

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: http://mendolafco.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

John Huff
Mendocino Coast Recreation
and Park District

Scott Ignacio
Point Arena City Council

John McCowen
County Board of Supervisors

Jenifer Bazzani, Alternate
Ukiah Valley Fire District

Will Lee, Alternate
Fort Bragg City Council

Carol Rosenberg, Alternate
Public Member

Ted Williams, 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

Approved by Commission on February 3, 2020

MINUTES

Local Agency Formation Commission of Mendocino County

Regular Meeting of Monday, December 2, 2019

County Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California

- 1. CALL TO ORDER and ROLL CALL (Video Time 0:13)**
Chair Brown called the meeting to order at 9:04 a.m.

Regular Commissioners Present: Carre Brown, Tony Orth, Gerald Ward, Gerardo Gonzalez, Scott Ignacio, and John McCowen
Commissioner Bazzani was immediately seated for Commissioner Huff.

Regular Commissioners Absent: John Huff

Alternate Commissioners Present: Carol Rosenberg and Jen Bazzani

Alternate Commissioners Absent: Ted Williams and Will Lee

Staff Present: Uma Hinman, Executive Officer; Kristen Meadows, Clerk
- 2. PUBLIC EXPRESSION (Video Time 0:40)**
No one from the public indicated interest in public expression.
- 3. OTHER BUSINESS (Video Time 1:03)**
 - 3a) Approval of Regular Meeting Schedule for 2020**
Upon motion by Commissioner McCowen and second by Commissioner Gonzalez, the Regular Meeting Schedule for 2020 was approved unanimously by roll call vote.

EO Hinman noted that Scott Browne, Mendocino LAFCo Legal Counsel, was attending the meeting via telephone.
 - 3b) Certificate of Recognition for Commissioner Rosenberg**
Presentation of a Certificate of Recognition for outgoing Alternate Public Member Commissioner Carol Rosenberg.
- 4. CONSENT CALENDAR (Video Time 4:06)**
Commissioner Ward pulled all three Consent Calendar items for discussion.
 - 4a) Approval of October 7, 2019 Regular Commission Meeting Minutes**
Commissioners Ward and McCowen noted corrections to the names of public speakers listed that provided testimony during the Public Hearing (Agenda Item 5a).

4b) Ratification of the November 4, 2019 Claims & Financial Report (Video Time 6:45)

<u>October 2019 Claims totaling</u>	<u>\$ 14,381.87</u>
Hinman & Associates Consulting	\$ 10,163.00
P. Scott Browne	\$ 600.00
Ukiah Valley Conference Center	\$ 458.30
Newspapers	\$ 947.75
CSDA	\$ 1,446.00
Commissioner Reimbursements	\$ 413.09
County of Mendocino	\$ 353.73

4c) Approval of the December 2, 2019 Claims & Financial Report

Commissioner Ward requested the following edits to the Claims & Financial Report:

- Review Weger Detachment on Budget Tracking spreadsheet and confirm totals.
- Include record of deposits on budget tracking spreadsheet. Track expenses in month they occur.
- Revise Work Plan budget tracking from \$561 to \$1,309.
- Legal Counsel to include breakdown of hours spent on Mendocino LAFCo.

<u>November 2019 Claims totaling</u>	<u>\$ 7,455.51</u>
Hinman & Associates Consulting	\$ 6,342.56
P. Scott Browne	\$ 600.00
Ukiah Valley Conference Center	\$ 512.95

Commissioner McCowen made a motion, seconded by Commissioner Ignacio, to approve the Consent Calendar with corrections to names of public speakers on the meeting minutes, and corrections noted for the budget and applications tracking related to the work plan and Weger Detachment, and direction for Legal Counsel to include hours on all future invoices. The motion was unanimously approved by roll call vote.

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

5. PUBLIC HEARING ITEMS (Video Time 14:04)

5a) Weger Detachment from the Mendocino Coast Health Care District (LAFCo File No. D-2019-01)

Consideration of an application initiated by landowner petition to detach approximately 35,000 acres from the Mendocino Coast Health Care District (MCHCD)/District. RECOMMENDED ACTIONS: (1) Continue the Public Hearing to the January 6, 2020 Commission meeting at 9 a.m., or as soon thereafter as the matter may be heard; or (2) Close the public hearing and direct staff to re-notice the application at a future date.

Chair Brown presented a brief history. On October 7, 2019 the Public Hearing was continued to November 4, 2019. The November Commission meeting was canceled due to the ongoing PG&E Public Safety Power Shutoffs and the Public Hearing was re-noticed for the meeting today. Chair Brown explained the procedure for the Public Hearing process. Commissioners McCowen and Ward both announced that they were not present at the October 7, 2019 Commission meeting and they watched the portion of the October meeting video recording related to the Weger Detachment.

Chair Brown opened the Public Hearing at 9:20 a.m.

EO Hinman presented the staff report and noted that the information and testimony presented at the October 7, 2019 Public Hearing carried forward to the re-noticed Public Hearing today. EO Hinman presented that as it became clear that the application was generating controversy, LAFCo staff reviewed project processing with LAFCo Counsel, and Counsel advised that the application must proceed through the tax share agreement process (RTC

Section 99) before the Public Hearing process can continue. EO Hinman explained that the tax share agreement process has been initiated and the County Auditor-Controller's office has completed the initial calculation of tax share subject to the agreement process. EO Hinman provided an update that she participated in two conference calls with the District and was informed that the District Board of Directors unanimously voted to oppose the application. EO Hinman also noted that there is correspondence from the District's Attorney included in the agenda packet on page 33, and the applicant provided a hard copy written response to that letter to the Commissioners at the meeting. EO Hinman recommended that the Public Hearing be continued to allow time for the County to complete the tax share agreement process.

Chair Brown noted the limited meetings remaining in 2019 for the Board of Supervisors to consider a tax share agreement and encouraged staff to attempt to confirm today with the County Auditor-Controller's office the estimated timing for completing the tax calculations.

Commissioners Ward and McCowen questioned whether continuing the hearing to January would present timing issues for the applicant related to the deadline for submitting a request to remove the Measure C parcel tax from the next fiscal year tax rolls. EO Hinman confirmed that this deadline has already passed.

Commissioner Gonzalez suggested continuing the hearing to February instead of January to allow more time for the tax share agreement process to be completed.

Chair Brown opened the Public Comment Period for the Public Hearing at 9:30 a.m. No one from the public indicated interest in providing testimony.

Commissioner McCowen raised a concern about the tax share agreement process resulting in additional costs and LAFCo Counsel noted that the current limited legal budget only allows Counsel to review agenda items upon request. Commissioner McCowen requested that Counsel review with staff whether we have properly complied with CEQA. Commissioner McCowen further suggested that one way to evaluate the District's assertion that a majority of voters in the proposed detachment area voted in favor of the Measure C parcel tax, would be for the Registrar of Voters to determine the number of registered voters in the proposed detachment area and whether they voted, not how they voted, for the Measure C parcel tax.

Commissioner Ward requested an update on a question from the October hearing regarding how property taxes would be redistributed if detachment was approved. EO Hinman responded that the property taxes the District was receiving would revert to the County and the Board of Supervisors would decide how to reallocate the funds based on the tax share agreement process. Commissioner Ward raised a question about the position of the Ukiah Hospital (Adventist Health Ukiah Valley) on whether the inland or coastal hospital better serves the proposed detachment area.

Chair Brown requested information on the financial impact of the application in the next staff report, including the percentage of revenue loss to the District from the proposed detachment. EO Hinman provided a brief summary from the October hearing and confirmed that the next staff report would include this information.

Commissioner Rosenberg inquired about CEQA compliance since the detachment does not propose a physical change to the environment. Legal Counsel confirmed that is why the General Rule Exemption was applied by staff, although the matter is under review.

Commissioner Ignacio inquired about whether all required Divisions of State Agencies were properly notified of the proposed detachment application. EO Hinman confirmed that distribution of the application was in compliance with the applicable laws.

Chair Brown invited the applicant to comment, especially on continuing the hearing to February. Landowner and Chief Petitioner for the application, Lisa Weger, expressed frustration with the District and urged the

Commissioners to read her response to the recent letter from the District's Attorney. Ms. Weger confirmed that she would prefer the hearing be continued to a later date if it allowed for action to be taken instead of potentially having to re-notice the hearing.

Chair Brown invited the District to comment. No one came forward.

Chair Brown called for a 10-minute break at 10:00 a.m. to allow staff time to confer with the County Auditor-Cottroller's Office regarding timing for the tax share agreement process.

TEN MINUTE BREAK (Video Time 54:20)

Chair Brown called the meeting back in session at 10:17 a.m. (Video Time 1:11:06)

Chair Brown requested a report back from EO Hinman. EO Hinman introduced Assistant Auditor-Controller Chamise Cubbinson. Ms. Cubbinson explained that the calculations for the tax share agreement process are complicated and require staff time because they must be created manually, and in addition the process requires notice be provided to local agencies potentially impacted. Ms. Cubbinson estimated that the process might be completed mid-February; however, there is no guarantee. Discussion ensued with Legal Counsel regarding options for proceeding.

Chair Brown suspended the Public Hearing for today at 10:24 a.m.

Commissioner Ignacio made a motion to continue the Public Hearing to March 2, 2020. The motion was seconded by Commissioner Gonzalez. Legal Counsel confirmed that the continuance must include a time and location specific in addition to the date.

Commissioner Ignacio amended his motion to continue the Public Hearing to the Regular Commission meeting on March 2, 2020 at 9:30 a.m. in the Mendocino County Board of Supervisors Chambers. Commissioner Gonzalez agreed to second the amended motion. The motion passed unanimously by roll call vote.

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

The Public Hearing and the Public Comment remains open.

6. WORKSHOP ITEMS None (Video Time 1:20:43)

7. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

7a) Consideration of Application for Alternate Public Member (Video Time 1:22:35)

EO Hinman presented the item. EO Hinman explained that Commissioner Rosenberg's term will end December 31, 2019 and the term for the next Alternate Public Member will run January 1, 2020 through December 31, 2023. EO Hinman noted that after proper noticing, staff received one application for the Alternate Public Member from Mr. Richard Weinkle. EO Hinman reviewed the Mendocino LAFCo Policy which requires the selection of the Alternate Public Member to be subject to the affirmative vote of at least one of the members selected by each of the appointing authorities. Commissioner McCowen expressed interest in extending the notice soliciting applications for Alternate Public Member to generate a larger pool for consideration.

EO Hinman introduced Mr. Weinkle to the Commission. Mr. Weinkle summarized his experience relative to LAFCo.

Upon motion by Commissioner Orth and seconded by Commission Gonzalez, Mr. Weinkle was appointed as the Alternate Public Member by roll call vote.

Ayes: (6) Orth, Ward, Gonzalez, Bazzani, Ignacio, Brown

Nays: (1) McCowen

7b) Executive Officer Services Contractor Annual Evaluation (Video Time 1:29:10)

Chair Brown provided an overview of the process and timing for the Executive Officer Services Contractor annual evaluation, which will be held in closed session at the next regular meeting of the Commission.

8. INFORMATION/ REPORT ITEMS

8a) Work Plan, Current, and Future Proposals (Video Time: 01:33:10)

EO Hinman noted no changes to projects and reported the following updates to the work plan:

- A request for information has been sent to the Ukiah Valley Sanitation District and staff will follow up in the next couple of weeks.
- A response was received from Mendocino City Community Services District. The administrative draft of the MSR/SOI Update has been started.

8b) Correspondence None (Video Time 1:35:41)

8c) Executive Officer's Report (Video Time 1:35:47)

EO Hinman reported on the following:

- Commissioner request to add links and page numbers to the meeting agenda will be included in January.
- Staff worked with the State Controller's office regarding their request to assist with coordination with the Anderson Valley Cemetery District, and has been completed.
- A draft Audit is anticipated in mid-December, and staff will coordinate with the Treasurer.

8d) Committee Reports (Video Time 1:37:01)

Chair Brown reported that the Executive Committee met following the October Regular Meeting and discussed work plan status, current and future proposals.

8e) Commissioners Reports, Comments or Questions (Video Time: 1:37:48)

- Commissioners Ignacio and McCowen reported on their experiences at the CALAFCO Conference in November. As the Voting Delegate, Commissioner McCowen expressed Mendocino LAFCO's concerns to the CALAFCO Membership regarding the significant increase in dues and inequitable redistribution of dues structure. The new dues proposal passed. Discussion ensued regarding continuity of services by local agencies during the PG&E PSPS and wildfire incidents.

8f) CALAFCO Business and Legislation Report (Video Time: 1:56:24)

EO Hinman noted that the agenda packet includes a 2020 CALAFCO Calendar of Events and the current CALAFCO Legislative Update.

ADJOURNMENT

There being no further business, at 11:03 a.m. the meeting was adjourned. The next regular meeting is scheduled for Monday, January 6, 2020 at 9:00 a.m. in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah, California.

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=AITV7xk5Oe0&list=PLraKTU7AyZLQSWrivynWsfVnleKBpqK-f&index=9&t=0s>