

MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482
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COMMISSIONERS

Maureen Mulheren, Chair
County Member

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

Glenn McGourty
County Member

Mari Rodin
City Member

Vacant
City Member

Vacant
Special District Member

Vacant
Special District Member

**Gerardo Gonzales,
Alternate**
City Alternate Member

John Haschak, Alternate
County Alternate Member

Richard Weinkle, Alternate
Public Alternate Member

Vacant, Alternate
Special District Member

STAFF

Executive Officer
Uma Hinman

Clerk/Analyst
Larkyn Feiler

Counsel
Scott Browne

REGULAR MEETINGS

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

Approved by Commission on January 9, 2023

MINUTES

Mendocino Local Agency Formation Commission

Regular Meeting (Hybrid) of Monday, December 19, 2022

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

1. CALL TO ORDER and ROLL CALL (Video Time 6:50)

Executive Officer Hinman called the meeting to order at 9:01 a.m.

Regular Commissioners Present: Gerald Ward, Glenn McGourty, Maureen Mulheren, Mari Rodin, and Gerardo Gonzalez (immediately seated as a Regular member)

Regular Commissioners Absent: None

Alternate Commissioners Present: Richard Weinkle

Alternate Commissioners Absent: John Haschak

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

2. AB 361 REMOTE TELECONFERENCING ACTION (Video Time 7:43)

The Commission adopted Resolution No. 2022-23-05 making further findings related to holding Commission meetings via a hybrid model per Government Code Section 54953(e).

Motion: Adopt Resolution No. 2022-23-05.

Motion Maker: Commissioner McGourty	Motion Second: Commissioner Gonzalez
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Roll Call Vote: Ayes: (5) Gonzalez, Rodin, Mulheren, McGourty, Ward
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3. PUBLIC EXPRESSION (Video Time 8:30)

Tom Tetzlaff commented on concerns regarding the Mendocino City CSD groundwater management plans and costs and requested a service efficiency review for this program. Discussion ensued regarding future Countywide groundwater management activities.

4. OTHER BUSINESS (Video Time 12:53)

4a) Selection of Interim Officers

The Commission selected interim officers to serve until the 2023 annual selection process.

Motion: Select Commissioner Mulheren as Chair.

Motion Maker: Commissioner Mulheren	Motion Second: Commissioner McGourty
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Roll Call Vote: Ayes: (5) Gonzalez, Rodin, Mulheren, McGourty, Ward
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Motion: Select Commissioner Ward as Vice Chair.
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Motion Maker: Commissioner McGourty	Motion Second: Commissioner Mulheren
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Roll Call Vote: Ayes: (5) Ward, McGourty, Rodin, Gonzalez, Mulheren
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5. **CONSENT CALENDAR** (Video Time 15:24)

5a) November 7, 2022 Regular Meeting Summary

Commissioner Ward requested corrections to the minutes as follows:

- Page 8: correct the reference of Treasurer Rodin to Treasurer Ward.
- Page 11, bullet 9: correct a typo “Further, City staff ~~water~~ was careful...”.

5b) Ratify the November 2022 Claims & Financial Report

November 2022 Claims totaling:	\$15,967.57
Hinman & Associates Consulting	12,741.61
P. Scott Browne	900.00
CSDA Membership	1,250.00
Comcast	93.67
Streamline	50.00
Ukiah Daily Journal	400.01
Ukiah Valley Conference Center	532.28

Commissioner Ward asked why bookkeeping activities were not reflected in the claims and EO Hinman clarified that this activity was accounted for under normal staff duties.

5c) 2023 Meeting Calendar

5d) Certificate of Appreciation for Commissioner Orth

Commissioner Ward requested a correction to Commissioner Orth’s years of service and encouraged providing more than a certificate since Commissioner Orth was an integral part of the Commission for many years.

5e) Certificate of Appreciation for Commissioner Ignacio

5f) Certificate of Appreciation for Commissioner Froneberger

Motion: Approve the consent calendar as amended by Commissioner Ward.	
Motion Maker: Commissioner McGourty	Motion Second: Commissioner Gonzalez
Roll Call Vote: Ayes: (5) Gonzalez, Rodin, McGourty, Ward, Mulheren	

6. **PUBLIC HEARING ITEMS**

6a) PUBLIC HEARING City of Ukiah Municipal Service Review and Sphere of Influence Update Study and Potential Approval and Findings Pursuant to the California Environmental Quality Act. (Video Time 19:45)

Chair Mulheren opened the Public Hearing at 9:15 am. EO Hinman introduced the item for the City of Ukiah Municipal Service Review (MSR) and Sphere of Influence (SOI) Update and noted that the following agency representatives were present.

City of Ukiah

Sage Sangiacomo, City Manager
 Craig Schlatter, Community Development Director
 Jesse Davis, Chief Planning Manager

Ukiah Valley Sanitation District

Wing-See Fox, Interim General Manager
 Ernie Wipf, Board Chair & Ad Hoc Committee Member
 Candace Horsley, Board & Ad Hoc Committee Member
 Mark DeMeulenaere, Contractor

Analyst Feiler provided a [staff presentation](#) on the item. (Video Time 20:40 - 25:20)

Chair Mulheren asked for Commissioner comments and questions, and none were provided.

Chair Mulheren opened the Public Comment Period at 9:20 am. (Video Time 25:44)

Sage Sangiacomo, City of Ukiah City Manager, gave appreciation to the Commission, LAFCo staff, and City and Ukiah Valley Sanitation District (UVSD) staff for all the hard work and due diligence that has gone into preparing this item.

Commissioner McGourty asked for clarification on how the City will address floodways and groundwater infiltration in addition to agricultural preservation; the plan to prevent new development that is likely to flood. Jesse Davis, City of Ukiah Chief Planning Manager responded that there are goals, policies, and action items in the City’s 2040 General

Plan to allow for groundwater recharge and to avoid development in the floodplain. Commissioner McGourty asked about development plans on Babcock Lane and Perkins Street and Mr. Davis responded that the City's 2040 General Plan is focused on infill development and redevelopment, and there was no change to existing zoning that would alter the intended development for the Babcock Lane area. Commissioner McGourty asked if the City had taken into consideration the projection for more intense rainfall storm events in relation to the many water tributaries that feed into the City area when planning for the future and Mr. Davis responded that the City's Environment and Sustainability Element includes goals and policies to conserve and protect water resources, such as Environmental Policy 4.4 which specifically addresses river and creek preservation, to prevent creek alterations and restore channelized sections of waterways in order to maintain natural flows into the Russian River.

Commissioner Gonzalez gave appreciation for the City and Sanitation District partnership that has resulted in an unprecedented level of interagency collaboration to the benefit of ratepayers and the greater community.

Commissioner Rodin gave appreciation to the agencies and LAFCo staff for preparing very comprehensive studies for the City and Sanitation District in-house at a significant time and cost savings and for LAFCo staff's efforts to shepherd the process forward after many years of stagnation. This is a major milestone and proud moment for all involved.

Commissioner Ward echoed the appreciation from other Commissioners for the unprecedented collaboration and progress that has been made and noted confusion about the ultimate outcome for the Sanitation District, whether a consolidation or subsidiary district, and the fundamental importance of ensuring efficient services as the process moves forward with annexations and potential consolidation of water agencies.

Craig Schlatter, City of Ukiah Community Development Director, echoed the sentiments being expressed and gave appreciation for the leadership of LAFCo staff, the Commission input during the workshop items which made for stronger documents, and the partnership between the City and Sanitation District which led to two excellent studies.

Chair Mulheren closed the Public Comment Period and Public Hearing at 9:32 am. (Video Time 37:11)

The Commission unanimously approved both staff recommendations in one action.

Motion: 1) Find the City of Ukiah Municipal Service Review is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations (14 CCR) §15306 (Class 6 Exemption), and approve the Notice of Exemption for filing; and 2) Adopt LAFCo Resolution 2022-23-06, approving the City of Ukiah Municipal Service Review and Sphere of Influence Update Study, adopting the proposed sphere of influence and area of interest, and certifying that the Commission has Considered the Environmental Effects Identified in the Environmental Impact Report (SCH No. 2022050556) for the Project; adopting Environmental Findings Pursuant to the California Environmental Quality Act; and adopting a Statement of Overriding Considerations.	
Motion Maker: Commissioner Rodin	Motion Second: Commissioner Gonzalez
Roll Call Vote: Ayes: (5) Rodin, Gonzalez, Ward, McGourty, Mulheren	

6b) PUBLIC HEARING Ukiah Valley Sanitation District Municipal Service Review and Sphere of Influence Update Study and Finding of Exemption Pursuant to the California Environmental Quality Act. (Video Time 37:34)

Chair Mulheren opened the Public Hearing at 9:32 am. EO Hinman introduced the item for the Ukiah Valley Sanitation District (UVSD or District) Municipal Service Review (MSR) and Sphere of Influence (SOI) Update.

Analyst Feiler provided a [staff presentation](#) on the item. (Video Time 37:57 - 42:10)

Chair Mulheren asked for Commissioner comments and questions.

Commissioner Ward asked about the difference between the District's existing and proposed SOI. EO Hinman confirmed that the original SOI was established for the District in 1984 based on the Zion Study but the District's existing SOI boundary is unclear due to incomplete historical LAFCo records. EO Hinman explained that the Commission is scheduled to consider an Out-of-Agency Services Agreement (OASA) from the City and Sanitation District in January and the OASA is based on the Interim Services Agreement between the agencies.

Chair Mulheren opened the Public Comment Period at 9:39 am. (Video Time 44:28)

Commissioner Ward asked about the end result for the District and Wing-See Fox, UVSD Interim General Manager, responded that historically the District assumed a much larger SOI boundary and overlap area with the City, but through the milestone agreement between the City and District, the proposed coterminous SOI for the District indicates that the District does not intend to grow or annex areas. However, the District is committed to continuing to serve its existing customers and additional customers by contract with the City and maintain its financial viability until the time when the District is merged with or becomes a subsidiary of the City. Commissioner Ward asked whether the outcome is dissolution of the District and whether the District area is covered by the City's SOI. Ms. Fox responded that details still need to be worked out, but ultimately the District would go away once their service area is assumed by the City or another single-agency type of structure and confirmed that the City's SOI covers their service area.

Commissioner Rodin asked about the practical issues of expanding infrastructure and financing to serve the Ford Road area with public sewer instead of on-site septic. Ms. Fox responded that the OASA application item in January will address this in greater detail, but in general OASA customers will connect to existing District infrastructure that is nearby and be subject to District fee schedules until the agencies consolidate, essentially as a subcontractor of the City. Mr. Sangiacomo added the District is best equipped to serve areas near their existing infrastructure and the Interim Service Agreement allows for the extension of public sewer without the historic conflict and providing for the financial viability of the District in moving forward with City annexations without District detachments. Further, through City annexations, the City will work to ensure all types of public infrastructure and service needs are met.

Commissioner Ward expressed the importance of keeping the momentum going forward since the people involved now have been very successful in working together to improve service delivery and for the greater good. Mr. Sangiacomo noted the common goal to move beyond the dysfunction of the past and implement these strategic plans in the long-term.

Candace Horsley, UVSD Board & Ad Hoc Committee Member, commented that there is a strong commitment from the majority of the UVSD Board to make the District-City partnership work long-term, and gave appreciation to LAFCo for preparing the studies in-house, which greatly improved the process; to the City for rising above the acrimony of the past to work together with the District; and to Ms. Fox for her professionalism and guidance to reach this outcome.

Chair Mulheren closed the Public Comment Period and Public Hearing at 9:58 am. (Video Time 1:03:11)

Commissioner Rodin gave appreciation to all for working together to reach this major milestone and the quality studies.

Commissioner McGourty gave appreciation to all and noted that this makes sense and aligns with current efforts of the Water Quality Control Board to zero in on septic systems and encouraged consolidation of water agencies and expanding public sewer to other areas of the Ukiah Valley in need and in support of resilient communities.

Commissioner Ward gave appreciation to staff for the excellent studies, noted that this the greatest step forward he has seen in his 22-years on the Commission, and encouraged everyone to keep the momentum going.

Commissioner Gonzalez echoed the other Commissioner comments, encouraged the annexations moving forward, and noted that this is a shining example for other cities to follow.

Chair Mulheren gave appreciation for the political will for strong cooperation in support and service to our community without deference to boundary lines and encouraged efforts to continue moving forward for the greater good.

The Commission unanimously approved both staff recommendations in one action.

Motion:

- 1) Find the Ukiah Valley Sanitation District Municipal Service Review is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations (14 CCR) §15306 (Class 6 Exemption), and find the UVSD Sphere of Influence Update is exempt from CEQA pursuant to 14 CCR §15061(b)(3) (General Rule), and approve the Notice of Exemption for filing; and
- 2) Adopt LAFCo Resolution 2022-23-07, approving the Ukiah Valley Sanitation District Municipal Service Review and Sphere of Influence Update Study and adopting the proposed sphere of influence and areas of interest.

Motion Maker: Commissioner Rodin	Motion Second: Commissioner Gonzalez
Roll Call Vote: Ayes: (5) Rodin, Gonzalez, Ward, McGourty, Mulheren	

7. WORKSHOP ITEMS None

8. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

8a) Commissioner Terms, Recruitments and Elections (Video Time: 1:08:14)

EO Hinman provided an informational report regarding the status of Commissioner terms and seats, recruitments and elections. EO Hinman noted that as a result of the general election, resignations, and LAFCo special district election extensions, there are a number of vacancies on the Commission, as detailed on pages 985 - 986 of the Agenda Packet.

9. INFORMATION AND REPORT ITEMS

9a) Work Plan, Current and Future Proposals (Video Time: 1:12:12)

EO Hinman presented the staff report, noting that a written summary of the Work Plan and current proposals is located on pages 987 – 989 of the Agenda Packet. In summary, all applications are incomplete at this time, pending, among other things, tax share agreements.

The City of Ukiah and Ukiah Valley Sanitation District filed a joint application for an Out-of-Agency Service Agreement (OASA), which is scheduled for a Public Hearing at the January 9 meeting.

The Anderson Valley Community Services District is coordinating with LAFCo staff on application requirements for annexation of the District’s Sphere of Influence for fire services.

Commissioner Ward requested that long-standing inactive applications be closed if appropriate.

9b) Correspondence (Video Time: 1:15:05)

EO Hinman noted the SDRMA President’s Special Acknowledgement Award for no paid claims during the prior 5 years.

9c) CALAFCO Business and Legislation Report (Video Time: 1:15:27)

EO Hinman noted that the 2023 CALAFCO Events Calendar is on page 992 of the Agenda Packet.

9d) Executive Officer’s Report (Video Time: 1:15:50)

EO Hinman requested availability for an Executive Committee meeting following the Regular meeting on January 9.

9e) Committee Reports (Executive Committee, Policies & Procedures, Work Plan Ad Hoc) None

9f) Commissioners Reports, Comments or Questions

Commissioner Ward requested an update on Counsel Scott Browne and Counsel Marsha Burch responded his is well and a more detailed update can be provided at the next meeting.

ADJOURNMENT (Video Time: 1:18:01)

There being no further business, the meeting adjourned at 10:12 a.m. The next regular meeting of the Commission will be held on Monday, January 9, 2023 at 9:00 a.m. The meeting will be conducted in a hybrid format to accommodate both in-person and remote participation. The in-person meeting will be held in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah.

Live web streaming and recordings of Commission meetings are available via the County of Mendocino’s YouTube Channel. [December 19, 2022, YouTube meeting recording](#). Links to recordings and approved minutes are also available on the [LAFCo website](#).