

# MENDOCINO

## Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482  
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*Approved February 5, 2024*

### FINAL MINUTES Regular Commission Meeting

#### Regular Meeting (Hybrid) of Monday, December 4, 2023

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

#### COMMISSIONERS

**Maureen Mulheren, Chair**  
County Member

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

**Gerardo Gonzalez**  
City Member

**Katharine Cole**  
Special District 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

#### 1. CALL TO ORDER and ROLL CALL (Video Time 3:50)

Chair Mulheren called the meeting to order at 9:00 a.m.

**Regular Commissioners Present:** Maureen Mulheren, Gerald Ward, Gerardo Gonzalez, Candace Horsley, Katharine Cole, and Glenn McGourty

**Regular Commissioners Absent:** Mari Rodin

**Alternate Commissioners Present:** Richard Weinkle, Francois Christen (remotely), and Douglas Crane (remotely joined the meeting at 9:19 a.m.)

**Alternate Commissioners Absent:** John Haschak

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

#### 2. PUBLIC EXPRESSION (Video Time 4:35)

None

#### 3. OTHER BUSINESS

None

#### 4. CONSENT CALENDAR (Video Time 5:06)

##### 4a) November 6, 2023 Regular Meeting Summary

##### 4b) November 2023 Claims & Financial Report

<b>November 2023 Claims totaling:</b>	<b>\$17,345.20</b>
Hinman & Associates Consulting	14,842.21
Commissioner Stipends	177.95
Marsha Burch Law Office	495.00
Streamline	63.00
Newspapers	605.01
Mendocino County	480.52
Ukiah Valley Conference Center	681.51

##### 4c) 2024 Meeting Calendar

##### 4d) Certificate of Appreciation for Alternate Commissioner Weinkle

Commissioner Ward reported that he coordinated with the Acting Auditor-Controller/Treasurer-Tax Collector, Sara Pierce, regarding our process for the regular transfer of funds from the County Treasury to LAFCo's checking account.

<b>Motion:</b> Approve the consent calendar.		
<b>Motion Maker:</b> Ward	<b>Motion Second:</b> McGourty	<b>Outcome:</b> Passed unanimously
<b>Roll Call Vote:</b> Ayes: (6) Ward, McGourty, Gonzalez, Horsley, Cole, Mulheren		

**5. PUBLIC HEARING ITEMS**

None

**6. WORKSHOP ITEMS**

None

**7. MATTERS FOR DISCUSSION AND POSSIBLE ACTION**

**7a) Informational Presentation on the Status and Proposal for the Potter Valley Project** (Video Time 6:45)

Chair Mulheren introduced Janet Pauli, Chair of the Mendocino County Inland Water and Power Commission, who presented an overview and update on the proposed Eel-Russian River Facility that is included in PG&E’s plans to FERC for decommissioning of the Potter Valley Project.

Commissioner Ward requested clarification on a number of questions:

- EO Hinman: LAFCo’s role in the proposal relate primarily to the impact to water service providers; i.e., the availability of water supply and the effects on special districts and agencies that currently depend on water supplies coming through the Potter Valley Project.
- Ms. Pauli: PG&E would be responsible for the removal of Scott Dam.
- Ms. Pauli: Lake County would be negotiating with PG&E to mitigate the loss of Lake Pillsbury on their County.
- Ms. Pauli: operation and management costs for a future program would ideally be funded by the customers.
- Ms. Pauli: PG&E’s proposal included two options for fish passage: a pump-back option (mechanical) and an engineered ramp option.
- Ms. Pauli: Sonoma County has been a strong ally in the proposal for the Eel-Russian River Facility project. The proposal to raise Coyote Valley Dam is still in progress; however, Sonoma County is an active participant in the discussions as it affects their overall water supply portfolio.
- Chair Mulheren: both Sonoma County and Sonoma Water Agency have been actively engaged and strong supporters for the proposed Eel-Russian River Facility, and expressed the importance of Mendocino County’s active engagement in the Coyote Dam proposals.

In response to Commissioner Gonzalez’s question about who is in opposition to the project (i.e. the water diversion continuing), Ms. Pauli noted that there a number of parties associated with the Eel River that would prefer the diversion stop completely (including Friends of the Eel River and Humboldt County Board of Supervisors among others). Commissioner Gonzalez asked if hydroelectric power would still be generated in addition to the water diversion; Ms. Pauli responded that the existing hydro license would expire, but that does not necessarily exclude future entities from applying for another license. Ms. Pauli further clarified that the existing hydroelectric infrastructure has not been functional for the last two years.

Commissioner McGourty asked Counsel Burch if it would be appropriate for LAFCo to write a letter to PG&E in support of the project and expressing the importance of maintaining the existing infrastructure. Counsel Burch noted that considering the Commission does not have a formal role to play in the process, writing a letter of support for the project would be appropriate.

Commissioner McGourty made a motion to draft a letter in support of the Eel-Russian River Facility proposal; Commissioner Gonzalez seconded the motion.

Commissioner Horsley noted there were timelines to consider, and asked when a response to the proposal was expected. Ms. Pauli explained that on average it takes FERC at least four (4) years to determine an order. Ms. Pauli further clarified that while the project will not have immediate movement, time is still of the essence.

Commissioner Ward asked if the Mendocino County Board of Supervisors would be submitting a letter of support, to which Commissioner McGourty responded that they were drafting a letter that could be shared with Counsel Burch for reference. Ms. Pauli noted that each member agency of the JPA would be drafting support letters as well.

EO Hinman commented that there is a procedure in place that addresses providing comment letters on legislative matters and requested a Commissioner assist with reviewing the letter once it was drafted; Chair Mulheren and Commissioner McGourty volunteered.

No public comments were provided on the item.

<b>Motion:</b> Submit a letter of support to PG&E regarding the proposed Eel-Russian River Facility.		
<b>Motion Maker:</b> McGourty	<b>Motion Second:</b> Gonzalez	<b>Outcome:</b> Passed unanimously
<b>Roll Call Vote:</b> Ayes: (6) Ward, McGourty, Gonzalez, Horsley, Cole, Mulheren		

**7b) Proposed Policy Establishing a Process for Requests for Proposals or Qualifications (Video Time 50:10)**

EO Hinman presented the item. Commissioner Ward asked if this process was prompted as a result of the last RFP process for Legal Services. EO Hinman confirmed that at the end of the Legal Services RFP process, the Commission requested the Policies & Procedures Committee establish a procedure or policy for implementation of RFP/RFQs in order to establish consistency of process. Chair Mulheren further clarified that the new process establishes two Commissioners assigned by the Commission to participate in the review process with staff. Chair Mulheren noted there is also the potential to create an ad hoc committee for the purpose.

Commissioner Horsley commented on the differences between the RFP and RFQ process and recommend that the rating be added to the actual proposal in order to clarify scoring criteria. Commissioner Horsley asked if the rating percentages and criteria would vary for each RFP/RFQ; EO Hinman responded that the procedure was designed to be flexible so it could be tailored to the subject of each proposal.

Commissioner McGourty made a motion to adopt the procedure; Commissioner Cole seconded the motion.

Commissioner Ward supported the flexibility of the procedure.

Commissioner Christen recommended that the attributes have weights added to them for further distinguishment and asked when the procedure would be utilized and how bids are sought and chosen. EO Hinman responded that the RFP/RFQ process is generally used for establishing contract professionals and preparation of complex MSR and SOI reports and studies.

Commissioner Ward inquired about other items that were discussed at the Policy & Procedures Committee meeting and EO Hinman responded that those items were still in process.

Commissioner Gonzalez commented that it was not formally acknowledged that Commissioner Crane was seated in Commissioner Rodin’s absence. *Note: because the Alternate Commissioner was participating remotely, the Commission would have had to take action to approve remote participation per GOV 54953 and LAFCo Policy 3.8.1.1. Therefore, Commissioner Crane was not seated as a regular member and his votes are omitted from the record of the actions taken by the Commission.*

No public comments were provided on the item.

<b>Motion:</b> Adopt a new policy establishing a process for requests for proposals or qualifications		
<b>Motion Maker:</b> McGourty	<b>Motion Second:</b> Cole	<b>Outcome:</b> Passed unanimously
<b>Roll Call Vote:</b> Ayes: (6) Ward, McGourty, Gonzalez, Horsley, Cole, Mulheren		

## **8. INFORMATION AND REPORT ITEMS**

### **8a) Work Plan, Current and Future Proposals** (Video Time 59:36)

EO Hinman presented the item. The City of Ukiah's proposed annexation of City-owned properties was completed and the Board of Equalization acknowledged the boundary change. The Anderson Valley Community Services District (CSD) application to adopt its sphere of influence (SOI) is moving forward with meetings to coordinate the tax share process. All other active applications are pending tax share agreements. Staff has also been working with Anderson Valley CSD on their application for the activation of powers for water and sewer services.

EO Hinman provided an update on the Work Plan studies, noting that the Pacific Reefs Water District and Mendocino County Water Works District No. 2 had both responded to the request for information (RFI) and progress is being made on administrative drafts for both Gualala CSD and Mendocino County Water Works District No. 2; the remaining reports are under development.

Commissioner Ward asked if the work plan will be completed by the end June 2024 and EO Hinman responded that it depends on the timing of the responses received by the districts. Commissioner McGourty asked whether the staffing of the smaller Districts impacted their ability to respond to the RFI and EO Hinman responded that it does.

Commissioner Ward asked Chair Mulheren about the status of the master tax share agreements; she responded that it is the intention to bring the item to the Mendocino County Board of Supervisors in January 2024.

EO Hinman added that if the Commission does not find it necessary the January meeting can be canceled.

### **8b) Correspondence** (Video Time 1:04:40)

None

### **8c) CALAFCO Business and Legislation Report** (Video Time 1:04:45)

None

### **8d) Executive Officer's Report** (Video Time 1:04:58)

EO Hinman informed the Commission that no applications were received for the vacant alternate public member position by the November 17, 2023 deadline so it was extended to January 19, 2024. Commissioner Ward asked about the cost associated with advertising for the vacant position and asked if it was necessary; EO Hinman responded that it wasn't specified in the GOV code but that it seemed appropriate.

Commissioner McGourty asked if the Commissioners should come up with recommendations for the vacant position; EO Hinman encouraged all Commissioners to share the information.

EO Hinman reported that a letter had been sent to the Millview County Water District regarding their outstanding balance.

Commissioner Ward asked if the Commission has a Clerk to which EO Hinman responded that Analyst Feiler is filling the Clerk role and that staff included an office administrative assistant that is employed through a temp agency.

### **8e) Committee Reports (Executive Committee, Policies & Procedures)** (Video Time 1:08:08)

None

### **8f) Commissioners Reports, Comments or Questions** (Video Time 1:08:08)

None

## **ADJOURNMENT** (Video Time 1:09:24)

There being no further business, the meeting adjourned at 10:05 a.m.

The next regular meeting of the Commission is scheduled for Monday, **January 8, 2024** 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 4, 2023 YouTube meeting recording](#). Links to recordings and approved minutes are also available on the [LAFCo website](#).*