

MENDOCINO

Local Agency Formation Commission

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COMMISSIONERS

Tony Orth, Chair

Brooktrails Township CSD

Scott Ignacio, Vice Chair

Point Arena City Council

Gerald Ward, Treasurer

Public Member

Matthew Froneberger

Special District Member

Gerardo Gonzalez

Willits City Council

Glenn McGourty

County Board of Supervisors

Maureen Mulheren

County Board of Supervisors

Jenifer Bazzani, Alternate

Ukiah Valley Fire District

John Haschak, Alternate

County Board of Supervisors

Mari Rodin, Alternate

City Member

Richard Weinkle, Alternate

Public Member

STAFF

Executive Officer

Uma Hinman

Analyst

Larkyn Feiler

Commission Clerk

Kristen Meadows

Counsel

Scott Browne

REGULAR MEETINGS

First Monday of each month

at 9:00 AM in the

Mendocino County

Board of Supervisors

Chambers

501 Low Gap Road, Ukiah

Approved by Commission on June 7, 2021

MEETING MINUTES

Local Agency Formation Commission of Mendocino County

Regular Meeting of Monday, May 3, 2021

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

1. **CALL TO ORDER and ROLL CALL** (Video Time 2:29)

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

Regular Commissioners Present: Tony Orth, Scott Ignacio, Gerardo Gonzalez, Matthew Froneberger, Maureen Mulheren, Glenn McGourty, and Gerald Ward (9:03)

Regular Commissioners Absent: none

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

Alternate Commissioners Absent: John Haschak

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

2. **PUBLIC EXPRESSION** (Video Time 6:13)

Elizabeth Salomone, General Manager for the Russian River Flood Control and Water Conservation Improvement District, offered to answer questions about water supply conditions in the County. *(See item 7f)*

3. **CONSENT CALENDAR** (Video Time 6:52)

4a) Approval of the April 5, 2021 Regular Meeting Summary

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

April 2021 Claims totaling:	\$ 11,937.60
Hinman & Associates Consulting	\$ 9,495.00
Ukiah Valley Conference Center	\$ 480.10
P. Scott Browne	\$ 4,462.50
Streamline	\$ 50.00

Commissioner Ward expressed concern for the budget regarding legal fees.

Motion by Commissioner Ignacio: Approve the Consent Calendar Items

Second by Commissioner Froneberger.

Approved by roll call vote: unanimous.

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

4. **PUBLIC HEARING ITEM** (Video Time 10:34)

4a) Proposed Budget and Work Program for Fiscal Year 2021-22

EO Hinman introduced the item, verifying proper public noticing occurred and proceeded with presentation of the proposed budget and work program.

The preliminary FY 2021-22 budget was presented to the Commission at the previous meeting on April 3 and the proposed budget was distributed to the agencies for review.

- The proposed expenses are \$205,150 (an increase of \$28,975). The most significant increase is for the Proposed Work Plan.
- The proposed revenues, consisting of apportionments and interest, total \$225,100.
- Other revenues are applications and grant funds, both of which are not included because they are zero sum.

Summary of FY 2020-21 and Proposed FY 2021-22 Budgets

Budget Summary	FY 2020-21		FY 2021-22
	Amended (\$)	Projected (\$)	Proposed Budget
Staffing Total	92,060	95,000	95,000
Services and Supplies Total	49,633	45,133	58,650
Work Plan Total	34,500	20,000	51,500
Operations Total	176,193	160,133	205,150
Change in Reserves	(25,743)	(10,063)	19,950

EO Hinman presented a proposal to increase Account 6750 Travel & Lodging and Account 6800 Conference Registrations to provide for three staff members to participate in the Annual CALAFCO Staff Workshop in Newport Beach in March 2022. The request is for expense reimbursement for registration and travel and lodging only, no labor. Staff did not propose an increase in revenue (apportionments); rather, the \$3,50 increase in budget would result in a reduction in the intended deposit to reserves. During the April Commission meeting, several Commissioners expressed support for funding staff participation in CALAFCO events and training courses. No budget has been allocated for staff training purposes since 2011.

EO Hinman noted that the Work Plan for FY 2021-22 consisted of the following MSR/SOI Updates:

Agency	Last MSR and/or SOI Update	Estimated Cost ¹
City of Ukiah ²	MSR 2012	\$12,500
Ukiah Valley Sanitation District	N/A	\$20,000
Ukiah Valley Fire District	MSR/SOI 2008	\$6,000
County Service Area No. 3	N/A	\$6,000
Covelo Community Services District	MSR/SOI 2010	\$7,000

The Final Budget & Work Program is to be completed by June 15, 2021 following a public hearing on June 7th.

Questions and Comments from the Commission:

- Commissioner Ignacio requested a copy of the PowerPoint presentation.
- Commissioner Gonzalez asked if each of the agencies received notice of the change in apportionment fees.
 - EO Hinman responded that the notice was included on page 24 of the agenda packet. Following the adoption of the budget, the County Auditor implements a formula for each agency’s fee, which is based on its annual operating revenue of the previous year.
- Commissioner Ward asked about the staff training request and historic practices.
 - EO Hinman responded that current policy provides for reimbursement of the EO’s registration for the CALAFCO Annual Conference only and does not include expenses. There has been no budget for the Staff Workshop or for other staff to attend any CALAFCO offerings. She further clarified the difference between the CALAFCO Staff Workshop and the Annual Conference.
- Commissioner Ward asked for a status update to the Sanitation District MSR/SOI and expressed concern with the lack of progress of the Work Plan.
 - EO Hinman relayed that the District is ready to move forward with the update and will be discussing funding options with its Board and staff.
- Commissioner McGourty also expressed concern for Work Plan progress and asked for comment on the presented comparison of LAFCo budgets. He expressed support for adequate staffing in order to facilitate more timely processing of applications and completion of Work Plan studies.

- EO Hinman stated that other LAFCo's have substantially larger budgets for their Work Plans, staffing, and outreach. She further stated that, when possible, subcontractors are utilized to bolster staffing, particularly for completing MSR/SOI Updates. For example, staff has moved forward with the Covelo CSD MSR/SOI Update utilizing a subcontractor and anticipates an administrative draft should be available for review by the end of the month.
- Commissioner Rodin asked why the City of Ukiah detachment application is not listed on the Work Plan. She expressed concern for staff time and asked if applications are causing delays in completing the Work Plan. She would like to explore ways to increase capacity. EO Hinman clarified the applications not included on the Work Plan, clarifying the following two categories: Work Program - defines the basic services; and Work Plan - defines mandated work on MSR/SOI Updates. Applications are processed at cost and are not included in the budget revenues or expenditures. Applications do impact staff capacity, in particular in completing Work Plan studies. There are two primary causes for delays in Work Plan progress: application processing and policy development.
- Commissioner Mulheren asked about labor costs for the CALAFCO Staff Workshop.
 - EO Hinman clarified that the requested reimbursement is only for lodging and travel and that her firm will cover the labor costs.
- The Commission discussed options for budget revisions during the fiscal year, proposed ideas for ways to increase revenue, facilitation of timely completion of the Work plan, and clarified the motion to be voted on and the Final Budget Public Hearing. Participants in the discussion included Commissioners Rodin, Orth, Ignacio, Ward, Mulheren, Counsel Browne and EO Hinman.
- Commissioner Rodin suggested taking a closer look at the budget comparison and practices of other LAFCo's before approving the budget. Commissioner McGourty asked about the possibility of amending the budget after approval.
- Chair Orth said that the budget cannot be amended due to the calculation of apportionments based on the final budget. He suggested directing the Executive Committee to review and provide a recommendation. He noted the economic impact from the pandemic and increases to legal fees for consideration.
- Counsel Browne confirmed that funds may be moved between accounts within the budget; however, it cannot increase revenue (apportionments) outside of the budget development process.
- Commissioner Ignacio noted that the current resolution is for the proposed budget; there will another public hearing for the final budget before June 15, 2021.
- Commissioner Ward expressed the need for increased capacity to complete the Work Plan and concern for increasing apportionment fees. He would like to explore other ways to increase revenue.
- EO Hinman clarified:
 - Apportionment fees are fixed with adoption of the Final Budget, but reserves can be utilized during the year, if the Commission determines it necessary and/or appropriate.
 - The current public hearing is for the proposed budget which will be distributed to the agencies for review and comment following the Commission's action. The Final Budget Public Hearing will be scheduled for June 7.
 - An Ad Hoc Committee was formed to review the Work Plan on April 3. They have not met yet.
- Commissioner Mulheren suggested changing application fees – awarding agencies for timely processing.
 - EO Hinman said that staff has been working on developing a proposal for weighted staff rates for consideration with a fee schedule update, which will be presented to the Policies & Procedures Committee in the near future.

Motion by Commissioner Gonzalez: Adopt Resolution 20-21-04, approving the Proposed Budget and Work Plan for Fiscal Year 2021-2022 with direction to staff to revise the Draft Budget expenditures to include \$3,350 for staff training; and direction to the EO to distribute the Draft Budget and Work Plan for review and comment to the 53 funding agencies and to schedule a public hearing, pursuant to Government Code Section 56381, for consideration and adoption of a Final Budget and Work Plan for FY 2021-2022 at the June 7, 2021 Regular Meeting.

Second by Commissioner McGourty.

Approved by roll call vote: unanimous.

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

Phil Williams, Special Counsel for the City of Ukiah, requested to comment before the Commission entered closed session. He made two points: The City (1) has no intent to litigate Mendocino LAFCo and (2) looks forward to a conversation regarding its application for detachment of Ukiah Valley Sanitation District areas.

5. CLOSED SESSION

5a) Conference with Legal Counsel – Anticipated Litigation

At 9:55 a.m. the Commission entered closed session. (Video Time 53:33)

At 10:40 a.m. the Commission exited Closed Session. (Video Time 1:42:56)

Counsel Browne reported that the Commission met in closed session to discuss anticipated litigation and that no reportable actions occurred.

At 10:42 a.m. Chair Orth called for a five-minute break. (Video Time 1:43:38)

BREAK

At 10:47 a.m. the Commission reconvened. (Video Time: 1:51:20)

ROLL CALL (Video Time 1:52:00)

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

Regular Commissioners Absent: none

Alternate Commissioners Present: Jenifer Bazzani and Mari Rodin

Alternate Commissioners Absent: John Haschak and Richard Weinkle

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

6. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

6a) City of Ukiah Appeal of Executive Officer Determination for 2014 Amended Ukiah Valley Sanitation District Detachment Application (LAFCo File No. D-2020-01) (Video Time 1:53:30)

Analyst Feiler presented the item. (Video Time 1:54:27)

Commissioner McGourty rejoined the meeting at (10:55 a.m.)

The City of Ukiah made a presentation including the following speakers: Phillip Williams, Special Counsel for the City; Sean White, City Director of Water Resources; and Andrea Matarazzo, Special CEQA Counsel for the City. (Video Time 1:54:27 – 2:26:52)

Commissioner Bazzani left the meeting at 11:15 a.m.

Commissioner Weinkle left the meeting at 11:20 a.m.

Commissioner Gonzalez inquired about whether the City's 2014 Resolution of Application specified the CEQA exemptions determined by the City and Mr. Williams responded that he believed so and it is not relevant based on Ms. Matarazzo's presentation.

Commissioner Mulheren inquired about whether there are any separate or different water districts that also serve areas within the City limits and Mr. White responded affirmatively pointing to a small area served by the Willow County Water District and an overlap area with the Millview County Water District that does not have customers.

Alternate Commissioner Rodin requested clarification on the intent of the agenda item language related to the City's appeal of the Executive Officer's determination on the City's application and EO Hinman responded that staff's determination of an incomplete application was related to application processing and not an action on the outcome of the application, which is a Commission decision.

Chair Orth requested public comments on the item. (Video Time 2:32:43)

Wing-See Fox, Interim General Manager for the Ukiah Valley Sanitation District, commented regarding statements made related to there being no change to customers in the overlap area in the case of detachment and there being no clarity regarding the Sanitation District taking issue with financial information presented in the Plan for Services and noted that it is unclear whether there would be a rate impact to customers from detachment. Ms. Fox commented on the importance of de-escalating the issue and keeping incendiary comments to a minimum. Ms. Fox also encouraged collaboration between the agencies to work through the financial implications of detachment while keeping the greater good of the Ukiah Valley in mind and ensuring that overlap area customers and remaining District customers are not burdened with unreasonable rates after detachment.

Joshua Nelson, Special Counsel for the Ukiah Valley Sanitation District, introduced himself and noted he had no comments at the time.

The Commission deliberated on the three staff recommendations. (Video Time 2:35:13)

Commissioner Mulheren made a motion that the Commission discuss today the three items before moving forward, seconded by Commissioner McGourty.

Counsel Browne requested that the motion be repeated and EO Hinman noted that the motion was to discuss the items of impasse before moving forward. Counsel Browne requested clarification from the maker of the motion regarding the timing for discussion of the impasse items and Commissioner Mulheren confirmed that the motion entails discussion of the impasse items immediately within the current agenda item and the possible outcome of resolving one or all of the items of impasse today. Commissioner Ignacio requested clarification on the motion and Counsel Browne clarified that the motion addresses whether or not to continue the item to allow staff additional time to address the issues raised in the City's letter. Commissioner Mulheren clarified the motion she made was to continue to have the current conversation right now regarding the three impasse items listed by staff before the Commission directs staff to find more information and so that staff knows the Commission's questions. Commissioner Froneberger noted that Commissioners have been provided multiple opportunities to ask staff questions throughout the duration of agenda item 6a. Alternate Commissioner Rodin noted as clarification on the motion that if the Commission can address impasses identified by staff then the application can potentially move forward to the public hearing process for Commission consideration.

The motion failed upon the following roll call vote:

Ayes: (2) Mulheren, McGourty

Nays: (5) Gonzalez, Ward, Froneberger, Ignacio, Orth

Commissioner Ignacio made a motion to uphold the Executive Officer's determination and deny the City's appeal, seconded by Commissioner Ward.

Commissioner Mulheren requested clarification from the maker of the motion as to whether he agrees with the three impasse items and Commissioner Ignacio responded that was not the intent of the motion. Alternate Commissioner Rodin requested further clarification from the maker of the motion as to whether the three impasse items are legitimate and warrant the application not to be heard and Commissioner Ignacio responded that the motion is not specific to such notion. Commissioner McGourty commented that it seems to be an opportune time to address the items of impasse now and inquired as to what additional information will become available by continuing the item. Commissioner Ignacio responded that the motion is intended to resolve the impasse today and emphasized concern regarding setting a precedent that the Commission can rely on data that is 35 years old in current decision making processes. Commissioner McGourty inquired about whether an SOI Update is needed to move the application forward and Commissioner Ignacio responded that a complete application is needed to move the application forward. Commissioner Froneberger noted that presentations from both City and LAFCo staff have been heard and continuing the item will simply continue delaying the process. Chair Orth noted the controversy surrounding the issues before the Commission and the critical nature of defining the path forward and supports providing staff more time to respond to the issues. Commissioner Mulheren emphasized concern regarding setting a precedent that new governing body members are required to validate prior actions of the governing body.

The motion failed upon the following roll call vote:

Ayes: (3) Ward, Froneberger, Ignacio,
Nays: (4) Mulheren, McGourty, Gonzalez, Orth

Commissioner Gonzalez made a motion of staff recommended option 1 and for the item to come back at the next meeting, seconded by Commissioner Mulheren if the maker of the motion agreed that each of the three items of impasse be brought forward with various options for the Commission to discuss, and Commissioner Gonzalez so amended the motion.

Commissioner McGourty requested that staff recommended option 1 be read into the record.

Commissioner Gonzalez repeated the motion to postpone the item to allow additional time for staff review and response and when the item comes back at the next meeting to include the three items in dispute with possible recommendations. Commissioner Mulheren read the following impasse items into the record:

- 1) The need for a new Resolution of Application
- 2) The need for the City to act as Lead Agency and explicitly address CEQA
- 3) The need for City and UVSD MSR/SOI Updates prior to issuing a Certificate of Filing

Counsel Browne noted that the motion would allow staff time to respond to the City's 200-page letter and Phill Williams, Special Counsel for the City of Ukiah, responded that the letter mostly contained information already provided to date. Alternate Commissioner Rodin commented that with the motion the Commission would likely be in the same position at the next meeting and hoped that Commissioners would be ready to discuss the issues in depth.

The motion passed upon the following roll call vote:

Ayes: (5) Gonzalez, Ignacio, McGourty, Mulheren, Orth
Nays: (2) Froneberger, Ward

6b) Proposed Policy Amendments Regarding Indemnification Agreements and Application Options (Video Time 3:09:06)

EO Hinman presented the item. Historically, Mendocino LAFCo has required applicants to indemnify LAFCo as part of the Agreement to Pay form. The agreement indicates that if a LAFCo action is challenged, the applicant is required to defend the action or reimburse LAFCo for all related expenses. Recently, the San Luis Obispo LAFCo's use of an indemnification agreement was successfully challenged by the City of Pismo Beach (*San Luis Obispo LAFCo v. City of Pismo Beach, et.al. 2021 WL 803740*) (SLO case). At its April 13, 2021 meeting, the Policies & Procedures Committee reviewed options to address indemnification in response to the recent SLO case and recommended the Draft Indemnification Policy to the Commission for consideration.

There were no questions or comments from the Commission or the public.

Motion by Commissioner Ward: Adopt Resolution No. 2020-21-05 approving the proposed amendments to Mendocino LAFCo Policies 11.4.3 and 11.4.8 as identified in Exhibit A of the Resolution, or as modified, and directing staff to update the Policies & Procedures Manual; accordingly, and approve the Voluntary Indemnification Agreement, directing staff to include with application packet materials and post to the website.

Second by Commissioner Gonzalez.

Approved by roll call vote: unanimous.

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

6c) Proposed Policy for Electronic Signatures (Video Time 3:13:50)

The Policies & Procedures Committee considered the draft policy at its April 13, 2021 meeting and recommends it to the Commission and consideration. The Policy:

- Establishes when electronic signature technology may replace a hand-written signature.
- Encourages the use of paperless, electronic documents whenever appropriate and allowed by law.
- Applies to all signatures used in processing various LAFCo documents and assumes the signer has been given the authority to sign as determined by the Commission.
- Encourages but does not require the use of electronic signatures, nor can LAFCo mandate that any third party signing a document use electronic signature.

Commissioner Ward asked if checks can be signed electronically. Staff will explore the possibility.

Motion by Commissioner McGourty: Adopt Resolution 2020-21-06, approving the Draft Electronic Signature Policy and directing staff to update the Policies & Procedures Manual accordingly.

Second by Commissioner Ignacio.

Approved by roll call vote: unanimous.

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

6d) Update on Proposed Sphere of Influence Policy Amendments (Video Time 3:18:83)

EO Hinman presented, reporting that the cities and special districts have been invited to attend a public workshop with the Policies & Procedures Committee on May 11, 2021 at 3 p.m. to discuss the draft sphere of influence policies. The workshop will be held via Zoom and information has been posted on the LAFCo website.

Commissioner Mulheren advised that the Board of Supervisors may have a special meeting on the 11th, and will confirm if the meeting will adjourn by 3 p.m.

Phill Williams, Special Counsel for the City of Ukiah, noted that the 2nd Tuesday of the month is typically when various local and statewide public agencies meet. Specifically, the State Water Board is scheduled to meet and make actions concerning the drought on the 11th. He suggested changing the date to accommodate maximum participation.

There was discussion about the planning, timing, and potential scheduling conflicts for the workshop. EO Hinman will reach out and follow up as necessary to finalize scheduling of the workshop date.

7. INFORMATION/REPORT ITEMS

7a) Work Plan, Current, and Future Proposals

 (Video Time: 3:25:02)

EO Hinman presented the report:

Five Active Proposals:

1. City of Ukiah Detachment of Ukiah Valley Sanitation District (UVSD) Served Areas: see item 6a.
2. City of Ukiah Annexation of City-Owned Properties: Staff is waiting on additional information to complete the application submittal. The tax-share agreement process has been initiated with the County.
3. City of Ukiah Pre-Application for Annexation of Areas North of the City: no change.
4. Ukiah Valley Fire District Pre-Application for Annexation of the City of Ukiah: Staff has been coordinated with Mr. Williams and has encouraged the UVFD/City to submit the application as soon as possible so that staff can initiate the tax share negotiation process with the County.
5. Millview County Water District Pre-Application for Annexation of Masonite Properties: Staff are anticipating an application submittal.

Future Proposal(s):

1. City of Ukiah Annexation of the Western Hills Home Properties: Staff has provided comments to the initial referral and is reviewing the draft initial study.

Work Plan:

- Ukiah Valley Sanitation District – The District has received direction from their Board to work with Staff to develop funding options.
- City of Ukiah - The MOU is being negotiated between City and LAFCo attorneys.
- Ukiah Valley Fire District – Staff anticipates processing the update concurrently with the UVFD/City application for annexation.
- CSA 3 – Has been on hold due to the pandemic. Staff has initiated work on a map for the update.
- Covelo CSD – Due to delays with other Work Plan projects, staff began work on the update and anticipates an administrative draft this month. Staff hopes to schedule the public workshop in July.

Commissioner Ward requested policy clarification asking if LAFCo only processes applications for agencies with current MSR/SOIs. EO Hinman confirmed that has been the Commission's practice. He asked specifically about the

status of the City of Ukiah's SOI Update. EO Hinman responded that issue is part of the impasse with the City discussed under item 6a.

Commissioner McGourty suggested that the timely processing of MSR/SOI is a big issue with the City of Ukiah. EO Hinman responded that updated MSR/SOIs for the City and UVSD are necessary to adequately inform the Commission regarding the provision of services in the Ukiah Valley, enabling it to make informed decisions on requested boundary changes within the affected areas. Initially, Staff's goal was to complete the City's update concurrently with the General Plan Update, which would have allowed for comprehensive planning and shared CEQA review. Unfortunately, the pandemic delayed the General Plan update significantly and the decision was made to move forward with the MSR/SOI Update. Currently, the MOU for the funding agreement is causing the delay in beginning the MSR/SOI Update. To expedite the process, Staff has offered to process the City's application for detachment of UVSD areas and SOI Update concurrently, holding final action on the application until adoption of the SOI Update. In addition, a tax share agreement with the County (historically a minimum 3–6-month process) is needed. Supervisor Mulheren has put together a Board of Supervisor's Ad Hoc Committee that will hopefully improve and expedite the tax share agreement process.

7b) Countywide Planning Activities Report None

7c) Correspondence None.

7d) Executive Officer's Report (Video Time: 3:34:31)

EO Hinman reported that Staff will resume holding regular office hours again on Tuesdays and Fridays from 9 a.m. to 1 p.m. and are working to implement proper safety protocols.

Additionally, Staff has been working to secure a reliable and cost-effective provider to replace Pacific Internet for phone and internet services.

EO Hinman thanked her team for their hard work and dedication.

Commissioners Gonzalez, Orth, Mulheren, McGourty and Rodin all expressed appreciation for Staff's work and understands the challenges they face have been long-standing.

EO Hinman said that Staff is here to provide information and welcomes contact from the Commissioners. She invited and encouraged the Commission to reach out to staff to ask questions and discuss any issues.

7e) Committee Reports (Executive Committee/Policies & Procedures) (Video Time 3:40:58)

Commissioner Rodin asked for the Commissioner Committee Assignments.

Executive Committee: Chair Orth, Vice Chair Ignacio, and Treasurer Ward.

Policies & Procedures Committee: Commissioners Mulheren (Chair), Froneberger, and Gonzalez.

Ad Hoc Committee: Mulheren, Froneberger, and Rodin.

7f) Commissioners Reports, Comments or Questions (Video Time: 3:42:44)

Commissioner Mulheren reported that the proposed County Board of Supervisors Ad Hoc Committee for the Tax Share Agreement will be considered by the Board of Supervisors on May 11, 2021. She hopes that each of the independent cities will also create similar ad hoc committees.

Commissioner Froneberger reported briefly on the drought condition. The drought conditions within the Russian River Watershed is uncharted waters. There is just under 40% storage in Lake Mendocino and the area has received only 38% (12-13 in.) of its average rainfall (36 in.), making this drought unprecedented. The Governor has declared a drought emergency in Sonoma and Mendocino Counties. Commissioner Froneberger said that it is imperative for folks in the Upper and Lower Russian River areas to continue to support the Eel River Water Project. The Eel River diversion, the source of a large amount of water currently in Lake Mendocino, is about to be cut due to flow restrictions out of Lake Pillsbury and on the Eel River. He encourages everyone to be mindful, to spread the word, and prepare for long-term implications from the drought.

Commissioner Ignacio reported that Point Arena is serviced by Point Arena Water Works, a privately-owned company off the Garcia River. The marine weather provides sufficient moisture and light rain fall through the season.

Commissioner Gonzalez reported that the City of Willits has installed its splash boards. Although the drought will tax the system, an alternate source of well water is also available should the need arise.

Chair Orth reported that Brooktrails has upgraded to a rubber, air bag actuated, steel dam that has allowed the community to collect water throughout the rainy season. The technology has allowed them to maintain water flow and currently restrictions are not anticipated. However, he expressed concern that restrictions may be necessary should they need to share water with its neighbors.

Commissioner McGourty reported that the County declared a drought emergency the day before the Governor made his declaration. There are about 42 entities that deliver water and the status of each one is being investigated individually. The County has set up a task forces for the drought and the Russian River to encourage implementation of water conservation techniques. He believes that LAFCo and the City may play an important role in deciding the future of water in the Ukiah area.

7g) CALAFCO Business and Legislation Report None.

ADJOURNMENT (Video Time: 3:54:46)

There being no further business, the meeting adjourned at 12:51 p.m. The next regular meeting is scheduled for Monday, June 7, 2021 at 9:00 a.m. The location is to be determined based on guidelines recommended by the Mendocino County Public Health Officer and Executive Orders regarding the COVID-19 pandemic.

Live web streaming and recordings of Commission meetings are available via the County of Mendocino's YouTube Channel. Links to recordings and approved minutes are also available on the [LAFCo website](#). [May 3, 2021 meeting recording on YouTube](#)