

MENDOCINO

Local Agency Formation Commission

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COMMISSIONERS

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County Board of Supervisors

Tony Orth, Vice Chair
Brooktrails Township CSD

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Willits City Council

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Will Lee, Alternate
Fort Bragg City Council

Richard Weinkle, Alternate
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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

Approved by Committee April 13, 2021

Minutes were determined to be in order by new Committee members

Minutes

Policies and Procedures Meeting

December 28, 2020; 11:00 a.m.

Meeting held remotely via Zoom due to pandemic.

1. CALL TO ORDER & ROLL CALL

Meeting was called to order at 11:02 p.m. by Chair Ward.

Members present: Commissioners Gerald Ward, Gerardo Gonzalez and John McCowen
Staff present: EO Uma Hinman, Analyst Larkyn Feiler, Counsel Scott Browne

2. MATTERS FOR DISCUSSION & POSSIBLE ACTION

2a) Approval of the November 24, 2020 Policies & Procedures Committee Minutes

Upon motion by Commissioner Gonzalez and second by Commissioner McCowen, the minutes for November 24, 2020 were approved by unanimous vote.

Ayes: Commissioners Gonzalez, McCowen, and Ward.

2b) Policy Development for Spheres of Influence

EO Hinman presented the staff report, which included revisions to proposed draft Sphere of Influence (SOI) policy language based on meetings with the Cities of Ukiah, Fort Bragg, and Willits and the Ukiah Valley Sanitation District (UVSD), and noted that written comments were received from the Cities of Fort Bragg and Ukiah and were distributed to the Committee members prior to the meeting.

Chair Ward opened the meeting for Public Comments. John Sharp, Attorney representing UVSD, inquired about the process for establishing a legally binding agreement under Policy 10.1.3g, the MSR costs under Policy 10.1.3f, and whether the policies give an unfair advantage to agencies that can pay over agencies that cannot. Commissioner McCowen noted that the intent is for the agency requesting SOI expansion to pay for any additional costs and Counsel Browne noted a recent example with the City of Ukiah MOU and clarified that LAFCo can charge fees to process applications in any case.

Sage Sangiacomo, City Manager for the City of Ukiah, commented that the policy is not ready for Committee approval, LAFCo staff has not provided written responses to City comments provided for the November Committee meeting, the policy as written will have extreme unintended consequences, impact the cities, and hamper LAFCo's ability to plan for orderly development, a high level of CEQA review is appropriate at the project level not the SOI Update level, and the proposed changes warrant full analysis to ensure good policies are achieved. Commissioner McCowen expressed concern that a high level of CEQA review for SOI Updates could discourage agencies from coming forward to expand their sphere and supported the new Commission addressing the proposed policy development to allow more time and limit unintended consequences.

Chair Ward and Commissioner Gonzalez agreed with Commissioner McCowen, and noted that the purpose was to complete policy development with the institutional knowledge of the outgoing Commissioners. The Committee provided staff direction to postpone the item and continue to engage with stakeholders to refine the SOI policies and to provide an update at the January 4, 2020 Regular Commission meeting.

Michael G. Colantuono of Colantuono, Highsmith & Whatley, PC and Andrea A. Matarazzo of Pioneer Law Group, LLP, subject matter experts in LAFCo and CEQA and representing the Cities of Fort Bragg and Ukiah provided a brief summary of legal concerns represented in their written comments provided to the Committee.

Wing-See Fox, General Manager for the UVSD, agreed with the comments made by the other agencies and requested to continue to receive updates on the policy development process.

Tabatha Miller, City Manager for the City of Fort Bragg, expressed interest in remaining engaged in the process and to find middle ground.

Dusty Duley, Community Development Director for the City of Willits, commented that the outdated sphere definition was concerning, it was unclear from the policy what new costs would be paid by the cities, the policy language could be interpreted to require a higher level of CEQA review than necessary creating unintended consequences, and inquired about whether an SOI would become outdated if no changes were made during a LAFCo-initiated SOI review.

Commissioner McCowen inquired about to what extent the Commission could rely on the 1984 SOI for the City of Ukiah in processing current applications. Michael G. Colantuono responded that an SOI is in place until updated. Counsel Browne clarified that LAFCo has the ability to define an outdated sphere consistent with the CKH. Commissioner McCowen inquired about whether an SOI Update triggers a high level of CEQA review. Michael G. Colantuono responded that usually CEQA review is done in conjunction with a land use entitlement process, tiered from a General Plan EIR, or found exempt from CEQA and noted that a Lead Agency is the agency that acts first.

The Committee thanked everyone in attendance and LAFCo staff for their time and effort during the holiday season working on the SOI policy development and requested that agencies provide written comments in advance of the January Regular Commission meeting.

2c) Other Policy & Procedure Update Discussions and/or Recommendations

EO Hinman noted that the Electronic Signature Policy is still pending.

3. INFORMATION AND REPORT ITEMS

3a) Executive Officer Report (verbal)

EO Hinman noted that this was the last meeting with outgoing Commissioner McCowen and thanked him for his dedicated and distinguished service.

ADJOURNMENT

There being no further business, the meeting adjourned at approximately 12:04 p.m.