

MENDOCINO

Local Agency Formation Commission

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

COMMISSIONERS

Carre Brown, Chair
County Board of Supervisors

Tony Orth, Vice Chair
Brooktrails Township CSD

Gerald Ward, Treasurer
Public Member

Gerardo Gonzalez
Willits City Council

Scott Ignacio
Point Arena City Council

John McCowen
County Board of Supervisors

Jenifer Bazzani, Alternate
Ukiah Valley Fire District

Richard Weinkle, Alternate
Public Member

John Haschak, Alternate
County Board of Supervisors

Will Lee, Alternate
Fort Bragg City Council

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, September 14, 2020** at 9:00 AM
County Board of Supervisors Chambers 501 Low Gap Road, Ukiah, California

*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 available on the LAFCo website <http://mendolaafco.org/recorded-meetings/>
Meeting documents are available online: <http://mendolaafco.org/meeting-documents/>*

Important Notice

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, the Mendocino Local Agency Formation Commission (LAFCo) meetings will be conducted remotely and will not be available for in person public participation until further notice.

The regularly scheduled meeting of the Commission will be live streamed and available for viewing on the [Mendocino County YouTube page](#).

In order to minimize the risk of COVID-19 exposure, the public may provide written and verbal comments in lieu of personal attendance as outlined below.

Submit **written comments** electronically to eo@mendolaafco.org by 8:00 a.m. on September 14. In the subject line, specify the agenda item number for your comments, "To be read aloud" if desired, and in the body of the email include your name. If to be read aloud, please keep your comments to 500 words or less. All written comments will be provided as soon as feasible to the Commission and posted on the [meeting documents](#) page of the website.

Provide **verbal comments** via teleconference with the information provided on the [website](#). Please pre-register by email to eo@mendolaafco.org by 8:00 a.m. on September 14 to allow staff time to provide meeting participation instructions. In the subject line, specify the agenda item number for your comments and "...Live" (Example: Item 4a Public Comment Live), your name. Participants will receive instructions for participation in the meeting. Each participant will have three minutes to provide comments related to the agenda item.

We thank you for your understanding and appreciate your continued interest.

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. 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.

- 3a) Approval of the August 3, 2020 Regular Meeting Summary
- 3b) Approval of the August 2020 Claims & Financial Report
- 3c) Certificate of Appreciation for Commissioner John Huff

4. PUBLIC HEARING ITEMS

None

5. WORKSHOP ITEMS

None

6. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

6a) Release Request for Proposals and Establish an Ad Hoc Committee for Work Plan Implementation

Consider the following actions related to Fiscal Year 2020-21 Work Plan Implementation: (1) Approve the release of a Request for Proposals (RFP) for consultant prepared Municipal Service Review (MSR) and Sphere of Influence (SOI) Update studies, and (2) Appoint an RFP Ad Hoc Committee consisting of two members of the Commission and the Executive Officer to implement the RFP process and make recommendations to the Commission on firm selection and contract.

6b) Report on Proposed Revisions to Indemnity Clause

Report on August 13, 2020 Executive Committee meeting Agenda Item 4d regarding proposed modifications to the indemnification clause requested by the City of Ukiah, and direction to staff to make no changes to the indemnity at this time and to report to the Commission on the matter at the next regular meeting. Informational.

6c) Fee Schedule Update Report

Report on August 13, 2020 Executive Committee meeting Agenda Item 4c regarding updates to staff billing rates, copy charges, and updates to the Fee Schedule, and direction to staff to prepare an analysis of staff billing rates for Commission consideration. Informational.

6d) CALAFCO 2020 Board of Directors Elections

The Commission received a report on the CALAFCO Board Elections for 2020-21 at the previous meeting and will now consider submitting nominations for the Northern Region and selecting a voting delegate for the election to be held in October 2020.

6e) Commissioner Terms of Office and Special District Member Election

Report to the Commission on upcoming Commissioner term expirations and an update on the Special District Regular Member Election process. Informational.

7. 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.

- 7a) Work Plan, Current and Future Proposals (Written)
- 7b) Correspondence (Copies provided upon request)
- 7c) Executive Officer's Report (Verbal)
- 7d) Committee Reports (Executive Committee/Policies & Procedures) (Verbal)
- 7e) Commissioner Reports, Comments or Questions (Verbal)
- 7f) CALAFCO Business and Legislative Report

ADJOURNMENT

The next Regular Commission Meeting is scheduled for Monday, **October 5, 2020** 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 five (5) calendar days prior to the meeting and in accordance with the temporary Brown Act Guidelines instated by State Executive Order N-29-20.

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.

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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

Agenda Item No. 3a

DRAFT MINUTES

Local Agency Formation Commission of Mendocino County

Regular Meeting of Monday, August 3, 2020

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

1. CALL TO ORDER and ROLL CALL (Video Time 1:43)

Chair Brown called the meeting to order at 9:01 a.m.

Regular Commissioners Present: Carre Brown, Tony Orth, Gerald Ward, Gerardo Gonzalez, Scott Ignacio, and John McCowen

Alternate Commissioners Present: Richard Weinkle, Jennifer Bazzani (seated for former Commissioner Huff)

Alternate Commissioners Absent: Will Lee, John Haschak

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

2. PUBLIC EXPRESSION (Video Time 4:03)

No one from the public indicated interest in public expression.

3. CONSENT CALENDAR (Video Time 5:32)

3a) Approval of the June 1, 2020 Regular Meeting Summary

Chair Brown noted a correction for clarity throughout the summary of Item 4a) Mendocino Community Services District MSR/SOI Update regarding references to the District's attorney. Commissioner Ignacio suggested changing the reference to, "attorney for MCCSD Jackson." The Chair also noted grammatical corrections on pages 9, 10 and 11.

3b) Approval of the June 2020 Claims & Financial Report

<u>June 2020 Claims totaling</u>	<u>\$ 10,792.49</u>
Hinman & Associates Consulting	\$ 7,348.00
P. Scott Browne	\$ 600.00
Newspapers	\$ 285.97
County of Mendocino	\$ 672.08
Ukiah Valley Conference Center	\$ 434.00
Commissioner Stipends	\$ 50.00
William Moores	\$ 1,402.44

3c) Approval of the July 2020 Claims & Financial Report

Commissioner Ward confirmed that staff reviewed the Pacific Internet bill. He also asked staff to investigate the 15 points of potential discounts on the SDRMA Invoice. He asked if there are any additional costs associated with the completion of the Weger Detachment application. EO Hinman reported that payment for Legal Counsel is pending determination of Item 6a. Otherwise, all other related bills have been paid and the applicant will receive a small refund.

Commissioner Ward reported that LAFCo ended the fiscal year \$28,000 under budget and it was not necessary to dip into reserves.

July 2020 Claims totaling	\$ 17,270.42
Hinman & Associates Consulting	\$ 10,827.52
Ukiah Valley Conference Center	\$ 434.00
TGIF Repairs	\$ 182.50
County of Mendocino	\$ 166.40
P. Scott Browne	\$ 600.00
SDRMA	\$ 2,815.00
CALAFCO Membership Dues	\$ 2245.00

3d) Pehling & Pehling, CPAs Contract for FY 2019-20 Audit Services

The Consent Calendar was unanimously approved with noted changes by roll call vote following a motion by Commissioner Gonzalez and a second by Commissioner Ignacio.

Ayes: (7) Ignacio, Gonzalez, Ward, Bazzani, Orth, McCowen, Brown

4. PUBLIC HEARING ITEM (Video Time 14:03)

4a) Mendocino City Community Services District MSR/SOI Update

Chair Brown provided an overview of the Public Hearing process and opened the Mendocino City Community Services District (MCCSD) Municipal Service Review (MSR) and Sphere of Influence (SOI) Update Public Hearing at 9:15 a.m. Chair Brown confirmed with Clerk Meadows that the item was properly noticed. EO Hinman noted that three public comment letters were received after the agenda packet was released and were provided to the Commissioners and District prior to the meeting, members of the public were in attendance to provide comments via teleconference, and the Attorney for the District, Jim Jackson, was in attendance on behalf of the District.

Analyst Feiler presented the item and revisions to the MCCSD MSR/SOI Update since the June Workshop (Video Time 17:35). Chair Brown called on each Commissioner in turn for comments and questions of LAFCo staff (Video Time 20:17). Commissioner Orth inquired about whether providing recycled water is considered delivering water for beneficial uses and Analyst Feiler confirmed that recycled water is a component of exercising water services.

Commissioner Ward requested an update on the questions raised by Mr. Gomes, Ms. Reed, and Mr. Clark related to the District's legal authority to provide water and groundwater management services and the request from Mr. Powers related to extending wastewater services to the Road 500D area. Analyst Feiler summarized information presented on page 43 of the agenda packet, including the property owner claim that if the District is not legally authorized to provide water services as defined in WAT §515, then the District is not legally authorized to provide groundwater management services per WAT §10702. Analyst Feiler explained that LAFCo staff determined that the District is authorized by law to provide water services based on passage of Measure A in 1985 and the CSD Principal Act, and therefore the District meets the requirement in WAT §10702 of being legally authorized to provide water services. Analyst Feiler further explained that the definition of water service from WAT §515 was added to the Water Code in 1991 and was not necessarily contemplated by the Legislature in drafting special legislation AB 786 in 1987 and there is no requirement in WAT §10702 that a local agency exercise its water services authority. Analyst Feiler noted that it has been determined that the District does provide water for beneficial uses including tertiary treated reclaimed water and well water storage at the wastewater treatment plant as outlined in Section 3.3 of the study. Analyst Feiler finally explained that the District has been providing groundwater management services since the 1990s, both water and groundwater management services are active powers of the District, and the District would need to activate latent powers in order to develop a municipal central water system or replenish the local aquifer as a new or different function or class of service since both activities would depend on a new water source from outside the local aquifer. Analyst Feiler also responded that based on a preliminary conversation between Mr. Powers and District staff, a potential solution to extending wastewater services to the Road 500D area is for property owners to work directly with State Parks to tie into the

State's infrastructure and service allocation through an extension of service by contract and the other option is annexation to the District which entails a significantly more involved process and requirements.

Commissioner Ward inquired about any potential LAFCo action to support extending wastewater services to the Road 500D area and Counsel Browne clarified that in order to facilitate the provision of wastewater service the Commission could expand the District SOI to include the area in question. Commissioner Ward provided support for expanding the SOI to the Road 500D area to address failing septic systems in the area. Commissioner Gonzalez shared Commissioner Ward's concerns and deferred further comment until after the District's presentation. Commissioner Ignacio had no comment or questions.

Commissioner McCowen inquired about whether the District has bylaws and whether the District Board of Directors can take certain actions if they do not have bylaws. Analyst Feiler noted that District staff provided information indicating that District bylaws were adopted in September 2008 and the District's Attorney may be able to further address the question. Commissioner McCowen requested a response from LAFCo Counsel regarding whether the District is required to have bylaws in order to take certain action and Counsel Browne responded that there is no requirement in the Cortese-Knox-Hertzberg (CKH) Act that the agency have bylaws, it is a normal and customary activity because there are many gaps in the law concerning operations, but bylaws are not required in the agency statutes. Commissioners Bazzani and Weinkle had no comment or questions.

Chair Brown invited the Attorney for MCCSD, Jim Jackson, to provide a presentation (Video Time 33:06). Mr. Jackson explained that the District Board of Directors voted 3-1 in favor at the July 27, 2020 Board meeting that the District has no present intention to annex additional property and would agree with LAFCo staff's recommendation of a coterminous sphere. Mr. Jackson further explained that the Board spoke with Mr. Powers at the July meeting and that Mr. Powers is interested in pursuing a connection to the State Park's wastewater line and the District recommended that Mr. Powers contact State Parks who owns that line and then the District can determine how to address the additional effluent from that area. Mr. Jackson also commented that there was a reference to a failing septic system and noted that the property in question is undeveloped and so failing septic is not necessarily the correct phrase and also noted that the County Environmental Health Director in attendance may be able to clarify whether there is a failing septic system on neighboring property. Mr. Jackson confirmed that the District has bylaws and Section 61045 requires the District to have rules for proceedings, which the District meets.

Chair Brown called on each Commissioner in turn for comments and questions of the District's Attorney (Video Time 34:46). Commissioner Ward requested information from the County Environmental Health Director regarding failing septic system in the Road 500D area and from Mr. Gomes on the bylaws question. Commissioners Gonzalez and Ignacio concurred with Commissioner Ward's request. Commissioners McCowen, Bazzani, Weinkle, and Orth had no comment or questions.

Chair Brown opened the Public Comment Period at 9:36 a.m. (Video Time 36:00). Public comments were received from Mendocino County Environmental Health Director Trey Strickland, and Steven Gomes, Barbara Reed, Paul Clark, Ed Powers, and Charles Cresson Wood.

Mr. Strickland commented that there are number of areas in Mendocino County with less than ideal soil conditions for septic systems and it is in everyone's best interest to have the highest level of protection available. Mr. Strickland was not able to confirm whether there was a failing septic system in the Road 500D area at this time and explained that every septic system will eventually reach the point of reduced functionality that can have negative impacts, bluff top properties are especially problematic for repairing or replacing a failed septic system, and once a system is in failure it is very difficult to mitigate even when cost is not an issue. Mr. Strickland noted that the Regional Water Board is a big proponent of consolidating private individual systems into larger professionally managed community systems. The potential for adverse public impacts is exponentially reduced when septage is handled in a wastewater treatment plant rather than an on-site system, and particularly for non-standard systems in areas with conditions not suitable for on-site sewage disposal.

Commissioner Gonzalez summarized that there is no first-hand knowledge of septic failure in the Road 500D area but generally speaking private septic systems are encouraged to be connected with public wastewater treatment systems and Mr. Strickland so confirmed and added that the current development practice is to set aside sufficient area for a future septic replacement area whereas older parcels do not have a designated replacement area meeting required setbacks making it difficult if not impossible to build a new septic system.

Commissioners Ignacio, McCowen, Bazzani, and Weinkle had no comment or questions. Commission Orth inquired about whether there is technology available to reconstruct in a failed septic system area when there is no secondary septic field identified and Mr. Strickland responded that he is not aware of any technology to build a new system in a failed septic system area and noted that daylight sewage issues increase on a bluff top. Commission Orth inquired about whether an undeveloped parcel has the ability to develop a more modern septic system to address the specific soil conditions of a property and Mr. Strickland so confirmed and added that there are many types of non-standard systems available tailored to a variety of issues like high groundwater and poor draining soils.

Commissioner Ward inquired about whether the Environmental Health (EH) Department also handles wells and Mr. Strickland so confirmed. Commissioner Ward inquired about how one knows when a septic system is failing and how failed septic systems are addressed by EH. Mr. Strickland responded that non-standard septic systems are required to be monitored to document functionality of the system and for standard systems there are signs of a failure such as the presence of certain types of vegetation and odor, and EH directs the property owner to mitigate the situation which can be problematic due to cost and the location of wells on neighboring parcels. Commissioner Ward inquired about how LAFCo should address known areas of failing septic systems in the County in future MSRs. Mr. Strickland responded that for example the Boonville area in Anderson Valley has soils that drain too quickly and create groundwater contamination issues and areas of Laytonville have high groundwater for septic systems and the State Water Board approach for safer and more effective water and wastewater service is to consolidate private and small community systems into larger public systems. Commissioner Ward inquired about whether that applies to private water wells and septic systems and Mr. Strickland so confirmed.

Mr. Gomes requested to provide public comments (Video Time 51:28) regarding bylaws and to speak after Ms. Reed regarding Water Code Section 10702. Mr. Gomes explained that Government Code Section 61045(f) from 2005 states that "The board of directors shall adopt rules or bylaws for its proceedings" and no bylaws have been provided by the District. Ms. Reed explained that she looked for District meeting notices in the community and when she went to the District office to inquire about the notices and bylaws and she was informed that notices were posted and there were no bylaws. Ms. Reed further explained that at the January 27, 2020 Board meeting there was an agenda item to adopt bylaws which was postponed for more information on the Robert's Rules of Order and Sturgis Standard Code of Parliamentary Procedure and has not been on the agenda since then. Mr. Gomes commented that recycled water and well water supplemented at the treatment plant is not drinking water and noted that property owners in the District are now under a permanent well water moratorium by a district that has not water authority. Mr. Gomes commented that the Legislature knew the definition of water service in 1985, water service does not mean recycled wastewater and therefore is not sufficient authority under Water Code Section 10702, and if the District was a fully formed water district they would generate and deliver clean and reliable drinking water which would remedy the well moratorium. Mr. Clark commented that he has not seen anything about property owners, not registered voters, voting to join a water district and noted that he signed the new permit the District sent to property owners, as he was forced to do in the past under protest with a deed restriction, and he is not convinced the District has the right to monitor private wells. Mr. Gomes commented that Measure A gave authority to search for water and he has copies of the studies prepared for a water system that was not built, but Measure A was not for the District to control wells.

Commissioner Ignacio had no comment or questions. Commissioner McCowen inquired about whether there is agreement that the District is authorized to provide water services. Mr. Gomes responded that he does not believe the District has the authority to provide water service because they did not go through formation for that function. Commissioner McCowen inquired about whether that is why Mr. Gomes believes the District is not authorized to manage groundwater. Mr. Gomes responded no, not to the extent that they do, and noted the MOU

between the County EH Department and the District to administer the Mendocino Town Plan for new water development. Commissioner McCowen noted that the staff report concludes that the District is authorized to provide water services and is therefore authorized to provide groundwater management services and that would be true whether they were providing water service or not as long as they were authorized to do so.

Commissioners Bazzani and Weinkle had no comment or questions. Commissioner Orth noted that purple pipe water does constitute water put to beneficial uses and does not require a drinking water standard, LAFCo staff indicated that LAFCo approval would be required for activation of latent powers for the District to develop an outside water source, and Brooktrails Township CSD has extensive studies for additional water supply requiring a \$40,000,000 dam which has not been completed due to cost.

Commissioner Ward inquired about known contaminated wells in the District and Mr. Gomes so confirmed and added that he provided a letter in June from the former District Superintendent related to approximately 35 to 50 hand dug wells in the community that are contaminated because they are shallow and do not have water seals. Commissioner Ward inquired about the outcome of the three District water studies prepared in 1992 and 1993. Mr. Gomes responded that he did not know the outcome and added that a former Board Director mentioned in the past that the District had water but they did not want it. Mr. Gomes further explained that cost is always an issue but the District did not pursue grant funds available. Commissioner Ward inquired about a discrepancy on page 83 of the agenda packet for Section 3.1.1 of the study which did not include water as a District service and the legal effect of decisions made by the District Board if they do not have bylaws in place. Commissioner Gonzalez had no comment or questions.

Ed Powers noted that he provided written comments and commented (Video Time 1:07:33) about the history of his assistance to the property owners of the undeveloped parcel in question on Road 500D for several years through a Coastal Development Permit process with the County for establishing a well and septic system, neighboring property septic system failures in the past, complications with meeting required setbacks, the recent discovery of the State Park's wastewater line running along the front of the parcel in question, and interest in connecting to the District's wastewater system from the State's line.

Commissioner McCowen inquired about whether Mr. Powers had contacted Russian Gulch State Park regarding the possibility of tapping into their line and Mr. Powers so confirmed and added that he requested engineering and as-built drawings from the State and also met with Terry Bertels the District Superintendent of the Sonoma-Mendocino Coast District for State Parks who indicated that the question would need to be directed up the chain of command but that they would be interested in the District's position on the matter. Commissioners Bazzani and Weinkle had no comment or questions.

Commissioner Orth noted that the State Park's line does run through the property in question and LAFCo will revisit this matter in 5-years which provides adequate time for State Parks, the District, and LAFCo staff to resolve some of these questions.

Commissioner Ward noted that it had been 12-years since the last MSR and commented that the Commission could expand the SOI to this area to assist in a potential future annexation or extension of service contract. Commissioner Gonzalez had no questions beyond those asked by Commissioners McCowen and Ward.

Commissioner Ignacio inquired about the estimated timeframe for State Parks to receive a response from the District and Mr. Powers responded that the timeline was for him to reconnect with State Parks once he received feedback from the District and the outcome of this Commission meeting and Mr. Powers commented that waiting for the next MSR cycle did not seem reasonable related to failing systems and the potential inability to develop property for decades.

Charles Cresson Wood commented (Video Time 1:17:17) about whether the District has the ability to ration water within their powers and explained that District residents are under Phase 4 water rationing, which is a 40% restriction in water use and is the most severe level for a 50-year drought, and the model they are using to make decisions about water rationing is based only on rainfall, does not work, and is out of sync with neighboring

conditions such as Fort Bragg, Santa Rosa, and Point Arena which have no restrictions. Commissioners Bazzani, Weinkle, Orth, Ward, Gonzalez, Ignacio, and McCowen had no questions.

Chair Brown called on Mr. Jackson, Attorney for the District, for final comments (Video Time 1:21:21). Mr. Jackson responded to Ms. Reed's comment about a January District Board meeting and noted potential confusion between bylaws which were adopted years ago and parliamentary procedures which were the subject of the item in January and which had not been revisited yet due to a number of other pressing matters for the District, and clarified that the groundwater model accounts for rainfall during the rainy season and the depth of water in over a dozen monitoring wells throughout the District in the dry season and the model was developed by a noted hydrologist and seems to work. Chair Brown recommended that District staff make the bylaws available on the website and to interested property owners upon request. Commissioner Ward inquired about the outcome of the water studies prepared by the District and any potential interest in the near future by the District to pursue additional water supply for the community. Mr. Jackson responded that the District studied multiple locations for a water source including the Big River area, the CAL FIRE station which had water and significant local objections, and a pond near Caspar which were likely not built due to cost and which resulted in groundwater management efforts by the District to protect this resource during some of the worst droughts on record. Mr. Jackson also noted that the District would prefer to provide potable water, clarified the primary issue with shallow wells is that when the aquifer drops the wells run dry, and was not aware of widespread contamination of wells. Commissioner Ward encouraged the District to inform their constituents of prior efforts to provide water and to consolidate private septic and water systems into municipal systems for the greater public good. Commissioners Gonzalez, Ignacio, McCowen, Bazzani, and Weinkle had no further questions of the District. Commissioner Orth inquired about whether any property owner with a failed septic system had contacted the District with a request to connect to District's municipal wastewater system and Mr. Jackson confirmed that the District had only been contacted by Mr. Powers on behalf of property owners of an undeveloped parcel on Road 500D.

Chair Brown called on LAFCo staff for final comments (Video Time 1:27:54). Analyst Feiler responded related to the water services authority question raised that, based on staff research, it appears that the District followed the laws at the time to add water service and clarified that since it is a registered voter district the District election in 1985 was based on registered voters not property owners. Analyst Feiler also noted that Commissioner Ward correctly identified a discrepancy on page 83 of the agenda packet for Section 3.1.1 of the study which was an omission and recommended that this be corrected to list water as a District service. Alternate Commissioner Weinkle and Commissioner Orth had no questions for LAFCo staff. Commissioner Ward inquired about expanding the District's SOI to include the Road 500D area to support development of constrained property in that area. Analyst Feiler responded that based on Commission direction at the June Workshop the Area of Interest designation for Road 500D, which was originally identified by LAFCo staff for enhanced coordination, was removed based on feedback received from the District Board of Directors. Additionally, if the Commission desired to expand the District's SOI then LAFCo staff would need additional time to conduct further environmental review. Commissioners Gonzalez, Ignacio, McCowen, and Bazzani had no questions of LAFCo staff. Upon inquiry by Commissioner McCowen, Counsel Browne agreed with the conclusion of LAFCo staff that the District is authorized to provide water services, and whether they are doing so or not, the District is also authorized to provide groundwater management services. Commissioner McCowen inquired about whether LAFCo Counsel believed the District is not authorized to conduct business related to potentially lacking bylaws and compliance with Government Code Section 61045(f), to which Counsel Browne responded no. Counsel Browne explained that if the CSD law has a specific requirement that they have adopted policies and procedures they do need to comply with the law in terms of that, but whether they have adopted procedure that specifically addresses the issue raised by the commenter is not clear and State law does not specify what needs to be in their bylaws and so it generally leaves the District broad discretion in establishing its policies and bylaws and in the absence of a specific policy or bylaw the Board can act based on what it believes is in the best interest of the District. Commissioner Ward commented that if there is confusion by the public, the District has the obligation to inform their constituents and address the confusion directly.

Chair Brown confirmed that there was no interest by the Commission to continue the Public Hearing, and consequently Chair Brown closed the Public Comment Period and Public Hearing at 10:36 a.m. (Video Time 1:36:40) and entertained final deliberations and a motion by the Commission.

Commissioner Orth made the following motion which was seconded by Commissioner Gonzalez:

- 1) Find the Mendocino City Community Services District Municipal Service Review and Sphere of Influence Update is 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; and
- 2) Adopt LAFCo Resolution 2020-21-01, approving the Mendocino City Community Services District Municipal Service Review and Sphere of Influence Update, revising Section 3.1.1 of the study to add water to the list of District services, and reducing the District's existing 2008 Sphere of Influence to a coterminous sphere.

The motion passed unanimously by roll call vote.

Ayes: (7) Gonzalez, Orth, Bazzani, Ward, McCowen, Ignacio, Brown

Following the Public Hearing, Chair Brown called for a 5-minute break at 10:41 a.m.

FIVE MINUTE BREAK (Video Time 1:41:31)

At 10:46 a.m., Chair Brown noted the absence of Workshop Items and moved on to Matters for Discussion.

5. WORKSHOP ITEMS None.

6. MATTERS FOR DISCUSSION AND POSSIBLE ACTION (Video Time 1:47:17)

6a) Proposed Amended Legal Representation Agreement

Chair Brown introduced the item and EO Hinman presented the proposed Amended Legal Representation Agreement. The proposed Amended Agreement provides for an increase to 4 hours of general legal services per month at a rate of \$900/month. Legal services spent on applications and special projects will continue to be billed separately. The proposed contract also includes clarifying language for consistency with Mendocino LAFCo's standard Fee Agreement and Indemnification related to applicant reimbursement of legal counsel fees incurred on specific applications. The billing rate applied to application processing and special projects will be \$250/hour which will hopefully reduce billing payable by LAFCo and remain within the hours allotted.

Chair Brown noted that in working through issues in between meetings, there are times that staff and/or the Chair are in need of Mr. Browne's advice. Within the past year, those times have been increasing, therefore, she supports the proposed amended agreement.

Commissioner Orth stated that he finds it invaluable to be able to directly question an Attorney during a meeting and pointed out that his availability during the previous public hearing clearly demonstrates the need. He supports the new contract.

Commissioner Ward requested separate billing for special projects including the time spent to ensure accurate billing allocation. He supports the contract.

Commissioner Gonzalez is in support and agrees with Commissioner Orth that it is invaluable to have an Attorney available at the meetings, thereby reducing potential delays in Commission decisions.

Commissioner Ignacio said that in these complicated times it has become the new order of business to have Counsel present at the meetings. He has been happy to work with Scott Browne and believes the Commission should support the contract.

Commissioner McCowen believes that while it is valuable to have an Attorney available, it should be on an as-needed basis. He supports Commissioner Ward's request for a clear breakdown of billing and believes the Commission should be mindful of making sure that additional costs are billed out when appropriate. In his opinion, it is Mr. Browne's responsibility to educate himself on LAFCo law and that attendance at LAFCo

legislative hearings and conferences are his responsibility and related expenses should not show up on LAFCo Mendocino's billing.

Legal Counsel Brown confirmed that he itemizes each project on his invoices and has been working closely with EO Hinman to ensure the billing is clear and will continue to do so.

Reserving a comment for after the vote, Commissioner McCowen moved to approve the Amended Legal Representation Agreement and authorized the Chair's signature. Commissioner Gonzalez seconded the motion which passed unanimously by roll call vote.

Ayes: (7) Bazzani, McCowen, Orth, Gonzalez, Ward, Ignacio, Brown

Following the vote, Commissioner McCowen reiterated that he strongly believes that it is Mr. Browne's responsibility to maintain his level of knowledge and expertise of LAFCo and that the Commission should not pay a proportionate share of his time and out of pocket expenses for his attendance at conferences etc. He encouraged Mr. Browne to re-think if it is appropriate to seek reimbursement for those items and suggested the Commission revisit the issue next year.

Mr. Browne responded to Commissioner McCowen, pointing out that the proportionate share in expenses is about 1/8th and that his participation at such events is extremely valuable to Mendocino LAFCo. The networking opportunities and shared information directly assists him in his service to the Commission. Unlike the mandatory general education required by Attorneys, this participation goes above and beyond the normal level of any legal counsel for peer LAFCos and he does so because he believes it is in the interest of the Commissions he represents. This is the first time he has been questioned regarding reimbursement. Conversely, other LAFCos encourage his attendance and participation. Nevertheless, he will make sure that the proportionate share of costs does not pose an onerous burden to Mendocino LAFCo.

6b) CALAFCO 2020 Board of Directors Nominations and Voting Delegate (Video Time 1:58:44)

EO Hinman presented CALAFCO's call for nominations for the Northern Region seats on its Board of Directors: a Public Member and a City Member. Nomination materials are due September 22, 2020. The election process will be held electronically and ballots will be emailed to an assigned delegate who will cast the vote during the virtual annual business meeting in October 2020.

Commissioners Ignacio and Orth suggested the item be re-visited next month. Chair Brown instructed the Commission to be prepared to give a recommendation in September.

6c) CALAFCO Call for Legislative Action (Video Time 2:02:29)

CALAFCO has issued a *Call for Legislative Action*, requesting letters of opposition to Senate Bill (SB) 414 - the Small System Water Authority Act of 2020 be sent to Senator Caballero. CALAFCO has been working on this bill for several years and has supported it to date. The bill has been delayed in Assembly Appropriations for about a year. However, proposed pending amendments have a substantive negative impact to LAFCos and set dangerous precedent by giving a state agency quasi-legislative authority for a new water authority. The amendments are currently being negotiated with Appropriations.

Following Commissioner Orth's request for Legal Counsel's opinion on the matter, Mr. Brown responded that government is increasingly becoming involved in decision-making regarding water issues from the local control and pushing it up to the State. In his opinion, it is a poor model.

Following a motion by Commissioner Orth and a second from Commissioner McCowen, the proposed letters of opposition and authorization of the Chair's signature were unanimously approved by roll call vote.

Ayes: (7) Ignacio, Gonzalez, Ward, Bazzani, Orth, McCowen, Brown

7. INFORMATION/REPORT ITEMS (Video Time: 2:07:29)

7a) Work Plan, Current, and Future Proposals

EO Hinman presented the staff report. Following is a summary:

Proposals

- The Weger/MCHDC Detachment application was approved by the Commission on March 2, 2020. The Certificate of Completion has been recorded and the State Board of Equalization packet has been submitted.
- City of Ukiah/Sanitation District (UVSD) Detachment Application: In April 2020, the City requested to resurrect a detachment application placed on hold in 2015. Staff responded in May requiring a new application due to elapsed time and noting the application as premature pending completion of the UVSD MSR/SOI Update.
- Anderson Valley CSD Proposed Activation of Latent Powers: The district has obtained two grants to prepare a feasibility study and CEQA review for wastewater and water treatment plants and infrastructure to serve the community area of Boonville. Public workshops and a CEQA document are in process. No recent updates have been received.

Work Plan:

- The UVSD MSR/SOI report is in progress.
- The City of Ukiah MSR/SOI Update is scheduled to begin this fiscal year.
- The Covelo CSD Administrative Draft report is in process.
- County Service Area's (CSA) first MSR/SOI Administrative Draft report is in process.

Commissioner Ward asked EO Hinman if she would continue to provide a summary schedule of the cost related to the Work Plan as she has done in the past. She confirmed that it will be included in future agenda packets.

Commissioner Orth informed the Commission that he will have a discussion with Supervisor (Chair) Brown, who has been assigned to work with the Fire Safe Council regarding fire abatement ordinances, regarding CSA 3 and its functionality for potential services.

7b) Correspondence None

7c) Executive Officer's Report

EO Hinman reported that staff had received notification after the agenda packet was released that Commissioner John Huff had resigned from the Mendocino Coast Recreation and Park District Board, making him ineligible to continue as Special District Commissioner with Mendocino LAFCo. Staff will initiate the Independent Special District selection process this week and Alternate Commissioner Bazzani will fill the regular seat until the selection process is completed.

Per State and Local Health orders, non-essential offices (including LAFCo) are again closed to the public. Staff continues to regularly collect mail and respond to information needs.

Chair Brown expressed that Mr. Huff will be missed and instructed Staff to send a letter thanking him for his service.

7d) Committee Reports (Executive Committee/Policies & Procedures) (Video Time 2:15:23)

Chair Brown noted the upcoming Executive Committee meeting with proposed meeting dates and asked if a date had been set. The Clerk responded that she would review and respond today.

Chair Brown asked if any items had been recommended to the Policies & Procedures Committee to review. EO Hinman responded that two items had been submitted and both needed legal review prior to setting a Committee meeting.

7e) Commissioners Reports, Comments or Questions

Commissioner Orth notified the Clerk that he is available at any of the times proposed for the Executive Committee meeting.

Commissioner Ignacio took the opportunity to thank the Chair for another successful, informative, and smooth-running meeting.

7f) CALAFCO Business and Legislation Report

EO Hinman reported that the in-person CALAFCO Conference has been canceled due to the pandemic therefore, they are looking into virtual options. EO Hinman mentioned the quarterly newsletter included in the agenda packet for review and noted that CALAFCO continues to support its members through webinars and virtual meetings which have been helpful to Staff during these uncertain times.

Before giving her closing statements, Chair Brown noted that while the meetings are held virtually, the Clerk meets with Commissioner McCowen to get checks signed and either Commissioner Ward or the Chair can provide the second signature to the bank via email.

ADJOURNMENT (Video Time: 2:20:51)

There being no further business, the meeting was adjourned at 11:20 a.m. In observance of Labor Day, the next regular meeting is scheduled for Monday, September 14, 2020 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 now available via the County of Mendocino's YouTube Channel. Links to recordings and approved minutes are also available on the LAFCo website.

<https://www.youtube.com/watch?v=w5ouqIWrvv0&list=PLraKTU7AyZLQXUgRLLzYuAU9eq1qMFheb&index=7&t=0s>

MENDOCINO Local Agency Formation Commission Staff Report

DATE: September 14, 2020
 TO: Mendocino Local Agency Formation Commission
 FROM: Uma Hinman, Executive Officer
 SUBJECT: **Financial Report and Claims for August 2020**

RECOMMENDED ACTION

Approve the August 2020 claims and financial report.

Name	Account Description	Amount	Total
Hinman & Associates Consulting, Inc.	5300 Basics Services	\$ 10,133.00	\$ 12,938.44
	5600 Office Expenses	\$ 387.44	
	6200 Bookkeeping	\$ 330.00	
	7000 Work Plan MCCSD & Covelo CSD	\$ 1,598.00	
	8023 City of Ukiah/UVFD Annex	\$ 50.00	
	8010 City of Ukiah Detach of UVSD areas	\$ 440.00	
Newspapers	5900 Public Notice MCCSD MSR/SOI	\$ 274.64	\$ 274.64
Ukiah Valley Conf. Center	5502 Office Space	\$ 464.00	\$ 670.10
	5600 Office Expenses (Postage)	\$ 206.10	
P. Scott Browne	6300 Legal Counsel	\$ 900.00	\$ 4,954.50
	8010 City of Ukiah Detach of UVSD areas	\$ 2,047.50	
	8020 Weger Detach from MCHD	\$ 2,007.00	
PNP CPA	6100 Audit Services	\$ 1,690.00	\$ 1,690.00
Total:			\$ 20,527.68

Deposits: Mendocino County Treasury, \$40,000; Philp Williams, \$51.15; City of Ukiah/UVSD Detach, \$6,000; Ukiah City/UVFD Annex, \$1,500; Ukiah City North Annex, \$1,500.

Attachments:

- Budget Track Spreadsheet
- Invoices: Hinman & Associates Consulting, Browne, PNP CPA

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

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

Acct #	Task	FY 20-21 Budget	July	August	Sept	1st Qtr Subtotals	Year to Date	Remaining Budget	% of Budget Expended
EXPENSES									
5300	Basic Services - EO/Analyst/Clerk	\$72,060	\$8,228.00	\$10,133.00		\$18,361.00	\$18,361.00	\$53,699.00	25%
	Unfunded Mandates	\$0							
5500	Rent	\$5,568	\$434.00	\$464.00		\$898.00	\$898.00	\$4,670.00	16%
5600	Office Expenses	\$3,450	\$252.50	\$593.54		\$846.04	\$846.04	\$2,603.96	25%
5700	Internet & Website Costs	\$1,300	\$1,197.52			\$1,197.52	\$1,197.52	\$102.48	92%
5900	Publication & Legal Notices	\$2,000		\$274.64		\$274.64	\$274.64	\$1,725.36	14%
6000	Televising Meetings	\$2,000	\$166.40			\$166.40	\$166.40	\$1,833.60	8%
6100	Audit Services	\$3,500		\$1,690.00		\$1,690.00	\$1,690.00	\$1,810.00	48%
6200	Bookkeeping	\$4,500	\$360.00	\$330.00		\$690.00	\$690.00	\$3,810.00	15%
6300	Legal Counsel (S Browne)	\$10,200	\$600.00	\$900.00		\$1,500.00	\$1,500.00	\$8,700.00	15%
6400	A-87 Costs County Services	\$2,131				\$0.00	\$0.00	\$2,131.00	0%
6500	Insurance - General Liability	\$3,000	\$2,815.00			\$2,815.00	\$2,815.00	\$185.00	94%
6600	Memberships (CALAFCO/CSDA)	\$3,691	\$2,245.00			\$2,245.00	\$2,245.00	\$1,446.00	61%
6670	GIS Contract with County	\$2,500				\$0.00	\$0.00	\$2,500.00	0%
6740	In-County Travel & Stipends	\$3,000				\$0.00	\$0.00	\$3,000.00	0%
6750	Travel & Lodging Expenses	\$100				\$0.00	\$0.00	\$100.00	0%
6800	Conferences (Registrations)	\$150				\$0.00	\$0.00	\$150.00	0%
7000	Work Plan (MSRs and SOIs)	\$42,500	\$782.00	\$1,598.00		\$2,380.00	\$2,380.00	\$40,120.00	6%
Monthly/ Year to Date Totals		\$161,650.00	\$17,080.42	\$15,983.18	\$0.00	\$33,063.60	\$33,063.60	\$128,586.40	20%

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	\$7,532.75	\$150.00	\$2,487.50	\$2,637.50	\$3,835.50	\$3,697.25	
D-2019-1 (8020)	Weger Detachment from MCHD	\$14,062.65	\$40.00	\$2,007.00	\$2,047.00	\$14,046.65	\$16.00	Complete
P-2020-01 (8022)	City of Ukiah North Annexation Pre-Application	\$1,500.00			\$0.00	\$0.00	\$1,500.00	
P-2020-02 (8023)	City of Ukiah/UVFD Annexation Pre-Application	\$1,500.00		\$50.00	\$50.00	\$50.00	\$1,450.00	
Applications to Date Totals		\$24,595.40	\$190.00	\$4,544.50	\$0.00	\$4,734.50	\$17,882.15	

EXPENSES AND APPLICATION TOTALS	\$17,270.42	\$20,527.68	\$0.00	\$37,798.10	\$50,945.75		
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DEPOSITS

8/10/2020	City of Ukiah Application for Detachment	\$	6,000.00				
8/14/2020	City of Ukiah Pre-Application for Annexation	\$	1,500.00				
8/26/2020	City of Ukiah/UVFD Pre-Application for Annexation	\$	1,500.00				
8/10/2020	Welty, Weaver & Currie (Public Records copies)	\$	51.15				

ACCOUNT BALANCES

County of Mendocino Account Balance	\$	19,206				MUNIS as of	9/1/2020
Operations (Checking) Account Balance	\$	35,178				Quickbooks balance as of	8/31/2020
Legal Reserve Balance	\$	35,000				Bank statement as of	8/31/2020
Operations Reserve Balance	\$	55,448				Bank statement as of	8/31/2020
Total	\$	144,832					

Mendocino LAFCo
FY 2020-21 Estimated Work Plan Implementation Schedule and Cost Tracking
 September 2020

Subject to Change: The estimated schedule and costs for the Fiscal Year 2020-21 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 sphere amendment 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	Budget Year	Request for Information	Outreach	Admin Draft	Public Workshop	Public Hearing	Final Study	Cost Estimate *	Cost to Date **
Mendocino City CSD	FY 2019-20	Complete	Complete	Complete	5/4/2020, 6/1/2020	8/14/2020	8/18/2020	\$11,250	\$13,573
Ukiah Valley Sanitation District	Roll Over	Complete	In progress	In progress	TBD	TBD	TBD	\$20,000	\$2,702
City of Ukiah	FY 2020-21	Pending	Pending	Pending	TBD	TBD	TBD	\$20,000	\$0
County Service Area 3	Roll Over	In progress	Initiated	In progress	TBD	TBD	TBD	\$10,000	\$3,876
Covelo CSD	FY 2020-21	Complete	In progress	In progress	TBD	TBD	TBD	\$8,000	\$1,802
Estimated Total								\$58,000	\$8,380

* This column shows the initial cost estimated for each study and accounts for in process studies rolled over from prior fiscal years.

** This column shows a running total for actual expenses incurred to date for each study in process and is not limited to a specific fiscal year.



Hinman & Associates Consulting

PO Box 1251 | Cedar Ridge, CA 95924

(916) 813-0818

uhinman@comcast.net

Date September 1, 2020
To Mendocino LAFCo
Project Executive Officer Services
Work Period July 27 - August 31, 2020

Invoice No. 503
Invoice Total \$ 12,938.44

Account Description	Staff/Hours			Other (At Cost)	Totals
	Executive Officer \$100	Analyst \$68	Clerk \$40		
5300 Basic Services Public Records Act Requests	55.25	36.00	54.00		\$ 10,133.00
5601 Office Supplies Quickbooks Online Fee Office Supplies				\$ 70.00 \$ 317.44	\$ 387.44
5700 Internet & Website Costs					\$ -
6200 Bookkeeping	2.00		3.25		\$ 330.00
7000 Work Plan (MSR/SOI/Special Studies) MCCSD UVSD CSA 3 Covelo CSD		6.50 17.00			\$ 442.00 \$ - \$ - \$ 1,156.00
8023 City of Ukiah Valley FD Annex Pre-App	0.50				\$ 50.00
8010 City of Ukiah Detachment Application	1.00	5.00			\$ 440.00
Totals	\$ 5,875.00	\$ 4,386.00	\$ 2,290.00	\$ 387.44	\$ 12,938.44

5300 Basic Services

Administrative tasks and Clerk duties. Website updates and postings. File research and maintenance. Communications with Commissioners, public inquiries, etc. August 3 agenda packet for regular Commission meeting. August 13 Executive Committee meeting agenda packet and meeting participation. Conference calls and coordination with special districts, legal counsel, and staff.

6200 Bookkeeping

Prepared and coordinated with Treasurer regarding August claims. Entered claims into Quickbooks and prepared checks. Reconciled Quickbooks. Worked on year end financial reports.

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

Finalized MCCSD MSR/SOI and prepared for distribution and posting. Research and preparation of Admin Draft Covelo CSD MSR/SOI.

8023 Ukiah Valley FD Annexation Pre-Application

Reviewed and discussed with Legal Counsel.

8010 City of Ukiah Detachment of UVSD Area

Reviewed application materials; discussed with Legal Counsel.

Shipping Details

Shipping Address

Kristen Meadows
 200 S SCHOOL ST,
 Ukiah, CA 95482
 USA (707) 463-4470

Shipping Method

Standard Shipping
 Arrives in **7-10** business
 days

Payment Summary

Billing Address

Uma Hinman
 PO Box 1251,
 Cedar Ridge, CA 95924-
 1251
 USA (916) 813-0818

Amount:

\$269.68

Order Details: Order #: 414400381

Product Name	Quantity	Price	Total
Deluxe High Security Laser Top Check Item#: SSLT104	200	\$212.99	\$212.99
EZ Shield: Identity Restoration® and Check Fraud Protection®		\$14.50	\$14.50
		Product Total:	\$227.49
		Sub Total:	\$227.49
		Shipping & Handling:	\$20.22
		Tax	\$21.97
		Order Total:	\$269.68

From: Avast <no.reply@avast.com>
Sent: Monday, July 6, 2020 12:54 PM
To: eo@mendolafco.org
Subject: Thank you for your order (#136884692139)



It's great to have you



Hi, Uma.

Thanks again for choosing Avast! Here's your invoice and a few bits of other important information. Please have a look, and save this email — it might come in handy if you ever need to contact us.

Order ID

136884692139

Order date

July 6, 2020

Authorized reseller

Digital River Inc.

Subscription portal password

04y4mkXb

Need to download your invoice, update your preferred payment method, or (gasp!) cancel your subscription? Just visit our handy, 24/7 subscription portal.

MANAGE

Your products



Avast AntiTrack Premium

\$94.99

-\$47.23

Subscription status: Subscribed

Subscription period: 2 Years

Devices: 1 PC

Your activation code:

93QEFE-FQERXJ-46CAHS

Need to download your app? Get it here.

DOWNLOAD

[See installation instructions](#)

Subtotal: \$94.99

Discount: -\$47.23

Taxes: \$0.00

Total: \$47.76

Paid with: Visa ***

Your details

Billing Address:

Uma Hinman
CEDAR RIDGE CA 95924
US

Shipping Address:

Electronic license delivery

eo@mendolafo.org



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Law Office of P. Scott Browne

131 South Auburn Street
Grass Valley, CA 95945
5302724250

Tax ID: 68-0348904

08-15-2020

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

Invoice Number: 576

Invoice Period: 07-16-2020 - 08-15-2020

Payment due by the 15th of next month.

RE: Ukiah Valley Sanitary District Detachment

Time Details

Date	Staff Member	Description	Hours
07-24-2020	PSB	Telephone call to Uma re detachment issues	0.35
08-11-2020	PSB	Zoom call with Uma and Larkyn re: multiple Ukiah issues	1.00
08-13-2020	PSB	Attend executive committee meeting by Zoom	1.50
		Total	2.85
			875.00

Total for this Invoice 875.00
Previous Invoice Balance 1,172.50
Total Amount to Pay 2,047.50

We appreciate your business.

Page 1 of 2

Project Statement of Account

As of 08-15-2020

Project	Balance Due
Ukiah Valley Sanitary District Detachment	2,047.50
Total Amount to Pay	2,047.50

Ukiah Valley Sanitary District Detachment

Transactions

Date	Transaction	Applied	Invoice	Amount
07-15-2020	Previous Balance			1,172.50
08-15-2020	Invoice 576			875.00
			Balance	2,047.50

Open Invoices and Credits

Date	Transaction	Amount	Applied	Balance
07-15-2020	Invoice 563	1,172.50		1,172.50
08-15-2020	Invoice 576	875.00		875.00
			Balance	2,047.50

We appreciate your business.

Page 2 of 2

Law Office of P. Scott Browne

131 South Auburn Street
Grass Valley, CA 95945
5302724250

Tax ID: 68-0348904

08-15-2020

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

Invoice Number: 575

Invoice Period: 07-16-2020 - 08-15-2020

Payment due by the 15th of next month.

RE: Multiple Projects

CALAFCo

Mendocino LAFCo

CALAFCo

Time Details

Date	Staff Member	Description	Hours
08-05-2020	PSB	Work on webinar presentation (Time split between all LAFCo clients)	0.50
08-06-2020	PSB	Work on webinar presentation (Time split between all LAFCo clients)	0.50
08-11-2020	PSB	Work on Powerpoint (Time split between all LAFCo clients)	0.85
08-12-2020	PSB	Telephone call from West; Practice session on Webinar (Time split between all LAFCo clients)	0.45
08-14-2020	PSB	Review Agenda; Participate in Legislative Committee Meeting (Time split between all LAFCo clients)	0.35
Total			2.65
			0.00

Mendocino LAFCo

Time Details

Date	Staff Member	Description	Hours
07-16-2020	PSB	Monthly flat rate, as agreed upon in legal representation agreement	
07-23-2020	PSB	Review and revise staff report on Amendment to Legal Contract	0.50

We appreciate your business.

Page 1 of 3

Date	Staff Member	Description	Hours
07-24-2020	PSB	Review Mendocino CSD staff report; Telephone to Larkyn -- left message; Telephone call to Uma miscellaneous issues	1.20
07-27-2020	PSB	Review emails; Zoom meeting re: Mendocino CSD MSR/SOI	1.00
07-28-2020	PSB	Email from Larkyn with final versions of MCSD staff report and comments on MSR/SOI	1.20
07-29-2020	PSB	Review emails re: Mendocino CSD; Email from Williams and respond	0.70
08-03-2020	PSB	Meeting of Commission by Zoom; Answer questions re: District reps qualifications;	2.75
08-10-2020	PSB	Review executive committee meeting agenda; Research fee procedures and send comments to Uma	0.85
Total			8.20

900.00

Total for this Invoice	900.00
Previous Invoice Balance	420.00
Payment - ck#1604 on 08-10-2020	(600.00)
Payment Applied to Moore on 05-06-2020	180.00
Total Amount to Pay	900.00

We appreciate your business.

Page 2 of 3

Project Statement of Account

As of 08-15-2020

Project	Balance Due
Mendocino LAFCo	900.00
Total Amount to Pay	900.00

CALAFCo

Transactions

Date	Transaction	Applied	Invoice	Amount
07-15-2020	Previous Balance			0.00
08-15-2020	Invoice 575			0.00
			Balance	0.00

Mendocino LAFCo

Transactions

Date	Transaction	Applied	Invoice	Amount
07-15-2020	Previous Balance			600.00
08-10-2020	Payment Received - Reference ck#1604			(600.00)
08-10-2020	Payment Applied	600.00	568	
08-15-2020	Invoice 575			900.00
			Balance	900.00

Open Invoices and Credits

Date	Transaction	Amount	Applied	Balance
08-15-2020	Invoice 575	900.00		900.00
			Balance	900.00

Law Office of P. Scott Browne

131 South Auburn Street
Grass Valley, CA 95945
5302724250

Tax ID: 68-0348904

03-15-2020

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

Invoice Number: 445

Invoice Period: 02-16-2020 - 03-15-2020

RE: Weger Detachment

Time Details

Date	Staff Member	Description	Hours	Rate	Amount
02-19-2020	PSB	Conference call from Uma & Larkyn re: Weger Detachment; Return telephone call from Mendocino County Counsel; Draft Tax Resolution; Email to County Counsel	3.00	200.00	600.00
02-24-2020	PSB	Participate in closed session by phone	0.40	200.00	80.00
02-26-2020	PSB	Conference call with Uma & Larkyn; Review staff report; Revise resolutions;	3.00	200.00	600.00
03-02-2020	PSB	Prepare for meeting; Meeting of Commission by phone; Respond re: Brown Act question;	3.50	200.00	700.00
Total Fees					1,980.00

Time Summary

Staff Member	Hours	Rate	Amount
PSB	9.90	200.00	1,980.00
Total			1,980.00

Expenses

Date	Staff Member	Expense	Amount
03-15-2020	WJC	Legal Research	27.00
		Legal Research	
Total Expenses			27.00

Total for this Invoice 2,007.00

Total Amount to Pay 2,007.00

We appreciate your business.

Page 1 of 2

Project Statement of Account

As of 03-15-2020

Project		Balance Due
Weger Detachment		2,007.00
	Total Amount to Pay	2,007.00

Weger Detachment

Transactions

Date	Transaction	Applied	Invoice	Amount
12-15-2019	Previous Balance			0.00
03-15-2020	Invoice 445			2,007.00
			Balance	2,007.00

Open Invoices and Credits

Date	Transaction	Amount	Applied	Balance
03-15-2020	Invoice 445	2,007.00		2,007.00
			Balance	2,007.00

We appreciate your business.

Page 2 of 2

PNP CPA
13075 Oberwald Way
Truckee, CA 96161 US
zach@pehlingcpa.com

INVOICE

BILL TO
Mendocino LAFCo

INVOICE # 1068
DATE 07/13/2020
DUE DATE 07/13/2020
TERMS Due on receipt

DESCRIPTION	AMOUNT
Audit	1,690.00
<hr/> BALANCE DUE	
	\$1,690.00

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

COMMISSIONERS

Carre Brown, Chair
County Board of Supervisors

Tony Orth, Vice Chair
Brooktrails Township CSD

Gerald Ward, Treasurer
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Willits City Council

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Regular Special District

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County Board of Supervisors

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Ukiah Valley Fire District

Will Lee, Alternate
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Richard Weinkle, Alternate
Public Member

John Haschak, Alternate
County Board of Supervisors

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

September 14, 2020

Dear Commissioner Huff,

With the enclosed Certificate of Commendation, we express our gratitude for your service on the Mendocino Local Agency Formation Commission. Your thoughtful and educated discourse and recommendations have been an asset to the Commission and our County. I speak on behalf of the Commission and our staff when I say that you will be missed.

We wish you all the best in your future endeavors.

Sincerely,

Carre Brown
Commission Chair

Certificate of Commendation

WHEREAS, John Huff was appointed as a Regular Special District Member on Mendocino LAFCo in 2019; and

WHEREAS, he contributed significantly to the accomplishments of the Commission; and

WHEREAS, during his tenure on the Commission, his experience and dedication have been invaluable.

NOW, THEREFORE BE IT RESOLVED that the Local Agency Formation Commission of Mendocino County
does hereby commend

John Huff

For his valuable service and leadership as a member of the Mendocino Local Agency Formation Commission

Presented on this 14th Day of September 2020

Carre Brown, Commission Chair

Uma Hinman, Executive Officer

**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: September 14, 2020
 TO: Mendocino Local Agency Formation Commission
 FROM: Uma Hinman, Executive Officer
 SUBJECT: Release Request for Proposals and Establish Ad Hoc Committee for Work Plan Implementation

RECOMMENDATION

The Commission discuss and consider the following:

1. Approve the release of a Request for Proposals (RFP); and
2. Appoint an RFP Ad Hoc Committee consisting of two members of the Commission and the Executive Officer.

BACKGROUND

Within the past few months, Mendocino LAFCo has received and is currently processing several applications in addition to work plan efforts and typical office operations. Given the staff capacity and current needs of Mendocino LAFCo, staff is recommending that the Commission direct staff to perform MSRs and SOI updates for the Ukiah Valley agencies identified in the 2020-21 Work Plan through a hybrid approach that uses a combination of in-house staff resources and private consultants.

Given the time sensitive nature of the application process and applicant needs, staff review and processing of applications necessarily takes precedence over scheduled work plan studies. However, the current applications and work plan coincide. Currently, staff is processing an application and two pre-application requests for projects related to the City of Ukiah, the Ukiah Valley Sanitation District (UVSD) and the Ukiah Valley Fire District (UVFD), all of which are scheduled for municipal service reviews (MSR) and sphere of influence (SOI) updates this fiscal year.

Applications (Active)	Work Plan (FY 2020-21)
City of Ukiah Detachment of UVSD Overlap Area	City of Ukiah
City of Ukiah Pre-Application for Annexation of Northern Areas	Ukiah Valley Sanitation District
City of Ukiah/Ukiah Valley Fire District Pre-Application for Annexation of the City of Ukiah	Ukiah Valley Fire District
	Covelo Community Services District
	CSA 3

Due to the anticipated level of complexity and controversy for these work plan studies and the capacity of our staff, it is recommended that the Commission authorize distribution of a Request for Proposals (RFP) for preparation of MSR/SOI Updates for the City of Ukiah and the UVSD, with the intent of Mendocino LAFCo entering into contract directly with a private consultant to prepare these studies.

Staff is proposing to continue work on the Ukiah Valley Fire District, Covelo Community Services District (CSD), and County Service Area (CSA) 3 as time and budget allows.

Assuming that the Commission agrees that the use of private consultants is appropriate to assist in completing the City of Ukiah and UVSD MSR/SOI Updates, staff is requesting the Commission establish an Ad Hoc Committee made up of two Commissioners and the Executive Officer to implement the RFP process and make recommendations to the Commission on firm selection and contract.

A draft RFP is included as an attachment to this report for the Commission’s review. At its August 13, 2020 meeting, the Executive Committee reviewed and approved a consultant list for distribution of Requests for Proposals and/or Qualifications (RFP/RFQ). Upon approval by the Commission, the RFP will be distributed to the list of consultants, posted on the Mendocino LAFCo website, and shared via the CALAFCO website.

The following is a tentative schedule for release of the RFP and consultant selection.

Task	Schedule
Draft RFP approved by Commission	September 14, 2020
RFP released	September 16
Proposal deadline	October 15
Proposal review	October 19-23
Recommendation to Commission	November 2
Work commences	December 2020

In the development of the fiscal year 2020-21 Work Plan, it was assumed that the City of Ukiah would be a two-year project for a number of reasons. Staff has been coordinating the preparation of the City’s SOI Update to track concurrently with the City’s General Plan Update, both for consistency in long range planning and to streamline the environmental review process and cost. Additionally, LAFCo does not have budget sufficient to cover the preparation of the City of Ukiah’s MSR/SOI within a single fiscal year.

Further, LAFCo does not have budget for CEQA analyses beyond exemptions. It is anticipated that the City of Ukiah and the Ukiah Valley Sanitation District SOI Updates will both require CEQA analysis beyond CEQA exemptions. LAFCo practice has been to adopt coterminous spheres unless an agency requests a sphere amendment and assumes the costs associated with CEQA analysis. This approach has allowed LAFCo to keep apportionment costs low for its members.

Attachments: Draft Request for Proposals

Mendocino Local Agency Formation Commission

Request for Proposals

To Provide:

**Municipal Service Reviews (MSRs)
and Sphere of Influence (SOI) Updates**

Including:

**City of Ukiah
and
Ukiah Valley Sanitation District**

Response due by October 15, 2020 at 5:00pm

Issued September 16, 2020

MENDOCINO LOCAL AGENCY FORMATION COMMISSION REQUEST FOR PROPOSALS

The Mendocino Local Agency Formation Commission (“Mendocino LAFCo” or “LAFCo”) is seeking qualified candidates to prepare Municipal Service Reviews (MSRs) and Sphere of Influence (SOI) Updates for the City of Ukiah and Ukiah Valley Sanitation District, and to provide On-Call MSR, SOI Update, and potentially environmental review services, as needed. Mendocino LAFCo may contract with one consultant or multiple consultants for these services; although Mendocino LAFCo prefers to contract with one consultant.

Municipal Service Review (MSR) Guidelines

The Cortese-Knox-Hertzberg Act requires LAFCos to complete MSRs to develop baseline information for updating SOIs. MSRs must be done before or in conjunction with SOIs. The statute sets forth the form and content of the MSR, which must inform the Commission on the following seven issues (California Government Code Section 56430):

1. Growth and population projections for the area.
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
3. Capacity of public facilities, adequacy of public service and infrastructure needs or deficiencies.
4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared services.
6. Accountability for community service needs, including governmental structure and operation efficiencies.
7. Any other matter related to effective or efficient service delivery.

Sphere of Influence (SOI) Guidelines

In determining the SOI of each local agency, the SOI study should consider and prepare a written statement of determinations with respect to each of the following (California Government Code Section 56425):

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 they are relevant to the agency.
5. The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

Scope of the Project

Maps of each subject agency are included in **Exhibit A**. Mendocino LAFCo is not interested in simply restating information from past MSRs and SOIs. Examples of previous MSRs and SOIs can be found on the Mendocino LAFCo website (<http://www.mendolafco.org/>).

The MSRs and SOI Updates for the City of Ukiah and Ukiah Valley Sanitation District are expected to be completed by the selected consultant(s) as indicated in **Table 1**. In addition to the MSR and SOI Updates listed, Mendocino LAFCo may also contract for On-Call MSR and SOI Update services and additional professional services including conducting environmental review associated with proposed SOI amendments.

Mendocino LAFCo will be responsible for determining the appropriate level of environmental review and CEQA compliance for the MSRs/SOIs. While CEQA analysis should not be addressed in the scope of work for the proposal, Mendocino LAFCo encourages qualified consultants to note in the proposal ability and experience to provide CEQA services. Any CEQA services would be considered a new Scope of Work requiring a separate contract. Please note that proposals will not be evaluated on the basis of any stated interest or ability to provide CEQA services.

The resulting agreement(s) for consulting services shall be for a one year term, with the option to extend annually, up to a total three year term for any agreement, at the discretion of Mendocino LAFCo. For any additional MSR, SOI Update, and/or environmental review work to be performed by the selected consultant(s), a subsequent task order will be executed, which shall include a scope of services, budget, and project schedule.

Expectations of the Consultant(s)

The successful firm(s) or individual(s) will accomplish the following:

1. The report(s) should use any and all available information relevant to both the MSR and SOI including interviews, surveys, previous research, land use plans and population projections, engineering reports, adopted district budgets, audit reports, state department reports, local health department reports, county general plans, previous MSR and SOI studies, authorities under the law, etc. Sufficient data and information should be collected to construct a clear, concise and comprehensive report.
2. The report(s) should reflect local Mendocino LAFCo policies where applicable. Specific information can be found on the Mendocino LAFCo website (www.mendolafco.org).
3. The report(s) should reflect the template of recent studies adopted by the Commission related to style, organization, and content or address recommended improvements.
4. Development of the report(s) should be conducted in a fair, accurate, and objective manner. The intent is to provide valuable and practical conclusions and recommendations to improve municipal service delivery in Mendocino County.
5. Development of the report(s) should provide effective and meaningful opportunities for public participation in the review process.
6. All activities of the consultant(s) in communicating with Mendocino LAFCo, local agencies, and the general public and in preparing MSR/SOI Update studies are subject to the Public Records Act and public disclosure and all such records should be provided regularly to Mendocino LAFCo in a searchable PDF format-type document, where feasible.

MSR/SOI Process and Deliverables

Preparation of each report will include the following steps:

1. Data collection: Distribution of a request for information, as well as soliciting the subject local agencies for additional information, interviews, research of existing information and documents available to prepare the report(s).
2. Outreach: Conduct outreach to the agencies and relevant stakeholders to ensure that all parties have an opportunity to voice their opinions during the MSR and SOI update process.
3. Review, interpretation, and analysis: Review and analysis of all the information collected, including engineering reports, land use plans, population projections, and financial data.
4. Administrative Draft MSRs/SOIs: Produce Administrative Draft MSRs/SOIs including GIS maps for the agencies, appropriate findings, determinations, and recommendations for Mendocino LAFCo staff review (electronic PDF and Word versions, and GIS data). A copy of all reference materials should also be provided.
5. Draft MSRs/SOIs: Incorporate comments, edits, and corrections and submit Draft MSRs/SOIs to Mendocino LAFCo for distribution to the Commission and affected agencies for comment (electronic PDF and Word versions). Attendance at the Commission workshop for the Draft MSRs/SOIs may be required, depending on available budget and staff needs.
6. Final MSRs/SOIs: Preparation of Final MSRs/SOIs addressing comments from the Commission, Mendocino LAFCo staff, the subject local agency, other affected and interested local agencies, and the general public. This includes findings, determinations, and recommendations (electronic PDF and Word versions). Attendance at the Commission meeting(s) approving the Final MSRs/SOIs is required, depending on available budget.
7. Distribution: Following Commission approval of the MSRs/SOIs, provide Mendocino LAFCo with a final electronic version (both PDF and Word versions) for distribution and posting online.

Contents of Proposal

The proposal shall be specifically responsive to this request and shall include, but not necessarily be limited to, the following:

1. General statement by the firm or individual about the proposal including an understanding and general approach to accomplishing the work as outlined. The statement should demonstrate the experience and qualifications to perform the required duties.
2. Specifically substantiated statement of the firm or individual's qualifications to perform the work, ability to stay within budget, and meet deadlines, including the ability of the firm or individual to prepare multiple MSR/SOI updates prior to the dates indicated in **Table 1** (if submitting a proposal on more than one of the MSR/SOI updates listed).
3. Identification and designation of the individual(s) who would perform the work, including resumes documenting their experience and competence to perform that work. Note that any subsequent changes in staff performing the work will require prior approval by Mendocino LAFCo.
4. For each report the firm or individual consultant is proposing to prepare, provide a general time line and scope of work required to complete the documents in the most efficient and timely manner. The timeline should identify check-in meetings with Mendocino LAFCo staff as appropriate. Please note the MSR/SOI deadlines in **Table 1**.
5. Each proposing firm or individual should also indicate whether they are available to provide services on an as needed basis for other MSRs and SOI Updates and associated environmental review, including an hourly rate/fee schedule for each individual who will perform the work.

6. Estimate of hours for each report the firm or individual consultant is proposing to perform and identification of basic work tasks, including a detailed cost proposal listing the hourly rates for each individual who will perform the work, the estimated number of hours each individual will contribute, and any additional costs or expenses required for completing the scope of work. For each report, the consultant should provide an estimate of hours for an abbreviated study and a comprehensive study, if needed. The proposal should specify deliverables as well as the number of meetings and presentations included in the fee.
7. Disclosure of any work performed for the agencies included in the scope of work under this RFP and include an indication of the scope of involvement in that work.
8. List of references including contact information.
9. Sample of a comparable study or report prepared by your firm (a link to a prepared document available on an accessible website is acceptable).

Evaluation Process

Mendocino LAFCo’s RFP Ad Hoc Committee will review each proposal and evaluate the ability of each individual or firm to meet the expectations defined herein. References will be contacted. The proposals will be ranked and the top firms may be invited to an interview with staff, Commissioners, and potentially representatives from the subject agencies. A consultant or multiple consultants will then be selected and the contract approval process will begin. Mendocino LAFCo may modify this evaluation process as appropriate or needed.

Consultant Selection

The following attributes will be considered in determining the award of the contract:

1. Understanding of the project and commitment to meet the expectations outlined in this RFP
2. Ability to work well with Mendocino LAFCo and subject agency staff
3. Expertise with writing MSR/SOIs
4. Ability to produce a clear, well-researched, and definitive product
5. Providing a clear and reasonable outline of cost estimates and past performance of staying within budget and on schedule

Schedule

The following schedule may be modified as needed.

Table 1. Schedule

Task	Schedule
RFP released	September 16, 2020
Proposal deadline	October 15
Proposal review	October 19-23
Recommendation to Commission	November 2
Work commences	December 2020
UVSD MSR/SOI completed	June 2021
City of Ukiah MSR/SOI completed	June 2022

Additional Information

Agreement:

No prior, current, or post award verbal conversations or agreement(s) with any officer, agent, or employee of Mendocino LAFCo shall affect or modify any terms or obligations of the RFP, or any contract resulting from this RFP. The proposal(s) of selected consultant(s) will become part of the agreement. Price quotations and other time-dependent information contained in any proposal shall remain firm for a minimum of 90 days from the proposal submission deadline.

Contract Provisions:

Mendocino LAFCo reserves the right to reject any and all proposals, waive any irregularity in the proposals and/or to conduct negotiations with any firms or individuals, whether or not they have submitted a proposal. Mendocino LAFCo's standard contract form will be used as the basis for establishing contract provisions and executing an agreement with the selected consultant(s).

Non-Conforming Terms and Conditions:

Any proposal that includes terms and conditions that do not conform to this RFP is subject to rejection as non-responsive. Mendocino LAFCo reserves the right to waive any informalities or minor irregularities in connection with proposals received. Mendocino LAFCo reserves the right to permit a consultant to withdraw non-conforming terms and conditions from their proposal prior to the Commission taking action.

Collusion Among Respondents:

Each consultant, by submitting a proposal, certifies that it is not party to any collusive action relating to this RFP.

Conflict of Interest:

Consultants and consultant firms submitting proposals in response to this RFP must disclose to Mendocino LAFCo any actual, apparent, or potential conflicts of interest that may exist relative to the services to be provided pursuant to this RFP. If the consultant or firm has no conflict of interest, a statement to that effect shall be included in the proposal. Consultants should disclose any work performed for the agencies included in the scope of work under this RFP and include an indication of the scope of involvement in that work.

Consultants:

During the preparation phases, Mendocino LAFCo reserves the right to hire consultants as necessary, in its discretion, to represent the Commission in this project.

Expenses Incurred:

There is no expressed or implied obligation for Mendocino LAFCo to reimburse consultants for any expenses associated with this RFP.

Late Submissions:

Any proposal received after 5:00 pm PST on October 15, 2020, will not be considered.

Public Records:

Until award of a contract(s), the proposals shall be held in confidence and shall not be available for public review. No proposal shall be returned after the date and time set for the opening thereof. All proposals shall become the property of Mendocino LAFCo, and upon award of a contract(s) to the successful proposer(s), all proposals shall be public records.

Inquiries

Any questions regarding this proposal shall be submitted electronically to eo@mendolafco.org.

Submittal

Proposals shall be submitted electronically to eo@mendolafco.org or mailed to:

Mendocino LAFCo
200 South School Street
Ukiah, CA 95482

Proposal deadline: **October 15, 2020, 5:00 pm**

Respectfully requested,

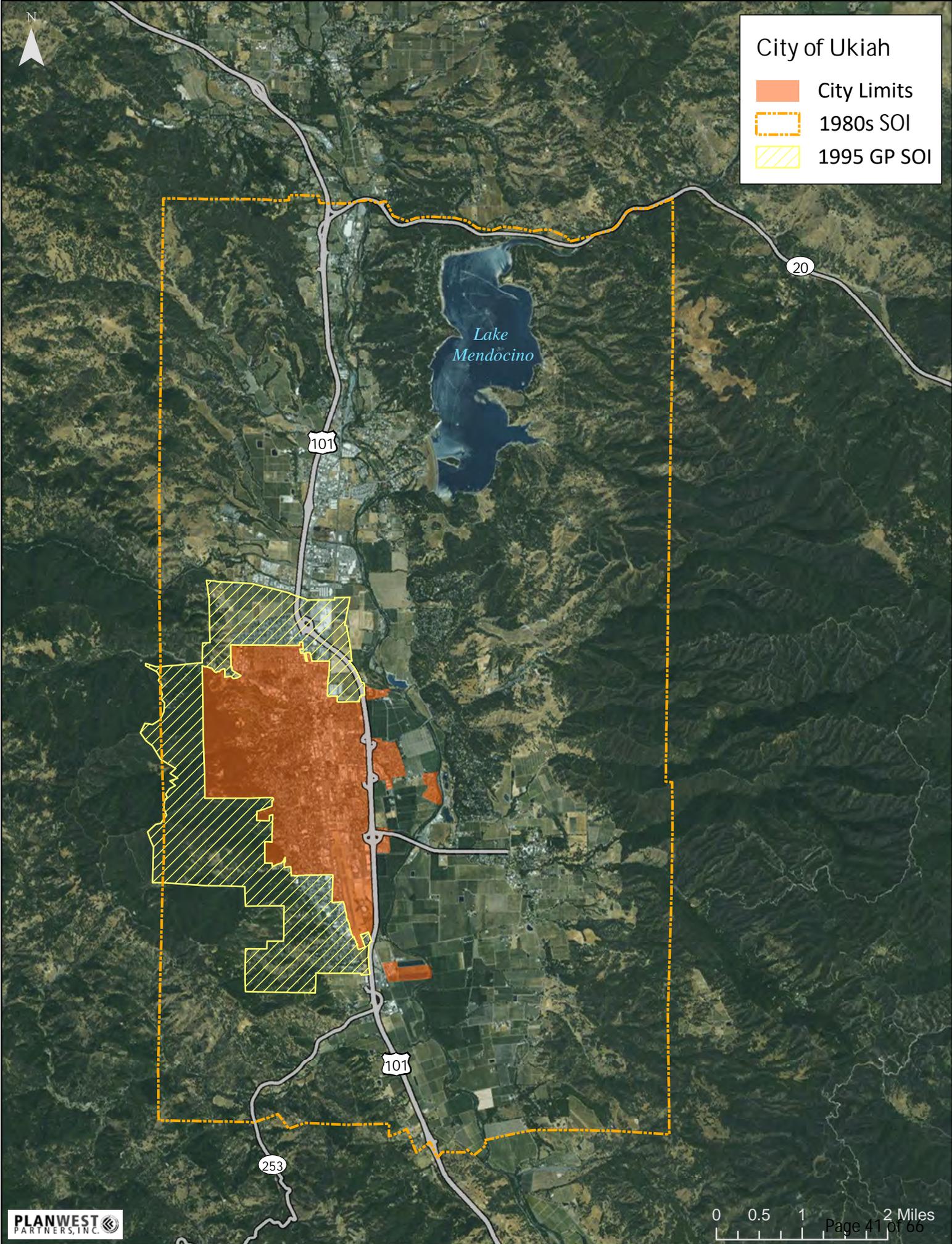


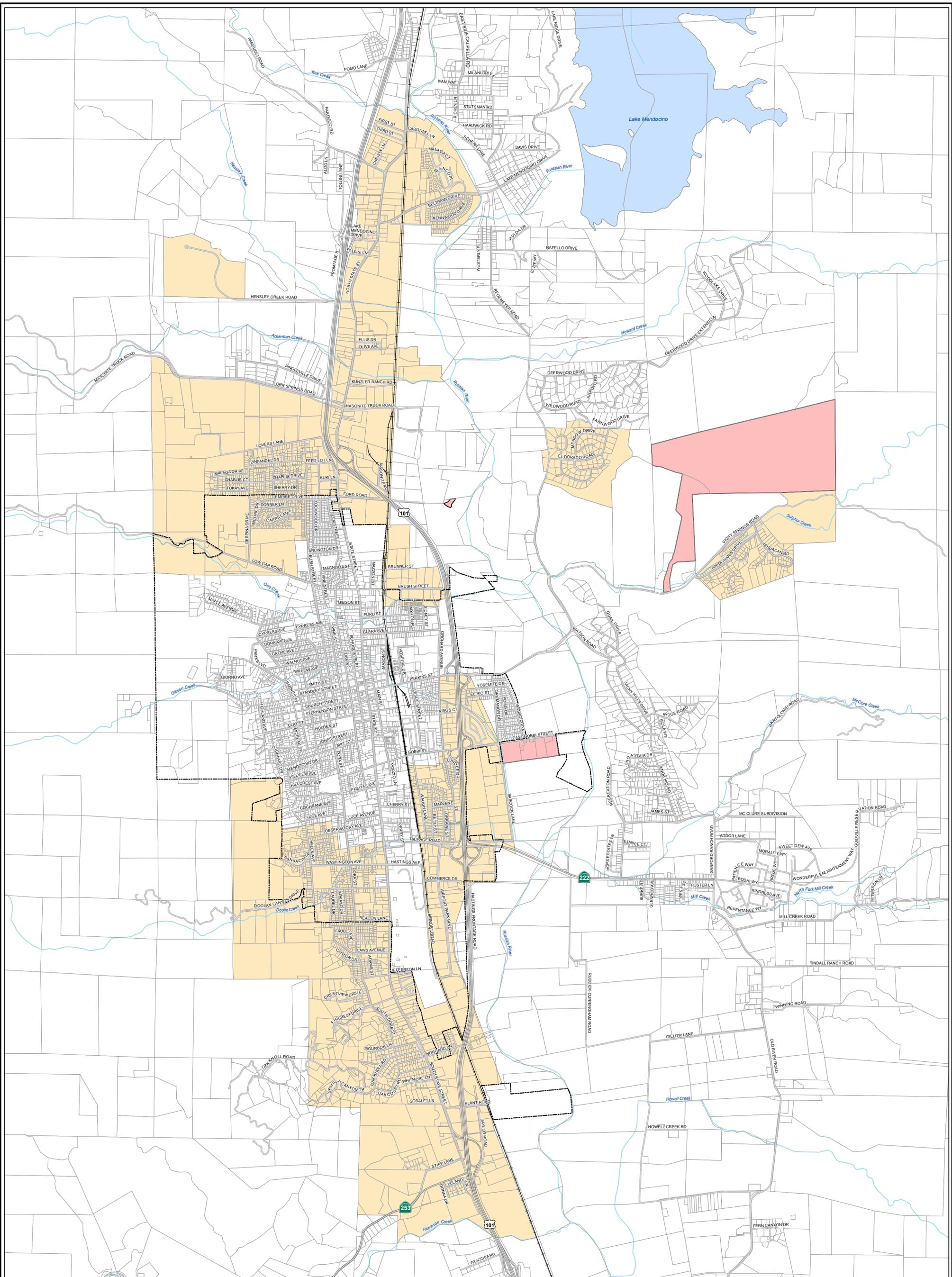
Uma Hinman
Executive Officer



City of Ukiah

-  City Limits
-  1980s SOI
-  1995 GP SOI





Ukiah Valley Sanitation District

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

- Ukiah Valley Sanitation District
- Out of District Service Area
- City of Ukiah
- Parcels
- Highways
- Roads
- Railroads
- Streams



**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: September 14, 2020
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: Report on Proposed Revisions to Indemnity Clause

RECOMMENDATION

Receive informational report from staff.

BACKGROUND

During its August 13, 2020 meeting, the Executive Committee considered a request from the City of Ukiah regarding proposed revisions to LAFCo's standard indemnity clause. The proposed revisions shown below (underlined/strikethrough/red) would result in eliminating the current requirement that the applicant indemnify LAFCo from claims brought by the applicant, and would not change the requirement that the applicant indemnify LAFCo from claims brought by third parties.

INDEMNITY

As part of this application, applicant and real property in interest, if different, agree to defend, indemnify, hold harmless, and release the Mendocino Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought by any third party against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity other than including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the Mendocino Local Agency Formation Commission, its agents, officers, attorneys, or employees.

The proposed changes were reviewed by LAFCo's Legal Counsel who advised that in the absence of clear legal authority that such a provision is illegal, it becomes a policy question for the Commission. The Executive Committee unanimously decided to make no changes to the indemnity clause at that time and directed staff to report on the matter to the Commission at the next regular meeting.

**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: September 14, 2020
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: Fee Schedule Update Report

RECOMMENDATION

Commission receive the report and direct staff to file.

DISCUSSION

At its August 13, 2020 meeting, the Executive Committee discussed updating the Fee Schedule and directed staff to prepare an analysis of staff billing rates for the Commission's consideration and report on the matter at the next regular meeting of the Commission.

LAFCo fees are charged on a time-and-expense basis. Applicants are required to make a deposit toward the cost of processing their projects; staff time and other costs are tracked, and any unused portion of the deposit is refunded at the end of the process. Mendocino LAFCo's Fee Schedule was last updated in early 2016.

In an effort to identify revenue for work plan and administrative functions so as to minimize necessary increases to apportionment fees to its member agencies, staff is preparing an analysis of billing rates for application processing that include portions for administrative overhead, long-term studies (municipal service reviews/MSRs and sphere of influence/SOI updates) and policy development.

Billing rates may include a portion for administrative overhead provided it excludes the portion of staff time that is devoted to general public service (e.g., responding to inquiries regarding LAFCo procedures; maintenance of the LAFCo website; minor coordination with other public agencies relative to representation of agency boundaries). Additionally, a portion of the cost of long-term LAFCo studies, policy development, and MSRs/SOI updates may be excluded, if the Commission desires, based on the premise that these activities benefit the public as a whole, making it appropriate that public funds finance a portion of associated overhead.

Example:

hourly billing rate + a portion of long-term projects (MSRs/SOIs) + administrative overhead = the rate to be billed.

Government Code Section 56383 authorizes the Commission to establish a schedule of fees for the costs of proceedings, specifies that the fees may not exceed the cost of services, and specifies a procedure for adopting or amending fee schedules.

The procedure for establishing or updating a fee schedule (Government Code Section 66016) includes a noticed public hearing prior to adoption, with data supporting the imposition of fees to be made available to the public for 10 days in advance of the hearing. Section 66017 further specifies that a new fee schedule may not become effective sooner than 60 days following adoption.

Staff will bring forward an analysis of staff billing rates and proposed updates to the Fee Schedule at a future meeting of the Commission.

**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: September 14, 2020
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: CALAFCO Board of Directors Elections

RECOMMENDATION

The Commission discuss the CALAFCO call for nominations to the 2020-21 CALAFCO Board of Directors and consider the following:

1. Consider nomination of a Mendocino County LAFCo City or Public Commissioner, authorizing the Chair to sign the nomination form if nomination made; and
2. Select a voting delegate to participate in the 2020 CALAFCO Board of Directors election.

BACKGROUND

CALAFCO is seeking nominations for the fall 2020 elections to fill upcoming vacancies on its Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four to five times each year at alternate sites around the state. Any member LAFCo commissioner or alternate is eligible to run for a Board seat.

CALAFCO's Election Committee is accepting nominations for the following Northern Region seats on its Board of Directors: City Member and Public Member. Nomination forms and materials are due September 22, 2020.

Because the in-person 2020 Annual CALAFCO Conference has been cancelled due the COVID-19 pandemic, the 2020 Board of Directors election will be an electronic ballot procedure in October 2020. Election ballots will be emailed directly to an assigned voting delegate for each LAFCo, who will then cast their vote during the 2020 virtual annual business meeting. Voting delegates must also be submitted to CALAFCO by September 22, 2020.

Attachments: CALAFCO 2020 Board Nomination Packet

July 7, 2020

To: Local Agency Formation Commission
Members and Alternate Members

From: Shiva Frentzen, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors



RE: IMPORTANT UPDATE - Elections for 2020/2021 CALAFCO Board of Directors

As you know, nominations are now open for the fall elections of the CALAFCO Board of Directors. Please refer to the announcement and nomination packet sent out to you on June 19, 2020 for details on which seats are open and other important information.

In that announcement we advised you that if we are unable to have an in-person annual conference due to the COVID-19 pandemic, the elections will be conducted by all mail ballot. **As the in-person annual conference has been cancelled, the 2020 Board of Directors elections will be an electronic ballot procedure.**

- ✓ We will use the timelines outlined in CALAFCO policies as detailed in the June 19 announcement with some slight modifications as provided below.
- ✓ CALAFCO still needs the name of your voting delegate. Please also provide their title and email address as the ballot will be emailed directly to your voting delegate. The voting delegate will also cast votes on behalf of your LAFCo at whatever virtual annual business meeting we may have.

Since there will be no caucus, there is no ability to nominate a candidate from the floor. All nominations must come from the nomination packets submitted and acknowledged as received by the deadline of September 22, 2020 at 5:00 p.m.

Please inform your Commission that the CALAFCO Election Committee is accepting nominations until Tuesday, September 22, 2020 at 5:00 p.m. and that this is the only way to get your name on the ballot and be considered for election.

The election committee and CALAFCO staff will meet virtually the morning of October 22 for purposes of tabulating the results and certifying the election. All election documents will be available for member LAFCo inspection upon request.

- **June 19** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 22** – Completed Nomination packet due
- **September 22** – Voting delegate name and email address due to CALAFCO
- **October 7** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 7** – Distribution of ballots by email to voting delegate
- **October 21** - Ballots due to CALAFCO by 4:00 p.m. – **NO LATE BALLOTS WILL BE ACCEPTED**
- **October 22** – Elections tabulated by the Elections Committee and an announcement made to the membership

Please direct any questions you have about the election process to Executive Director Pamela Miller at pmiller@calafco.org or by calling her at 916-442-6536; or to the Election Committee Chair Shiva Frentzen at sfrentzen@calafco.org or by calling her at 530-621-5390.

June 19, 2020

To: Local Agency Formation Commission
Members and Alternate Members

From: Shiva Frentzen, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors



RE: Nominations for 2020/2021 CALAFCO Board of Directors

Nominations are now open for the fall elections of the CALAFCO Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four to five times each year at alternate sites around the state. Any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat.

CALAFCO's Election Committee is accepting nominations for the eight (8) seats noted below on the CALAFCO Board of Directors. There are two (2) open in each region as follows:

<u>Central Region</u>	<u>Southern Region</u>	<u>Northern Region</u>	<u>Coastal Region</u>
County Member	City Member	City Member	County Member
District Member	Public Member	Public Member	District Member

The election will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 22, 2020 at the Hyatt Regency in Monterey, CA. *If we are unable to have an in-person annual conference due to the COVID-19 pandemic, the elections will be conducted by all mail ballot. This means there will be no nominations from the floor as part of the usual caucus procedures.*

Please inform your Commission that the CALAFCO Election Committee is accepting nominations for the above-cited seats until *Tuesday, September 22, 2020 at 5:00 p.m.*

Incumbents are eligible to run for another term. Nominations received by September 22 will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than October 7, 2020 and ballots made available to Voting Delegates at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting an electronic ballot will be made available if requested in advance. **The ballot request must be made no later than Tuesday, September 22, 2020. Completed absentee ballots must be returned by 8:00 a.m., Monday, October 19, 2020.**

Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Resume Form or provide the specified information in another format other than a resume. Commissions may also include a letter of recommendation or resolution in support of their nominee.

The nomination forms and materials must be received by the CALAFCO Executive Director no later than Tuesday, September 22, 2020 at 5:00 p.m. Here is a summary of the deadlines for this year's nomination process:

- **June 23** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 22** – Completed Nomination packet due
- **September 22** – Request for an absentee/electronic ballot due
- **September 22** – Voting delegate name due to CALAFCO
- **October 7** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 7** – Distribution of requested absentee/electronic ballots.
- **October 19** – Absentee ballots due to CALAFCO
- **October 22** - Elections

Returning the nomination form prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received should there be multiple candidates. Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to info@calafco.org. Alternatively, nomination forms and materials can be mailed or faxed to the address or fax number below. Please forward nominations to:

CALAFCO Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1020 12th Street, Suite 222
Sacramento, California 95814
FAX: 916-442-6535
EMAIL: info@calafco.org

Questions about the election process can be sent to the Chair of the Committee, Shiva Frentzen, at sfrentzen@calafco.org or by calling her at 530-621-5390. You may also contact CALAFCO Executive Director Pamela Miller at pmiller@calafco.org or by calling 916-442-6536.

Members of the 2020/2021 CALAFCO Election Committee are:

Shiva Frentzen, Chair sfrentzen@calafco.org	El Dorado LAFCo (Central Region) 530-621-5390
David Couch dcouch@cityofarcata.org	Humboldt LAFCo (Northern Region) 530-242-1112
Jo MacKenzie jmackenzie@calafco.org	San Diego LAFCo (Southern Region) 858-614-7755
Tom Murray tmurray@calafco.org	San Luis Obispo LAFCo (Coastal Region) 805-781-5795

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures as well as the current listing of Board Members and corresponding terms of office.

Please consider joining us!

Enclosures

Board of Directors Nomination and Election Procedures and Forms

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.⁸
- b. The Board shall appoint one of the members of the Election Committee to serve as Chairman. The CALAFCO Executive Officer shall appoint a CALAFCO staff member to serve as staff for the Election Committee in cooperation with the CALAFCO Executive Director.⁸
- c. Each region shall designate a regional representative to serve as staff liaison to the Election Committee.⁸
- d. Goals of the Committee are to provide oversight of the elections process and to encourage and solicit candidates by region who represent member LAFCoS across the spectrum of geography, size, and urban suburban and rural population if there is an open seat for which no nominations papers have been received close to the deadline.⁸

2. ANNOUNCEMENT TO ALL MEMBER LAFCoS:

- a. No later than three months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:⁸
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCoS listed by region.
 - iii. The dates by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Elections Committee action."⁸
 - iv. The names of the Election Committee members with the Committee Chairman's LAFCo address and phone number, and the names and contact information for each of the regional representatives.⁸
 - v. The address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
- b. No later than four months before the annual membership meeting, the Election Committee Chairman shall send an announcement to the Executive Director for distribution to each member LAFCo and for publication in the newsletter and on the web site. The announcement shall include the following:⁸

Key Timeframes for Nominations Process	
Days*	
90	Nomination announcement
30	Nomination deadline
14	Committee report released
<small>*Days prior to annual membership meeting</small>	

- i. A statement clearly indicating which offices are subject to the election.
 - ii. The specific date by which all nominations must be received by the Election Committee. Nominations received after the closing dates shall be returned to the proposing LAFCo marked “Received too late for Election Committee action.”⁸
 - iii. The names of the Election Committee members with the Committee Chair’s LAFCo address and phone number, and the names and contact information for each of the regional representatives.⁸
 - iv. Requirement that nominated individual must be a commissioner or alternate commissioner from a member in good standing within the region.
- c. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the regional representatives have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.⁸
- b. At the close of the nominations the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated seats. Caucus elections must be held prior to the annual membership meeting at the conference. The Executive Director or assigned staff along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the staff and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.⁸
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide “CANDIDATE” ribbons to all candidates attending the Annual Conference.⁸
- f. Post the candidate statements/resumes organized by region on a bulletin board near the registration desk.
- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election.⁸
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.⁸

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING⁶

Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCos voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCos voting under this provision may only vote for the candidates nominated by the Election Committee and may not vote in any run-off elections.⁸

5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:

- a. The Election Committee Chairman, another member of the Election Committee or the Chair's designee (hereafter called the Presiding Officer) shall:⁸
 - i. Review the election procedure with the membership.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 1. For city member.
 2. For county member.
 3. For public member.
 4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 1. Name the nominees and offices for which they are nominated.
 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.

- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 - 1. Poll the LAFCoS in good standing by written ballot.
 - 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
 - 3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.⁸
 - 4. With assistance from CALAFCO staff, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
 - 1. The nominee receiving the majority⁶ of votes cast is elected.
 - 2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).⁶
 - 3. In case of tie votes⁶:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
 - 4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.⁶
 - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
 - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
 - c. In the event of a tie, a second run-off election shall be held with the tied nominees. If there remains a tie after the second run-off election the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Election Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.⁸
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after

election of new board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

These policies and procedures were adopted by the CALAFCO Board of Directors on 12 January 2007 and amended on 9 November 2007¹, 8 February 2008², 13 February 2009³, 12 February 2010⁴, 18 February 2011⁵, 29 April 2011⁶, 11 July 2014⁷ and 27 October 2017⁸. They supersede all previous versions of the policies.

CALAFCO Regions

FOUR REGIONS



The counties in each of the four regions consist of the following:

Northern Region

Butte
Colusa
Del Norte
Glenn
Humboldt
Lake
Lassen
Mendocino
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Yuba

CONTACT: Steve Lucas
Butte LAFCo
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Gary Thompson
Riverside LAFCo
gthompson@lafco.org

Coastal Region

Alameda
Contra Costa
Marin
Monterey
Napa
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Solano
Sonoma
Ventura

CONTACT: Martha Poyatos
San Mateo LAFCo
mpoyatos@smcgov.org

Central Region

Alpine
Amador
Calaveras
El Dorado
Fresno
Inyo
Kern
Kings
Madera
Mariposa
Merced
Mono
Placer
Sacramento
San Joaquin
Stanislaus
Tulare
Tuolumne
Yolo

CONTACT: Christine Crawford, Yolo LAFCo
christine.crawford@yolocounty.org

Board of Directors 2020/2021 Nominations Form

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCo of the _____ Region

Nominates _____

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

LAFCo Chair

Date

NOTICE OF DEADLINE

Nominations must be received by **September 22, 2020** at 5:00 p.m. to be considered by the Election Committee. Send completed nominations to:
CALAFCO Election Committee
CALAFCO
1020 12th Street, Suite 222
Sacramento, CA 95814

Date Received _____

Board of Directors 2020/2021 Candidate Resume Form

Nominated By: _____ LAFCo Date: _____

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

NOTICE OF DEADLINE

Nominations must be received by **September 22, 2020** at 5:00 p.m. to be considered by the Election Committee. Send completed nominations to:
CALAFCO Election Committee
CALAFCO
1020 12th Street, Suite 222
Sacramento, CA 95814

CALAFCO Board Members 2019-20 (as of June 19, 2020)		
Board Member Name	LAFCo - Region	Type (Term Expires)
Cheryl Brothers	Orange - <i>Southern</i>	City (2020)
Bill Connelly - Treasurer	Butte - <i>Northern</i>	County (2021)
David Couch	Humboldt - <i>Northern</i>	District (2021)
Shiva Frentzen	El Dorado - <i>Central</i>	County (2020)
Blake Inscore	Del Norte - <i>Northern</i>	City (2020)
Gay Jones	Sacramento - <i>Central</i>	District (2020)
Michael Kelley – Vice Chair	Imperial - <i>Southern</i>	County (2021)
Michael McGill - Chair	Contra Costa - <i>Coastal</i>	District (2020)
Jo MacKenzie	San Diego - <i>Southern</i>	District (2021)
Margie Mohler	Napa - <i>Coastal</i>	City (2021)
Tom Murray	San Luis Obispo - <i>Coastal</i>	Public (2021)
Anita Paque - Secretary	Calaveras - <i>Central</i>	Public (2021)
Jane Parker	Monterey - <i>Coastal</i>	County (2020)
Daniel Parra	Fresno - <i>Central</i>	City (2021)
Josh Susman	Nevada - <i>Northern</i>	Public (2020)
David West	Imperial - <i>Southern</i>	Public (2020)

**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: September 14, 2020
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: Commissioner Terms of Office and Special District Member Election

RECOMMENDATION

Receive informational report from staff regarding Commissioner terms of office and Special District Member election process.

BACKGROUND

Staff presents this information to advise the Commission of ending terms and processes staff will be undertaking over the next four months to fill current and upcoming vacancies. Current terms for the following Commissioners end on December 31 of the years indicated in the following table.

Commissioner	Representing Agency	Term Ending December 31
Vacant, Regular Member	Special District	2022
Tony Orth, Regular Member	Special District, Brooktrails Community Services District	2020
Carre Brown, Regular Member	County of Mendocino	2020
John McCowen, Regular Member	County of Mendocino	2020
Geraldo Gonzalez, Regular Member	City, Willits	

While the Executive Officer implements the Special District representative election process on behalf of the Special District Selection Committee, the County and City Selection Committee make appointments annually. The process and timeline for filling the anticipated vacancies follows.

County Member – Mendocino County Board of Supervisors

LAFCo staff will coordinate with the Board of Supervisors regarding the appointment of new county members in December/January.

City Member - City Selection Committee

LAFCo staff will coordinate with the City Selection Committee in December regarding appointment of City Members.

Special District – Mailed Ballot Election

The current vacancy of a Special District Regular seat is a result of the resignation of John Huff from the Mendocino Coast Recreation and Park District, which thereby made him ineligible to complete his LAFCo term. LAFCo staff have initiated the Special District Selection process to fill the remainder of his four-year

term, which ends in December 2022. Additionally, Regular Commissioner Orth's current term expires at the end of 2020.

Special District Election Process	Date of Distribution	Due Date
Notice of vacancy and nominations forms for remaining term	August 7, 2020	September 15, 2020
Candidate ballots to independent special districts (if more than one candidate nominated)	September 18, 2020	October 20, 2020
Candidates notified of election results		October 21, 2020
Commission certifies election results at regular meeting; swearing in of Special District Member		November 2, 2020

MENDOCINO Local Agency Formation Commission

Staff Report

MEETING September 14, 2020
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Status of Applications, Proposals, and Work Plan**

RECOMMENDATION

Informational report.

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 delegates Local Agency Formation Commissions (LAFCos) 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.

APPLICATIONS

Following is a summary of active and future proposals.

Active Proposals

There are currently three (3) active proposals.

Weger Mendocino Coast Health Care District Detachment Application Review

Project is complete.

City of Ukiah Detachment of Ukiah Valley Sanitation District (UVSD) Served Areas

In April 2020, the City of Ukiah submitted a request to restart a 2014 application for detachment of 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.

City of Ukiah Pre-Application for Annexation of Areas North of the City

Pre-Application request for consultation on process and potential issues regarding the City's proposal to annex the Brush Street Triangle, Masonite area properties and the City's Water Treatment Plant.

Ukiah Valley Fire District Pre-Application for Annexation of the City of Ukiah

Joint Pre-Application request for initial consultation on the proposed annexation of the City of Ukiah into the Ukiah Valley Fire District.

Future Proposals

None at this time.

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 reports 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.

Ukiah Valley Sanitation District (UVSD)

The UVSD has provided a response to the Request for Information (RFI) and staff has been collecting available documentation for the MSR/SOI report.

City of Ukiah

The City of Ukiah MSR/SOI Update has been scheduled to begin in 2020-21.

Covelo Community Services District

The Administrative Draft MSR/SOI is in process.

County Service Area (CSA) No. 3

The Administrative Draft MSR/SOI is in process. This will be the first MSR/SOI report for the CSA. Due to the COVID-19 emergency, there have been delays in receiving a response to requests for information from the County.



August 11, 2020

Dear CALAFCO Membership:

As a follow up to our announcement last month that the 2020 in-person Annual Conference has been canceled due to the pandemic, we want to share an update on events and recent decisions made by the Board. We want to thank those of you who provided feedback as we requested – it was given great consideration during the thoughtful discussions and decision-making process.

No Virtual Conference Event

The Board unanimously decided not to hold a formal, virtual Conference event. After careful research, it was clear the use of a professional virtual event firm to support this model would likely create a financial loss for the Association. At a time when all of us are working to tighten up financials, we felt this was a responsible decision (along with a number of other reasons supporting this decision).

Other Virtual Options – Feedback will be Requested

The Board directed staff to get feedback from the membership on the interest level of attending stand-alone virtual sessions for several specific session topics as identified by the Conference Program Planning Team. The level of interest to attend a 90-minute session will determine whether CALAFCO will hold one or more of those sessions.

You are requested to take 1 minute and respond to the Survey Monkey request for feedback as to your interest level of attending any one or all of those sessions BY FRIDAY, SEPTEMBER 4.

The session topics are:

- *Tackling pension and OPEB obligations – how should agencies be handling them, including your LAFCo*
- *The “new normal” – recession outlooks and impacts*
- *LAFCo in a proactive role – working with agencies as a local government champion for solutions and rebuilding communities in crisis*

Board of Directors Elections

As you have been advised, elections will be conducted via email ballot. The Elections Committee will meet on October 22 to count the ballots and verify results. An email announcement will be made shortly thereafter. Please see all election information provided to you in letters dated June 19 and July 7, 2020. This information is also posted on the CALAFCO website.

Annual Achievement Awards

The Board unanimously approved taking a one-year hiatus of the Annual Achievement Awards this year. With the assistance of staff, the Awards Committee will use this time to review and revise the awards program. This includes looking at streamlining award categories, creating clear selection criteria for each category and revising the nomination process. The Committee’s recommendations will be brought before the full Board for consideration and adoption, then provided to the membership as adopted.

Given no awards this year, the 2021 awards will allow for consideration of work done in 2020 and 2021. This will be the only year this exception will be made.

Annual Business Meeting

No decision has been made yet on whether there will be an Annual Business Meeting. Our Association Bylaws and Policies do not require one, and CALAFCO is researching the law to determine if one is required as a 501(c)3. Watch for an announcement on an Annual Business Meeting coming soon. If one is to be held, it will be held virtually with stringent participation guidelines, and be scheduled for the same date and time the in-person one would have occurred – October 22 at 9:00 a.m.

Regional Roundtables

CALAFCO will host regional roundtables for each of the four regions, likely the same week the Conference would have occurred. Watch for announcements on that to come soon.

If you have questions, please let Executive Director Pamela Miller know. You can reach her at pmiller@calafco.org.

On behalf of the Board, we thank you for your unwavering leadership and the integrity you continue to demonstrate as local government leaders every day, and especially in difficult times such as these.

Yours sincerely,



Mike McGill
Chair of the Board



Pamela Miller
Executive Director

CC: CALAFCO Board of Directors