

MENDOCINO

Local Agency Formation Commission

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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, Ukiah

Approved by Executive Committee March 2, 2022

Executive Committee Meeting Minutes

September 23, 2021, 9:00 a.m.

Meeting held remotely via Zoom due to pandemic.

1. CALL TO ORDER & ROLL CALL

Chair Orth called the meeting to order at 9:01 a.m.

Members Present: Chair Orth, Vice Chair Ignacio, and Treasurer Ward

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

2. PUBLIC EXPRESSION

None.

3. MATTERS FOR DISCUSSION & POSSIBLE ACTION

3a) Approval of the August 10, 2021 Executive Committee Minutes

Upon motion by Commissioner Ward and second by Chair Orth, the August 10, 2021 Executive Committee Meeting Minutes were approved, with Commissioner Ignacio abstaining due to not being in attendance at the prior meeting.

3b) Drought Emergency Response and Out of Agency Water Transfers

EO Hinman presented the item, as directed by the Commission, to discuss options presented to the Commission during its September 13, 2021 meeting regarding emergency water provision between agencies and Government Code §56133. The following staff of local agencies participated in the discussion: Sage Sangiacomo, City Manager for the City of Ukiah; Craig Schlatter, Community Development Director for the City of Ukiah; and Elizabeth Salomone, General Manager of the Mendocino County Russian River Flood Control and Water Conservation Improvement District.

Following are summary discussion points for this item:

- Countywide coordination, planning, and implementation of plans to support communities experiencing drought-related water supply shortages is a recently emerging issue in Mendocino County and across Northern California.
- The worsening pattern of prolonged drought conditions will likely continue to impact public water service providers and necessitate efforts to secure more reliable water sources and establish more resilient water delivery systems.
- Under GC §56133, LAFCo reviews proposals for the extension of municipal services both for a determination of exemption or approval before services are provided.
- LAFCo is responsible for balancing logical and orderly development with the efficient provision of municipal services when preparing municipal service reviews, amending spheres of influence, and considering proposed changes of organization.
- Local LAFCo policy allows an administrative level approval of Out-of-Area Service Agreement (OASA) applications with ratification by the Commission at the following meeting.

- The applicable time frames for the threat to health and safety triggered by dry wells and conditions of approval for temporary emergency water delivery through OASA applications and GC §56133 needs to be further defined.
- The Commission needs sufficient data to evaluate the ability of an agency to serve current and future populations within their service area, through factors such as agency finances and service capacity.
- Commission decisions regarding agency capacity and growth necessarily must account for an agency's reliance on water hauling to meet service demands, which has not been studied in relevant MSRs to date.
- Water is considered a growth-inducing service, whereas fire protection services are not always growth-inducing.
- Depending on the scope/scale of a disaster, an emergency can be declared on a local, state, or federal level.
- The local policy should refer to a public agency declared emergency since the City and County have such powers.
- There are two bodies of law related to the provision of public services in an emergency; the California Emergency Services Act and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act).
- It is unclear whether a Mutual Aid Agreement supersedes LAFCo approval for services outside an agency boundary.
- There are different types of extended municipal services; temporary and permanent in nature, existing and new.
- There are concerns about limiting an agency's ability to provide immediate aid in an emergency situation.
- There is no concern with transmitting emergency aid data to LAFCo afterwards for MSR determinations related to an agency's ability to meet demand and recommended service improvements or government restructure options.
- Data reporting should also be required for all agencies under water curtailment orders and conservation restrictions.
- It is important to refine and expand the MSR questions for future studies to better analyze drought preparedness.
- The need to investigate whether LAFCo has authority over mutual aid and whether exemptions apply in this case.
- The need to investigate whether other mutual aid services, beyond water, should be included in the discussion.
- There is concern that temporary water augmentation will lead to permanent water augmentation with the drought.
- To fully address the issue requires addressing indiscriminate well drilling and non-potable water hauling.
- LAFCo has no authority over private wells or non-potable water hauling.
- Is the approach of mutual aid masking issues of agencies who are not able to meet current or future demand.
- There are concerns of inland residents under water conservation restrictions that water supply sufficient to meet the needs of their small community for a year is leaving the area to serve coastal communities during the drought.
- LAFCo staff should continue to collaborate with the Mendocino County Drought Ad Hoc Committee and Mendocino County Water Agency on the drought condition and water scarcity issues.

Staff received direction to work with Counsel on the legal questions identified and in finalizing local policy language for consideration by the Policies and Procedures Committee and Commission consideration tentatively at the November meeting. The City of Ukiah offered their staff resources for addressing the legal questions also.

4. EXECUTIVE OFFICER REPORT

EO Hinman explained that the Governor issued an extension to the September 30, 2021 scheduled expiration date of State Executive Order N- 29-20 related to holding public meetings remotely. Staff will work with Counsel to determine next steps regarding whether the Commission must adopt a resolution to continue remote meetings.

EO Hinman provided a brief report on the status and the time sensitive nature of the Ukiah Valley Fire District annexation application scheduled for Public Hearing at the October 4, 2021 Commission meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:32 p.m. by motion from Commissioner Ignacio.