

# MENDOCINO

## Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482  
Telephone: (707) 463-4470 | E-mail: eo@mendolafco.org | Web: http://mendolafco.org

### 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

**John Huff**  
Mendocino Coast Recreation  
and Park District

**Scott Ignacio**  
Point Arena City Council

**John McCowen**  
County Board of Supervisors

**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 June 1, 2020*

## MINUTES

### Local Agency Formation Commission of Mendocino County

#### Regular Meeting of Monday, April 6, 2020

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

#### 1. CALL TO ORDER and ROLL CALL (Video Time 3:30)

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

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

**Regular Commissioners Absent:** None

**Alternate Commissioners Present:** Jenifer Bazzani, Richard Winkle

**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 3:14)

No one from the public indicated interest in public expression.

#### 3. OTHER BUSINESS None

#### 4. CONSENT CALENDAR (Video Time 4:25)

##### 4a) Approval of the March 2, 2020 Regular Meeting Summary

##### 4b) Approval of the March 2, 2020 Claims & Financial Report

Commissioner Ignacio asked staff to verify the order of items for the final meeting summary.

March 2020 Claims totaling	\$ 15,134.95
Hinman & Associates Consulting	\$ 12,285.50
P. Scott Browne	\$ 1,453.30
Ukiah Valley Conference Center	\$ 464.00
County of Mendocino	\$ 576.30
Commissioner Reimbursements	\$ 355.85

Following a motion by Commissioner McCowen and a second by Commissioner Ignacio, the March 2, 2020 Regular Meeting Summary and the Claims & Financial Report were approved by roll call vote.

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

#### 5. PUBLIC HEARING ITEMS

None

## 6. WORKSHOP ITEMS (Video Time 8:40)

### 6a) Preliminary Budget and Work Plan for Fiscal Year 2020-21

EO Hinman presented the Draft Preliminary FY 2020-21 Budget and Work Plan. EO Hinman provided background, noting this was the second Workshop on the Preliminary Budget, and summarized direction given to staff at the previous workshop.

- Coordinate with Scott Browne to refine the preliminary budget item for legal counsel services.
- Present the preliminary budget with apportionment options for \$160,000 and \$170,000.

EO Hinman noted that the Preliminary Budget includes the following proposed increases:

- Notices received from SDRMA and CALAFCO indicate substantial increases in insurance (increase of 174%) and membership (increase of 148%) fees.
- A review of the current fiscal year usage of Legal Counsel shows approximately four hours per month over the past six months. The current contract is for an average of three hours per month. Due to complex issues that are anticipated to continue into the foreseeable future, an increase for legal counsel (Account 6300) is proposed to provide for an average of four hours per month. Scott Browne also advised that the hourly rate will be increasing in the next fiscal year, the last increase was in 2017.

EO Hinman noted that no change to the prior preliminary Work Plan was proposed, and is as follows: finishing Ukiah Valley Sanitation District and CSA 3, and including the City of Ukiah, the Ukiah Valley Fire Protection District, and the Covelo Community Services District.

EO Hinman noted that staff will notice and distribute the Proposed Budget and Work Plan for fiscal year 2020-21 to the County, cities and special districts in preparation for a public hearing on May 4, 2020 for the Proposed Budget and Work Plan. A Final Budget and Work plan public hearing will be scheduled for June 1, 2020.

Following the presentation, Chair Brown called on each Commissioner individually for comments and questions.

Commissioner Orth suggested re-evaluating the following budget line items due to the COVID-19 emergency:

- A possible increase to Televising Meetings
- Possible decreases to In-County Travel & Stipends, Travel & Lodging Expenses, and Conferences for a potential savings of approximately \$12,500.

Commissioner Ward agreed with Commissioner Orth and recommended apportionment fees of \$160,000.

Commissioners Gonzalez, Huff and Ignacio agreed.

Commissioner McCowen questioned the increase in legal fees and shared his opinion that the increase in legal fees should be off-set by application fees from the applicants or agencies whenever appropriate. He noted that all public jurisdictions will experience a significant hit to revenue as well as increases to expenses due to COVID-19. He suggested directing staff to explore a more modest increase to apportionment fees of \$150,000.

Alternate Commissioners Bazzani and Weinkle agreed with the comments noted above.

Chair Brown reminded the Commission of the two previously proposed budget amounts of \$150,000 and \$160,000 for the year and re-asked all Commissioners present for their vote. The results were 6 to 3 in favor of \$150,000.

- Orth - \$160,000
- Ward - \$150,000
- Gonzalez - \$150,000
- Huff - \$150,000
- Ignacio - \$160,000
- McCowen - \$150,000
- Bazzani - \$150,000
- Weinkle - \$150,000
- Brown - \$160,000

Counsel Browne reminded the Commissioners that although there is a mid-year budget review, there is no ability to increase apportionment fees, only to move money from reserves and/or accounts within the existing budget.

EO Hinman asked for clarification regarding In-County Travel and Stipends. Commissioner Ward confirmed the suggestion is a reduction. He also confirmed that he will submit his budget worksheet to staff to disseminate to all Commissioners.

Commissioner Ward asked if the remaining \$20,000 from the current year's Work Plan budget line would be spent by the end of this fiscal year. EO Hinman responded depending on timeliness of responses from agencies, it is anticipated that staff will come close to utilizing that amount. Commissioner Ward added that some items on the work plan could be pushed into the next fiscal year if necessary.

Commissioner McCowen asked Commissioner Ward if he believes that \$150,000 in apportionment fees would be enough. Commissioner Ward concurred.

#### **Public Comment**

One public comment was received via email, after the item concluded, from Elizabeth Salomone, General Manager, Russian River Flood Control District (see Attachment 1).

#### **Direction to Staff**

Notice and distribute the Proposed Budget and Work Plan for fiscal year 2020-21 to the County, cities and special districts in preparation for a public hearing on May 4, 2020.

### **7. MATTERS FOR DISCUSSION AND POSSIBLE ACTION (Video Time 35:20)**

#### **7a) Sustainable Agricultural Lands Conservation Grant Project Agreement for Services**

EO Hinman presented the item. The Commission discussed approval of signing an Agreement for Services with the Mendocino County Resource Conservation District for the Sustainable Agricultural Lands Conservation project with a maximum grant reimbursement of \$10,200 and authorizing staff to perform the assigned tasks. The project is being administered by the District under contract with the County of Mendocino Department of Agriculture and funded by the Department of Conservation in conjunction with the Natural Resources Agency. Mendocino LAFCo is identified as the lead for Task 4 described as to increase communication with diverse stakeholders regarding the coalescence of agricultural land conservation and sustainable housing development. LAFCo's total budget for the project is \$14,200, of which \$10,200 is reimbursable through the grant and \$4,000 is match funding. The match funding will be in kind services performed and documented by LAFCo staff through typical operations and application processing.

Commissioner Orth expressed his support of the project stating that this is a very valued service.

Commissioner Ward asked the following questions:

- How would the \$4,000 be returned to LAFCo? EO Hinman clarified that the match requirement would be accounted for in typical LAFCo activities including application processing and sphere of influence studies. Staff time would be recorded and submitted as in-kind services, therefore having no impact to the budget.
- Would the work be done by LAFCo staff or Hinman & Associates Staff? EO Hinman answered that the grant services qualify as a special project.
- Would the Executive Officer need approval to work on the project? Legal Counsel clarified that the agreement is referring to LAFCo staff, therefore the agreement for services is not technically an assignment.
- What is Legal Counsel's opinion on the indemnification? Counsel Brown answered that initially it was a one-sided indemnification, so he added a paragraph to the agreement to make it even handed.
- Does LAFCo have public liability insurance of \$1,000,000? EO Hinman noted the question and will confirm.
- Do we have to purchase the Smart Sheet software program? EO Hinman responded that it is provided through the MCRCD.

Public Comment:

One public comment was received via email, after the item concluded, from Phil Williams, City of Ukiah Special Counsel (see Attachment 2).

Following the questions and expressed support from the Commissioners, Commissioner Gonzalez motioned to approve with a second from Commissioner Huff. Signing of the Grant Agreement was approved by roll call vote.

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

**8. INFORMATION/ REPORT ITEMS** (Video Time: 47:10)

**8a) Work Plan, Current, and Future Proposals**

EO Hinman presented the staff report, noting the following in particular:

**Applications**

- The Weger/Mendocino Coast Health Care District application was approved by the Commission at its regular meeting on March 2, 2020. The CEQA Notice of Exemption was filed on March 2, 2020.
- The Moores application to annex a parcel of approximately 16.8 acres directly north of the Irish Beach Water District (IBWD) into the District has been reviewed and staff has sent correspondence to Mr. Moores and IBWD regarding requirements and next steps for processing the application.
- The application by the City of Ukiah to detach UVSD served areas from the City was deemed incomplete in December 2014. The City has requested the application remain on hold; there remains a balance of \$1,532 held in LAFCo's account.

**Work Plan**

- County Service Area (CSA) No. 3 – The Administrative Draft MSR/SOI is in process and has been delayed due to COVID-19 emergency.
- Mendocino City Community Services District - The Workshop Draft MSR/SOI is ready for a May 4<sup>th</sup> Workshop.
- Ukiah Valley Sanitation District (UVSD) – The District has requested until the end of April to submit their response to the Request for Information. The Administrative Draft is in process.
- Covelo Community Services District - Due to delays with other MSR/SOI updates, the data collection process has been initiated and the Request for Information has been sent to the District.

Commissioner Orth asked what the deadline is to file a challenge to the Weger application decision. EO Hinman answered there is a 30-day reconsideration period following the decision, which has passed. Additionally, the CEQA Notice of Exemption was recorded with the County Clerk-Recorder's Office on March 2, 2020, and the associated 35-day statute of limitations has passed.

Commissioner Ward asked that EO Hinman reach out to agencies listed on this year's Work Plan to confirm their participation in order to do a final accounting of expenses for the end of the year. EO Hinman confirmed corresponding with the City of Ukiah and their confirmation of readiness to proceed with the MSR/SOI update.

Chair Brown shared her understanding that many agencies' staff are working from home during the pandemic; nevertheless, she agreed it would be good to have an update.

Legal Counsel Browne encouraged a virtual process/platform that would allow for real time public participation, noting the importance of public participation in public workshops and hearings.

Commissioner McCowen requested staff to explore additional resources that would allow live public comment at future public hearings.

EO Hinman responded that staff has been working closely with County Information Services who is working to get a webinar component for Zoom, which would allow for public participation at the next meeting/public hearing.

**8b) Correspondence** None

**8c) Executive Officer's Report** (Video Time 55:50)

EO Hinman reported the following:

- The LAFCo office is closed due to COVID-19, however staff is working remotely from home, the clerk visits the office twice a week to check for correspondence. A notice has been posted on the website and sent to agencies and interested parties.
- A public records request has been received and staff is working to complete it.

Commissioner McCowen asked the nature of the request. EO Hinman clarified the request is in regard to the City of Ukiah's application for detachment of Ukiah Valley Sanitation District lands.

**8d) Committee Reports (Executive Committee/Policies & Procedures)** None

**8e) Commissioners Reports, Comments or Questions** None

**8f) CALAFCO Business and Legislation Report** (Video Time 58:10)

- EO Hinman expressed gratitude to CALAFCO for the support provided over the last month during the closure of LAFCo offices due to COVID-19. They have provided weekly teleconferences and webinars specifically related to temporary revisions to Brown Act requirements, remote meeting platforms, responding to public records act requests, and office operations in general.
- The FPPC has extended the filing date for Form 700 until June 1, 2020.
- The CALAFCO Staff Workshop scheduled for April 2020 was canceled due to the COVID-19 emergency order.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:00 a.m. The next regular meeting is scheduled for Monday, May 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 now available via the County of Mendocino's YouTube Channel. Links to recordings and approved minutes are also available on the LAFCo website.*

<https://www.youtube.com/watch?v=8scxYelAmGY&list=PLraKTU7AyZLQXUgRLLzYuAU9eq1qMFheb&index=4&t=0s>

Attachment 1: Public Comment Email, Elizabeth Salomone, General Manager, Russian River Flood Control District

Attachment 2: Public Comment Email, Phillip Williams, Special Counsel, City of Ukiah

Subject **public comment**  
From Elizabeth Salomone <districtmanager@rrfc.net>  
To analyst@mendolafco.org <analyst@mendolafco.org>  
Date 2020-04-06 09:23



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Budget public comment:

Despite the current climate, it is important for business to move forward and to complete the critical LAFCo work in the next year or two. Please consider providing staff with the adequate funds to complete the work on the workplan.

*Effective immediately, please update your address book to my NEW EMAIL ADDRESS :  
[DistrictManager@RRFC.net](mailto:DistrictManager@RRFC.net).*

Elizabeth Salomone, General Manager  
**Russian River Flood Control & Water  
Conservation Improvement District**  
151 Laws Avenue, Suite D  
Ukiah, CA 95482  
707-462-5278  
[www.RRFC.net](http://www.RRFC.net)

Subject **Item 7a Comment**  
From Phil Williams <pwilliams@weltyweaver.com>  
To analyst@mendolafco.org <analyst@mendolafco.org>  
Date 2020-04-06 09:54

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Dear Members and Staff of LAFCo,

Related to Item 7a, and specifically the discussion revolving requiring fee agreement participants to indemnify LAFCo as part of that fee agreement, I question whether it is either appropriate or lawful for a government agency such as LAFCo to, in cases of that government agency's performing its statutory duties and obligations, require that parties to those fee agreements indemnify Mendo LAFCo. It seems inappropriate at best to me for LAFCo to both require parties to pay for a process that LAFCo is mandated to perform while simultaneously require those parties' to indemnify it.

Thank you for your time and for your service.

Sincerely,  
Phil Williams, Special Water Counsel, City of Ukiah



**Philip Williams, Of Counsel**  
707.433.4842, ext. 1102  
141 North Street, Suite A  
Healdsburg, CA 95448  
[weltyweaver.com](http://weltyweaver.com)

**Please Note:** I check my email at 10:00 a.m. and 3:00 p.m. daily; if your message is urgent, please call me at the number listed above. Thank you.