
MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center ♦ 200 South School Street, Suite F ♦ Ukiah, California 95482
Telephone: 707-463-4470 Fax: 707-462-2088 E-mail: eo@mendolafco.org Web: www.mendolafco.org

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CONSERVATION
IMPROVEMENT DISTRICT

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DISTRICT

GERALD WARD
PUBLIC MEMBER

EXECUTIVE OFFICER

GEORGE WILLIMASON

COUNSEL

DOUG LOSAK

COMMISSION CLERK

ELIZABETH SALOMONE

Approved by the Commission August 4, 2014

SUMMARY MINUTES

LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY

Regular Meeting of Monday, July 7, 2014

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

Call to Order Chair Shoemaker called the meeting to order at 9:08 AM.

Roll Call

Members Present: Commissioners Carre Brown, Doug Hammerstrom, Michael Kisslinger, Holly Madrigal, John McCowen, and Richard Shoemaker

Members Absent: Commissioner Guinness McFadden

Alternate

Members Present: Commissioners Dan Hamburg, Mary Anne Landis, and Gerald Ward

Alternate

Members Absent: Commissioner Tony Orth

Staff Present:

George Williamson, Incoming Executive Officer,
Bruce Baracco, Former Executive Officer,
Elizabeth Salomone, Clerk

Oath of Office

The swearing in of new Executive Officer George Williamson was conducted by the Commission Clerk.

Consent Calendar

1. Approval of the Summary minutes of the June 2, 2014 Regular meeting.

Commissioner McCowen requested several corrections. On page 3 of 7, in the second full paragraph regarding the financial audit, the word "budget" should be replaced with "audit." On page 4 of 7, in the next to last full paragraph "Commission Shoemaker" should read "Commissioner Shoemaker." On page 6 of 7, in the last paragraph before the Executive Officer's report, "by" should be "from the applicants." On page 7 of 7, in the Proposals for Contract Services section, second paragraph first sentence more comprehensively could read "Commissioner McCowen questioned the ability of the Commission to take action based on the way this item appears on the agenda."

Upon motion by Commissioner McCowen and second by Commissioner Brown, Agenda Item 1 was approved with noted corrections by roll call vote:

Ayes: Commissioners Brown, Hammerstrom, Kisslinger, Madrigal, McCowen, and Shoemaker
Noes: None
Absent: Commissioner McFadden

2. Approval of May 25, through June 30, 2014 claims totaling \$26,063.74.

Commissioner Ward asked for clarification on the payment to Michael Celentano, CPA for work not yet completed on the FY Audit 12-13. Mr. Baracco explained the intention to allocate those funds within the FY 13-14 expenses and reported that most of the work has been done and is expected to be presented at the August 2014 Regular Meeting. The check is currently still in process and not been delivered to Mr. Celentano.

Commissioner McCowen noted the claims package was only available to him electronically as he did not receive a hard copy of claims for review. He noted extra copies other than the Clerk's copy were not available at the meeting and he would abstain from the vote. Commissioner Shoemaker noted the change-over of Executive Officers and the Independence Day holiday added extra challenges for staff in distributing the Agenda Packet as usual.

Upon motion by Commissioner Madrigal and second by Commissioner Kisslinger, Agenda Item 2 was approved by roll call vote:

Ayes: Commissioners Brown, Hammerstrom, Kisslinger, Madrigal, and Shoemaker
Noes: Commissioner McCowen

Public Expression

3. There were no members of the public who indicated interest in speaking.

Workshop

4. Mendocino Coast Healthcare District Municipal Service Review

Mr. Baracco presented the Mendocino Coast Healthcare District MSR to the Commission and reviewed the process of the Workshop. Mr. Baracco recommended the Commission authorize the publication of the Public Review Draft MSR next week to meet the 21-day public review period, after completion of today's workshop.

Terry Murphy, representing Mendocino Coast Healthcare District, presented a summary of the accomplishments, goals and challenges of the District and took questions from Commissioners Hamburg, Ward, Brown, Shoemaker, Hammerstrom, Landis, and McCowen.

Commissioner Hammerstrom disclosed that his wife works under an independent contract in a division of the District. Commissioners Shoemaker, Hammerstrom and Kissinger asked for specific MSR text edits to be made.

Upon motion by Commissioner McCowen and second by Commissioner Brown, Mr. Baracco directed to revise the Mendocino Coast Hospital District MSR per the Workshop comments as well as further Commissioner comments submitted no later than July 11th, 2014 and to produce and distribute the Public Review draft for the 21-day public review period, approved by roll call vote:

Ayes:	Commissioners Brown, Hammerstrom, Kisslinger, Madrigal, McCowen, and Shoemaker
Noes:	None
Absent:	Commissioner McFadden

5. Mendocino County Resource Conservation District Municipal Service Review

Mr. Baracco presented the Mendocino County Resource Conservation District MSR to the Commission and reviewed the process of the Workshop. Mr. Baracco recommended the Commission authorize the publication of the Public Review Draft MSR next week to meet the 21-day public review period, after completion of today's workshop.

Janet Olave, representing Mendocino Resource Conservation District, presented a summary of the accomplishments, goals and challenges of the District and took questions from Commissioners Brown, Madrigal, McCowen, Hammerstrom, Shoemaker and Ward. Commissioners Brown and McCowen asked for specific edits to be made within the MSR text.

Upon motion by Commissioner McCowen and second by Commissioner Brown, a directive for Mr. Baracco to revise the Mendocino Resource Conservation District MSR as per the Workshop comments as well as further Commissioner comments submitted no later than July 11th, 2014 and to produce and distribute the Public Review draft for the 21-day public review period was approved by roll call vote:

Ayes: Commissioners Brown, Hammerstrom, Kisslinger, Madrigal, McCowen, and Shoemaker
Noes: None
Absent: Commissioner McFadden

On behalf of Mendocino LAFCo, Commissioners Hamburg and Brown thanked Janet Olave for her work at RCD and wished her well for her future endeavors.

Chair Shoemaker called a recess (10:24 am – 10:38 am)

Other Matters

6. Executive Officer Staffing Services

Commissioner Shoemaker provided a handout with proposed EO Staffing Services Contract changes. Mr. Williamson has signed the contract on behalf of Planwest Partners prior to changes, Commissioner Shoemaker has not.

Mr. Williamson commented on his willingness to work closely with the Executive Committee in person and by phone, emphasizing the understanding to have both communication options available. He noted that in Exhibit A of the Contract referring to Bookkeeping, Planwest will need to bill additionally due to the additional bookkeeping work of an independent banking process as per the Executive Committee. Commissioner Shoemaker clarified that previously, this budgeted amount was allocated to an Independent Contractor and the Commission Clerk and he did not foresee an increase but rather a reallocation.

Commissioner McCowen suggested a number of edits to the contract. Commissioner Shoemaker noted that the suggestions would have been better submitted to the Contract Committee at an earlier date. Comments were also made by Commissioners Kissinger, Brown, Ward and Hammerstrom.

Commissioner McCowen moved to authorize the Executive Committee to consider the comments submitted by Commissioners and to finalize and execute the contractor with George Williamson on behalf of Planwest Partners. The motion was not seconded and therefore failed.

Upon motion by Commissioner Kisslinger and second by Commissioner Madrigal, authorization for the Ad Hoc Contract Committee to update the contract as per the handout provided by Commissioner Shoemaker and the additional correction to page 1 as provided by Commissioner McCowen, and execute the contract with Planwest Partners was approved by roll call vote:

Ayes: Commissioners Brown, Hammerstrom, Kisslinger, Madrigal, and Shoemaker
Noes: McCowen
Absent: Commissioner McFadden

7. Municipal Service Review Completion Contract with Baracco & Associates

Mr. Baracco presented a summary of the proposed MSR Completion Contract. Commissioner McCowen noted his concern over the lack of a fixed amount other than the balance of \$80,000 and what is noted as roll-overs from previous budgets, which may have already been accounted for in the next year's budget. Commissioner Ward commented on the vagueness of the contract in regards to the financials with specific questions in regards to the MSR Administration budget line item. Commissioner Hammerstrom voiced similar concerns as well as the budget line item allocations and reserves.

Commissioner Kisslinger voiced his concern over the contractor being able to meet the MSR Proposed Adoption Schedule. Mr. Baracco assured him that the schedule was set up to allow a reasonable review and adoption schedule for the Commission; the contractor is prepared to meet these completion dates.

Commissioner Shoemaker suggested Mr. Baracco include more information on the actual costs within the contract and suggested the Commission direct the Contract Committee to review the information and act on Commission's behalf.

Commissioner McCowen suggested the Commission consider not extending a contract with Baracco & Associates but to transfer the remaining MSR work to Planwest Partners through the contract negotiation process, noting the possible financial and time savings available. He suggested that Mr. Williamson be involved in the process of the Baracco & Associates contract negotiation.

Upon motion by Commissioner Kisslinger and second by Commissioner Brown, authorization for the Ad Hoc Contract Committee to update the contract with a financial analysis provided by Mr. Baracco and a "not to exceed" amount and to conduct a review of the LAFCo funds available to fulfill the contract was approved by roll call vote:

Ayes: Commissioners Brown, Hammerstrom, Kisslinger, and Shoemaker
Noes: McCowen, Madrigal
Absent: Commissioner McFadden

8. Proposed contract with Law Offices of P. Scott Browne for LAFCo Legal Services as recommended by the Executive Committee.

Commissioner Shoemaker presented the proposed contract. Commissioners Kisslinger and McCowen noted possible discrepancies within the contract in regards to the flat fee option, requesting clarification before the execution of the contract. Comments were also received from Commissioners Hammerstrom and Brown. The Contract Committee was directed to receive clarification on contract issues.

9. Establishing a Separate Fund Account for LAFCo

Mr. Baracco and Commissioner Ward presented the proposal to withdraw LAFCo funds from the County Treasury and establish a bank account directly controlled by LAFCo. Comments and questions were offered by Commissioners Kissinger, Brown, Shoemaker, McCowen, Madrigal and Mr. Williamson. Discussion included the need for an EIN, Federal Insurance, choice of bank(s), number of accounts, two signature policy, projected costs and savings including A-87 costs. The Executive Committee will investigate further.

Later in the meeting, the issue was revisited. Comments and questions were offered by Commissioners Ward, McCowen, Shoemaker, Kissinger, Hammerstrom, Mr. Baracco and Ms. Salomone.

Commissioner Hammerstrom suggested staff preparing two resolutions to provide for using the two suggested banks with the Executive Committee making the final decision on which bank(s) to open an account(s).

Upon motion by Commissioner Hammerstrom and second by Commissioner McCowen, the Executive Committee was authorized to make decisions based on Commission input and discussion and to implement Resolutions 14-15-01 and/or 14-15-02 as they see fit was approved by roll call vote:

Ayes: Commissioners Brown, Hammerstrom, McCowen and Shoemaker
Noes: Commissioners Kissinger and Madrigal
Absent: Commissioner McFadden

10. Monthly Financial Reports

Ms. Salomone presented the monthly financial reports. Comments and questions by Commissioners Hammerstrom, McCowen, Madrigal and Ward.

Upon motion by Commissioner Madrigal and second by Commissioner Kissinger, the monthly financial reports were accepted with noted discrepancies by roll call vote:

Ayes: Commissioners Brown, Hammerstrom, Kissinger, Madrigal, McCowen and Shoemaker
Noes: None
Absent: Commissioner McFadden

11. Call for Nominates to the CALAFCO Board of Directors
No nominations were offered.

Other Items

12. Correspondence

Mr. Baracco announced the CALAFCO Annual Conference to be held October 15-17, 2014. Commissioners were asked to notify Commission Clerk if interested in attending.

Commissioner Madrigal asked for the Commission interest in sending staff members to the conference. Comments and questions were offered by Commissioners Shoemaker, Brown, Madrigal, Kisslinger and Ms. Salomone.

13. Commissioners Reports, Comments or Questions

Commissioner Kisslinger announced that he will not be available for another term as Public Member to Mendocino LAFCo.

Commissioner Ward requested Regular Monthly Meeting Agenda Packets be distributed at least the Wednesday before the Monday meeting but preferably sooner. Email distribution was discussed. Commissioners were asked to communicate with Commission Clerk to change their distribution preference.

Commissioner Madrigal announced that Mr. Baracco has been invited to speak at the Willits City Council on July 23rd regarding LAFCo items such as MSRs and SOIs.

Commissioner McCowen requested a review of the FY 14-15 Budget on the agenda for August 2014.

14. Executive Officer's Report

There was no Executive Officer's report presented.

15. Legislation Report

Commissioner Brown will forward a Legislation Report to the Commissioners.

Adjournment

There being no further business, at 12:20 PM the meeting was adjourned to the next regular meeting on Monday August 4, 2014 at 9:00 AM in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah, California.

Respectfully Submitted,

George Williamson
Executive Officer