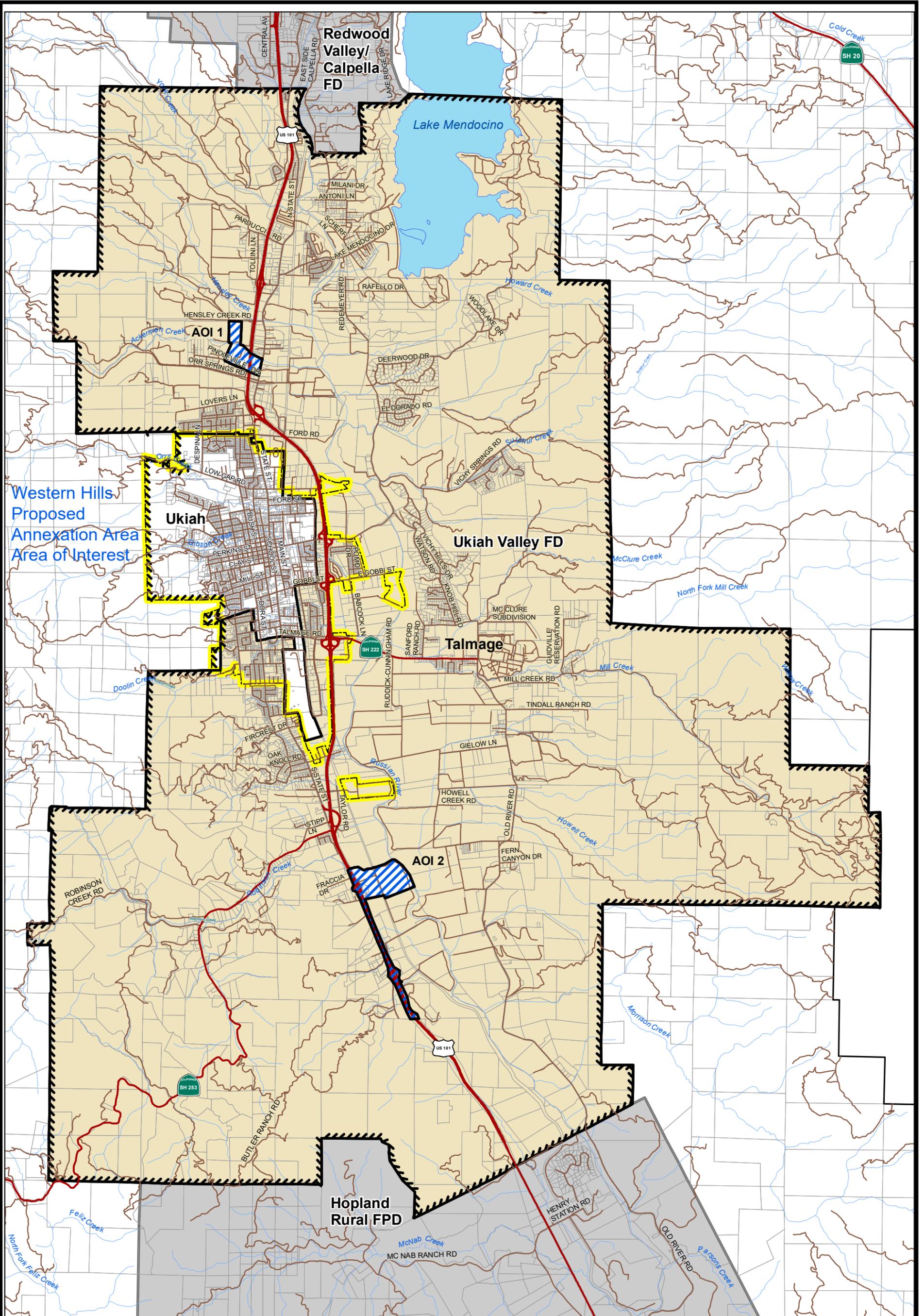
ABSENT:

CHARLES A. ORTH, Commission
Chair

ATTEST:

UMA HINMAN, Executive Officer

EXHIBIT "A"



Ukiah Valley Fire District

Source: This map was prepared by the Mendocino County Department of Information Services GIS Program, September 2021.
 Note: This map is not a survey product and should not be used to determine legal boundaries.

- Ukiah Valley FD
- Ukiah Valley FD SOI
- Adjacent Fire Districts
- City of Ukiah
- Area of Interest
- Highways
- Roads
- Streams



Notice of Exemption*(Exempt from fees per GOV Section 27383)***Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Mendocino

From: (Public Agency): Mendocino LAFCo
200 South School Street
Ukiah, California 95482

(Address)

Project Title: UVFD MSR/SOI Update 2021 & UVFD Fire Services Annexation & Sphere Amendment

Project Applicant: Ukiah Valley Fire District

Project Location - Specific:

The City of Ukiah and the adjacent unincorporated area of the Ukiah Valley.

Project Location - City: Ukiah Project Location - County: Mendocino

Description of Nature, Purpose and Beneficiaries of Project:

This is a LAFCo Municipal Service Review (MSR) and Sphere of Influence (SOI) Update/Amendment for the Ukiah Valley Fire District (UVFD) prepared in accordance with GOV §56430 and §56425, and UVFD initiated annexation of the Ukiah City Limits for fire services and UVFD SOI Amendment to add the annexation area.

Name of Public Agency Approving Project: Mendocino Local Agency Formation Commission

Name of Person or Agency Carrying Out Project: Mendocino Local Agency Formation Commission

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15306, 15061(b)(3), 5261, 15301, 15320
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

MSR is a service evaluation study and any future actions will be subject to additional environmental review (\$15306). Annexation & SOI Amendment is not a project per PRC §21065 and Title 14 CCR §15378(a), and even if it was a project under CEQA, it is categorically exempt per Title 14 CCR 15061(b)(3), 15261, 15301, and 15320 per NOE filed by UVFD as Lead Agency on 6/8/21 as Mendocino County Official Records 2021-E0033.

Lead Agency

Contact Person: Uma Hinman, Executive Officer Area Code/Telephone/Extension: (707) 463-4470

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: 10/04/2021 Title: Executive Officer

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

RESOLUTION 2021-04

RESOLUTION BY THE UKIAH VALLEY FIRE PROTECTION DISTRICT OF APPLICATION TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF THE CITY OF UKIAH AND TO INITIATE PROCEEDINGS TO AMEND THE FIRE PROTECTION DISTRICT'S SPHERE OF INFLUENCE TO INCLUDE THE CITY OF UKIAH

WHEREAS, 1. The Ukiah Valley Fire Protection District (the "Fire District") and the City of Ukiah (the "City") began the process of consolidating the management and delivery of fire prevention and protection and emergency medical services (collectively "Fire Services") within their respective jurisdictions in 2017 by entering and operating under an Agreement for Shared Management of Fire Departments ("2017 JPA"), dated July 1, 2017; and

2. Pursuant to the 2017 JPA, the City and the District consolidated the provision of Fire Services under the name "Ukiah Valley Fire Authority" by (1) sharing the use of District fire stations, (2) making all fire protection personnel City employees, (3) combining the fire fighting equipment and assets of the City and the District to provide Fire Services to the City and District under one unified command structure, headed by a Fire Chief, serving both the City and the District; (4) reducing District costs and taking advantage of economies of scale by having the City provide the District with financial and general services, including accounts payable, procurement, billing and accounts receivable, general accounting and reporting, budget development and monitoring, human resources and clerical services as requested by the District; and (5) creating an Executive Committee, consisting of two City Council members and two District Board members, to coordinate decision-making by the governing bodies of the City and the District; and

3. Under the 2017 JPA, and upon the recommendation of the Executive Committee, the City Council and District Board of Directors adopted an annual budget for the combined operations of the Ukiah Valley Fire Authority with the understanding that the annual shared costs of operation should be shared equally by the District and the City; and

4. The District's revenues consist exclusively of its share of property taxes imposed on property within the District as determined by Division 1, Part 0.5, Chapter 6, beginning with Section 50 of the Revenue and Taxation Code and two special taxes adopted by 2/3 of District voters as Measures J and B (collectively, "Measures J and B") ; and

WHEREAS, 5. Subject to the lawful approval of the voters within the Fire District, the Fire District Board adopted Resolution 97-1 on February 12, 1997, and adopted Ordinance 97-1, on March 12, 1997, ("Measure J"), which imposed a special tax of \$50.00 per identified unit upon specific parcels of property based on that parcel's use; *provided*, however, that in the event a subject property has more than one actual use, only the single highest and best use of the property be subject to the special tax.

6. The Fire District Board held a public hearing on another special tax on June 11, 2003 ("Measure B"). A hearing on Measure B was held on November 4, 2003, and, having been approved by over 2/3 of District voters, Measure B was imposed and became effective on July 1, 2004. Measure B levies a rate of \$10.00 per unit using the uniform schedules and rates found in Section 7 of Ordinance 97-1, calls for Measure B to be collected in the same manner and subject to the same penalty as, or with, other charges and taxes fixed and collected as agreed to with Mendocino County, and provides that Measure B shall be levied in addition to any additional tax that the District is authorized by law to collect and receive.

7. The combined District revenue from property taxes and Measures J and B do not produce enough revenue for the District to pay its full share of the budgeted annual expenses and required capital expenditures of the Ukiah Valley Fire Authority; and

8. On June 17, 2020, the District and the City entered an Amended and Restated Agreement for Shared Management of Fire Departments ("2020 Amended JPA"), which only becomes effective upon the annexation of the City by the District; and

9. The 2020 Amended JPA can only be terminated by the mutual agreement of both the City and the District. Accordingly, neither party can terminate the 2020 Amended JPA unless both parties agree that termination will not prejudice the ability of the parties to provide fire prevention and protection services after the agreement is terminated; and

10. Health and Safety Code ("HSC") § 13810 expressly authorizes the District to annex territory within the boundaries of the City; and

11. In 2005, the City voters approved Advisory Measure T, which advises the City Council to use all the proceeds from the half-cent sales tax enacted by Measure S to fund public safety services, including police and fire services; and

12. HSC § 13911 empowered the District to levy the special taxes enacted as Measures J and B pursuant to Government Code § 50075 et seq.; and

13. Under Gov Code §57330, any territory in the City annexed to the District will become subject to the taxes previously enacted within the District, including Measures J and B; and

14. Annexation of the City by the District will provide necessary additional revenue to the District to enable it to fund its share of the costs of providing Fire Services through the Ukiah Valley Fire Authority to its residents and businesses and to enable the District and the City to staff the Ukiah Valley Fire Authority, make needed capital improvements to the District's fire stations and facilities, and acquire needed equipment to effectively provide Fire Services and to better cope with the increasing risk of emergency; and

15. The District and the City have determined that the District is to serve as the lead agency for purposes of complying with the California Environmental Quality Act ("CEQA"); and

16. As the lead agency, and in accordance with CEQA and the City's CEQA Guidelines, the Fire District Board has reviewed the attached Justification for Proposal to annex the City of Ukiah for Fire Services (the "Fire Services Annexation"), including the Plan for Services, and the provisions of CEQA and has considered whether any direct or indirect physical changes to the environment will result from the Fire Services Annexation and has considered whether the Fire Services Annexation may possibly have a significant effect on the environment; and

17. The City is not currently within the District's Sphere of Influence ("SOI") and therefore, to effect the Fire Services Annexation, the District's SOI must be amended to include the City (the "Fire District Sphere Amendment"); and

18. The District desires to initiate the Fire Services Annexation and the Fire District Sphere Amendment.

NOW, THEREFORE BE IT RESOLVED, the Board of Directors of the Ukiah Valley Fire Protection District does hereby resolve and order as follows:

1. This proposal is made, and it is requested that proceedings be taken pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
2. The current circumstances, including the financial situation of the Ukiah Valley Fire Authority and the hydrologic situation along with the increased threat of fire, makes the Fire Services Annexation and Fire District Sphere Amendment matters of paramount importance to the health and safety of the residents of the Ukiah Valley.
3. That the Fire District submit the attached Justification of Proposal to Annex the City of Ukiah (the "Fire Services Annexation Proposal"), including the Plan for Services attached to the Fire Services Annexation Proposal, attached as Attachment 1, to

Mendocino LAFCo and take all steps necessary to effect the Fire District Annexation.

5. That the Fire District submit the attached Justification of Proposal to Amend the Fire District's Sphere of Influence (the "Fire District Sphere Amendment Proposal"), including the Plan for Services attached to the Fire District Sphere Amendment Proposal, attached as Attachment 2, to Mendocino LAFCo and to take all steps necessary to effect the Fire District Sphere Amendment, including the Fire Services Annexation.
6. A map of the territory proposed to be affected by the Fire District Annexation and the Fire District Sphere Amendment is set forth in Attachment 3, attached hereto and incorporated herein, and is inhabited, adjacent, and contiguous to the District's boundaries.
7. Once approved, the Fire District Board intends that the Fire Services Annexation Proposal will be consistent with the District's amended Sphere of Influence.
8. This Resolution of Application is subject to the terms and conditions as set forth in the 2020 Amended JPA, attached hereto as Attachment 4.
9. Through the Fire Services Annexation and the Fire District Sphere Amendment, the Fire District intends to levy taxes, including Measures J and B, within the territory proposed to be annexed and understand that such levy will provide the District with the District's full allocation of taxes determined by the County Auditor pursuant to Revenue and Taxation Code Section 99(b)(2).
10. The Fire District understands that the City consents to levying taxes, including Measures J and B attached hereto as Exhibit 4, and to the allocation of those taxes to the District for those taxes' respective purposes and as will be determined by the County Auditor pursuant to Revenue and Taxation Code section 99 (b)(2).
11. The Fire District finds that the Fire Services Annexation and Fire District Sphere Amendment are exempt from CEQA under Public Resources Code section 21065 and CEQA Guidelines section 15378 (a) because these actions do not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The Fire Services Annexation and Fire District Sphere Amendment will not require the construction of any new infrastructure or any change in the scope or intensity of the manner in which the District provides services.

12. The Fire District finds that, even if the Fire Services Annexation and Fire District Sphere Amendment were considered a project under CEQA, those actions are categorically exempt from environmental review under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the proposed actions may have a significant impact on the environment. Neither the Fire Services Annexation nor the Fire District Sphere Amendment, or both of them together, will change the type, intensity, or manner of services the District already provides. The same services will be provided by the same personnel from the same stations pre- and post-annexation. Similarly, even if the proposed actions were considered a project or projects under CEQA, the actions are categorically exempt from environmental review CEQA Guidelines sections 15261 and 15301 because the subject services constitute an ongoing project approved prior to November 23, 1970, and involve the continued operation and maintenance of existing facilities and involve no expansion of existing or former use.
13. The Fire District finds that the Fire Services Annexation and Fire District Sphere Amendment are categorically exempt from environmental review under CEQA Guidelines section 15320 for changes in organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. This exemption applies because the annexation is a change in the District's revenue structure that does not change the District's manner of providing services or the physical characteristics of its service area. The same services will be provided by the same personnel from the same stations pre- and post-annexation.
14. The Fire District finds that no evidence has been presented that the Fire Services Annexation and Fire District Sphere Amendment involve any unusual circumstances that might result in a significant effect on the environment as those terms are used in CEQA Guidelines section 15300 (c).
15. The Fire Chief and Fire District and supporting staff are hereby directed and authorized to take any and all actions necessary to effect the purposes of this Resolution, including filing the Notice of Exemption attached hereto as Attachment 5, and are hereby directed to provide the Board of Directors with a regular update on the status of these efforts.

PASSED AND ADOPTED by the Board of Directors of the Ukiah Valley Fire Protection District, County of Mendocino, State of California, on this 18th day of May 2021, by the following roll call vote.

AYES: Director's Bazzani, Bushby, Banks, Graham, and President Haas

NOES: None

ABSENT: None

ABSTAIN: None



David B. Haas, President

ATTEST:



Stephanie Abba, Clerk of the Board

RESOLUTION NO. 2021-21

RESOLUTION BY THE CITY OF UKIAH IN SUPPORT OF THE UKIAH VALLEY FIRE PROTECTION DISTRICT'S APPLICATION TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF THE CITY OF UKIAH AND TO INITIATE PROCEEDINGS TO AMEND THE FIRE PROTECTION DISTRICT'S SPHERE OF INFLUENCE TO INCLUDE THE CITY OF UKIAH

WHEREAS:

1. The Ukiah Valley Fire Protection District ("District") and the City of Ukiah ("City") began the process of consolidating the management and delivery of fire prevention and protection services (collectively "Fire Services") within their respective jurisdictions in 2017 by entering and operating under an Agreement for Shared Management of Fire Departments ("2017 JPA"), dated July 1, 2017; and
2. Pursuant to the 2017 JPA, the City and the District consolidated the provision of Fire Services under the name "Ukiah Valley Fire Authority" by (1) sharing the use of District fire stations, (2) making all fire protection personnel City employees, (3) combining the fire fighting equipment and assets of the City and the District to provide Fire Services to the City and District under one unified command structure, headed by a Fire Chief, serving both the City and the District; (4) reducing District costs and taking advantage of economies of scale by having the City provide the District with financial and general services, including accounts payable, procurement, billing and accounts receivable, general accounting and reporting, budget development and monitoring, human resources and clerical services as requested by the District; and (5) creating an Executive Committee, consisting of two City Council members and two District Board members, to coordinate decision-making by the governing bodies of the City and the District; and
3. Under the 2017 JPA, upon the recommendation of the Executive Committee the City Council and District Board of Directors adopt an annual budget for the combined operations of the Ukiah Valley Fire Authority with the understanding that the annual shared costs of operation should be shared equally by the District and the City; and
4. The District's revenues consist exclusively of its share of property taxes imposed on property within the District as determined by Division 1, Part 0.5, Chapter 6, beginning with Section 50 of the Revenue and Taxation Code and two special taxes adopted by 2/3 of District voters as Measures J and B (collectively, "Measures J and B"); and
5. Subject to the lawful approval of the voters within the Fire District, the Fire District Board adopted Resolution 97-1 on February 12, 1997, and adopted Ordinance 97-1, on March 12, 1997, ("Measure J") which imposed a special tax of \$50.00 per identified unit upon certain parcels of property based on that parcel's use; provided however, that in the event a subject property has more than one actual use, only the single highest and best use of the property be subject to the special tax.
6. The Fire District Board held a public hearing on another special tax on June 11, 2003 ("Measure B"). A hearing on Measure B was held on November 4, 2003, and, having been approved by over 2/3 of District voters, Measure B was imposed and became effective on July 1, 2004. Measure B levies a rate of \$10.00 per unit using the uniform schedules and rates found in Section 7 of Ordinance 97-1, calls for Measure B to be collected in the same manner and subject to the same penalty as, or with, other charges and taxes fixed and collected as agreed to with Mendocino County, and provides that Measure B shall be levied in addition to any other tax that the District is authorized by law to collect and receive.

5. The combined District revenue from property tax and Measures J and B do not produce enough revenue for the District to pay its full share of the budgeted annual expenses and required capital expenditures of the Ukiah Valley Fire Authority; and
6. On June 17, 2020, the District and the City entered an Amended and Restated Agreement for Shared Management of Fire Departments (“2020 Amended JPA”), which only becomes effective upon annexation of the City by the District; and
7. The 2020 Amended JPA can only be terminated by the mutual agreement of both the City and the District. Accordingly, neither party can terminate the 2020 Amended JPA unless both parties agree that termination will not prejudice the ability of the parties to provide fire prevention and protection services after the agreement is terminated; and
8. Health and Safety Code (“HSC”) § 13810 expressly authorizes the District to annex territory within the boundaries of the City; and
9. In 2005 the City voters approved Advisory Measure T which advises the City Council to use all the proceeds from the half-cent sales tax enacted by Measure S to fund public safety services, including police and fire services; and
10. HSC § 13911 empowered the District to levy the special taxes enacted as Measures J and B pursuant to Government Code § 50075 et seq.; and
11. Under Gov Code §57330 any territory in the City annexed to the District will become subject to the special taxes previously enacted within the District as Measures J and B; and
12. Annexation of the City by the District will provide necessary additional revenue to the District to enable it to fund its share of the costs of providing Fire Services through the Ukiah Valley Fire Authority to its residents and businesses and to enable the District and the City to staff the Ukiah Valley Fire Authority, make needed capital improvements to the District’s fire stations and facilities, and acquire much needed equipment to effectively provide Fire Services and to better cope with the increasing risk of emergency; and
13. The District and the City have determined that the District is to serve as lead agency for purposes of complying with the California Environmental Quality Act (“CEQA”); and
14. The City is not currently within the District’s Sphere of Influence (“SOI”) and therefore, to effect the Fire Services Annexation, the District’s SOI must be amended to include the City (the “Fire District Sphere Amendment”); and
15. The City desires for the District to initiate the Fire Services Annexation and the Fire Services Sphere Amendment.

NOW, THEREFORE, the Council of the City of Ukiah does hereby resolve and order as follows:

1. That the current circumstances, including the precarious financial situation of the Ukiah Valley Fire Authority and the drought affecting water supply outside of the city limits during a time of increased threat of fire, makes the Fire District Annexation and Fire District Sphere Amendment a matter of paramount importance to the health and safety of the residents of the Ukiah Valley.

2. That, after review of the Fire District's Justification of Proposal to Annex the City of Ukiah (the "Fire Services Annexation Proposal") the City supports the Fire District's submittal of the Fire District Annexation Proposal to Mendocino LAFCo,.
3. That, after review of the Fire District's Justification of Proposal to Amend the Fire District's Sphere of Influence (the "Fire District Sphere Amendment Proposal"), the City supports the Fire District's submittal of the Fire District Sphere Amendment Proposal to Mendocino LAFCo.
4. The City understands that the Fire Services Annexation Proposal and the Fire District Sphere Amendment Proposal are made, and requests that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
5. A map of the territory proposed to be affected by the Fire District Annexation and the Fire District Amendment is set forth in Attachment 1, attached hereto and incorporated herein, and is inhabited, adjacent, and contiguous to the District's boundaries.
6. The City understands that, once approved, the Fire District Annexation Proposal will be consistent with the District's amended Sphere of Influence.
7. The City requests that approval of the Fire Services Annexation be consistent with the terms and conditions as set forth in the 2020 Amended JPA, attached hereto as Attachment 2.
8. The City consents to the levying of taxes, including Measures J and B, and to the allocation of those taxes to the District for those taxes' respective purposes and as will be determined by the County Auditor pursuant to Revenue and Taxation Code Section 99(b)(2).
9. The City Manager and City staff and agents are hereby directed and authorized to take any and all actions necessary to support the Fire District in effecting the Fire Services Annexation and the Fire District Sphere Amendment, and are hereby directed to provide the City Council with an update on the status of those efforts during the first regular City Council meeting of every month.

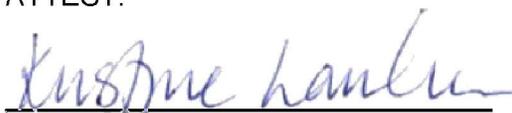
PASSED AND ADOPTED by the Council of the City of Ukiah this 19th day of May 2021 by the following roll call vote.

AYES: Councilmembers Crane, Rodin, Duenas, Brown, and Mayor Orozco
 NOES: None
 ABSENT: None
 ABSTAIN: None



 Juan Orozco, Mayor

ATTEST:



 Kristine Lawler, City Clerk

**Mendocino
Local Agency Formation Commission**

200 South School Street, Ukiah CA 95482
707-463-4470 www.mendolafco.org

JUSTIFICATION OF PROPOSAL

Please complete the following information to process an application under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (indicate N/A if Not Applicable)

SHORT TITLE OF THE PROPOSAL: Ukiah Valley Fire District Annexation of the City of Ukiah for Fire Services (“Fire Services Annexation”) – NOTE: This Fire Services Annexation Proposal is submitted jointly with the Ukiah Valley Fire District’s Proposal to Amend its Sphere of Influence.

TYPE OF PROPOSAL

- | | | |
|--|---|---|
| <input type="checkbox"/> City Incorporation | <input type="checkbox"/> Sphere of Influence Amendment | <input type="checkbox"/> District Formation |
| <input checked="" type="checkbox"/> Annexation | <input type="checkbox"/> Sphere of Influence Update | <input type="checkbox"/> District Dissolution |
| <input type="checkbox"/> Detachment | <input type="checkbox"/> Out of Agency Service | <input type="checkbox"/> Consolidation |
| <input type="checkbox"/> Add Latent Power | <input type="checkbox"/> Reorganization (involving an Annexation and Detachment(s)) | |

AGENCY CHANGES RESULTING FROM THIS PROPOSAL

Agency or Agencies gaining territory: Ukiah Valley Fire District

Agency or Agencies losing territory: City of Ukiah (for purposes of Fire Services only)

NOTIFICATION

Please indicate the names, addresses and telephone numbers of all Applicants, Applicant’s Agents, and all affected Agencies who are to receive the hearing notice and the Executive Officer’s Report:

Name	Mailing Address	Telephone/Email Address
<u>Doug Hutchison</u>	<u>300 Seminary Ave., Ukiah, CA 95482</u>	<u>707.462.7921/dhutchison@cityofukiah.com</u>
<u>Sage Sangiacomo</u>	<u>300 Seminary Ave., Ukiah, CA 95482</u>	<u>707.463.6221/ ssangiacomo@cityofukiah.com</u>
<u>David Rapport</u>	<u>405 Perkins St., Ukiah, CA 95482</u>	<u>707.462.6846/ draapport@cityofukiah.com</u>
<u>Philip Williams</u>	<u>141 North St., Suite A, Healdsburg, CA 95448</u>	<u>707.433.4842/ pwilliams@welyweaver.com</u>
<u>Daniel Buffalo</u>	<u>300 Seminary Ave., Ukiah, CA 95482</u>	<u>707.463.6200/ dbuffalo@cityofukiah.com</u>
<u>Craig Schlatter</u>	<u>300 Seminary Ave., Ukiah, CA 95482</u>	<u>707.463.6200/ cschlatter@cityofukiah.com</u>

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(Attach a separate sheet if necessary.)

PROJECT INFORMATION

Please provide project-related information for the following questions:

- 1. Do the proposed boundaries create an island of non-agency territory? Yes No
- 2. Do the proposed boundaries split lines of assessment or ownership? Yes No
- 3. Does the proposal involve public rights-of-way or easements? Yes No
- 4. Does the proposal involve public land or land assessed by the State? Yes No
- 5. Does any part of the proposal involve land under a Williamson Act Contract or Farmland Security Zone? Yes No
- 6. Does any part of the proposal involve land with a Wildlife/Habitat Easement or Agricultural Land Conservation Easement? Yes No

List the affected Assessor Parcel Numbers, Owners of Record and Parcel Sizes (attach separate sheet if necessary):

Assessor's Parcel Number (APN)	Owner of Record	Parcel Size (Acres)
Please see attached list.		

- 7. Physical Location of Proposal: **The City of Ukiah City Limits**
(Street/Road, distance from and name of Cross Street, quadrant of City)
- 8. Has an application been filed for an underlying project (such as Development Plan, Conditional Use Permit, or Tentative Subdivision Map)? Yes No
If Yes, please attach a Project Site Plan or Tentative Subdivision Map.
If No, please provide an estimate of when development will occur: **Not Applicable.**
- 9. List those public services or facilities which will be provided to the affected territory as a result of the proposed action:
Please see attached Plan for Services.
- 10. Indicate which of these services or facilities will require main line extensions or facility up-grades in order to serve the affected territory:
None.

11. Has the affected agency negotiated a tax share agreement or made a determination that the proposal is revenue neutral (Section 99 of the California Revenue & Taxation Code)? Please include documentation or explanation.

The City of Ukiah understands that, in accordance with Revenue & Taxation Code, section 99 (b), once this Justification of Proposal is submitted to LAFCo, the Executive Director will transmit that application to the County Assessor and the County Auditor. Those officials are then to provide information about the allocation of local governments of property tax revenues generated in the affected area, in our case the City of Ukiah. The County Auditor is then to notify "each local agency whose service area or service responsibility will be altered of the property tax revenue "that is subject to a negotiated exchange." (Rev. & Tax Code, § 99 (b)(3).)

12. Provide any other justification that will assist the Commission in reviewing the merits of this request. (Attach separate sheets as necessary)

Please see attached Plan for Services.

SUBMITTALS

In order for this application to be processed, the following information needs to be provided:

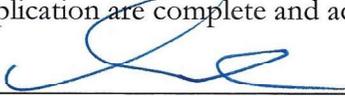
- Two copies of this Justification of Proposal, completed and signed with original signature(s)
- Agreement to Pay form, completed and signed with original signature(s)
- Five prints of a full-scale proposal map showing the affected territory and its relationship to the affected jurisdiction (and prepared to State Board of Equalization specifications) – include an electronic version if available
- Five copies of an 8.5" x 11" or 11" x 17" reduction of the proposal map, include an electronic version if available
- Three copies of a metes and bounds description of the affected territory, include an electronic version if available
- One certified copy of the City Council and/or Special District Board of Directors Resolution of Application; or a petition making application to LAFCo (as appropriate)
- Written permission from each affected property owner (or signature form)
- One copy of the project environmental document (One Compact Disc if more than 25 pages)
- One copy of the project Notice of Determination
- Three 8.5" x 11" copies of the Vicinity Map (if not included on the proposal map);
- One copy of the plan for providing services along with a schematic diagram of water, sewer and storm drainage systems (refer to Government Code Section 56653);
- One copy of the Tax Share Agreement
- One copy of the Pre-Zoning map or description (as required by Section 56375);
- One copy of the Statement of Open Space (Ag) Land Conversion (refer to Section 56377);
- One Copy of the Statement of Timely Availability of Water Supplies (refer to Section 56668(l));
- One copy of the Statement of Fair Share Housing Needs (if residential land uses are included in the proposal) (refer to Section 56668(m));
- One copy of the project design (site plan, development plan, or subdivision map);
- One copy of the Residential Entitlement matrix form (if residential land uses are included in the proposal); and

- Filing and processing fees in accordance with the LAFCo Fee Schedule and the State Board of Equalization Fee Schedule.

Note: Additional information may be required during staff review of the proposal.

CERTIFICATION

The undersigned hereby certifies that all LAFCo filing requirements will be met and that the statements made in this application are complete and accurate to the best of my knowledge.



(Signature)

19 MAY 21

(Date)

Print or Type Name: DOUG HUTCHINSON

Daytime Telephone: 707-463-6267

Fire District Performance Review

The Fire District owns three stations and operates primarily from two. Each station has a Type I Engine owned by the City, a Type II/III Engine owned by the District, and an Ambulance owned by the City. Additionally, the District's Volunteer Firefighters work primarily out of the City owned Central Fire Station, which also houses a mixture of City- and District-owned apparatus.

In 2020 there were 3761 calls for service, with 2507 within City limits and 1254 in the Fire District. Average response times vary throughout the Ukiah Valley with an average of five minutes fifty-five seconds within City limits. The Fire District has an Insurance Services Office rating of 4 on a scale of 1 to 10, with 1 being the highest score.

Based on the International City Manager's Association's recommendation of .98 firefighters per thousand residents, the Fire District should have at least thirty-three firefighters. The National Fire Protection Association Code and Standard 1720 calls for a minimum of fifteen firefighters to respond to a residential structure fire in an urban area (defined as an area with more than 1000 people per square mile). With current personnel resources, the Fire District rarely achieves half that.

The Fire District is authorized nineteen full-time firefighters¹, not counting an administrative assistant. Broken down by official title, those nineteen positions reflect: one Fire Chief, three Battalion Chiefs, six Captains, six Engineers, and three Firefighters. The Fire District employs no full-time firefighters and has twenty volunteer firefighters. All full-time staff are employees of the City, and reflect the authorized positions, except that the Fire District is short one Battalion Chief and one Firefighter. Daily, on-duty staffing is five full-time firefighters covering two stations.

Often Engines are sent on a call as "Engine Couples" rather than as an Engine Company. The task organization of a Fire Engine Company typically calls for a Captain, an Engineer, and a Firefighter. Current personnel resources very often preclude forming an Engine Company, and instead often result in two firefighters on an Engine. This personnel restriction further exacerbates the concurrent call situation because the Fire District often has to send both Engine Companies (as "Engine Couples") to a single incident to have sufficient firefighters on the scene. For example, a fire that requires three firefighters may result in two Engine Companies responding, with no remaining firefighters available to respond to a concurrent call.

The Fire District works cooperatively with state and local agencies. It has automatic aid agreements with Cal FIRE, and a mutual aid agreement with Redwood Valley / Calpella Fire District and the Hopland Fire Protection District. The Fire District is a sponsor of the Mendocino Fire Safe Council.

¹ To avoid confusion, as used primarily in this document, the terms "firefighters" and "firefighter" are intended to mean those employees engaged directly in firefighting activities. In comparison, the terms "Firefighters" and "Firefighter" reflect a specific position with specific responsibilities and qualifications.

The Fire District and the City have been maximizing the efficient provision of fire services in Ukiah Valley since 2012. In 2012, Ukiah hired the Fire District Chief to also serve as the Ukiah Fire Department’s Chief and approved a cooperative agreement with the Fire District to drop jurisdictional boundaries of the two fire agencies. Since that time, the two entities have taken additional steps to improve efficiencies, including entering into the Fire JPA.

As indicated above, upon approval of the proposed annexation, the same services currently being provided in the Fire District and within Ukiah will continue to be provided by the same personnel using the same facilities and equipment. Therefore, services will be extended to Ukiah. While it is plausible that, once financing equilibrium has been achieved between Ukiah and the Fire District through approval of the proposed annexation, certain components of fire services may be increased or improved, it would be entirely speculative at this point to guess what those increased or improved services may be, as those decisions will need to be informed by current circumstances by the elected leadership of Ukiah and the Fire District. In any event, Ukiah and the Fire District seek to maintain service levels to the existing service territory to the extent of available resources.

Although not required or planned for at this time, the Fire District is expected to realize a net gain of approximately \$500,000 annually toward rebuilding its reserves, and these revenues may be used in any number of ways related to improve fire and emergency medical services within the Fire District’s boundaries, to include additional personnel, equipment, or facilities. This increase in annual net revenue will be accomplished by applying its current special tax measures, Measures B and J, and mitigation fees on properties within Ukiah’s City Limits.

While it would be entirely speculative and inappropriate to identify and commit to specific improvements upon annexation, there are a number of readily identifiable deficiencies under the current regime. Those deficiencies include: inadequate sleeping quarters for personnel, ADA non-compliance, seismic deficiencies, and emergency generators for power during outages.

The current arrangement for funding of the Authority is a 50/50 split between the City and District in operational costs, including personnel, services, materials, and supplies; capital maintenance; and indirect costs. Capital outlays are the responsibility of each agency independently, as is any respective outstanding debt service. The District was unable to fully fund its participation in this arrangement given its available revenue sources, so the City agreed to subsidize a portion of the District’s share for a limited time until the District could generate new or enhanced. As a result, the effective cost share has not been the agreed upon 50/50 split but

Background

The current arrangement for funding of the Authority is a 50/50 split between the City and District in operational costs, including personnel, services, materials, and supplies; capital maintenance; and indirect costs. Capital outlays are the responsibility of each agency independently, as is any respective outstanding debt service. The District was unable to fully fund its participation in this arrangement given its available revenue sources, so the City agreed to subsidize a portion of the District’s share for a limited time until the District could generate new or enhanced. As a result, the effective cost share has not been the agreed upon 50/50 split but

rather a ratio closer to 75/25 City. And even at this de facto cost-share, the District's revenues have been insufficient, requiring it to draw down available reserves.

The City and District are fundamentally different governmental entities. The City is a general-purpose government providing various municipal services deemed necessary and desirable by the City Council. Those include public safety, such as police and fire services, public works (streets and public rights-of-way), recreation and culture, building, and planning. To fund those services, it levies and collects within its jurisdictional boundaries various sources of general revenues, including property and sales taxes. It also provides utility services, including water, wastewater (sewer), and electricity services. However, under Propositions 218 and 26, revenues collected from utility rates, fees, and charges can only be used in the provision of those services and cannot be used for police or fire. The District is a special-purpose governmental entity – to provide fire prevention, protection, and response services to the unincorporated areas of the Ukiah Valley within its jurisdictional boundaries. All revenues it levies and collects can be used only in the provision of fire services. Its primary revenue sources are property taxes and assessments.

These different revenue sources are not applied throughout the entire service area. Both the City and District receive only minimal portions of the 1% ad valorem property tax and at different rates. Inside city limits, sales tax is collected, with additional funds collected through Measure P, dedicated by the City Council to fund public safety. Measure P funds are inadequate to wholly fund the City's contribution to the Fire Authority, requiring additional contribution of other City general fund dollars. The District collects no sales taxes. Instead the District relies on two special tax measures, Measures J and B, that assess a flat amount per benefit unit on a given parcel. These two measures make up the bulk of the District's tax revenue. The number of benefit units varies based upon the development and use of the property. The major weakness of these special District taxes is that they are flat taxes without adjustments for inflation, that have not increased since they were approved by voters and have lost considerable value due to inflation. Additionally, Measure B can only be used for equipment and training, not additional staffing which is a critical need at this time.

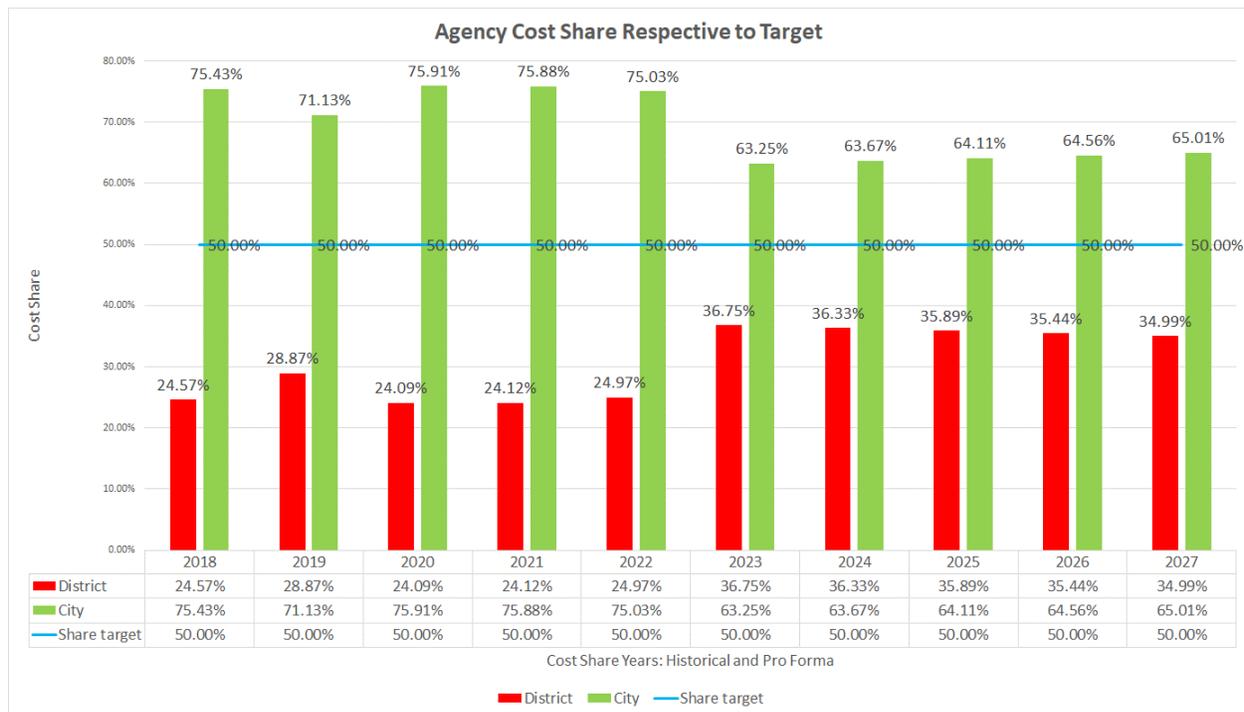
Proposed Financing Solution

The proposal is for the District to annex fire services from the City, which effectively would overlay the District's proprietary special tax measures, known as Measures B and J, as well as their mitigation fees on properties within city limits. Estimates put new revenue generation from the overlay between \$850K to \$1 million annually. It is a fair, stable, and equitable application of revenue generation that would benefit the entire services area and ensure funding in the intermediate term for adequate fire protection and response services for all served by the City and District.

Additional revenue to the District (estimated to begin in the 2022-23 fiscal year) resulting from the overlay will allow the District to participate in the Authority's funding more closely to the agreed upon 50/50 cost share target with less direct subsidy by the City (see Figure 1). Lack of those additional revenues will degrade the District's contribution further and require the City to contribute an even greater share of the operational cost of the Authority from general revenues (of which sales tax in a significant portion), ultimately resulting in District residents who provide sales

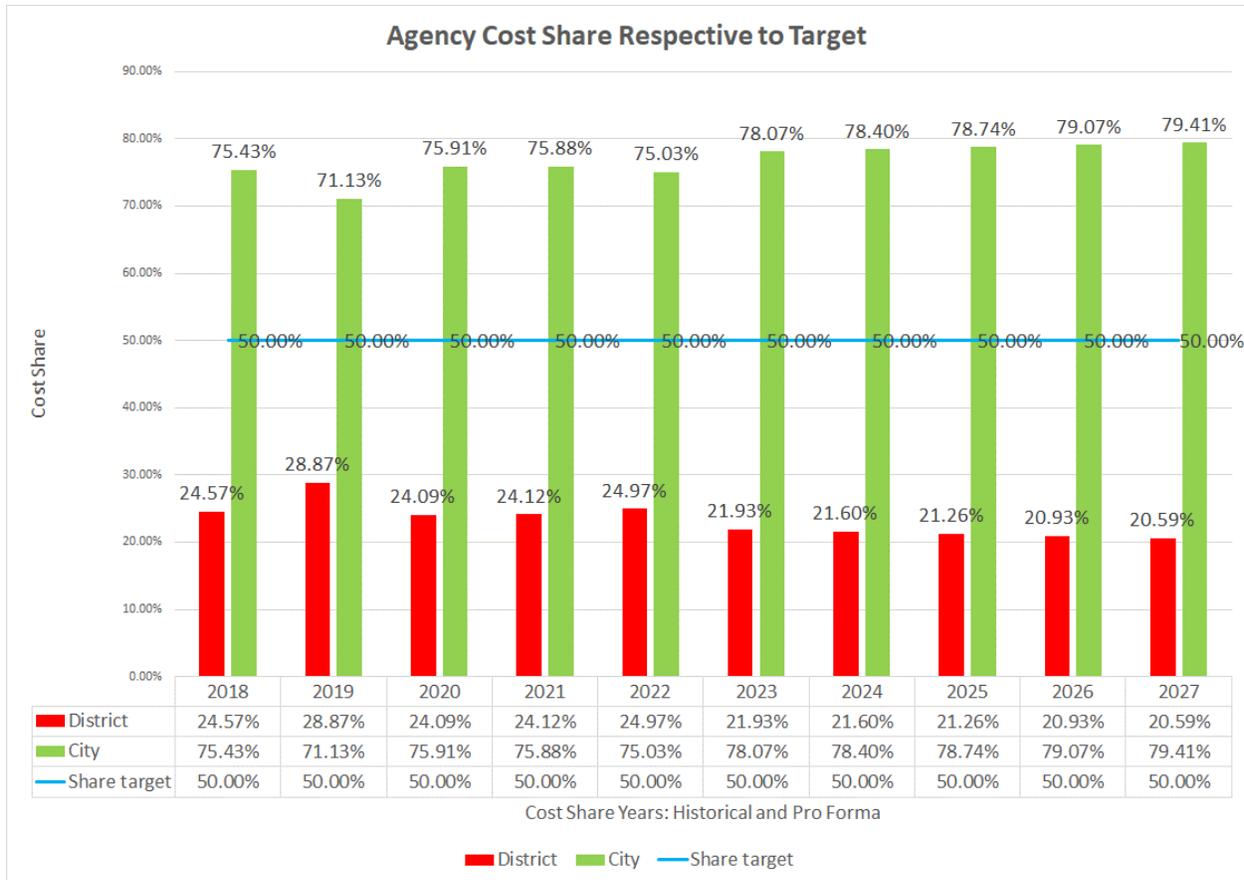
tax dollars to the City of Ukiah bearing a disproportionately larger cost burden (see figure 2). Further, to maintain its contribution even at a 76/24 (2020) share with no additional revenue, the District would need to continue to draw down reserves, a practice that is unsustainable in the intermediate and long term.

This recommended funding solution is the first step to ensure adequate and equitable resources are available to ensure fire mitigation and response services to the greater Ukiah area. The constraint of measure B and J not having an annual inflator will still inhibit funding growth commensurate with growth in service demand and service costs and will certainly need to be addressed in the future; however, this proposal is the most efficacious and practical path forward. Doing so would also not necessarily require altering the current agreement for shared management we have in place and would serve to strengthen the bonds between the City and District.

Figure 1²Figure 2³

² More detail is provided in Schedule 1, attached hereto. Proposed new revenues from overlaid District property taxes would begin in 2023.

³ More detail is provided in Schedule 2, attached hereto. Proposed new revenues from overlaid District property taxes would begin in 2023.



Schedule 1

Ukiah Valley Fire Authority
Schedule of Contributions, Expenditures and Changes in Fund Balances - Pro Forma
Governmental Funds
For the Years Ended June 30,

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
CONTRIBUTIONS										
City contributions:										
Interagency (Prop 172) - City only	\$ 51,275	\$ 51,570	\$ 80,630	\$ 82,242	\$ 83,887	\$ 85,585	\$ 87,276	\$ 89,022	\$ 90,802	\$ 92,618
Fire-specific revenues	158,791	129,137	58,353	59,520	60,711	61,925	63,164	64,427	65,715	67,030
Debt proceeds - City only	1,126,231	-	-	-	-	-	-	-	-	-
General revenues	3,003,390	3,498,386	3,610,757	3,671,636	3,565,491	3,483,640	3,632,380	3,791,147	3,959,324	4,136,828
District contributions:										
Property tax	928,908	940,551	954,639	973,732	993,206	1,013,071	1,033,332	1,053,999	1,075,079	1,096,580
Annexed property tax	-	-	-	-	-	709,400	730,682	752,602	775,181	798,436
Special property tax	117,559	116,702	117,715	120,069	122,471	124,920	127,419	129,967	132,566	135,218
Annexed special property tax	-	-	-	-	-	141,890	144,718	147,612	150,564	153,575
Charges for service	246,565	106,100	38,580	39,551	40,548	41,570	42,620	43,697	44,803	45,937
Mitigation fees	16,849	39,550	18,738	19,113	19,495	19,885	20,283	20,689	21,102	21,524
Interagency (Prop 172) - District only	65,172	65,552	50,959	51,979	53,018	54,079	55,160	56,263	57,389	58,536
Grants and subventions	-	3,750	-	-	-	-	-	-	-	-
Interest	8,752	7,772	8,504	6,802	5,442	4,353	3,483	2,786	2,229	1,783
Debt proceeds - District only	-	204,700	-	-	-	-	-	-	-	-
Miscellaneous	30,106	8,297	796	822	847	872	896	925	953	981
Total contributions	5,753,596	5,172,068	4,939,673	5,025,466	4,945,115	5,741,160	5,941,413	6,153,136	6,375,706	6,609,047
EXPENDITURES										
Current:										
Fire response and protection services:										
Personnel	2,898,229	3,468,254	3,366,003	3,500,095	3,855,491	3,818,453	3,989,360	4,168,605	4,356,603	4,553,791
Materials, supplies, and services	1,363,154	1,780,931	1,593,304	1,621,875	1,635,069	1,657,485	1,684,984	1,715,496	1,747,984	1,781,932
Other	-	-	-	-	-	-	-	-	-	-
Ambulatory services	-	-	11,052	59,287	61,049	62,894	64,820	66,828	68,920	71,101
Debt service:										
Interest	16,966	57,550	36,763	35,660	34,590	33,552	32,546	31,589	30,622	29,704
Principal	133,836	147,179	166,021	166,934	167,652	168,775	169,704	170,637	171,575	172,519
Capital outlay:										
Land	-	-	-	-	-	-	-	-	-	-
Buildings and improvements	-	7,811	193,133	98,308	-	-	-	-	-	-
Vehicles and equipment	1,186,256	209,883	192,455	104,830	-	-	-	-	-	-
Total expenditures	5,618,442	5,671,608	5,558,730	5,586,989	5,554,051	5,741,160	5,941,413	6,153,136	6,375,706	6,609,047
Excess (deficiency) of contributions over expenditures	\$ 135,155	\$ (499,539)	\$ (619,057)	\$ (561,523)	\$ (608,936)	\$ -	\$ -	\$ -	\$ -	\$ -

Notes:

1. Prop 172 monies are subventions allocated to the City and District by the County of Mendocino. Annual appropriations by the County vary annually and are subject to approval by the Mendocino County Board of Supervisors.

Share of total contributed revenues	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
District	24.57%	28.87%	24.09%	24.12%	24.97%	36.75%	36.33%	35.89%	35.44%	34.99%
City	75.43%	71.13%	75.91%	75.88%	75.03%	63.25%	63.67%	64.11%	64.56%	65.01%
Share target	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%

Schedule 2

Ukiah Valley Fire Authority
Schedule of Contributions, Expenditures and Changes in Fund Balances - Pro Forma
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For the Years Ended June 30,

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
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Interagency (Prop 172) - City only	\$ 51,275	\$ 51,570	\$ 80,630	\$ 82,242	\$ 83,887	\$ 85,565	\$ 87,276	\$ 89,022	\$ 90,802	\$ 92,618
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District contribution:										
Property tax	928,908	940,551	964,639	973,732	993,206	1,013,071	1,033,332	1,053,999	1,075,079	1,096,580
Annexed property tax	-	-	-	-	-	-	-	-	-	-
Special property tax	117,559	116,702	117,715	120,069	122,471	124,920	127,419	129,967	132,566	135,218
Annexed special property tax	-	-	-	-	-	-	-	-	-	-
Charges for service	246,565	106,100	38,590	39,551	40,548	41,570	42,620	43,697	44,803	45,937
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Ambulatory services	-	-	11,052	59,287	61,049	62,894	64,820	66,828	68,920	71,101
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Capital outlay:										
Land	-	-	-	-	-	-	-	-	-	-
Buildings and improvements	-	7,811	193,133	98,308	-	-	-	-	-	-
Vehicles and equipment	1,186,256	209,883	192,455	104,830	-	-	-	-	-	-
Total expenditures	5,618,442	5,671,608	5,558,730	5,596,989	5,554,051	5,741,160	5,941,413	6,153,135	6,375,706	6,609,047
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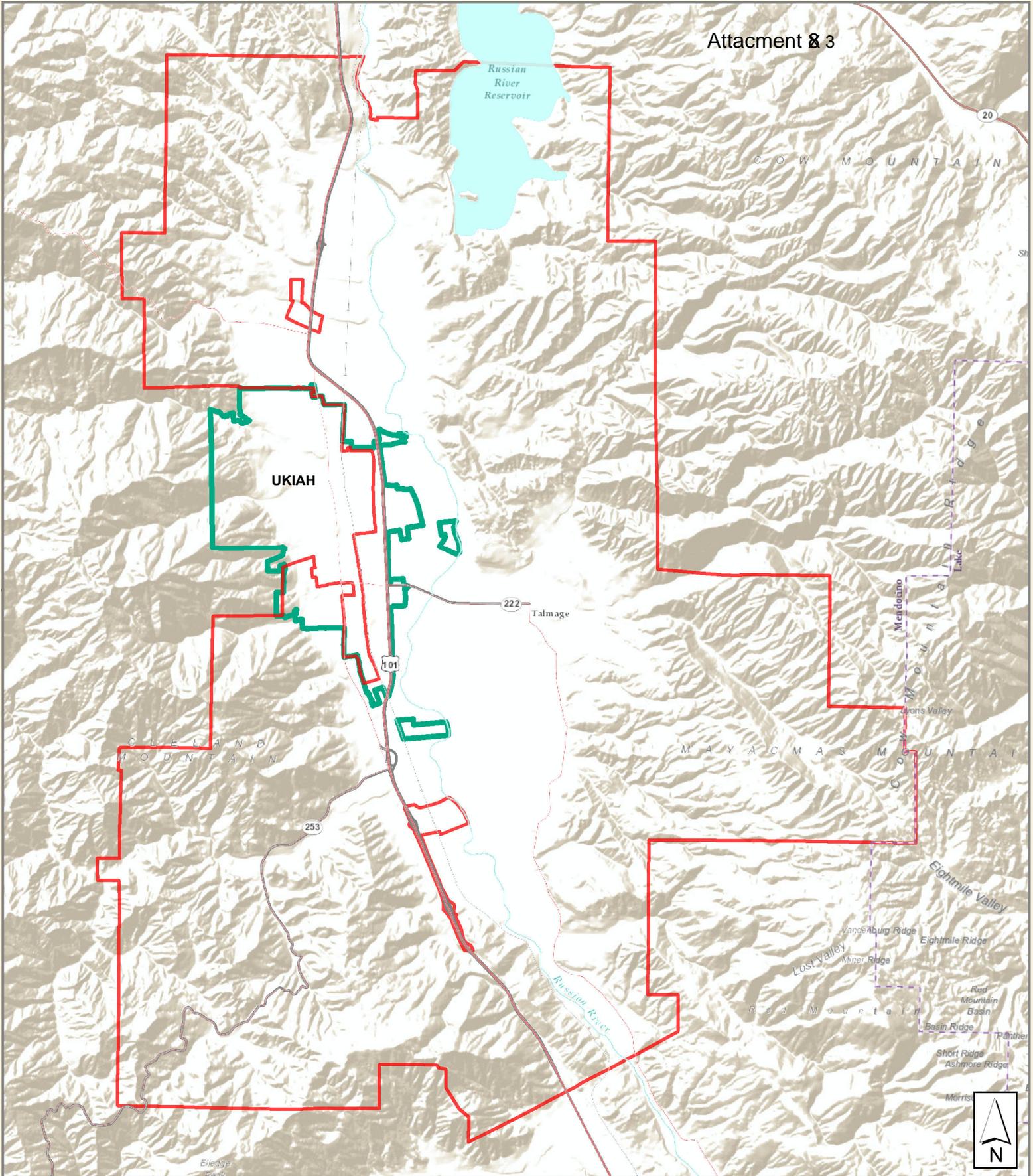
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District	24.57%	28.87%	24.09%	24.12%	24.97%	21.93%	21.60%	21.26%	20.93%	20.59%
City	75.43%	71.13%	75.91%	75.89%	75.03%	78.07%	78.40%	78.74%	79.07%	79.41%
Share target	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%

FIRE DISTRICT AND CITY LIMITS

Attacment & 3



	Fire District Boundary
	Ukiah City Limits



0 6,000 12,000 Feet
Page 2 of 231

This map is a guide. Every reasonable effort has been made to ensure the accuracy of the map and data provided. Parcel lines are not intended to represent surveyed data.

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Mendocino

From: (Public Agency): Ukiah Valley Fire Protection Dist.
1500 South State Street
Ukiah, CA 95482

(Address)

Project Title: Proposal to Annex the City of Ukiah and to Amend the District's SOI to Include the City

Project Applicant: Ukiah Valley Fire Protection District

Project Location - Specific:

Located in the Ukiah Valley and the City of Ukiah; please see Attachment B for map.

Project Location - City: Ukiah Project Location - County: Mendocino

Description of Nature, Purpose and Beneficiaries of Project:

Please see Attachment A.

Name of Public Agency Approving Project: Ukiah Valley Fire Protection District

Name of Person or Agency Carrying Out Project: Doug Hutchison, Fire District Chief

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: CEQA Guidelines Section 15301, 15320
- Statutory Exemptions. State code number: CEQA Guidelines Section 15261

Reasons why project is exempt:

Please see Attachment A.

Lead Agency
Contact Person: Doug Hutchison Area Code/Telephone/Extension: (707) 463-6263

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: 19 MAY 17 Title: Fire District Chief

▪ Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Notice of Exemption

Appendix E

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P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
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- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: CEQA Guidelines Section 15301, 15320
- Statutory Exemptions. State code number: CEQA Guidelines Section 15261

Reasons why project is exempt:

Please see Attachment A.

Lead Agency
Contact Person: Doug Hutchison Area Code/Telephone/Extension: (707) 463-6263

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: 19 MAY 17 Title: Fire District Chief

• Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

2021-E0033
Recorded at the request of:
UKIAH VALLEY FIRE PROTECTION DISTRICT
06/08/2021 01:03 PM
Fee: \$0 Pgs: 1 of 5
OFFICIAL RECORDS
Katrina Bartolomie - Clerk-Recorder
Mendocino County, CA

POSTED FROM 6/8/21 TO 7/9/21



Attachment A

Description of Project:

The Ukiah Valley Fire District ("Fire District") proposes to annex the City of Ukiah ("City") for provision of fire and emergency medical services (the "Fire Services Annexation") and to amend the Fire District's Sphere of Influence (the "Fire District Sphere Amendment"). Because the City lies outside the Fire District's Sphere of Influence, the Fire District's SOI must be amended so that it can annex the City for purposes of fire and emergency medical services. The objectives of the Fire Services Annexation and Fire District Sphere Amendment are to:

Further strengthen the operating relationship between the City and the Fire District.

Establish a fair and equitable funding resource for fire and emergency medical services for all Ukiah citizens.

Ensure fiscal stability of fire and emergency medical response services for the long-term benefit of the citizens served by the Fire Authority.

The Fire District's personnel are all City employees and all fire stations are located outside the City limits. The same services will be provided by the same personnel from the same stations pre- and post-annexation and sphere amendment. The change in jurisdictional boundaries allows the Fire District to provide these same fire protection services in the City without needing the Joint Powers Authority.

Reasons Why Project is Exempt:

The proposed action is not a project under Public Resources Code section 21065 and CEQA Guidelines section 15378(a), because it does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The annexation will not require construction of any new infrastructure or any change in the scope or intensity of the manner in which the Fire District provides services.

Even if the proposed action were considered a project under CEQA, it is categorically exempt from environmental review under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the proposed action may have a significant impact on the environment. The annexation will not change the type, intensity, or manner of service the Fire District already provides. The same services will be provided by the same personnel from the same stations pre- and post-annexation. Similarly, even if the proposed action was considered a project under CEQA, it is statutorily and categorically exempt from environmental review under CEQA Guidelines sections 15261 and 15301 because the subject services constitute an ongoing project approved prior to November 23, 1970, and involve the continued operation and maintenance of existing facilities and involve no expansion of existing or former use.

The proposed action also should be considered categorically exempt from environmental review under CEQA Guidelines section 15320 for changes in organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. This exemption applies because the annexation is a change in the Fire District's revenue structure that does not change the Fire District's manner of providing services or the

Ukiah Valley Fire Protection District
Notice of Exemption

physical characteristics of its service area. The same services will be provided by the same personnel from the same stations pre- and post-annexation.

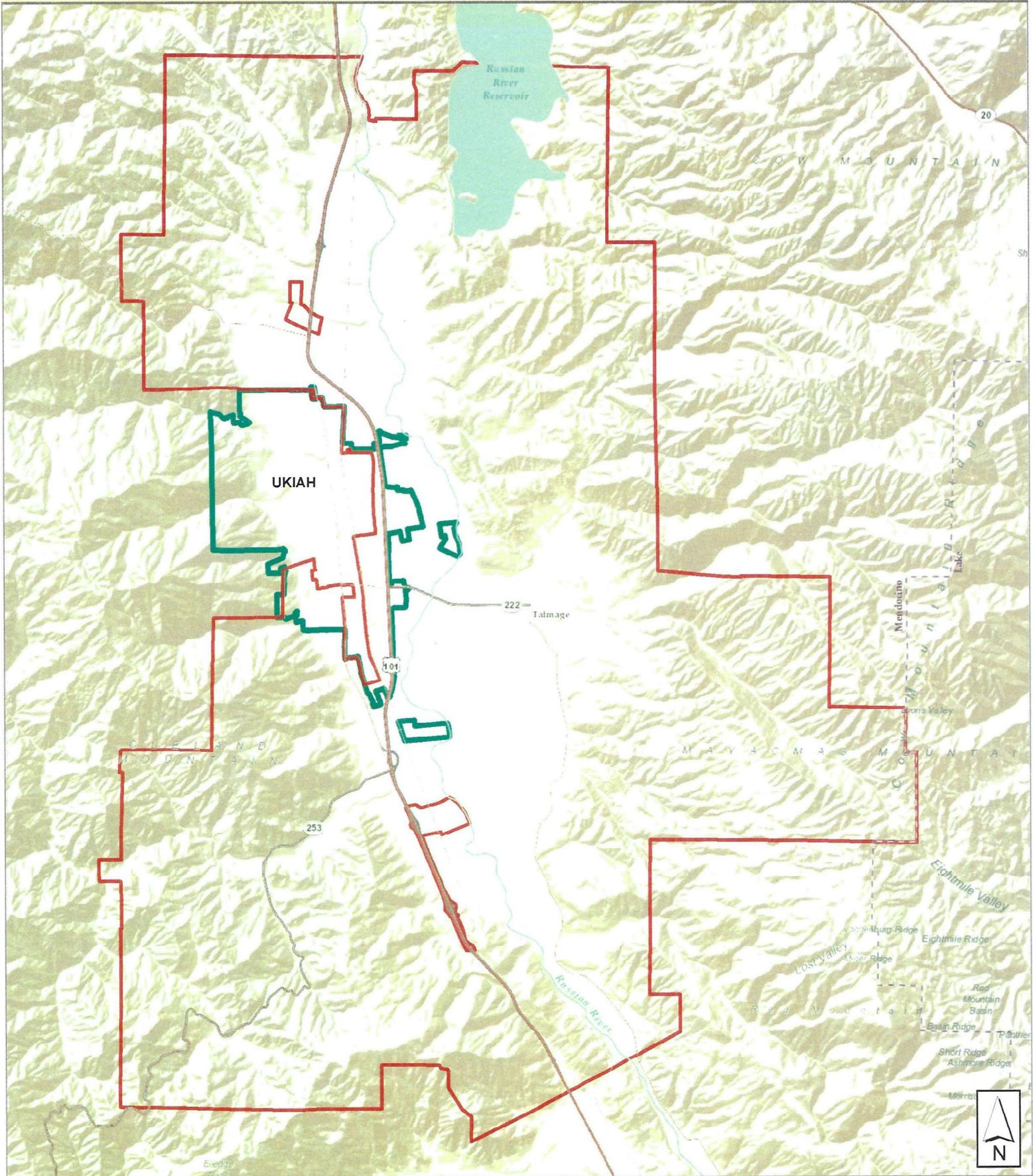
No evidence has been presented that the proposed action involves any unusual circumstances that might result in a significant effect on the environment as those terms are used in CEQA Guidelines section 15300.2(c).

Ukiah Valley Fire Protection District
Notice of Exemption

Attachment B:

Map of Area

FIRE DISTRICT AND CITY LIMITS



This map is a guide. Every reasonable effort has been made to ensure the accuracy of the map and data provided. Parcel lines are not intended to represent surveyed data.

- Fire District Boundary
- Ukiah City Limits

0 6,000 Page 138 of 231
 Feet



AMENDED AND RESTATED AGREEMENT FOR SHARED MANAGEMENT OF FIRE DEPARTMENTS

THIS AGREEMENT amends and restates in its entirety the Agreement for Shared Management of their respective Fire Departments, which became effective on July 1, 2017, between the City of Ukiah, a general law municipal corporation ("City") and the Ukiah Valley Fire Protection District, a California fire protection district formed pursuant to Health and Safety Code Sections 13800 et seq. ("District"), (collectively the "Parties" and individually a "Party"), all of which are organized and existing under and by virtue of the Constitution and the laws of the State of California. This Agreement between the Parties shall become effective if and when the annexation of the entire City by the District becomes final and effective.

WITNESSETH:

WHEREAS, the Parties are each empowered by law to acquire sites, construct, equip, staff, maintain, operate and lease public buildings and related facilities to provide fire, medical, and other emergency services; and

WHEREAS, the Parties desire to maximize use of the existing resources, create cost saving opportunities, reduce duplication, maintain local control and continue to deliver fire, medical, and other emergency services at a high level of service; and

WHEREAS, the Parties desire to accomplish the aforesaid purpose by jointly exercising their common powers in the manner set forth in this Agreement; and

WHEREAS, the Parties are authorized to jointly exercise their powers pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1, Sections 6500 through 6530, of the Government Code of the State of California.,

NOW, THEREFORE, the Parties, for and in consideration of the mutual benefits, promises, and agreements set forth herein, AGREE as Follows:

Section 1. Purpose

This Agreement is made pursuant to California Government Code Section 6500, et seq., hereinafter referred to as the "Act," to permit the joint exercise of certain powers common to the Parties. The purpose of this Agreement is to exercise these powers jointly by managing, equipping, maintaining, and operating fire, medical, and other emergency services to said Parties. Such purpose will be accomplished and common powers exercised in the manner set forth in this Agreement. The Parties may use the designation "Ukiah Valley Fire Authority" to identify the provision of the services provided under this Agreement, including on equipment, uniforms, buildings, letterhead, phone and other directories; provided, however, that the use of such designation shall not be deemed to create a separate legal entity or to change the liability of the Parties or change the contractual obligations of the Parties under this or any other agreements. All pre-existing obligations, rights, and privileges of the Parties shall continue hereunder, subject to the terms and conditions of this Agreement.

The legislative bodies of the Parties shall jointly meet a minimum of twice a year to review the activities and operation of this Agreement including a joint review of the annual budget development and a mid-fiscal year review. The Parties may call for additional joint meetings, as may be needed from time to time.

Section 2. Service Level

The Parties shall jointly coordinate an emergency response system inclusive of emergency medical response (EMS), structural firefighting, wildland firefighting, public education, hazardous material response, disaster response, rescue, fire prevention inspections, fire investigations and related public safety, managerial and administrative services, to the extent and in the manner consistent with this Agreement and approved annual budgets.

Section 3. Term

This Agreement shall become effective if and when the annexation of the entire City by the District becomes final and effective. and shall be binding upon all parties hereto, and shall thereafter continue in full force and effect until such

time as the Parties agree to terminate the Agreement, in the manner set forth in Section 9 or 10.

Section 4. Fire Executive Committee

- A. The Parties hereby agree that the duties set forth in Section 5 of this Agreement shall be conducted by an administrative entity to be known as the "Fire Executive Committee" whose membership shall consist of two appointees from each Party's legislative bodies.
- B. Meeting of the Fire Executive Committee
1. Regular Meetings of the Fire Executive Committee.
The Fire Executive Committee shall provide for its regular meetings; however, it shall hold at least one regular meeting each quarter. The Fire Executive Committee may call special meetings, as may be needed from time to time.
 2. The entire Fire Executive Committee shall constitute a quorum for the transaction of business. A majority vote of the members of the Fire Executive Committee is required to take action, although a lesser number of the Fire Executive Committee may adjourn for lack of a quorum to a date certain.
 3. The Fire Executive Committee shall comply with the Brown Act.
 4. For those duties of Fire Executive Committee requiring collaboration, the term "collaboration", "collaborate," or "collaborative" shall mean the meaningful and timely process of the members each seeking, discussing, and considering carefully the information and views of each Party in a manner that is cognizant of all Parties' values, reasonably attempting to reach agreement through cooperative efforts for the mutual benefit of the Parties. Collaboration among the members shall be conducted in a way that is mutually respectful of each Party's discretionary authority. If agreement cannot reasonably be reached among the members with respect to any particular, necessary action concerning matters within the discretionary authority of a particular Party to this Agreement, then the Party with discretionary authority shall take the action it determines appropriate in the exercise of its discretion.

Section 5. Powers and Duties of the Fire Executive Committee

A. Common Powers

The Parties shall retain the legislative authority to exercise their common powers for the purposes of this Agreement. The Parties do not intend the Fire Executive Committee to be a legal entity, separate and apart from the Parties. The Fire Executive Committee is not a joint powers agency or authority, partnership, joint venture, or joint enterprise of any kind.

B. Duties

The Fire Executive Committee shall take any and all actions within its authority as specified in this Agreement necessary and appropriate to implement the purposes of this Agreement, including, but not limited to, any or all of the following:

1. Jointly develop and recommend to their respective legislative bodies an annual budget and cost apportionment plan for each of the Parties to participate in the cooperative efforts contemplated by this Agreement;
2. Collaborate to ensure the cost for services are equitably shared among those receiving and/or benefiting from the services provided for under this Agreement;
3. Collaborate with the employing Party regarding the appointment of the Fire Chief, who shall be responsible for coordinating and overseeing the cooperative efforts of the Parties in providing fire, medical and other emergency services in each jurisdiction, in a manner consistent with this Agreement;
4. Collaborate to determine recommended service levels, facilities, apparatus, equipment and personnel in furtherance of each Party's participation in the cooperative efforts contemplated by this Agreement;
5. Collaborate to identify and recommend comprehensive approaches for shared fire, medical, and other emergency services between the Parties including, but not limited to, governance, personnel, apparatus, equipment and facilities; and
6. Collaborate to identify and recommend fire and emergency medical service policies, ordinances, and fees consistent with the cooperative efforts contemplated by this Agreement.

Section 6. Key Management Services

The services identified below (“Key Management Personnel/Services”) shall be subject to this Agreement:

A. Fire Chief

1. The Fire Chief shall provide general administration and oversight of the Ukiah Valley Fire Authority, all in accordance with the requirements and expectations of this Agreement, statutory law, local ordinances, applicable City and District rules and regulations and the customary duties of a Fire Chief.
2. The Fire Executive Committee identified in Section 4 of this agreement shall provide advisory support to the Fire Chief. The Fire Chief shall coordinate and cooperate with each Party regarding the performance of services within their respective jurisdiction. Each Party shall provide direction to the Fire Chief regarding services or any desired special projects to be performed for each Party. The Fire Executive Committee shall collaborate regarding directions from their respective Parties, for the purpose of avoiding conflicting guidance or creating conflicts relating to priority of services.

B. Financial and General Services

1. The City agrees to provide financial and general services to the District for the term of the Agreement, including accounts payable, procurement, billing and accounts receivable, general accounting and reporting, budget development and monitoring, and other general services such as human resources and city clerk services as may be deemed necessary by the District.
2. The City will perform these services pursuant to any applicable state and federal law and pursuant to City policies and regulations, unless otherwise directed by the District in writing. The City shall perform procurement, contracting and personnel services in accordance with laws applicable to California cities, including, but not limited to, the Uniform Construction Cost Accounting Act, unless otherwise specifically directed by the District Board. The District shall be responsible for and for understanding the financial and other activities and information performed or related to the services provided by the City to the District under this Agreement. The City is not performing these services as the District's agent but as a service provider and the parties agree that the City does not assume a fiduciary duty to the District in the performance of these financial and general services.
3. The District shall compensate the City for Financial and General Services as approved in the annual Cost Apportionment Plan.

Section 7. Budget and Cost Apportionment Plan

- A. The Parties, in adopting their annual budgets, will determine the specific expenditures and costs to be shared among the Parties (the “Cost Apportionment Plan”). The Cost Apportionment Plan shall be developed by the Fire Executive Committee and recommended for approval by the Parties. Payment and credits under the Cost Apportionment Plan shall be based on actual expenditures.
- B. The Fire Executive Committee has the authority to fully implement the approved Budget and Cost Apportionment Plan. The Fire Chief, with the approval of Fire Executive Committee, may recommend expenditures and transfers or adjustments of amounts authorized by the Cost Apportionment Plan. However, neither the Fire Chief nor Fire Executive Committee may exceed the personnel staffing authorized except for temporary, strike team or emergency positions, either in number, position classification, or salary. In addition, neither the Fire Chief nor Fire Executive Committee may increase the total amount of the approved expenditure budget without the approval of the legislative body of each Party.

Section 8. Services to Other Agencies

The Fire Executive Committee, through this Agreement may recommend that the Parties provide fire, medical, and/or other emergency services to other agencies that are not already a party to this Agreement. Such services may be provided with the concurrence of all Parties and upon execution of an amendment to this Agreement by all Parties. The charges for such services shall be determined in accordance with the authority of the Parties under the provisions of Government Code section 55631, et seq.

Section 9. Withdrawal; Termination

A Party may withdraw as a party to this Agreement by mutual written agreement and consent of the City and District with a July 1st effective date unless otherwise agreed to by both Parties. Such withdrawing Party shall perform all obligations

under this Agreement until the agreed upon date of withdrawal. A withdrawing Party shall remain obligated to perform obligations, including financial obligations arising prior to the withdrawal date,

Section 10. Dissolution/Reorganization

- A. The Agreement shall terminate if the number of parties to this Agreement becomes less than two, or if the parties unanimously agree to terminate the Agreement. If the Parties have accumulated any assets relating to the shared management of fire, medical, and other emergency services prior to termination, such assets shall be distributed among the Parties per their respective contributions, unless the Parties may otherwise agree.
- B. Per the Fire District Law of 1987 (Health & Safety Code §138122), the Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code) shall govern any change of organization or reorganization of a fire district. This Agreement is intended to allow for the administration and operation of a jointly coordinated emergency response system, until City annexations result in 70% of the District territory and 70% of the registered voters of the District being within the City’s limits. Upon the occurrence of this condition the parties will be deemed to have jointly requested the Mendocino County Local Agency Formation Commission (“LAFCO”), pursuant to Government Code Sections 56078 and 57105, to establish the District as a subsidiary district of the City with the City Council serving as the Board of Directors of the District. Upon LAFCO’s approval of the subsidiary district, this Agreement shall terminate.

The District agrees to support revisions to the City’s General Plan, Municipal Service Review (“MSR”) and Sphere of Influence (“SOI”) necessary or advisable to enable annexations and reorganization and not to propose or seek LAFCO approval for or support proposed provisions in the District’s MSR or SOI that would inhibit, conflict with, or prevent such City annexations and/or reorganization. The District shall support any annexations by the City that further the goal described in Section 10 B.

Section 11. Amendment to Agreement

The Fire Executive Committee may recommend an amendment to this Agreement. This Agreement may only be amended by approval of all the Parties to this Agreement. The Fire Executive Committee shall forward the proposed amendment with its recommendation to the legislative body of each party to the Agreement. The proposal shall be accompanied by a copy of the proposed amendment to the Agreement, which shall be adopted, properly executed, and returned to Fire Executive Committee if the party concurs with the amendment. This Section 11 shall not prevent the Parties from adopting an amendment to this agreement that is not recommended by the Fire Executive Committee.

Section 12. Additional Parties to the Agreement

Agencies, as defined in the Act, which are not parties hereto, may become Parties hereto only by amendment to this Agreement and upon approval of all the Parties to this Agreement.

Section 13. Notices

Whenever notice or other communication is permitted or required by this agreement, it shall be deemed given when personally delivered or when received, if delivered by overnight courier or email, if receipt is acknowledged in writing, or 48 hours after it is deposited in the United States mail with proper first class postage affixed thereto and addressed as follows:

To City:	City of Ukiah 300 Seminary Ave. Ukiah, CA 95482 Email: Attention: Mayor and City Manager
To District:	Ukiah Valley Fire District 1500 South State Street Ukiah, CA 95482 Email: Attention: Board Chair

A Party may change the address and email address to which notices shall be sent by giving notice of the change as

provided herein.

Section 14. Severability

Should any part, term, portion, or provision of this Agreement or the application thereof of any person or circumstances, be in conflict with any State or Federal law, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms, portions or provisions, or the application thereof to other persons or circumstances, shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to continue to constitute the Agreement that the parties intended to enter into in the first instance.

Section 15. Hold Harmless and Indemnity

Each party agrees to defend, indemnify, and save all other parties harmless from any and all claims arising out of said party's employees' negligent acts, errors, omissions or willful misconduct while performing pursuant to this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of said party, its officers, employees, or agents.

Each party hereby agrees to defend itself from any claim, action or proceeding by third parties arising out of the concurrent acts or omissions of their employees. In such cases, each party agrees to retain their own legal counsel, bear their own defense costs, and waive their right to seek reimbursement of such costs.

Notwithstanding the above, where a trial verdict or arbitration award allocates or determines the comparative fault of the members, the members may seek reimbursement and/or reallocation of defense costs, settlement payments, judgments and awards, consistent with said comparative fault.

As required by Section 17 herein, the Parties are responsible to provide workers compensation insurance for injuries sustained in the normal course and scope of their respective employees' performance of services. The Parties waive any right of subrogation against each other for any and all losses sustained by the Parties, subject to such workers compensation coverage. The Parties further acknowledge that the so-called "firefighter's rule" regarding primary assumption of risk generally prevents public safety officers employed by one agency, or their agency itself, from being exposed to liability for injuries suffered by public safety officers employed by another agency in the line of duty. To the extent any such claims of liability or actions are brought by any employee(s) of one Party against another Party to this Agreement, or such other Party sustains any losses thereby, the Party employing such claimant(s) shall indemnify the other Party for any such claims, actions, or losses.

For purposes of this section, the terms "employee" or "employees" shall refer to and include employees, officers, agents, representatives, subcontractors or volunteers.

Notwithstanding the foregoing, no employee, officer, agent, representative, subcontractor or volunteer of any party to this Agreement shall be considered an "employee" of any other party to this Agreement for purposes of indemnification.

Section 16. Legal Representation and Advice

In the course of providing fire and emergency services in accordance with this Agreement, each Party shall seek legal counsel regarding legal matters or issues from their respective counsel. In the event that a legal matter or issue relates to two or more Parties where the Parties involved will benefit from joint representation, the Parties may choose to be represented by the same legal counsel so long as no conflict of interest arises by such representation, and the Parties may agree on an apportionment of costs, if applicable, as allowed by law. Under any circumstances when two or more Parties are represented by the same legal counsel, no Party may bind the others to a settlement agreement without the written consent of the other Parties.

Section 17. Insurance

Each Party shall be responsible for maintaining a program of insurance that shall cover each Party's indemnification obligations. Without in any way affecting the indemnity herein provided and in addition thereto, each Party shall secure and maintain throughout the Agreement the following types of insurance, including coverage through a pooled risk joint powers agency such as the Redwood Empire Municipal Insurance Fund with limits as

shown.

A. **Workers' Compensation:**

A program of Workers' Compensation Insurance or a state-approved self-insurance program in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employer's Liability with \$250,000 limits covering all persons providing services on behalf of each Party and all risks to such persons under this Agreement.

B. **Comprehensive General and Automobile Liability Insurance:**

This coverage is to include contractual coverage and automobile liability coverage for owned, hired, and non-owned vehicles. The policy or self-insurance shall have combined single limits for bodily injury and property damage of not less than two million dollars (\$2,000,000.00).

Additional Named Insured:

All policies, and/or memoranda of coverage, except Workers' Compensation, shall contain additional endorsements naming each Party and its officers, employees, agents and volunteers as additional named insured with respect to liabilities arising out of each Party's performance hereunder.

C. **Policies Primary and non-Contributory:**

All policies required above are to be the primary and non-contributory with any insurance or self-insurance carried or administered by each Party.

Section 18. Mediation

Should any dispute arise out of this Agreement, any Party may request that it be submitted to mediation. The Parties shall meet in mediation within 30 days of a request, unless they mutually agree to a longer period. The mediator shall be agreed to by the Parties; in the absence of an agreement, the parties shall each submit one name from mediators listed by an agreed-upon service or parties themselves. The mediator shall be selected by a mutually agreed random selection. The cost of mediation shall be borne equally by the Parties. No Party shall be deemed the prevailing party. No Party shall be permitted to file a legal action without first meeting in mediation and making a good-faith attempt to reach a mediated settlement. The mediation process, once commenced by a meeting with the mediator, shall not last more than 60 days, unless the 60 day period is extended in writing by the Parties.

Section 19. Additional Documents and Agreements

The parties agree to cooperate in the execution of any additional documents or agreements that may be required to carry out the terms of this Agreement.

Section 20. Successors

This Agreement shall bind and inure to the benefit of all successors and assigns of the parties and any associates in interest, and their respective directors, officers, agents, servants, and employees, and the successors and assigns of each of them, separately and collectively.

Section 21. Warranty of Legal Authority

Each party warrants and covenants that it has the present legal authority to enter into this Agreement and to perform the acts required of it hereunder. If any party is found to lack the authority to perform the acts required of it hereunder or is prevented from performing the acts by a court of competent jurisdiction, this Agreement shall be void.

Section 22. Assignment/Delegation

Neither party hereto shall assign, sublet, or transfer any interest in this Agreement or any duty hereunder without written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented.

Section 23. No Third-Party Beneficiary

This Agreement is only for the benefit of the Parties as municipal or corporate entities and shall not be construed as or deemed to operate as an agreement for the benefit of any third party or parties, and no third party or party shall have any right of action or obtain any right to benefits or position of any kind for any reason whatsoever.

Section 24. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of California.

Section 25. Agreement Controlling

In the event of a conflict between the provisions of the text of this Agreement, the provisions of the text shall prevail.

Section 26. Entire Agreement

This document is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. This Agreement may be transmitted electronically and executed in counterparts, each such executed electronic copy shall be admissible for any purpose and in any judicial or administrative proceeding as evidence of the agreement between the Parties.

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed as of the day and year first above written.

CITY OF UKIAH

By: Douglas F Crane
Douglas F. Crane, Mayor

Approved to Form:

David J. Rapport
City Attorney

Attest:

Kristine Lawler
Kristine Lawler, City Clerk

UKIAH VALLEY FIRE DISTRICT

By: David B Haas
David B. Haas, Board President

Approved to Form:

Don Lance
District Counsel

Attest:

Stephanie Abba
District Secretary

RESOLUTION NO.

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING A ZERO TAX SHARING AGREEMENT FOR THE UKIAH VALLEY FIRE DISTRICT ANNEXATION OF THE CITY OF UKIAH (LAFCO APPLICATION REFERRAL FILE NO. D-2021-02)

WHEREAS, the Mendocino County Local Agency Formation Commission ("LAFCo") has received an application from the Ukiah Valley Fire Protection District ("District") and a consent thereto by the City of Ukiah ("City") to annex the entire territory within the City's jurisdictional boundaries which will become part of the District (the "Annexation Area"); and

WHEREAS, the aforementioned annexation is identified as LAFCo Application Referral File No. D-2021-02, and also known as the UVFD Annexation; and

WHEREAS, prior to acting on the application, Revenue and Tax Code section 99(b)(6) requires LAFCo to obtain a resolution from those bodies negotiating a revised distribution of property tax in the event the annexation becomes effective; and

WHEREAS, pursuant to Revenue and Tax Code section 99(b)(5), the Mendocino County Board of Supervisors is the entity responsible for negotiating a tax sharing agreement under Revenue and Taxation Code Section 99 on behalf of the District; and

WHEREAS, the UVFD Annexation only affects the City and the District; and

WHEREAS, Health and Safety Code ("HSC") section 13810 expressly authorizes the District to annex territory within the boundaries of the City; and

WHEREAS, under Government Code section 57330, without further action by the District, the City or the County, any territory in the City annexed to the District will become subject to the taxes previously enacted within the District. In 1997 and 2003, the District lawfully imposed parcel taxes on the real property in the District through the adoption of ordinances approved as ballot Measures J and B; and

WHEREAS, per Resolution 2021-21 passed on May 19, 2021, the City consents to the levying of taxes, including Measures J and B, and to the allocation of those taxes to the District for those taxes' respective purposes; and

WHEREAS, Under Revenue and Taxation Code section 99, upon filing the Application, the Executive Officer of LAFCo is required to give notice of the filing to the Mendocino County assessor and auditor specifying each local agency whose service area or responsibility will be altered by the jurisdictional change; and

WHEREAS, the Executive Officer of LAFCo gave notice of the filing to the assessor and auditor on July 1, 2021; and

WHEREAS, on or about August 27, 2021, the Executive Officer supplemented the notice with the list of Assessor's Parcels Numbers (APNs), as required by the LAFCo application; and

WHEREAS, on September 17, 2021, the Mendocino County Assessor provided the Mendocino County Auditor a preliminary report which identifies the assessed valuations of the territory within the City of Ukiah and the tax rate areas in which the territory exists; and

WHEREAS, on September 22, 2021, the Mendocino County Auditor has estimated the amount of property tax revenue generated within the territory that is the subject of the jurisdictional change during the current fiscal year and has estimated what proportion of said property tax revenue determined is attributable to each local agency that receives a portion of said property tax revenue, which estimate is set forth in the attached **Exhibit A**; and

WHEREAS, the City and the District have adopted resolutions, copies of which are attached hereto as **Exhibits B** and **C**, respectively, agreeing that there should be no change in the current apportionment of taxes in the Annexation Area as shown in Exhibit A, if the approved UVFD Annexation becomes final and effective.

NOW, THEREFORE , BE IT RESOLVED that the shares of property taxes, including all future tax increments of all jurisdictions within the Annexation Area, including the City of Ukiah, shall be apportioned as shown on Exhibit A.

IT IS FURTHER RESOLVED AND ORDERED that the Clerk of the Board of Supervisors shall notify the Mendocino County Auditor and the Mendocino County Local Agency Formation Commission of such negotiated exchange of property tax revenues by forthwith forwarding a certified copy of this resolution to the Auditor, the Ukiah Valley Fire District, the Mendocino County Local Agency Formation Commission, and, upon completion of the annexation, to the State Board of Equalization.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ of September 2021, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

RESOLUTION NO. 2021-45

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH AGREEING TO THE ALLOCATION OF PROPERTY TAXES AND UKIAH VALLEY FIRE DISTRICT PARCEL TAXES UPON THE ANNEXATION OF THE CITY OF UKIAH BY THE UKIAH VALLEY FIRE DISTRICT.

WHEREAS:

1. On May 14, 2021, the City Council of the City of Ukiah ("City") adopted Resolution No. 2021-21 In Support of the Ukiah Valley Fire Protection District's Application to Initiate Proceedings for the Annexation of the City of Ukiah and to Initiate Proceedings to Amend the Fire District's Sphere of Influence to Include the City of Ukiah, a true and correct copy of which is attached hereto as Exhibit A; and
2. On May 18, 2021, the Board of Directors of the Ukiah Valley Fire District ("District") adopted Resolution No. 2021-04 to Initiate Proceedings for the Annexation of the City of Ukiah and to Initiate Proceedings to Amend the District's Sphere of Influence ("SOI") to Include the City of Ukiah, a true and correct copy of which is attached hereto as Exhibit B; and
3. On May 19, 2021, the District filed an application ("the Application") with the Mendocino County Local Agency Formation Commission ("LAFCo") to amend its SOI to include the City and to annex the City into the District; and
4. Under Revenue and Taxation Code ("R&TC") Section 99, upon filing the Application, the Executive Officer of LAFCo is required to give notice of the filing to the Mendocino County assessor and auditor specifying each local agency whose service area or responsibility will be altered by the jurisdictional change; and
5. On July 1, 2021, the Executive Officer gave the required notice to the assessor and auditor; and
6. On or about August 27, 2021, the Executive Officer supplemented the required notice with the list of Assessor's Parcels Numbers (APNs), as required by the LAFCo application form; and
7. On September 17, 2021, the Assessor completed its preliminary report including the identification of the assessed valuations and the tax rate areas in the City; and
8. Upon receipt of that report, the Auditor commenced the estimated analysis of property tax revenue generated within the City that is the subject of the annexation during the current fiscal year and the allocation factors with respect to the estimated property tax revenue that is subject to a negotiated exchanged between the City and the District; However that report is not yet completed in advance of the meeting at which this resolution has been presented for adoption; and
9. For the reasons set forth in City Council Resolution No. 2021-21 (Exhibit A) and District Resolution No. 2021-04 (Exhibit B), and based on the following findings, the City Council and the District Board of Directors at a joint meeting determined and agreed that they did not need the information from the assessor and auditor to agree that the annexation of the City by the District should not change the allocation of property taxes in the City, finding that:

A. Because of the joint provision of fire services within the City and the District under the JPA there will not be a significant change in service responsibility between the City and the District as result of the annexation.

B . The JPA establishes how the cost of the combined fire service will be apportioned between the City and the District so an exchange of property tax revenue is not required.

C. The additional revenue from extending the District's special taxes to assessor parcels in the City is the revenue the City and the District have determined is necessary to meet the immediate funding needs of the Ukiah Valley Fire Authority.

NOW, THEREFORE, BE IT RESOLVED that:

1. Upon finalizing the annexation of the City into the District, the apportionment of property taxes in the City shall not change and no portion of those taxes shall be exchanged with the District. Based on that agreement, the District will not receive a share of the property taxes from tax rate areas within the City, including tax increments, in all future fiscal years.
2. The City Council acknowledges and agrees that pursuant to Government Code Section 57330 upon the annexation of the City by the District, the special taxes as approved in District Measures J and B, as explained in the attached Exhibit B, Recital Nos. 5 and 6, will apply to all parcels in the City of Ukiah. The Mendocino County assessor and auditor are authorized to assess and collect those special taxes on behalf of the District in compliance with District Ordinance 97-1 and charge the fees therefor as agreed between the District and the County pursuant to Government Code Section 29304. The net revenue produced by those special taxes shall be retained by the District for its use in performing under the Joint Powers Agreement between the City and the District, as it now reads or as it may be hereafter amended.

PASSED AND ADOPTED by the City Council of the City of Ukiah this 21st day of September 2021 by the following roll call vote.

AYES: Councilmembers Crane, Duenas, Brown, and Mayor Orozco
NOES: None
ABSENT: Councilmember Rodin
ABSTAIN: None



Juan V. Orozco, Mayor

ATTEST:



Kristine Lawler, City Clerk

RESOLUTION NO. 2021-05

RESOLUTION OF THE BOARD OF DIRECTORS OF THE UKIAH VALLEY FIRE DISTRICT AGREEING TO THE ALLOCATION OF PROPERTY TAXES AND UKIAH VALLEY FIRE DISTRICT PARCEL TAXES UPON THE ANNEXATION OF THE CITY OF UKIAH BY THE UKIAH VALLEY FIRE DISTRICT.

WHEREAS:

1. On May 14, 2021, the City Council of the City of Ukiah ("City") adopted Resolution No. 2021-21 In Support of the Ukiah Valley Fire District's Application to Initiate Proceedings for the Annexation of the City of Ukiah and to Initiate Proceedings to Amend the Fire District's Sphere of Influence to Include the City, a true and correct copy of which is attached hereto as Exhibit A; and
2. On May 18, 2021, the Board of Directors of the Ukiah Valley Fire District ("District") adopted Resolution No. 2021-04 to Initiate Proceedings for the Annexation of the City of Ukiah and to Initiate Proceedings to Amend the Fire Protection District's Sphere of Influence ("SOI") to Include the City of Ukiah, a true and correct copy of which is attached hereto as Exhibit B; and
3. On May 19, 2021, the District filed an application ("the Application") with the Mendocino County Local Agency Formation Commission ("LAFCo") to amend its SOI to include the City and to annex the City into the District for fire services; and
4. Under Revenue and Taxation Code ("R&TC") Section 99, upon filing the Application, the Executive Officer of LAFCo is required to give notice of the filing to the Mendocino County assessor and auditor specifying each local agency whose service area or responsibility will be altered by the jurisdictional change; and
5. On July 1, 2021, the Executive Officer gave the required notice to the assessor and auditor; and
6. On or about August 27, 2021, the Executive Officer supplemented the required notice with the list of Assessor's Parcels Numbers (APNs), as required by the LAFCo application form; and
7. On September 17, 2021, the Assessor completed its preliminary report including the identification of the assessed valuations and the tax rate areas in the City; and
8. Upon receipt of that report, the Auditor commenced the estimated analysis of property tax revenue generated within the City that is the subject of the annexation during the current fiscal year and the allocation factors with respect to the estimated property tax revenue that is subject to a negotiated exchanged between the City and the District; However, that report is not yet completed in advance of the meeting at which this resolution has been presented for adoption; and
9. For the reasons set forth in City Council Resolution No. 2021-21 (Exhibit A) and District Resolution No. 2021-04 (Exhibit B), and based on the following findings, the City Council and the District Board of Directors at a joint meeting determined and agreed that they did not need the auditor's report in order to agree that the annexation of the City by the District should not change the allocation of property taxes in the City, finding that:
 - A. Because of the joint provision of fire services within the City and the District under the JPA there will not be a significant change in service responsibility between the City and the District as result of the annexation.

B . The JPA establishes how the cost of the combined fire service will be apportioned between the City and the District so an exchange of property tax revenue is not required.

C. The additional revenue from extending the District's special taxes to assessor parcels in the City is the revenue the City and the District have determined is necessary to meet the immediate funding needs of the Ukiah Valley Fire Authority.

10. As explained in the attached Exhibit B, Recital Nos. 5 and 6, the District's special taxes will apply to all parcels in the City of Ukiah, and the Mendocino County assessor and auditor are authorized and directed to assess and collect those special taxes on behalf of the District in compliance with District Ordinance 97-1.

NOW, THEREFORE, BE IT RESOLVED that:

1. Upon finalizing the annexation of the City into the District, the property taxes in the City the apportionment of property taxes in the City shall not change. Based on that agreement, the District understands and agrees that it will not receive a share of the *ad valorem* property taxes from tax rate areas within the City, including tax increments, in all future tax years.
2. The District relies on the City Council's acknowledgment and agreement in Resolution No. 2021-45 that pursuant to Government Code Section 57330 upon the annexation of the City by the District, the special taxes as approved in District Measures J and B, will apply to all parcels with Assessor's Parcel Numbers ("APNs") in the City of Ukiah. Pursuant to the existing agreement between the District and Mendocino County entered pursuant to Government Code Section 29304, the Mendocino County assessor and tax collector are authorized and directed to assess and collect these special taxes on behalf of the District on all APNs in the City and to charge the agreed upon fees for these services. The net revenue produced by these special taxes shall be retained by the District for its use in performing under the Joint Powers Agreement between the City and the District, as it now reads or as it may be hereafter amended.

PASSED AND ADOPTED by the Board of Directors of the Ukiah Valley Fire Protection District this 21st day of September, 2021 by the following roll call vote.

AYES: Directors Bazzani, Bushby, Graham, and President Haas

NOES:

ABSENT: Director Banks

ABSTAIN:


David B. Haas, President

ATTEST:


Stephanie Abba, Clerk of the Board



Ukiah Daily Journal

617 S. State St
Ukiah, California 95482
(707) 468-3500
advertising@record-bee.com

MENDOCINO COUNTY LAFCO
200 SOUTH SCHOOL ST
UKIAH, CA 95482

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Account Number: 2117504

Ad Order Number: 0006607363

Customer's Reference
/ PO Number:

Publication: Ukiah Daily Journal

Publication Dates: 09/12/2021

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200 SOUTH SCHOOL ST
UKIAH, CA 95482

Legal No. **0006607363**

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
COUNTY OF MENDOCINO**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Ukiah Daily Journal, a newspaper of general circulation, printed and published daily in the City of Ukiah, County of Mendocino and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Mendocino, State of California, under the date of September 22, 1952, Case Number 9267; that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

09/12/2021

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Ukiah, California,
September 15th, 2021

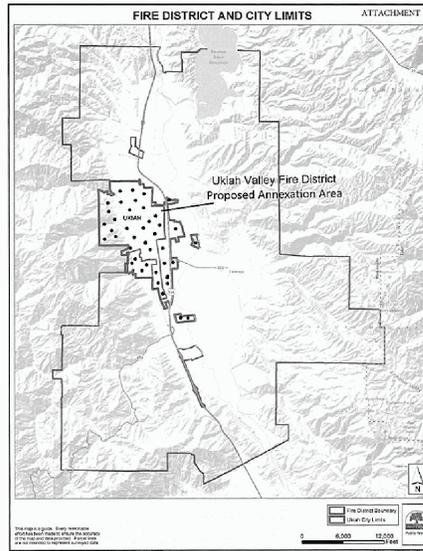


Molly E. Lane, LEGAL CLERK

Mendocino Local Agency Formation Commission NOTICE OF PUBLIC HEARING. NOTICE IS HEREBY GIVEN that on Monday, October 4, 2021, at 9:00 AM (or as soon thereafter as the matter may be heard) in the Mendocino County Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, or conducted remotely pursuant to State Executive Order N-29-20 in response to the COVID-19 pandemic if necessary with public participation via teleconference as detailed in the agenda posted at least 72 hours in advance of the meeting, and livestreamed at www.youtube.com/MendocinoCountyVideo, the Mendocino Local Agency Formation Commission (LAFCo) will hold a Public Hearing to consider adoption of the following study and the proposed change of organization short title, as detailed further below:

Ukiah Valley Fire District Municipal Service Review and Sphere of Influence Update and UVFD Fire Services Annexation and Fire District Sphere Amendment (File No. A-2021-02).

The Ukiah Valley Fire District (UVFD) initiated the proposed change of organization, with support from the City of Ukiah, for UVFD annexation of the Ukiah City Limits for fire services only (see map) and a related Sphere of Influence (SOI) amendment to add the proposed annexation area to the UVFD SOI. The proposal is exempt from the California Environmental Quality Act pursuant to PRC §21065 and Title 14 CCR §15378(a), 15061(b)(3), 15261, 15301, and 15320. Copies of all related documents may be reviewed once available at the LAFCo website (www.mendolafco.org) or at the LAFCo office. If you cannot attend the Public Hearing described in this notice, you may submit written comments prior to the hearing. Please direct comments, questions, and requests to review documents to LAFCo, 200 South School Street, Ukiah, CA 95482; e-mail: eo@mendolafco.org; phone: (707) 463-4470. All interested persons are invited to attend, be heard, and participate in the hearings. **BY ORDER OF THE MENDOCINO LOCAL AGENCY FORMATION COMMISSION. UMA HINMAN, Executive Officer.**



Resolution No. 2021-22-03
of the Local Agency Formation Commission of Mendocino County

**Approving the Ukiah Valley Fire District Change of Organization to
Annex the City Limits of the City of Ukiah for Fire Services**

WHEREAS, on May 18, 2021, the Ukiah Valley Fire District (UVFD or District) Board of Directors approved Resolution No. 2021-04 to initiate a proposed District annexation of the City of Ukiah City limits for fire services and concurrent amendment of the District's Sphere of Influence to be contiguous with the proposed new boundary; and

WHEREAS, on May 19, 2021, the City of Ukiah (City) City Council approved Resolution 2021-21 to support the District's proposed annexation and SOI amendment; and

WHEREAS, the application was received on June 29, 2021 and was referred to the County Assessor and Auditor for negotiation of a property tax exchange pursuant to Revenue and Tax Code Section 99 and Resolutions adopted by the County Board of Supervisors, City of Ukiah City Council, and UVFD Board of Directors has been received regarding the allocation of property tax within the annexation area; and

WHEREAS, a Certificate of Filing was issued on September 29, 2021 indicating receipt of a complete application pursuant to California Government Code Section 56658; and

WHEREAS, the Executive Officer gave sufficient notice of a public hearing to be conducted by the Commission by September 13, 2021 in the form and manner prescribed by law; and

WHEREAS, the Executive Officer's report and recommendations on the application were presented to the Commission on October 4, 2021 in the manner provided by law; and

WHEREAS, the Commission conducted a duly noticed public hearing on the application on October 4, 2021. At the hearing, all interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission closed the public hearing and considered and deliberated on all relevant oral and written testimony and evidence presented or filed, the Executive Officer's report, the applicant's plan for services and other application materials, and all the factors required under California Government Code Section 56668; and

WHEREAS, the Commission has reviewed and considered this resolution and hereby finds that it accurately sets forth the intentions of the Commission with respect to the application.

NOW, THEREFORE, the Mendocino Local Agency Formation Commission does hereby RESOLVE, DETERMINE, and ORDER as follows:

1. The Commission, as Responsible Agency, agrees with the environmental determination of the Ukiah Valley Fire District, as Lead Agency, for the proposed annexation and sphere of influence amendment as found to be exempt from the California Environmental Quality Act in the Notice of Exemption recorded June 8, 2021 (Mendocino County Official Records 2021-E0033) pursuant to PRC §21065 and Title 14 CCR §15378(a), 15061(b)(3), 15261, 15301, and 15320, with no evidence presented of unusual circumstances (Title 14 CCR §15300.2(c)).
2. 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) is approved.

3. The Annexation shall be subject to the following terms and conditions:
 - a) The boundaries of the Annexation Area shall be defined by the map depicted in Exhibit "A", attached hereto and incorporate herein by reference.
 - b) The Ukiah Valley Fire District parcel taxes Measures J and B shall be imposed and levied in the entire annexation area, more specifically the City Limits of the City of Ukiah.
 - c) The Amended and Restated Agreement for Shared Management of Fire Department between the Ukiah Valley Fire District and City of Ukiah executed on June 17, 2020, and scheduled to be effective upon annexation approval, shall be implemented with proof of executed agreements provided to the Executive Officer.
 - d) The Ukiah Valley Fire District and City of Ukiah do not intend for the annexation to transfer the City's retained right to administer pre-hospital emergency medical transport services under HSC §1797.201 (201 Transport Rights) to the District or otherwise extinguish the City's 201 Transport Rights.
4. The application is assigned the following distinctive short-term designation: "UVFD Fire Services Annexation and Fire District Sphere Amendment".
5. The effective date of the detachment shall be the date of the filing of the Certificate of Completion for the application. The Certificate of Completion shall not be filed until all charges assessed and fees due to the Commission have been paid by the applicant(s) and all materials required by the Commission for final processing of the application have been submitted.
6. The applicant(s) shall defend at its sole expense any action brought against LAFCo, the Commission and its staff, because of the approval of this application. The applicant(s) will reimburse LAFCo for any court costs and attorneys' fees which may be required by a court to pay as a result of such action. LAFCo may, at its discretion, after consultation with the applicant(s), participate in the defense of any such action; but such participation shall not relieve applicant(s) of their obligations under this condition. The obligation on the part of the applicant(s) to indemnify LAFCo is effective upon the adoption of this resolution and does not require any further action.
7. The Clerk of the Commission is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Clerk of the Commission, 200 South School Street, Ukiah, CA 95482.

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County this 4th day of October 2021 by the following vote:

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

NOES:

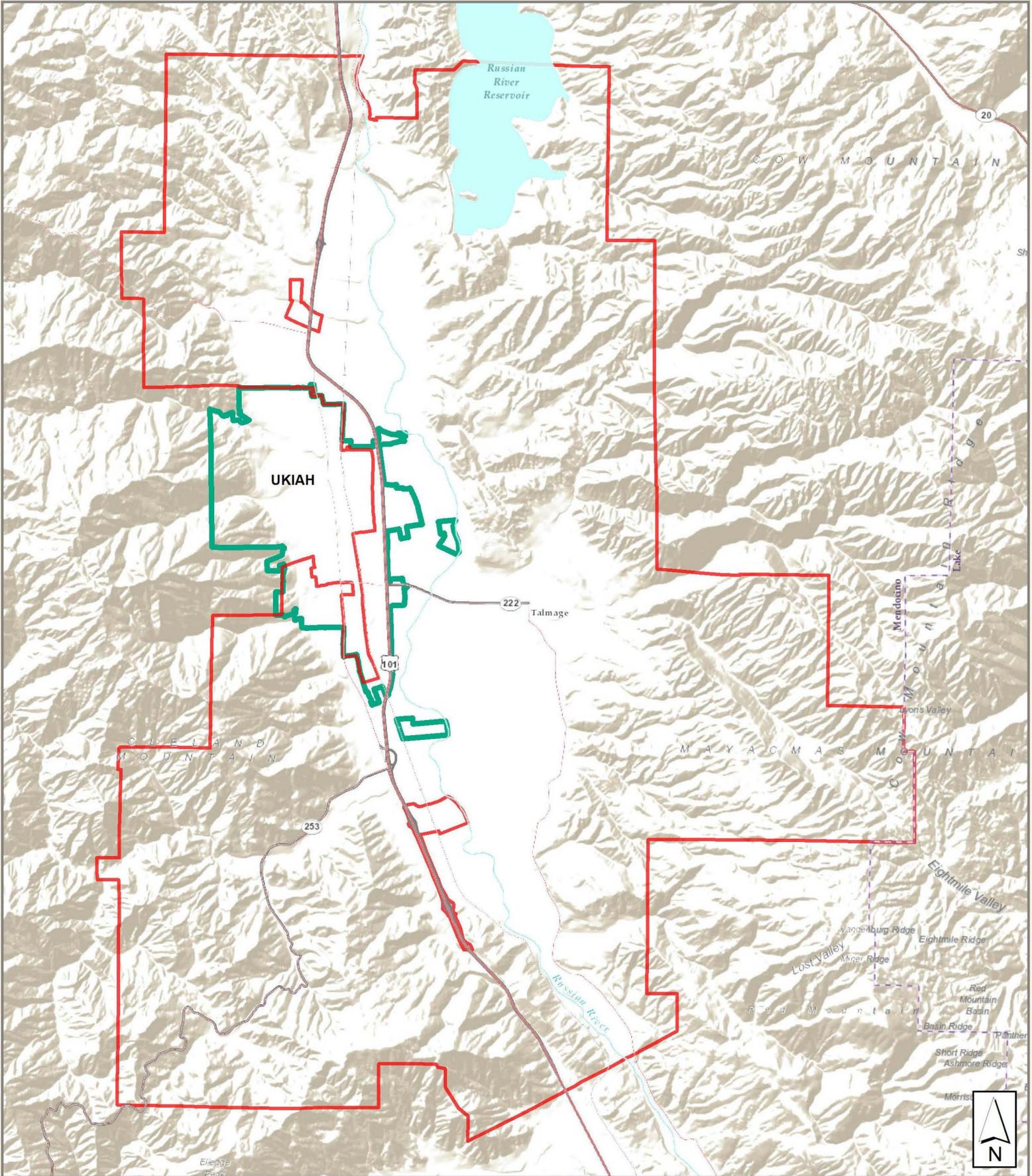
ABSTAIN:

ABSENT:

CHARLES A. ORTH, Commission
Chair

ATTEST:

UMA HINMAN, Executive Officer



This map is a guide. Every reasonable effort has been made to ensure the accuracy of the map and data provided. Parcel lines are not intended to represent surveyed data.

	Fire District Boundary
	Ukiah City Limits



MENDOCINO Local Agency Formation Commission

Staff Report

MEETING October 4, 2021
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Ratification of Out of Agency Water Service Agreements for the City of Fort Bragg**

RECOMMENDATION

The Commission adopt Resolution No. 2021-22-04 ratifying out of agency service agreements approved by the Executive Officer (1) authorizing the City of Fort Bragg to provide new public water service to two unincorporated properties located within the City’s Sphere of Influence at 19970 Minnesota Avenue (APN 018-300-06) and 19981 Minnesota Avenue (APN 018-300-01) to address a public health threat; and (2) finding the out of agency service agreements are exempt from CEQA pursuant to Public Resources Code Section 21080(b)(4) and CEQA Guidelines 15282(k).

DISCUSSION

On August 25, 2021, the Executive Officer received a written request from the City of Fort Bragg to provide public water service to two parcels located on Minnesota Avenue: 19970 (APN 018-300-06) and 19981 (APN 018-300-01). The two parcels are developed with single-family residences that have relied upon private wells that have recently failed (gone dry). The City of Fort Bragg recently approved extensions of service to both parcels, pending LAFCo approval. A number of other parcels on Minnesota already receive water service from the City, as well as sewer service through the City’s dependent Municipal Improvement District.

Pursuant to California Government Code (G.C.) Section 56133(b), the Commission may authorize a city or special district to provide new or extended services outside its jurisdictional boundary, but within its SOI, in anticipation of a later change of organization (e.g., annexation). The Commission’s adopted Policy on Extensions of Service by Contract (“the Policy”) is included as Attachment 2 and identifies the process for the Commission to respond to requests pursuant to G.C. Section 56133(b).

The Executive Officer reviewed the City’s request and provided conditional approval on September 16, 2021. The condition of approval requires the landowners to submit written and recorded consent agreeing to annexation of the affected territory to City if initiated in the future. The conditional approval letter is included as Attachment 4.

As part of this item, the Commission will adopt a resolution ratifying the Executive Officer’s approval consistent with [Policy 12.2.4](#). Notably, the Policy states the following:

“The Commission authorizes the Executive Officer, in accordance with G.C. §56133(d), to administratively approve a city or special district’s request for extended services by contract or agreement if there is an existing and urgent public health or safety emergency as identified in writing from the local public health officer. The Commission shall ratify the Executive Officer’s determination at the next regularly scheduled meeting.” (emphasis added by staff)

The outside water service agreement is exempt from further CEQA review under Public Resources Code Section 21080(b)(4). The statute provides exemptions for “specific actions necessary to prevent or mitigate an emergency.” Further, the outside water service agreement qualifies for an exemption from further review under CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. Staff believes these exemptions are appropriate given the underlying activity mitigates a public health threat and the installation of new pipeline will not exceed one mile in length.

- Attachments:
1. Draft Resolution Ratifying Approval of the Proposal
 2. Policy on Out of Agency Service Agreements
 3. City of Fort Bragg Application
 4. Executive Officer’s Approval of Outside Service Agreement
 5. Draft Notice of Exemption

Attachment 1

Resolution No. 2021-22-04 of the Local Agency Formation Commission of Mendocino County

Ratification of an Out of Area Water Service Agreement Approval Involving the City of Fort Bragg And 19970 and 19981 Minnesota Avenue

WHEREAS, the Local Agency Formation Commission of Mendocino County, hereinafter referred to as the “Commission”, administers California Government Code Section 56000 et. seq., known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Commission is responsible for authorizing cities and special districts to enter into outside service agreements in accordance with California Government Code Section 56133; and

WHEREAS, the Commission received an application from the City of Fort Bragg, hereinafter referred to as “proposal”, requesting the approval of an out of agency water service agreement involving two parcels within the unincorporated area located at 19970 and 19981 Minnesota Avenue, identified by the Mendocino County Assessor’s Office as APNs 018-300-06 and 018-300-01, respectively; and

WHEREAS, Commission policy allows the Executive Officer to approve an out of agency service agreement to address an emergency public health threat subject to later ratification by the Commission; and

WHEREAS, the proposal was conditionally approved by the Executive Officer on September 16, 2021 given documentation that the private wells serving the affected territories have failed, creating a public health threat; and

WHEREAS, the Executive Officer’s condition of approval for the proposal required the subject landowners to submit executed Annexation Consent Agreement and Covenants for each subject territory; and

WHEREAS, the Executive Officer prepared and presented a written report to the Commission in the manner provided by law and adopted policy for purposes of considering ratification of the Executive Officer’s approval; and

WHEREAS, the Commission heard and fully considered all the evidence presented on the Executive Officer’s approval of the proposal at a public meeting held on October 4, 2021.

NOW, THEREFORE, the Mendocino Local Agency Formation Commission does hereby RESOLVE, DETERMINE, and ORDER as follows:

1. In accordance with the applicable provisions of the California Environmental Quality Act (CEQA), the Commission finds the proposal is statutorily exempt from further review under Public Resources Code Section 21080(b)(4), which exempts “specific actions necessary to prevent or mitigate an emergency.” Further, the proposal is an exempt from further review under CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline provided the project does not exceed one mile in length.
2. The Commission ratifies the Executive Officer’s out of agency water service agreement approval of September 16, 2021.

3. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County on this 4th day of October 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHARLES A. ORTH, Commission
Chair

ATTEST:

UMA HINMAN, Executive Officer

ATTACHMENT 2

12.2 EXTENSION OF SERVICES BY CONTRACT

12.2.1 COMMISSION APPROVAL REQUIRED

Except for the specific situations exempted by G.C. §56133(e), a city or district shall not provide new or extended services to any party or property outside its jurisdictional boundaries unless it has obtained written approval from LAFCo, consistent with the CKH Act and the policies described herein.

12.2.2 EXTENSION OF SERVICES WITHIN SPHERE

Annexation to cities and special districts involving territory located within the affected agency's sphere of influence is generally preferred to extending services by contract or agreement. The Commission recognizes, however, there may be local circumstances that justify approval of extended services by contract or agreement within the affected agency's sphere of influence.

Such local circumstances most frequently involve extension of service to meet an existing health and safety need, where annexation is not practical or deemed undesirable for other policy reasons. The Commission will give great weight to properly documented existing health and safety needs when considering justification of such extensions. The Commission discourages use of contract service extensions for the purpose of extending services to new development. The Commission will approve such extensions only under extraordinary circumstance and may apply strict limitations on such services

12.2.3 EXTENSION OF SERVICES OUTSIDE SPHERE

The Commission shall authorize a city or special district's request to provide new or extended services outside their jurisdictional boundary and sphere of influence only in response to an existing or future threat to public health or safety in accordance with G.C. §56133(c).

12.2.4 ADMINISTRATIVE APPROVAL UNDER URGENT CIRCUMSTANCES

The Commission authorizes the Executive Officer, in accordance with G.C. §56133(d), to administratively approve a city or special district's request for extended services by contract or agreement if there is an existing and urgent public health or safety emergency as identified in writing from the local public health officer. The Commission shall ratify the Executive Officer's determination at the next regularly scheduled meeting.

12.2.5 EXEMPTIONS TO LAFCO APPROVAL REQUIREMENT

Commission approval may not be required for cities or special districts to provide new or extended services outside their jurisdictional boundaries in accordance with the provisions of G.C. §56133(e). The Executive Officer shall consult with cities and districts to determine whether extended services agreements are subject to Commission review.

12.2.6 ANTICIPATION OF LATER ANNEXATION.

G.C. §56133(b) authorizes the Commission to approve contracts for extension of services "in anticipation of a later change of organization". The Commission defines the term "anticipation of a later change of organization" as follows:

- a) The inclusion of the area to be served within the sphere of influence of the serving agency shall be sufficient to comply with this provision.

12.2.7 AGREEMENTS CONSENTING TO ANNEX

Whenever the Commission determines to condition the approval upon a later annexation of the affected property, the condition shall normally include a requirement that the owner record an agreement consenting to annex the territory, which agreement shall bind future owners of the property. The agreement shall be prepared by LAFCo legal counsel and provided to the landowners for execution and recording. Proof of recordation will be required before the LAFCo contract approval becomes final and effective.

MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482
 Telephone: (707) 463-4470 | E-mail: eo@mendolafco.org | Web: www.mendolafco.org

Application Outside Agency Service Agreement

Please complete the following information to process an application under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (indicate N/A if Not Applicable). Out of Agency Services are subject to Government Code Section 56133.

A. Applicant Information

- 1) Agency Name: City of Fort Bragg
- 2) Contact Person and Title: Chantell O'Neal, Assistant Director
- 3) Contact Information: (707) 961-2823 X133 Telephone coneal@fortbragg.com E-Mail
- 4) Mailing Address: 416 N. Franklin St. Address Fort Bragg, CA 95437 City, State, Zip Code

B. Type of Outside Agency Services Agreement

- 1) New Extended
- 2) Water Sewer Other: _____
- 3) Provide a copy of the agreement between the agency and affected parties to be served.
- 4) Is the request to extend services in response to an existing and urgent health or safety emergency as identified in writing from the public health officer?
 Yes No
 If yes, please provide documentation of the emergency.

C. Location of Territory to be Served (Attach additional sheets if necessary)

Proposed Area to be Served (Assessor Parcel Number/Geographic Area)	Size	Current Use
018-300-06 19970 (aka 203) Minnesota Ave.	0.518 Acres	Single Family Residential
018-300-01 19981 (aka 213) Minnesota Ave.	0.915 Acres	Single Family Residence

D. Service Information

- 1) Describe how the agency would provide the proposed new or extended service to the subject territory. Please identify any necessary infrastructure or facility improvements and associated funding requirements necessary to provide service to the subject territory.

The City already serves parcels that opted to connect to City water in the past. There is an existing 2 inch water line which currently serves more than 10 households that would be replaced with a six inch water line to ensure sufficient capacity exists to supply existing and proposed connections. Six inch mains are the standard size in the City.

- 2) If the proposed new or extended service involves water or sewer, identify the anticipated demand in terms of use (i.e., gallons, acre-feet) and frequency of delivery (per day/month/etc.) associated with serving the subject territory. For extended service, please estimate the difference in comparison to existing demand.

The new service line will provide water to 2 additional households. The average water usage for Single Family Residences currently served by the City's water system is about 41,300 gallons per year. The proposed action would use 82,600 gallons per year. The City of Fort Bragg used a total of 200.2 million gallons of water in the 2019-2020 fiscal year. The increase in water usage would be approximately 0.04% total or 0.02% per parcel. In normal water years, the City has more than sufficient production to cover the demand and in drought years, the provision of this water to households that have no water and are in an emergency situation would have little to no impact on the overall ability of the City to serve its water users.

- 3) Describe compensation for the proposed service (i.e., fee/household, fee/truck/tank, etc.).

The effected households are responsible for the cost of construction, capacity fees, and all associated fees required to connect. Standard water rates, service fees and policies will apply.

- 4) Does the agency have sufficient capacities to provide the proposed new or extended service to the subject territory without adversely effecting existing service levels?

Yes, while there is a drought and the City has moved into a Stage 3 water emergency, the drought is affecting the entire state and the City has the capacity to help these properties that are in a water emergency. The increase in water usage is negligible compared to the overall system.

- 5) What services, if any, are currently provided to the subject territory?

Sewer service, as they are located within the municipal services district for sewer services

E. Additional Information

- 1) Identify the subject territory's land use designation and zoning standard along with the minimum parcel density requirements.

The properties are all located in the unincorporated area of Mendocino County. The parcels are zoned as follows:

213 Minnesota Ave is Rural Residential

203 Minnesota is Rural Residential

The County's Description of the zone is as follows:

The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.

Principal Permitted Use: Residential and associated utilities, light agriculture, home occupation.

The Maximum/Minimum Density: one dwelling per legally created parcel

- 2) Are there any proposed or approved, but not yet built, development projects involving the subject territory?

Yes No

If yes, describe the proposed projects or the approved permits/land use entitlements.

- 3) The Commission's action regarding this request by the agency to provide new or extended services outside its jurisdictional boundary is subject to the requirements of the California Environmental Quality Act (CEQA). Has the agency conducted any CEQA reviews for any projects associated with this application?

Yes No

If yes, please provide copies of the environmental documentation, including the Notice of Exemption or Notice of Determination as well as proof of payment of applicable California Department of Fish & Game fees.

This project is categorically exempt under 15303(d) and statutorily exempt under 15269(b).

- 4) Is the subject territory located within the agency's sphere of influence?

Yes No

If no, please identify whether there is an existing or future threat to public health and safety or to the residents in support of the application.

FEE AGREEMENT AND VOLUNTARY INDEMNIFICATION AGREEMENT

All applications must include signed [Fee Agreement and Voluntary Indemnification Agreement](http://www.mendola.co.org/application-materials) forms, which are located at www.mendola.co.org/application-materials.

FEES

Per the Mendocino LAFCo [Fee Schedule](#), deposits toward the actual cost of processing proposals must be paid at the time an application is submitted. All deposits are initial payments toward the actual costs of processing proposals, including staff time and materials (e.g., noticing, postage, copying). In signing the Fee Agreement and Voluntary Indemnification, the applicant consents to reimburse LAFCo for all costs incurred in processing, including pre-application assistance.

CERTIFICATION

The undersigned hereby certifies that all LAFCo filing requirements will be met and that the statements made in this application are complete and accurate to the best of my knowledge.

Chantell O'Neal
(Signature)

8/25/21
(Date)

Print or Type Name: Chantell O'Neal

Daytime Telephone: (707) 961-2823x133

Email: coneal@fortbragg.com

RESOLUTION NO. 21-051

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING A LOCAL EMERGENCY AND IMMINENT THREAT OF DISASTER DUE TO DROUGHT CONDITIONS

WHEREAS, Government Code section 8558 and Mendocino County Code section 7.04.030 provide that a local emergency means the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property cause by conditions including drought; and

WHEREAS, Government Code section 8630 provides that a local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body; and

WHEREAS, on March 5, 2021, United States Department of Agriculture (“USDA”) Secretary Tom Vilsack designated 50 of California’s counties, including Mendocino County, as primary natural disaster areas due to a recent drought, which allows for farm operations to be eligible for certain assistance available through the USDA Farm Service Agency; and

WHEREAS, rainfall totals are lower than average throughout Mendocino County, including that Ukiah has received only 40% of its average rainfall as of April 9, 2021; and

WHEREAS, information available from Sonoma Water regarding the water levels of Lake Pillsbury and Lake Mendocino show that both reservoirs have water levels drastically below target storage levels, with Lake Pillsbury at 56.8% of the target water supply curve and Lake Mendocino at 44.2% of the target water supply curve as of early April; and

WHEREAS, the reservoir capacities of Lake Pillsbury and Lake Mendocino are far below that of the 2013/2014 drought year; and

WHEREAS, Ukiah Valley vintners and farmers depend on water from Lake Mendocino for frost protection and watering of livestock, and, given the critically low levels of Lake Mendocino, water supply for these purposes is short, placing the local economy in a state of dire emergency if water runs out; and

WHEREAS, the entire economy of Mendocino County is placed in great jeopardy because of the current water shortage due to its dependence on Lake Mendocino and Russian River water allocations, and must act proactively to prevent an imminent disaster; and

WHEREAS, the adverse environmental, economic, and social impacts of the drought pose an imminent threat of disaster and threaten to cause widespread harm to people, businesses, property, communities, wildlife and recreation in Mendocino County.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors declares as follows:

1. Conditions of extreme peril to the safety of persons and property have arisen within Mendocino County due to drought conditions.

2. As a consequence of said conditions and pursuant to Government Code section 8630 a local emergency now exists throughout Mendocino County as a result of the drought conditions.
3. During this local emergency the powers, functions and duties of the Mendocino County Chief Executive Officer and the emergency organization of Mendocino County shall be those prescribed by State law, and the ordinances, resolutions and approved emergency services plans of the County of Mendocino.
4. This resolution shall be submitted to the Director of the California Governor's Office of Emergency Services requesting a Director's Concurrence and to the Governor requesting a State declaration of emergency due to the given impacts as well as making California Disaster Assistance and all applicable state funding and resources available to the County.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Haschak, and carried this 20th day of April, 2021, by the following vote:

AYES: Supervisors McGourty, Haschak, Gjerde, and Williams
 NOES: Supervisor Mulheren
 ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
 Clerk of the Board

 DAN GJERDE, Chair
 Mendocino County Board of Supervisors

 Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
 CHRISTIAN M. CURTIS
 County Counsel

BY: CARMEL J. ANGELO
 Clerk of the Board

 Deputy

March 31, 2021

Tabatha Miller
Fort Bragg City Manager
416 N. Franklin Street
Fort Bragg, CA 95437

VIA E-MAIL: TMiller@FortBragg.com

RE: City Water Rights at 203 Minnesota Ave (19970 Jacobson Lane)

Dear Ms. Miller:

This letter is in follow-up to our phone call today and our request for water rights at the above location.

As I understand from our conversation, it will be up to City Council to determine the path we need to take in order to gain any water rights. Once you receive this letter, you will put together the necessary information for City Council to make an evaluation. I hope the following will help in their evaluation:

1. The house is currently rented
2. The house is HUD eligible
3. The house currently has City Sewer hooked up
4. The Well on the property is not reliable
5. The Well could possibly still be used for irrigation
6. We would be open to future Annexation into the City
7. We would be open to possibly adding additional rental housing on the property

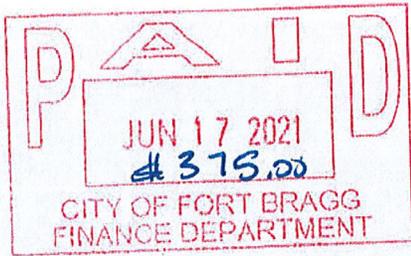
We look forward to hearing from you with the City Council meeting date where this will be discussed.

Thank you for your assistance in this matter.

Sincerely,

Pam Sotak

Pam and Mark Sotak
Annette and Terry Richards
Owners



FOR CITY USE ONLY:

File # 369-21/C

Date Filed: 6.17.2021

Received by: Jemos

RECEIVED

JUN 17 2021

APPEAL OF ADMINISTRATIVE DECISION

**CITY OF FORT BRAGG
CITY CLERK**

APPELLANT(S): Stefanie Forrester

MAILING ADDRESS: 213 Min 19981 Minnesota Ave

CITY: Fort Bragg STATE & ZIP CODE: CA 95437

TELEPHONE #: [REDACTED] FAX #: _____

**Describe the action being appealed and state the reasons for the appeal.
(You may attach a letter or other exhibits to describe or justify this appeal.)**

We are requesting to get city water/sewage at the residence located at 19981 Minnesota Avenue in Fort Bragg. The home currently uses well water and the well has run dry due to drought conditions. We are currently having to truck in potable water every two weeks at an exorbitant price. The home sits immediately outside city limits and all surrounding properties are hooked into city water/sewage. The property just east of 19981 Minnesota Avenue was just approved for city water/sewage. Please reconsider your decision to deny 19981 Minnesota Avenue the right to connect to and receive water and sewage services from the City of Fort Bragg.

APPELLANT(S) SIGNATURE: Stefanie Forrester

DATE: 6/14/2021

DATE: _____

FOR CITY USE ONLY:

Fee Paid (\$375.00) \$375.00

Receipt # 00436008

Date: 6.17.2021

Notice of ~~Public~~ Hearing:

Mailed () Date: 6.23.2021

Published () Date: NA

Posted () Date: NA

PLANNING COMMISSION ACTION: NA

DATE: 8/9/2021
City Council mtg

Approve: _____

Deny: _____

Table: _____ Until _____

Receive & File: _____



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin Street
Fort Bragg, California 95437
tel. 707.961.2823
www.fortbragg.com

August 23, 2021

Stefanie Forrester
PO Box 2089
Fort Bragg, CA 95437

RE: 213 / 19981 Minnesota Ave Request for Water Service

Dear Ms. Forrester:

Thank you for your request to receive out-of-district water service from the City of Fort Bragg. The City Council unanimously approved your request for service on August 9, 2021.

As agreed, you are responsible for the costs of connecting to City Water (estimated at \$13,000). Additionally, the City is required to get permission from the Local Agency Formation Commission (LAFCO) to provide an out-of-district connection. As the applicant, you will be required to cover the cost of these fees as well. We will provide you with an invoice as soon as we have an estimate.

Once the construction is complete and LAFCO approval is received, standard City water rates and payment policies will apply.

If you have any additional questions, please contact Chantell O'Neal in our Public Works Department at (707) 961-2823 x 133 or via email at coneal@fortbragg.com.

Sincerely,

A handwritten signature in blue ink that reads "Tabatha Miller".

Tabatha Miller
City Manager



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin Street
Fort Bragg, California 95437
tel. 707.961.2823
www.fortbragg.com

August 23, 2021

Pam Sotak
2153 Little River Ave.
Santa Rosa, CA 95401

RE: 203 Minnesota/19970 Jacobson Lane Request for Water Service

Dear Ms. Sotak:

Thank you for your request to receive out-of-district water service from the City of Fort Bragg. The City Council unanimously approved your request for service on April 26, 2021.

As agreed, you are responsible for the costs of connecting to City Water. The City has received the required fees to cover the cost of the construction. Additionally, the City is required to get permission from the Local Agency Formation Commission (LAFCO) to provide an out-of-district connection. As the applicant, you will be required to cover the cost of these fees as well. We will provide you with an invoice as soon as we have an estimate.

Once the construction is complete and LAFCO approval is received, you will need to submit a "Request for Water Services" to the Finance Department to establish your account. Standard City water rates and payment policies will apply.

If you have any additional questions, please contact Chantell O'Neal in our Public Works Department at (707) 961-2823 x 133 or via email at coneal@fortbragg.com.

Sincerely,

A handwritten signature in blue ink that reads "Tabatha Miller".

Tabatha Miller
City Manager

Attachment 4
MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482
Telephone: (707) 463-4470 | E-mail: eo@mendolafco.org | Web: www.mendolafco.org

September 16, 2021

Ms. Chantell O'Neal, Assistant Director
City of Fort Bragg
416 N. Franklin St
Fort Bragg, CA 95437

SUBJECT: Urgency Approval of New Outside Water Service for two parcels located on Minnesota Avenue (LAFCo File No. O-2021-04)

Ms. O'Neal:

Mendocino Local Agency Formation Commission (LAFCO) received the City of Fort Bragg's request to provide emergency outside water service agreements between the City and the landowners of 19970 (aka 203) Minnesota Avenue (APN 018-300-06) and 19981 (aka 213) Minnesota Avenue (APN 018-300-01); the parcels are approximately 0.518-acres and 0.915-acres, respectively, and are located in the unincorporated area immediately outside the City limits and within the City's sphere of influence.

As noted in the application materials, the affected territories include single-family residences that have been dependent on domestic wells. Both of the residential wells are no longer producing as a result of the severe drought conditions currently being experienced throughout Mendocino County, and most severely in the coastal region. The County of Mendocino, by resolution dated April 20, 2021, declared a local emergency and imminent threat of disaster due to drought conditions. Additionally, the City recently acknowledged the condition of the subject parcels' wells and have conditionally approved water service to the parcels. These factors provide assurances there is an existing threat to public health requiring immediate action.

Consistent with adopted policies, the LAFCo Executive Officer has reviewed the request per GC 56133 and Mendocino LAFCo policies and determined that there is a threat to health and safety. Fort Bragg's application materials provide reasonable assurances it has sufficient capacities and controls to effectively extend public water service to the affected territory within the short-term without adversely impacting current customers. Further, there are no alternate service providers in the area that are subject to notification per GC 56133(c)(2).

The LAFCo Executive Officer has reviewed the request from the City of Fort Bragg and, as authorized under LAFCo Policy 12.2.4 providing for administrative approval under urgent circumstances, I hereby conditionally authorize the City of Fort Bragg to enter into outside service agreements with the landowners of 19970 and 19981 Minnesota Avenue for purposes of abating the referenced threat to public health.

Pursuant to Mendocino LAFCo Policy 12.2.6 and 12.2.7, LAFCo's authorization is conditioned upon receipt of the attached agreement signed and recorded by the existing owners on title consenting to future annexation of this territory to the City of Fort Bragg, which would also bind future owners of the property. Per Policy 12.2.4, the Commission is tentatively scheduled to ratify the Executive Officer's determination at the October 4, 2021 meeting.

Please be advised, if the owners on title are not agreeable to such a condition of approval as outlined above, any work commenced or costs incurred by the City of Fort Bragg associated with this administrative level approval are done at your own risk.

This authorization is specific to serving existing structures at 19970 and 19981 Minnesota Avenue; any new development or related land use intensification would require separate LAFCo authorization.

If you have any questions, please do not hesitate to contact me at eo@mendolafco.org or (707) 463-4470.

Sincerely,



Uma Hinman
Executive Officer

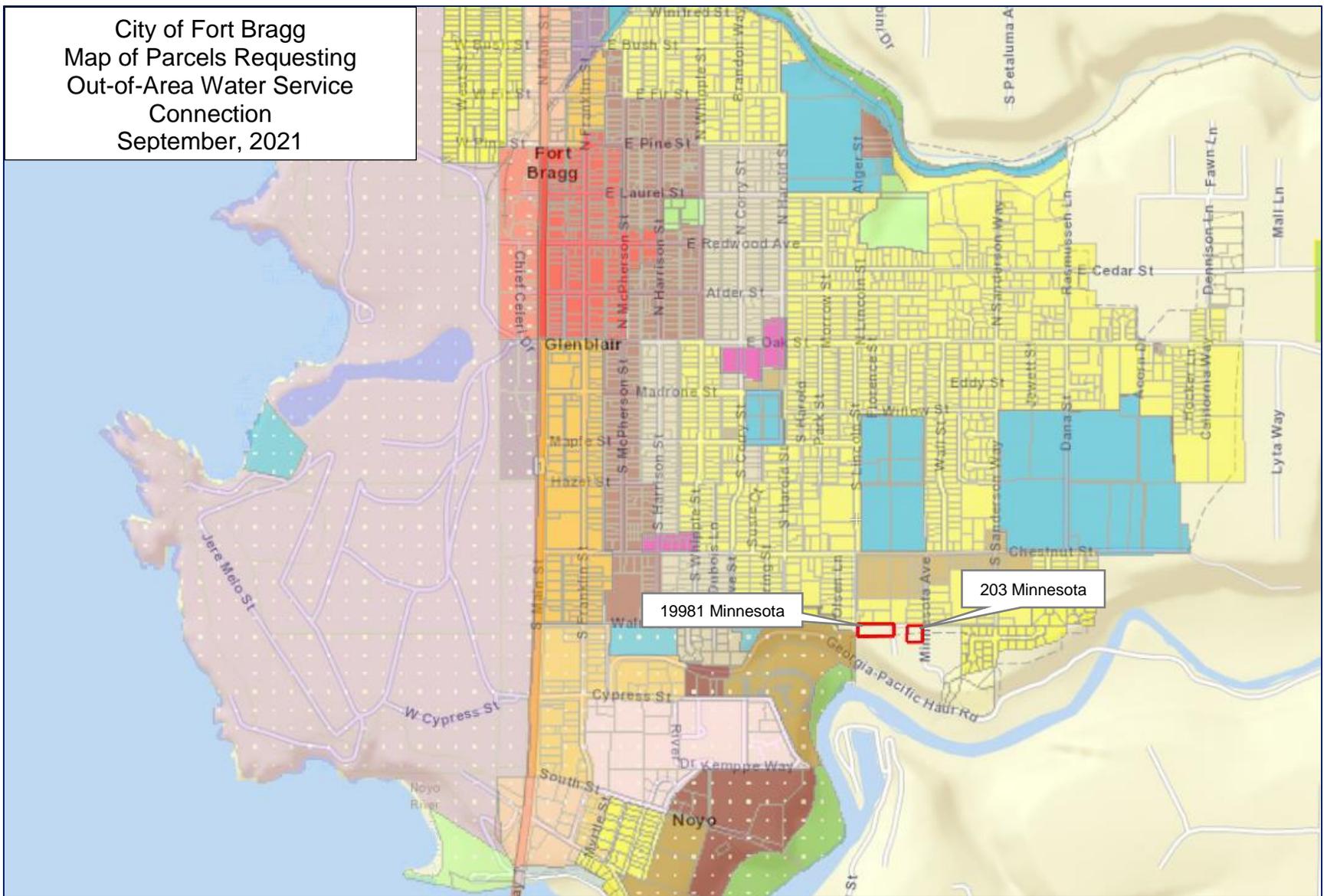
Attachments: Map of parcels
 Annexation Consent Agreement and Covenant, Forrester
 Annexation Consent Agreement and Covenant, Sotak

cc: LAFCo Commissioners
 Trey Strickland, Mendocino County Environmental Health Director

City of Fort Bragg
Map of Parcels Requesting
Out-of-Area Water Service
Connection
September, 2021



City of Fort Bragg
Map of Parcels Requesting
Out-of-Area Water Service
Connection
September, 2021



City of Fort Bragg
Water Meters/ Existing Service
Connections
September, 2021



After recording, return to:
Mendocino Local Agency Formation Commission
200 S School Street
Ukiah, CA 95482

Exempt from fees per Gov Code 6103

ANNEXATION CONSENT AGREEMENT AND COVENANT

ASSESSOR PARCEL NO. 018-300-01 OWNER(S): _____

SITUS ADDRESS: 19981 (aka 213) Minnesota Avenue _____

This agreement is executed by the **Mendocino Local Agency Formation Commission** (“LAFCo”) and the above-named owner(s) (hereafter “Owner”) of certain property located in the County of Mendocino, State of California.

WHEREAS, the Owners executing this agreement are all of the owners of the certain property (hereinafter “the Property”) located in the County of Mendocino, State of California, and within the Sphere of Influence of the **City of Fort Bragg** (hereinafter “the CITY”). The legal description for the Property is attached as Exhibit A; and

WHEREAS, Owner has applied to the CITY for connection of Owner’s Property to the CITY water system, even though it is outside the current boundaries of the City; and

WHEREAS, in accordance with the requirements of state law, specifically Government Code (GC) §56133 of the Cortese Knox Hertzberg Act and LAFCo’s policies adopted thereunder, LAFCo approval of any such out of agency extension of service is required; and

WHEREAS, GC §56133(b) only permits extension of services outside the CITY boundaries “in anticipation of a later change of organization”; and

WHEREAS, LAFCo and the CITY have entered into an agreement to expedite LAFCo approval of individual parcel connections to water service, one requirement of which is that the Owners of every property seeking connection and all successors in interest covenant and agree to future annexation of the Property to the City; and

WHEREAS, this agreement and covenant is for the benefit of the public and the lands in Mendocino County as part of LAFCo’s and the CITY’s overall plan for orderly development of the CITY sphere and lands of Mendocino County.

NOW, THEREFORE, in consideration of LAFCo approving the service extension agreement between Owner and the CITY, Owner agrees with LAFCo, on behalf of Owner’s own self and on behalf of all persons or legal entities hereafter succeeding to Owner’s interest in and to the Property and any part thereof, and also on behalf of CITY as follows:

1. Consent/Petition to Future Annexation or Reorganization. Owner hereby irrevocably consents to and petitions for the future annexation of his or her property to the City of Fort Bragg and agrees to cooperate in such annexation upon the CITY’S or LAFCo’s request, including the payment of applicable processing fees for the annexation of the Property. If the annexation proceeding includes other changes of agency jurisdictional boundaries in addition to the annexation, such as a detachment from a county service area or special district, (i.e. the proceeding is referred to as a “Reorganization”)

Owner also consents/petitions to such other changes of agency jurisdictional boundaries included in the “reorganization” proceeding. Nor shall Owner challenge or otherwise hinder the annexation/reorganization, directly or indirectly, in any other manner. Owner understands and agrees that this consent/petition to annexation includes all obligations attendant upon annexation, including all taxes, assessments and fees that the CITY imposes upon property within the CITY.

2. Binding on Successors in Interest. This consent shall be a covenant running with the land and binding on Owner’s successors in interest to the Property.
3. Tenants to be Bound. Owner and LAFCo also agree that any lease, rental agreement, or other agreement now or hereafter executed by Owner, or by any person succeeding to Owner’s interest in the fee title to the Property or any part thereof, which grants to a natural person or persons the right to possess and occupy the Property or any part thereof as a personal residence shall contain the following covenant:

“This agreement and the right of lessee or tenant to possess and occupy the property leased or rented pursuant to this agreement shall be subject to the provisions of the Annexation Agreement which was executed and recorded against such property at the time of and as a condition of extending services to the property. That agreement contains a complete and irrevocable consent to annexation of the property leased or rented pursuant to this agreement to the City of Fort Bragg and is binding on all persons possessing and occupying such property.”

4. Consequences of Breach. Owner and LAFCo agree that in the event that Owner and/or any other person or legal entity hereafter succeeding to Owner’s interest in and to the Property or any part thereof seek to protest annexation of the Property or any part thereof to CITY contrary to and in breach of the provisions of this agreement, LAFCo and the CITY shall be entitled to take the following actions:
 - a. LAFCo shall treat this consent as the binding decision and action of the Owner for all purposes under the Cortese Knox Hertzberg Act (Government Codes Section 56000 *et.seq.*) and any objection or protest shall be null and void and may be disregarded by LAFCo in determining objections and/or the value of all protests to such annexation.
 - b. In addition to the above, if deemed necessary, LAFCo and CITY may legally enforce this agreement and covenant against Owners or their successors in the state courts of Mendocino County.
5. Termination Upon Annexation. This agreement and covenant shall automatically terminate as to the Property or any part thereof at such time as the Property or such part thereof is annexed to be incorporated territory of the CITY.
6. Construction of Terms; Severability. All parts of this agreement shall in all cases be construed according to their plain meaning and shall not be construed in favor or against either of the parties. If any term, provision, covenant, or condition of this agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, in whole or in part, the remainder of this agreement shall remain in full force and effect and shall not be affected, impaired, or invalidated thereby in the event of such invalidity, voidness, or unenforceability, the parties hereto agree to enter into supplemental agreements to effectuate the intent of the parties and the purposes of this agreement.

7. Covenants Run with the Land. This agreement shall be recorded against the Property, shall run with the Property and each part thereof until terminated in the manner provided for herein, and is intended by the parties to be and shall be binding on all persons or legal entities succeeding to Owner's interest in and to the Property and any part thereof.

IN WITNESS WHEREOF, the parties have executed this agreement on the date set forth below.

Date: _____, 20__

OWNER(S)

The undersigned hereby certify to be the owner(s) of real property included within the boundary of the real property described in the aforementioned Covenant and Agreement, the only person(s) whose consent is necessary to pass title to said real property, and to have consented to the annexation of said real property to the City of Fort Bragg.

Signature: _____

Printed Name: _____ AKA: _____

Signature: _____

Printed Name: _____ AKA: _____

Signature: _____

Printed Name: _____ AKA: _____

MENDOCINO LOCAL AGENCY FORMATION COMMISSION

Executed by: _____, Executive Officer

Printed Name: _____

Date: _____, 20__

*Signatures to be acknowledged

ATTACH APPROPRIATE NOTARIES FOR ALL SIGNATURES

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____

(insert name and title of the officer)

personally appeared _____,

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT A:
Legal Description of Property

Real property in the unincorporated area of the County of Mendocino, State of California, described as follows:

[TEXT]

APN: XXX-XXX-XXX

After recording, return to:
Mendocino Local Agency Formation Commission
200 S School Street
Ukiah, CA 95482

Exempt from fees per Gov Code 6103

ANNEXATION CONSENT AGREEMENT AND COVENANT

ASSESSOR PARCEL NO. 018-300-06 OWNER(S): _____

SITUS ADDRESS: 19970 (aka 203) Minnesota Avenue _____

This agreement is executed by the **Mendocino Local Agency Formation Commission** (“LAFCo”) and the above-named owner(s) (hereafter “Owner”) of certain property located in the County of Mendocino, State of California.

WHEREAS, the Owners executing this agreement are all of the owners of the certain property (hereinafter “the Property”) located in the County of Mendocino, State of California, and within the Sphere of Influence of the **City of Fort Bragg** (hereinafter “the CITY”). The legal description for the Property is attached as Exhibit A; and

WHEREAS, Owner has applied to the CITY for connection of Owner’s Property to the CITY water system, even though it is outside the current boundaries of the City; and

WHEREAS, in accordance with the requirements of state law, specifically Government Code (GC) §56133 of the Cortese Knox Hertzberg Act and LAFCo’s policies adopted thereunder, LAFCo approval of any such out of agency extension of service is required; and

WHEREAS, GC §56133(b) only permits extension of services outside the CITY boundaries “in anticipation of a later change of organization”; and

WHEREAS, LAFCo and the CITY have entered into an agreement to expedite LAFCo approval of individual parcel connections to water service, one requirement of which is that the Owners of every property seeking connection and all successors in interest covenant and agree to future annexation of the Property to the City; and

WHEREAS, this agreement and covenant is for the benefit of the public and the lands in Mendocino County as part of LAFCo’s and the CITY’s overall plan for orderly development of the CITY sphere and lands of Mendocino County.

NOW, THEREFORE, in consideration of LAFCo approving the service extension agreement between Owner and the CITY, Owner agrees with LAFCo, on behalf of Owner’s own self and on behalf of all persons or legal entities hereafter succeeding to Owner’s interest in and to the Property and any part thereof, and also on behalf of CITY as follows:

1. Consent/Petition to Future Annexation or Reorganization. Owner hereby irrevocably consents to and petitions for the future annexation of his or her property to the City of Fort Bragg and agrees to cooperate in such annexation upon the CITY’S or LAFCo’s request, including the payment of applicable processing fees for the annexation of the Property. If the annexation proceeding includes other changes of agency jurisdictional boundaries in addition to the annexation, such as a detachment from a county service area or special district, (i.e. the proceeding is referred to as a “Reorganization”)

Owner also consents/petitions to such other changes of agency jurisdictional boundaries included in the “reorganization” proceeding. Nor shall Owner challenge or otherwise hinder the annexation/reorganization, directly or indirectly, in any other manner. Owner understands and agrees that this consent/petition to annexation includes all obligations attendant upon annexation, including all taxes, assessments and fees that the CITY imposes upon property within the CITY.

2. Binding on Successors in Interest. This consent shall be a covenant running with the land and binding on Owner’s successors in interest to the Property.
3. Tenants to be Bound. Owner and LAFCo also agree that any lease, rental agreement, or other agreement now or hereafter executed by Owner, or by any person succeeding to Owner’s interest in the fee title to the Property or any part thereof, which grants to a natural person or persons the right to possess and occupy the Property or any part thereof as a personal residence shall contain the following covenant:

“This agreement and the right of lessee or tenant to possess and occupy the property leased or rented pursuant to this agreement shall be subject to the provisions of the Annexation Agreement which was executed and recorded against such property at the time of and as a condition of extending services to the property. That agreement contains a complete and irrevocable consent to annexation of the property leased or rented pursuant to this agreement to the City of Fort Bragg and is binding on all persons possessing and occupying such property.”

4. Consequences of Breach. Owner and LAFCo agree that in the event that Owner and/or any other person or legal entity hereafter succeeding to Owner’s interest in and to the Property or any part thereof seek to protest annexation of the Property or any part thereof to CITY contrary to and in breach of the provisions of this agreement, LAFCo and the CITY shall be entitled to take the following actions:
 - a. LAFCo shall treat this consent as the binding decision and action of the Owner for all purposes under the Cortese Knox Hertzberg Act (Government Codes Section 56000 *et.seq.*) and any objection or protest shall be null and void and may be disregarded by LAFCo in determining objections and/or the value of all protests to such annexation.
 - b. In addition to the above, if deemed necessary, LAFCo and CITY may legally enforce this agreement and covenant against Owners or their successors in the state courts of Mendocino County.
5. Termination Upon Annexation. This agreement and covenant shall automatically terminate as to the Property or any part thereof at such time as the Property or such part thereof is annexed to be incorporated territory of the CITY.
6. Construction of Terms; Severability. All parts of this agreement shall in all cases be construed according to their plain meaning and shall not be construed in favor or against either of the parties. If any term, provision, covenant, or condition of this agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, in whole or in part, the remainder of this agreement shall remain in full force and effect and shall not be affected, impaired, or invalidated thereby in the event of such invalidity, voidness, or unenforceability, the parties hereto agree to enter into supplemental agreements to effectuate the intent of the parties and the purposes of this agreement.

7. Covenants Run with the Land. This agreement shall be recorded against the Property, shall run with the Property and each part thereof until terminated in the manner provided for herein, and is intended by the parties to be and shall be binding on all persons or legal entities succeeding to Owner's interest in and to the Property and any part thereof.

IN WITNESS WHEREOF, the parties have executed this agreement on the date set forth below.

Date: _____, 20__

OWNER(S)

The undersigned hereby certify to be the owner(s) of real property included within the boundary of the real property described in the aforementioned Covenant and Agreement, the only person(s) whose consent is necessary to pass title to said real property, and to have consented to the annexation of said real property to the City of Fort Bragg.

Signature: _____

Printed Name: _____ AKA: _____

Signature: _____

Printed Name: _____ AKA: _____

Signature: _____

Printed Name: _____ AKA: _____

MENDOCINO LOCAL AGENCY FORMATION COMMISSION

Executed by: _____, Executive Officer

Printed Name: _____

Date: _____, 20__

*Signatures to be acknowledged

ATTACH APPROPRIATE NOTARIES FOR ALL SIGNATURES

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____

(insert name and title of the officer)

personally appeared _____,

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT A:
Legal Description of Property

Real property in the unincorporated area of the County of Mendocino, State of California, described as follows:

[TEXT]

APN: XXX-XXX-XXX

Attachment 5

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency
Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

**MENDOCINO
Local Agency Formation Commission**

Staff Report

MEETING October 4, 2021
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Update on Drought Emergency Out of Agency Water Transfers**

RECOMMENDATION

The Commission will hear an informational report on the Executive Committee’s discussion and direction to staff regarding out of agency emergency water transfers in response to the countywide drought emergency.

DISCUSSION

The Commission, at its September 13, 2021 Regular Meeting, heard a report on the current coordination efforts among the County and agencies to address the severe drought relief needs, most pressingly in the coastal communities. Staff presented LAFCo’s operative regulations and policies related to out of agency service provision and requested Commission direction regarding LAFCo’s role in the current drought response water supply hauling.

In late August/early September, the Cities of Fort Bragg and Ukiah entered into a [Mutual Aid Agreement](#) with the County to establish a mutual aid plan during the drought emergency. Water deliveries under the Agreement from the City of Ukiah to Fort Bragg started on September 8th and hauling has totaled approximately 200,000 gallons to date. With current contracts in place, the hauling capacity will be about 200,000 gallons per week. Additionally, the City of Fort Bragg has recently received a desalination plant, which it is in the process of setting up. Groundwater levels in the community of Mendocino are at historic lows. The Agreement is written so as to allow other entities to be added in the future and it is anticipated that additional entities in the County will sign on to the mutual aid agreement in the coming weeks and months.

The California Department of Water Resources (DWR) announced last week that Mendocino County will be receiving up to \$2 million for the water hauling program from the Small Community Drought Relief program funds. The City of Ukiah was also awarded \$264,600 for two potable water pumps to help deliver water to neighboring districts.

A number of options were identified in the September 13, 2021 staff report for the Commission’s consideration and which were directed to the Executive Committee for further review. On September 23, 2021, the Executive Committee discussed the options, heard public comment, and directed LAFCo Legal Counsel and staff to do additional research on the applicability of Government Code Section 56133 to the emergency provision of services and development of a policy addressing emergency water deliveries to the Policies and Procedures Committee.

**MENDOCINO
Local Agency Formation Commission**

Staff Report

MEETING October 4, 2021
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Proposed Special Meeting**

RECOMMENDATION

The Commission will consider scheduling a special meeting in November.

DISCUSSION

Staff is requesting a special meeting to hold the protest hearing for the Ukiah Valley Fire District's application for annexation of the City of Ukiah (LAFCo File No. A-2021-02). A noticed protest hearing must be held after the 30-day reconsideration period.

We are striving to submit a complete package to the Board of Equalization by December 1, which is the deadline for implementing tax rate area changes for the following fiscal year. In an effort to meet the deadline, staff recommends scheduling a special meeting to hold the protest hearing the afternoon or evening of November 4, or November 5.

MENDOCINO Local Agency Formation Commission

Staff Report

MEETING October 4, 2021
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Applications and Work Load**

RECOMMENDATION

Informational report.

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 delegates Local Agency Formation Commissions (LAFCo) with regulatory and planning duties to coordinate the logical formation and development of local government agencies. This includes approving or disapproving proposals for reorganizations (i.e., annexations, detachments, dissolutions, etc.), activation of latent powers, sphere of influence amendments, and outside service agreements.

ACTIVE PROPOSALS

Following is a description of the status of each of the proposals currently on file with LAFCo.

Ukiah Valley Fire District Annexation of the City of Ukiah (LAFCo File No. A-2021-02)

On June 29, 2021, LAFCo received a portion of the UVFD's application proposing annexation of the City of Ukiah into the District and a concurrent Sphere Amendment. In recognition of the time sensitive nature of the application, LAFCo staff had agreed to initiate the RTC §99(b) Tax Share Agreement process with the District's submittal of a prima facie application. The deadline for the State Board of Equalization is December 1st of each year in order to process the jurisdictional changes for the year after the following (i.e., complete BOE submittal by December 1, 2021 changes will reflect in the 2023 tax year).

The Notice of Filing that initiates the Tax Share Agreement process was distributed to the County Assessor, Auditor-Controller and CEO on July 2, 2021. The Agency Referral soliciting initial comments from affected agencies was also distributed on July 2nd. County staff are working to get the tax share agreement to the Board of Supervisors as soon as possible so that LAFCo may continue processing of the application.

The Commission held a Workshop on the UVFD Municipal Service Review (MSR) and Sphere of Influence Update on September 13, 2021 and scheduled the MSR/SOI for public hearing on October 4, 2021 concurrent with the application.

LAFCo is coordinating with City staff on a weekly basis to facilitate an expeditious process. The proposal is scheduled for public hearing date on October 4, 2021, so as to meet the Board of Equalization's December 1 deadline for the following tax year.

City of Ukiah Annexation of City-Owned Properties (LAFCo File No. A-2021-01)

On February 22, 2021, LAFCo received an application from the City of Ukiah proposing to annex City-owned parcels that are used for government purposes and consisting of approximately 446 acres in total. Parcels include the City's Wastewater Treatment Plant, solid waste transfer station, a portion of the municipal airport and open space. The application referral and notice to the County to initiate the tax share negotiation were routed and comments received. An incomplete letter identifying additional information needs was sent to the City of Ukiah on March 23, 2021. The tax share negotiation process is in progress. No further information has been received.

City of Ukiah Detachment of UVSD Served Areas (LAFCo File No. D-2020-01)

In April 2020, the City of Ukiah submitted a request to restart a 2014 application for detachment of Ukiah Valley Sanitation District (UVSD) served areas from the City that had been deemed incomplete and placed on-hold by the City in 2015. LAFCo staff responded to the City in May, requiring a new application submittal due to the lapse of time and change in conditions, as well as noting the application as premature pending completion of the UVSD SOI Update. The application will be processed concurrently with the City of Ukiah Municipal Service Review and Sphere of Influence Update. The City submitted an Appeal to the Commission of the Executive Officer's determination that the application is incomplete (letter dated April 26, 2021). The Commission continued the item to June 7, 2021 (Item 5d). The Appeal has been temporarily placed on hold by the City, pending progress on sphere policy amendments that are in process.

City of Fort Bragg Application for an Out of Agency Water Service Agreement for Two Parcels on Minnesota Lane (File No. O-2021-04)

On August 25, 2021, the City of Fort Bragg submitted an application for extending water service to two parcels on Minnesota Lane. The parcels are located outside the City's jurisdiction and within its Sphere of Influence. Both properties are currently served by private wells that have become dry during the current drought. The application has been conditionally approved by the Executive Officer as an urgency health and safety situation and scheduled for ratification by the Commission on October 4, 2021.

City of Ukiah Pre-Application for Annexation of Areas North of the City (LAFCo File No. P-2020-02)

Pre-Application request for consultation on the process and potential issues regarding the City's proposal to annex the Brush Street Triangle and Masonite area properties. Staff is coordinating with City staff regarding appropriate process and timing of application processing.

Millview County Water District Pre-Application for Annexation of Masonite Properties (LAFCo File No. P-2020-04)

Pre-Application request for consultation on process and draft documents associated with the MCWD's proposal to annex the Masonite area properties. LAFCo staff have participated in several conference calls with the District and its consultants regarding the proposal and has provided feedback on draft CEQA and application materials.

POTENTIAL FUTURE PROPOSALS

LAFCo staff has been made aware of the following potential future proposals that may come before the Commission for consideration.

City of Ukiah Annexation of Western Hills (Hull Properties)

The City has routed a project referral package stating its intent to acquire and annex approximately 695 acres in the Western Hills for open space preservation, while allowing the potential for future low density residential development on the approximately 55 easternmost acres, consistent with existing development in the Western Hills within the City of Ukiah limits. LAFCo received and provided written

comments on the project referral in February and a revised referral in March. Staff also provided written comments on the Draft Initial Study/Mitigated Negative Declaration for the project in May. On August 25, 2021, the City of Ukiah Planning Commission considered and recommended to the City Council approval of the Western Hills Open Land Acquisition and Limited Development Agreement Project and adoption of the Draft Initial Study and Mitigated Negative Declaration. The City Council adopted the project's CEQA document at its September 15, 2021.

Elk Community Services District Activation of Latent Powers for Wastewater Services

The ECSD is preparing an application to activate latent powers for the provision of wastewater services. The District will be assuming ownership and operation of a community leach field within the community of Elk. It is anticipated that the application will be submitted within the next month. Staff has been coordinating with District representatives in development of the application materials.

WORK PLAN

Local policy directs the Commission to annually adopt a Work Plan for purposes of providing a comprehensive overview of municipal service reviews and sphere of influence updates over the course of the fiscal year. This report provides an update on progress made in terms of accomplishing the activities scheduled in the Work Plan. This report also serves to inform the Commission of any changes in circumstances or priorities.

The Fiscal Year 2021-22 Work Plan includes the following agencies:

- Covelo Community Services District
- Ukiah Valley Fire District
- County Service Area 3
- City of Ukiah
- Ukiah Valley Sanitation District

See Attachment 2 Summary Table – Work Plan Tracking and Status.

Attachment 1 Summary Table – Application Activity and Potential Future Proposals

Attachment 2 Summary Table – Work Plan Tracking and Status

Attachment 1. Summary Table - Application Activity and Potential Future Proposals

APPLICATION ACTIVITY								
<i>Project status as of September 29, 2021</i>								
LAFCo File No.¹	Applicant	Project Name	Date Application Received	Certificate of Filing	LAFCo Hearing Date	Certificate of Completion	BOE Submittal Date	Additional Comments
D-2020-01	Ukiah	City of Ukiah Detachment of UVSD Served Areas	2014; 4/29/2020					Incomplete
P-2020-02	Ukiah	City of Ukiah Pre-Application for Annexation of Areas North of the City	8/12/2020	N/A	N/A	N/A	N/A	Incomplete
P-2020-04	MCWD	Millview County Water District Pre-Application for Annexation of Masonite Properties	10/23/2020	N/A	N/A	N/A	N/A	Incomplete
A-2021-01	Ukiah	City of Ukiah Annexation of City-Owned Properties	3/1/2021					Incomplete
A-2021-02	UVFD	Ukiah Valley Fire District Annexation of the City of Ukiah	6/29/2021	9/29/21	10/4/21			Complete; Public Hearing noticed
O-2021-04	Fort Bragg	City of Fort Bragg Application for an Out of Agency Service Agreement for water services on Minnesota Lane	8/25/2021	N/A	10/4/21			Executive Officer approval 9/16/21; ratification of Commission 10/4/21
Potential Future Proposals								
N/A	Ukiah	City of Ukiah Annexation of Western Hills (Hull Properties)						City Council adopted CEQA MND in September 2021
N/A	ECSD	Elk Community Services District Activation of Latent Powers for Wastewater Services						

¹Key: A – Annexation
C – Consolidation
D – Detachment
F – Formation

L – Activation of Latent Powers
O – Out of Agency Service Agreement
P – Pre-application Review Request
R – Reorganization

Attachment 2. Summary Table – Work Plan Tracking and Status

FY 2021-22 ESTIMATED WORK PLAN IMPLEMENTATION SCHEDULE AND STATUS						
<i>Work Plan status as of September 2021</i>						
Subject to Change: The estimated schedule and costs for the Fiscal Year 2021-22 Work Plan are subject to change based on agency responsiveness, timely provision of requested information, complexity of issues, level of public and affected agency controversy, and changing needs and priorities.						
CEQA: Based on LAFCo practice, the work plan assumes minimal costs for CEQA compliance related to preparing a Notice of Exemption, unless an agency proposes a non-coterminous SOI and pays for any necessary studies and preparation of a Negative Declaration or Environmental Impact Report.						
Rolling Work Plan: It is difficult to completely contain staff activities in a single fiscal year; therefore, completion of a study may roll over to the next fiscal year. This estimated work plan implementation schedule is intended to enhance communication and transparency.						
Agency	Request for Information	Admin Draft	Public Workshop	Public Hearing	Final Study	Status/Notes
Ukiah Valley Sanitation District	Complete	Pending	TBD	TBD	TBD	The UVSD has provided a response to the Request for Information (RFI) and staff has been collecting available documentation for the MSR/SOI report. Staff has been discussing funding options and timing with UVSD staff. The UVSD Board has provided direction to its staff to work with LAFCo to develop funding terms for consideration by the Board and Commission. LAFCo and District staff are coordinating next steps for the SOI Update. Staff is researching the original UVSD sphere of influence.
City of Ukiah	Pending	Pending	TBD	TBD	TBD	On December 7, 2020, the Commission approved a consultant selection for the City of Ukiah MSR/SOI Update and directed staff to negotiate and execute agreements with the City of Ukiah for funding and the Planwest Partners Team for preparing the City’s MSR/SOI Update. The City has offered to fully fund the Update in order to expedite the process, which would otherwise have required a minimum of two years for LAFCo to fund through its normal budget cycles. An MOU agreement between the City and LAFCo for funding the MSR/SOI Update will need to be developed. LAFCo and City staff and are coordinating the next steps for the SOI Update.

Ukiah Valley Fire District	Complete	Complete	9/13/21	10/4/21	TBD	The Draft MSR/SOI Update is scheduled for public hearing on October 4, 2021. The study is tracking with the application for annexation of the City and concurrent Sphere Amendment (LAFCo File No. A-2021-02).
County Service Area 3	In progress	In progress	TBD	TBD	TBD	<p>This will be the first MSR/SOI report for the CSA. Staff is working with County GIS to develop a current map of the CSA and has initiated the Administrative Draft.</p> <p>The County is considering utilizing CSA 3 for a number of local and regional needs including the Sherwood Road secondary access for Brooktrails. The County Board of Supervisors' (BOS) August 3, 2021 agenda included an item to consider establishing a benefit zone for the Sherwood Road secondary access for Brooktrails Township. LAFCo staff submitted a comment letter to the BOS requesting a continuation of the item to allow time to coordinate with LAFCo regarding the current authorized services for CSA 3 (attached).</p>
Covelo CSD	Complete	Complete	7/12/21	9/13/21	9/24/21	Project complete and posted to website.

MENDOCINO Local Agency Formation Commission

Staff Report

MEETING October 4, 2021
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **CALAFCO Business and Legislative Report**

RECOMMENDATION

Informational report.

DISCUSSION

CALAFCO Business

The CALAFCO Business Meeting and Board Elections will be held virtually on October 7, 2021. Participation information has been emailed to all Commissioners.

The CALAFCO Board Meeting will be held on October 8, 2021, information has been emailed to all Commissioners.

Regional Roundtables, which are typically held on the second day of the conference, will be scheduled for a virtual format in December of this year.

CALAFCO Conference Session

[Infrastructure & Cyber Security: What You Need to Know – October 8](#)

Maintaining security of public assets in the face of constantly evolving threats is a challenge for all organizations. The session will discuss identifying potential threats to agency property and information technology systems and highlight available services and resources to help assess an agency's level of security. There will be two experts from the U.S. Department of Homeland Security who are going to present on this critical topic. Free to CALAFCO members; \$125 for non-members. Registration now open.

CALAFCO Legislative Report

AB 361 was signed by Governor Newsom on September 21, 2021, which provides for continued remote meetings. The CSDA has released an implementation Guide to assist with complying with the new requirements. AB 361 requires agencies adopt resolutions to hold meetings remotely and renewals every 30-days. See staff report for Item 3a for more detail.

The CALAFCO Legislative Report is included as an attachment.

Attachment 1. CALAFCO Conference Session Flyer
 2. AB 361 Implementation Guide (CSDA)
 2. CALAFCO Legislative Report

JOIN US!

Attachment 1

Infrastructure & Cyber Security

WHAT YOU NEED TO KNOW – WEBINAR

Maintaining security of public assets in the face of constantly evolving threats is a challenge for all organizations. You won't want to miss this informative and valuable session, which will identify potential threats to your agency's property and information technology systems and highlight available services and resources to help you assess your agency's level of security.

FRIDAY
October 8, 2021
9 a.m. – 10:30 a.m.



COST

Free to CALAFCO Members

Non-Members: \$125

*Non-members may only register if representing a local government or state agency in California.

SPEAKERS

Richard Scott Mitchem, CPP, PSP

Supervisory Protective Security Advisor for Southern California and Arizona; Acting Chief of Protective Security for Cybersecurity and Infrastructure Security for Region 9, U.S. Department of Homeland Security

Mario Garcia

Cybersecurity Advisor and California Cybersecurity State Coordinator, U.S. Department of Homeland Security

Moderator

Pamela Miller, Executive Director, CALAFCO

CLICK HERE TO REGISTER for this webinar: <https://bit.ly/2ZaH0XP>

Once you register on Eventbrite you will receive the Zoom Registration link with your confirmation email. You will then need to use that Zoom Registration link prior to the session to get the Webinar link to join that session. **DO NOT WAIT UNTIL THE LAST MINUTE TO DO THIS STEP.**

You can also find this information on the CALAFCO website at www.calafco.org.

SPONSORED BY:



DEADLINE TO REGISTER: October 5, 2021 at 5 p.m.
No late registrations will be accepted.

This session is worth 1.5 AICP CM Credits.

www.CALAFCO.org | Phone: (916) 442-6536 | Fax: (916) 442-6535 | Email: info@calafco.org



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AB 361 Implementation Guide



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AB 361 – Brown Act: Remote Meetings During a State of Emergency

Background – the Governor’s Executive Orders:

Starting in March 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. These Executive Orders ([N-25-20](#), [N-29-20](#), [N-35-20](#)) collectively modified certain requirements created by the Ralph M. Brown Act (“the Brown Act”), the state’s local agency public meetings law.

The orders waived several requirements, including requirements in the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting.¹² Furthermore, the orders:

- waived the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting,
- waived the requirement that each teleconference location be accessible to the public,
- waived the requirement that members of the public be able to address the legislative body at each teleconference conference location,
- waived the requirement that local agencies post agendas at all teleconference locations, and,
- waived the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Under the orders, local agencies were still required to provide advance notice of each public meeting according to the timeframe otherwise prescribed by the Brown Act, and using the means otherwise prescribed by the Brown Act. Agencies were – for a time – required to allow members of the public to observe and address the meeting telephonically or otherwise electronically. Local agencies were eventually explicitly freed from the obligation of providing a physical location from which members of the public could observe the meeting and offer public comment.³

In each instance in which notice of the time of the meeting was given or the agenda for the meeting was posted, the local agency was required to give notice of the manner members of the public could observe the meeting and offer public comment. In any instance in which there was a change in the manner of public observation and comment, or any instance prior to the issuance of the executive orders in which the time of the meeting had been noticed or the agenda for the meeting had been posted without also including notice of the manner of public observation and comment, a local agency would be able to satisfy this requirement by

¹ **Executive Order N-25-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>

² **Executive Order N-29-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf>

³ *Ibid*



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advertising the means of public observation and comment using "the most rapid means of communication available at the time" within the meaning of California Government Code, section 54954(e); this includes, but is not limited to, posting the manner in which the public could participate on the agency's website.

The orders also provided flexibility for a legislative body to receive a "serial" or simultaneous communication outside of an open meeting, allowing all members of the legislative body to receive updates (including, but not limited to, simultaneous updates) relevant to the emergency (including, but not limited to, updates concerning the impacts of COVID-19, the government response to COVID-19, and other aspects relevant to the declared emergency) from federal, state, and local officials, and would be allowed to ask questions of those federal, state, and local officials, in order for members of the legislative body to stay apprised of emergency operations and the impact of the emergency on their constituents. Members of a local legislative body were explicitly not permitted to take action on, or to discuss amongst themselves, any item of business that was within the subject matter jurisdiction of the legislative body without complying with requirements of the Brown Act.⁴

The Brown Act Executive Orders Sunset – September 30, 2021

On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the aforementioned modifications made to the Brown Act, effective September 30, 2021.⁵ After that date, local agencies are required to observe all the usual Brown Act requirements *status quo ante* (as they existed prior to the issuance of the orders). Local agencies must once again ensure that the public is provided with access to a physical location from which they may observe a public meeting and offer public comment. Local agencies must also resume publication of the location of teleconferencing board members, post meeting notices and agendas in those locations, and make those locations available to the public in order to observe a meeting and provide public comment.

AB 361 – Flexibility for Remote Open Meetings During a Proclaimed State Emergency

Assembly Bill 361, introduced in February 2021 by Assembly Member Robert Rivas (D-30, Hollister), and sponsored by the California Special Districts Association, provides local agencies with the ability to meet remotely **during proclaimed state emergencies** under modified Brown Act requirements, similar in many ways to the rules and procedures established by the Governor's Executive Orders.

Important Note: *AB 361's provisions can only be used in the event that a gubernatorial state of emergency 1) has been issued AND 2) remains active. It is not sufficient that county and/or city officials have issued a local emergency declaration – the emergency declaration must be one that is made pursuant to the California Emergency Services Act (CA GOVT § 8625).*

⁴ **Executive Order N-35-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.21.20-EO-N-35-20.pdf>

⁵ **Executive Order N-08-21**, <https://www.gov.ca.gov/wp-content/uploads/2021/06/6.11.21-EO-N-08-21-signed.pdf>



Specifically, AB 361 suspends the requirements located in California Government Code, section 54953, subdivision (b), paragraph (3). What does this mean for local agencies? This means that, during a state of emergency, under specified circumstances, local agencies can meet pursuant to modified Brown Act requirements. Each of these modifications is broken out below.

The provisions enacted by AB 361 providing flexibility to meet remotely during a proclaimed emergency will sunset on January 1, 2024. This is subject to change if a future Legislature and Governor elect to extend the sunset or make the provisions permanent.

AB 361 IMPACTS ON LOCAL AGENCY COMPLIANCE WITH THE BROWN ACT

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.	<ul style="list-style-type: none"> • Agendas not required to be posted at all teleconference locations • Meeting must still be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency

In the context of an emergency, members of the legislative body of a local agency may be teleconferencing from less-than-ideal locations – e.g., the private domicile of a friend or relative, a hotel room, an evacuation shelter, from a car, etc. The nature of the emergency may further compound this issue, as was the case during the COVID-19 outbreak and the necessity to implement social distancing measures. To address this issue, AB 361 provides relief from the obligation to post meeting agendas at all conference locations.

Although local agencies are relieved from this obligation, local agencies should endeavor to post meeting agendas at all usual locations where it remains feasible to do so.

Important Note: *Local agencies must still provide advance notice of public meetings and must still post meeting agendas consistent with the provisions of the Brown Act. AB 361 does nothing to change the fact that meetings must still be noticed and agendized in advance.*

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.	<ul style="list-style-type: none"> • Agendas are not required to identify each teleconference location in the meeting notice/agenda • Local agencies are not required to make each teleconference location accessible to the public

Emergencies can – and often do – happen quickly. As was the case with the 2018 Camp Fire, individuals fleeing a disaster area may end up in disparate locations throughout the state. These impromptu, ad hoc locations are not ideal for conducting meetings consistent with the usual



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Brown Act requirements, which may impede local agencies seeking to meet promptly in response to calamity. To that end, AB 361 removes the requirement to document each teleconference location in meeting notices and agendas. Similarly, local agencies are not required to make these teleconference locations accessible to the public.

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, during the teleconferenced meeting, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.	<ul style="list-style-type: none"> No requirement to have a quorum of board members participate from within the territorial bounds of the local agency's jurisdiction

The purpose of AB 361 is to assist local agencies with continuing their critical operations despite facing emergencies that pose a risk to human health and safety – emergencies which oftentimes correspond with advisory or mandatory evacuation orders (e.g., wildfires, earthquakes, gas leaks, etc.). An emergency which drives individuals from an area could make meeting within the bounds of a local agency impossible to do feasibly or safely. Accordingly, AB 361 allows for local agencies to disregard quorum requirements related to members of a legislative body teleconferencing from locations beyond the local agency's territory.

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, the agenda shall provide an opportunity for members of the public to address the legislative body directly at each teleconference location.	<ul style="list-style-type: none"> In each instance in which notice of the time of the teleconferenced meeting is given or the agenda for the meeting is posted, the legislative body shall also give notice of the manner by which members of the public may access the meeting and offer public comment The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option The legislative body shall allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the legislative body directly In the event of a disruption which prevents the local agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local



	<p>agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored</p> <ul style="list-style-type: none">• Written/remote public comment must be accepted until the point at which the public comment period is formally closed; registration/sign-up to provide/be recognized to provide public comment can only be closed when the public comment period is formally closed
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The right of individuals to attend the public meetings of local agencies and be face-to-face with their elected or appointed public officials is viewed as sacrosanct, only able to be abrogated in the most extraordinary of circumstances. Under normal conditions, local agencies are required to allow members of the public to participate in a public meeting from the very same teleconference locations that other board members are using to attend that meeting.

AB 361 solves the specific problem of what to do in circumstances when local agencies are holding their meetings remotely during an emergency and it would be unsafe to permit access to members of the public to the remote teleconference locations. AB 361 permits local agencies to meet without making teleconference locations available to members of the public, **provided that** members of the public are afforded the opportunity to provide public comment remotely as well.

Importantly, local agencies must ensure that the opportunity for the public to participate in a meeting remains as accessible as possible. This means that local agencies cannot discriminate against members of the public participating either remotely or in-person. In practice, this means:

- Local agencies must clearly advertise the means by which members of the public can observe a public meeting or offer comment during a meeting remotely, via either a call-in or internet-based option

Importantly, local agencies are required to provide the relevant remote access information to members of the public looking to attend a meeting of a local agency legislative body. This information includes, but is not limited to: phone numbers, passwords, URLs, email addresses, etc. Using this information, members of the public must be able to attend the meeting remotely. Any of the information related to participation must be included in the relevant meeting notice(s) and meeting agenda(s). If an agency fails to provide one or more of these key pieces of



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information in a meeting notice or agenda, the agency should not proceed with the meeting as-is, as it could result in any subsequent action being rendered null or void.

- Agencies whose meetings are interrupted by technological or similar technical disruptions must first resolve those issues before taking any other action(s) on items on the meeting agenda

In a notable departure from the terms of the Governor's orders, AB 361 explicitly requires that local agencies must first resolve any remote meeting disruption before proceeding to take further action on items appearing on a meeting agenda. In the event that a public comment line unexpectedly disconnects, a meeting agenda was sent out with the incorrect web link or dial-in information, the local agency's internet connection is interrupted, or other similar circumstances, a local agency is required to stop the ongoing meeting and work to resolve the issue before continuing with the meeting agenda.

Local agencies should ensure that the public remains able to connect to a meeting and offer public comment by the means previously advertised in the meeting notice or agenda. This may require directing staff to monitor the means by which the public can observe the meeting and offer comment to ensure that everything is operating as intended.

In the event that a meeting disruption within the control of the agency cannot be resolved, a local agency should not take any further action on agenda items; the local agency should end the meeting and address the disruption in the interim, or it may risk having its actions set aside in a legal action.

Important Note: *Test, test, test! Local agencies should be testing their remote meeting setup in advance of (and during) every meeting to ensure that there are no apparent issues. Local agency staff should attempt to attend the meeting in the same way(s) made available to members of the public and demonstrate that everything is working as intended. The fact that staff tested the system before and during a meeting and failed to detect any problems may become a key factor in any potential legal action against the agency.*

- Local agencies cannot require that written comments be submitted in advance of a meeting

It is not permissible to require that members of the public looking to provide public comment do so by submitting their comment(s) in advance of a meeting – in fact, not only is this a violation of AB 361's terms, it is also a violation of the Brown Act generally. Both AB 361 and the Brown Act explicitly require that members of the public be given the opportunity to provide public comment **directly** – that is, live and at any point prior to public comment being officially closed during a public meeting. Until such time during a meeting that the chairperson (or other authorized person) calls for a close to the public comment period, members of the public are allowed to submit their public comments directly or indirectly, orally, written, or otherwise.

- Local agencies may only close registration for public comment at the same time the public comment period is closed, and must accept public comment until that point



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Local agencies cannot require that individuals looking to provide public comment register in advance of a meeting (though agencies may extend the **possibility** of advance registration or commenting as a **non-mandatory** option). Nor may local agencies require that individuals looking to provide public comment register in advance of the agenda item being deliberated by a local agency. Local agencies may only close registration for public comment at the same time that they close the public comment period for all. Until the public comment period is completely closed for all, members of the public must be permitted to register for, and provide, public comment.

Local agencies that agendize a comment period for each agenda item cannot close the public comment period for the agenda item, or the opportunity to register to provide public comment, until that agendized public comment period has elapsed.

Local agencies that do not provide an agendized public comment period but instead take public comment separately on an informal, ad hoc basis on each agenda item must allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register or otherwise be recognized for the purpose of providing public comment.

Local agencies with an agendized general public comment period that does not correspond to a specific agenda item (i.e., one occurring at the start of a meeting, covering all agenda items at once) cannot close the public comment period or the opportunity to register until the general public comment period has elapsed.

Brown Act Requirement	Requirement under AB 361
<p>A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.</p> <p>If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.</p>	<ul style="list-style-type: none"> An individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body that requires registration to log in to a teleconference, may be required to register as required by the third-party internet website or online platform to participate

“Zoom meetings” became ubiquitous during the COVID-19 pandemic – for good reason. The Zoom video teleconferencing software was free (with some “premium” features even made temporarily free to all users), easily deployed, and user-friendly. All one needed was a Zoom



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account and then they'd be able to make use of the platform's meeting services, hosting and attending various meetings as they pleased.

Unfortunately, the Brown Act has long prohibited the use of mandatory registration or "sign-ups" to attend public meetings or to provide public comment. Privacy and good governance concerns prohibit such information gathering from members of the public seeking to remain anonymous while also engaging with their government. Accordingly, it would normally be a concern to use any teleconference platform which may require participants to register for an account even when it is not the local agency establishing that requirement.

AB 361 resolves this issue by explicitly allowing local agencies to use platforms which, incidental to their use and deployment, may require users to register for an account with that platform so long as the platform is not under the control of the local agency.

Important Note: Just because you "can" doesn't mean you "should." There are products on the market that do not require individuals to sign up for/sign in to an account to participate in a remote meeting. Local agencies are heavily discouraged from contacting their remote meeting platform vendor in an attempt to uncover information about meeting attendees.

RESOLUTIONS: ENACTING ASSEMBLY BILL 361

A local agency wishing to rely on the provisions of AB 361 must meet one of the following criteria:

- (A) The local agency is holding a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- (B) The local agency is holding a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- (C) The local agency is holding a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

These criteria permit a local agency to schedule a remote meeting to determine whether meeting in-person during the state of emergency would pose imminent risk to the health or safety of attendees. At that remote meeting, a local agency may determine by majority vote that sufficient risks exist to the health or safety of attendees as a result of the emergency and pass a resolution to that effect. These criteria also permit a local agency to meet remotely in the event that there is a state of emergency declaration while state or local officials have recommended or required measures to promote social distancing.

If a local agency passes a resolution by majority vote that meeting in-person during the state of emergency would present imminent risks to the health or safety of attendees, the resolution would permit meeting under the provisions of AB 361 for a maximum period of 30 days. After 30



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days, the local agency would need to renew its resolution, consistent with the requirements of AB 361, if the agency desires to continue meeting under the modified Brown Act requirements, or allow the resolution to lapse.

Important Note: Consider referencing [the initial sample resolution linked on this page \(click here\)](#) in crafting your agency's initial resolution effecting the transition to these modified Brown Act requirements. While this sample resolution is provided for the benefit of local agencies, consult your legal counsel to review your agency's resolution before its consideration at a public meeting.

After 30 days, a local agency is required to renew its resolution effecting the transition to the modified Brown Act requirements if it desires to continue meeting under those modified requirements.

Importantly, the ability to renew the resolution is subject to certain requirements and conditions. In order to renew the resolution, a local agency must:

- Reconsider the circumstances of the state of emergency
- Having reconsidered the state of emergency, determine that either
 - The state of emergency continues to directly impact the ability of the members to meet safely in person, or
 - State or local officials continue to impose or recommend measures to promote social distancing

AB 361 requires that the renewal of the resolution effecting the transition to the modified Brown Act requirements must be based on findings that the state of emergency declaration remains active, the local agency has thoughtfully reconsidered the circumstances of the state of emergency, and the local agency has either identified A) ongoing, direct impacts to the ability to meet safely in-person or B) active social distancing measures as directed by relevant state or local officials.

Important Note: Consider referencing [the subsequent adoption sample resolution linked on this page \(click here\)](#) in crafting your agency's renewal resolution renewing the transition to these modified Brown Act requirements. While this sample resolution is provided for the benefit of local agencies, consult your legal counsel to review your agency's resolution before its consideration at a public meeting.

Important Note: If your agency does not meet again before the 30 day period during which the resolution remains active, the resolution will lapse for lack of action by the agency. After a resolution has lapsed, if the agency seeks to meet remotely again under the modified Brown Act requirements, it must pass a new initial resolution effecting the transition to the modified Brown Act requirements, subject to the same substantive and procedural requirements as before.



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AB 361 PROCESS: AN EXECUTIVE SUMMARY

1. An emergency situation arises. The specific nature of the emergency produces an imminent risk to public health and safety.
2. A state of emergency is declared (pursuant to CA GOVT § 8625).
3. A local agency wishes to meet remotely via teleconferencing as a result of the emergency. A meeting notice/agenda are produced and posted, with an agenda item dedicated to consideration of a resolution to transition to teleconferenced meetings consistent with the terms of CA GOVT § 54953, subdivision (e). For this meeting, the modified Brown Act requirements apply (e.g., meeting notices/agendas do not need to be posted at all teleconference locations).
4. A resolution is passed consistent with the terms of CA GOVT § 54953, subdivision (e), paragraph (1), subparagraph (B) (i.e., a resolution passed by majority vote determining that meeting in person would present imminent risks to the health or safety of attendees).¹ This resolution is valid for 30 days.
5. 30 days later: if the state of emergency remains active, a local agency may act to renew its resolution effecting the transition to teleconferenced meetings by passing another resolution, consistent with the terms of CA GOVT § 54953, subdivision (e), paragraph (3) (i.e., a resolution which includes findings that legislative body has both 1) reconsidered the circumstances of the state of emergency, and 2) the state of emergency continues to directly impact the ability of the members to meet safely in person.²

¹ Alternatively, in lieu of a resolution finding that meeting in person would present imminent risks to the health or safety of attendees, a local agency may use modified Brown Act procedures when state/local officials recommend/require measures to promote social distancing.

² Should state/local officials continue to impose or recommend measures to promote social distancing, this may instead be used as a basis for renewing a resolution (as opposed to the fact that the state of emergency continues to directly impact the ability of the members to meet safely in person).

This communication is provided for general information only and is not offered or intended as legal advice. Readers should seek the advice of an attorney when confronted with legal issues and attorneys should perform an independent evaluation of the issues raised in these communications.

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Attachment 3
**CALAFCO Daily Legislative Report
as of Thursday, September 30, 2021**

1

AB 339 (Lee D) Local government: open and public meetings.

Current Text: Enrollment: 9/17/2021 [html](#) [pdf](#)

Introduced: 1/28/2021

Last Amended: 9/3/2021

Status: 9/17/2021-Enrolled and presented to the Governor at 3 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

Attachments:

[AB 339 Fact Sheet](#)

Position: Watch

Subject: Other

CALAFCO Comments: This bill allows for continued remote participant in local (and state) hearings/meetings while adding requirements for both call-in and internet service based options for all public meetings; requires providing closed caption services; and requires agencies to provide language access services. The bill requires teleconferenced meetings to include an in-person public comment opportunity that creates a place where members of the public can gather at a designated site to give public comment (barring any in-person restrictions). Further, the bill requires the agenda and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency is a speaker.

The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak). The bill adds similar requirements for any state legislative body. All of these new requirements are unfunded mandates.

This bill is sponsored by the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

The bill was significantly amended on 4-15-21. These amendments removed all state requirements as noted above. Further, they require public participation by phone or internet (with video/audio), and allow agencies to create a registration process for public comments so long as people can register to speak via phone and in person.

The amendments remove the blanket requirement to translate the agenda and meeting access information and makes those an on-request requirements. The amendments also remove the blanket requirement for agencies to have sufficient qualified bilingual translators during meetings and changes that requirement to on-request, and requires agencies to make public the process to make such a request.

All requirements remain unfunded mandates.

Amended on 5-4-21 as a result of the ALGC hearing, this version of the bill now:

- Limits the bill’s applicability to the meetings of city councils and county boards of supervisors only, the jurisdictions of which contain a population of at least 250,000 people;
- Requires public access via telephone OR internet (not both);
- Removes language requiring two-way operability for internet;

- Removes all language translation requirements;
- Removes language allowing local agencies to require members of the public to register in order to provide public comment;
- Removes language allowing teleconferencing to be used by members of the legislative body (to avoid inadvertently precluding the use of teleconferencing by the public);
- Refines language referring to "all meetings" to state "all open and public meetings" (to ensure closed sessions are not subject to the provisions of the bill);
- Restores current law allowing public comment before an agenda item is taken up; and,
- Adds a sunset date of December 31, 2023.

As amended 6/25/21 - The bill requires a city or county with over 250,000 to conduct public meetings with a two-way telephone or internet option for the public. It also requires them, if as of 6-15-21 the agency has provided video streaming of their public meetings, to continue to do so. Also requires the agency to provide in-person public comment unless the law prohibits in-person gatherings.

The 7/5/21 amendment specifies that the agency shall continue to provide streaming if they have conducted at least one (not all) meeting in that manner as of 6-15-21.

The amends of 8/25/21 are related to chaptering with AB 361.

UPDATE: Amendments from 9/3 are minor and technical in nature.

AB 361 **(Rivas, Robert D) Open meetings: state and local agencies: teleconferences.**

Current Text: Chaptered: 9/16/2021 [html](#) [pdf](#)

Introduced: 2/1/2021

Last Amended: 9/3/2021

Status: 9/16/2021-Chaptered by Secretary of State - Chapter 165, Statutes of 2021.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would, until January 1, 2024, authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

Attachments:

[CALAFCO Support July 2021](#)

[AB 361 Fact Sheet](#)

Position: Support

Subject: Brown Act

CALAFCO Comments: Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body. The bill also rescinds the requirement that at least a quorum of the body must meet within the jurisdictional boundaries of the agency under these circumstances when meeting via telecon.

As amended on 4/6/21, the bill now specifies that the new statute can be applied if meeting in person presents imminent risk to the health & safety of attendees; Requires the agenda to provide

opportunity for anyone to attend via call-in or internet option; should there be a service disruption that prevents remote public participation, the agency must take no further action on any agenda item until service is restored; the agency cannot require submittal of public comments in advance of the meeting; and requires the legislative body, every 30 days after the initial declaration of emergency, should the emergency remain active, to make certain findings that the emergency still exists and prevents in-person meetings.

As amended on 5-10-21, the amendments tighten restrictions for in-person meetings to only the determination that meeting in person presents imminent risk to the health and safety of attendees (removing the option to consider if attendance by one of more members of the legislative body is hindered).

As amended 7/6/21, the bill now only applies to state declared emergencies; adds specific requirements for making accommodations for various types of public comment processes during local government meetings; adds a sunset date of 1-1-24; and allows agencies to use telecon methods to meet and specifies requirements for those meetings.

UPDATE: The amendment of 8/31/21 adds an urgency clause which means there will be little to no break in the Governor's Executive Order for meeting remotely. The amendments of 9/3/21 add 89305.6 to the Education Code and 11133 to the Government Code to cover Boards of Education and state meetings.

This bill is sponsored by the CA Special Districts Association (CSDA). The bill is not marked fiscal. A fact sheet is posted in the tracking section of the bill.

AB 703 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 4/29/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Last Amended: 4/29/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 2/25/2021)(May be acted upon Jan 2021)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: As amended on 4/29/21, the bill requires local agencies to allow for public participation during meetings of the legislative body both at in-person and via a call-in or internet-based option. It further requires that if the agency holds a teleconference meeting, at least a quorum of the governing body shall participate in person from a single location which shall be open to the public (and located within the boundaries of the jurisdiction).

Despite these requirements, the bill is not marked fiscal. Further, it applies only to local agencies, not state agencies.

The bill is sponsored by Three Valleys Municipal Water Agency.

AB 1195 (Garcia, Cristina D) Drinking water.

Current Text: Amended: 5/24/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/24/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 6/9/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.

Attachments:

[CALAFCO Letter of Concern - April 2021](#)

[AB 1195 Fact Sheet](#)

Position: Watch With Concerns

Subject: Water

CALAFCO Comments: As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

The pilot program also gives LA LAFCo the authority to approve, approve with conditions or deny the application; further giving LAFCo authority to consider consolidation or extension of service with a local publicly owned utility that provides retail water, a private water company or mutual; the bill also waives protest proceedings, gives the LAFCo authority to address governance structure and CEQA is waived, provides full LAFCo indemnification and funding.

There are still issues with the proposed technical advisory board section of the bill, and questions about timing of some of the processes. CALAFCO continues to work with the author and speakers' offices as well as other stakeholders on ongoing amendments.

The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

THIS IS NOW A 2-YEAR BILL.

[AB 1581](#) (Committee on Local Government) Local government: omnibus.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 3/9/2021

Last Amended: 4/19/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 31, Statutes of 2021.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires, when a proposed change of organization or reorganization applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur. This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.

Attachments:

- [LAFCo Template Request Gov Signature](#)
- [CALAFCO Request Governor Signature June 2021](#)
- [LAFCo Support letter template](#)
- [CALAFCO Support letter](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual ALGC Omnibus bill which CALAFCO sponsors. Sections amended are: 56133(a) and (f); 56325.1 (renumbered to 56331.4); 56427; and 56879(a).

As amended on 4/19, additional sections amended include 56066, 56123, 56124, 56375. Further the bill repeals sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1 and 57383.

[SB 810](#) (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 36, Statutes of 2021.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the First Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Attachments:

- [CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

[SB 811](#) (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 37, Statutes of 2021.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the Second Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 812 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 38, Statutes of 2021.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the Third Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

AB 1250 (Calderon D) Water and sewer system corporations: consolidation of service.

Current Text: Enrollment: 9/13/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Last Amended: 7/5/2021

Status: 9/13/2021-Enrolled and presented to the Governor at 3 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The California Safe Drinking Water Act provides for the operation of public water systems, which include small community water systems, and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the Public Utilities Commission through an order authorizing the water or sewer system corporation to consolidate with a small community water system or state small water identified as failing or at risk of failing by the state board.

Attachments:

[AB 1250 Fact Sheet 2021](#)

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: The intent of the bill is to prescribe response timelines for the PUC in terms of processing consolidations. This bill creates the Consolidation for Safe Drinking Water Act of 2021. The bill allows a water or sewer corp to file an application with the Public Utilities Commission (PUC) to approval to consolidate with a public or state small system. The bill requires the PUC to act on the application within 8 months of receipt. If a consolidation is valued at \$5 million or less, the water or sewer corp can file an advise letter and get the PUC approval via resolution. In this instance, the PUC has 120 days to act on the request. The bill also give the PUC authority to designate a different procedure to request consolidation for systems valued less than \$5M.

The bill requires the PUC to prioritize consolidation requests based on compliance records and requires the entity requesting consolidation to conduct a thorough public process.

The bill is sponsored by the California Water Association and does not have an impact on LAFcos. Nevertheless, CALAFCO will keep a watch on the bill. A fact sheet is posted in the tracking section of the bill.

The amendments on 5/24/21 establish the Consolidation For Safe Drinking Water Fund, with all moneys available, upon appropriation, going to the PUC in order to process the applications and cover any associated regulatory costs, and requires a water or sewer system corporation to pay a fee of \$10,000 when filing an application pursuant to the above provision and requires the fee to be deposited into the fund.

UPDATE: The 7/5/21 amendments change the type of system focused for consolidation from public to small community. Also adds the ability to consolidate systems to include state small systems, and no longer requires the consolidation to be into a public system. Also extended the PUC timeline to approve or deny an application for consolidation from 8 to 12 months.

[SB 403](#) ([Gonzalez D](#)) **Drinking water: consolidation.**

Current Text: Chaptered: 9/23/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amended: 7/5/2021

Status: 9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 242, Statutes of 2021.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would revise those consolidation provisions, including, among other revisions, authorizing the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined.

Attachments:

- [CALAFCO Removal of Opposition Letter June 2021](#)
- [CALAFCO Oppose Unless Amended Letter April 2021](#)
- [SB 403 Fact Sheet 2021](#)

Position: Neutral

Subject: Disadvantaged Communities, Water

CALAFCO Comments: Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system.

There appears to be several problems with this bill: (1) The bill does not define "at risk" and there is no definition of "at risk" currently in H&S Code Sec. 116681; (2) There is a lack of consultation with GSAs by the State Board when considering ordering consolidation or extension of service; (3) There is no requirement or even consideration for annexation upon extension of service; and (4) there does not appear to be a limitation of the number of connections or the extent to which the system can be extended.

The bill is co-sponsored by the Leadership Counsel for Justice and Accountability, Clean Water Action and Community Water Center. A fact sheet is posted in the tracking section of the bill. CALAFCO's position letter is also posted there.

Specific to SB 403, we requested 3 amendments: (1) Define "at risk"; (2) Add a requirement for

the SWRCB to consult with GSAs when considering a domestic well consolidation; and (3) Put a cap on the number of users to be added by the subsuming system or the extent to which the service is being extended. Additionally, CALAFCO recommended a comprehensive review of the current mandatory consolidation process citing a host of issues the current process creates.

As amended on 4/27/21, the bill now defines "at risk system" and "at risk domestic well"; creates an appeal process for potentially subsumed water systems; requires inspection or testing of wells to determine "at risk" status; and allows the Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. It also puts a cap of 3,300 or fewer connections on systems that can be subsumed. These amendments address 2 of our 3 requested amendments. We will continue to work with the author on requiring the SWRCB to consult with GSAs on wells.

Amends from 6/8/21 add a requirement for the Water Board to consult with GSAs. This is the last remaining amendment requested by CALAFCO so we have removed our opposition and gone to Neutral. The other amendment in this version simply reorders a subsection with no substantive impacts.

UPDATE: Amended on 7/5, the bill now requires the water board to consult with the potentially receiving water system and adds language that specifies the input allowed by that system (amendments requested by ACWA and granted during the ALGC hearing).

3

AB 11 (Ward D) Climate change: regional climate change authorities.

Current Text: Amended: 1/21/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 1/21/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

Attachments:

[AB 11 Fact Sheet](#)

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities.

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill.

UPDATE 3/17/21: CALAFCO learned from the author's office they do not intend to move the bill forward, but instead work with Assm. Mullin on AB 897 and merge the two bills.

Current Text: Enrollment: 9/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Last Amended: 8/16/2021

Status: 9/8/2021-Enrolled and presented to the Governor at 4:30 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2138 from 2020 that did not move forward. According to the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

UPDATE: Amendments of 8/16/21 are to insert enactment clause relating to AB 386, AB 562 and AB 823.

[AB 474](#) (Chau D) California Public Records Act: conforming revisions.

Current Text: Enrollment: 9/9/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Last Amended: 8/16/2021

Status: 9/9/2021-Enrolled and presented to the Governor at 4 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would enact various conforming and technical changes related to another bill, AB 473, which recodifies and reorganizes the California Public Records Act. This bill would only become operative if AB 473 is enacted and reorganizes and makes other nonsubstantive changes to the California Public Records Act that become operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2438 from 2020 that did not move forward. According to the author's office, this bill and AB 473 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

Amendments of 5/27 are technical and minor in nature, and make it the conforming act to AB 473.

UPDATE: Amendments from 8/16/21 and 6/21/21 are only minor, technical clean-up amends.

[AB 897](#) (Mullin D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.

Current Text: Amended: 7/14/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 7/14/2021

Status: 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Attachments:

[CALAFCO Support July 2021](#)

[AB 897 Fact Sheet](#)

Position: Support

Subject: Climate Change

CALAFCO Comments: As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

As amended 4/19/21: There is no longer a requirement for OPR to include in their guidelines how a regional climate network may develop their plan: it does require ("may" to "shall") a regional climate network to develop a regional climate adaptation plan and submit it to OPR for approval; adds requirements of what OPR shall publish on their website; and makes several other minor technical changes.

As amended 7/1/21, the bill now explicitly names LAFCo as an eligible entity. It also adjusts several timelines for OPR's requirements including establishing boundaries for the regional climate networks, develop guidelines and establish standards for the networks, and to make recommendations to the Legislature related to regional adaptation. Give the addition of LAFCo as an eligible entity, CALAFCO is now in support of the bill.

Amendments of 7/14/21, as requested by the Senate Natural Resources & Water Committee, mostly do the following: (1) Include "resilience" to climate adaptation; (2) Prioritize the most vulnerable communities; (3) Add definitions for "under-resourced" and "vulnerable" communities; (4) Remove the requirement for OPR to establish geographic boundaries for the regional climate networks; (5) Include agencies with hazard mitigation authority and in doing so also include the Office of Emergency Services to work with OPR to establish guidelines and standards required for the climate adaptation and resilience plan; and (6) Add several regional and local planning documents to be used in the creation of guidelines.

UPDATE: The bill was held in Appropriations as a 2-year bill.

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/19/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

Position: Watch

CALAFCO Comments: This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

The amendment on 4/5/21 was just to correct a typo in the bill.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

UPDATE: The bill did not pass out of Senate Governance & Finance Committee and will not move forward this year. It may be acted on in 2022.

AB 959 (Mullin D) Park districts: ordinances: nuisances: abatement.

Current Text: Chaptered: 9/23/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 8/16/2021

Status: 9/23/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 268, Statutes of 2021.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. Current law requires the board of directors to superintend, control, and make available to all the inhabitants of the district all public recreation lands and facilities, as provided. Current law requires the board of directors to act only by ordinance, resolution, or a motion duly recorded in the minutes of the meeting. This bill would authorize the board of directors of a district, by ordinance, to declare an encroachment onto district lands constitutes a nuisance.

Attachments:

[AB 959 Fact Sheet](#)

Position: Watch

CALAFCO Comments: As introduced, this bill gives authority to independent regional park & open space districts governed by PRC 5500 to: (1) Declare by ordinance what constitutes a public nuisance; (2) Abate those public nuisances by either administrative or civil actions; and (3) Ability to recover costs incurred in abating the public nuisance, including attorneys' fees. There are 4 of these independent special districts: (1) Midpeninsula Regional Open Space District; (2) East Bay

Regional Park District; (3) Monterey Peninsula Regional Park District; and (4) Napa County Regional Park and Open Space District. A fact sheet is posted in the tracking section of the bill.

As amended on 5-10-21, the bill requires the district Board to adopt an ordinance declaring what constitutes a nuisance. It authorizes the district to initiate civil action and recover damages.

The amendment of 6/18/21 corrects a code citing.

The amendments of 7/6/21 do several things: (1) change the definition of nuisance to an encroachment onto district land; (2) allows the district to establish nuisance abatement procedures upon adoption of an ordinance; (3) specifies the requirements of the nuisance abatement procedures; and (4) still allows the district to collect abatement costs with a clearly defined process.

UPDATE: The amendments of 8/16/21 are minor in nature and add language requiring hearing notification to and certain responsibilities for the party who is responsible for the nuisance.

AB 975 (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.

Current Text: Amended: 5/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/18/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 6/1/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	2 year	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

Position: Watch

Subject: FPPC

CALAFCO Comments: As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

The amendment on 4/21/21 just corrects wording (technical, non-substantive change).

The amendments on 5/18/21 clarify who is to file a statement of economic interest to include candidates (prior text was office holders).

AB 1021 (Mayes I) Imperial Irrigation District.

Current Text: Enrollment: 9/10/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 8/19/2021

Status: 9/10/2021-Enrolled and presented to the Governor at 4 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the local agency formation commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of options for providing continued publicly owned and managed electrical service in perpetuity to the Imperial Irrigation District's electrical service area, as defined, customers and options for alternative governance.

structures that would extend voting rights to registered voters who reside within the Imperial Irrigation District electrical service area to provide for proportional representation on a governing board that will have primary jurisdiction on all electrical service matters, as specified. The bill would require the study to be published no later than July 1, 2022. By imposing new duties on the specified local agency formation commissions, the bill would impose a state-mandated local program.

Attachments:

[CALAFCO Oppose Unless Amended 5-26-21](#)

Position: Oppose unless amended

Subject: Special Districts Governance

CALAFCO Comments: As amended on 3/18/21, the bill focuses on the Imperial Irrigation District. The bill requires Imperial and Riverside LAFcos to conduct a special study of voting rights and options for providing electricity in the district area should the district decide it no longer desires to provide that serve, to be completed by December 31, 2022, as an unfunded mandate. The bill also requires membership of the district board to increase from 5 to 8 members, with the additional 3 members residing in Riverside County in the area being serviced by the district and appointed by the County Supervisor of that County district. The three new members will be non-voting members.

CALAFCO met with the author's staff on March 18 to discuss concerns on the bill, with input from Riverside and Imperial LAFcos (who will meet with the author's office as well). Concerns include: (1) The unfunded mandate and timing of the study; (2) As representation in the Riverside County service area is the issue, governance structure should also be a part of the study; (3) Section 21562.6 of the Water Code as added is far too vague. CALAFCO offered specific suggestions for clarification in this section.

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFcos had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district it required the study be funded by the district).

The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

As amended on 4/19/21, the bill makes substantive changes including: (1) Requires state funding for the study and prescribes an 18-month timeline for completion upon receipt of funds; (2) Adds study content of options for governance structure of the district; (3) Changes the number from 3 to 1 of nonvoting board members appointed to the district Board; and (4) Specifies requirements for the appointment.

The amendments of 5/24/21 remove the funding for the special study, making it an unfunded mandate. The bill also now requires the study to be completed by 7-1-23. As a result of the funding removal and the concerning precedent setting nature of requiring LAFco to conduct a special study without funding, CALAFCO has taken an OPPOSE UNLESS AMENDED position requesting funding be restored.

As amended 7/1/21, the bill: (1) has an urgency clause; (2) requires the study to be completed by 7-1-22 (instead of 7-1-23), and (3) removes voting rights from the study. There is still no funding written into the bill, although budget trailer bill SB 129 contains the appropriation. As the appropriation of \$500,000 goes directly to the County of Riverside, a process by which both LAFcos receive that funding must be established and outlined within the text of the bill. CALAFCO will remain opposed until that is completed.

The amendments of 8/16/21 add specificity to the study requirements; adds an effective date to section 21562.6 (1-1-23); adds the the newly added Board of Director is specific to electrical issues of the district; requires the district's general counsel to determine which issues coming before the board are electrical-related; provides a term end date for the electrical service board member should the district no longer serve 60%+ customers within the electrical service area; and adds a definition for "electrical issue".

UPDATE: The amendments of 8/19 completely removed everything in the bill except the requirement for Riverside and Imperial LAFcos to conduct the joint study. The bill still has no funding language in to so we will retain our Oppose Unless Amended position.

Current Text: Amended: 4/20/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 4/20/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/18/2021)(May be acted upon Jan 2021)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law creates a city selection committee in each county that consists of 2 or more incorporated cities for the purpose of appointing city representatives to boards, commissions, and agencies. Under current law, a quorum for a city selection committee requires a majority of the number of the incorporated cities within the county entitled to representation on the city selection committee. Current law requires a city selection committee meeting to be postponed or adjourned to a subsequent time and place whenever a quorum is not present at the meeting. This bill, for the city selection committee in the County of Los Angeles, would reduce the quorum requirement to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to items that appeared on the immediately preceding agenda where a quorum was not established.

Attachments:

[CALAFCO Removal of Opposition Letter April 2021](#)

[CALAFCO Oppose Unless Amended April 2021](#)

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 3/18/21, the bill reduces the quorum requirement for a city selection committee to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to replicate the meeting for which a quorum was not established. The bill also authorizes a city selection committee to conduct their meetings be teleconference and electronic means.

The bill is sponsored by the Las Virgenes-Malibu Council of Governments.

CALAFCO's letter of Oppose Unless Amended is posted in the bill detail area.

UPDATE AS OF 4/21/21 - As amended on 4/20/21, the scope of the bill is significantly narrowed to apply only to the County of Los Angeles' City Selection Committee. This amendment resolves CALAFCO's concerns and we have removed our opposition and will retain a Watch position. CALAFCO's letter of opposition removal is posted in the bill detail area.

UPDATE: The bill failed to move out of committee so it is now a 2-year bill.

[AB 1246](#) ([Nguyen R](#)) **Community services districts.**

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/19/2021)(May be acted upon Jan 2021)

2 year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

Position: Watch

CALAFCO Comments: This is a spot bill.

[AB 1295](#) ([Muratsuchi D](#)) **Residential development agreements: very high fire risk areas.**

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/4/2021)(May be acted upon Jan 2021)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas, as specified, and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, beginning on or after January 1, 2022, would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill would define "very high fire risk area" for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

Attachments:

[AB 1295 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of 1-1-2022.

This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area.

The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

SB 10 (Wiener D) Planning and zoning: housing development: density.

Current Text: Chaptered: 9/16/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 7/5/2021

Status: 9/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 163, Statutes of 2021.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

Position: Watch

Subject: Housing

CALAFCO Comments: While not directly affecting LAFcos, the requirements in the bill are of interest. As amended on 4/13/21, the bill authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined in the bill. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is exempt from CEQA. The bill imposes specified requirements on a zoning ordinance adopted under these provisions. The bill would prohibit a legislative body that adopts a zoning ordinance pursuant to these provisions from subsequently reducing the density of any parcel subject to the ordinance and makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security

instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a use or density authorized by an ordinance adopted pursuant to the provisions in the bill.

The amendment of 4/27/21 amends 65913.5(a)(3) to remove exemption of parcels excluded from specified hazard zones by a local agency pursuant to 51179(b).

The amendments on 5/26 prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from CEQA, except as specified, and repeal these provisions on January 1, 2029.

The 6/24/21 amendments prohibit an ordinance adopted pursuant to the provisions in this bill from superseding any local restrictions brought about by a local voter initiative; requires an ordinance to be adopted by 2/3 vote of the governing body if the ordinance supersedes any zoning restriction established by a local voter initiative; and completely removes SECTION 1 (the addition of Sec. 4752 to the Civil Code).

UPDATE: The 7/5/21 amendments remove the requirements added on 6/24 pertaining to zoning restrictions that a local initiative be a voter initiated initiative. Also makes minor changes to the timing of the bus corridor criteria.

SB 12 (McGuire D) Local government: planning and zoning: wildfires.

Current Text: Amended: 7/1/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 7/1/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was H. & C.D. on 6/24/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

Position: Watch

Subject: Growth Management, Planning

SB 13 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.

Current Text: Enrollment: 8/30/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 6/28/2021

Status: 8/30/2021-Enrolled and presented to the Governor at 1 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require

the contents of that report to include how many requests for extension of services were received under these provisions.

Attachments:

[CALAFCO Oppose Unless Amended letter May 2021](#)

Position: Oppose unless amended

Subject: CKH General Procedures

CALAFCO Comments: This bill is the same as SB 799 from 2020 and seeks to re-establish and continue the pilot program for five more years. The program ended as of January 1, 2021 but due to the pandemic, SB 799 from 2020 to extend the sunset was not moved forward in the legislature.

As amended on 4/29/21, the bill now adds 56133.6 which seeks to address several projects in the City of St. Helena, and resolve a current law suit between the winery and the city. The amendments authorize Napa LAFCo to consider new or extended service by the city to specific parcels with certain conditions. The bill requires the Napa LAFCo make certain determinations if approving, include any decision in their required report to the Legislature and has a sunset of 1-1-26.

CALAFCO has made a request for several technical amendments to the version dated 4-29-21, and has concern this addition strays too far from the original intent of the pilot program. Requested amendments on the table now include: (1) Rewording of both sections 56133.5(a)(2) and 56133.6(a)(3) to explicitly state both (A) and (B) are required; (2) Reword the new addition to 56133.5(d) so that it does not presume Napa LAFCo will authorize the new or extension of service; and (3) Rewrite 56133.6(a)(1) to clarify that (A) must apply to both (B) and (C).

As amended on 5-11-21, all requested technical amendments were made, however the intent of the pilot program has changed with the addition of 56133.6 and Napa LAFCo's ability to approve extension of service for parcels that do not meet the pilot program's requirement of planned use as defined in 56133.5. For this reason, CALAFCO is opposed unless amended, requesting the removal of 56133.6. Our letter is in the bill detail section.

UPDATE: Amendments from 6/28/21 are minor in nature and serve as clean-up.

[SB 55](#) ([Stern D](#)) **Very high fire hazard severity zone: state responsibility area: development prohibition: supplemental height and density bonuses.**

Current Text: Amended: 4/5/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 4/5/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/3/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

Summary:

Would, in furtherance of specified state housing production, sustainability communities strategies, greenhouse gas reduction, and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area unless there is substantial evidence that the local agency has adopted a comprehensive, necessary, and appropriate wildfire prevention and community hardening strategy to mitigate significant risks of loss, injury, or death, as specified. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

Attachments:

[SB 55 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits the creation or approval of a new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone or a state responsibility area. The bill is author-sponsored and imposes unfunded mandates. A fact sheet is posted in the tracking section of the bill.

As amended on 4/5/21, the bill removes the "blanket approach" to prohibiting development as noted above by adding specificity. The bill prohibits development in either of the areas noted above unless there is substantial evidence that the local agency has adopted a comprehensive, necessary

and appropriate wildfire preventions and community hardening strategy to mitigate significant risks of loss, injury or death as specified in the bill. Additionally, the bill provides a qualifying developer a supplemental height bonus and a supplemental density bonus, as specified, if the development is located on a site that meets certain criteria, including, among others, not being located in a moderate, high, or very high fire hazard severity zone, as specified. These requirements are unfunded mandates.

This bill appears similar to AB 1295 (Muratsuchi) except this bill appears to be broader in scope in terms of the type of development prohibited and includes a state responsibility area, whereas AB 1295 only addresses residential development in a very high fire risk area.

SB 96 (Dahle R) Fallen Leaf Lake Community Services District Fire Department Protection Act of 2021: elections.

Current Text: Introduced: 12/21/2020 [html](#) [pdf](#)

Introduced: 12/21/2020

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 1/28/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Special Districts Governance

CALAFCO Comments: This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

CALAFCO is working with the sponsors of the bill and the SGFC on a broader solution to this problem, which is not exclusive to this district.

SB 261 (Allen D) Regional transportation plans: sustainable communities strategies.

Current Text: Introduced: 1/27/2021 [html](#) [pdf](#)

Introduced: 1/27/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally

achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

Position: Watch

Subject: Sustainable Community Plans

SB 273 (Hertzberg D) Water quality: municipal wastewater agencies.

Current Text: Chaptered: 9/23/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Last Amended: 6/21/2021

Status: 9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 241, Statutes of 2021.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, as defined, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency’s existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The bill would require a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency’s territory is located, but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Attachments:

- [CALAFCO Support June 2021](#)
- [SB 273 Fact Sheet](#)

Position: Support

Subject: Municipal Services

CALAFCO Comments: This bill is a redo of SB 1052 from 2020 that was not moved forward because of the pandemic. This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCo process to activate these latent powers intact.

UPDATE: The amendment of 6/21/21 adds a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFCO, as requested by CALAFCO.

The bills is sponsored by the CA Assn of Sanitation Agencies. A fact sheet is posted in the tracking section of the bill.

SB 274 (Wieckowski D) Local government meetings: agenda and documents.

Current Text: Enrollment: 8/30/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Last Amended: 4/5/2021

Status: 8/30/2021-Enrolled and presented to the Governor at 1 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency

determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

Attachments:

[CALAFCO Support SB 274 \(3-15-21\)](#)
[SB 274 Fact Sheet](#)

Position: Support

Subject: Public Records Act

CALAFCO Comments: This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested). A fact sheet is posted in the tracking section of the bill.

The amendment on 4/5/21 was to correct a typo reflecting the authority to email information.

[SB 475](#) (Cortese D) Transportation planning: sustainable communities strategies.

Current Text: Amended: 3/10/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 3/10/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/26/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the State Air Resources Board, on or before June 30, 2023, and in coordination with the California Transportation Commission and the Department of Housing and Community Development, to issue new guidelines on sustainable communities strategies and require these guidelines to be updated thereafter at least every 4 years. The bill would delete the provisions related to the Regional Targets Advisory Committee and instead require the State Air Resources Board to appoint, on or before January 31, 2022, the State-Regional Collaborative for Climate, Equity, and Resilience, consisting of representatives of various entities. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience to develop a quantitative tool for metropolitan planning organizations to use to evaluate a transportation plan’s consistency with long-range greenhouse gas emission reduction targets and recommend guidelines for metropolitan planning organizations to use when crafting long-range strategies that integrate state goals related to climate resilience and social equity.

Position: Watch

Subject: Sustainable Community Plans

[SB 499](#) (Leyva D) General plan: land use element: uses adversely impacting health outcomes.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 2/25/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

Attachments:

[SB 499 Fact Sheet](#)

Position: Watch

Subject: Disadvantaged Communities

CALAFCO Comments: As introduced, this bill would prohibit the land use element of a general plan from designating or expanding land uses that have the potential to significantly degrade local

air, water, or soil quality or to adversely impact health outcomes within or adjacent to disadvantaged communities (DACs) or a racially and ethnically concentrated area of poverty.

The sponsor of this bill is the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

SB 574 (Laird D) Agricultural preserves: Williamson Act.

Current Text: Enrollment: 8/30/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 3/4/2021

Status: 8/30/2021-Enrolled and presented to the Governor at 1 p.m.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction, and requires the assessor to send the fair market value to the Department of Conservation, hereafter department, at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the department related to cancellation of the contract as well as in other specified instances. This bill would revise and recast these provisions to no longer require the assessor to provide notice to the department and to require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

Position: Watch

CALAFCO Comments: This bill narrows the role of Department of Conservation (DOC) in administering the Williamson Act. It does not change other provisions in the Act except for lessening reporting requirements by local governments to the DOC. The bill repeals the ability of the DOC to agree on a cancellation value for contracted land with a landowner, along with the requirement that the department provide a preliminary valuation to the applicable assessor, and repeals the requirement that the DOC approve cancellation of a farmland security contract. The bill also repeals and narrows reporting requirements by requiring the DOC to post all local government reports on Williamson Act lands/contracts on its website rather than create a report and submit to the Legislature. The bill also repeals certain reporting requirements by local governments (cities and counties) to the DOC regarding Williamson Act contracts.

As amended on 3/4/21, the bill requires cities/counties to file annual maps on Act lands; and removes the requirement for state approval for the amount of security to be paid when paying cancellation fee.

CALAFCO will continue to watch this bill to ensure no detrimental changes are made to the Act through future amendments.

SB 813 (Committee on Governance and Finance) Local Government Omnibus Act of 2021.

Current Text: Chaptered: 9/23/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Last Amended: 6/21/2021

Status: 9/23/2021-Chaptered by Secretary of State. Chapter 224, Statutes of 2021.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law provides that a person who has made an offer to purchase an interest in an undivided-interest subdivision, as specified, and not exempted, has the right to rescind any contract resulting from the acceptance of that offer during a specified timeframe. Current law defines and describes the terms "subdivided lands" and "subdivision" for these purposes. Current law requires any person who intends to offer subdivided lands for sale or lease, as specified, to file with the Bureau of Real Estate an application for a public report consisting of, among other things, a notice of intention and a completed questionnaire. Current law exempts the proposed sale or lease of those lots or other interests in a subdivision that are limited to industrial or commercial uses by law or by a declaration of covenants, conditions, and restrictions that has been recorded in the official records.

of the county or counties in which the subdivision is located from certain of those provisions relating to the filing of a report with the Bureau of Real Estate and sales contracts. This bill would instead exempt the proposed sale or lease of those lots or other interests from all provisions as specified.

Position: Watch

CALAFCO Comments: This is the annual Senate Governance & Finance Committee Omnibus bill.

Total Measures: 33

Total Tracking Forms: 33

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