

MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482
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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 January 4, 2021

MINUTES

Local Agency Formation Commission of Mendocino County

Regular Meeting of Monday, December 7, 2020

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

1. **CALL TO ORDER and ROLL CALL** (Video Time 1:27)

Chair Brown called the meeting to order at 9:02 a.m.

Regular Commissioners Present: Carre Brown, Tony Orth, Gerald Ward, Gerardo Gonzalez, John McCowen, and Scott Ignacio

Regular Commissioners Absent: none

Alternate Commissioners Present: Richard Weinkle, Jenifer Bazzani (immediately seated for the vacant Regular Special District seat)

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 3:15) None

3. **CONSENT CALENDAR** (Video Time 4:58)

3a) **Approval of the November 2, 2020 Regular Meeting Summary**

Chair Brown noted three minor corrections on pages 5 and 6 of the agenda packet.

Motion by Commissioner Ward: Approve the September Meeting Summary with noted changes.

Seconded by Commissioner Gonzalez

Approved by roll call vote: unanimous

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

3b) **Approval of the November 2020 Claims & Financial Report** (Video Time 7:24)

November 2020 Claims totaling: \$ 17,265.26

Hinman & Associates Consulting	\$ 15,211.62
Ukiah Valley Conference Center	\$ 707.35
P. Scott Browne	\$ 900.00
County of Mendocino	\$ 346.32
Streamline	\$ 50.00
Commissioner Stipend	\$ 50.00

Commissioner Ward asked if the meetings are televised. EO Hinman confirmed that audio and video are recorded, streamed live, and saved on the County's YouTube site.

Chair Brown asked for an update on the refund from Pacific Internet. EO Hinman stated that staff is waiting for a full refund check.

Motion by Commissioner Ignacio: Approve the October 2020 Claims & Financial Report.

Seconded by Commissioner Gonzalez

Approved by roll call vote: unanimous

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

3c) Approval of the 2021 Regular Commission Meeting Schedule (Video Time 9:52)

Commissioner McCowen noted that the proposed January 4th meeting is scheduled before the new County-appointed Commissioners are to be sworn in and suggested moving the meeting to January 11 to accommodate representation from the County.

Chair Brown responded that according to state code, seated Supervisors' terms end at noon on the Monday before the new Supervisors are sworn in, which is the first Tuesday in January (January 5, 2020). LAFCo Legal Counsel Browne advised that the matter is at the Commission's discretion.

1st Motion by Commissioner Ignacio: Adopt the calendar as presented and move the January 4th meeting to the 11th.

Seconded by Commissioner Bazzani

Failed by roll call vote

Ayes: (2) Ignacio, Bazzani

Noes: (4) Ward, Orth, Gonzalez, McCowen

Abstain: (1) Brown

Commissioner Ward stated that he would prefer to meet with Commissioners Brown and McCowen on January 4.

2nd Motion by Commissioner McCowen: Approve the 2021 Regular Meeting Schedule as presented.

Seconded by Commissioner Ignacio

Approved by roll call vote: unanimous

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

Abstain: (1) Brown

4. PUBLIC HEARING ITEM None.

5. WORKSHOP ITEMS None.

6. MATTERS FOR DISCUSSION AND POSSIBLE ACTION (Video Time 18:00)

6a) Consultant Selection for City of Ukiah MSR/SOI Update

EO Hinman presented the item. In summary, the Commission authorized selection of an outside consultant to complete the MSR/SOI Updates for the City of Ukiah and the Ukiah Valley Sanitation District (UVSD). An Ad Hoc Committee of Commissioners Orth and Ward was appointed to oversee the process. Following receipt and review of three proposals, the Committee directed staff to explore funding options to aid in its recommendation to the Commission. On November 25th, a collaborative Ad Hoc Committee meeting was held with the City and the UVSD. On December 2nd, the City approved to fully fund the consultants' cost to complete its MSR/SOI Update. The Ad Hoc Committee completed its selection process and recommends the Planwest Partners Team to conduct the MSR/SOI Update for the City of Ukiah. There is no recommendation on the UVSD MSR/SOI Update at this time.

Commissioner Orth thanked all parties for working together to move the work plan forward.

Commissioner Ward thanked the City for the funding, considering LAFCo's limited budget. He expressed concern for funding UVSD's update and review.

Chair Brown invited public comment.

Sage Sangiacomo, Ukiah City Manager, noted that the City supports the proposed motion and looks forward to working with LAFCo to complete the review and update it in a timely fashion.

Commissioner McCowen requested an update on the status of UVSD's proposal, specifically the Ad Hoc Committee's recommendation and projected project timeline. EO Hinman responded that UVSD staff is discussing with its Board the timing of the MSR/SOI Update in relation to the discussions taking place with the Upper Russian River Water

Agencies (URRWA) regarding potential consolidation of water and wastewater service providers. The UVSD Board will be discussing the Update at its meeting on December 9.

Although the proposal suggests starting the City's review and update in July 2021, Commissioner Ward asked if the consultants would be ready to start early. EO Hinman responded they are willing and able to start upon executive of contract and are available to completing the report within six months to a year.

Commissioner Ward again expressed concern with funding for the UVSD review and update and encouraged the Commission to take that into consideration for the next budget year.

Commissioner Ignacio requested comment from Counsel. Mr. Browne recommended the motion include negotiating the cost of any environmental review with the City. An SOI, a project under the California Environmental Quality Act (CEQA), requires a review of environmental impact, beginning with an initial study to determine the extent of the impact, followed by a determination of appropriate level of analysis (i.e., exemption, negative declaration, or environmental impact report).

Commissioner Ignacio requested the motion be amended to include Counsel's concerns. Commissioners McCowen and Orth agreed.

Motion by Commissioner McCowen:

1. Consider and approve the RFP Ad Hoc Committee recommendation for the City of Ukiah Municipal Service Review and Sphere of Influence Update consultant selection of Planwest Partners, LACO, Bartle Wells Associates, and Richard Shoemaker; and
2. Authorize the Executive Officer to negotiate and execute an agreement with the City of Ukiah regarding City funding for professional services to prepare the City of Ukiah Municipal Service Review and Sphere of Influence Update; and
3. Authorize the Executive Officer to negotiate and execute a standard professional services contract with the Planwest Partners, LACO, Bartle Wells Associates, and Richard Shoemaker team to prepare the City of Ukiah Municipal Service Review and Sphere of Influence Update.

Seconded by Commissioner Orth

Approved by roll call vote: unanimous

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

6b) Special District Member Election Update (Video Time 32:10)

EO Hinman presented the informational update, noting that no quorum was achieved by November 23rd deadline therefore requiring the 60-day extension notice as required by Cortese-Knox-Hertzberg. Notice was sent to Special Districts on November 24th of the new ballot deadline of January 25, 2021.

Commissioner Ward asked what will happen if a quorum is not reached in January. EO Hinman answered that extensions are required to continue until a quorum is achieved. She noted, pursuant to Government Code §56334, Commissioners serve four-year terms and until the appointment of a qualified successor. Commissioner Orth actively serves on the Brooktrails Township CSD Board; therefore, he may remain seated until the election results are certified by the Commission.

Chair Brown asked if every district must vote again. EO Hinman confirmed the ballots received are still valid and Staff is waiting to receive the remaining ballots to achieve a quorum. She added that she will continue to send reminders until a quorum is reached.

6c) December Special Meeting (Video Time 35:36)

EO Hinman presented a request for direction regarding presentation of proposed Sphere of Influence policies which are being considered by the Policies & Procedures Committee, in particular whether the current Commission would like to consider the proposed changes or to wait for the new Commission in 2021.

On November 24, the Policies & Procedures committee reviewed the proposed SOI policy language. The proposals are currently in practice and are intended to become written policy ensure consistency. The changes include:

- Requiring major change of organization/reorganization proposals be consistent with an agency's SOI

- Defining “outdated spheres”
- Adding provisions for Commission authority over SOI review/update and timeframe/process
- Clarifying CEQA requirements for sphere actions
- Cost recovery provisions for non-coterminous SOI Updates
- Adding a provision to maximize combined preparation of MSR and SOI Updates

The Committee reviewed comments from:

- Commissioner McCowen
- City of Ukiah - Sage Sangiacomo, Manager and Craig Schlatter, Community Development Director
- City of Willits

The Committee postponed the item to allow for incorporation of suggested changes and collaboration with City Planning Departments and interested special districts. The Committee will reconvene in December.

Chair Brown noted the currently seated Commission will meet once more in January and invited Commissioner comment.

Commissioner Ignacio recommended the Chair direct staff to present the proposals at the January 4th meeting.

Chair Brown invited public comment.

Sage Sangiacomo, Ukiah City Manager, expressed appreciation for the additional time allowed to collaborate and noted that they had not yet received a response to expressed concerns. He acknowledged and encouraged plans to schedule another meeting with the cities before the proposed policy changes are considered by the Commission to ensure the success of LAFCo’s long-term goals and cost mitigation.

Chair Brown recommend that further vetting be completed through the Policies and Procedures Committee.

Commissioner Gonzalez suggested postponing Policies & Procedures Committee meeting to allow staff time to meet with the cities and interested agencies before reconvening the Committee.

Staff agreed, and received direction to meet with the agencies first, then to schedule a meeting with the Policies and Procedures Committee and calendar this item for presentation on January 4th at the Regular Commission meeting.

Chair Brown recommended that the agencies submit their comments in writing so that it can be included in the agenda packet for the January 4th meeting.

EO Hinman noted the comments from the Cities of Ukiah and Willits are posted on the LAFCo website under the Policies & Procedures Committee meeting materials.

7. INFORMATION/REPORT ITEMS (Video Time: 48:34)

7a) Work Plan, Current, and Future Proposals

EO Hinman summarized the continued work on the following Proposals and Work Plan:

Current Proposals

- City of Ukiah Detachment of Ukiah Valley Sanitation District (UVSD) Served Areas
- City of Ukiah Pre-Application for Annexation of Areas North of the City
- Ukiah Valley Fire District (UVFD) Pre-Application for Annexation of the City of Ukiah
- Millview County Water District Pre-Application for Annexation of Masonite Properties

Future Proposals

- City of Ukiah Potential Annexation of Areas South of the City

Work Plan

The MSR/SOI updates for UVFD, Covelo CSD, and CSA 3 are on hold until schedule and budget for the City and UVSD updates are finalized. Once settled, staff will reevaluate the budget and staff availability for the remaining projects.

Commissioner Ward asked about the \$12,500 allotted to initiate the contract with the City of Ukiah. EO Hinman clarified that the budgeted amount is for developing the agreement as well as staff’s time facilitating the development of the Update. Commissioner Ward asked if additional staffing is anticipated. EO Hinman explained that some of the

applications will process concurrently with the SOI Updates, therefore no additional staffing is needed. The purpose of hiring consultant(s) for the City and UVSD MSR/SOI Updates is to make staff available to process applications. Commissioner Ward expressed his desire for continuation of progress on the 5-year Work Plan.

7b) Correspondence None.

7c) Executive Officer's Report (Video Time: 53:30)

EO Hinman presented the following:

- During the Pandemic, Staff continues to work remotely and regularly visits the office.
- Staff is reviewing the year-end financials and preparing audit materials in coordination with the Treasurer.
- Staff participated in a CALAFCO Webinar on Nov. 19.
- A (budgeted) new laptop was purchased for the office to replace the 2012 desktop computer.
- Staff will participate in a free-to-members CALAFCO Webinar in December.

7d) Committee Reports (Executive Committee/Policies & Procedures)

The Policies & Procedures Committee met on November 24th and was discussed under Item 6c.

7e) Commissioners Reports, Comments or Questions (55:38)

Commissioner Ward asked about website insurance. EO Hinman said she would look into it and report back. He also asked for an update on the standard indemnity clause. EO Hinman reported Staff is working with Legal Counsel to update application materials and fee agreements and will report to the Commission in a few months.

EO Hinman invited Commissioner Orth to present Distinguished Service Awards to Commissioners Brown and McCowen. Commissioner Orth said it is a pleasure to present the Certificates for Commendation to the two out-going County Commissioners and read the certificates aloud. He added that he has enjoyed working with both Commissioners and has learned a lot from them. He believes they have been valuable to the Commission's work in equally representing the County, Cities and Special Districts. He said they have been instrumental in maturing the Commission to the responsibilities of the State mandates.

Commissioners Gonzalez, Ward, Ignacio, Brown and McCowen expressed their appreciation and gratitude for the years and expertise on the Commission. EO Hinman expressed her appreciation for both Commissioners.

Motion by Commissioner Orth: Approve the certificates of commendation

Seconded by Commissioner Ignacio

Approved by consensus

7f) CALAFCO Business and Legislation Report (Video Time: 1:07:28)

EO Hinman reported the Northern Region Roundtable is scheduled for December 9. Staff and Commissioners are encouraged to participate via Zoom and registration information has been emailed.

ADJOURNMENT (Video Time: 1:09:00)

There being no further business, the meeting adjourned at 10:09 a.m. The next regular meeting is scheduled for Monday, January 4, 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 available via the County of Mendocino's YouTube Channel.

Links to recordings and approved minutes are also available on the [LAFCo website](#).

[December 7, 2020 Meeting YouTube Recording](#)