

# 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

**Scott Ignacio**  
Point Arena City Council

**John McCowen**  
County Board of Supervisors

**Vacant**  
Special District Member

**Jenifer Bazzani, Alternate**  
Ukiah Valley Fire District

**Will Lee, Alternate**  
Fort Bragg City Council

**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

***Approved by Commission on September 14, 2020***

### **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**

<b>June 2020 Claims totaling</b>	<b>\$ 10,792.49</b>
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.

<b><u>July 2020 Claims totaling</u></b>	<b><u>\$ 17,270.42</u></b>
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 LACo 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 LACo 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 LACo 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 1/8<sup>th</sup> 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 3' (CSA3) 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=w5ouqlWrVv0&list=PLraKTU7AyZLQXUgRLLzYuAU9eq1qMFheb&index=7&t=0s>