

MENDOCINO

Local Agency Formation Commission

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

COMMISSIONERS

Maureen Mulheren, Chair
County Member

Gerald Ward, Vice-Chair/Treasurer
Public Member

Glenn McGourty
County Member

Mari Rodin
City Member

Vacant
City Member

Vacant
Special District Member

Vacant
Special District Member

Gerardo Gonzales, Alternate
City Alternate Member

John Haschak, Alternate
County Alternate Member

Richard Weinkle, Alternate
Public Alternate Member

Vacant, Alternate
Special District Member

STAFF

Executive Officer
Uma Hinman

Clerk/Analyst
Larkyn Feiler

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

A G E N D A (Revised)

Regular Meeting of **Monday, January 9, 2023 at 9:00 AM**
County Board of Supervisors Chambers 501 Low Gap Road, Ukiah, California

Special Notice – Hybrid Meeting

On September 16, 2021, Governor Newsom signed AB 361, which modified the Brown Act to allow for teleconferencing participation at local legislative body public meetings during the proclaimed state of emergency. As urgency legislation, this law took effect immediately. Pursuant to Government Code §54953(e)(1)(B), the Commission will conduct its January 9, 2023 meeting in a **hybrid** format to accommodate both in-person and remote participation by the Commission and its staff members. The public is similarly welcome to participate in person or remotely (video or telephone). The Commission's **hybrid** meeting can be accessed by the public in person, or remotely as described in the Instructions for Remote Participation Option, below.

The in-person meeting will be held in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah. Social distancing practices are recommended whenever possible and seating is arranged to accommodate the six feet recommended by the Health Officer.

Instructions for Remote Participation Option

Join Meeting Live: Please click the following Zoom link below to join the meeting or utilize the telephone option for audio only.

1. Zoom meeting link: <https://mendocinocounty.zoom.us/j/82612264766>
2. Telephone option (audio only):
Dial: **(669) 900-9128** (*Please note that this is not a toll-free number*)
Meeting ID: **826 1226 4766**

Public Participation is encouraged and public comments are accepted:

1. Live: via the Zoom meeting link or telephone option above
2. Via Email: eo@mendolafo.org by 8:30 a.m. the day of the meeting
3. Via Mail: Mendocino LAFCo, 200 S School Street, Ukiah, CA 95482

Meeting Participation

To provide comments, please use the raise hand function in Zoom.

- a) For those accessing from a computer, tablet, or smartphone, the raise hand function may be selected by clicking or tapping it from the reactions options. When joining the Zoom meeting, please enter your name so that you can be identified to speak.
- b) For those utilizing the telephone option (audio only), please use the raise hand feature by pressing ***9** on your keypad to raise your hand, and ***6** to unmute yourself. When it is your turn to speak, you will be called on by the last four digits of your phone number, if available, and asked to identify yourself for the record.

All comments received will be conveyed to the Commission for consideration during the meeting. All meetings are live-streamed, recorded and available through the link below.

Live web streaming and recordings of Regular Commission meetings are available via the [Mendocino County YouTube Channel](#). Links to recordings, approved minutes, and meeting documents are available on the [LAFCo website](#).

1. CALL TO ORDER and ROLL CALL

2. AB 361 REMOTE TELECONFERENCING ACTION

Pursuant to AB 361, the Commission will consider the status of the ongoing emergency and facts related to health and safety of meeting attendees due to COVID-19 and consider Resolution No. 2022-23-08 making further findings related to holding this Commission meeting via a hybrid model, including by teleconference, pursuant to the provisions of Government Code Section 54953(e). No written report.

3. PUBLIC EXPRESSION

The Commission welcomes participation in the LAFCo meeting. Any person may address the Commission on any subject within the jurisdiction of LAFCo which is not on the agenda. There is a three-minute limit and no action will be taken at this meeting. See public participation information above.

4. OTHER BUSINESS

4a) Public Member Representative Appointment

Consider appointment of the candidate for Regular Public Member for the term 2023-2026.

4b) Oath for Incoming Alternate Special District Member

Swearing of incoming Alternate Special District Member Francois Christen.

4c) Interim Policies and Procedures Committee Appointment

Consider interim appointment to the Policies and Procedures Committee to fill a vacancy on the Committee.

5. CONSENT CALENDAR

The following consent items are expected to be routine and non-controversial and will be acted on by the Commission in a single action without discussion, unless a request is made by a Commissioner or a member of the public for discussion or separate action.

5a) December 19, 2022 Regular Meeting Summary

5b) December 2022 Claims & Financial Report

6. PUBLIC HEARING ITEMS

6a) PUBLIC HEARING Ford Road, Kunzler Ranch Road, and Carter Lane Out-of-Agency Services Agreement for Wastewater Services from the City of Ukiah and Ukiah Valley Sanitation District (File No. O-2022-03) and Finding of Exemption Pursuant to the California Environmental Quality Act

The Commission will hold a Public Hearing to consider adoption of the Ford Road, Kunzler Ranch Road, and Carter Lane Out-of-Agency Services Agreement application (File No. O-2022-03) from the City of Ukiah and Ukiah Valley Sanitation District to provide wastewater services to 13-parcels (170-210-01, 170-200-03, 170-200-04, 170-200-05, 170-200-06, 170-200-07, 170-200-08, 170-200-09, 170-200-18, 170-180-08, 170-180-13, 170-180-14, 169-130-76). RECOMMENDED ACTIONS: (1) Find the Ford Road, Kunzler Ranch Road, and Carter Lane Out-of-Agency Services Agreement for Wastewater Services from the City of Ukiah and Ukiah Valley Sanitation District is exempt from the California Environmental Quality Act (CEQA) under the General Rule Exemption pursuant to Title 14 of the California Code of Regulations (14 CCR) §15061(b)(3), and approve the Notice of Exemption for filing; and (2) Adopt LAFCo Resolution 2022-23-09, conditionally approving the Ford Road, Kunzler Ranch Road, and Carter Lane Out-of-Agency Services Agreement for Wastewater Services from the City of Ukiah and Ukiah Valley Sanitation District (File No. O-2022-03).

7. WORKSHOP ITEMS

None

8. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

None

9. INFORMATION AND REPORT ITEMS

The following informational items are reports on current LAFCo activities, communications, studies, legislation, and special projects. General direction to staff for future action may be provided by the Commission. No immediate action will be taken on any of the following items.

9a) Work Plan, Current and Future Proposals (Written)

9b) Correspondence (Copies provided upon request)

9c) CALAFCO Business and Legislative Report

9d) Executive Officer's Report (Verbal)

9e) Committee Reports (Executive Committee, Policies & Procedures, Work Plan Ad Hoc) (Verbal)

9f) Commissioner Reports, Comments or Questions (Verbal)

ADJOURNMENT

The next Regular Commission Meeting is tentatively scheduled for Monday, **February 6, 2023** at 9:00 AM.
Meeting may be held via a hybrid model due to current State and local mandates related to the COVID-19 pandemic.

Notice: This agenda has been posted at least 72 hours prior to the meeting and in accordance with the temporary Brown Act Guidelines instated by State Executive Order N-29-20 and AB 361.

Participation on LAFCo Matters: All persons are invited to testify and submit written comments to the Commission on public hearing items. Any challenge to a LAFCo action in Court may be limited to issues raised at a public hearing or submitted as written comments prior to the close of the public hearing.

Americans with Disabilities Act (ADA) Compliance: Commission meetings are held via a hybrid model – the in-person option held in a wheelchair accessible facility and also by teleconference. Individuals requiring special accommodations to participate in this meeting are requested to contact the LAFCo office at (707) 463-4470 or by e-mail to eo@mendolafco.org. Notification 48 prior to the meeting will enable the Commission to make reasonable arrangements to ensure accessibility to this meeting. If attending by teleconference, if you are hearing impaired or otherwise would have difficulty participating, please contact the LAFCo office as soon as possible so that special arrangements can be made for participation, if reasonably feasible.

Fair Political Practice Commission (FPPC) Notice: State Law requires that a participant in LAFCo proceedings who has a financial interest in a Commission decision and who has made a campaign contribution to any Commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission before the hearing.

**Resolution No. 2022-23-08
of the Mendocino Local Agency Formation Commission**

Making Continued Findings Pursuant to Assembly Bill 361 to Conduct Remote Public Meetings for the Commission and its Standing Committees During a Proclaimed State of Emergency Due to the COVID-19 Pandemic

WHEREAS, the Mendocino Local Agency Formation Commission, hereinafter referred to as the “Commission”, is committed to preserving and nurturing public access and participation in meetings of the Commission; and

WHEREAS, all the meetings of the Commission are open and public, as required by the Ralph M. Brown Act (“Brown Act”) (California Government Code 54950 -54963), so that any member of the public may attend, participate, and watch the Commission conduct business; and

WHEREAS, the Brown Act, Government Code Section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code Section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the boundaries of Mendocino County, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, if the legislative body meeting in person would present imminent risks to the health and safety of attendees, Commissioners and staff; and

WHEREAS, the Commission previously adopted a Resolution, Number 2022-23-01 on July 11, 2022, finding that the requisite conditions continue to exist for the legislative bodies of Mendocino Local Agency Formation Commission to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Commission must reconsider the circumstances of the state of emergency that exists in the County, and the Commission has done so; and

WHEREAS, such conditions now exist in the County of Mendocino, specifically, the State of Emergency proclaimed by Governor Newsom on March 4, 2020, due to the COVID 19 pandemic; and

WHEREAS, the California Department of Public Health and the Mendocino County Public Health Department continues to recommend requiring face coverings in all public indoor settings attributable to the rise in SARS-CoV-2 Delta Variant and the Commission cannot be certain that all persons in attendance at meetings will follow the guidelines or be fully vaccinated; and

WHEREAS, the Commission does hereby find that the rise in SARS-CoV-2 Delta Variant has caused, and will continue to cause, conditions of peril to the safety of persons within the County that are likely to be beyond the control of the Commission or its staff, and desires to proclaim a local emergency exists and ratify the proclamation of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Commission does hereby find that the legislative bodies of the Mendocino Local Agency Formation Commission shall continue to conduct their meetings without compliance with Government Code Section 54953(b)(3), as authorized by Section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to meetings as prescribed in Section 54953(e)(2); and

WHEREAS, the Commission provides written agenda that fully describes the process for the public to fully participate in the Commission's hybrid meetings to include attending in person and viewing, listening and commenting in real time on all agenda items; and

NOW, THEREFORE, the Mendocino Local Agency Formation Commission does hereby RESOLVE, DETERMINE, and ORDER as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Commission hereby proclaims that a local emergency now exists throughout the Commission's jurisdictional boundaries, and the rise in SARS-CoV-2 Delta Variant has caused, and will continue to cause, conditions of peril to the safety of all persons participating in the Commission's meetings that are likely to be beyond the control of the Commission or its staff, equipment, and facilities of the Commission.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Commission hereby ratifies the Governor of the State of California's Proclamation of State of Emergency for COVID 19, effective as of its issuance date of March 4, 2020.

Section 4. Hybrid Meetings. The Executive Officer and the Mendocino Local Agency Formation Commission are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the next regular meeting of the Commission when the Commission shall consider renewing its findings by subsequent resolution, in accordance with AB 361 and in accordance with Government Code section 54953(e)(3).

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County this 9th day of January, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MAUREEN MULHEREN, Commission Chair

ATTEST:

UMA HINMAN, Executive Officer

DRAFT

**MENDOCINO
Local Agency Formation Commission**

Staff Report

MEETING January 9, 2023
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Regular Public Member Appointment**

RECOMMENDATION

Consider appointment of Gerald Ward to the LAFCo Regular Public Member term January 2023 through December 2026.

BACKGROUND

State law establishes a four-year term for the LAFCo Regular Public Member. Before the regular public member's term expires, the Commission must appoint a Mendocino County resident to the seat at an open meeting. Public members may not be a current officer (elected or appointed) or employee of the County of Mendocino or of any city or special district located within the County. There is no term limit and the incumbent regular member may be reappointed. The term for the incumbent regular public member expired on December 31, 2022.

Staff advertised the regular public member 2023-2026 term on September 16, 2022 in local newspapers, distributed to member agencies and interested parties lists via email, and posted on the LAFCo website. LAFCo received one application by the deadline of October 28, 2022: incumbent regular public member, Gerald Ward. See attached application.

As stated in the current LAFCo Policies & Procedures, selection of the public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities (City, County and Special District). The Commission typically considers the public member appointment at its December meeting of the year the term ends. However, as there were no special district members on the Commission for the December meeting, consideration of the appointment was moved to the January meeting.

Attachment: Application for Public Member
Notice of Regular Public Member Term Vacancy

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APPLICATION for PUBLIC MEMBER

Candidates for the position of Public Member (Regular or Alternate seats) must complete this application and provide a current resume. You may attach additional response pages. Please type or print in ink. All application materials must be received in the LAFCo office at 200 South School Street, Ukiah, CA 95482, on or before **October 28, 2022**.

Date: 10-13-22

Name: Jerry Ward

Mailing Address: 1101 Perch Lane, Willits

Home Phone: (707) 489-2061

Mobile Phone: (707) 489-2061

E-mail: swow@pacific.net

Length of Residence in Mendocino County: 50 years

Are you an officer/employee of the County, a city or special district within Mendocino County? Yes No

Please describe your educational background:

Present occupation: President

Employer Name: Solid Wastes of Willits, Inc.

Complete Address: PO Box 1425, Willits

Phone: (707) 459-4845

Due to your current employment or occupation, do you anticipate any conflicts of interest regarding decisions you will be asked to make as a LAFCo member? If so, please explain. Yes No

List community service activities/memberships on boards, commissions, committees, including names of organizations and dates of service. You may attach additional pages or a resume, if desired.

Other interests:

Have you attended LAFCo meetings? If so, when?

Yes No

Please explain your qualifications for the position and reasons for serving on Mendocino LAFCo.

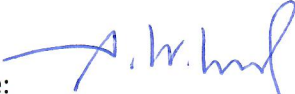
From your perspective, explain the purpose of LAFCo, its role and responsibilities.

CERTIFICATION

I certify that I am a resident of Mendocino County. I certify that I am not an officer or employee of Mendocino County, any city or special district in Mendocino County.

I certify that the above information is true and correct, and I authorize the verification of the information in the application in the event that I am a finalist for the appointment.

I understand that, if appointed to Mendocino LAFCo, I will be required to comply with FPPC disclosure requirements and file annual statements of financial interests.

Signature:  _____

Date: 10-13-22 _____

NOTICE

MENDOCINO LAFCO ACCEPTING APPLICATIONS FOR REGULAR PUBLIC MEMBER

Application Deadline: October 28, 2022

The Mendocino Local Agency Formation Commission (LAFCo) invites interested persons to apply for the position of the Regular Public Member on the Commission to complete a four-year term ending December 31, 2026.

LAFCo is an independent, quasi-legislative agency created by the State of California in 1963. By statute, LAFCo is charged with discouraging urban sprawl, encouraging the orderly formation and development of governmental agencies within its jurisdiction, and preserving agricultural and open space resources. The Commission has the power to approve or disapprove all annexations of land to and from cities and special districts in Mendocino County. The Commission also has the power to approve or disapprove the formation of new cities and special districts.

The Commission has seven regular voting members (two County members from the Board of Supervisors, two City members selected by the City Select Committee, two Special District members selected by nomination and voting of the County's special districts; and one Public member) and four alternate members (County, City, Special District and Public).

Mendocino LAFCo meets regularly at 9:00 a.m. on the first Monday of every month in the Mendocino County Board of Supervisors Chambers, with special meetings held as needed.

Public members represent all Mendocino County citizens in an objective and impartial manner. Interested individuals must be residents of Mendocino County, be able to regularly attend LAFCo meetings, and may not be current public officers, either elected or appointed, or employees of the county, any city or special district in the county. The public member is a public official and is required to file a standard financial disclosure statement annually with the California Fair Practices Commission.

Candidates for the position must submit a letter of interest, an application and resume detailing applicable experience and service. Applications may be downloaded from our website: www.mendolafco.org.

All application materials must be received at the LAFCo office, 200 S. School Street, Ukiah, CA 95482 on or before October 28, 2022. All applicants that meet the deadline will be allowed to make a five-minute presentation and the Commission will interview the applicants in open session at their November 7, 2022 Regular Meeting and announce the appointment on or before the December 5, 2022 Regular Meeting. The selected applicant will be sworn in and seated at the first regular commission meeting in 2023.

Further information is available at the LAFCo website, (707) 463-4470 or e-mail eo@mendolafco.org.

Notice issued: September 16, 2022

**MENDOCINO
Local Agency Formation Commission**

Staff Report

MEETING January 9, 2023
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Interim Policies & Procedures Committee Appointment**

RECOMMENDATION

The Chair recommend, and the Commission ratify, appointment of a third Commissioner to the Policies & Procedures Committee until the regular committee appointments in early 2023.

BACKGROUND

The Policies and Procedures Committee is made up of three members appointed as recommended by the Chair and ratified by the Commission (Mendocino LAFCo Policy 3.9.1). The Policies and Procedures Committee is responsible for developing and maintaining the Policies and Procedures Manual.

The Committee is subject to the requirements of the Brown Act and meets on an as-needed basis. Recommendations from the Committee are presented to the full Commission for consideration and approval.

The 2022 Policies & Procedures Committee consisted of Commissioners Froneberger, Gonzalez and Mulheren. A vacancy exists in Commissioner Froneberger's absence. Staff anticipates a Policies & Procedures meeting may be scheduled prior to the February regular meeting during which the annual selection of officers and committee appointments will be agendized.

Attachment None

MENDOCINO

Local Agency Formation Commission

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STAFF

Executive Officer
Uma Hinman

Clerk/Analyst
Larkyn Feiler

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

Agenda Item No. 5a

DRAFT MINUTES

Mendocino Local Agency Formation Commission

Regular Meeting (Hybrid) of Monday, December 19, 2022

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

1. CALL TO ORDER and ROLL CALL (Video Time 6:50)

Executive Officer Hinman called the meeting to order at 9:01 a.m.

Regular Commissioners Present: Gerald Ward, Glenn McGourty, Maureen Mulheren, Mari Rodin, and Gerardo Gonzalez (immediately seated as a Regular member)

Regular Commissioners Absent: None

Alternate Commissioners Present: Richard Weinkle

Alternate Commissioners Absent: John Haschak

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

2. AB 361 REMOTE TELECONFERENCING ACTION (Video Time 7:43)

The Commission adopted Resolution No. 2022-23-05 making further findings related to holding Commission meetings via a hybrid model per Government Code Section 54953(e).

Motion: Adopt Resolution No. 2022-23-05.

Motion Maker: Commissioner McGourty	Motion Second: Commissioner Gonzalez
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Roll Call Vote: Ayes: (5) Gonzalez, Rodin, Mulheren, McGourty, Ward
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3. PUBLIC EXPRESSION (Video Time 8:30)

Tom Tetzlaff commented on concerns regarding the Mendocino City CSD groundwater management plans and costs and requested a service efficiency review for this program. Discussion ensued regarding future Countywide groundwater management activities.

4. OTHER BUSINESS (Video Time 12:53)

4a) Selection of Interim Officers

The Commission selected interim officers to serve until the 2023 annual selection process.

Motion: Select Commissioner Mulheren as Chair.

Motion Maker: Commissioner Mulheren	Motion Second: Commissioner McGourty
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Roll Call Vote: Ayes: (5) Gonzalez, Rodin, Mulheren, McGourty, Ward
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Motion: Select Commissioner Ward as Vice Chair.
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Motion Maker: Commissioner McGourty	Motion Second: Commissioner Mulheren
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Roll Call Vote: Ayes: (5) Ward, McGourty, Rodin, Gonzalez, Mulheren
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5. CONSENT CALENDAR (Video Time 15:24)

5a) November 7, 2022 Regular Meeting Summary

Commissioner Ward requested corrections to the minutes as follows:

- Page 8: correct the reference of Treasurer Rodin to Treasurer Ward.
- Page 11, bullet 9: correct a typo “Further, City staff ~~water~~ was careful...” .

5b) Ratify the November 2022 Claims & Financial Report

November 2022 Claims totaling:	\$15,967.57
Hinman & Associates Consulting	12,741.61
P. Scott Browne	900.00
CSDA Membership	1,250.00
Comcast	93.67
Streamline	50.00
Ukiah Daily Journal	400.01
Ukiah Valley Conference Center	532.28

Commissioner Ward asked why bookkeeping activities were not reflected in the claims and EO Hinman clarified that this activity was accounted for under normal staff duties.

5c) 2023 Meeting Calendar

5d) Certificate of Appreciation for Commissioner Orth

Commissioner Ward requested a correction to Commissioner Orth’s years of service and encouraged providing more than a certificate since Commissioner Orth was an integral part of the Commission for many years.

5e) Certificate of Appreciation for Commissioner Ignacio

5f) Certificate of Appreciation for Commissioner Froneberger

Motion: Approve the consent calendar as amended by Commissioner Ward.	
Motion Maker: Commissioner McGourty	Motion Second: Commissioner Gonzalez
Roll Call Vote: Ayes: (5) Gonzalez, Rodin, McGourty, Ward, Mulheren	

6. PUBLIC HEARING ITEMS

6a) PUBLIC HEARING City of Ukiah Municipal Service Review and Sphere of Influence Update Study and Potential Approval and Findings Pursuant to the California Environmental Quality Act. (Video Time 19:45)

Chair Mulheren opened the Public Hearing at 9:15 am. EO Hinman introduced the item for the City of Ukiah Municipal Service Review (MSR) and Sphere of Influence (SOI) Update and noted that the following agency representatives were present.

City of Ukiah

Sage Sangiacomo, City Manager
Craig Schlatter, Community Development Director
Jesse Davis, Chief Planning Manager

Ukiah Valley Sanitation District

Wing-See Fox, Interim General Manager
Ernie Wipf, Board Chair & Ad Hoc Committee Member
Candace Horsley, Board & Ad Hoc Committee Member
Mark DeMeulenaere, Contractor

Analyst Feiler provided a [staff presentation](#) on the item. (Video Time 20:40 - 25:20)

Chair Mulheren asked for Commissioner comments and questions, and none were provided.

Chair Mulheren opened the Public Comment Period at 9:20 am. (Video Time 25:44)

Sage Sangiacomo, City of Ukiah City Manager, gave appreciation to the Commission, LAFCo staff, and City and Ukiah Valley Sanitation District (UVSD) staff for all the hard work and due diligence that has gone into preparing this item.

Commissioner McGourty asked for clarification on how the City will address floodways and groundwater infiltration in addition to agricultural preservation; the plan to prevent new development that is likely to flood. Jesse Davis, City of Ukiah Chief Planning Manager responded that there are goals, policies, and action items in the City’s 2040 General

Plan to allow for groundwater recharge and to avoid development in the floodplain. Commissioner McGourty asked about development plans on Babcock Lane and Perkins Street and Mr. Davis responded that the City's 2040 General Plan is focused on infill development and redevelopment, and there was no change to existing zoning that would alter the intended development for the Babcock Lane area. Commissioner McGourty asked if the City had taken into consideration the projection for more intense rainfall storm events in relation to the many water tributaries that feed into the City area when planning for the future and Mr. Davis responded that the City's Environment and Sustainability Element includes goals and policies to conserve and protect water resources, such as Environmental Policy 4.4 which specifically addresses river and creek preservation, to prevent creek alterations and restore channelized sections of waterways in order to maintain natural flows into the Russian River.

Commissioner Gonzalez gave appreciation for the City and Sanitation District partnership that has resulted in an unprecedented level of interagency collaboration to the benefit of ratepayers and the greater community.

Commissioner Rodin gave appreciation to the agencies and LAFCo staff for preparing very comprehensive studies for the City and Sanitation District in-house at a significant time and cost savings and for LAFCo staff's efforts to shepherd the process forward after many years of stagnation. This is a major milestone and proud moment for all involved.

Commissioner Ward echoed the appreciation from other Commissioners for the unprecedented collaboration and progress that has been made and noted confusion about the ultimate outcome for the Sanitation District, whether a consolidation or subsidiary district, and the fundamental importance of ensuring efficient services as the process moves forward with annexations and potential consolidation of water agencies.

Craig Schlatter, City of Ukiah Community Development Director, echoed the sentiments being expressed and gave appreciation for the leadership of LAFCo staff, the Commission input during the workshop items which made for stronger documents, and the partnership between the City and Sanitation District which led to two excellent studies.

Chair Mulheren closed the Public Comment Period and Public Hearing at 9:32 am. (Video Time 37:11)

The Commission unanimously approved both staff recommendations in one action.

Motion:	
1) Find the City of Ukiah Municipal Service Review is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations (14 CCR) §15306 (Class 6 Exemption), and approve the Notice of Exemption for filing; and	
2) Adopt LAFCo Resolution 2022-23-06, approving the City of Ukiah Municipal Service Review and Sphere of Influence Update Study, adopting the proposed sphere of influence and area of interest, and certifying that the Commission has Considered the Environmental Effects Identified in the Environmental Impact Report (SCH No. 2022050556) for the Project; adopting Environmental Findings Pursuant to the California Environmental Quality Act; and adopting a Statement of Overriding Considerations.	
Motion Maker: Commissioner Rodin	Motion Second: Commissioner Gonzalez
Roll Call Vote: Ayes: (5) Rodin, Gonzalez, Ward, McGourty, Mulheren	

6b) PUBLIC HEARING Ukiah Valley Sanitation District Municipal Service Review and Sphere of Influence Update Study and Finding of Exemption Pursuant to the California Environmental Quality Act. (Video Time 37:34)

Chair Mulheren opened the Public Hearing at 9:32 am. EO Hinman introduced the item for the Ukiah Valley Sanitation District (UVSD or District) Municipal Service Review (MSR) and Sphere of Influence (SOI) Update.

Analyst Feiler provided a [staff presentation](#) on the item. (Video Time 37:57 - 42:10)

Chair Mulheren asked for Commissioner comments and questions.

Commissioner Ward asked about the difference between the District's existing and proposed SOI. EO Hinman confirmed that the original SOI was established for the District in 1984 based on the Zion Study but the District's existing SOI boundary is unclear due to incomplete historical LAFCo records. EO Hinman explained that the Commission is scheduled to consider an Out-of-Agency Services Agreement (OASA) from the City and Sanitation District in January and the OASA is based on the Interim Services Agreement between the agencies.

Chair Mulheren opened the Public Comment Period at 9:39 am. (Video Time 44:28)

Commissioner Ward asked about the end result for the District and Wing-See Fox, UVSD Interim General Manager, responded that historically the District assumed a much larger SOI boundary and overlap area with the City, but through the milestone agreement between the City and District, the proposed coterminous SOI for the District indicates that the District does not intend to grow or annex areas. However, the District is committed to continuing to serve its existing customers and additional customers by contract with the City and maintain its financial viability until the time when the District is merged with or becomes a subsidiary of the City. Commissioner Ward asked whether the outcome is dissolution of the District and whether the District area is covered by the City's SOI. Ms. Fox responded that details still need to be worked out, but ultimately the District would go away once their service area is assumed by the City or another single-agency type of structure and confirmed that the City's SOI covers their service area.

Commissioner Rodin asked about the practical issues of expanding infrastructure and financing to serve the Ford Road area with public sewer instead of on-site septic. Ms. Fox responded that the OASA application item in January will address this in greater detail, but in general OASA customers will connect to existing District infrastructure that is nearby and be subject to District fee schedules until the agencies consolidate, essentially as a subcontractor of the City. Mr. Sangiacomo added the District is best equipped to serve areas near their existing infrastructure and the Interim Service Agreement allows for the extension of public sewer without the historic conflict and providing for the financial viability of the District in moving forward with City annexations without District detachments. Further, through City annexations, the City will work to ensure all types of public infrastructure and service needs are met.

Commissioner Ward expressed the importance of keeping the momentum going forward since the people involved now have been very successful in working together to improve service delivery and for the greater good. Mr. Sangiacomo noted the common goal to move beyond the dysfunction of the past and implement these strategic plans in the long-term.

Candace Horsley, UVSD Board & Ad Hoc Committee Member, commented that there is a strong commitment from the majority of the UVSD Board to make the District-City partnership work long-term, and gave appreciation to LAFCo for preparing the studies in-house, which greatly improved the process; to the City for rising above the acrimony of the past to work together with the District; and to Ms. Fox for her professionalism and guidance to reach this outcome.

Chair Mulheren closed the Public Comment Period and Public Hearing at 9:58 am. (Video Time 1:03:11)

Commissioner Rodin gave appreciation to all for working together to reach this major milestone and the quality studies.

Commissioner McGourty gave appreciation to all and noted that this makes sense and aligns with current efforts of the Water Quality Control Board to zero in on septic systems and encouraged consolidation of water agencies and expanding public sewer to other areas of the Ukiah Valley in need and in support of resilient communities.

Commissioner Ward gave appreciation to staff for the excellent studies, noted that this the greatest step forward he has seen in his 22-years on the Commission, and encouraged everyone to keep the momentum going.

Commissioner Gonzalez echoed the other Commissioner comments, encouraged the annexations moving forward, and noted that this is a shining example for other cities to follow.

Chair Mulheren gave appreciation for the political will for strong cooperation in support and service to our community without deference to boundary lines and encouraged efforts to continue moving forward for the greater good.

The Commission unanimously approved both staff recommendations in one action.

Motion:

- 1) Find the Ukiah Valley Sanitation District Municipal Service Review is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations (14 CCR) §15306 (Class 6 Exemption), and find the UVSD Sphere of Influence Update is exempt from CEQA pursuant to 14 CCR §15061(b)(3) (General Rule), and approve the Notice of Exemption for filing; and
- 2) Adopt LAFCo Resolution 2022-23-07, approving the Ukiah Valley Sanitation District Municipal Service Review and Sphere of Influence Update Study and adopting the proposed sphere of influence and areas of interest.

Motion Maker: Commissioner Rodin	Motion Second: Commissioner Gonzalez
Roll Call Vote: Ayes: (5) Rodin, Gonzalez, Ward, McGourty, Mulheren	

7. WORKSHOP ITEMS None

8. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

8a) Commissioner Terms, Recruitments and Elections (Video Time: 1:08:14)

EO Hinman provided an informational report regarding the status of Commissioner terms and seats, recruitments and elections. EO Hinman noted that as a result of the general election, resignations, and LAFCo special district election extensions, there are a number of vacancies on the Commission, as detailed on pages 985 - 986 of the Agenda Packet.

9. INFORMATION AND REPORT ITEMS

9a) Work Plan, Current and Future Proposals (Video Time: 1:12:12)

EO Hinman presented the staff report, noting that a written summary of the Work Plan and current proposals is located on pages 987 – 989 of the Agenda Packet. In summary, all applications are incomplete at this time, pending, among other things, tax share agreements.

The City of Ukiah and Ukiah Valley Sanitation District filed a joint application for an Out-of-Agency Service Agreement (OASA), which is scheduled for a Public Hearing at the January 9 meeting.

The Anderson Valley Community Services District is coordinating with LAFCo staff on application requirements for annexation of the District’s Sphere of Influence for fire services.

Commissioner Ward requested that long-standing inactive applications be closed if appropriate.

9b) Correspondence (Video Time: 1:15:05)

EO Hinman noted the SDRMA President’s Special Acknowledgement Award for no paid claims during the prior 5 years.

9c) CALAFCO Business and Legislation Report (Video Time: 1:15:27)

EO Hinman noted that the 2023 CALAFCO Events Calendar is on page 992 of the Agenda Packet.

9d) Executive Officer’s Report (Video Time: 1:15:50)

EO Hinman requested availability for an Executive Committee meeting following the Regular meeting on January 9.

9e) Committee Reports (Executive Committee, Policies & Procedures, Work Plan Ad Hoc) None

9f) Commissioners Reports, Comments or Questions

Commissioner Ward requested an update on Counsel Scott Browne and Counsel Marsha Burch responded his is well and a more detailed update can be provided at the next meeting.

ADJOURNMENT (Video Time: 1:18:01)

There being no further business, the meeting adjourned at 10:12 a.m. The next regular meeting of the Commission will be held on Monday, January 9, 2023 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 19, 2022, YouTube meeting recording](#). Links to recordings and approved minutes are also available on the [LAFCo website](#).

MENDOCINO Local Agency Formation Commission Staff Report

DATE: January 9, 2023
 TO: Mendocino Local Agency Formation Commission
 FROM: Uma Hinman, Executive Officer
 SUBJECT: **Claims and Financial Report for December 2022**

RECOMMENDED ACTION

Approve the December 2022 claims and financial report.

Name	Account Description	Amount	Total
Hinman & Associates Consulting, Inc.	5300 Basics Services	\$ 6,405.00	\$ 8,308.75
	5601 Office Supplies (QB)	\$ 85.00	
	7000 Work Plan (Ukiah City, UVSD)	\$ 1,256.25	
	8025 Ukiah Annex City-Owned Props	\$ 18.75	
	8028 ECSD Activation of Latent Powers	\$ 18.75	
	8030 Ukiah/UVSD OASA	\$ 525.00	
P. Scott Browne	6300 Legal Counsel	\$ 900.00	\$ 900.00
Comcast	5700 Internet	\$ 93.67	\$ 93.67
Streamline	5700 Website Hosting	\$ 50.00	\$ 50.00
Ukiah Daily Journal	5900 Publications and Legal Notices	\$ 107.53	\$ 107.53
Mendocino County	6000 Televising Meetings (July, Nov)	\$ 501.05	\$ 1,741.73
	6670 GIS (Oct, Nov)	\$ 1,240.68	
Ukiah Valley Conf. Center	5500 Office Space	\$ 530.00	\$ 530.00
	5600 Postage		
Total:			\$ 11,731.68

Deposits: \$60,000 (Mendocino County - apportionments)

Attachments:

- Budget Tracking Spreadsheet
- Work Plan Tracking
- Invoices: Hinman & Associates Consulting, P. Scott Browne

Please note that copies of all invoices, bank statements, reconciliation reports, and petty cash register were forwarded to the Treasurer.

Mendocino LAFCo Budget Tracking

FY 2022-23 YEAR TO DATE SUMMARY		BUDGET	ACTUAL	BALANCE	ACCOUNT BALANCES						
REVENUE TOTALS		\$ 265,100.00	\$ 127,071.04	\$ 138,028.96	CASH AVAILABLE						
Operating Income (Apportions)		\$ 265,000.00	\$ 120,000.00	\$ 145,000.00	County of Mendocino (Projected; statement unavailable) \$ 145,000						
Interest		\$ 100.00	\$ 46.04	\$ 53.96	Operations (Checking) \$ 76,130						
Miscellaneous		\$ -	\$ -	\$ -							
Applications & SALC		\$ -	\$ 7,025.00	\$ (7,025.00)							
EXPENSES TOTALS		\$ 263,800.00	\$ (100,383.07)	\$ 163,416.93	RESERVES						
Basic Services (Staffing)		\$ 125,100.00	\$ (43,365.00)	\$ 81,735.00	Legal Reserve \$ 50,000						
Services and Supplies		\$ 68,700.00	\$ (26,131.82)	\$ 42,568.18	Operations Reserve \$ 65,995						
Work Plan (MSRs and SOIs)		\$ 70,000.00	\$ (23,143.75)	\$ 46,856.25	CONTINGENCIES						
Applications & SALC		\$ -	\$ (7,742.50)	\$ 13,105.50	Work Plan \$ 30,815						
Budget Balance		\$ 26,687.97	\$ (25,387.97)	\$ -	Accounts Total \$ 367,940						
REVENUE	BUDGET	1st Qtr Subtotal	October	November	December	2nd Qtr Subtotal	3rd Qtr Subtotal	4th Qtr Subtotal	YTD Subtotal	Balance	
4020 OPERATING INCOME (APPORTIONS)	\$ 265,000.00	\$ 60,000.00			\$ 60,000.00	\$ 60,000.00	\$ -	\$ -	\$ 120,000.00	\$ 145,000.00	
4800 MISCELLANEOUS (SERVICE FEES OH, COPIES)		\$ 850.00	\$ 162.50	\$ 147.37	\$ 375.00	\$ 684.87	\$ -	\$ -	\$ 1,534.87	\$ (1,534.87)	
4910 INTEREST	\$ 100.00	\$ 26.65	\$ 9.22	\$ 8.19	\$ 1.98	\$ 19.39	\$ -	\$ -	\$ 46.04	\$ 53.96	
Income/Fees Subtotals		\$ 265,100.00	\$ 60,876.65	\$ 171.72	\$ 155.56	\$ 60,376.98	\$ 60,704.26				
8000 APPLICATIONS	PRIOR FY DEPOSITS								YTD Subtotal	Total Deposit TD	
8010 City of Ukiah Detachment of UVSD lands (D-2014-8010)	\$ 19,032.75	\$ -				\$ -	\$ -	\$ -	\$ -	\$ 19,032.75	
8022 City of Ukiah North Annexation Pre-Application (P-2020-01)	\$ 1,500.00	\$ -				\$ -	\$ -	\$ -	\$ -	\$ 1,500.00	
8024 Millview CWD Annexation Pre-Application (P-2020-04)	\$ 3,500.00	\$ -				\$ -	\$ -	\$ -	\$ -	\$ 3,500.00	
8025 City of Ukiah Annexation of City-Owned Properties (A-2021-01)	\$ 5,000.00	\$ -				\$ -	\$ -	\$ -	\$ -	\$ 5,000.00	
8028 Elk CSD Activation of Latent Powers (L-2022-01)	\$ 3,000.00	\$ 2,000.00				\$ -	\$ -	\$ -	\$ 2,000.00	\$ 5,000.00	
8029 City of Ukiah Annexation of Western Hills Properties (A-2022-02)	\$ 5,000.00	\$ -				\$ -	\$ -	\$ -	\$ -	\$ 5,000.00	
8030 City of Ukiah/UVSD Application for Out Of Agency Services (O-2022-03)	\$ -	\$ -		\$ 2,500.00		\$ 2,500.00	\$ -	\$ -	\$ 2,500.00	\$ 2,500.00	
8601 Sustainable Ag Lands Committee Grant	\$ 3,225.00	\$ 2,525.00				\$ -	\$ -	\$ -	\$ 2,525.00	\$ 5,750.00	
Application Subtotals		\$ 4,525.00	\$ -	\$ 2,500.00	\$ -	\$ 2,500.00	\$ -	\$ -	\$ 7,025.00	\$ 47,282.75	
REVENUE TOTAL		\$ 65,401.65	\$ 171.72	\$ 2,655.56	\$ 60,376.98	\$ 63,204.26	\$ -	\$ -	\$ 7,025.00		
EXPENSES	BUDGET	1st Qtr Subtotal	October	November	December	2nd Qtr Subtotal	3rd Qtr Subtotal	4th Qtr Subtotal	Total Expenses YTD	Budget Balance	
5300 Basic Services - EO/Analyst/Clerk	\$ 125,100.00	\$ 21,800.00	\$ 6,572.50	\$ 9,027.50	\$ 5,965.00	\$ 21,565.00	\$ -	\$ -	\$ 43,365.00	\$ 81,735.00	
Unfunded Mandates (Public Records Requests)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
5500 Rent	\$ 6,500.00	\$ 1,590.00	\$ 530.00	\$ 530.00	\$ 530.00	\$ 1,590.00	\$ -	\$ -	\$ 3,180.00	\$ 3,320.00	
5600 Office Expenses	\$ 3,300.00	\$ 1,046.85	\$ 98.29	\$ 358.89	\$ 85.00	\$ 542.18	\$ -	\$ -	\$ 1,589.03	\$ 1,710.97	
5700 Internet & Website Costs	\$ 2,500.00	\$ 431.01	\$ 143.67	\$ 143.67	\$ 143.67	\$ 431.01	\$ -	\$ -	\$ 862.02	\$ 1,637.98	
5900 Publication & Legal Notices	\$ 2,000.00	\$ -	\$ -	\$ 400.01	\$ 107.53	\$ 507.54	\$ -	\$ -	\$ 507.54	\$ 1,492.46	
6000 Televising Meetings	\$ 2,000.00	\$ 230.10	\$ -	\$ -	\$ 501.05	\$ 501.05	\$ -	\$ -	\$ 731.15	\$ 1,268.85	
6100 Audit Services	\$ 3,800.00	\$ 1,875.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,875.00	\$ 1,925.00	
6200 Bookkeeping	\$ 4,500.00	\$ 1,485.00	\$ -	\$ -	\$ 440.00	\$ 440.00	\$ -	\$ -	\$ 1,925.00	\$ 2,575.00	
6300 Legal Counsel (\$ Browne)	\$ 19,000.00	\$ 2,700.00	\$ 900.00	\$ 900.00	\$ 900.00	\$ 2,700.00	\$ -	\$ -	\$ 5,400.00	\$ 13,600.00	
6400 A-87 Costs County Services	\$ 2,100.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,100.00	
6500 Insurance - General Liability	\$ 3,200.00	\$ 2,799.92	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,799.92	\$ 400.08	
6600 Memberships (CALAFCO/CSDA)	\$ 3,700.00	\$ 2,329.00	\$ -	\$ 1,250.00	\$ -	\$ 1,250.00	\$ -	\$ -	\$ 3,579.00	\$ 121.00	
6670 GIS Contract with County	\$ 2,000.00	\$ 548.96	\$ -	\$ -	\$ 1,240.68	\$ 1,240.68	\$ -	\$ -	\$ 1,789.64	\$ 210.36	
6740 In-County Travel & Stipends	\$ 4,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,000.00	
6750 Travel & Lodging Expenses	\$ 6,000.00	\$ -	\$ 1,268.52	\$ -	\$ -	\$ 1,268.52	\$ -	\$ -	\$ 1,268.52	\$ 4,731.48	
6800 Conferences (Registrations)	\$ 4,100.00	\$ 625.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 625.00	\$ 3,475.00	
7000 Work Plan (MSRs and SOIs)	\$ 70,000.00	\$ 14,627.50	\$ 3,940.00	\$ 3,320.00	\$ 1,256.25	\$ 8,516.25	\$ -	\$ -	\$ 23,143.75	\$ 46,856.25	
Subtotals		\$ 263,800.00	\$ 52,088.34	\$ 13,452.98	\$ 15,930.07	\$ 11,169.18	\$ 40,552.23	\$ -	\$ -	\$ 92,640.57	
8000 APPLICATIONS	TOTAL DEPOSITS TD								Total Expenses TD	Deposit Balance	
8010 City of Ukiah Detachment of UVSD lands (D-2014-8010)	\$ 19,032.75	\$ -				\$ -	\$ -	\$ -	\$ 14,518.25	\$ 4,514.50	
8022 City of Ukiah North Annexation Pre-Application (P-2020-01)	\$ 1,500.00	\$ -				\$ -	\$ -	\$ -	\$ 1,122.00	\$ 378.00	
8024 Millview CWD Annexation Pre-Application (P-2020-04)	\$ 3,500.00	\$ -				\$ -	\$ -	\$ -	\$ 3,609.50	\$ (109.50)	
8025 City of Ukiah Annexation of City-Owned Properties (A-2021-01)	\$ 5,000.00	\$ 120.00		\$ 31.25	\$ 31.25	\$ 31.25	\$ -	\$ -	\$ 3,753.75	\$ 1,246.25	
8028 Elk CSD Activation of Latent Powers (L-2022-01)	\$ 5,000.00	\$ 2,047.50	\$ 485.00	\$ 31.25	\$ 31.25	\$ 516.25	\$ -	\$ -	\$ 4,236.25	\$ 763.75	
8029 City of Ukiah Annexation of Western Hills Properties (A-2022-02)	\$ 5,000.00	\$ 80.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250.00	\$ 4,750.00	
8030 City of Ukiah/UVSD Out of Agency Service Agreement (O-2022-03)	\$ 2,500.00	\$ -	\$ 62.50	\$ 875.00	\$ 937.50	\$ -	\$ -	\$ -	\$ 937.50	\$ 1,562.50	
8601 Sustainable Ag Lands Committee Grant	\$ 5,750.00	\$ 2,525.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,750.00	\$ -	
Contract Staff Billing Subtotal		\$ 3,922.50	\$ 322.50	\$ 37.50	\$ 562.50	\$ 922.50	\$ -	\$ -	\$ 4,845.00		
Service Fees Overhead (OH) Subtotal		\$ 850.00	\$ 162.50	\$ 25.00	\$ 375.00	\$ 562.50	\$ -	\$ -	\$ 1,412.50		
Application Expenses Total		\$ 6,257.50	\$ 485.00	\$ 62.50	\$ 937.50	\$ 1,485.00	\$ -	\$ -	\$ 7,742.50		
EXPENSES TOTAL		\$ 58,345.84	\$ 13,937.98	\$ 15,992.57	\$ 12,106.68	\$ 42,037.23	\$ -	\$ -	\$ 100,383.07		
MONTHLY CLAIMS TOTAL (not including OH fees)			\$ 57,495.84	\$ 13,775.48	\$ 15,967.57	\$ 11,731.68					

Mendocino LAFCo
FY 2022-23 Estimated Work Plan Implementation Schedule and Cost Tracking
 January 9, 2023

Subject to Change: The estimated schedule and costs for the Fiscal Year 2022-23 Work Plan are subject to change based on agency responsiveness, timely provision of requested information, complexity of issues, level of public and affected agency controversy, and changing needs and priorities.

CEQA: Based on LAFCo practice, the work plan assumes minimal costs for CEQA compliance related to preparing a Notice of Exemption, unless an agency proposes a non-coterminous SOI and pays for any necessary studies and preparation of a Negative Declaration or Environmental Impact Report.

Rolling Work Plan: It is difficult to completely contain staff activities in a single fiscal year; therefore, completion of a study may roll over to the next fiscal year. This estimated work plan implementation schedule and cost tracking table is intended to enhance communication and transparency.

Agency	Coordination/ Request for Information	Admin Draft	Public Workshop	Public Hearing	Final Study	Total Cost Estimate ¹	Previous FY Expenses	FY 2022-23 Budget	FY 2022-23 Expenses	Total Cost to Date ²
County Service Area 3	Complete	Complete	4/4/2022	6/6/2022 7/11/2022	7/15/2022	\$10,000	\$16,199	\$0	\$1,031	\$17,230
Ukiah Valley Sanitation District	Ongoing	Complete	9/12/2022 11/7/2022	12/19/2022	12/22/2022	\$40,000	\$22,703	\$10,000	\$6,848	\$29,551
City of Ukiah	Ongoing	Complete	9/12/2022 11/7/2022	12/19/2022	12/22/2022	\$25,000	\$8,380	\$15,000	\$15,265	\$23,645
Inland Water Districts (8)	Pending					\$25,000	\$0	\$25,000		\$0
Coastal Water Districts (6)	Pending					\$20,000	\$0	\$20,000		\$0
					Estimated Total			\$70,000	\$23,144	

¹ Column indicates the initial cost estimated for each study and accounts for in process studies rolled over from prior fiscal years.

² Column indicates a running total for actual expenses incurred to date for each study in process and is not limited to a specific fiscal year.



Hinman & Associates Consulting

PO Box 1251 | Cedar Ridge, CA 95924
 (916) 813-0818 | uhinman@comcast.net

Date January 2, 2023
To Mendocino LAFCo
Project Executive Officer Services
Work Period December 1 - December 31, 2022

Invoice No. 719
Invoice Total \$ 8,308.75

Account Description	Staff/Hours			Other (At Cost)	Totals
	Executive Officer \$110	Analyst \$75	Clerk \$40		
5300 Basic Services Public Records Act Requests	40.25	20.50			\$ 5,965.00
5601 Office Supplies Quickbooks Online Fee				\$ 85.00	\$ 85.00
6200 Bookkeeping	4.00				\$ 440.00
6750 Travel & Lodging Expenses					\$ -
7000 Work Plan (MSR/SOI/Special Studies) City of Ukiah		13.75			\$ 1,031.25
Ukiah Valley Sanitation District		3.00			\$ 225.00
8025 City of Ukiah Annex City Properties		0.25			\$ 18.75
8028 ECSD Activation of Latent Powers		0.25			\$ 18.75
8030 City of Ukiah/UVSD OASA		7.00			\$ 525.00
Totals	\$ 4,867.50	\$ 3,356.25	\$ -	\$ 85.00	\$ 8,308.75

5300 Basic Services

Administrative tasks and Clerk duties. File research and maintenance. December claims. Agenda packet development for December 19 Commission meeting. Communications with Commissioners, respond to public inquiries, etc. File research. Communications with special districts regarding the election process for special district seats. Coordinate with commissioners regarding special district commissioners' board elections and transitions.

6200 Bookkeeping

Entered claims into Quickbooks and prepared checks. Reconciled Quickbooks.

7000 Work Plan (Sphere of Influence Updates, Municipal Service Reviews, and Special Studies)

City of Ukiah and UVSD: Coordinated with UVSD and City staff through regularly scheduled meetings. Coordination with agencies for additional information and clarifications. Revisions to the MSR/SOI studies in preparation for the December 19th public hearing for both agencies.

8025 City of Ukiah Annexation of City-Owned Properties

Respond to consultant's request for mapping information.

8028 Elk Community Services District Activation of Latent Powers

Correspondence with applicant.

8029 City of Ukiah Annexation of Western Hills Properties

No activity.

8030 City of Ukiah/ UVSD Out of Agency Extension of Wastewater Services

Review application materials and process application for January 9th public hearing.

From: Intuit QuickBooks Team <No_Reply@notifications.intuit.com>
Sent: Monday, December 19, 2022 3:28 AM
To: eo@mendolafco.org
Subject: We received your QuickBooks subscription payment!

Flag Status: Flagged



Payment success

Executive Officer, thank you for your payment.

Invoice number:
10001198268221
Invoice date: 12/19/2022
Total: \$85.00
Payment method: VISA ending
in

Sign in to QuickBooks where you can see your billing history and view, save, and print your invoice.

[View billing history](#)

Account details

Billed to: Mendocino LAFCo
Company ID ending:
Items on this invoice: QuickBooks Online Plus

(1) For subscriptions, your payment method on file will be automatically charged monthly/annually at the then-current list price until you cancel. If you have a discount it will apply to the then-current list price until it expires. Additional service fees may apply based on whether you add or remove services and your usage. See your [Billing & Subscription](#) page for additional pricing details. To cancel your subscription at any time, go to [Account & Settings](#) and cancel the subscription. (2) For one-time services, your payment method on file will reflect the charge in the amount referenced in this invoice. Terms, conditions, pricing, features, service, and support options are subject to change without notice.

Law Office of P. Scott Browne
P.O. Box 764
Rough and Ready, CA 95975
5302724250
Tax ID: 68-0348904

December 15, 2022

Mendocino LAFCo
200 South School St. Ste F
Ukiah, CA 95482

Invoice Number: 1200
Invoice Period: 11-16-2022 - 12-15-2022

Payment due by the 15th of next month.

RE: Mendocino LAFCo - General
Mendocino LAFCo - General

Mendocino LAFCo - General

Time Details

Date	Staff Member	Description	Hours	
11-16-2022	PSB	Monthly flat rate, as agreed upon in Legal Representation Agreement		
11-16-2022	PSB	Work in indemnification bill language (Time split between all LAFCo clients)	0.35	
11-18-2022	MB	Review and revise OASA landowner agreement; message to executive officer.	0.60	
11-22-2022	MB	Meeting with executive officer; research regarding CSD latent powers; draft response regarding MCCSD groundwater authority.	1.40	
12-12-2022	MB	Meeting with analyst and executive officer regarding December meeting; review and revise findings for Ukiah SOI update; revise agenda.	2.20	
12-14-2022	MB	Review agenda; edit staff report.	0.80	
			Total	900.00

Total for this Invoice 900.00
Total Amount to Pay 1,800.00

Project Statement of Account

As of 12-15-2022

Project		Balance Due
Mendocino LAFCo - General		1,800.00
	Total Amount to Pay	1,800.00

Mendocino LAFCo - General

Transactions

Date	Transaction	Applied	Invoice	Amount
11-15-2022	Previous Balance			900.00
12-15-2022	Invoice 1200			900.00
			Balance	1,800.00

MENDOCINO

Local Agency Formation Commission

Staff Report

MEETING January 9, 2023
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **PUBLIC HEARING Ford Road, Kunzler Ranch Road, and Carter Lane Out-of-Agency Services Agreement for Wastewater Services from the City of Ukiah and Ukiah Valley Sanitation District (File No. O-2022-03) and Finding of Exemption Pursuant to the California Environmental Quality Act**

RECOMMENDATION

- 1) Find the Ford Road, Kunzler Ranch Road, and Carter Lane Out-of-Agency Services Agreement for Wastewater Services from the City of Ukiah and Ukiah Valley Sanitation District is exempt from the California Environmental Quality Act (CEQA) under the General Rule Exemption pursuant to Title 14 of the California Code of Regulations (14 CCR) §15061(b)(3), and approve the Notice of Exemption for filing; and
- 2) Adopt LAFCo Resolution 2022-23-09, conditionally approving the Ford Road, Kunzler Ranch Road, and Carter Lane Out-of-Agency Services Agreement for Wastewater Services from the City of Ukiah and Ukiah Valley Sanitation District (File No. O-2022-03).

BACKGROUND

This is a Public Hearing to consider public testimony and adoption of the Ford Road, Kunzler Ranch Road, and Carter Lane Out-of-Agency Services Agreement application (File No. O-2022-03) from the City of Ukiah (City) and Ukiah Valley Sanitation District (UVSD or District) to provide wastewater services to 13 parcels (170-210-01, 170-200-03, 170-200-04, 170-200-05, 170-200-06, 170-200-07, 170-200-08, 170-200-09, 170-200-18, 170-180-08, 170-180-13, 170-180-14, 169-130-76).

The Out-of-Agency Services Agreement (OASA) application from the City (applicant) and District (interim service provider) was submitted on November 18, 2022 (File No. O-2022-03). The City and District propose to provide wastewater services to ten parcels on Ford Road, two-parcels on Kunzler Ranch Road, and one parcel on Carter Lane. The application involves a single northern area on Carter Lane, and a southern area with twelve parcels clustered together in the Ford Road area.

The OASA area is located within the Mendocino County Ukiah Valley Area Plan. Eleven parcels are currently zoned Industrial and two parcels are currently zoned Agriculture. Eleven parcels are vacant, one parcel on Carter Lane is underutilized, and one parcel on Ford Road is developed with an agricultural supply business.

Application materials include: location/agency boundary maps, a parcel list (please note that APN 170-180-13 should reference 651 Kunzler Ranch Road), the application form, a City resolution of application (although this does not apply to this type of application), a City NOE, and Landowner Out of Area and Annexation Consent Agreement and Covenant document prepared by the City/District (Attachment 1).

GOV §56133

The Commission may authorize a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization (e.g., annexation) pursuant to Government Code (GOV) Section (§) 56133(b).

The application meets the statutory criteria outlined in LAFCO law.

SOI Consistency

The OASA area is located outside the jurisdictional boundaries of the City and District and is located within the City's Sphere of Influence (SOI) boundary approved by the Commission on December 19, 2022, per Resolution No. 2022-23-06.

Application Justification

The OASA area is facing considerable development pressure that is likely to result in the construction of septic systems to serve potentially large-scale development projects. Approval of the application would allow the District, through agreement with the City, to provide logical, orderly, and coordinated wastewater services to 13 properties from a nearby sewer main line and prevent installing septic systems in a floodplain. The application has the potential for creating environmental protection benefits and preventing a future threat to public health and safety.

City-District Agreement

The City provides wastewater services to about two-thirds of City residents; the District provides wastewater services to one-third of City residents. The District also provides wastewater services outside the City limits to the north, south, and east.

In 1995, the City and District entered into a participation agreement whereby the City agreed to operate and maintain the UVSD sewer collection system and provide the District wastewater treatment services at the City's Wastewater Treatment Plant (WWTP), and UVSD agreed to share the cost based on the number of Equivalent Sewer Service Units (ESSUs). Costs for operation and capital are budgeted in City funds and shared by the City and District based on an agreed-upon apportionment.

The interrelated nature of the City and District sewer collection, treatment, and disposal systems support the ultimate merging of these two agencies. The agencies have developed a plan for the interim and long-term provision of municipal wastewater services to areas around the City seeking to develop.

The City and District have developed an agreement (Attachment 3) for providing interim sewer services through OASAs. Per the City-District Agreement, interim sewer services would be provided for properties requesting Out-of-Agency Services (OAS) until (1) the area upon which those properties are situated are annexed by the City; or (2) the City annexes additional sufficient portions of the District to qualify the District for reorganization as a subsidiary district of or merger with the City under applicable provisions of LAFCo law.

The City-District Agreement conditions a delay in detaching existing and future overlap areas between the agencies until minimum thresholds are met, after which the UVSD would cease to be independent and separate from the City, through a LAFCo application process. The thresholds identified in the City-District Agreement are summarized as follows:

- Consistent with statutes, the District will support merger or reorganizing as a subsidiary district of the City upon reaching the threshold of 70% or more of District registered voters and 70% of District area is annexed into the City.
- The District will support the City's pursuit of legislation to eliminate the statutory threshold for 70% of area of land.

Policy Consistency

Mendocino LAFCo Policy 12.2.2 (Extension of Services within Sphere) specifies that while annexation to cities and special districts is generally preferred to extending services by contract or agreement, the Commission recognizes that there may be local circumstances that justify approval of extended services by contract or agreement within the affected agency's sphere of influence. Such local circumstances most

frequently involve extension of service to meet an existing health and safety need, where annexation is not practical or deemed undesirable for other policy reasons. The Commission discourages use of contract service extensions for the purpose of extending services to new development. The Commission will approve such extensions only under extraordinary circumstance and may apply strict limitations on such services.

There are extraordinary circumstances involved in the proposed extension of sewer for the purpose of serving new development on Ford Road, Kunzler Ranch Road, and Carter Lane.

The OASA area is facing considerable development pressure that is likely to result in potentially large-scale development projects to be served by septic systems in a floodplain area, which is not logical, orderly, or efficient. Approval of the application has the potential for creating environmental protection benefits and preventing a future threat to public health and safety.

Further, there has been a long history of conflict between the City and District, there are large areas of overlap between the agencies, and there is considerable need to limit piecemeal development and urban sprawl in the Ukiah Valley. The City-District Agreement represents a major milestone in the relationship between the agencies and a significant step forward in providing joint sewer services for the greater good of ratepayers.

In recognition and support of the unprecedented cooperation between the City and District, and the need for logical, orderly, and efficient delivery of sewer service in a floodplain area for potentially new large-scale development projects on Ford Road, Kunzler Ranch Road, and Carter Lane, the requirement for extraordinary circumstances in Policy 12.2.2 has been met.

Capacity

The City’s Wastewater Treatment Plant (WWTP), operated by the City, serves both the City and District. The WWTP has an average dry-weather flow capacity of 3.01 million gallons per day (MGD), an average wet-weather flow capacity of 6.89 MGD, and a peak wet-weather flow capacity of 24.5 MGD. The WWTP includes primary, secondary, and tertiary treatment, as well as solids handling facilities. The WWTP was significantly upgraded twelve years ago and remains in good working order. Based on the available capacity data in the table below, there is sufficient capacity remaining for expansion of sewer services into the OASA area without adversely effecting existing service levels.

Summary of ESSUs by Agency			
Area	UVSD	City of Ukiah	Totals
Current Usage (May 2022)	5,688	6,833	12,521
Percent of Total ESSUs	45.43%	54.57%	49.84%
New WWTP Agreement	65%	35%	100%
New WWTP Capacity	1,560	840	2,400
New WWTP ESSU’s Used	618	406	1,024
New WWTP ESSU’s Percent Used	39.63%	48.33%	42.68%
New WWTP ESSUs Remaining	942	434	1,376

Although there are no known development projects to determine the extended wastewater service demands, the City/District has sufficient capacity to serve the OASA area at current zoning.

Connection

The OASA properties would become interim District customers and would be connected to existing District infrastructure and subject to District fee schedules, policies, and requirements.

Infrastructure

The OASA properties would be served by an extension of existing District infrastructure (Attachment 2).

In the southern OASA area, the District has an existing sewer main line along Ford Road. Four of the OASA parcels have frontage along Ford Road, and the remaining eight parcels in this area are approximately 1,250-feet from the existing main line.

In the northern OASA area, the District has an existing sewer main line along Carter Lane, which forms the northern boundary of the subject property, and is approximately 250-feet from an existing agricultural area on the property. In addition, the District has an existing sewer main line along Riverview Drive, which is perpendicular to the north-eastern boundary of the subject parcel, and is approximately 275-feet from an existing residence on the property.

Notification to Alternate Service Provider

State law requires the Commission to notify any alternative service provider that has filed a map and a statement of its service capabilities with the Commission pursuant to GOV §56133(c)(2). LAFCo staff has determined that there are no alternative service providers nearby for wastewater service, and in addition this notice requirement only applies to OASA applications located outside the agency's SOI.

Terms and Conditions

Resolution 2022-23-09 (Attachment 6) outlines the terms and conditions applicable to the approval.

Pursuant to Mendocino LAFCo Policy 12.2.6 and 12.2.7, the Commission's approval is conditioned upon receipt of an Annexation Consent Agreement and Covenant document for each property signed and recorded by the existing owners on title consenting to future annexation of the subject territory to the City of Ukiah, which would also bind future owners of the property.

Consistent with the requirement for extraordinary circumstances pursuant to Mendocino LAFCo Policy 12.2.2, the Commission's approval is conditioned upon continued unprecedented cooperation between the City and District, as represented by the City-District Interim Service Agreement, or a substantially similar arrangement.

CEQA Compliance

On November 17, 2022, the City filed a Notice of Exemption (NOE) finding the OASA application is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations (14 CCR) §15320 (Class 20 Exemption).

LAFCo finds that the General Rule Exemption applies to the application pursuant to 14 CCR §15061(b)(3).

See the LAFCo prepared Notice of Exemption (NOE) for further information (Attachment 5).

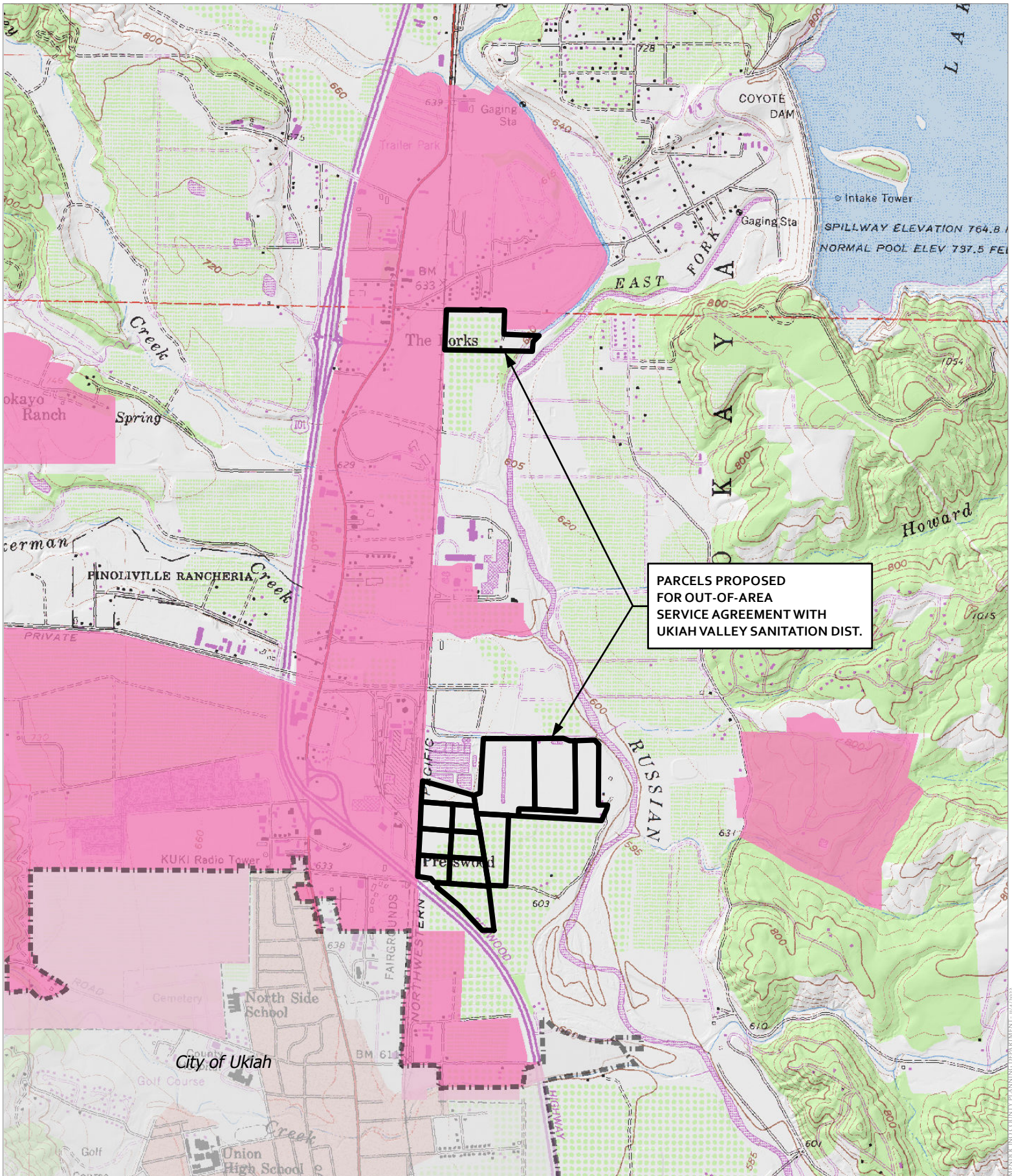
Public Notice

The Public Hearing Notice was properly published/posted by Monday December 19, 2022 (Attachment 4).

Public Comments



No public comments have been received to date.

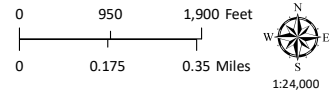
- Attachments:**
- (1) OASA Application Materials (maps, parcel list, forms, resolution, NOE, consent agreement)
 - (2) City-District Sanitary Sewer Map
 - (3) City-District Interim Service Agreement
 - (4) Proof of Publication
 - (5) LAFCo Notice of Exemption
 - (6) LAFCo Resolution No. 2022-23-09



PARCELS PROPOSED FOR OUT-OF-AREA SERVICE AGREEMENT WITH UKIAH VALLEY SANITATION DIST.

Map produced by the Mendocino County Planning & Building Svcs. Dept., November 2022
 Coordinate System: NAD 83, Calif. State Plane Zone II
 Projection: Lambert Conformal Conic
 Parcel Data: Mendocino County Information Services, October, 2018
 Aerial Imagery: US Dept. of Agriculture/ArcGIS Online mosaic
 Topographic Data: USGS 7.5 minute quad series Mount Diablo Base & Meridian
 Parcel numbers are for tax purposes only and do not represent legal or salable parcels.
 All spatial data is approximate. This map is not a substitute for a proper land survey.

-  Major Towns & Places
-  City Limits



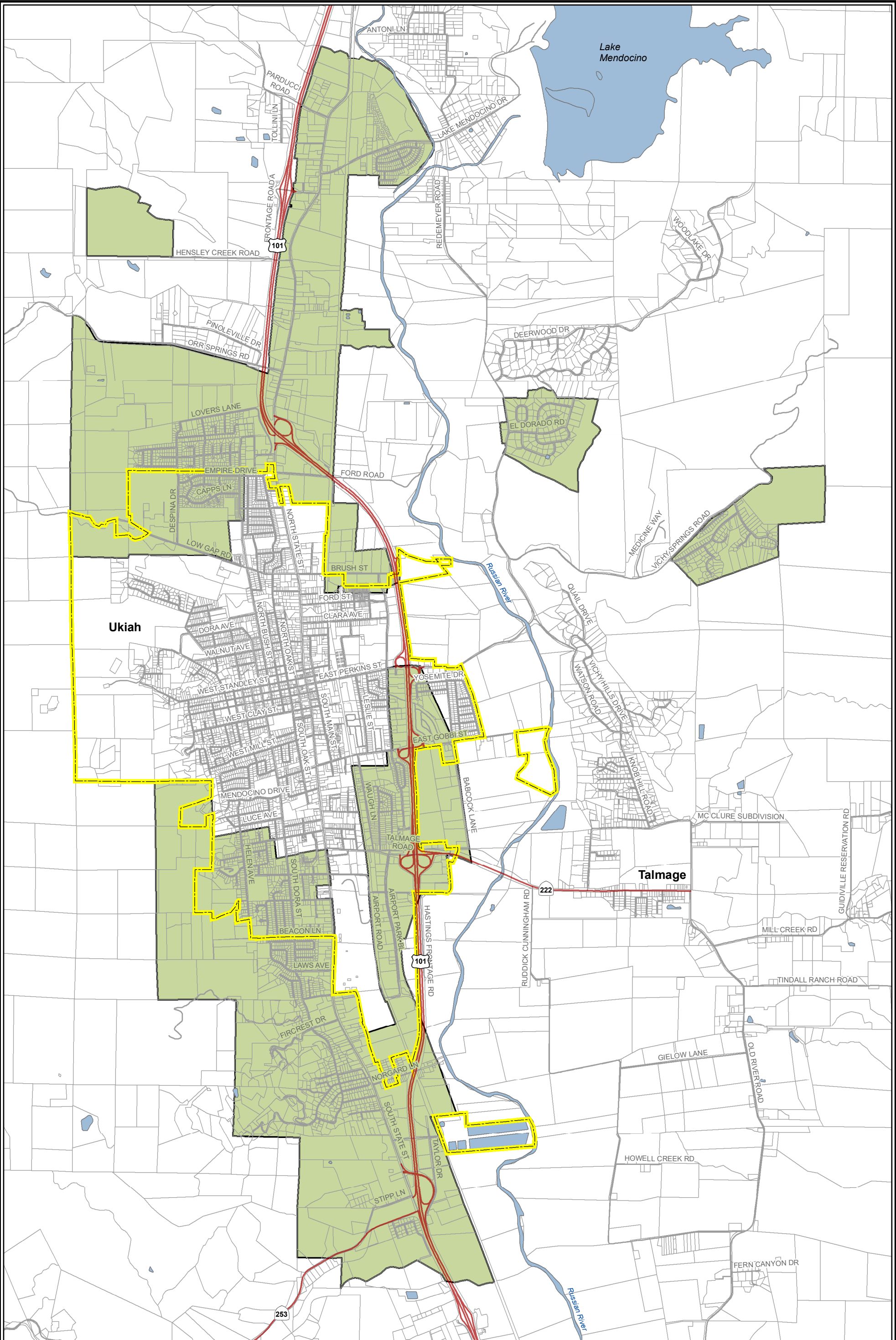
**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



OUT OF AGENCY SERVICE AGREEMENT APPLICATION

List of Properties and Landowners

APN	Address	Landowner	Size (Acres)	Proponent	Current / Proposed Use
170-210-01	401 Ford Rd	LS Fields LLC	±8.32	John Strangio	Vacant / Unknown
170-200-03	410 Ford Rd	Miguel Merino	±4.60	Richard Ruff	Commercial / Commercial
170-200-04	420 Ford Rd	Miguel Merino	±5.00	Richard Ruff	Vacant / Unknown
170-200-05	430 Ford Rd	Miguel Merino	±5.00	Richard Ruff	Vacant / Unknown
170-200-06	440 Ford Rd	Miguel Merino	±5.10	Richard Ruff	Vacant / Unknown
170-200-07	450 Ford Rd	Miguel Merino	±3.80	Richard Ruff	Vacant / Unknown
170-200-08	460 Ford Rd	Miguel Merino	±4.20	Richard Ruff	Vacant / Unknown
170-200-09	470 Ford Rd	LS Fields LLC	±5.60	John Strangio	Vacant / Unknown
170-200-18	550 Ford Rd	William Resnick	±10.63	Andrew Green	Vacant / Unknown
170-180-08	780 Ford Rd	Michael Milovina	±13.20	Michael Milovina	Vacant / Unknown
170-180-13	585 Kunzler Ranch Rd	Daniel Thomas	±17.21	Edie Lerman; Thomas Carter	Vacant / Unknown
170-180-14	611 Kunzler Ranch Rd	Daniel Thomas	±24.00	Daniel Thomas	Vacant / Unknown
169-130-76	251 Carter Ln	Andrew Nicoll	±17.90	Andrew Nicoll	Underutilized / Unknown



Ukiah Valley Sanitation District

- Ukiah Valley Sanitation District
- City of Ukiah
- Parcels
- Highways
- Roads

Source: This map was created by the Mendocino County Information Services GIS Program, June 2, 2022.
 Note: This map is not a survey product and should not be used to determine legal boundaries.

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: www.mendolafco.org

Application Out-of-Agency Services Agreement

Please complete the following information to process an application for Out-of-Agency Services under Government Code Section 56133. Please do not leave information blank on this form; specify N/A if a portion is not applicable.

A. Applicant Information

- 1) Agency Name: City of Ukiah (applicant) / Ukiah Valley Sanitation District (interim sewer provider)
- 2) Agency Contact Information:

Name & Title	Craig Schlatter, Community Development Director, City of Ukiah Wing-See Fox, General Manager, Ukiah Valley Sanitation District
Phone	Craig: (707) 463-6219 Wing-See: (650) 503-1500
Email	Craig: cschlatter@cityofukiah.com Wing-See: wingseef@urbanfuturesinc.com
Address	City: 300 Seminary Ave. Ukiah, CA 95482 UVSD: 151 Laws Ave. #B Ukiah, CA 95482

B. Location of Territory to be Served (Use the Supplemental Property Sheet for multiple properties)

Assessor Parcel Number	Size	Current Use	Proposed Use
See attached list of APNs in Attachment 1.			

Landowner Name	See attached list of landowners in Attachment 1.
Mailing Address	
Email	

C. Type of Out-of-Agency Services Agreement

- 1) New Extended
- 2) Water Sewer Other (please specify): _____
- 3) A copy of the agreement between the agency and affected landowner(s) to be served has been attached.
Note: a copy of this agreement can be found in Attachment 2.

D. Justification

- 1) Is the subject territory located within the agency’s Sphere of Influence?

Yes No

Note: the area is located within the City of Ukiah’s Sphere of Influence but not the Ukiah Valley Sanitation District’s Sphere of Influence.

- 2) Is the reason for the application a threat to the health and safety of the public or the affected residents?

Yes - Provide documentation from the Public Health Officer.

No - Explain the reason for the application at this time.

In recent months, the area of the subject parcels (the “territory”) has faced considerable development pressure. Although landowners prefer municipal sewer services, given these existing pressures failure to provide municipal sewer will likely result in the development of septic systems within the territory. Because of existing environmental and other site conditions within the territory, septic service provision for potential large-scale development projects could pose a future threat to health and safety. Additionally, without the efficient and coordinated provision of municipal sewer services, there may be increased potential for piecemeal development and urban sprawl.

- 3) Explain why a jurisdictional change (e.g., annexation) is not being considered at this time as an alternative to providing services outside the agency’s boundaries.

With this Out of Area Service Agreement application, the City of Ukiah (“City”) and Ukiah Valley Sanitation District (“District”) propose interim municipal sewer service provided to the territory by the District until such time that the City annexes the territory. At its March 7, 2022, regular meeting, the Mendocino Local Agency Formation Commission (“LAFCo”) agreed by consensus to this approach. Since this time, the City and District have developed an Agreement (Attachment 3) for providing interim sewer services through Out of Agency Service Agreements. Per the Agreement, interim sewer services would be provided for properties requesting out of agency service until “(1) the area upon which those properties are situated are annexed by the City; or (2) the City annexes additional sufficient portions of the District to qualify the District for reorganization as a subsidiary district of or merger with the City under applicable provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000...”

The territory of the subject parcels is within the Sphere of Influence (“SOI”) of the City of Ukiah adopted by LAFCo in 1984. The territory is also located with the proposed SOI of the City’s draft 2040 General Plan. In 2021, the City submitted a pre-application to LAFCo to annex an area north of the City that includes the territory.

4) Is annexation of the subject territory or affected property anticipated in the near future?

Yes No

Please describe the agency's plans and timelines, or provide other relevant information.

LAFCo staff, working closely with City and District staff, are currently preparing updated Municipal Service Reviews and Spheres of Influence for the City and District. Concurrently, the City is updating its General Plan (Ukiah 2040). At such time as the General Plan is adopted by the City Council- and LAFCo adopts the updated Spheres of Influence for the District and City- the City will apply for annexation of the territory. The Ukiah General Plan is anticipated to be adopted by the City Council by December 2022. Provided LAFCo adopts the SOI for the District and City in December, an annexation application could be submitted to LAFCo as early as Spring 2023.

E. Service Information

1) Describe how the agency would provide the proposed new or extended service to the subject territory. Please identify any onsite and offsite infrastructure or facility improvements, any permits required from regulatory agencies, and associated funding requirements to provide service to the subject territory.

The City provides wastewater services to about two-thirds of City residents; the District provides wastewater services to one-third of City residents. The District also provides wastewater services outside of City limits to the north, south, and east. See Attachment 4 for a map of District wastewater services. In 1995, the City and UVSD entered into a participation agreement whereby the City agreed to operate and maintain the UVSD sewer collection system and provide UVSD wastewater treatment services at the City's Wastewater Treatment Plant (WWTP), and UVSD agreed to share the costs based on the number of Equivalent Sewer Service Units. Costs for operation and capital are budgeted in City funds and shared by the City and District based on an agreed-upon apportionment.

Because no new development is proposed in the subject territory, future proposed or extended service cannot be determined at this time. The District has sufficient capacity to serve the entirety of this area.

2) If the proposed new or extended service involves water or sewer, identify the anticipated demand in terms of use (i.e., gallons, acre-feet) and frequency of delivery (per day/month/etc.) associated with serving the subject territory. For extended service, please estimate the difference in comparison to existing demand.

Because no new development is proposed in the subject territory, demand for future proposed or extended service cannot be determined at this time. The District has sufficient capacity to serve the entirety of this area (see table in Section 4).

3) Describe compensation for the proposed service (i.e., fee/household, fee/truck/tank, etc.).

The fee will be determined based on the number of ESSUs needed to serve the future development project(s), once those projects are proposed. This in turn will determine the fee to be charged.

4) Does the agency have sufficient capacities to provide the proposed new or extended service to the subject territory without adversely effecting existing service levels?

Yes. The City’s Waste Water Treatment Plan (WWTP), operated by the City, serves both the City and District. The WWTP has an average dry-weather flow capacity of 3.01 million gallons per day (MGD), an average wet-weather flow capacity of 6.89 MGD, and a peak wet-weather flow capacity of 24.5 MGD. The WWTP includes primary, secondary, and tertiary treatment, as well as solids handling facilities. The WWTP was significantly upgraded twelve years ago and remains in good working order. Based on the available capacity data in the below table, there is sufficient capacity remaining for expansion of sewer services into the subject territory without adversely effecting existing service levels.

Summary of ESSUs by Agency			
Area	UVSD	City of Ukiah	Totals
Current Usage (May 2022)	5,688	6,833	12,521
Percent of Total ESSUs	45.43%	54.57%	49.84%
New WWTP Agreement	65%	35%	100%
New WWTP Capacity	1,560	840	2,400
New WWTP ESSU’s Used	618	406	1,024
New WWTP ESSU’s Percent Used	39.63%	48.33%	42.68%
New WWTP ESSUs Remaining	942	434	1,376

5) What services, if any, are currently provided to the subject territory?

There are currently no known sewer services provided to the subject territory.

6) Are there any alternate service providers or other service options available to the subject territory?

As indicated above, there are no known alternate service providers in the subject territory. The only other potential sewer service option is individual septic.

F. Land Use Information

1) Identify the subject territory’s land use designation, zoning, and minimum parcel density requirements and clarify whether the proposed provision of service(s) will increase onsite development potential or be growth inducing for the area.

The entirety of the subject territory is located within the Ukiah Valley Area Plan of Mendocino County. With the exception of APNs 169-130-76 and 170-210-01, the subject parcels carry a General Plan Land Use

Designation of Industrial (I) and are zoned Inland General Industrial (I2). The intention of the I2 zoning designation as described in the Mendocino County Zoning Code is "to create and preserve areas where a full range of industrial uses with moderate to high nuisance characteristics may locate. Typically, this district would be applied to locations where large land acreages were available and where the impacts associated with the unsightliness, noise, odor, and traffic, and the hazards associated with certain industrial uses, would not impact on residential and commercial areas." The I2 zoning designation, which lists a broad range of permitted civic, commercial, industrial, and agricultural use types not subject to the securing of a use permit, does not list a minimum parcel density requirement. There is no minimum lot area. There is also no minimum side and rear yard requirement, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. There is a minimum front yard requirement of 10 feet and a maximum height for structures of 65 feet.

APN 170-210-01 carries a General Plan Land Use Designation of AG 40 and is zoned Agriculture. AG 40 reflects a minimum lot area of forty (40) acres and maximum dwelling density of one (1) unit per 40 acres. Minimum front, rear, and side yards must be fifty (50) feet each. Farm employee housing is permitted upon issuance of an administrative permit. The Agricultural Zoning district permits a variety of uses, including single-family residential, civic uses, agricultural use types, and accessory uses. APN 169-130-76 carries a General Plan Land Use Designation of MUNS and is zoned Agriculture. The MUNS (Mixed Use North State) General Plan Land Use Designation is intended to encourage mixed-use development with commercial uses encouraged at street level, retail and service, businesses, residential uses, processing, manufacturing and assembly.

All properties within the subject territory are vacant except for APN 169-130-76 (251 Carter Ln), which is underutilized, and 170-200-03 (410 Ford Rd), which currently is the location of the Big Daddy agricultural supply business.

Although there are no known development proposals at this time, the provision of wastewater services by the District in cooperation with the City through the out of area service agreement represents the best, most efficient approach to serving these parcels as opposed to private septic systems. The provision of sewer services is not expected to increase development potential beyond what is currently pursuable under existing zoning and land use constraints. As noted previously, currently properties in this territory can be developed for a broad range of permitted civic, commercial, industrial, and agricultural use types.

A map of the subject territory, with overlaid zoning and general plan land use designations, is included in Attachment 5.

2) Are there any proposed or approved, but not yet built, development projects involving the subject territory?

Yes No

If yes, describe the proposed projects or land use entitlements and the timeline for implementation.

3) The Commission's action regarding this request by the agency to provide new or extended services outside its jurisdictional boundary is subject to the requirements of the California Environmental Quality Act (CEQA). Has the agency conducted any CEQA reviews for any projects associated with this application?

Yes No

If yes, please provide copies of the environmental documentation, including the Notice of Exemption or Notice of Determination and proof of payment of applicable California Department of Fish & Wildlife fees. See Attachment 6 for a conformed copy of the CEQA Notice of Exemption, recorded at the Mendocino County Clerk-Recorder's Office on November 17, 2022.

FEE AGREEMENT AND VOLUNTARY INDEMNIFICATION AGREEMENT

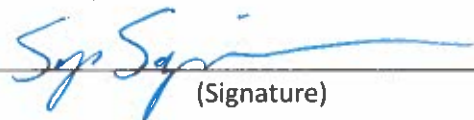
All applications must include signed [Fee Agreement and Voluntary Indemnification Agreement](http://www.mendolafco.org/application-materials) forms, which are located at www.mendolafco.org/application-materials.

FEES

Per the Mendocino LAFCo [Fee Schedule](#), deposits toward the actual cost of processing proposals must be paid at the time an application is submitted. All deposits are initial payments toward the actual costs of processing proposals, including staff time and materials (e.g., noticing, postage, copying). In signing the Fee Agreement and Voluntary Indemnification, the applicant consents to reimburse LAFCo for all costs incurred in processing, including pre-application assistance.

CERTIFICATION

The undersigned hereby certifies that all LAFCo filing requirements will be met and that the statements made in this application are complete and accurate to the best of my knowledge.



(Signature)

November 18, 2022

(Date)

Print or Type Name: Sage Sangiacomo, City Manager

Daytime Telephone: (707) 463-6221

Email: ssangiacomo@cityofukiah.com

Please note: The Resolution of Application from the applicant (City of Ukiah) is included as Attachment 7.

RESOLUTION NO. 2022-75

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH APPROVING THE SUBMITTAL OF AN OUT OF AGENCY SERVICES AGREEMENT TO THE MENDOCINO LOCAL AGENCY FORMATION COMMISSION (LAFCO)

WHEREAS:

1. The City of Ukiah ("City") and Ukiah Valley Sanitation District ("District") provide sewer services within their respective jurisdictions and have received requests to extend sewer service to various properties outside of their jurisdictional boundaries; and
2. Under Government Code Section 56133, the Mendocino Local Agency Formation Commission ("LAFCo") may authorize a district to provide services outside its boundaries and Sphere of Influence ("SOI") pursuant to a written Out of Agency Service Agreement ("OASA"); and
3. On June 1, 2022, the Ukiah City Council approved an Agreement between the District and City regarding provision of interim sewer services and out of area (agency) service agreements; and
4. On June 8, 2022, the District Board of Directors approved said Agreement; and
5. The City and District desired to enter into said Agreement regarding (i) the provision of interim sewer services for properties requesting out of agency service until (1) the area upon which those properties are situated are annexed by the City or (2) the City annexes sufficient additional portions of the District to qualify the District for reorganization as a subsidiary district of or merger with the City under applicable provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH Act"), including Government Code 57105 and (ii) the terms under which both the City and District are willing to support City annexation; and
6. Certain landowners outside the jurisdictional boundaries of the City and District but within the SOI of the City have approached the District about serving their properties with municipal sewer services; and
7. Said parcels ("territory") are more clearly delineated within the Exhibit A-Territory Map to this Resolution; and
8. Due to existing development pressures within the territory, failure to provide municipal sewer service to territory may result in such properties being developed with individual private septic systems, which due to existing environmental and site conditions within the territory, may pose a future threat to health and safety in the territory; and
9. The City has developed an OASA application ("Project") for review and approval by LAFCo and such Project is included within Exhibit B- OASA Application in Substantial Form to this Resolution; and
10. The Project consists of the interim provision of sewer service by the District to parcels

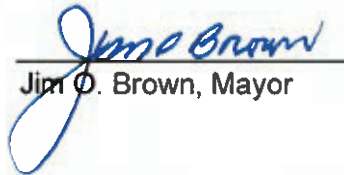
within the territory until such time that the City annexes the territory or the City annexes sufficient additional portions of the District to qualify the District for reorganization as a subsidiary district of or merger with the City under applicable provisions of the; and

11. On November 9, 2022, the District Board of Directors approved the Project at their regular board meeting; and
12. On November 16, 2022, the Ukiah City Council approved the Community Development Director's determination that the Project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15320, Changes in Organization of Local Agencies.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ukiah hereby adopts Resolution No. 2022-75, approving submittal of the Out of Agency Service Agreement identified in Exhibit B and authorizes the Mayor and/or the City Manager and/or his designee to execute all necessary corresponding documents and agreements for the Application and implementation of the Out of Agency Services Agreement if approved by LAFCo.

PASSED AND ADOPTED this 16th day of November, 2022, by the following roll call vote:

AYES: Councilmembers Orozco, Crane, Rodin, Duenas, and Mayor Brown
NOES: None
ABSENT: None
ABSTAIN: None



Jim O. Brown, Mayor

ATTEST:


Kristine Lawler, City Clerk



NOTICE OF CEQA EXE

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

X County Clerk
500 Low Gap Road
Ukiah, CA, 95482

PROJECT TITLE: Out of Agency Service Agreement Between City of Ukiah and Ukiah Valley Sanitation District for the Provision of Interim Sewer Services

PROJECT LOCATION: Certain Unincorporated Parcels within the City of Ukiah Sphere of Influence (see attached Location Map)

PUBLIC AGENCY APPROVING PROJECT: City of Ukiah, City Council

DATE OF APPROVAL: November 16, 2022

NAME OF PROJECT APPLICANT: City of Ukiah

CEQA EXEMPTION STATUS:

- Ministerial
- Declared Emergency
- X Categorical Exemption: Section 15320, Changes in Organization of Local Agencies
- Statutory Exemption Section

PROEJCT SUMMARY AND REASONS WHY PROJECT IS EXEMPT:

On June 1, 2022, the Ukiah City Council approved an agreement between the Ukiah Valley Sanitation District (District) and City of Ukiah (City) regarding Provision of Interim Sewer Services and Out of Agency Service Agreements ("City-District Agreement"). The District Board approved said agreement on June 8, 2022. The City-District Agreement, among other items, directs the City to prepare Out of Agency Service Agreement (OASA) applications for the Mendocino Local Agency Formation Commission's (LAFCo's) consideration for the provision of interim sewer service by the District. On November 16, 2022, the Ukiah City Council approved submittal of the OASA ("Project") to Mendocino LAFCo.

The Project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15320, Changes in Organization of Local Agencies, which consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the



geographical area in which previously existing powers are exercised. Examples include but are not limited to: (a) Establishment of a subsidiary district; (b) Consolidation of two or more districts having identical powers; and (c) Merger with a city of a district lying entirely within the boundaries of the city. As previously described, the Project includes a proposal for the District to provide interim sewer services to the territory until such time that the City annexes the territory; or the City annexes additional sufficient portions of the District to qualify the District for reorganization as a subsidiary district of or merger with the City under applicable provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Lead Agency Contact Person Craig Schlatter, Director of Community Development
Phone Number (707) 463-6219
Email cschlatter@cityofukiah.com

This is to certify that the record of project approval is available to the General Public at:

Community Development Department, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, CA 95482


 Signature (Public Agency)

11-17-22
 (Date)

Director of Community Development
 (Title)

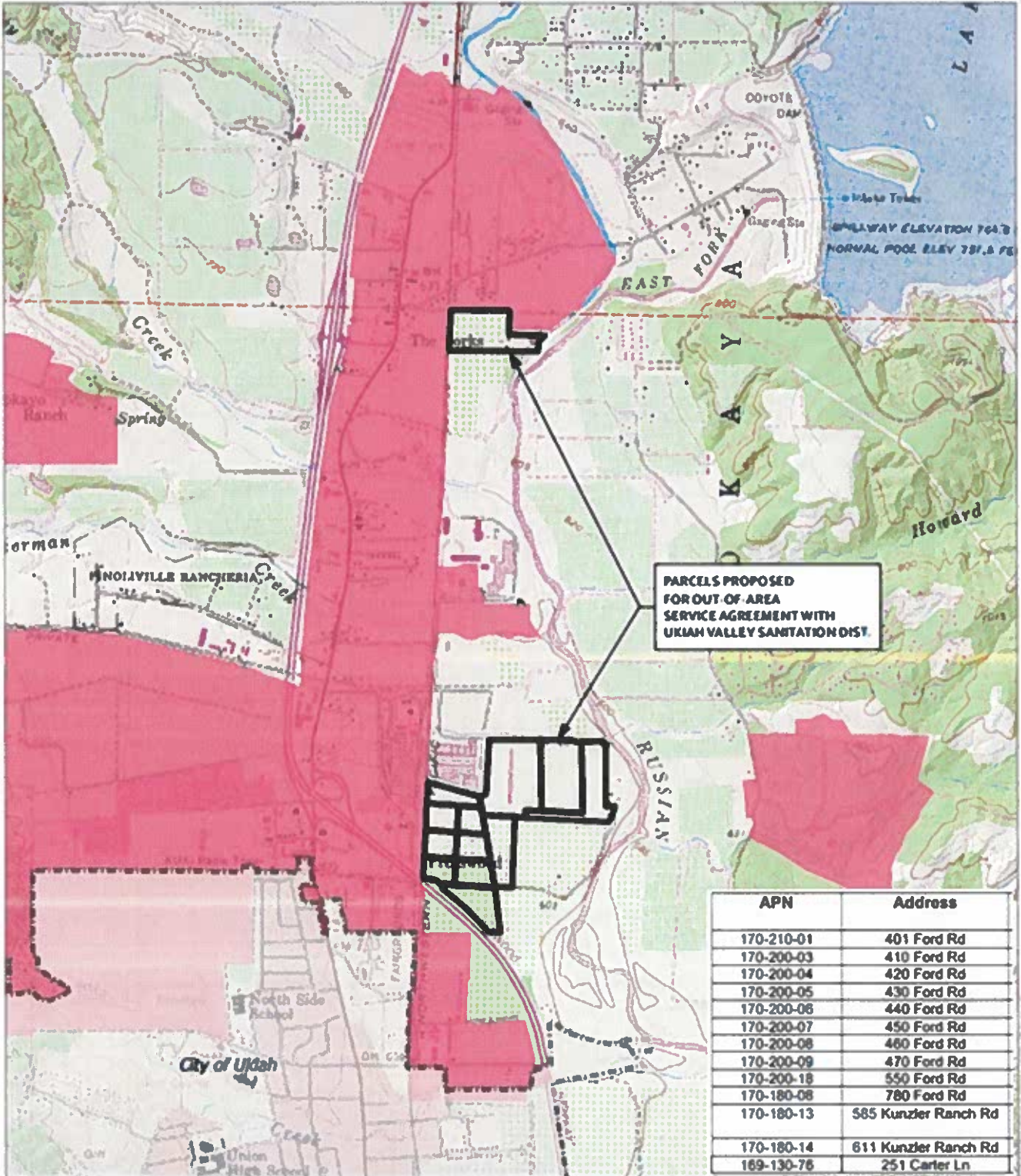
Katrina Bartolomie, Clerk-Recorder
 Mendocino County, CA
 501 Low Gap Rd., Room 1020
 Ukiah, Ca 95482

Receipt: 22-15489

Product	Name	Extended
NTDETER	Notice Of Determination	\$50.00
	#Pages	1
	Document #	2022-E0080
	#NegativeDecl	0
	#MitigatedNegativeDecl	0
	#EIR	0
	# Cert. Reg Pogram	0
	#ConformedLabels	1
Total		\$50.00
Tender (On Account (Charge or Prepay))		\$50.00
Account#	UKCITY	
Account Name	CITY OF UKIAH (EIR)	
Balance	(\$108.00)	

Thank You!

Thu Nov 17 11:53:10 PST 2022 marianna



PARCELS PROPOSED FOR OUT-OF-AREA SERVICE AGREEMENT WITH UKIAH VALLEY SANITATION DIST.

Map produced by the Mendocino County Planning & Building Dept. It neither sets
 Coordinates: NAD 83 by C83 State Plane - Zone 8
 Projection: Lambert Conformal Conic
 Parcel Data: Mendocino County Information Services (3/2018) and
 Aerial Imagery: US Dept of Agriculture, USDA, Cropland Data
 Hydrography: USGS 1:250,000 scale topographic maps
 Parcel boundaries are for map purposes only and do not represent legal or title parcels.
 All spot elevations are approximate. This map is not a substitute for a proper land survey.

Major Towns & Places
 City Limits



LOCATION MAP

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

After recording, return to:
Mendocino Local Agency Formation Commission
200 S School Street
Ukiah, CA 95482

Exempt from fees per Gov Code 6103

**LANDOWNER OUT OF AREA SERVICE AND ANNEXATION CONSENT
AGREEMENT AND COVENANT**

Address being served: _____

Assessor Parcel No.: _____ (“the
Property,” Legal description in Attachment 1.)

Owners: _____

Parties to Agreement:

Owners

Ukiah Valley Sanitation District (District)

City of Ukiah (City)

Mendocino County Local Agency Formation Commission (LAFCO)

By this Agreement:

1. **Owner agrees** to apply to District for sewer service to the Property. Owner agrees to comply with District’s ordinances and policies governing the extension and provision of such service, including applicable costs and fees.
2. **District agrees** upon approval of this Agreement by LAFCO to provide sewer service to the Property in compliance with its duly adopted policies and ordinances.
3. **Owner consents** to and agrees to support the City’s annexation of the Property in compliance with Attachment 2.
4. **Term of Agreement.** This Agreement remains in effect until annexation of the Property by the City is final at which time this Agreement is terminated.

**AGREEMENT EFFECTIVE UPON LATEST NOTARIZED SIGNATURE DATE
ON PAGE 2.**

SIGNATURE PAGE

OWNER(S)

The undersigned hereby certify to be all the Owner(s) of the Property described in Attachment 1, the only person(s) whose consent is necessary to pass title to said real property, and to have consented to the annexation of said real property to the City of Ukiah.

Signature: _____

Printed Name: _____

Dated: _____

Signature: _____

Printed Name: _____

Dated: _____

Signature: _____

Printed Name: _____

Dated: _____

UKIAH VALLEY SANITATION DISTRICT

By: _____
Ernie Wipf, Chairman

Dated: _____

CITY OF UKIAH

By: _____
Sage Sangiacomo, City Manager

Dated: _____

MENDOCINO LOCAL AGENCY FORMATION COMMISSION

Executed by: _____

Printed Name: _____

Dated: _____

*Signatures to be acknowledged

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____

(insert name and title of the officer)

personally appeared _____,

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

ATTACHMENT 1
[LEGAL DESCRIPTION OF PROPERTY]

ATTACHMENT 2
CONSENT TO ANNEXATION

- a) Consent/Petition to Future Annexation. Owner consents to and petitions for the annexation of the Property by the City of Ukiah, understanding that upon annexation, the Property and its Owners will become subject to City ordinances and other duly adopted regulations and policies, including the taxes, assessments and fees that the City imposes on property in the City.

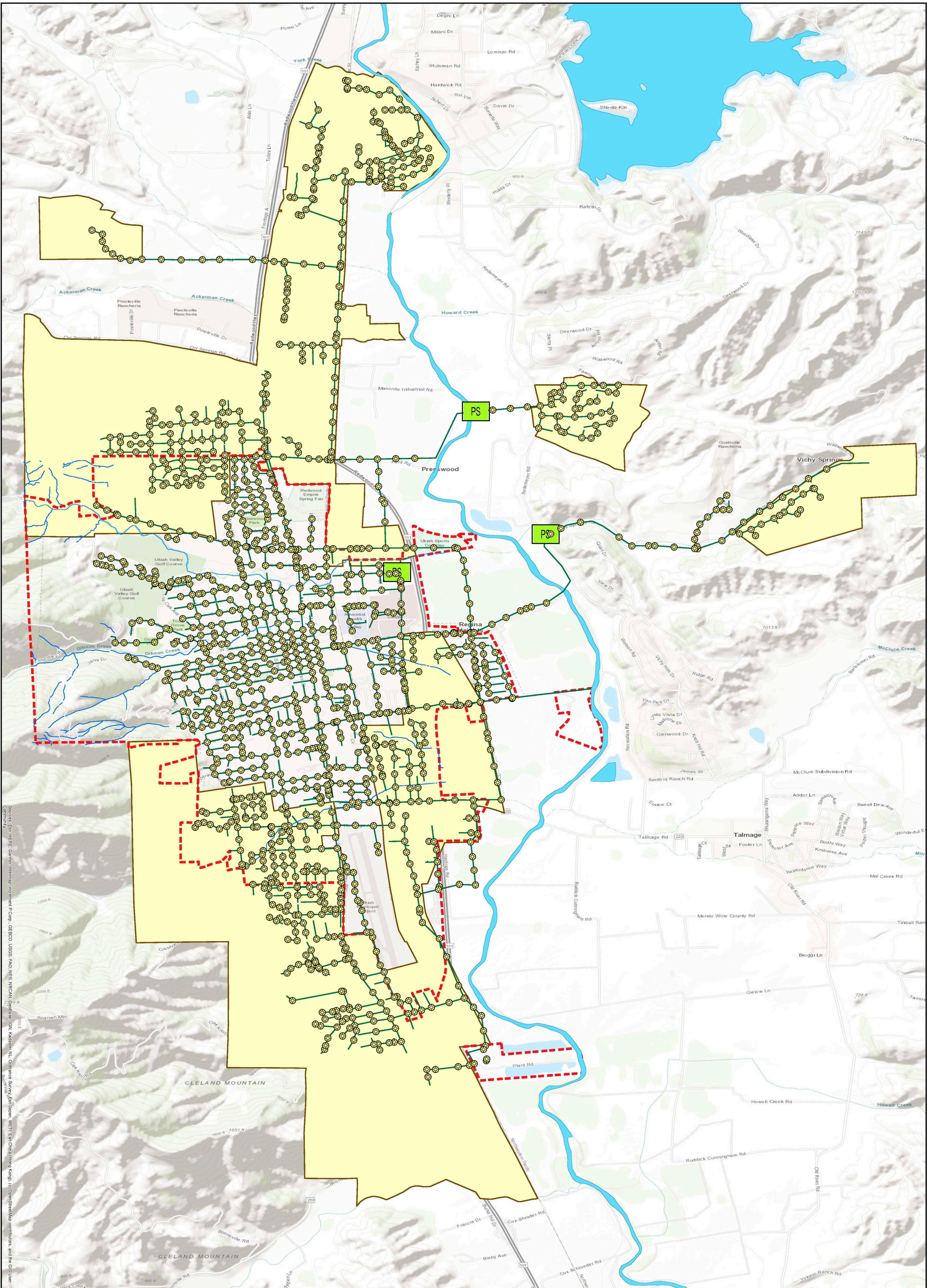
- 2) Binding on Successors in Interest. This consent shall be a covenant running with the land that is binding on anyone acquiring an ownership interest in the Property.

- 3) Tenants to be Bound. All existing or future leases, rental agreements, or other agreements providing a right to use or occupy the Property shall contain the following covenant:

“This agreement and the right of lessee or tenant to possess and occupy the property is subject to the Annexation Agreement recorded as Mendocino County Document No. _____ on _____, 202_. By its terms that agreement is binding on tenants or anyone else with a right to use or occupy the property under this lease.”

- 4) Consequences of Breach. Owner and LAFCO agree that if Owner or anyone succeeding to Owner’s interest in all or any portion of the Property protests annexation of all or any portion of the Property by the City, LAFCo and the City shall be entitled to take the following actions:
 - a) LAFCo shall treat this consent as the binding decision and action of the Owner for all purposes under the Cortese Knox Hertzberg Act (Government Codes Section 56000 *et seq.*) and any objection or protest shall be null and void and may be disregarded by LAFCO in determining objections and/or the value of all protests to such annexation.

 - b) In addition to the above, if deemed necessary, LAFCO and the City may specifically enforce this agreement and covenant against Owners or their successors in the state courts of Mendocino County.



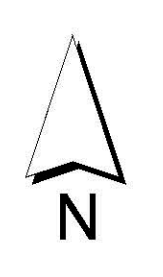
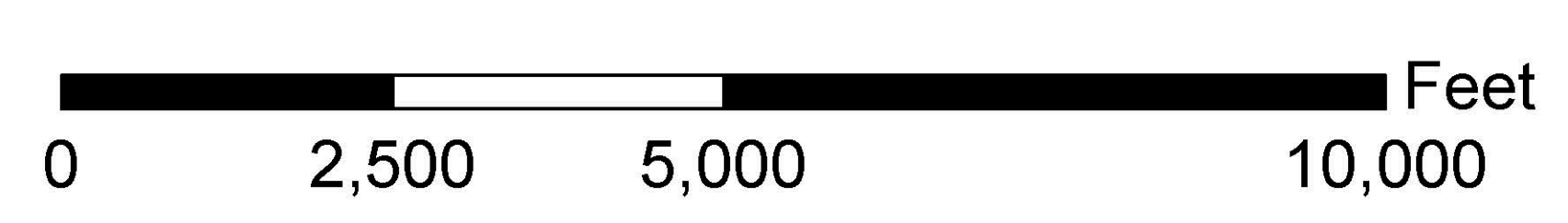
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCO, IGN, Metastat, NL, Orange Skyline, Japan, METI, Esri, China, Swisstopo, (c) OpenStreetMap contributors, and the GIS User Community



This map is a guide. Every reasonable effort has been made to ensure that the information is accurate. However, the City of Ukiah and its employees are not liable for any errors or omissions. Please use this map as a guide only.

- Legend**
- Sanitary Sewer Manhole
 - Pump Stations
 - Sewer Main
 - Rivers, Streams
 - Ukiah City Limits
 - Ukiah Valley Sanitation District

Ukiah Sanitary Sewer System



AGREEMENT BETWEEN
THE UKIAH VALLEY SANITATION DISTRICT AND THE CITY OF UKIAH
REGARDING PROVISION OF INTERIM SEWER SERVICES AND OUT OF AREA
SERVICE AGREEMENTS

This Agreement Regarding Out of Area Service Agreements and Interim Sewer Services ("Agreement") is made and entered into this 8th day of June, 2022, by and between the UKIAH VALLEY SANITATION DISTRICT, a county sanitation district organized under the laws of the State of California ("District") and the CITY OF UKIAH, a California municipal corporation ("City"). District and City are individually referred to as a "Party" and together as the "Parties."

RECITALS

WHEREAS, the Parties provide sewer services within their respective jurisdictions and have received requests to extend sewer service to various properties outside of their jurisdictional boundaries; and

WHEREAS, under Government Code section 56133, the Mendocino Local Agency Formation Commission ("LAFCo") may authorize a district to provide services outside its boundaries and sphere of influence ("SOI") pursuant to a written out of area service agreement ("OASA"); and

WHEREAS, the Parties desire to provide sewer service to those properties; and

WHEREAS, the City has submitted an annexation application to the Mendocino Local Agency Formation Commission (LAFCo) to annex City-owned properties in five areas within Mendocino County and a pre-application for the proposed annexation of areas north of Ukiah (Masonite/Ford Road area), and desires to annex other areas within the County, including the District (collectively referred to in this Agreement as "City Annexations"); and

WHEREAS, LAFCo is developing the Municipal Service Review (MSR)/SOI Update Study for LAFCo consideration of City and District proposals for annexations and/or extensions of service; and

WHEREAS, the Parties desire to enter into this Agreement regarding (i) the provision of interim sewer services for properties requesting out of area service until (1) the area upon which those properties are situated are annexed by the City or (2) the City annexes sufficient additional portions of the District to qualify the District for reorganization as a subsidiary district of or merger with the City under applicable provisions of the Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000 ("CKH Act"), including Government Code §57105 and (ii) the terms under which both Parties are willing to support City annexation.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, and subject to the terms, conditions, and provisions hereof, the Parties hereto agree as follows:

AGREEMENT

1. Incorporation of Recitals. The recitals set forth above are hereby incorporated into this Agreement as if set forth herein in full.

2. Term. The term of this Agreement shall commence on June 8, 2022 ("Commencement Date") and continue in effect until (1) the District becomes either a subsidiary district within the City or the District is merged with the City pursuant to Government Code Section 57105 or other applicable provisions of the CKH Act or state law, (2) the entire District is annexed by and detached from the City, (3) either the City or the District cancels this Agreement on 5 year's prior written notice to the other party, or (4) both the City and District mutually agree to terminate this Agreement.

3. Sewer Service. Until such time as the earliest of the following occurs, District shall have first rights of refusal to provide, at its sole discretion, sewer service to the areas outside the City's and District's jurisdictions: (1) the area is annexed to City; or (2) the Parties mutually agree otherwise. Said sewer service shall be at the same level of service as that provided throughout the District.

4. Mutual Cooperation

A. Out of Area Service Agreement (OASA). The City, as the applicant for annexation, shall prepare OASAs at the direction of the District to serve areas where development could occur with sewer services. The City shall submit sewer service related OASAs to the District for review and approval prior to filing with LAFCo. This Agreement and any OASA related tax sharing agreement with Mendocino County shall be attached to and incorporated by reference into any OASA submitted to LAFCo under this Agreement. The District shall reimburse the City for costs the City incurs to file the OASA, and the District may recover those costs from the property owners that request and receive out of area sewer service. For OASAs approved by LAFCo under this Agreement, the District shall collect all fees associated with providing such services from sewer customers of the affected parcels. During the term of this Agreement, the District shall be responsible for all costs associated with providing such services.

B. The City agrees that it will not apply to LAFCo for detachment of District territory from the City's jurisdictional boundaries as those boundaries currently exist or as they are changed by future City Annexations.

- C. District agrees to support City Annexations and to work cooperatively with City regarding revisions to the City's General Plan, Municipal Service Review and Sphere of Influence necessary or advisable to enable City Annexations and not to propose or seek LAFCo approval for or support proposed provisions in the District's MSR or SOI that would inhibit, conflict with, or prevent such City Annexations and/or reorganizations, as described in this Agreement.
- D. Pursuant to Government Code Section 57105 or other applicable provisions of state law, the District will support and urge LAFCo to approve either designating the District as a subsidiary district of the City or merger of the District with the City at such time as 70% or more of registered voters in the District are within the City limits and 70% of the area of land within the District is within the City's jurisdictional boundaries or when those reorganizations are otherwise authorized by state law.
- E. The District will support and cooperate with the City in seeking special legislation to amend the CKH Act to authorize merger of the District with the City when 70% or more of registered voters in the District are within the City limits without regard to the area of District land that is within the City, subject to reasonable conditions that are agreeable to both parties.

5. Indemnity. Neither Party, its officers, agents or employees, shall have any liability for intentional or negligent acts, by omission or commission, by the other party, or of any officer, agent or employee thereof. Each Party shall indemnify, defend and hold the other party, including their respective officers, agents, employees and independent contractors, harmless from any claim or action arising out of performance of this Agreement with respect to any work to be performed by or authority delegated to such party.

6. Modification and Termination. This Agreement may not be modified, terminated or rescinded, in whole or in part, except by a written instrument duly executed and attested by the Parties hereto or their successors or assigns.

7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

8. Notices. All notices to be delivered hereunder, if personally delivered, shall be deemed received when delivered. If mailed in the United States mail, notices shall be mailed postage prepaid, registered or certified, with return receipt requested, and shall be deemed delivered on the date stated on the return receipt. If mailed in any other manner, including by email with acknowledgment of receipt, notices shall be deemed received on actual receipt. Notices shall be mailed in the above manner to the following addresses:

UKIAH VALLEY SANITATION DISTRICT

151 Laws Avenue
Ukiah, CA 95482
Attn: General Manager
Email: aa@uvsd.org

CITY OF UKIAH

City of Ukiah Civic Center
300 Seminary Avenue
Ukiah, CA 95482
Attn: City Manager
Email: cityclerk@cityofukiah.com

Either Party may from time to time change its address for notice by notifying the other party of such new address.

9. Entire Agreement. This instrument and any authorized attachments thereto contains the entire Agreement between the Parties relating to the obligations of the City and District as described in this Agreement. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this Agreement and shall be of no further force or effect.

10 Waiver. Failure of any Party to insist upon strict performance of any of the terms, conditions or covenants in this Agreement will not be deemed a waiver of any right or remedy that Party may have and will not be deemed a waiver of any right or remedy for a subsequent breach or default of the terms, conditions or covenants contained in this Agreement, nor will it constitute a precedent for interpretation of this Agreement.

11. Severability. If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder to this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

12. Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile or electronic signatures will be permitted.

13. Authority to Execute Agreement. The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that, by so executing this Agreement, the parties hereto are formally bound to the provisions of this Agreement.

14. No Third Party Beneficiaries Intended. No person or entity not a named party to this Agreement is intended as a beneficiary of any provision of this Agreement or to have

any standing or authority to enforce any provision of this Agreement. No such third-party beneficiaries are intended or created.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

UKIAH VALLEY SANITATION DISTRICT CITY OF UKIAH



Ernie Wipf, Chair, Board of Directors



Jim Brown, Mayor

ATTEST:



Chelsea Teague, Board Secretary

ATTEST



Kristine Lawler (Jun 20, 2022 14:04 PDT)
Kristine Lawler, City Clerk

APPROVED AS TO FORM:



Joanna Gin, General Counsel

APPROVED AS TO FORM:



David Rapport, City Attorney

Ukiah Daily Journal

617 S. State St
Ukiah, California 95482
(707) 468-3500
advertising@record-bee.com

2117504

MENDOCINO COUNTY LAFCO
200 SOUTH SCHOOL ST
UKIAH, CA 95482

PROOF OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA COUNTY OF MENDOCINO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Ukiah Daily Journal, a newspaper of general circulation, printed and published daily in the City of Ukiah, County of Mendocino and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Mendocino, State of California, under the date of September 22, 1952, Case Number 9267; that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

12/17/2022

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Ukiah, California,
December 19th, 2022



Molly E. Lane, LEGAL CLERK

Legal No. **0006720467**

6711-22

12-17/22

Mendocino Local Agency Formation Commission NOTICE OF PUBLIC HEARING. NOTICE IS HEREBY GIVEN that on Monday, January 9, 2023, at 9:00 AM (or as soon thereafter as the matter may be heard) in a hybrid meeting format with in-person participation in the Mendocino County Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, and remote participation pursuant to State Executive Order N-29-20 and AB 361 in response to the COVID-19 pandemic via video or telephone as described in the Instructions for Remote Participation Option in the agenda to be posted at least 72 hours in advance of the meeting, and livestreamed at www.youtube.com/MendocinoCountyVideo, the Mendocino Local Agency Formation Commission (LAFCo) will hold a Public Hearing to consider adoption of the following: Proposed Out-of-Agency Services Agreement – Ford Rd, Kunzler Ranch Rd, and Carter Ln; City of Ukiah and Ukiah Valley Sanitation District application (File No. O-2022-03) to provide wastewater services to 13 parcels (170-210-01, 170-200-03, 170-200-04, 170-200-05, 170-200-06, 170-200-07, 170-200-08, 170-200-09, 170-200-18, 170-180-08, 170-180-13, 170-180-14, 169-130-76) located in unincorporated Mendocino County. Copies of all related documents may be reviewed once available at the LAFCo website (www.mendolafco.org) or at the LAFCo office. If you cannot attend the Public Hearing described in this notice, you may submit written comments prior to the hearing. Please direct comments, questions, and requests to review documents to LAFCo, 200 South School Street, Ukiah, CA 95482; e-mail: eo@mendolafco.org; phone: (707) 463-4470. All interested persons are invited to attend, be heard, and participate in the hearings. BY ORDER OF THE MENDOCINO LOCAL AGENCY FORMATION COMMISSION. UMA HINMAN, Executive Officer.

Notice of Exemption*(Exempt from fees per GOV Section 27383)***Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Mendocino

From: (Public Agency): Mendocino LAFCo
200 South School Street
Ukiah, California 95482

(Address)

Project Title: Ford Rd, Kunzler Ranch Rd, Carter Ln OASA for Wastewater from City of Ukiah/UVSD

Project Applicant: City of Ukiah and Ukiah Valley Sanitation District (UVSD)

Project Location - Specific:

Unincorporated areas of the Ukiah Valley on Ford Road, Kunzler Ranch Road, and Carter Lane.

Project Location - City: City of Ukiah Project Location - County: Mendocino

Description of Nature, Purpose and Beneficiaries of Project:

Ford Rd, Kunzler Ranch Rd, Carter Ln Out-of-Agency Wastewater Services Agreement (File No. O-2022-03) for City of Ukiah/UVSD to serve 13-parcels (170-210-01, 170-200-03, 170-200-04, 170-200-05, 170-200-06, 170-200-07, 170-200-08, 170-200-09, 170-200-18, 170-180-08, 170-180-13, 170-180-14, 169-130-7).

Name of Public Agency Approving Project: Mendocino Local Agency Formation Commission

Name of Person or Agency Carrying Out Project: Mendocino Local Agency Formation Commission

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: §15061(b)(3) (General Rule Exemption)
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

§15061(b)(3) (General Rule Exemption): The application seeks to extend services to parcels that will develop with the installation of septic systems, and so the application will not have a significant effect on the environment, and may have an environmental benefit by avoiding the need for the development of multiple septic systems in a floodplain area.

Lead Agency

Contact Person: Uma Hinman, Executive Officer Area Code/Telephone/Extension: (707) 463-4470

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: 1/9/2023 Title: Executive Officer

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Resolution No. 2022-23-09
of the Mendocino Local Agency Formation Commission

Conditionally Approving the Ford Road, Kunzler Ranch Road, and Carter Lane Out-of-Agency Services Agreement for Wastewater Services from the City of Ukiah and Ukiah Valley Sanitation District and Finding of Exemption Pursuant to the California Environmental Quality Act

WHEREAS, the Local Agency Formation Commission of Mendocino County, hereinafter referred to as the “Commission”, administers California Government Code Section 56000 et. seq., known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Commission may authorize a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundary but within its sphere of influence (SOI) in anticipation of a later change of organization in accordance with California Government Code Section 56133; and

WHEREAS, the Commission received an out-of-agency services agreement (OASA) application on November 18, 2022 from the City of Ukiah (City) and Ukiah Valley Sanitation District (UVSD or District), hereinafter referred to as “application”, requesting the approval of an OASA involving wastewater services to thirteen parcels within the unincorporated area located on Ford Road, Kunzler Ranch Road, and Carter Lane, identified by the Mendocino County Assessor’s Office as APNs 170-210-01, 170-200-03, 170-200-04, 170-200-05, 170-200-06, 170-200-07, 170-200-08, 170-200-09, 170-200-18, 170-180-08, 170-180-13, 170-180-14, 169-130-76; and

WHEREAS, the application is located outside the jurisdictional boundaries of the City and District and is located within the City’s SOI boundary approved by the Commission on December 19, 2022; and

WHEREAS, although there are no known development projects to determine the extended wastewater service demands, the City/District has sufficient capacity to serve the application; and

WHEREAS, the application meets the statutory criteria outlined in LAFCo law and adopted local policy requirements; and

WHEREAS, the Executive Officer gave sufficient notice of a public hearing on the application to be conducted by the Commission in the form and manner provided by law; and

WHEREAS, the Executive Officer’s report and recommendations on the application were presented to the Commission in the manner provided by law and adopted local policy; and

WHEREAS, the Commission heard and fully considered all the testimony and evidence presented at a public hearing held on the application on January 9, 2023.

NOW, THEREFORE, the Mendocino Local Agency Formation Commission does hereby RESOLVE, DETERMINE, and ORDER as follows:

1. The Commission finds the application is exempt from further review under the California Environmental Quality Act under the General Rule Exemption pursuant to Title 14 of the California Code of Regulations (14 CCR) §15061(b)(3), and approves the Notice of

Exemption for filing. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This is because the application seeks to extend services to parcels that will develop with the installation of septic systems, and so the application will not have a significant effect on the environment, and may have an environmental benefit by avoiding the need for the development of multiple septic systems in a floodplain area.

2. The Ford Road, Kunzler Ranch Road, and Carter Lane Out-of-Agency Services Agreement for Wastewater Services from the City of Ukiah and Ukiah Valley Sanitation District is conditionally approved, subject to the following terms and conditions.
 - a) The properties subject to the out-of-agency services agreement approval shall be defined by the map depicted in Exhibit “A”, attached hereto and incorporate herein by reference.
 - b) An Annexation Consent Agreement and Covenant document is required for each property to be signed and recorded by the existing owners on title consenting to future annexation of the subject territory to the City of Ukiah, which would also bind future owners of the property, among other things.
 - c) Upon receipt of written confirmation from the Executive Officer of receiving a valid Annexation Consent Agreement and Covenant document, the City of Ukiah and/or the Ukiah Valley Sanitation District may commence construction of sewer extension lines and associated infrastructure to the subject property in compliance with all applicable federal, state, and local laws and regulations.
 - d) The continued unprecedented cooperation between the City and District is required, as represented by the City-District Interim Service Agreement shown in Exhibit “B”, attached hereto and incorporate herein by reference, or a substantially similar arrangement. Any changes in circumstances require immediate written notification to the Executive Officer, and potentially an appearance before the Commission.
3. A Certificate of Completion is not filed for out-of-agency services agreements. Therefore, the effective date of the out-of-agency services agreement conditional approval shall be the date of execution of this resolution. Any work commenced or costs incurred by the City and/or District associated with this conditional approval, and within the CEQA statute of limitations timeframe related to this discretionary action, are completed at the agency’s own risk.

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County this 9th day of January 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

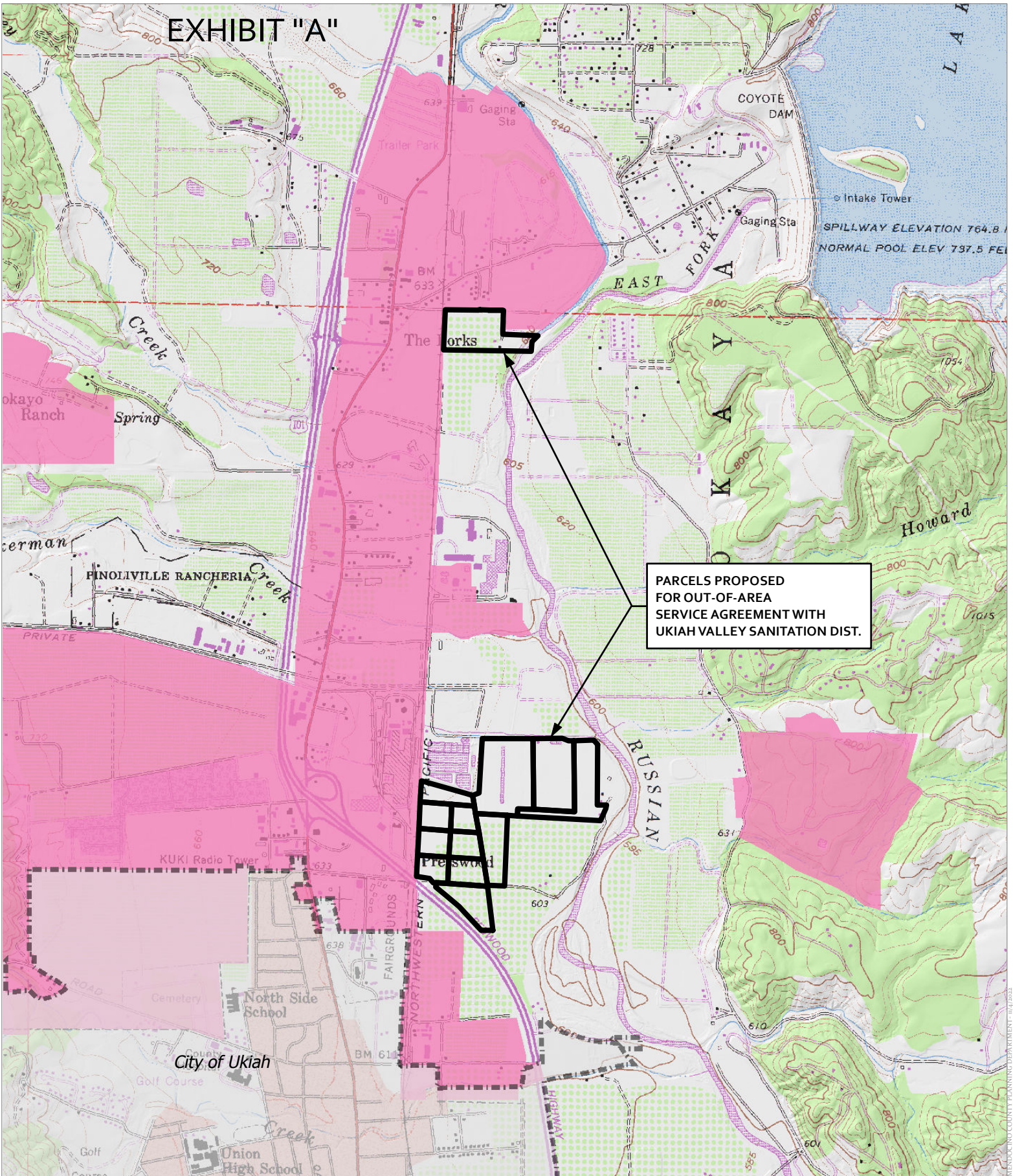
ABSENT:

MAUREEN MULHEREN, Commission Chair

ATTEST:



UMA HINMAN, Executive Officer

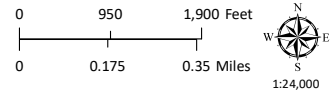
EXHIBIT "A"



PARCELS PROPOSED FOR OUT-OF-AREA SERVICE AGREEMENT WITH UKIAH VALLEY SANITATION DIST.

Map produced by the Mendocino County Planning & Building Svcs. Dept., November 2022
 Coordinate System: NAD 83, Calif. State Plane Zone II
 Projection: Lambert Conformal Conic
 Parcel Data: Mendocino County Information Services, October, 2018
 Aerial Imagery: US Dept. of Agriculture/ArcGIS Online mosaic
 Topographic Data: USGS 7.5 minute quad series Mount Diablo Base & Meridian
 Parcel numbers are for tax purposes only and do not represent legal or salable parcels.
 All spatial data is approximate. This map is not a substitute for a proper land survey.

-  Major Towns & Places
-  City Limits



AGREEMENT BETWEEN
THE UKIAH VALLEY SANITATION DISTRICT AND THE CITY OF UKIAH
REGARDING PROVISION OF INTERIM SEWER SERVICES AND OUT OF AREA
SERVICE AGREEMENTS

This Agreement Regarding Out of Area Service Agreements and Interim Sewer Services ("Agreement") is made and entered into this 8th day of June, 2022, by and between the UKIAH VALLEY SANITATION DISTRICT, a county sanitation district organized under the laws of the State of California ("District") and the CITY OF UKIAH, a California municipal corporation ("City"). District and City are individually referred to as a "Party" and together as the "Parties."

RECITALS

WHEREAS, the Parties provide sewer services within their respective jurisdictions and have received requests to extend sewer service to various properties outside of their jurisdictional boundaries; and

WHEREAS, under Government Code section 56133, the Mendocino Local Agency Formation Commission ("LAFCo") may authorize a district to provide services outside its boundaries and sphere of influence ("SOI") pursuant to a written out of area service agreement ("OASA"); and

WHEREAS, the Parties desire to provide sewer service to those properties; and

WHEREAS, the City has submitted an annexation application to the Mendocino Local Agency Formation Commission (LAFCo) to annex City-owned properties in five areas within Mendocino County and a pre-application for the proposed annexation of areas north of Ukiah (Masonite/Ford Road area), and desires to annex other areas within the County, including the District (collectively referred to in this Agreement as "City Annexations"); and

WHEREAS, LAFCo is developing the Municipal Service Review (MSR)/SOI Update Study for LAFCo consideration of City and District proposals for annexations and/or extensions of service; and

WHEREAS, the Parties desire to enter into this Agreement regarding (i) the provision of interim sewer services for properties requesting out of area service until (1) the area upon which those properties are situated are annexed by the City or (2) the City annexes sufficient additional portions of the District to qualify the District for reorganization as a subsidiary district of or merger with the City under applicable provisions of the Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000 ("CKH Act"), including Government Code §57105 and (ii) the terms under which both Parties are willing to support City annexation.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, and subject to the terms, conditions, and provisions hereof, the Parties hereto agree as follows:

AGREEMENT

1. Incorporation of Recitals. The recitals set forth above are hereby incorporated into this Agreement as if set forth herein in full.

2. Term. The term of this Agreement shall commence on June 8, 2022 (“Commencement Date”) and continue in effect until (1) the District becomes either a subsidiary district within the City or the District is merged with the City pursuant to Government Code Section 57105 or other applicable provisions of the CKH Act or state law, (2) the entire District is annexed by and detached from the City, (3) either the City or the District cancels this Agreement on 5 year’s prior written notice to the other party, or (4) both the City and District mutually agree to terminate this Agreement.

3. Sewer Service. Until such time as the earliest of the following occurs, District shall have first rights of refusal to provide, at its sole discretion, sewer service to the areas outside the City’s and District’s jurisdictions: (1) the area is annexed to City; or (2) the Parties mutually agree otherwise. Said sewer service shall be at the same level of service as that provided throughout the District.

4. Mutual Cooperation

A. Out of Area Service Agreement (OASA). The City, as the applicant for annexation, shall prepare OASAs at the direction of the District to serve areas where development could occur with sewer services. The City shall submit sewer service related OASAs to the District for review and approval prior to filing with LAFCo. This Agreement and any OASA related tax sharing agreement with Mendocino County shall be attached to and incorporated by reference into any OASA submitted to LAFCo under this Agreement. The District shall reimburse the City for costs the City incurs to file the OASA, and the District may recover those costs from the property owners that request and receive out of area sewer service. For OASAs approved by LAFCo under this Agreement, the District shall collect all fees associated with providing such services from sewer customers of the affected parcels. During the term of this Agreement, the District shall be responsible for all costs associated with providing such services.

B. The City agrees that it will not apply to LAFCo for detachment of District territory from the City’s jurisdictional boundaries as those boundaries currently exist or as they are changed by future City Annexations.

- C. District agrees to support City Annexations and to work cooperatively with City regarding revisions to the City's General Plan, Municipal Service Review and Sphere of Influence necessary or advisable to enable City Annexations and not to propose or seek LAFCo approval for or support proposed provisions in the District's MSR or SOI that would inhibit, conflict with, or prevent such City Annexations and/or reorganizations, as described in this Agreement.
- D. Pursuant to Government Code Section 57105 or other applicable provisions of state law, the District will support and urge LAFCo to approve either designating the District as a subsidiary district of the City or merger of the District with the City at such time as 70% or more of registered voters in the District are within the City limits and 70% of the area of land within the District is within the City's jurisdictional boundaries or when those reorganizations are otherwise authorized by state law.
- E. The District will support and cooperate with the City in seeking special legislation to amend the CKH Act to authorize merger of the District with the City when 70% or more of registered voters in the District are within the City limits without regard to the area of District land that is within the City, subject to reasonable conditions that are agreeable to both parties.

5. Indemnity. Neither Party, its officers, agents or employees, shall have any liability for intentional or negligent acts, by omission or commission, by the other party, or of any officer, agent or employee thereof. Each Party shall indemnify, defend and hold the other party, including their respective officers, agents, employees and independent contractors, harmless from any claim or action arising out of performance of this Agreement with respect to any work to be performed by or authority delegated to such party.

6. Modification and Termination. This Agreement may not be modified, terminated or rescinded, in whole or in part, except by a written instrument duly executed and attested by the Parties hereto or their successors or assigns.

7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

8. Notices. All notices to be delivered hereunder, if personally delivered, shall be deemed received when delivered. If mailed in the United States mail, notices shall be mailed postage prepaid, registered or certified, with return receipt requested, and shall be deemed delivered on the date stated on the return receipt. If mailed in any other manner, including by email with acknowledgment of receipt, notices shall be deemed received on actual receipt. Notices shall be mailed in the above manner to the following addresses:

UKIAH VALLEY SANITATION DISTRICT

151 Laws Avenue
Ukiah, CA 95482
Attn: General Manager
Email: aa@uvsd.org

CITY OF UKIAH

City of Ukiah Civic Center
300 Seminary Avenue
Ukiah, CA 95482
Attn: City Manager
Email: cityclerk@cityofukiah.com

Either Party may from time to time change its address for notice by notifying the other party of such new address.

9. Entire Agreement. This instrument and any authorized attachments thereto contains the entire Agreement between the Parties relating to the obligations of the City and District as described in this Agreement. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this Agreement and shall be of no further force or effect.

10 Waiver. Failure of any Party to insist upon strict performance of any of the terms, conditions or covenants in this Agreement will not be deemed a waiver of any right or remedy that Party may have and will not be deemed a waiver of any right or remedy for a subsequent breach or default of the terms, conditions or covenants contained in this Agreement, nor will it constitute a precedent for interpretation of this Agreement.

11. Severability. If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder to this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

12. Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile or electronic signatures will be permitted.

13. Authority to Execute Agreement. The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that, by so executing this Agreement, the parties hereto are formally bound to the provisions of this Agreement.

14. No Third Party Beneficiaries Intended. No person or entity not a named party to this Agreement is intended as a beneficiary of any provision of this Agreement or to have

any standing or authority to enforce any provision of this Agreement. No such third-party beneficiaries are intended or created.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

UKIAH VALLEY SANITATION DISTRICT CITY OF UKIAH



Ernie Wipf, Chair, Board of Directors



Jim Brown, Mayor

ATTEST:



Chelsea Teague, Board Secretary

ATTEST




Kristine Lawler (Jun 20, 2022 14:04 PDT)
Kristine Lawler, City Clerk

APPROVED AS TO FORM:



Joanna Gin, General Counsel

APPROVED AS TO FORM:



David Rapport, City Attorney

MENDOCINO Local Agency Formation Commission

Staff Report

MEETING January 9, 2023
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Applications and Work Load**

RECOMMENDATION

Staff recommends the Commission receive and file this report.

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 delegates Local Agency Formation Commissions (LAFCo) with regulatory and planning duties to coordinate the logical formation and development of local government agencies. This includes approving or disapproving proposals for reorganizations (i.e., annexations, detachments, dissolutions, etc.), activation of latent powers, sphere of influence amendments, and outside service agreements.

LAFCo proceedings for jurisdictional changes are generally initiated by outside applicants through petitions (landowners or voters) and resolutions (local agencies). LAFCos may also initiate jurisdictional changes to form, consolidate, or dissolve special districts if consistent with the recommendations of approved municipal service reviews.

The following is a status report on the active proposals currently on file with the Commission as well as anticipated filings based on ongoing discussions with proponents. Also included is a summary of progress on the Work Plan scheduled for the current fiscal year. The item is for information and satisfies LAFCo's reporting requirement for current and future applications.

ACTIVE PROPOSALS

This item provides the Commission its regular update on active proposals on file as well as identifies future proposals staff anticipates being filed with LAFCo in the near term based on discussions with local agencies and proponents. All active and future proposals are also summarized in Attachment 1.

City of Ukiah/Ukiah Valley Sanitation District Out of Agency Service Agreement for Wastewater Services (File No. O-2022-03)

On November 18, 2022, the City of Ukiah and the Ukiah Valley Sanitation District (UVSD) submitted a joint application to extend wastewater services to areas outside both the City of Ukiah and the UVSD boundaries and within the City of Ukiah's Sphere of Influence. The proposed service areas include several parcels in the Masonite/Ford Road area and a parcel in The Forks area. The proposal is submitted with an *Agreement Between the Ukiah Valley Sanitation District and the City of Ukiah Regarding Provision of Interim Sewer Services and Out of Area Service Agreements*, which specifies the interim service provider

for the parcels to be the UVSD until the area is annexed into the City of Ukiah. Public hearing scheduled for January 9, 2023.

City of Ukiah Annexation of Western Hills (Hull Properties) (File No. A-2022-02)

On June 8, 2022, the City of Ukiah submitted an application to annex approximately 707 acres in the Western Hills for open space preservation, while allowing the potential for future low density residential up to 14 dwelling units on the 55 easternmost acres. The application is incomplete pending a tax share agreement and submittal of additional materials.

Elk Community Services District Activation of Latent Powers for Wastewater Services (File No. L-2022-01)

On April 8, 2022, the ECSD submitted an application proposing to activate latent powers for the provision of wastewater services. The District will be assuming ownership and operation of a community leach field within the community of Elk. The application has been referred to affected agencies and a Notice of Filing sent to the County Assessor and Auditor-Controller to initiate the tax share negotiation process in accordance with Revenue & Tax Code Section 99. A change in project description required a revised Notice of Filing be distributed, which was completed in mid-October. The application is incomplete.

City of Ukiah Annexation of City-Owned Properties (File No. A-2021-01)

On February 22, 2021, LAFCo received an application from the City of Ukiah proposing to annex City-owned parcels that are used for government purposes and consisting of approximately 446 acres in total. Parcels include the City's Wastewater Treatment Plant, solid waste transfer station, a portion of the municipal airport and open space. A revised application was submitted to LAFCo on February 25, 2022 and was referred to affected agencies and County Auditor and Assessor. LAFCo and City staff have established regularly scheduled coordination meetings for the proposal. The application is incomplete pending a tax share agreement.

Millview County Water District Pre-Application: Annexation of Masonite Properties (File No. P-2020-04)

Pre-Application request for consultation on process and draft documents associated with the MCWD's proposal to annex the Masonite area properties. LAFCo staff have participated in several conference calls with the District and its consultants regarding the proposal. LAFCo, as a Responsible Agency, submitted comments on the District's Draft Initial Study/Mitigated Negative Declaration on December 6, 2021.

City of Ukiah Pre-Application: Annexation of Areas North of the City (File No. P-2020-02)

Pre-Application request for consultation on the process and potential issues regarding the City's proposal to annex the Brush Street Triangle and Masonite area properties. The proposal remains a topic during regularly scheduled coordinating meetings between LAFCo and City staff.

City of Ukiah Detachment of UVSD Served Areas (File No. D-2020-01)

In April 2020, the City of Ukiah submitted a request to restart a 2014 application for detachment of Ukiah Valley Sanitation District (UVSD) served areas from the City that had been deemed incomplete and placed on-hold by the City in 2015. The application was put on hold by the City of Ukiah, pending the update of its SOI. Recently, an Interim Services Agreement between the City of Ukiah and the UVSD specifies that the City will not seek detachment of UVSD areas until specific thresholds are met.

POTENTIAL FUTURE PROPOSALS

LAFCo staff has been made aware of the following potential future proposals that may come before the Commission for consideration. Also see Attachment 1 Summary Table – Application Activity and Potential Future Proposals.

Anderson Valley Community Services District Annexation of Sphere of Influence

The Anderson Valley Community Services District (AVCSD) is coordinating with LAFCo staff on application requirements for annexation of the District's Sphere of Influence (SOI) for fire services. An application is anticipated in the first quarter of 2023.

County Services Area 3 Activation of Latent Powers

County and LAFCo staff coordinated on the proposed services to be offered through CSA 3, which is anticipated to be processed concurrently with the MSR/SOI Study for the district. The initial proposal is expected to be the Sherwood Road Pilot Project, a secondary access for the community of Brooktrails.

WORK PLAN

Local policy directs the Commission to annually adopt a Work Plan for purposes of providing a comprehensive overview of municipal service reviews and sphere of influence updates over the course of the fiscal year. This report provides an update on progress made in terms of accomplishing the activities scheduled in the Work Plan. This report also serves to inform the Commission of any changes in circumstances or priorities. See Attachment 2 Summary Table – Work Plan Tracking and Status.

Attachments

1. Summary Table – Application Activity and Potential Future Proposals
2. Summary Table – Work Plan Tracking and Status

Attachment 1. Summary Table – Application Activity and Potential Future Proposals

APPLICATION ACTIVITY								
<i>Project status as of January 4, 2023</i>								
LAFCo File No.¹	Applicant	Project Name	Date Application Received	Certificate of Filing	LAFCo Hearing Date	Certificate of Completion	BOE Submittal Date	Additional Comments
O-2022-03	Ukiah/ UVSD	Out of Agency Service Agreement for Wastewater Services	11/18/2022	N/A	1/9/2023		N/A	Public hearing scheduled for January 9, 2023
A-2022-02	Ukiah	City of Ukiah Annexation of Western Hills (Hull Properties)	6/8/2022					Application incomplete (tax share agreement, information)
L-2022-01	ECSD	Elk Community Services District Activation of Latent Powers for Wastewater Services	4/8/2022					Application under review; revised Notice of Filing distributed 10/2022
A-2021-01	Ukiah	City of Ukiah Annexation of City-Owned Properties	3/1/2021 2/25/2022					Application incomplete (tax share agreement)
P-2020-04	MCWD	Millview County Water District Pre-Application for Annexation of Masonite Properties	10/23/2020	N/A	N/A	N/A	N/A	Comments on Draft IS/MND submitted December 6, 2021; no activity in 11 months
P-2020-02	Ukiah	City of Ukiah Pre-Application for Annexation of Areas North of Ukiah	8/12/2020	N/A	N/A	N/A	N/A	Coordination activities; no activity in 20 months
D-2020-01	Ukiah	City of Ukiah Detachment of UVSD Served Areas	4/29/2020					On hold and incomplete; no activity in 18 months
Potential Future Proposals								
N/A	AVCSD	Annexation of SOI for Fire Services						Coordination on application needs
N/A	CSA 3	Activation of Latent Powers (Sherwood Rd Pilot)						Coordination meetings held

¹Key: A – Annexation
C – Consolidation
D – Detachment
F – Formation

L – Activation of Latent Powers
O – Out of Agency Service Agreement
P – Pre-application Review Request
R – Reorganization

Attachment 2. Summary Table – Work Plan Tracking and Status

FY 2021-22 ESTIMATED WORK PLAN IMPLEMENTATION SCHEDULE AND STATUS						
<i>Work Plan status as of January 4, 2023</i>						
Subject to Change: The estimated schedule and costs for the Fiscal Year 2022-23 Work Plan are subject to change based on agency responsiveness, timely provision of requested information, complexity of issues, level of public and affected agency controversy, and changing needs and priorities.						
CEQA: Based on LAFCo practice, the work plan assumes minimal costs for CEQA compliance related to preparing a Notice of Exemption, unless an agency proposes a non-coterminous SOI and pays for any necessary studies and preparation of a Negative Declaration or Environmental Impact Report.						
Rolling Work Plan: It is difficult to completely contain staff activities in a single fiscal year; therefore, completion of a study may roll over to the next fiscal year. This estimated work plan implementation schedule is intended to enhance communication and transparency.						
Agency	Request for Information	Admin Draft	Public Workshop	Public Hearing	Final Study	Status/Notes
County Service Area 3	Complete	Complete	4/4/22	6/7/22 7/11/22	7/31/22	Study Complete
Ukiah Valley Sanitation District	Ongoing	In progress	9/12/22 11/7/22	12/19/22	12/23/22	A joint public workshop on the MSR portion of the study was held in September. A second joint workshop on the SOI portion of the study was held in November. The public hearing was held in December and resulted in adoption of the studies and SOI.
City of Ukiah	Ongoing	In progress	9/12/22 11/7/22	12/19/22	12/23/22	A joint public workshop on the MSR portion of the study was held in September. A second joint workshop on the SOI portion of the study was held in November. The public hearing was held in December and resulted in adoption of the studies and SOI.
Coastal Water Districts	Pending	Pending				
Inland Water Districts	Pending	Pending				