

# MENDOCINO

## Local Agency Formation Commission

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

### COMMISSIONERS

**Maureen Mulheren, Chair**  
County Member

**Gerald Ward,**  
**Vice Chair/Treasurer**  
Public Member

**Katharine Cole**  
Special District Member

**Gerardo Gonzalez**  
City Member

**Candace Horsley**  
Special District Member

**Glenn McGourty**  
County Member

**Mari Rodin**  
City Member

**Francois Christen, Alternate**  
Special District Member

**Douglas Crane, Alternate**  
City Member

**John Haschak, Alternate**  
County Member

**Richard Weinkle, Alternate**  
Public Member

### STAFF

**Executive Officer**  
Uma Hinman

**Clerk/Analyst**  
Larkyn Feiler

**Counsel**  
Marsha Burch

### REGULAR MEETINGS

First Monday of each month  
at 9:00 AM in the  
Mendocino County  
Board of Supervisors  
Chambers  
501 Low Gap Road, Ukiah

## A G E N D A

### Policies & Procedures Committee Meeting

Monday, November 6, 2023 at 10:00 a.m.

or immediately following the regular meeting of the Commission

#### Location

**Mendocino County Conference Room B**  
**501 Low Gap Road, Ukiah, California**

### Hybrid Meeting

The Mendocino LAFCo will conduct this meeting in a **hybrid** format to accommodate both in-person and remote (video or telephone) participation by the public and staff pursuant to GOV 54953. Unless approved under the provisions of AB 2449, Commissioners will attend in-person at the meeting location identified above. The **hybrid** meeting can be accessed by the public in person, or remotely as described in the Instructions for Remote Participation Option, below.

### Instructions for Remote Participation Option

**Join Meeting Live:** Please click the following Zoom link below to join the meeting or utilize the telephone option for audio only.

1. Zoom meeting link: <https://mendocinocounty.zoom.us/j/82133152335>
2. Telephone option (audio only):  
Dial: **(669) 900-9128** *(Please note that this is not a toll-free number)*  
Meeting ID: **821 3315 2335**

### **Public Participation is encouraged and public comments are accepted:**

1. Live: via the Zoom meeting link or telephone option above
2. Via Email: [eo@mendolafo.org](mailto:eo@mendolafo.org) by 8:30 a.m. the day of the meeting
3. Via Mail: Mendocino LAFCo, 200 S School Street, Ukiah, CA 95482

### **Meeting Participation**

To provide comments, please use the raise hand function in Zoom.

- a) For those accessing from a computer, tablet, or smartphone, the raise hand function may be selected by clicking or tapping it from the reactions options. When joining the Zoom meeting, please enter your name so that you can be identified to speak.
- b) For those utilizing the telephone option (audio only), please use the raise hand feature by pressing **\*9** on your keypad to raise your hand, and **\*6** to unmute yourself. When it is your turn to speak, you will be called on by the last four digits of your phone number, if available, and asked to identify yourself for the record.

All comments received will be conveyed to the Committee for consideration during the meeting.

## **1. CALL TO ORDER & ROLL CALL**

Commissioners Gerardo Gonzalez, Maureen Mulheren, Mari Rodin

## **2. PUBLIC EXPRESSION**

## **3. MATTERS FOR DISCUSSION & POSSIBLE ACTION**

### **3a) Approval of the February 16, 2023 Policies & Procedures Committee Meeting Minutes**

### **3b) Procedures for Implementing Requests for Proposals**

The Committee will discuss and provide direction to staff regarding the requests for proposals process.

### **3c) Refinement of Out of Agency Service Procedures**

The Committee will discuss and provide direction to staff regarding the existing out of agency service review procedures.

### **3d) Streamlined MSR/SOI Review**

The Committee will discuss and provide direction to staff regarding development of a streamlined MSR/SOI review process.

### **3e) Commissioner Handbook/Guide**

The Committee will review and provide feedback on a staff-drafted Commissioner procedural guide.

### **3f) Draft Logo for LAFCo**

The Committee will review and provide feedback on staff-drafted logos for Mendocino LAFCo.

## **4. INFORMATION AND REPORT ITEMS**

### **4a) Executive Officer Report**

## **ADJOURNMENT**

The next Regular Commission Meeting is scheduled for  
Monday, December 4, 2023  
in the County Board of Supervisors Chambers

Notice: This agenda has been posted at least 72 hours prior to the meeting and in accordance with the Brown Act Guidelines and teleconferencing rules under AB 2449.

Participation on LAFCo Matters: All persons are invited to testify and submit written comments to the Commission on public hearing items. Any challenge to a LAFCo action in Court may be limited to issues raised at a public hearing or submitted as written comments prior to the close of the public hearing.

Americans with Disabilities Act (ADA) Compliance: Commission meetings are held via a hybrid model – the in-person option held in a wheelchair accessible facility and also by teleconference. Individuals requiring special accommodations to participate in this meeting are requested to contact the LAFCo office at (707) 463-4470 or by e-mail to eo@mendolafco.org. Notification 48 hours prior to the meeting will enable the Commission to make reasonable arrangements to ensure accessibility to this meeting. If attending by teleconference, if you are hearing impaired or otherwise would have difficulty participating, please contact the LAFCo office as soon as possible so that special arrangements can be made for participation, if reasonably feasible.

Fair Political Practice Commission (FPPC) Notice: State Law requires that a participant in LAFCo proceedings who has a financial interest in a Commission decision and who has made a campaign contribution to any Commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission before the hearing.

# MENDOCINO

## Local Agency Formation Commission

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Public Member

**Gerardo Gonzalez**  
City Member

**Candace Horsley** Elected  
Special District Member

**Glenn McGourty**  
County Member

**Mari Rodin**  
City Member

**Vacant**  
Special District Member

**Francois Christen, Alternate**  
Special District Member

**Douglas Crane, Alternate**  
City Member

**John Haschak, Alternate**  
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### STAFF

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Larkyn Feiler

**Counsel**  
Scott Browne

### REGULAR MEETINGS

First Monday of each month  
at 9:00 AM in the  
Mendocino County  
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## Agenda Item 3a

### Policies and Procedures Committee

#### DRAFT Meeting Minutes

February 16, 2023, 1:00 p.m.

Meeting held in-person and remotely via Zoom.

#### 1. CALL TO ORDER & ROLL CALL

The meeting was called to order by Chair Gonzalez at 1:06 p.m.

Members Present: Commissioners Gonzalez, Mulheren (joined at 1:10 p.m. and left at 1:31 p.m.), Rodin

Staff Present: Executive Officer Uma Hinman, Analyst Larkyn Feiler, Legal Counsel Marsha Burch

*\*EO Hinman noted a correction to the agenda which stated Executive Committee meeting instead of Policies and Procedures Committee meeting.*

#### 2. PUBLIC EXPRESSION

None

#### 3. MATTERS FOR DISCUSSION & POSSIBLE ACTION

##### 3a) Approval of the May 11, 2021 Policies & Procedures Committee Minutes

Upon motion by Commissioner Rodin and second by Commissioner Mulheren, the minutes of the May 11, 2021 Policies & Procedures Committee Meeting were approved. Commissioner Rodin abstained due to not being present at the meeting.

Ayes: Gonzalez and Mulheren.

##### 3b) Draft Policy Implementing AB 2449

EO Hinman introduced the item regarding the draft policy for implementation of AB 2449. Legal Counsel Burch provided an overview and noted that the draft policy is lengthy because the bill is very detailed. The following are discussion points:

1. Correct typo in Section 3.8.1.1.3, part 2, item 3: The commissioner shall disclose at the meeting ~~the~~ before any action is taken whether any other...
2. Clarification on Section 3.8.1.1.3, part 3, item 2, a disruption in broadcasting the meeting to the public is related to if LAFCo technology goes down, not a member of the public losing connection, which is a common occurrence in rural areas. A quorum of Commissioners is required to be present in-person, so disruption in the remote attendance of a Commissioner will not require meeting adjournment.
3. Language change to singular instead of plural in Section 3.8.1.1.3, part 1, item 5: A commissioner(s) ~~has have~~ not attended...
4. LAFCo staff will need to keep track of Commissioner remote attendance to comply with provisions for maximum in-person absences (a total of 2 meetings per year and no more than 3 consecutive meetings for changes in calendar year).

5. A hybrid meeting format could be helpful for Committee meetings in addition to Commission meetings, assuming that technology needs can be met in a non-Board Chambers space.
6. Further research is needed, but it appears initially that the maximum number of in-person absences for Commissioners would be calculated separately for Commission meetings and Committee meetings.
7. The new law makes it difficult to appear remotely and is intended to return to in-person Brown Act meetings.
8. The new law applies to decision-makers, not agency staff. The EO will be present in-person at meetings and other staff, Legal Counsel, consultants, and presenters can attend remotely, as was the case prior to covid.

The Policies and Procedures Committee recommended the draft policy for Commission consideration and addressing remote attendance for Committee meetings.

Craig Schlatter, Community Development Director for the City of Ukiah, requested clarification on how agenda items are created, and Chair Gonzalez explained that items can come from multiple sources, such as the Commission, LAFCo staff, and the public.

#### **4. INFORMATION AND REPORT ITEMS**

##### **4a) Executive Officer Report**

EO Hinman had no items to report.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:00 p.m. by Chair Gonzales.

**MENDOCINO  
Local Agency Formation Commission**

**Staff Report**

MEETING      November 6, 2023  
TO              Mendocino Local Agency Formation Commission Policies & Procedures Committee  
FROM          Uma Hinman, Executive Officer  
SUBJECT       **Procedure for Implementing Requests for Proposals**

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**RECOMMENDATION**

The Committee will discuss and provide direction to staff regarding the requests for proposals process.

**BACKGROUND**

The Commission requested staff and the Policies & Procedures Committee look into developing procedures for implementing requests for proposal (RFP) processes.

A solicitation of LAFCOs through the statewide listserve resulted in one example (see Attachment).

Staff is requesting Committee discussion and direction to staff.

Attachment:    Example – Orange County LAFCO RFP Process

# **Attachment**

## **Orange County LAFCO Example**

### **A. Evaluation Process for a Request for Proposal (RFP)**

When an RFP process is used to solicit vendors/consultants to provide a service or produce a specialized report for OC LAFCO, the Executive Officer shall develop a rating sheet to assist in the review of all submittals. The rating sheet shall include categories specific to the service or report being requested which comprehensively evaluates the individuals and/or firms competing for the OC LAFCO contractual agreement. The Executive Officer shall assign at least two (2) reviewers to participate in the review of the prospective vendor/consultant. Reviewers may include OC LAFCO staff and/or outside experts at the discretion of the Executive Officer.

Upon the Commission's final selection of a vendor/consultant in an open and competitive selection process, the final rating sheet will be made available to the Commission and all competitors upon requests.

RFPs should provide for all of the following:

1. A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features which unduly restrict competition.
2. Requirements which the bidder/offer must fulfill and all other factors to be used in evaluating bids or proposals.
3. A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
4. A description of the proper format, if any, in which proposals must be submitted, including the name of the OC LAFCO person to whom proposals should be sent.
5. The date by which proposals are due.
6. Required delivery or performance dates/schedules.
7. Clear indications of the quantity(ies) requested and unit(s) of measure.

OC LAFCO may consider vendors/consultants to provide a service or produce a specialized report for OC LAFCO from a list established through an RFP process conducted by other LAFCOs or the County of Orange within the last three calendar years to provide a similar service.

**MENDOCINO**  
**Local Agency Formation Commission**  
**Staff Report**

MEETING      November 6, 2023  
TO              Mendocino Local Agency Formation Commission Policies & Procedures Committee  
FROM          Uma Hinman, Executive Officer  
SUBJECT       **Refinement of Out of Agency Service Procedures**

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**RECOMMENDATION**

Discuss and provide direction to staff regarding the existing out of agency service review procedures.

**BACKGROUND**

The Commission can authorize a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization (e.g., annexation) pursuant to Government Code (GOV) Section (§) [56133\(b\)](#).

This State law is further refined by local policy in Mendocino LAFCo Policy 12.2 Extension of Services by Contract (Attachment 1).

Earlier this year, LAFCo staff processed an Out-of-Agency Services Agreement (OASA) application request and received feedback that the OASA policy should be clarified. Therefore, this is an opportunity discuss any needed revisions to the policy, including the standard Annexation Consent Agreement and Covenant.

Attached is GOV § 56133, Mendocino LAFCo Policy 12.2, the standard Annexation Consent Agreement and Covenant, and example policy language from other LAFCOs for Committee discussion.

Attachment(s): (1) Government Code Section 56133  
                      (2) Mendocino LAFCo Policy 12.2 Extension of Services by Contract  
                      (3) Standard Annexation Consent Agreement and Covenant  
                      (4) Other LAFCo Policy Examples  
                          (a) Butte LAFCo  
                          (b) Lake LAFCo  
                          (c) Sonoma LAFCo

### State of California

### GOVERNMENT CODE

### Section 56133

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56133. (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission of the county in which the affected territory is located.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

(1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to any of the following:

(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

(2) The transfer of nonpotable or nontreated water.



(3) The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

(4) An extended service that a city or district was providing on or before January 1, 2001.

(5) A local publicly owned electric utility, as defined by Section 224.3 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.

(6) A fire protection contract, as defined in subdivision (a) of Section 56134.

(Amended by Stats. 2022, Ch. 37, Sec. 3. (AB 2957) Effective January 1, 2023.)

## Attachment 2

### Mendocino LAFCo Policy 12.2 Extension of Services by Contract

## **12.2 EXTENSION OF SERVICES BY CONTRACT**

### **12.2.1 COMMISSION APPROVAL REQUIRED**

Except for the specific situations exempted by G.C. §56133(e), a city or district shall not provide new or extended services to any party or property outside its jurisdictional boundaries unless it has obtained written approval from LAFCo, consistent with the CKH Act and the policies described herein.

### **12.2.2 EXTENSION OF SERVICES WITHIN SPHERE**

Annexation to cities and special districts involving territory located within the affected agency's sphere of influence is generally preferred to extending services by contract or agreement. The Commission recognizes, however, there may be local circumstances that justify approval of extended services by contract or agreement within the affected agency's sphere of influence.

Such local circumstances most frequently involve extension of service to meet an existing health and safety need, where annexation is not practical or deemed undesirable for other policy reasons. The Commission will give great weight to properly documented existing health and safety needs when considering justification of such extensions. The Commission discourages use of contract service extensions for the purpose of extending services to new development. The Commission will approve such extensions only under extraordinary circumstance and may apply strict limitations on such services

### **12.2.3 EXTENSION OF SERVICES OUTSIDE SPHERE**

The Commission shall authorize a city or special district's request to provide new or extended services outside their jurisdictional boundary and sphere of influence only in response to an existing or future threat to public health or safety in accordance with G.C. §56133(c).

### **12.2.4 ADMINISTRATIVE APPROVAL UNDER URGENT CIRCUMSTANCES**

The Commission authorizes the Executive Officer, in accordance with G.C. §56133(d), to administratively approve a city or special district's request for extended services by contract or agreement if there is an existing and urgent public health or safety emergency as identified in writing from the local public health officer. The Commission shall ratify the Executive Officer's determination at the next regularly scheduled meeting.

### **12.2.5 EXEMPTIONS TO LAFCO APPROVAL REQUIREMENT**

Commission approval may not be required for cities or special districts to provide new or extended services outside their jurisdictional boundaries in accordance with the provisions of G.C. §56133(e). The Executive Officer shall consult with cities and districts to determine whether extended services agreements are subject to Commission review.

### **12.2.6 ANTICIPATION OF LATER ANNEXATION.**

G.C. §56133(b) authorizes the Commission to approve contracts for extension of services "in anticipation of a later change of organization". The Commission defines the term "anticipation of a later change of organization" as follows:

- a) The inclusion of the area to be served within the sphere of influence of the serving agency shall be sufficient to comply with this provision.

#### **12.2.7 AGREEMENTS CONSENTING TO ANNEX**

Whenever the Commission determines to condition the approval upon a later annexation of the affected property, the condition shall normally include a requirement that the owner record an agreement consenting to annex the territory, which agreement shall bind future owners of the property. The agreement shall be prepared by LAFCo legal counsel and provided to the landowners for execution and recording. Proof of recordation will be required before the LAFCo contract approval becomes final and effective.

### Attachment 3

After recording, return to:  
Mendocino Local Agency Formation Commission  
200 S School Street  
Ukiah, CA 95482

Exempt from fees per Gov Code 6103

## ANNEXATION CONSENT AGREEMENT AND COVENANT

ASSESSOR PARCEL NO. \_\_\_\_\_ OWNER(S): \_\_\_\_\_  
SITUS ADDRESS: \_\_\_\_\_

This agreement is executed by the **Mendocino Local Agency Formation Commission** ("LAFCo") and the above-named owner(s) (hereafter "Owner") of certain property located in the County of Mendocino, State of California.

WHEREAS, the Owners executing this agreement are all of the owners of the certain property (hereinafter "the Property") located in the County of Mendocino, State of California, and within the Sphere of Influence of the **AGENCY** (hereinafter "the **CITY/DISTRICT**"). The legal description for the Property is attached as Exhibit A; and

WHEREAS, Owner has applied to the **CITY/DISTRICT** for connection of Owner's Property to the **CITY/DISTRICT** \_\_\_\_\_ system, even though it is outside the current boundaries of the **City/District**; and

WHEREAS, in accordance with the requirements of state law, specifically Government Code (GC) §56133 of the Cortese Knox Hertzberg Act and LAFCo's policies adopted thereunder, LAFCo approval of any such out of agency extension of service is required; and

WHEREAS, GC §56133(b) only permits extension of services outside the **CITY/DISTRICT** boundaries "in anticipation of a later change of organization"; and

WHEREAS, LAFCo and the **CITY/DISTRICT** have entered into an agreement to expedite LAFCo approval of individual parcel connections to \_\_\_\_\_ service, one requirement of which is that the Owners of every property seeking connection and all successors in interest covenant and agree to future annexation of the Property to the **City/District**; and

WHEREAS, this agreement and covenant is for the benefit of the public and the lands in Mendocino County as part of LAFCo's and the **CITY'S/DISTRICT'S** overall plan for orderly development of the **CITY/DISTRICT** sphere and lands of Mendocino County.

NOW, THEREFORE, in consideration of LAFCo approving the service extension agreement between Owner and the **CITY/DISTRICT**, Owner agrees with LAFCo, on behalf of Owner's own self and on behalf of all persons or legal entities hereafter succeeding to Owner's interest in and to the Property and any part thereof, and also on behalf of **CITY/DISTRICT** as follows:

1. Consent/Petition to Future Annexation or Reorganization. Owner hereby irrevocably consents to and petitions for the future annexation of his or her property to the **City of** \_\_\_\_\_/\_\_\_\_\_ **District** and agrees to cooperate in such annexation upon the **CITY'S/DISTRICT'S** or LAFCo's request, including the payment of applicable processing fees for the annexation of the Property. If the annexation proceeding includes other changes of agency jurisdictional boundaries in addition to the annexation, such as a detachment from a county service area or special district, (i.e. the proceeding is referred to

as a “Reorganization”) Owner also consents/petitions to such other changes of agency jurisdictional boundaries included in the “reorganization” proceeding. Nor shall Owner challenge or otherwise hinder the annexation/reorganization, directly or indirectly, in any other manner. Owner understands and agrees that this consent/petition to annexation includes all obligations attendant upon annexation, including all taxes, assessments and fees that the **CITY/DISTRICT** imposes upon property within the **CITY/DISTRICT**.

2. Binding on Successors in Interest. This consent shall be a covenant running with the land and binding on Owner’s successors in interest to the Property.
3. Tenants to be Bound. Owner and LAFCo also agree that any lease, rental agreement, or other agreement now or hereafter executed by Owner, or by any person succeeding to Owner’s interest in the fee title to the Property or any part thereof, which grants to a natural person or persons the right to possess and occupy the Property or any part thereof as a personal residence shall contain the following covenant:

*“This agreement and the right of lessee or tenant to possess and occupy the property leased or rented pursuant to this agreement shall be subject to the provisions of the Annexation Agreement which was executed and recorded against such property at the time of and as a condition of extending services to the property. That agreement contains a complete and irrevocable consent to annexation of the property leased or rented pursuant to this agreement to the **City of \_\_\_\_\_/\_\_\_\_\_District** and is binding on all persons possessing and occupying such property.”*

4. Consequences of Breach. Owner and LAFCo agree that in the event that Owner and/or any other person or legal entity hereafter succeeding to Owner’s interest in and to the Property or any part thereof seek to protest annexation of the Property or any part thereof to **CITY/DISTRICT** contrary to and in breach of the provisions of this agreement, LAFCo and the **CITY/DISTRICT** shall be entitled to take the following actions:
  - a. LAFCo shall treat this consent as the binding decision and action of the Owner for all purposes under the Cortese Knox Hertzberg Act (Government Codes Section 56000 *et seq.*) and any objection or protest shall be null and void and may be disregarded by LAFCo in determining objections and/or the value of all protests to such annexation.
  - b. In addition to the above, if deemed necessary, LAFCo and **CITY/DISTRICT** may legally enforce this agreement and covenant against Owners or their successors in the state courts of Mendocino County.
5. Termination Upon Annexation. This agreement and covenant shall automatically terminate as to the Property or any part thereof at such time as the Property or such part thereof is annexed to be incorporated territory of the **CITY/DISTRICT**.
6. Construction of Terms; Severability. All parts of this agreement shall in all cases be construed according to their plain meaning and shall not be construed in favor or against either of the parties. If any term, provision, covenant, or condition of this agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, in whole or in part, the remainder of this agreement shall remain in full force and effect and shall not be affected, impaired, or invalidated thereby in the event of such invalidity, voidness, or unenforceability, the parties hereto agree to enter into supplemental agreements to effectuate the intent of the parties and the purposes of this agreement.

7. Covenants Run with the Land. This agreement shall be recorded against the Property, shall run with the Property and each part thereof until terminated in the manner provided for herein, and is intended by the parties to be and shall be binding on all persons or legal entities succeeding to Owner's interest in and to the Property and any part thereof.

IN WITNESS WHEREOF, the parties have executed this agreement on the date set forth below.

Date: \_\_\_\_\_, 20\_\_

**OWNER(S)**

The undersigned hereby certify to be the owner(s) of real property included within the boundary of the real property described in the aforementioned Covenant and Agreement, the only person(s) whose consent is necessary to pass title to said real property, and to have consented to the annexation of said real property to the **City of \_\_\_\_/\_\_\_\_ District.**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ AKA: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ AKA: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ AKA: \_\_\_\_\_

**MENDOCINO LOCAL AGENCY FORMATION COMMISSION**

Executed by: \_\_\_\_\_, Executive Officer

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

\*Signatures to be acknowledged

ATTACH APPROPRIATE NOTARIES FOR ALL SIGNATURES

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_

(insert name and title of the officer)

personally appeared \_\_\_\_\_,

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

## **EXHIBIT A:**

### **Legal Description of Property**

Real property in the unincorporated area of the County of Mendocino, State of California, described as follows:

[TEXT]

APN: XXX-XXX-XXX



**Attachment 4a**  
**BUTTE LOCAL AGENCY FORMATION COMMISSION OPERATIONS MANUAL**  
**POLICIES AND PROCEDURES**

**4.5 Extended Services by Contract or Agreement**

**4.5.1 Background**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 includes provisions requiring cities and special districts to request and receive written approval from the Commission before providing new or extended services by contract or agreement outside their jurisdictional boundaries with limited exemptions (Government Code Section 56133). The Commission may authorize a city or special district to provide new or extended service outside their jurisdictional boundary in anticipation of a subsequent change of organization, such as an annexation. The Commission may also authorize a city or special district to provide new or extended service outside their jurisdictional boundary and sphere of influence to address an existing or future threat to the public health or safety.

**4.5.2 Purpose**

The purpose of these policies is to guide the Commission in reviewing city and special district requests to provide new or extended services by contract or agreement outside their jurisdictional boundaries. This includes making policy statements and establishing consistent procedures with respect to the form, review, and consideration of requests.

**4.5.3 Objective**

The objective of the Commission in implementing these policies is to ensure the extension of services by cities and special districts outside their jurisdictional boundaries is consistent with State Law (Section 56133), is logical and consistent with an agency's MSR, and supports orderly growth and development in Butte County. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies.

**4.5.4 Extended Services by Contract Policies**

**A. General Policies**

- 1) Extension of Services within Sphere. Annexation to cities and special districts involving territory located within the affected agency's sphere of influence is generally preferred to extending services by contract or agreement. The Commission recognizes, however, there may be local

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circumstances that justify approval of extended services by contract or agreement within the affected agency's sphere of influence.

Such local circumstances most frequently involve extension of service to meet an existing health and safety need, where annexation is not practical or deemed undesirable for other policy reasons. The Commission will give great weight to properly documented existing health and safety needs when considering justification of such extensions. The Commission discourages use of contract service extensions for the purpose of extending services to new development. The Commission will approve such extensions only under extraordinary circumstance and may apply strict limitations on such services.

- 2) Extension of Services Outside Sphere. The Commission shall authorize a city or special district's request to provide new or extended services outside their jurisdictional boundary and sphere of influence only in response to an existing or future threat to public health or safety in accordance with Government Code Section 56133(c).
- 3) Administrative Approval Under Urgent Circumstances. The Commission authorizes the Executive Officer to administratively approve a city or special district's request for extended services by contract or agreement if there is an existing and urgent public health or safety emergency in accordance with Subsection E below. The Commission shall ratify the Executive Officer's determination at the next regularly scheduled meeting.
- 4) Exceptions to LAFCo Approval Requirement. Commission approval may not be required for cities or special districts to provide new or extended services outside their jurisdictional boundaries in accordance with the provisions of Government Code Section 56133(e)
- 5) Anticipation of Later Annexation. Section 56133(b) authorizes the Commission to approve contracts for extension of services "in anticipation of a later change of organization". The Commission defines the term "anticipation of a later change of organization" as follows:

*The inclusion of the area to be served within the sphere of influence of the serving agency shall be sufficient to comply with this provision.*

**B. Form of Request**

Request to authorize extended services by contract or agreement shall be filed with the Executive Officer by the affected city or special district. Requests shall be made by resolution of the affected agency or their authorized designee with a cover letter accompanying a completed *Extension of Services* application. Requests shall also include a check in

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the amount prescribed under the Commission's adopted fee schedule along with a copy of the proposed service agreement. Any such request shall explain the specific circumstances that make annexation infeasible and justify extension of service by contract.

**C. Review of Request**

The Executive Officer shall review and determine within 30 days of receipt whether the request to authorize the extended services by contract or agreement is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.

**D. Consideration of Request**

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next regular meeting of the Commission for which adequate notice can be given but no later than 90 days from the date the request is deemed complete. The Executive Officer's written report will be made available to the public for review prior to the scheduled hearing and include an evaluation of the following five factors:

- 1) The ability of the local agency to provide service to the proposal area without detracting from current service levels.
- 2) The proposal's consistency with the policies and general plans of all affected local agencies.
- 3) The proposal's effect on growth and development within and adjacent to the affected land.
- 4) Whether the proposal contributes to the premature conversion of agricultural land or other open space land.
- 5) The likelihood of a later change of organization being initiated by the affected agency.

The Commission may approve or deny the request, and if approved, such approval may be with or without conditions. The conditions may include a requirement that the affected agency submit an application for annexation by a specific date and that the owner bind the property to consent to annex as set forth in Subsection G below.

If denied, the affected agency can ask for reconsideration within 30 days of Commission action.

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**E. Administrative Approval for Emergency Extension Requests**

- 1) An administrative approval may be allowed for those projects which pose an urgent health or safety concern. The determination that an administrative approval is appropriate shall be made by the LAFCO Executive Officer, based upon the criteria outlined below:
  - a. The lack of service being requested constitutes an immediate health and safety concern.
  - b. The property is currently developed.
  - c. There are physical restrictions on the property that prohibit a conventional service delivery method typically suited to the unincorporated area (i.e., septic tank, private well, etc.)
- 2) The subject city or special district shall submit to the Executive Officer an *Emergency Extension of Services* application, a check in the amount prescribed under the Commission's adopted fee schedule, and documentation attesting to the emergency condition(s) that exist.
- 3) Within 30 days of approval of the emergency extension request by the Executive Officer, the affected agency shall submit an *Extension of Services* application and all required fees pursuant to Subsection B above. The Executive Officer shall review and present the application to the Commission pursuant to Subsections C and D above.

**F. Service Extensions Outside of Spheres of Influence**

- 1) The Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:
  - a. The entity applying for the contract approval has provided the Commission with documentation of a threat to the health and safety of the public or the affected residents.
  - b. The Commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the Commission.

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**G. Agreements Consenting to Annex**

Whenever the Commission determines to condition the approval upon a later annexation of the affected property, the condition shall normally include a requirement that the owner record an agreement consenting to annex the territory, which agreement shall bind future owners of the property. The agreement shall be prepared by LAFCo legal counsel and provided to the landowners for execution and recording. Proof of recordation will be required before the LAFCo contract approval becomes final and effective.

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**4.5. Extension of Services by Contract**

This section applies only to contracts to extend services beyond a local agency's jurisdictional boundaries as provided in Government Code Section 56133 of the Government Code.

a) General Standards.

i) Applicable Policies:

When considering requests to extend services by contract beyond an agency's jurisdiction boundaries, LAFCO will apply the same general substantive policies as for annexation requests.

ii) The application must be made in anticipation of annexation. As used in this section, the term "in anticipation of annexation" means that the area shall be annexed within as stated in iii below.

iii) Subsequent Annexation Application Required

For all contract service extensions, the requesting agency must either:

- 1) File a concurrent application with LAFCO for annexation of the property and pay all fees, or
- 2) Carry out at least one of the following:
  - (a) The agency provides a written binding commitment to LAFCO to annex the property within a specific period of time, not more than 5 years; or
  - (b) The Agency and property owner record a notice against title to the property specifying that in the event that the agency does not proceed with annexation, the property owner must make application to LAFCO for annexation of the territory within two years of LAFCO's approval of the request or.
  - (c) If (a) or (b) are not feasible, record a notice in title to the property signed by the property owner and binding all future owners consenting to annexation of the property and provide proof to LAFCO of such recording prior to connecting the property to service.

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- b) Review of Contracts. The LAFCO Executive Officer will conduct periodic reviews of agencies and contracts established since January 1, 2001, for compliance with the requirements of this section.
- c) Unapproved Contracts Null & Void. If an agency enters into a contract without LAFCO approval, the contract shall be null and void. If the Executive Officer receives notice of a violation of these provisions, he or she shall place the item on the Commission's agenda for consideration of appropriate action.
- d) Urgency Approvals In a case that involves an imminent peril to public health and safety, applicants may submit an abbreviated application, along with the applicable deposit as specified in the LAFCO fee schedule, to be considered for temporary urgency approval by the Executive Officer. The Executive Officer shall present the matter to the Commission at the next available meeting for final consideration.
- e) Delegation of Executive Officer to Review and Approve Out of Area Service Agreements (OASA). The Commission hereby directs the Executive Officer to be empowered and authorized by these Policies to perform the administrative task of reviewing and approving Out-Of-Agency Service Agreements submitted to LAFCO by applicants consistent with these policies and Government Code §56133, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and the Commission documents the delegation of said authority to the Executive Officer by and through this resolution. This delegation does not apply to OASA's for new development projects, which will require Commission approval.
- e) Exemptions from LAFCO approval for certain contracts.
  - i) Pursuant to Government Code Section 56133 (e) no LAFCO approval is required for contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
    - 1) For the purposes of this exemption, "the level of service contemplated by a public service provider" shall mean that the existing public service provider is presently authorized to provide the service and has the capability to provide the service to the area at the level proposed to be provided by the other public agency subject to the contract.

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ii) Also Pursuant to Government Code Section 56133 (e) no LAFCO approval is required for “ contracts or the transfer of nonpotable or nontreated water”. However, this exemption does not apply where the transfer of nonpotable or nontreated water will support or induce development or growth to urban levels as defined in Section 2.2 above. For purposes of this exemption nonpotable or nontreated water shall not include wastewater.



### Policy: Outside Service Area Agreements (OSAA)

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#### ***Policy***

It is the policy of the Commission:

- A. The Executive Officer shall have the authority to (1) consult with cities and districts to determine whether their outside service area agreements are subject to Commission review, and (2) review, process, and approve outside service area agreements not exempt under the provisions of Section 56133 of the Government Code to ensure that such agreements comply with those provisions and do not promote growth opportunities without appropriate oversight. The Executive Officer, at his or her discretion, may refer any outside service area agreement to the Commission for approval.
- B. Applications for Commission approval of outside service area agreements shall be filed with the Executive Officer by the city or district wishing to provide the service, on forms provided by the Executive Officer. Each application shall indicate the parties to the agreement for which approval is requested, and shall include the required filing fee and any and all other information and materials necessary to process the application.
- C. Within 30 days after receipt of an application for Commission approval of an outside service area agreement, the Executive Officer shall:
  - 1) Determine whether the agreement is exempt from Commission approval. The following agreements shall be exempt from Commission approval:
    - a. Any agreement solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
    - b. Any agreement for the transfer of nonpotable or nontreated water.
    - c. Any agreement solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, any agreement for the extension of surplus water service to a project that will support or induce development shall not be exempt from Commission approval.

d. Any agreement for an extended service that a city or district was providing on January 1, 2001.

e. Any agreement involving a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of its jurisdictional boundaries.

- 2) For agreements that are not exempt from Commission approval, determine whether the application is complete and acceptable for filing or whether the application is incomplete.
- 3) If the application is determined not to be complete, immediately notify the city or district applicant of that determination. The notice shall specify those parts of the application that are incomplete and the manner in which they can be made complete.

D. Within 60 days after determining that an application for Commission approval of an outside service area agreement is complete, the Executive Officer shall approve, disapprove, approve with conditions, or refer the agreement to the Commission for approval. The Executive Officer, or the Commission on referral, shall approve or approve with conditions any such agreement only under the following conditions:

- 1) The affected territory is outside the applicant city's or district's jurisdictional boundaries but within its sphere of influence, and the new or extended services to be provided under the agreement are in anticipation of a later change of organization; or
- 2) The affected territory is outside the applicant city's or district's jurisdictional boundaries and outside its sphere of influence, the new or extended services to be provided under the agreement are to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, and the following requirements are met:

a. The applicant city or district has provided the Commission with documentation of a threat to the health and safety of the public or the affected residents.

i. An existing on-site sewage disposal system may be deemed a threat to the health and safety of the public or the affected residents if it meets one or more of the following criteria, as determined by a County of Sonoma Permit and Resource Management Department Environmental Health Specialist:

(a) There is ponding or accumulation of wastewater or septic tank effluent at or above the surface of the ground.

(b) There is a lack of an unsaturated vertical soil separation between the bottom of a disposal field and seasonal high groundwater.

(c) There is a failure of the disposal field or septic tank to accept, treat, and dispose of wastewater in quantities discharged by the structure served.

(d) The on-site septic system is within 50 feet of a well or other water source.

(e) Any other condition associated with the operation or use of an on-site sewage system that could permit the exposure, either directly or indirectly, of individuals or domestic animals to inadequately treated wastewater.

ii. An existing water source used for domestic purposes may be deemed a threat to the health and safety of the public or the affected residents if it meets one or more of the following criteria, as determined by a County of Sonoma environmental health specialist:

(a) The water supply is impacted by biological, chemical, or radiological constituents that cannot be adequately or reasonably treated or removed to levels deemed safe for human consumption or contact.

(b) The quantity of the water supply is constantly or periodically inadequate (less than one gallon per minute) to meet the domestic needs for which its use is intended, and additional quantities cannot adequately or reasonably be developed.

(c) Any other condition in which the continued use of an existing water supply could result in negative impacts to human health.

b. The Commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code that has filed a map and a statement of its service capabilities with the Commission.

- 3) The applicant city or district has the ability to provide the new or extended services to be provided under the agreement without adversely affecting current service levels within its jurisdictional boundaries, and the applicant city or district has approved the agreement.
  - 4) The agreement is the preferred method of providing the new or extended services to be provided under the agreement.
  - 5) The County of Sonoma has determined that the agreement is consistent with the Sonoma County General Plan.
- E. Within ten days after the Executive officer approves, disapproves, or approves with conditions an outside service area agreement, any interested person or affected agency may appeal the decision to the Commission by filing a written notice of appeal with the Executive Officer. The notice of appeal shall include the required appeal fee and shall state the reasons for the appeal. The Executive Officer shall set the appeal for hearing at the next meeting of the Commission for which notice can be given pursuant to Sections 56153, 56154, 56158, and 56159 of the Government Code. At the hearing, the Commission shall consider the appeal and receive any oral or written testimony. After the conclusion of the hearing, the Commission may affirm, reverse, or modify the decision of the Executive Officer.
- F. Within ten days after the Executive officer approves, disapproves, or approves with conditions an outside service area agreement, any member of the Commission may request the Commission to review the decision by filing a written request with the Executive Officer. The request for review need not state the reasons for the review. The Executive Officer shall set the request for review for hearing at the next meeting of the Commission for which notice can be given pursuant to Sections 56153, 56154, 56158, and 56159 of the Government Code. At the hearing, the Commission shall consider the request for review and receive any oral or written testimony. After the conclusion of the hearing, the Commission may affirm, reverse, or modify the decision of the Executive Officer. A request for review shall not be deemed to be an allegation of any flaw in or a pre-judgment of the Executive Officer's decision, nor shall the fact that a member of the Commission has filed a request for review affect that member's right to participate in the hearing and to affirm, reverse, or modify the decision of the Executive Officer, unless actual bias or prejudice is otherwise shown.
- G. Within 30 days after the Commission disapproves or approves with conditions an outside service area agreement, the applicants may request reconsideration of the decision by filing a written request with the Executive Officer. In all other cases, the decision of the Commission on an outside service area agreement shall be final and conclusive. The request for reconsideration shall include the

required reconsideration fee and shall state the reasons for the reconsideration. Reconsideration by the Commission shall be noticed and conducted pursuant to Section 56895 of the Government Code. The determinations of the Commission on reconsideration shall be final and conclusive.

### ***Legal Authority***

The Government Code §56133 states in part:

- (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the Commission in the affected county.
- (b) The Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.

The Government Code authorizes a city to extend its services beyond its boundaries but clearly indicates that such action would be taken in anticipation of a later change of organization (i.e., annexation).

### ***Background and Discussion***

From a LAFCO perspective, an OSAA can:

- Protect the public from impending threats to health and safety
- Impose restrictions that limit development to existing intensities
- Discourage premature development of fringe properties

In many instances, use of an OSAA would provide services to meet the immediate needs of the property owners while allowing the agency sufficient time to develop a more comprehensive and beneficial plan of annexation for the entire territory.

Adopted: August 2006

Amended: February 3, 2010

## **Policy: Outside Service Area Agreements for Parcels within a City's Sphere of Influence**

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### ***Policy***

The Commission encourages development in cities rather than in unincorporated territory. The Commission recognizes that there may be efficiencies of scale and opportunities to encourage well-planned and phased development by permitting interim Outside Service Area Agreements for existing development, rather than requiring immediate annexation, when a documented threat to the public health or safety exists.

Where existing development is within a city's sphere of influence, and public services, such as water or sewer, are required to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, the Commission will consider approval of an Outside Service Area Agreement.

The Commission, or by direction, the Executive Officer, will consider authorization of an Outside Service Area Agreement for existing development within a city's sphere of influence under the following conditions only:

- A. There is a documented existing or potential threat to public health or safety;
- B. The property owner and city have entered into a recordable agreement that runs with the land, limiting development to existing levels;
- C. A covenant is recorded against the property prohibiting the current and future property owners from protesting annexation to the city; and
- D. The existing development has been determined to be either legal or legally non-conforming by the Sonoma County Permit and Resource Management Department.

The Commission, or by direction, the Executive Officer will not consider authorization of an Outside Service Area Agreement for new development within a city's sphere of influence, unless the new development meets the following criteria:

- A. The new development is a 100 percent affordable project as defined in Section 50079.5 of the Health and Safety code,
- B. The proposed new development is consistent with the City and County General Plans, and
- C. Annexation to the city is not feasible at the time of application

### ***Legal Authority***

The Government Code §56133 states in part:

- (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the Commission in the affected county.
- (b) The Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.

The Government Code authorizes a city to extend its services beyond its boundaries but clearly indicates that such action would be taken in anticipation of a later change of organization (i.e., annexation).

### ***Background and Discussion***

The Commission recognizes that cities are the logical service providers for urban-level development. In those instances where a property with existing development has a failed or failing septic system or well, the Commission will permit an Outside Service Area Agreement, provided that there is adequate assurance that the extension of services is not for new development. The Commission expects the property to be eventually annexed into the city, and the use of an Outside Service Area Agreement is an intermediate step towards annexation.

From a LAFCO perspective, an Outside Service Area Agreement can:

- Protect the public from impending threats to health and safety
- Impose restrictions that limit development to existing intensities
- Permit a city to plan for future development in an orderly manner though the use of traditional zoning or specific plans
- Discourage premature development of fringe properties

The Commission acknowledges that the annexation of individual parcels within a city sphere may be premature and may require more resources than a larger annexation of multiple parcels. In these instances, the use of an Outside Service Area Agreement would provide services to meet the immediate needs of the property owners while allowing the city sufficient time to develop a more comprehensive and beneficial plan of annexation for the entire territory.

Adopted: August 5, 2009

Amended: October 7, 2009, with technical changes

Amended: March 3, 2010

**MENDOCINO**  
**Local Agency Formation Commission**  
**Staff Report**

MEETING      November 6, 2023  
TO              Mendocino Local Agency Formation Commission Policies & Procedures Committee  
FROM          Uma Hinman, Executive Officer  
SUBJECT       **Streamlined MSR/SOI Review**

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**RECOMMENDATION**

Discuss and provide direction to staff regarding development of a streamlined MSR/SOI review process.

**BACKGROUND**

A Municipal Service Review (MSR) is a study of a local agency's governance and operations. MSRs are conducted for all cities and special districts prior to or concurrently with Sphere of Influence (SOI) Updates.

The Work Plan established each year in the annual budget is a tentative plan for future work products to meet state mandates for preparation of MSR/SOI Updates. In the FY 2023-24 budget, staff recommended developing a streamlined MSR/SOI review procedure to apply on a 5-year schedule.

This would involve a proposed shift in approach to a comprehensive 10-year MSR/SOI review schedule with a midpoint streamlined checklist review, especially for agencies without significant changes since the prior study, to satisfy the LAFCo law requirement of SOI Updates every 5-years as needed.

Developing a streamlined MSR/SOI review process is anticipated to result in cost savings over time by reducing the overall number of comprehensive studies prepared and lengthening the amount of time in between comprehensive studies to make the work plan more manageable.

In addition, focusing on preparing comprehensive studies every 10-years, instead of abbreviated compliance studies every 5-years, would be beneficial because comprehensive studies remain relevant and reliable for a longer period of time than 5-years and allow staff the time and resources to dig deeper into potential issues and assess or identify real challenges facing the agencies.

Attached is a rough draft streamlined MSR/SOI review checklist template draft for Committee discussion.

Attachment(s): (1) Streamlined MSR Rough Draft Questionnaire for Independent Special District



# Attachment 1

## Streamlined MSR Rough Draft Questionnaire Independent Special District

Governing Body	True	Notes
a) The District is governed by a five-member Board of Directors elected at-large to serve staggered four-year terms and comprised of registered voters residing within the District boundaries.	<input type="checkbox"/>	
b) Incoming officials receive training regarding District programs, policies, and procedures via a Board of Directors Manual or in-person orientation.	<input type="checkbox"/>	
c) The District does not have difficulty filling vacancies or retaining long-term members on the Board of Directors.	<input type="checkbox"/>	
d) Constituents are well represented by the Board of Directors.	<input type="checkbox"/>	

Transparency and Accountability	True	Notes
a) All Board and Committee meetings are accessible and open to the public and the agenda is publicly posted and distributed a minimum of 72 hours prior to regular meetings and 24 hours prior to special meetings in accordance with the Brown Act.	<input type="checkbox"/>	
b) The current meeting agenda is publicly posted on the District's website through a prominent, direct link in accordance with GOV Section 54954.2(a)(2).	<input type="checkbox"/>	
c) Minutes are kept for all Board and Committee meetings, are adopted at the next regular meeting, and are made available to the public from the District's website and by request.	<input type="checkbox"/>	
d) The Board of Directors conducts official business and takes action by a majority vote of a sufficient quorum in accordance with Robert's Rules of Order.	<input type="checkbox"/>	
e) Board members publicly announce and recuse themselves from participating in deliberations on specific agenda items when there is a personal conflict of interest.	<input type="checkbox"/>	
f) The District Board members file a Statement of Economic Interests (Fair Political Practices Commission Form 700) each year pursuant to Government Code §87203 of the Political Reform Act.	<input type="checkbox"/>	
g) The District Board members receive two hours of training on public service ethics laws and principles at least once every two years pursuant to AB 1234.	<input type="checkbox"/>	
h) The District Board of Directors has adopted policies and procedures related to elected officials including conflict of interest, compensation or reimbursement of expenses, and personal use of public resources.	<input type="checkbox"/>	

i) The District Board of Directors considers proposed increases to rates and fees at a properly noticed Public Hearing and subject to mailing a Notice of Hearing for Protests to all property owners pursuant to Proposition 218.	<input type="checkbox"/>
j) The District's annual Budget and any Budget amendments are approved at a Board of Directors meeting in open session.	<input type="checkbox"/>
k) The District's annual or multi-year Financial Audit Report is prepared by a qualified Certified Public Accountant and is reviewed at a Board of Directors meeting in open session.	<input type="checkbox"/>
l) The District complies with the Auditor rotation requirement of not exceeding six consecutive fiscal years, commencing with FY 2013-14, unless another eligible firm is not available to perform the audit in accordance with GOV Section GOV 12410.6.(b).	<input type="checkbox"/>
m) The District provides LAFCo a complete copy of all financial audit reports within 12-months of the end of the fiscal year or years under examination, starting with FY 2018-19, in accordance with GOV Section 26909(a)(2)(b)(ii).	<input type="checkbox"/>
n) The District processes Public Records Act requests in a timely fashion.	<input type="checkbox"/>
o) The District complies with government ethics and public interest laws and regulations and operates with accountability and transparency.	<input type="checkbox"/>

<b>Management and Staffing</b>	<b>True</b>	<b>Notes</b>
a) The District has not evaluated or considered expanding or reducing staffing levels in the last two years.	<input type="checkbox"/>	
b) The District's current staffing level is adequate to deliver services.	<input type="checkbox"/>	
c) The District has a high employee retention rate.	<input type="checkbox"/>	

<b>Agency Performance</b>	<b>True</b>	<b>Notes</b>
a) The District measures staff productivity and workload through regular time tracking.	<input type="checkbox"/>	
b) The District conducts written employee performance evaluations annually.	<input type="checkbox"/>	
c) During the annual budget development process, the District reviews the goals and objectives from the prior fiscal year and establishes goals and objectives for the next fiscal year.	<input type="checkbox"/>	
d) In the regular performance of duty, District staff identifies areas of improvement and takes corrective action when feasible and appropriate.	<input type="checkbox"/>	

e) District staff learns about new opportunities to achieve operational efficiencies by participating in regional and service-specific associations and organizations.	<input type="checkbox"/>
f) District staff learns about new opportunities to achieve operational efficiencies by communicating with colleagues regarding industry standards, best management practices, changing regulations, and service delivery models implemented by other local agencies.	<input type="checkbox"/>

Shared Services and Facilities	True	Notes
a) The District has interagency collaborative arrangements with other local and regional public agencies and organizations.	<input type="checkbox"/>	
b) The District works cooperatively with other local agencies to deliver services more effectively or efficiently by sharing public facilities, resources, and service delivery responsibility.	<input type="checkbox"/>	
c) There are no opportunities for the District to share services or facilities with neighboring or overlapping local agencies that are not currently being utilized.	<input type="checkbox"/>	
d) There are no opportunities for the District to produce economies of scale and/or improve buying power in order to reduce costs to benefit constituents.	<input type="checkbox"/>	
e) There are no opportunities for the District to allow appropriate facilities and/or resources to be shared, or to make excess facility or resource capacity available to other local agencies, in order to avoid construction of extra or unnecessary infrastructure or eliminate duplicative facilities or resources.	<input type="checkbox"/>	
f) All opportunities for the District to achieve organizational or operational efficiencies are currently being investigated or implemented.	<input type="checkbox"/>	

Government Restructure	True	Notes
a) The District's jurisdictional boundary accurately reflects constituents receiving services from the District and does not confuse the public.	<input type="checkbox"/>	
b) The District's jurisdictional boundary does not overlap with adjacent local agencies providing similar services.	<input type="checkbox"/>	
c) The District's current governance structure and boundary do <u>not</u> need to be changed in order to: <ul style="list-style-type: none"> <li>1) Enhance service efficiency.</li> <li>2) Enhance accountability or representation.</li> <li>3) Eliminate service deficiencies.</li> <li>4) Eliminate service redundancies.</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

5) Reduce high infrastructure costs.	<input type="checkbox"/>
6) Reduce high service costs/rates.	<input type="checkbox"/>
7) Adhere to good planning principals.	<input type="checkbox"/>
d) There are no governance restructure options (such as consolidation with other local agencies providing similar services) recommended for the District over the next five years.	<input type="checkbox"/>

<b>Finances</b>	<b>True</b>	<b>Notes</b>
a) The District's financial resources are accounted for in different funds based on organizational units, such as departments, functions, and services.	<input type="checkbox"/>	
b) The District's operations and expenses are consistent with the annual Budget, or subsequent Budget amendments.	<input type="checkbox"/>	
c) The District has clear accounting policies and procedures and segregates financial duties among the District Board of Directors and District staff to minimize risk of error or misconduct and utilizes a system of authorization, approval, and verification for all transactions.	<input type="checkbox"/>	
d) The District Board of Directors receives periodic (monthly or quarterly) financial reports regarding assets, liabilities, and net position.	<input type="checkbox"/>	
e) The District's financial reconciliation process includes comparing budgets to actuals and comparing expenses from one fiscal year to the next.	<input type="checkbox"/>	
f) The District provides financial assurance through annual, or multi-year if approved by the County Board of Supervisors, independent audited financial statements.	<input type="checkbox"/>	
g) The District demonstrates sound budgeting practices, such as adopting the budget by June 30th and not utilizing reserve funds to balance the budget.	<input type="checkbox"/>	
h) The District generally operates at a net income or revenue gain, maintains a stable financial position, and does not practice poor financial management such as deficit spending.	<input type="checkbox"/>	
i) The District's primary revenue sources are reoccurring and reliable, as opposed to one-time and short-term revenue sources such as grants and donations.	<input type="checkbox"/>	
j) The District's rates and fee schedule is consistent with local agencies providing similar services and is set based on actual expenditures and cost recovery.	<input type="checkbox"/>	
k) The District maintains a sufficient unallocated fund balance or reserve account to safeguard against fluctuations in revenues, to protect against unexpected costs, and to save for significant future expenses.	<input type="checkbox"/>	
l) The District has a Capital Improvement Plan or defines capital improvement priorities on a five-year basis in the annual budget development process.	<input type="checkbox"/>	

m) The District does not have any debt or has clear capital financing and debt management policies to maintain debt at a manageable level.	<input type="checkbox"/>
n) The District generates sufficient annual revenue to cover annual operating expenses and save for on-going operations, maintenance, and future capital needs.	<input type="checkbox"/>
o) The District is fiscally healthy and does not anticipate reducing the existing level of service due to financial constraints within the next five years.	<input type="checkbox"/>
p) The District has adequate finances to meet current demands for public services and ongoing financial obligations within the next five years.	<input type="checkbox"/>

<b>Growth and Development</b>	<b>True</b>	<b>Notes</b>
a) The District does not provide out-of-agency services (services outside its jurisdictional boundary).	<input type="checkbox"/>	
b) There are no pending or anticipated requests for or commitments from the District to provide out-of-agency services over the next five years.	<input type="checkbox"/>	
c) It is not anticipated that growth or development adjacent to the District's boundary over the next five years could result in District residents or businesses relocating outside the District boundary.	<input type="checkbox"/>	
d) There are no proposed or anticipated significant land use changes, new development projects, or redevelopment of existing sites within the District's boundary over the next five years.	<input type="checkbox"/>	
e) Over the next five years, there is no projected growth or anticipated development within the District's boundary that could: <ul style="list-style-type: none"> <li>1) Reduce the District's existing level of service.</li> <li>2) Create significant additional service demands or needs.</li> <li>3) Reach or exceed the District's service capacity.</li> <li>4) Create the need to expand the District's service capacity.</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
f) There are no anticipated changes to the District's boundary (annexations, detachments, etc.) to be proposed by the District or District landowners or registered voters over the next five years.	<input type="checkbox"/>	
g) The District's current boundary is adequate and accurately reflects existing service needs and projected service demands within and adjacent to the District's boundary over the next five years.	<input type="checkbox"/>	
h) There are no significant population changes (growth, out-migration, etc.) projected or anticipated within or adjacent to the District's boundary over the next five years.	<input type="checkbox"/>	

<b>Municipal Services and Facilities</b>	<b>True</b>	<b>Notes</b>
a) The District has adequate capacity to serve current and future demands for public services over the next five years.	<input type="checkbox"/>	
b) The District has adequate land, facilities, and equipment to meet current and future demands for public services over the next five years.	<input type="checkbox"/>	
c) The District has not needed to take corrective action in the last two years to address non-compliance issues related to wastewater discharge requirements or complaints received.	<input type="checkbox"/>	
d) There are no anticipated changes in Federal, State, or Local regulations on the horizon that will require significant upgrades to District facilities or infrastructure.	<input type="checkbox"/>	
e) The District does not anticipate proposing any changes to its existing services or powers (activation of latent powers, divestiture of power, etc.) over the next five years.	<input type="checkbox"/>	

**MENDOCINO**  
**Local Agency Formation Commission**  
**Staff Report**

MEETING      November 6, 2023  
TO              Mendocino Local Agency Formation Commission Policies & Procedures Committee  
FROM          Uma Hinman, Executive Officer  
SUBJECT       **Commissioner Handbook/Guide**

---

**RECOMMENDATION**

The Committee will review and provide feedback on a staff-drafted Commissioner procedural guide.

**BACKGROUND**

Staff is developing a Commissioner Handbook/Guide as a tool and informational resource for new and standing commissioners. The guide will provide an introduction to LAFCos, an overview of their directives and objectives, their role in local government, and the commissioners' responsibilities in shaping the provision of services in the County.

Staff is seeking feedback on the draft table of contents included as an attachment.

Attachment:    Draft Commissioner Handbook/Guide Table of Contents

# MENDOCINO LAFCO COMMISSIONER'S HANDBOOK

**2023 Working Draft**



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# **MENDOCINO**

## **Local Agency Formation Commission**

### **Staff Report**

MEETING      November 6, 2023  
TO              Mendocino Local Agency Formation Commission Policies & Procedures Committee  
FROM          Uma Hinman, Executive Officer  
SUBJECT       **Draft Logo for LAFCo**

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#### **RECOMMENDATION**

The Committee review and provide feedback on staff-drafted logos for Mendocino LAFCo.

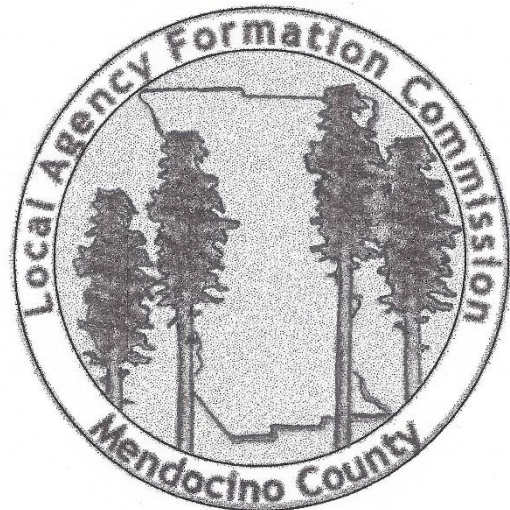
#### **BACKGROUND**

Over the past five years there has been a lot of focus statewide on branding LAFCOs to increase visibility and presence, and expand public awareness and understanding of LAFCOs. CALAFCO has made a big push to rebrand their organization and is undergoing an update to its logo. LAFCOs throughout the state have either recently or are currently undergoing similar efforts.

To staff's knowledge, Mendocino LAFCo has no official logo and the letterhead is outdated and lackluster.

Staff has developed a number of draft logos and letterhead for consideration. We are requesting initial feedback and direction from the Committee.

Attachment(s): Draft Logos  
                     Draft Letterhead





# MENDOCINO

## Local Agency Formation Commission

Ukiah Valley Conference Center 200 S School Street Ukiah, CA 95482

(707) 463-4470 • [eo@mendolafco.org](mailto:eo@mendolafco.org)

September 16, 20XX

### REGULAR MEMBERS

#### CHAIR

**Maureen Mulheren**  
County Member

#### VICE CHAIR/TREASURER

**Gerald Ward**  
Public Member

**Katharine Cole**  
Special District Member

**Gerardo Gonzalez**  
City Member

**Candace Horsley**  
Special District Member

**Glenn McGourty**  
County Member

**Mari Rodin**  
City Member

### ALTERNATE MEMBERS

**Francois Christen**  
Special District Member

**Douglas Crane**  
City Member

**John Haschak**  
County Member

**Richard Weinkle**  
Public Member

### STAFF

**Uma Hinman**  
Executive Officer

**Larkyn Feiler**  
Clerk/Analyst

**Marsha Burch**  
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