

MENDOCINO

Local Agency Formation Commission

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CHAIR

Jerry Ward
Public Member

VICE CHAIR

John McCowen
County Board
of Supervisors

MEMBERS

Carre Brown
County Board
of Supervisors

Doug Hammerstrom
Fort Bragg City Council

Holly Madrigal
Willits City Council

Theresa McNerlin
Ukiah Valley Sanitation District

Vacant
Special District Member

ALTERNATE MEMBERS

Kevin Doble
Ukiah City Council

Dan Hamburg
County Board
of Supervisors

Carol Rosenberg
Public Member

Angela Silver
Calpella County Water District

Executive Officer
George Williamson

Counsel
Scott Browne

Analyst
Colette Metz

Commission Clerk
Elizabeth Salomone

Regular Meetings

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

Approved by Commission May 2, 2016

MINUTES LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY

Regular Meeting of Monday, April 4, 2016

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

Call to Order

Chair Ward called the meeting to order at 9:03am.

Roll Call

Members Present:

Commissioners Carre Brown, Doug Hammerstrom, John McCowen, Theresa McNerlin(departed 12:32pm), and Jerry Ward

Members Absent:

Holly Madrigal

Alternate Members Present:

Commissioners Kevin Doble, Carol Rosenberg, and Angela Silver

Alternate Members Absent:

Dan Hamburg

Staff Present:

George Williamson, Executive Officer
Elizabeth Salomone, Clerk

Alternate Commissioner Silver immediately took seat as Special District Representative and Kevin Doble immediately took seat as City Representative.

CONSENT CALENDAR

Items 2 & 3 were pulled from the consent calendar.

1. Approval of the March 7, 2016 Regular Meeting Summary Minutes

Corrections for Item 1, March 7, 2016 Regular Meeting Summary Minutes:

Pg 4, Item 12, 4th paragraph to read: "... as noted by ~~the District~~ a member of the public..."

Pg 5 Item 15, to the last sentence add: "... to determine the possibility of developing a contract without creating an employee/employer relationship."

Pg 5 Item 16, Change "George Williams" to "George Williamson"

Pg 6 Item 19, under "Carre Brown Honored" change to read: Mendocino Women's Political Coalition."

Upon motion by Commissioner Brown and second by Commissioner McCowen the Consent Calendar Item 1 (March 7, 2016 Regular Meeting Summary Minutes) was approved by roll call vote:

Ayes: Brown, Doble, Hammerstrom, McCowen, McNerlin, Silver, and Ward
Absent: Madrigal

2. Approval of the March 2016 Claims

3. Acceptance of the Monthly Financial Report

Chair Ward stressed the importance of billing applicants before the work rather than in arrears.

City of Ukiah/ UVSD MSR Trust Fund. Discussion was held on how to track this trust fund, where the funds are held, and the communications with the City and District to settle this account. George Williamson was directed to annotate the tracking spreadsheet indicating the funds are held by the County and not in the Mendocino LAFCo bank accounts. Fund distribution instructions will be provided to the City and the District in a letter from LAFCo.

Fort Bragg FPD Detachment. George Williamson reported this application was approved by the Commission and filed with the State Board of Equalization. In 2013, the BoE responded noting the description did not meet their guidelines and there were insufficient funds. Mr. Williamson was recently asked by the Commission to look in to the matter and after contacting the surveyor and the fire district, both have agreed to take steps to satisfy the BoE filing requirements. Mr. Williamson is overseeing the completion of this application.

Petty Cash. Staff was directed to report the balance and activity of Petty Cash on the financial report.

Upon motion by Commissioner Brown and second by Commissioner McCowen, approval of the March 2016 Claims and acceptance of the Monthly Financial Report was approved by roll call vote:

Ayes: Brown, Doble, Hammerstrom, McCowen, McNerlin, Silver, and Ward

Absent: Madrigal

4. Public Expression

Tony Orth, Brooktrails Township CSD recommended that a preaddressed envelope and a clearly marked ballot be sent to the Independent Special Districts in the next election.

Dusty Dillon, Noyo Harbor District Commissioner expressed interest in sharing historical information on the Harbor. The Commission asked Mr. Dillon to present during the Public Hearing for the Noyo Harbor SOI Update and he agreed.

PUBLIC HEARINGS

5. Round Valley County Water District (CWD) Sphere of Influence Update (Continued)

Public Hearing Notice was published in the newspapers for the September 2015 regular meeting. The Public Hearing was continued to the December 2015 meeting and was continued again to this meeting.

George Williamson presented the SOI Update and recommended an SOI coterminous with the District boundary. Mr. Williamson complimented the General Manager and Board of the Round Valley CWD on their cooperation with all parties in developing the SOI Update.

Mr. Marder, General Manager, addressed the Commission stressing the following points:

1. The need for identifiable watershed for the Round Valley CWD
2. Continued cooperative working relationship with the Tribe

He noted the communication between the District and Tribe are very positive and their discussion is that the Tribe would be able to work within the SOI under the District Mission to protect the watershed and aquifer and conduct studies with a much larger budget. Steps are being taken to develop an MOI between the two cooperating entities. Mr. Marder clarified the District is not opposed to declaring a coterminous SOI at this time. Legal opinion on the District and Tribe interaction is being developed by the Tribes and upon finalization between the District and Tribes, presented to LAFCo. The Commission asked for the LAFCo legal opinion on this topic from Scott Brown for which he has already billed.

Comments and questions were offered by Commissioners McCowen, Brown, Ward, and Mr. Williamson.

The Public Hearing was closed at 9:38 am.

Upon motion by Commissioner McCowen and second by Commissioner Brown, Resolution No. 15-16-16 reaffirming the existing sphere of influence for the Round Valley CWD to remain coterminous with the District's boundary was adopted by roll call vote:

Ayes: Brown, Doble, Hammerstrom, McCowen, McNerlin, and Ward
Noes: Silver (stating reason as preference for dates of drafts to be included in final document)
Absent: Madrigal

6. Millview County Water District Sphere of Influence Update

Mr. Williamson presented the SOI Update and recommended a continuation of the Public Hearing as requested by the District in order for review by the District Board.

The Public Hearing was opened at 9:43 am.

Upon motion by Commissioner Brown and second by Commissioner McCowen, continuation of the Millview County Water District Sphere of Influence Update Public Hearing to May 2, 2016 was approved by unanimous vote.

Ayes: Commissioners Brown, Doble, Hammerstrom, McCowen, McNerlin, Silver, and Ward
Absent: Madrigal

The Public Hearing was continued to May 2, 2016.

7. Mendocino County Resource Conservation District Sphere of Influence Update

Mr. Williamson presented the SOI Update and recommended an expansion of the SOI. Comments and questions were offered by Commissioners Rosenberg, McCowen, Brown, Doble, and Mr. Williamson.

Discussion was held regarding the impact on Tribes within the proposed expanded SOI. It was noted Mendocino RCD only acts pursuant to established agreements and the expanded SOI is an overlay that allows any entity in the County to seek services from MC RCD.

The Public Hearing was opened at 9:46 am

Tony Orth, Brooktrails CSD, offered information that one MC RCD contract is with Caltrans and is under controversy with the local Tribes. He suggested including a tribal nations listing of contact and a slightly expanded comment on tribal relations within the document.

The Public Hearing was closed at 9:46 am.

Upon motion by Commissioner McCowen and second by Commissioner Doble, Resolution No. 15-16-17 reaffirming the existing sphere of influence for the Round Valley CWD to remain coterminous with the District's boundary was adopted by unanimous vote.

Ayes: Commissioners Brown, Doble, Hammerstrom, McCowen, McNerlin, Silver, and Ward
Absent: Madrigal

8. Countywide Fire Protection Services Municipal Service Review

Albion-Little River FPD	Comptche CSD	Covelo FPD
Elk CSD	Hopland FPD	Leggett Valley FPD
Little Lake FPD	Long Valley FPD	Mendocino FPD
Piercy FPD	Potter Valley CSD	Redwood Valley-Calpella FPD
South Coast FPD	Westport VFC	Whale Gulch VFC

George Williamson presented the MSR Update and recommended adoption.

The Public Hearing was opened at 9:54am.

Tony Orth, Brooktrails CSD, requested the Commission approve the MSR for one year rather than five to accommodate for issues that he anticipates will be changing within the next year as well as more detailed information.

The Public Hearing was closed at 9:46am.

Comments and questions were offered by Commissioners Brown, McCowen, and Hammerstrom.

Upon motion by Commissioner McNerlin and second by Commissioner Silver, Resolution No. 15-16-18 approving the Countywide Fire Protection Services MSR, changing the title from "Countywide" to Multi-District" in all appropriate documentation and updating the resolution to include the names of all the individual Districts was adopted by unanimous vote.

Ayes: Commissioners Brown, Doble, Hammerstrom, McCowen, McNerlin, Silver, and Ward
Absent: Madrigal

9. Proposed Budget for Fiscal Year 2016-17

George Williamson presented and recommended approving the proposed budget.

The Public Hearing was opened 10:12am and closed at 10:12am

Comments and questions were offered by Commissioners Ward, McNerlin, Doble, McCowen, and Hammerstrom.

Reserves: The Policies & Procedures Committee is developing a Reserve Policy and offered justification of their recommendation of a 2% reduction in apportionment fees for the FY 2016-17 budget. The Committee has requested a financial analysis to support the development of a gradual reduction in appropriation fees with a parallel spend down of the reserves, as well as considering the Legal Reserve levels, and conducting this process in context with the Application Fee Schedule.

Tony Orth, Brooktrails CSD, thanked the Commission for their diligence and for developing a reserve policy.

Upon motion by Commissioner McCowen and second by Commissioner Hammerstrom, Resolution No. 15-16-19 approving the Proposed Operating Budget for FY 2016-17 was adopted by roll call vote with the following changes:

- Line 4000 Apportionment Fees to be decreased to \$120,000
- Audit Services should be \$3,025
- Fund Balance should be \$73,968
- Revising all totals as consistent with the above changes

Ayes: Commissioners Brown, Doble, Hammerstrom, McCowen, McNerlin, Silver, and Ward
Absent: Madrigal

Other Action: The Policy and Procedures Committee will bring a recommendation to the Commission.

Chair Ward called a break from 10:35am – 10:45am.

WORKSHOPS

10. Irish Beach Water District Sphere of Influence Update

George Williamson presented the SOI Update and recommended maintaining the existing SOI, accounting for the areas that may receive District services in the future, including the Moore's Annexation and not prematurely excluding the area being reviewed in the De Ruitter detachment application. Comments and questions were offered by Commissioners McCowen, Brown, Hammerstrom, Doble, and Mr. Williamson.

Commissioner McCowen questioned the appropriateness of the proposed SOI when the District has no realistic plan to provide service and considering the areas include land use and zoning that are incompatible with an urbanized District service model. He suggested a reduced SOI smaller than the District boundary. George Williamson explained the District supports the coterminous SOI with District boundary to allow for watershed management and monitoring, protection of the watershed, and location of facilities (wells and diversions.)

The following edits, comments, and questions were noted by the Commission:

- The following areas be indicated on a map: land use, TPZ and Williamson Act Lands, zoning, areas the District is not capable of serving.

Workshop Action:

- Staff to make the changes as noted above.
- The Irish Beach Water District SOI Update Public Hearing to be scheduled for May 2016.
- Invitation to Charlie Acker, District Manager, to attend the Public Hearing

11. Noyo Harbor District Sphere of Influence Update

George Williamson presented the SOI Update. Comments and questions were offered by Commissioners McCowen, Brown, Hammerstrom, Rosenberg, Doble, Silver and Ward.

Dusty Dillon, Noyo Harbor Commissioner, provided historical information on the District. On behalf of the District, he requested extending the SOI countywide or at least along the coastline. He stated the primary reason to increase the Districts SOI is to increase revenue, possibly through eligibility for grants. He received comments and questions from the Commission.

The Commission explained that by law, an expanded SOI would indicate the District's intention to annex in the annexed area and suggested much of the information presented will be appropriate to address in the next Municipal Service Review update. The Commission stressed that MSRs and SOIs can be reviewed sooner than the allocated 5 year time period and a firm plan for annexation would greatly support an expanded SOI.

Tony Orth, Brooktrails CSD and Certified California Citizen Naturalist, addressed the Commission in support of an expanded SOI to a minimum of the Noyo Harbor watershed, with intention of annexing areas to increase tax revenue to the District. Mr. Orth noted he supported inclusion of areas along the coastal strip in the SOI would be a good consideration for LAFCo.

The following edits, comments, and questions were noted by the Commission:

- Pg 6, 1st Para, 2nd sentence: description does not coordinate with included map.
- Page 8 & 9: the siting of County of Mendocino General Plan – Development Element (DE) seems unnecessary for this District
- Clarification on the formation of the District as a Harbor or a Port. (answer not necessarily required in text.)
- Pg 8, 2nd Para: District and LAFCo staff to work together to clarify the wording of this paragraph to correctly reflect the current status of dredge material disposal management.
- Invite a formal comment from City of Fort Bragg.

Workshop Action:

- Staff to make the changes as noted above.
- The Commission does not support an expanded SOI for the District at this time.
- The Noyo Harbor District SOI Update Public Hearing to be scheduled for May 2016.

12. Willow County Water District SOI Update

George Williamson presented the SOI Update and provided considerations for the proposed SOI reduction, noting the concurrence of the District Manager, Dave Redding. Comments and questions were offered by Commissioners McCowen, McNerlin, Doble, Rosenberg, Brown, and Hammerstrom.

Commissioner McCowen noted in Appendix A, Figure 3 there are approximately 85 connections on Rose Avenue and Yokayo Avenue that can be served by the City of Ukiah and questioned the reason this area is being recommended to stay within the Willow SOI, cautioning that careful examination is needed. Commissioner Doble noted that a detachment would need to be initiated by a District or City rather than LAFCo. Commissioner McCowen agreed, adding that a change of the SOI would be an indication from LAFCo of the appropriateness of a detachment.

The following edits, comments, and questions were noted by the Commission:

- Further research on the implications of a change of SOI regarding the approximate 85 connections on Rose and Yokayo Avenues, including impact to the District and review by the City of Ukiah for comment.
- Pg 7, III: Clarification of the use of “Pomo lane” as there is another Pomo Lane north of Ukiah.
- Pg 7, Out of District Service: have discrepancies in number of parcels.

Workshop Action:

- Staff to note comments above.
- The Willow County Water District SOI Update Workshop to continue to May 2016, and staff to include the adopted MSR in the agenda packet as a reference document.

MATTERS FOR DISCUSSION/POSSIBLE ACTION

13. MSR Completion Update

George Williamson presented. Clerk noted one correction on Pg 111: Laytonville County Water District is on the website. Chair Ward noted Mendocino Coast and Park Recreation District was authored by Mr. McMichael and Whale Gulch Volunteer Fire Company needs to be included on the list. Westport Volunteer Fire District will be renamed Fire Company.

There is no update on the Cemetery District MSRs and the last contact between Mr. Baracco and Mr. Williamson was that they would be completed by the end of the fiscal year. Mr. Baracco has not requested any payment recently and none have been issued.

Commissioner McCowen offered suggestions for updating the Update spreadsheet. Chair Ward asked for a similar update on SOIs for the May meeting. Commissioner Doble asked for hyperlinks within the MSRs and SOIs linking to their respective reports.

INFORMATION/REPORT ITEMS

14. Correspondence - No discussion was held.

15. Executive Officer's Report

CSDA Special District Training

Mr. Williamson reviewed the remaining trainings available.

16. Commissioners Reports, Comments or Questions

Carol Rosenberg provided a verbal report of the March 16th training, noting participants expressed their gratitude for the training and found it useful. Suggestions included more specific addressing of small districts. She shared that it was a good opportunity to for Districts, LAFCo staff, and Commissioners to communicate. Comments and questions were offered by Commissioners Brown, McCowen, Silver, Doble, and Hammerstrom. Chair Ward asked staff to post materials on the website if possible.

Ad Hoc Executive Officer Services Committee. Commissioner Brown noted the Ad Hoc Committee is meeting on Friday, April 8, 2016 to review the proposals.

March 29, 2016 Executive Committee Meeting.

Chair Ward reported that LAFCo legal counsel advised there is not an issue with directly contracting with staff (clerk) as long as days and hours of work are not dictated by the Commission. Counsel is sending a sample contract for the Clerk. Comments and questions were offered by Commissioners McCowen, Doble, Brown, Hammerstrom, and Ward. Commissioner McCowen suggested an opinion from a labor law expert. Commissioner Hammerstrom noted this is a tax law issue. Commissioner Brown suggested a letter from legal counsel to memorialize the opinion. The Commission requested this item be placed on the May 2016 agenda.

17. Legislation Report

No report was offered.

ADJOURNMENT

There being no further business, at 12:47pm the meeting was adjourned to the next regular meeting on Monday, May 2, 2016 at 9:00 AM in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah, California.