

# MENDOCINO

# Local Agency Formation Commission

Ukiah Valley Conference Center ◊ 200 South School Street ◊ Ukiah, California 95482  
Telephone: 707-463-4470 Fax: 707-462-2088 E-mail: [eo@mendolafco.org](mailto:eo@mendolafco.org) Web: [www.mendolafco.org](http://www.mendolafco.org)

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## CHAIR

**Jerry Ward**  
Public Member

## VICE-CHAIR

**John McCowen**  
County Board  
of Supervisors

## MEMBERS

**Dan Hamburg**  
County Board  
of Supervisors

**Doug Hammerstrom**  
Fort Bragg City Council

**Holly Madrigal**  
Willits City Council

**Theresa McNerlin**  
Ukiah Valley Sanitation District

**Vacant**  
Special District Member

## ALTERNATE MEMBERS

**Carre Brown**  
County Board  
Of Supervisors

**Kevin Doble**  
Ukiah City Council

**Carol Rosenberg**  
Public Member

**Angela Silver**  
Calpella County Water District

**Executive Officer**  
**George Williamson**

**Counsel**  
**Scott Browne**

**Analyst**  
**Colette Metz**

**Administrator**  
**Sarah West**

**Commission Clerk**  
**Elizabeth Salomone**

## Regular Meetings

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

## A G E N D A

Regular Meeting of Monday, January 4, 2016 9:00 AM  
County Board of Supervisors Chambers 501 Low Gap Road, Ukiah, California

Call to Order and Roll Call

### ANNUAL APPOINTMENTS

1. Officer Appointments for 2016
2. Committee Appointments for 2016

### 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.

3. Approval of the December 7, 2015 Regular Meeting Summary Minutes
4. Approval of the December 2015 Claims
5. Acceptance of the Monthly Financial Report
6. Approval of Lease Renewal

### PUBLIC EXPRESSION

7. 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. Individuals wishing to address the Commission under Public Expression are welcome to do so throughout the meeting.

### PUBLIC HEARINGS

Any member of the public may address the Commission on public hearing items. The Chair may regulate the order of such presentations and reserves the right to limit the time allowed for each person to speak. Documents are available for review at [www.mendolafco.org](http://www.mendolafco.org) or by contacting the LAFCo office.

8. Gualala Community Services District Sphere of Influence Update

### WORKSHOPS

Workshops are scheduled for Commission review of draft reports prior to noticing for hearing. Questions and comments from the Commission, participating agencies, and members of the public are welcome. Documents are available for review at [www.mendolafco.org](http://www.mendolafco.org) or by contacting the LAFCo office.

9. Calpella County Water District Sphere of Influence Update
10. Redwood Valley County Water District Sphere of Influence Update

11. Countywide Fire Protection Services Municipal Service Review (Part 3)
  - Comtche Community Services District
  - Elk Community Services District
  - Piercy Fire Protection District
  - South Coast Fire Protection District
  - Westport Volunteer Fire Department

## **CLOSED SESSION**

The Commission will meet by conference call or in person with its legal counsel to discuss the following:

12. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (1 potential case)

## **REPORT ON CLOSED SESSION**

## **MATTERS FOR DISCUSSION & POSSIBLE ACTION**

The following discussion and business items are for review and possible action by the Commission. Questions and comments from the Commission, participating agencies, and members of the public are welcome.

13. Mid-Year Budget Review and MSR/SOI Work Plan
14. MSR Completion
15. Caspar South Water District MSR Review
16. Policies and Procedures Manual Revision

## **INFORMATION/REPORT ITEMS**

The following informational items are to report on current commission activities, communications, studies, legislation, and special projects. General direction to staff for future action may be provided by the Commission.

17. Status of Commissioner Terms
18. Correspondence
  - City of Ukiah SOI Reduction Application Withdrawal Letter
19. Executive Officer's Report (Verbal)
  - Status of Special District Election
  - Status of CSDA Special District Training
  - Status of FY 2013-14 Audit
20. Commissioner Reports, Comments or Questions (Verbal)
21. Legislation Report
  - SB 239 (fire protection services contracts)

## **ADJOURNMENT**

The next Regular Commission Meeting is scheduled for  
Monday, February 1, 2016 at 9:00 AM  
in the County Board of Supervisors Chambers  
501 Low Gap Road, Ukiah, California

Notes: 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: If you are a disabled person and need a disability-related modification or accommodation to participate in a meeting, please contact the LAFCo office at 707-463-4470, by e-mail to [eo@mendolafco.org](mailto:eo@mendolafco.org), or by FAX to 707-462-2088. Requests must be made as early as possible, and at least two full business days prior to the meeting.

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 of more than \$250 to any Commissioner in the past 12-months, must disclose the contribution. If you are affected, please notify the Commission prior to the agenda item.

**MENDOCINO**  
**Local Agency Formation Commission**

**Staff Report**

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: George Williamson, Executive Officer  
SUBJECT: Officer Appointments for 2016

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**Background**

It is the current policy of the Commission to annually appoint a Chair and Vice Chair among its regular members, as well as designate a Treasurer pro-tem. It is important to note that the proposed update to the Policies and Procedures Manual has expanded the appointment of officers to include a formal Treasurer position. An alternate option could be the formation a Finance Committee comprised of 2-3 commissioners for purposes of reviewing financial reports and developing an annual budget for Commission review.

**Recommendation**

Staff recommends the Commission appoint a Chair and Vice Chair for 2016.

**MENDOCINO**  
**Local Agency Formation Commission**

**Staff Report**

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: George Williamson, Executive Officer  
SUBJECT: Committee Appointments for 2016

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**Background**

It is the current policy of the Commission to establish an Executive Committee and Planning Committee (aka Policies Committee) at the first Commission meeting held in January or, if needed, at the next regular meeting.

The Executive Committee, per the current policies and procedures, consists of the Chair, Vice Chair and one other member. The proposed Policies and Procedures Manual designates the Chair, Vice Chair and Treasurer to the Executive Committee, which is responsible for administrative oversight, personnel matters, and budget preparation and review. These officer appointments are discussed in Agenda Item 1.

The Policies Committee consists of three members, as recommended by the Chair and ratified by the Commission. The Policies Committee is responsible for developing and maintaining the Policies and Procedures Manual, addressing policies or standards related to complex applications, and considering legislative policy matters.

**Recommendation**

Staff recommends the Commission appoint three members to the Policies Committee, as recommended by the Chair and ratified by the Commission.

# MENDOCINO

# Local Agency Formation Commission

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

## CHAIR

**Jerry Ward**  
Public Member

## VICE CHAIR

**John McCowen**  
County Board  
of Supervisors

## MEMBERS

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**Executive Officer**  
**George Williamson**

**Counsel**  
**Scott Browne**

**Analyst**  
**Colette Metz**

**Commission Clerk**  
**Elizabeth Salomone**

## Regular Meetings

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

**Agenda Item No. 3**

## MINUTES

### LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY

#### Regular Meeting of Monday, December 7, 2015

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

Call to Order Chair Ward called the meeting to order at 9:06am.

#### Roll Call

Members Present:

Commissioners Dan Hamburg, Doug Hammerstrom, John McCowen, Theresa McNerlin(9:39am), and Jerry Ward

Members Absent:

Holly Madrigal

Alternate Members Present:

Commissioners Kevin Doble, Carol Rosenberg, and Angela Silver

Alternate Members Absent:

Commissioners Carre Brown

Staff Present:

George Williamson, Executive Officer  
Elizabeth Salomone, Clerk

*Alternate Commissioner Silver immediately took seat in the Special District Representative Vacancy. Alternate Commissioner Doble immediately took seat in the City Council Representative.*

#### Consent Calendar

1. Approval of the November 2, 2015 Regular Meeting Summary Minutes
2. Approval November 2015 Claims
3. Acceptance of the Monthly Financial Report
4. Approval of 2016 Meeting Schedule

Commissioner Ward asked for Item 3 to be pulled from the Consent Calendar for discussion.

Upon motion by Commissioner Hammerstrom and second by Commissioner Hamburg, Items 1, 2, & 4 of the Consent Calendar were approved by unanimous vote:

Ayes: Commissioners Doble, Hamburg, Hammerstrom, McCowen, Silver, and Ward

Absent: McNerlin and Madrigal

Commissioner Ward noted the following in regards to the Financials:

- Angela Silver reimbursement check incorrect amount
- Office expenses estimate of \$15 should now be \$318.69
- Budget projections for SOI Updates, Contract Services, etc. in a mid-year review.

Commissioner Rosenberg asked about the budget allocation for Baracco & Associates. Chair Ward noted the Executive Committee is reviewing and will present a recommendation in January.

Upon motion by Commissioner Hamburg and second by Commissioner McCowen, Items 3 of the Consent Calendar was approved by unanimous vote:

Ayes: Commissioners Doble, Hamburg, Hammerstrom, McCowen, Silver, and Ward

Absent: McNerlin and Madrigal

5. Public Expression - No one indicated an interest in speaking.

### **Public Hearings**

Public Hearing Notices were published in the newspapers for Anderson Valley CSD, Gualala CSD, and Laytonville CWD SOI Updates. Public Hearing Continuation for Round Valley CWD SOI Update from November 2, 2015 Regular Meeting.

6. Anderson Valley Community Service District Sphere of Influence Update  
Staff recommended approval of the AVCSO SOI Update.

*The Public Hearing was opened at 9:39am.*

Joy Andrews, AVCSO District Manager, received comments and questions from Commissioners Hamburg, Doble, Rosenberg, Ward, McCowen, and Hammerstrom.

Discussion was held regarding the gaps between fire-related service provider boundaries throughout the County, often due to inaccessibility. Ms. Andrews noted that Chief Avila has developed the proposed SOI map with great detail and care.

Commissioner McCowen asked Ms. Andrews if the AVCSO Board understood that expansion of the SOI leads to annexing areas to the District. Ms. Andrews assured the Commission the AVCSO Board does understand.

Commissioner Doble noted the precedent that may be set by a District expanding their SOI to meet the Response Area as assigned by dispatch.

Commissioner McCowen asked George Williamson to research the State Legislation intent regarding identification of Disadvantaged Unincorporated Communities within LAFCo reports, specifically if it is to identify DUCs in the vicinity of a District that could be feasibly served or not and note such findings in the reports. He also suggested the template for all reports may need to be changed based on the findings.

*The Public Hearing was closed at 10:06am.*

Upon motion by Commissioner Hamburg and second by Commissioner Silver, approval of the Anderson Valley Community Services District Sphere of Influence Update as stated in Resolution 15-16-08 with changes listed below was approved by roll call vote:

Edits:

Pg 7, 4<sup>th</sup> paragraph, add “to”

Pg 7, 4<sup>th</sup> paragraph, to the end of the paragraph add “These properties are included in the response area.”

Pg 8, 2<sup>nd</sup> paragraph, strike “Residents, as well as non-residents, use the District’s recreation services and pay the same fees for all program services.”

Pg 9, 4<sup>th</sup> paragraph, substitute “parcels” for “those”

Pg 9, last paragraph, change AVSD to AVCSD

Pg 10, 2<sup>nd</sup> paragraph, change “station” to “stations”

Pg 12, 1<sup>st</sup> paragraph, substitute “whose owners” for “who”

AVCSD and LAFCo staff to determine the use of AVCSD vs AVFD throughout document at each reference.

Ayes: Commissioners Doble, Hamburg, Hammerstrom, McCowen, McNerlin, Silver, and Ward

Absent: Madrigal

#### 7. Gualala Community Service District Sphere of Influence Update

Staff recommended continuation of the Public Hearing to the January Regular Meeting in order to allow Sonoma County LAFCo time to provide feedback on the Gualala CSD SOI, as it extends into Sonoma County.

*The Public Hearing was opened at 9:19am.*

Joe Wilson, Gualala District Manager, received comments and questions from Commissioners Doble, Hammerstrom, Hamburg, and Ward.

*The Public Hearing was continued to the January 4, 2016 meeting.*

Upon motion by Commissioner Hammerstrom and second by Commissioner Hamburg, continuation of the Public Hearing to the January 4, 2016 Regular meeting for the Gualala CSD SOI Update was approved by unanimous vote:

Ayes: Commissioners Doble, Hamburg, Hammerstrom, McCowen, Silver, and Ward

Absent: McNerlin and Madrigal

#### 8. Laytonville County Water District Sphere of Influence Update

Staff recommended approval of the Laytonville County Water District SOI Update, noting the reduction of proposed SOI. He noted the replacement of Agenda #8 Staff Report was distributed by the Clerk. The Laytonville CWD staff and Board have reviewed and approved the SOI Update.

*The Public Hearing was opened at 10:10am and closed at 10:11am.*

Upon motion by Commissioner McCowen and second by Commissioner Doble, approval of the Laytonville County Water District Sphere of Influence Update as stated in Resolution 15-16-09 was approved by roll call vote:

Ayes: Commissioners Doble, Hamburg, Hammerstrom, McCowen, McNerlin, Silver, and Ward

Absent: Madrigal

#### 9. Round Valley County Water District Sphere of Influence Update

Staff recommended continuation of the Public Hearing in order to further consult legal counsel regarding the tribal lands within the Round Valley CWD proposed SOI.

*The Public Hearing was opened at 9:27am.*

Paula Britton, Tribal Business Administrator, spoke regarding the Round Valley Tribes' lands within the Round Valley CSD proposed SOI. She supported a continuation of the Public Hearing to allow all parties time to consult with legal counsels and other entities. A meeting is planned with LAFCo staff, Round Valley CSD staff and Ms. Britton. Comments and questions were received from Commissioners Hammerstrom and McCowen.

Commissioners McCowen thanked Ms. Britton for her cooperation, input, and assistance.

*The Public Hearing was continued to the February 1, 2016 meeting.*

Upon motion by Commissioner Hammerstrom and second by Commissioner McCowen, continuation of the Public Hearing to the February 1, 2016 Regular meeting for the Round Valley CSD SOI Update was approved by unanimous vote:

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

*Chair Ward called a break from 10:12am – 10:22 pm.*

**Workshop - none**

#### **Matters for Discussion & Possible Action**

##### 10. CSDA Special District Interest Survey

Chair Ward noted the contract with CSDA has been signed and opened discussion to the Commission regarding the contents of the survey. The Commission requested the email surveys be sent out more than once and hard copies sent to districts known to not rely on email communication. The Commission also requested staff to remind district representatives of the survey when communicating with them on other matters in the next month.

##### 11. Caspar South Water District 12-Month MSR Review

George Williamson reviewed the staff report. He noted the inclusion of Mr. Al Stein's letter to LAFCo in the agenda packet and that Steve Clouse, District Board President, is working with LAFCo and the review will be on the January 4, 2016 Regular Meeting agenda. Chair Ward asked Mr. Williamson to communicate directly with Mr. Stein regarding his concerns, even where the issues do not pertain directly to LAFCo.

##### 12. Status of MSR and SOI Updates

George Williamson presented the staff report. Comments and questions were offered by Commissioners McCowen, Rosenberg, McNerlin, Ward.

Commissioner McNerlin stressed the importance of keeping to the approved budget. She suggested adding education on the MSRs and SOIs to the survey.

Chair Ward asked Mr. Williamson if he had heard from Mr. Baracco. Mr. Williamson referred to an email from Mr. Baracco to LAFCo staff noting he would not be at the December meeting but intended to present the remaining Fire District MSRs at the January 2016 meeting.

##### 13. Status of Current and Future Projects



George Williamson presented the staff report. Comments and questions were offered by Commissioners Rosenberg, Hammerstrom, McCowen, and Hamburg.

## **Other Items**

### 14. Correspondence

George Williamson noted the correspondence included within the packet:

- *Redwood Valley County Water District letter regarding application for Annexation/Dissolution.*
- *CALAFCO 2016 Calendar of Events*

### 15. Executive Officer's Report

George Williamson reported on the following:

- Special District Elections. Nominations are due December 15, 2015. Ballots will be produced and distributed, as appropriate.
- The Policies and Procedures Update has been distributed to Commissioners and feedback is requested by Friday, December 11, 2015.
- The Fiscal Audits are still underway with no update available.

### 16. Commissioners Reports, Comments or Questions

*Jerry Ward:* asked for an update on the ability for special district boards to appoint their own board members. George Williamson had no update available but anticipated one for January.

*Angela Silver:* presented materials from the CALAFCO SB 88 Water System Consolidation workshop she attended. Chair Ward directed staff to place the topic on the January agenda, particularly the role of LAFCo with JPAs and a summary of the legislation.

### 17. Legislation Report – There was no report presented.

## **Adjournment**

There being no further business, at 11:17am the meeting was adjourned to the next regular meeting on Monday, January 4, 2016 at 9:00 AM in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah, California.

**MENDOCINO  
Local Agency Formation Commission**

**Staff Report**

DATE: January 4, 2016  
 TO: Mendocino Local Agency Formation Commission  
 FROM: George Williamson, Executive Officer  
 SUBJECT: Claims for December 2015

The following claims are recommended for payment authorization:

| Name                                       | Account Description   | Amount     |
|--|---|------------|
| Planwest Partners                          | 5500 Basics Services: EO, Analyst, Administrator;<br>7501 SOI Updates; 6200 Bookkeeping;<br>9000 CSDA Training Coordination;<br>8008 & 8009 Applications: \$ 7,534.00<br>5500 Basic Services: Clerk \$ 1,767.50 | \$9,301.50 |
| Ukiah Valley Conf. Center                  | 5502 Office space: \$ 375.00<br>5503 Work room: \$ 30.00<br>5603 Photocopy: \$ TBA<br>5605 Postage : \$ TBA   | \$ 405.00  |
| P. Scott Browne                            | 6300 Legal Counsel Monthly flat fee: \$500.00   | \$ 500.00  |
| Fort Bragg Advocate-News                   | 5900 Publication and Legal Notices<br>Public Hearing Notice for SOI Updates:<br>AVCSD, Gualala CSD, Laytonville CWD   | \$ 46.86   |
| Ukiah Daily Journal<br>and<br>Willits News | 5900 Publication and Legal Notices<br>Public Hearing Notice for SOI Updates:<br>AVCSD, Gualala CSD, Laytonville CWD   | \$ 166.32  |

**Please note that copies of all invoices, bank statements, and petty cash register were forwarded to Commission Treasurer.**



INVOICE

DATE: December 25, 2015

INVOICE #: 15-218-12

TO: Mendocino LAFCo

PROJECT: LAFCo Planning/Staffing Services & Expense (December 1- 25, 2015)

December 1- 25 COSTS SUMMARY

|   |                    |
|---|--------------------|
| Acct 5500 - Basic Services Planwest                       | \$ 4,478.00        |
| Acct 5500 - Basic Services Clerk Services - Beth Solomone | \$ 1,767.50        |
| Acct 6200 - Other Services                                | \$ 312.00          |
| Acct 7001 - Municipal Services Reviews                    | \$ 1,450.00        |
| Acct 7501 - Sphere of Influence Updates                   | \$ 696.00          |
| Acct 8008 - Application City of Ukiah SOI Reduction       | \$ 364.00          |
| Acct 8009 - Application DeRuiter Detachment from IBWD     | \$ 156.00          |
| Acct 9000 - CSDA Training Coordination                    | \$ 78.00           |
| <b>TOTAL AMOUNT DUE</b>                                   | <b>\$ 9,301.50</b> |

Basic Services Acct 5500

|                                      |                              |             |
|--------------------------------------|------------------------------|-------------|
| Executive Officer, George Williamson | 13 hours at \$104 per hour   | \$ 1,352.00 |
| Analyst, Colette Metz                | 20 hours at \$78 per hour    | \$ 1,560.00 |
| Clerk, Elizabeth Salomone            | 50.50 hours at \$35 per hour | \$ 1,767.50 |
| GIS Analyst/Web Maint.               | 12 hours at \$58 per hour    | \$ 696.00   |
| Service Specialist                   | 15 hours at \$58 per hour    | \$ 870.00   |

Other Services Acct 6200

|                                      |                             |           |
|--------------------------------------|-----------------------------|-----------|
| Executive Officer, George Williamson | 3.0 hours at \$104 per hour | \$ 312.00 |
|--------------------------------------|-----------------------------|-----------|

MSRs Account 7001

|                    |                           |           |
|--------------------|---------------------------|-----------|
| Service Specialist | 14 hours at \$58 per hour | \$ 812.00 |
| GIS Analyst        | 11 hours at \$58 per hour | \$ 638.00 |

SOI Updates Acct 7501

|                    |                           |           |
|--------------------|---------------------------|-----------|
| Service Specialist | 12 hours at \$58 per hour | \$ 696.00 |
|--------------------|---------------------------|-----------|

Application - City of Ukiah SOI Reduction Acct 8008

|                                      |                            |           |
|--------------------------------------|----------------------------|-----------|
| Executive Officer, George Williamson | 3.5 hour at \$104 per hour | \$ 364.00 |
|--------------------------------------|----------------------------|-----------|

Application - Irish Beach Water District Detachment (De Ruiter) Acct 8009

|                       |                            |           |
|-----------------------|----------------------------|-----------|
| Analyst, Colette Metz | 2.0 hours at \$78 per hour | \$ 156.00 |
|-----------------------|----------------------------|-----------|

CSDA Training Coordination Acct 9000

|                       |                            |          |
|-----------------------|----------------------------|----------|
| Analyst, Colette Metz | 1.0 hours at \$78 per hour | \$ 78.00 |
|-----------------------|----------------------------|----------|

Basic Services/Administration

Prepared and posted agenda and packet materials and updated website. Coordinated meeting packet preparations, and staffed December 2015 commission meeting. Transcribed and reviewed draft December meeting minutes for review at January 2016 meeting. Staffed office in December. Prepared January meeting agenda and staff reports. Compiled claims for payment in January. Prepared policy update materials for adoption at the January meeting.

**Other Services**

Compiled claims for commissioner review and approval at December meeting. Entered claims into QuickBooks and prepared checks for claims to be authorized at January 2016 meeting.

**Municipal Service Reviews**

Tracked MSRs and researched LAFCo records to coordinate the completion of past adopted MSRs. Prepared and sent out initial letters advising of MSR Update to City of Fort Bragg, Brooktrails Township CSD, Mendocino City CSD, Mendocino Coast Recreation and Park District, Mendocino City, Covelo CSD, Fort Bragg Rural FPD, and Redwood Coast FPD.

**Sphere of Influence Updates/**

Presented Final Draft SOI Updates for December 7 hearing based on commission review and agency input for: Anderson Valley CSD and Laytonville CWD. All SOIs adopted by Commission. Incorporated Commission comments into an adopted version for LAFCo records.

Prepared SOI hearing draft version for Gualala Community Services District.

Continued to coordinate staff level reviews for the following agencies, Redwood Valley CWD, Willow CWD, Millview CWD; Calpella County Water District, Hopland PUD.

Continued review of SOI update for Round Valley CWD and provided outreach to Round Valley Tribes.

Sent questionnaires for the following SOI Updates: Mendocino Coast Healthcare District and Mendocino County Resource Conservation District,

Prepared Caspar South 12 Month Review materials for January 4, 2016 meeting.

**Applications**

**8008 - City of Ukiah SOI Reduction**

Received City request to withdraw application pending City General Plan Update, preparing cost accounting as requested by the City.

**8009 - Irish Beach Water District – Proposed Detachment (De Ruiter)**

Received resolutions passed by Irish Beach Water District at December meeting.

**CSDA Training Coordination**

Staff continued working with California Special Districts Association (CSDA) to bring one full-day workshop and three part-day workshops in 2016. CSDA distributed the interest survey to special districts by e-mail with Commission review and survey content approval.

To: Planwest Partners on behalf of Mendocino LAFCo

*Invoice*

**Invoice Detail for Elizabeth Salomone**

| <u>Date</u>                   | <u>Item</u>                       | <u>Hours</u>                          |                             | <u>Total Hours</u> |
|-------------------------------|-----------------------------------|---------------------------------------|-----------------------------|--------------------|
|                               |                                   | <b>5302<br/>Contract<br/>Services</b> | <b>5302<br/>MSR Updates</b> |                    |
| 12/1/2015                     | Basic Service Office Duties       | 5.75                                  |                             | 5.75               |
| 12/3/2015                     | Basic Service Office Duties       | 3.50                                  | 2.50                        | 6.00               |
| 12/4/2015                     | Basic Service Office Duties       | 1.00                                  | 2.25                        | 3.25               |
| 12/7/2015                     | Basic Service, Meeting and Office | 3.75                                  |                             | 3.75               |
| 12/8/2015                     | Basic Service Office Duties       | 6.75                                  |                             | 6.75               |
| 12/9/2015                     | Basic Service Office Duties       | 2.75                                  |                             | 2.75               |
| 12/10/2015                    | Basic Service Office Duties       | 4.25                                  |                             | 4.25               |
| 12/15/2015                    | Basic Service Office Duties       | 2.00                                  | 2.50                        | 4.50               |
| 12/17/2015                    | Basic Service Office Duties       | 4.00                                  |                             | 4.00               |
| 12/21/2015                    | Basic Service Office Duties       | 2.25                                  |                             | 2.25               |
| 12/22/2015                    | Basic Service Office Duties       | 5.00                                  |                             | 5.00               |
| 12/24/2015                    | Basic Service Office Duties       | 0.75                                  | 1.50                        | 2.25               |
| <b>Subtotal Hours</b>         |                                   | 41.75                                 | 8.75                        | 50.50              |
| <b>Costs at \$35 per hour</b> |                                   | <b>\$ 1,461.25</b>                    | <b>\$ 306.25</b>            | <b>\$ 1,767.50</b> |
| <hr/>                         |                                   |                                       |                             |                    |
| <b>Total Amount Due</b>       |                                   |                                       |                             | <b>\$ 1,767.50</b> |

**Law Offices of P. Scott Browne**

131 South Auburn Street  
Grass Valley, CA 95945

(530) 272-4250  
(530) 272-1684 Fax

**Marsha A. Burch**  
*Of Counsel*

Mendocino Lafco  
200 South School Street, Suite F  
Ukiah, CA 95482

Period Ending:

12/15/2015

*Payment due by the 15th of next month*

*In Reference To:* CLIENT CODE: MENDO-01

**Professional Services**

|   | <u>Hours</u> |                               |
|---|--------------|-------------------------------|
| 12/2/2015 PSB Review and respond to emails re: Executive Committee questions. | 1.80         |                               |
| 12/8/2015 PSB Review email from George Williamson.                            | 0.25         |                               |
| 12/10/2015 PSB Review email & respond.  | 0.25         |                               |
|   | <hr/>        |                               |
| SUBTOTAL:   | [ 2.30 ]     |                               |
|   |              | <hr/>                         |
| <b>Total Professional Hours</b>   | 2.30         | <b>Amount</b>                 |
| Per Representation Agreement, flat fee of \$500/month.                        |              | \$500.00                      |
| <b>Previous balance</b>   |              | \$500.00                      |
| <br><b><u>Payments and Credit Activity</u></b>                                |              |                               |
| 11/30/2015 Payment - Thank You. Check No. 1093                                |              | (\$500.00)                    |
| <b>Total payments and adjustments</b>   |              | (\$500.00)                    |
| <b>TOTAL BALANCE NOW DUE</b>  |              | <b><u><u>\$500.00</u></u></b> |

*Please make your check for this bill payable to P. SCOTT BROWNE, ATTORNEY. Please write the CLIENT CODE shown on this statement on your check to insure proper credit. Thank you!*

**MENDOCINO**  
**Local Agency Formation Commission**

**Staff Report**

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: George Williamson, Executive Officer  
SUBJECT: Monthly Financial Report

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**Application Revenues:**

Payments received in December for Application Deposits: NONE

*Note: At Treasurer's direction, application revenues are being tracked separately, as they are not budgeted expenses, but reimbursable fees paid by applicants on separate cost recovery track.*

**Other Deposits:**

NONE

**Budgeted Expenses:**

Attached is the updated budget track form with budget items, account numbers, and amounts for FY 2015-16 through December 2015. The December claims are also itemized in Agenda Item 4.

**Petty Cash:**

Office Supplies: NONE

(Note: Petty cash expenses allocated in budget track at time of expenditure)

Attachments: Budget Track Spreadsheet  
Application Track Spreadsheet

**Mendocino Local Agency Formation Commission  
FY 2015-16 Budget Track - Through November 30, 2015**

| Task   | Account #s | FY 15-16<br>Budget/Deps   | July               | August             | Sept.              | Oct.               | Nov.               | Dec.              | Year to Date       | Remaining<br>Budget* |
|--|------------|---------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|-------------------|--------------------|----------------------|
| <b>Contract Services - Basic Services</b>                        |            | <b>\$59,000.00</b>        |                    |                    |                    |                    |                    |                   |                    |                      |
| Basic Services - EO/Analyst/GIS                                  | 5500       | \$41,000.00               | \$5,213.00         | \$4,819.00         | \$4,270.00         | \$6,532.00         | \$5,303.00         | \$4,478.00        | \$30,615.00        | \$10,385.00          |
| Basic Services - Clerk   | 5500       | \$18,000.00               | \$1,216.25         | \$1,837.50         | \$1,251.25         | \$1,540.00         | \$1,715.00         | \$1,767.50        | \$9,327.50         | \$8,672.50           |
| <b>Other Expenses</b>  |            | <b>\$46,235.00</b>        |                    |                    |                    |                    |                    |                   |                    |                      |
| Rent   | 5501-5503  | \$4,860.00                | \$405.00           | \$405.00           | \$405.00           | \$405.00           | \$405.00           | \$405.00          | \$2,430.00         | \$2,430.00           |
| Office Expenses (postage, copying, petty cash replenishment) EST | 5600       | \$2,800.00                | \$254.14           | \$44.09            | \$110.09           | \$337.43           | \$15.47            |                   | \$761.22           | \$2,038.78           |
| Office Equipment   | 5607       | \$0.00                    |                    |                    |                    |                    |                    |                   | \$0.00             | \$0.00               |
| Internet & Website Costs   | 5700-5703  | \$1,056.00                |                    |                    |                    | \$45.54            |                    |                   | \$45.54            | \$1,010.46           |
| Publication & Legal Notices                                      | 5900       | \$3,100.00                |                    | \$261.45           |                    |                    | \$225.57           | \$213.18          | \$700.20           | \$2,399.80           |
| Televising Meetings  | 6000       | \$2,112.00                | \$380.00           | \$250.00           |                    |                    |                    |                   | \$630.00           | \$1,482.00           |
| Audit Services   | 6100       | \$3,000.00                |                    |                    |                    |                    |                    |                   | \$0.00             | \$3,000.00           |
| Bookkeeping (Other)  | 6200-6203  | \$4,100.00                | \$416.00           | \$416.00           | \$520.00           | \$520.00           | \$312.00           | \$312.00          | \$2,496.00         | \$1,604.00           |
| Legal Counsel (S Browne)   | 6300       | \$6,000.00                | \$500.00           | \$500.00           | \$500.00           | \$500.00           | \$500.00           | \$500.00          | \$3,000.00         | \$3,000.00           |
| A-87 Insurance Costs   | 6400       | \$3,000.00                |                    |                    |                    |                    |                    |                   | \$0.00             | \$3,000.00           |
| Insurance General Liability                                      | 6500       | \$1,200.00                | \$964.60           |                    |                    |                    |                    |                   | \$964.60           | \$235.40             |
| Memberships (CALAFCO/CSDA)                                       | 6600       | \$2,100.00                |                    |                    |                    | \$1,156.00         |                    |                   | \$1,156.00         | \$944.00             |
| In-County Travel   | 6740       | \$4,300.00                |                    |                    |                    |                    |                    |                   | \$0.00             | \$4,300.00           |
| Travel & Lodging Expenses  | 6750       | \$5,000.00                |                    |                    | \$1,307.08         |                    | \$179.50           |                   | \$1,486.58         | \$3,513.42           |
| Conferences (CALAFCO)  | 6800       | \$3,000.00                | \$1,796.00         |                    |                    |                    | \$80.12            |                   | \$1,876.12         | \$1,123.88           |
| Training   | 9000       | \$12,000.00               |                    |                    |                    |                    | \$338.00           | \$78.00           | \$416.00           | \$11,584.00          |
| <b>MSR &amp; SOI Updates</b>                                     |            | <b>\$34,000.00</b>        |                    |                    |                    |                    |                    |                   |                    |                      |
| MSR Reviews - Admin  | 7001       | \$5,000.00                |                    |                    |                    |                    |                    | \$1,450.00        | \$1,450.00         | \$3,550.00           |
| SOI Updates  | 7501       | \$29,000.00               | \$5,457.00         | \$4,930.00         | \$4,350.00         | \$6,066.00         | \$4,470.00         | \$696.00          | \$25,969.00        | \$3,031.00           |
| <b>FY 2013-14 MSR Finalization</b>                               |            | <b>\$6,300 + Expenses</b> |                    |                    |                    |                    |                    |                   |                    |                      |
| Barraco & Associates **  | 7000       | \$6,300.00                |                    |                    |                    |                    |                    |                   | \$0.00             | \$6,300.00           |
| FY 2013-14 Final MSR Exp.  | 7000       |                           |                    |                    |                    |                    |                    |                   | \$0.00             | \$0.00               |
| <b>Monthly/ Year to Date Totals</b>                              |            |                           | <b>\$16,601.99</b> | <b>\$13,463.04</b> | <b>\$12,713.42</b> | <b>\$17,101.97</b> | <b>\$13,543.66</b> | <b>\$9,899.68</b> | <b>\$83,323.76</b> |                      |

\* Amount remaining reflects prior year charges

\*\* Amount reflects balance from prior year contract



**Mendocino Local Agency Formation Commission  
FY 2015-16 Applications Deposits/Expenses Track - Through December 25 2015**

**Applications**

| Task                          | Account # | FY 15-16<br>Deposits | July     | August * | September ** | October    | November | December | Year to Date | Remaining<br>Deposit |
|-------------------------------|-----------|----------------------|----------|----------|--------------|------------|----------|----------|--------------|----------------------|
| City of Ukiah SOI Reduction   | 8008      | (3,351.50)           | (927.00) | 4,896.00 |              |            |          | (364.00) | 1,031.00     | 253.50               |
| Irish Beach WD Detachment     | 8009      | 1,808.00             |          | (182.00) | (832.00)     | (312.00)   |          | (156.00) | (1,326.00)   | 326.00               |
| Irish Beach WD Moores Annex   | 8001      | 839.44               |          |          |              |            |          |          |              | 839.44               |
| City of Ukiah UVSD Detachment | 8010      | 1,532.75             |          |          |              |            |          |          |              | 1,532.75             |
| RRFC/RVWD                     | 8014      | (624.00)             |          | 624.00   |              |            |          |          | -            | \$0.00               |
| City of Ukiah SOI (EIR)       | 8015      | 20,000.00            |          |          | (3,764.05)   | (8,249.64) | (286.75) |          | (12,300.44)  | 7,699.56             |

\* August - City of Ukiah SOI Acct 8008 - Received \$5,000.00 deposit & incurred expenses of \$104.00

\* August - RRVC/RVWD - Received \$312.00 deposit checks from each totalling \$624.00

\*\* September - Set up new Account 8015 for City of Ukiah SOI (EIR) - Received a deposit check \$20,000.00

Note: Fort Bragg FDP Detachment still outstanding \$7,452.37

**MENDOCINO**  
**Local Agency Formation Commission**

**Staff Report**

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: George Williamson, Executive Officer  
SUBJECT: Approval of Lease Renewal

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The Commission leases office space in the Ukiah Valley Conference Center, which is subject to an annual lease renewal. There is no change in monthly rent proposed (\$400/month) and the lease provisions include standard liability insurance. This item has been agendaized as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking favorable action on authorizing the Executive Officer and/or the Chair to proceed with entering into a new lease agreement for 2016.

# MENDOCINO

## Local Agency Formation Commission

### Staff Report

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: George Williamson, Executive Officer  
SUBJECT: **Public Hearing** for Gualala Community Services District Sphere of Influence Update

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#### **Background**

This is a continued public hearing item to consider expansion of the Gualala Community Services District's (CSD) SOI to include the Gualala Point Regional Park. The Commission reviewed the draft SOI Update at a public workshop in November and the final draft SOI Update at a public hearing in December. The hearing was continued to allow time for Sonoma LAFCO to review and comment on the proposed SOI amendment at their December 2, 2015 regular meeting. At this meeting, the Sonoma LAFCO Commission voted to support an amendment to Gualala CSD's SOI (see Attachment 3, Sonoma LAFCo Letter). Presented here is the Gualala CSD SOI Update for public hearing. Comments and revisions made to the document subsequent to the December hearing are highlighted in track changes.

The Gualala CSD provides wastewater services to the community of Gualala. In addition, the Gualala CSD provides out of district services via sewer connection to the Gualala Point Regional Park (123 acres) in Sonoma County and pumping services via truck to nearby beaches and campground toilet vaults. According to Sonoma County Parks Department, future development of visitor amenities at the park will require Gualala CSD services. Short term plans include replacement of the restrooms and connection of the park offices and residences (Sonoma County Draft LCP, June 2015). According to the Gualala CSD, the District is in the process of expanding its treatment capacity. Such action would allow the District to serve additional uses and connections at the park.

Considering the Gualala Point Regional Park is currently receiving Gualala CSD sewer services and Sonoma County Regional Parks has announced plans to expand that use in the future, staff recommends expanding the Gualala CSD's SOI to include the Gualala Point Regional Park in Sonoma County. Amendment of the District's SOI to include the Park could lead to annexation in the future, thereby creating a multi-county district, which is allowed under state law. Should that occur, Mendocino would be the "principal county," in that, pursuant to state law, it would have the greater portion of the entire assessed value of all taxable property within the District. It should be noted that annexation is not currently contemplated.

#### **Recommendation**

Staff recommends the Commission adopt Resolution No. 15-16-10 (attachment 2), approving a sphere of influence amendment (expansion) for Gualala Community Services District to include the Gualala Point Regional Park in Sonoma County.

Attachments: 1) Gualala CSD SOI Update Hearing Draft  
2) Resolution of Adoption  
3) Sonoma LAFCo Letter

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**MENDOCINO**    **Local Agency Formation Commission**

Ukiah Valley Conference Center    ♦    200 South School Street    ♦    Ukiah, California 95482

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**GUALALA COMMUNITY SERVICES  
DISTRICT**

**SPHERE OF INFLUENCE UPDATE**

Prepared in accordance with Government Code §56425

**Update Dates**

Commission Review

Administrative Draft Workshop- November 2, 2015

Draft Hearing- December 7, 2015

January 4, 2016

Adoption- DATE

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## **INTRODUCTION**

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### **OVERVIEW**

This update is prepared in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH Act) which states, “In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the county and its communities, LAFCo shall develop and determine the Sphere of Influence (SOI) of each local governmental agency within the county” (GC §56425). A “SOI” is defined under the CKH Act as “.... a plan for the probable physical boundaries and service area of a local (government) agency” (GC §56076).

Decisions on organizational changes must be consistent with the SOI boundary and determinations. The adopted SOI is used by LAFCo as a policy guide in its consideration of boundary change proposals affecting each city and special district in Mendocino County. Other agencies and individuals use adopted SOIs to better understand the services provided by each local agency and the geographic area in which those services will be available. Clear public understanding of the planned geographic availability of urban services is crucial to the preservation of agricultural land and discouraging urban sprawl.

The following update will assess and recommend an appropriate Gualala Community Services District (Gualala CSD or District) Sphere of Influence (SOI). The objective is to update Gualala CSD’s SOI relative to current legislative directives, local policies, and agency preferences in justifying whether to (a) change or (b) maintain the designation. The update draws on information from the Gualala CSD Municipal Services Review (MSR), which includes the evaluation of availability, adequacy, and capacity of services provided by the District.

### **REVIEW PERIOD**

SOI reviews and updates typically occur every five years, or as needed. A local agency’s services are analyzed with a twenty year planning horizon, and a sphere is determined in a manner emphasizing a probable need for services within the next 5-10 years. Actual boundary change approvals, however, are subject to separate analysis with particular emphasis on determining whether the timing of the proposed action is appropriate.

### **EVALUATION CONSIDERATIONS**

When updating the SOI, the Commission considers and adopts written determinations:

#### **Sphere Determinations: Mandatory Written Statements**

1. Present and planned land uses in the area, including agricultural and open space.
  2. Present and probable need for public facilities and services in the area.
  3. Present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide.
  4. Existence of any social or economic communities of interest in the area if the commission determines they are relevant to the agency.
  5. If the city or district provides water, sewer, or fire, the present and probable need for those services of any disadvantaged unincorporated communities within the existing sphere.
-

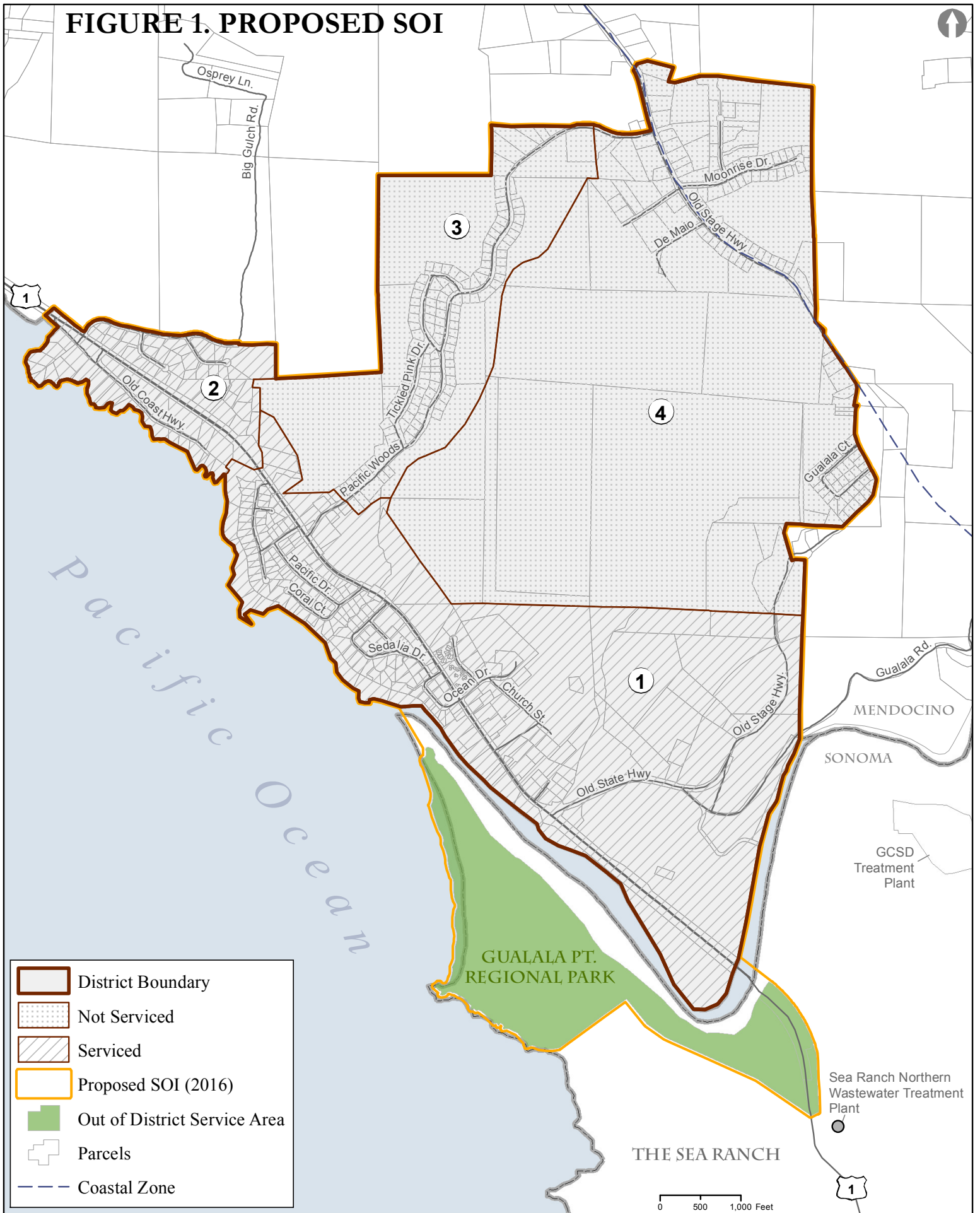
Policies specific to Mendocino LAFCo are also considered along with determinations in administering the CKH Act in Mendocino County. This includes considering the merits of the SOI, or any changes, relative to the Commission's seven interrelated policies, as listed below, with respect to determining the appropriate SOI.








### **General Guidelines for Determining Spheres of Influence**

The following is excerpted from *Mendocino LAFCo's 2004 Policies and Procedures*, "Chapter 5: Policies That May Apply for Some Applicants":

1. Territory that is currently receiving services from a local agency shall be considered for inclusion within that agency's sphere. Territory that is projected to need services within the next 5-10 years may be considered for inclusion within an agency's sphere, depending on a number of factors required to be reviewed by LAFCo. Additional territory may be considered for inclusion if information is available that will enable the Commission to make determinations as required by Section 56425.
2. Territory will not be considered for inclusion within a city's sphere of influence unless the area is included within the city's general plan land use or annexation element.
3. A special district that provides services, which ultimately will be provided by another agency (e.g. mergers, consolidations) will be assigned a zero sphere.
4. When more than one agency can serve an area, agency service capabilities, costs for providing services, input from the affected community, and LAFCo's policies will be factors in determining a sphere boundary.
5. If additional information is necessary to determine a sphere boundary a partial sphere may be approved and a special study area may be designated.
6. A local agency may be assigned a coterminous sphere with its existing boundaries if:
  - There is no anticipated need for the agency's services outside its existing boundaries.
  - There is insufficient information to support inclusion of areas outside the agency's boundaries in a sphere of influence.
  - The agency does not have the service capacity, access to resources (e.g. water rights) or financial ability to serve an area outside its boundaries.
  - The agency's boundaries are contiguous with the boundaries of other agencies providing similar services.
  - The agency's boundaries are contiguous with the sphere of influence boundaries previously assigned to another agency providing similar services.
  - The agency requests that their sphere of influence be coterminous with their boundaries.
7. If territory within the proposed sphere boundary of a local agency does not need all of the services of the agency, a service specific sphere of influence may be designated.

**FIGURE 1. PROPOSED SOI**



-  District Boundary
-  Not Serviced
-  Served
-  Proposed SOI (2016)
-  Out of District Service Area
-  Parcels
-  Coastal Zone

**Gualala Community Services District**

Prepared for  
Mendocino  
LAFCo by: **PLANWEST PARTNERS, I.C.**  
Date: 12/22/2015

Sources: Boundaries - Mendocino County CDSD, Roads - US Census TIGER.  
Path: D:\Planwest\_GIS\projects\current\Mendocino\_LAFCo\CSD\Gualala\_CSD.mxd



## **OVERVIEW**

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### **CURRENT AGENCY OPERATIONS**

The Gualala Community Services District (Gualala CSD or District) provides wastewater services to the coastal unincorporated community of Gualala and is wholly located within Mendocino County. Services include the collection, treatment, and disposal of wastewater generated by residential and commercial connections within the service area and maintenance of related facilities and equipment. The Gualala CSD provides out of district services via sewer connection to the Gualala Point Regional Park to the south and pumping services via truck to nearby beaches and campground toilet vaults (District Administrative Manager, October 2015). These out of district services are located primarily in Sonoma County.

The District boundaries include four (4) service zones and encompass 1,430 acres (2.23 square miles). There are approximately 416 billable units on a total of 369 parcels within Service Zones 1 and 2 (District Administrative Manager, October 2015). Properties within Service Zones 3 and 4, while within the District boundaries, do not receive services from the District and rely on individual onsite wastewater systems (MSR 2014).

### **BACKGROUND**

Mendocino County is the principal county for Gualala CSD and Mendocino LAFCo is the principal LAFCo. In a few instances, services are provided by the District within Sonoma County.

The District serves residents of the unincorporated community of Gualala, in the southwest portion of Mendocino County and adjacent to the Pacific Ocean. Located north of the Sea Ranch and south of Point Arena, California, the District shares its southern boundary with the border of Mendocino and Sonoma counties. The Gualala community is the socioeconomic center of the area. The Pacific Ocean forms the western boundary of the District and offers coastal resources such as beaches, wildlife, and fisheries.

The Gualala CSD was initially formed in 1986 through Mendocino LAFCo's approval of Resolutions 86-2 and 86-4 on July 7, 1986; and the Mendocino County Board of Supervisor's approval of Resolution 86- 175 on August 5, 1986. The District's facilities were constructed via 10 percent local funding and a grant under the Clean Water Act through the State Water Resources Control Board. Construction of the infrastructure and treatment facilities was completed in September 1992 and the wastewater treatment plant began operations October 1, 1992 (MSR 2014).

### **MUNICIPAL SERVICE REVIEW**

In 2014/15, a Countywide Water and Wastewater Services Municipal Service Review (MSR) was prepared by Mendocino LAFCo, which included a section on the Gualala CSD. MSR's are a prerequisite for establishing, amending, or updating spheres of influence. As such, much of the information contained herein comes directly from the Gualala CSD MSR, adopted by the Commission on October 6, 2014.

### **SPHERE OF INFLUENCE**

#### **Existing Sphere**

The Gualala CSD's Sphere of Influence (SOI) was originally established in 1986 as part of the

District's formation and has not been updated since. Though not originally depicted, the SOI may be seen on a map dated August 5, 1991, in LAFCO's files. This map may have been prepared as part of a Master Service Element that was prepared at that time. The map depicts three zones within the SOI, Zones A, B, and C. Zones A and B are located to the north of the District. Zone C is located to the east/south-east of the District. The map notes that the intent was to provide sewer service to Zones A and C within 10 years and service to Zone B within 15 years. LAFCO staff have recreated the map, which may be seen in Appendix A, Figure 3. If in fact Zones A, B, and C are within the existing SOI, the District has indicated it will not seek expansion of the existing boundaries into the SOI for at least another 15 years (MSR 2014). Given the lack of services provided to this area, and the District's indicated plans, this update will not consider the historic SOI further.

### **Out of District Service**

The Gualala CSD collects and treats wastewater via a service connection from the Gualala Point Regional Park, which is managed by the Sonoma County Parks Department. This "Out of District Service Area" is adjacent to the Gualala CSD boundary in Sonoma County, just south of the Mendocino County line and north of The Sea Ranch (See Figure 1). The Gualala Point Regional Park, part of the Sonoma County Regional Parks system, consists of 195 acres of open meadows and coastal forest and contains a visitors' center, picnic tables, a campground, a 2.9-mile trail system, and the Gualala Point Beach. According to the Gualala CSD, the Park was connected when the District started servicing customers in June 1992. No records exist of the original agreement, but the District reports that the Park has paid fees since service began (District Administrative Manager, October 2015).

Currently, the Gualala CSD provides wastewater services via a service connection to park restrooms, and pumping services to a dump station and to septic tanks at the two park residences at the Gualala Point Regional Park. Sonoma County has indicated future development of visitor amenities at the park will require Gualala CSD services. The public access plan of the Sonoma County Local Coastal Plan, which is currently in draft form pending community input and further analysis and consideration, anticipates future development of park facilities. Short term plans include connecting the park office and park residences to the existing park sewer system per existing Gualala CSD agreement when funding is available, and replacing the Beach restroom (Sonoma County LCP, June 2015).

In addition to the Gualala Point Regional Park, the District provides pumping services via truck to nearby facilities. The facilities that receive pumping services include:

- Salal Beach
- Shell Beach
- Pebble Beach
- Black Point Beach
- Stillwater Beach
- Stillwater campgrounds

The District reports that it pumps the toilet vaults at these facilities. The operator lifts the toilet off the floor and puts the hose in the vault and pumps out the solids. Liquid goes to the leach fields. (District Administrative Manager, October 2015).

## **DISADVANTAGED UNINCORPORATED COMMUNITIES**

LAFCo is required to evaluate disadvantaged unincorporated communities (DUCs) as part of an SOI review, including “...the present and probable need for those public facilities and services of any DUCs within the existing sphere of influence” (GC §56425). A DUC is defined as any area with 12 or more registered voters where the median household income (MHI) is less than 80 percent of the statewide MHI. Within a DUC, three basic services are evaluated: water, sewage, and fire protection. The Gualala CSD provides wastewater, and is therefore only responsible for assuring that this service is adequately provided to the community.

The Gualala CSD serves a portion of the community of Gualala and not all residents within the community are within the District. However, Gualala is not a ‘census designated place’ (CDP), therefore the median household income amount is not available. Even if the Gualala community qualified as a DUC, there are no indications that wastewater service from Gualala CSD is substandard, especially given that effluent is treated to tertiary standards (MSR 2014). With regard to water services, the Gualala CSD is located wholly within the North Gualala Water Company service area, which provides domestic water services to the community. With regard to fire protection services, the South Coast Fire District provides fire protection and emergency medical services to Anchor Bay and Gualala.

The Gualala CSD is located 3 miles south of Anchor Bay, which is a ‘census designated place’ (CDP), and considered a disadvantaged community according to the California Department of Water Resources Disadvantaged Communities Mapping Tool. The 2010 median household income (MHI) for Anchor Bay is \$29,471, which is 48% of the California 2010 MHI (\$61,094). Anchor Bay does not receive wastewater services from any agency. Service by the Gualala CSD to Anchor Bay is assumed to be unfeasible and limited by distance and infrastructure.

As the closest DUC to Gualala, any annexation must also consider including the Anchor Bay community due to its DUC status. The proposed SOI extends to the south and there is no proposal to extend to the north towards Anchor Bay. Therefore no additional territory is planned to be annexed to the GCSO where Anchor Bay must be considered due to its DUC status, and that extending service to this community is not feasible due to topography, distance and capacity. There are no other DUCs that could feasibly be considered for the GSD SOI.

## **POPULATION AND LAND USE**

### **Population and Growth**

The Gualala CSD estimates that 750 people currently live within the District’s boundaries (i.e., Service Zones 1, 2, 3, and 4) (Administrative Manager, November 2015). The 2014 MSR estimates that the 2015 population for the entire community of Gualala is around 2,133 people.

Projecting future growth within the District boundaries is a challenge since Gualala is a small unincorporated town with no central point to obtain economic data. U.S. Census data is not separated out for Gualala. Compounding this problem is that much of Gualala’s market is driven by economic activities in Sonoma County.

A Community Action Plan was prepared for the community of Gualala in 2007. During plan preparation, a socio-economic study was created and entitled “Appendix D, Economic Inputs to Gualala Community Action Plan”. This study estimates a future growth rate for Gualala at

approximately 16 new residences per year with an average household size of 2.25 persons per household. This results in an average annual growth rate of 8 percent, which is much higher than that projected for Mendocino County as a whole (MSR 2014).

The California Department of Finance (DOF) estimated a 1.1 percent annual growth rate for the unincorporated portions of Mendocino. Using their more conservative rate, the 2014 MSR estimates the Gualala community will have a population of 2,173 in 2020 and 2,257 in 2030. The MSR then notes that the actual growth rate in Gualala is likely to be much less than that estimated due to the water moratorium imposed on the North Gualala Water Company by the California Public Utilities Commission. Due to difficulty in securing rate increases to support needed infrastructure repair, the North Gualala Water Company is not accepting new connections to its water service and this constrains future growth in the area. No new homes can be built due to lack of water infrastructure and the Gualala CSD is not expecting any increases in demand for its wastewater treatment services until the water moratorium is lifted and growth and development resume (MSR 2014).

### **Land Use and Development**

Properties within the Gualala CSD are primarily zoned residential, commercial, light agricultural and coastal open space. Local businesses include lodging establishments, restaurants and cafes, supermarkets, bakeries, shops, galleries, medical services, pharmacy, real estate services, and banks. The Gualala Town Plan does provide policies to support new development in the area. For example, the Ocean Ridge Subdivision, located near the eastern part of Service Zone 3, has a total of 100 approved lots and only 40 percent of these lots are currently developed. Additionally, a 480-acre “residential reserve” is located east of town and was identified as a suitable location for future residential development (MSR 2014).

The majority of the District is located within the Coastal Zone, and an Urban/Rural Boundary has been identified that generally encompasses Service Zones 1 and 2 (See Figure 2 in Appendix A).

## **CAPACITY AND SERVICE**

### **Wastewater System**

The District provides collection, treatment, and disposal of wastewater generated by hookups within the service area and maintenance of related facilities and equipment services. Wastewater is treated to a tertiary level. To achieve the tertiary level of treatment, the District utilizes an extended aeration activated sludge plant with clarification and Title 22 Sand Filter and Disinfection method. The Wastewater Treatment Plant is a Step System. The waste solids are disposed of at a solids disposal site and the treated effluent is used to irrigate the Sea Ranch Golf Links (MSR 2014).

The District has an agreement with the Sonoma County Water Agency to treat secondary effluent from The Sea Ranch. Currently, The Sea Ranch sends its secondary treated water to the District for further treatment to tertiary standards. The tertiary recycled water is then stored and used to irrigate the Sea Ranch Golf Links course (MSR 2014 & Sonoma LAFCo 2004).

The State Water Resources Control Board (SWRCB) recommended that the District plant be located in Sonoma County to enable the additional use of the treatment plant as a reclamation facility for the Sea Ranch development and golf course. Authorities felt that this recommendation

would reduce and offset freshwater demands on the environmentally sensitive Gualala River (MSR 2014).

The wastewater system was designed to serve existing development and provide for additional growth within the Gualala CSD Sewer Assessment District boundaries, which approximates the boundaries of Zones 1 and 2 (Coastal Commission, 2007). New development within Service Zones 1 and 2 must connect to the wastewater treatment system. Service Zones 3 and 4, while located within the District's boundaries, generally do not receive sewer service; rather, these areas are assumed to be served via private septic systems (MSR 2014). In 2003, the Gualala CSD commissioned a Sewer Feasibility Study which outlined various options and costs for extending and expanding District facilities to provide sewer service to these zones. Expansion of the wastewater treatment plant would likely require a Local Coastal Plan amendment and further environmental review. Since Service Zones 3 and 4 are not within the urban side of the Urban/Rural Boundary, extension of services to these areas requires Coastal Commission review. The District provided a service connection to an area in Service Zone 4 along Old Stage Coach Road in 2008. The connection process required a Coastal Development Permit and extensive review (Coastal Commission 2008). Individual connections based on need are possible in Service Zones 3 and 4, but require extensive resources.

The District has also surveyed residents within these two service zones and the survey results indicate that most residents prefer to retain their septic system. The District would need a resident majority to approve the funding required to extend services to the entirety of these zones. To provide full service to either non-served zone would require significant costs to the District and residents in these area and is not presently economically feasible. Due to costs of new planning/infrastructure, and resident preference, the District does not have any immediate plans to expand their facilities into Service Zones 3 and 4, or elsewhere (MSR 2014).

### **Treatment Capacity**

The treatment plant currently receives approximately 66 gpd per person during the winter period, and a daily average flow volume of 65,000 gpd. Peak flow in the 2014 MSR was reported as 125,000 gpd. In the past the District has experienced minor sanitary sewer overflows. The State Regional Water Quality Control Board levied fines on the District, which were paid. Additionally, peak flow capacity was exceeded in February 2009 and January 2010 at 132,400 gpd and 172,600 gpd, respectively (MSR 2014). The District takes measures to ensure the integrity of the wastewater collection system, including regular inspections of the system (visual and video) and adding cleanouts in the gravity lines for camera access (MSR 2014).

The District reported that the plant and collection system are generally in good condition. The Gualala CSD treatment plant had an original design capacity of 131,000 gallons per day (gpd). However, the Gualala CSD is upgrading the system. They added a second filter and are in the process of adding a second clarifier in the spring of 2016. The additions will substantially reduce risk in case of a major equipment failure, and increase the plant's peak capacity (District Administrative Manager, October 2015). Official capacity estimates will not be available until the Gualala CSD undergoes the permitting process in 2016, but the District reports that the new filter is able to handle 400,000 gpd, and the second clarifier will support increased filter flow capacity. (District General Manager, November 2015). In terms of billable units, currently the District reports that it serves 189 single residential homes, 12 multiple residences, 18 mixed use residences

(commercial and residential), 139 commercial, and 1 mobile home park with 58 units (District Administrative Manager, October 2015).

### **Relevant Local Agencies and Communities of Interest**

The Gualala CSD, Sonoma County Water Agency, and the Sea Ranch Golf Course have a 40-year Tri-Party Agreement that was adopted in 1992, which pertains to the service relationship discussed in the above wastewater system section. There are a number of current issues related to the agreement, including treatment capacity and costs for services. The parties are in the process of re-writing the agreement, which also ties into the District's renewal of its permit from the Regional Water Quality Control Board. Other external partners and stakeholders include the Gualala Municipal Advisory Council (GMAC), the Sonoma County Water Agency (SCWA), North Gualala Water Company, and Mendocino County (MSR 2014).

The Gualala CSD is located entirely within the North Gualala Water Company's Service Area. The District does not jointly own or share any capital facilities or services with other agencies. Due to the geographic isolation of the District, there are no areas within the existing District boundaries that might be served more efficiently by another agency (MSR 2014).

### **RELEVANT PLANNING AND SERVICE FACTORS**

Mendocino County regulates growth and development that occurs within the District's boundaries. Several County plans and policies regulate this growth including a General Plan (Mendocino, 2009) and a zoning ordinance. The County's zoning ordinance contains three major parts and the Gualala area is included in the Coastal Zoning Code.

On January 15, 2002, Mendocino County adopted The Gualala Town Plan as part of the Coastal Element of the Mendocino County General Plan. This plan serves as the Local Coastal Plan required as part of the California Coastal Act. The Gualala Town Plan provides planning goals and policies that establish a scenario for growth within the Town Plan area over a 30-year planning horizon (i.e. until 2032). Additionally, the Board of Supervisors created the Gualala Municipal Advisory Council (GMAC) in 1990 with a two-part mandate to 1) advise the Board of Supervisors on current development applications; and 2) to indicate long-range planning efforts to update the Coastal Element of the Mendocino County General Plan as it pertains to the Gualala area.

#### **County of Mendocino General Plan**

General Plan Development Element (DE) Water Supply and Wastewater Services Policies:

Policy DE-186: Coordinate community water and sewer services with General Plan land use densities and intensities.

Policy DE-187: The County supports efficient and adequate public water and sewer services through combined service agencies, shared facilities, or other inter-agency agreements.

Action Item DE-187.1: Work aggressively with water and sewer service providers to overcome current and projected system and supply deficiencies necessary to serve planned community growth.

Action Item DE-187.2: Support funding applications to improve and expand water and sewer service capabilities in areas planned for future growth or to resolve existing deficiencies.

Action Item DE-187.3: Work with communities and public service entities to monitor, manage and/or maintain community-wide or decentralized water or sewer systems.

Policy DE-188: Encourage water and sewer service providers to incorporate water conservation, reclamation, and reuse.

- Encourage the development and use of innovative systems and technologies that promote water conservation, reclamation, and reuse.
- Encourage the development of systems that capture and use methane emissions from their operation.
- Encourage the development and use of innovative systems and technologies for the treatment of wastewater.

Policy DE-189: Oppose extension of water or sewer services to rural non-community areas when such extensions are inconsistent with land use and resource objectives of the General Plan, except where the extension is needed to address a clear public health hazard.

Policy DE-190: Development of residential, commercial, or industrial uses shall be supported by water supply and wastewater treatment systems adequate to serve the long-term needs of the intended density, intensity, and use.

Policy DE-191: Land use plans and development shall minimize impacts to the quality or quantity of drinking water supplies.

### **Coastal Element 3.8**

“The Gualala Community Services District (GCSD) sewer treatment system was designed to serve existing development and additional growth within the GCSD Sewer Assessment District boundary. The system was designed to accommodate annual increases of residential growth at a constant rate of 2 percent for a twenty (20) year planning horizon. This was in conformance with population increases projected in Policy 3.9 (Locating and Planning New Development) of between 0.5 and 2.4 percent. Annual increases in commercial development were projected at 3 percent for the twenty (20) year planning period. Requests for sewer service outside the existing GCSD Sewer Assessment District boundary, but within the approved Gualala Community Services District boundary, shall be subject to environmental review of development-related impacts, and may require an amendment of the county Land Use Plan.”

### **Coastal Element- Gualala Town Plan**

*Sever Service/ Septic Availability* pg. 276

“The Gualala Community Services District (GCSD) wastewater treatment system was completed in 1993. The GCSD area encompasses approximately 1,430 acres, 550± acres of which are included within the initial Sewer Assessment District boundary. The Gualala Town Plan area includes most of the GCSD area. Construction of the community wastewater treatment system removed one of the primary constraints to commercial development in Gualala. The initial design capacity of the system of 625 Equivalent Single Family Dwellings (ESDs) assumed a two percent annual residential growth rate and a three percent annual commercial growth rate for a 20-year planning horizon.”

It should be noted that the Gualala Town Plan includes a map that depicts the Urban/Rural boundary for the community. In a 2007 California Coastal Commission (CCC) Staff Report, a map is presented as Exhibit #4 which presents a corrected Urban/Rural Boundary that is smaller in area

than that presented in the Gualala Town Plan (See Figure 4, Appendix A). The corrected Urban/Rural Boundary appears to only include Service Zones 1 and 2, which are already receiving services from the Gualala CSD.

## ***DISCUSSION***

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With new treatment plant upgrades and a low anticipated growth rate, Gualala CSD has enough treatment capacity to provide for present wastewater service connections, the anticipated service needs of Service Zones 1 and 2, and the Gualala Point Regional Park. Given the ongoing needs and future growth of the Gualala Park, inclusion of the park in Gualala CSD's SOI is appropriate. Inclusion of the Park in the sphere will enable the Park to provide necessary visitor amenities into the future, while the existing open space/recreational land uses of the area ensures minimal growth inducement and consistency with LAFCo policy.

Amendment of the District SOI to include Out of District Service Area could lead to annexation of the Park in the future. Doing so would create a district with territory in two counties, which is allowed under state law. Should this happen, Mendocino would be the "principal county," pursuant to state law; it would have the greater portion of the entire assessed value of property within the District. It should be noted that annexation of the Out of District Service Area is not currently contemplated by the District.

The continued inclusion of Service Zones 3 and 4 in the SOI appears warranted for a number of reasons: The District provides service to at least one connection in Service Zone 4. As discussed above, the Gualala CSD does not have immediate plans to provide service to the *entirety* of either Service Zone, but there may be properties within these areas that require sewer services. Including these Service Zones in the SOI allows for the provision of services to properties in need which are already located within the District's boundary. Since the extension of services in Service Zones 3 and 4 requires Coastal Commission review, Gualala CSD's capability to serve a property in question will be accounted for in that review. Finally, the Gualala CSD has indicated that when they do expand service provision, it will likely be into these zones. They have no plans to detach the Service Zones from their District.

## ***ANALYSIS***

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As presented in the introduction, when updating the SOI, the Commission considers and adopts written determinations. The following are the formal determinations for this SOI Update:

### **1.) Present and Planned Land Use Determination**

Land designations within the District are consistent with LAFCo policy. The Out of District Service Area of Gualala Point Regional Park is generally considered open space, but services provided are for recreational public facilities and therefore are also consistent with LAFCo policy.

### **2.) Present and Probable Need for Public Facilities and Services Determination**

Given the current water service moratorium and anticipated low growth rate, the need for services presently provided by the District are expected to continue and slightly increase in the foreseeable future. The Out of District Service Area is expected to continue to require service with further services required as the park improves its visitor amenities.



### 3.) Present Capacity of Facilities and Adequacy of Public Services

The District is in the process of adding additional infrastructure to provide expanded capacity. The additional capacity appears to be sufficient for the continued service of Service Zones 1 & 2. Service to Zones 3 and 4 should continue to be analyzed, with attention given to the number of onsite systems believed to be in failure, as well as unbuilt lots with perceived percolation problems.

### 4.) Social and Economic Communities of Interest

The District has substantial economic and service ties with the community of Sea Ranch immediately south of the Gualala CSD.

### 5.) Present and Probable Need for Water, Sewer, or Fire Protection Services for Disadvantaged Unincorporated Communities

The nearby community of Anchor Bay is an identified DUC. No DUCs have been identified that require wastewater services that may feasibly be provided by the Gualala CSD.

## CONCLUSIONS

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Gualala CSD's SOI should encompass the entirety of the District's boundary and be expanded to include the whole of Gualala Point Regional Park.

## REFERENCES

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GUALALA COMMUNITY SERVICES DISTRICT SPHERE OF INFLUENCE UPDATE  
MENDOCINO LAFCO

Pacific Reefs Water District, Round Valley County Water District, Westport County Water District. October 2014.” Prepared by: Kateri Harrison, SWALE, Inc.; Uma Hinman, Uma Hinman Consulting. Final approval October 6, 2014.

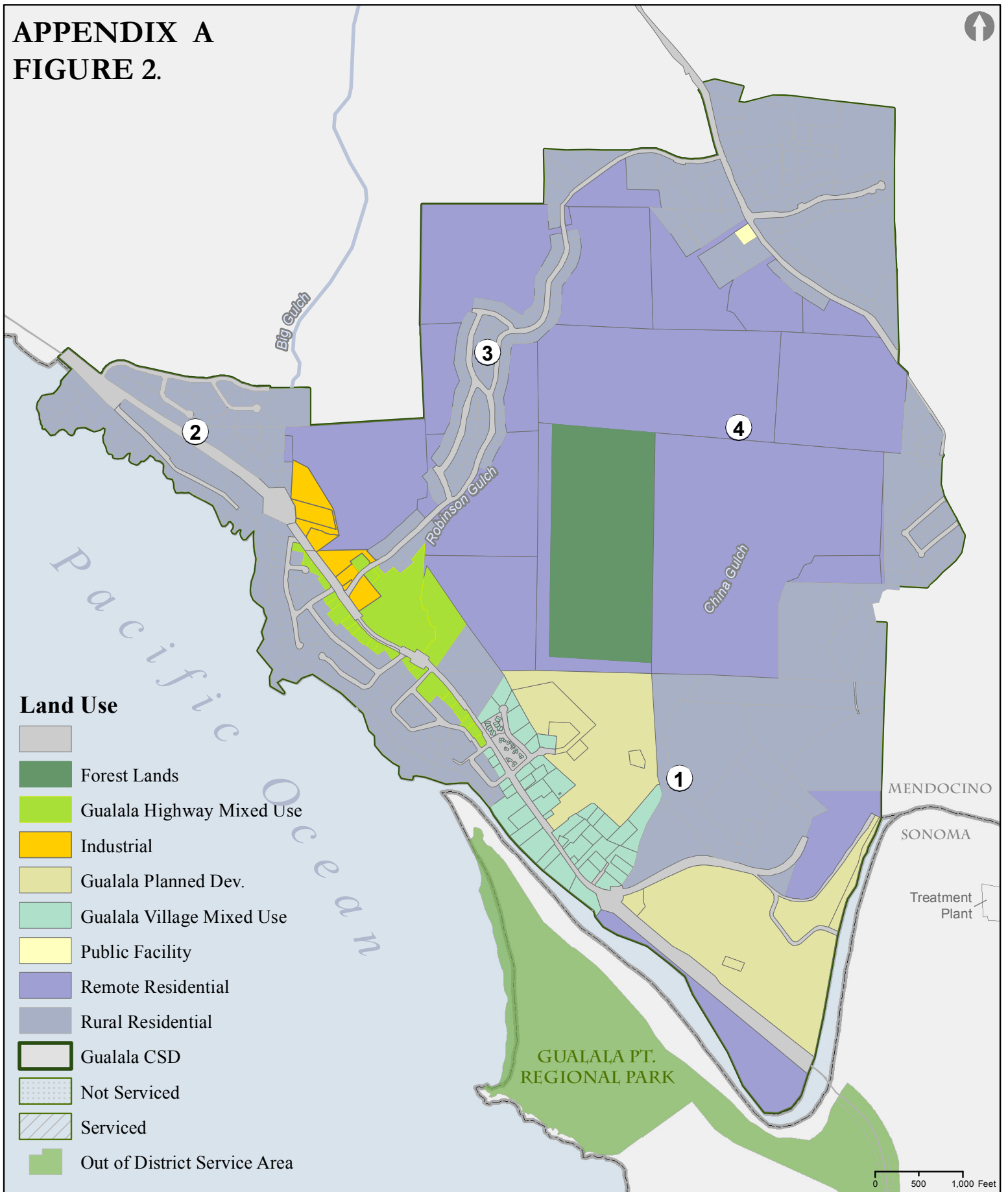
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DRAFT

**APPENDIX A**  
**FIGURE 2.**

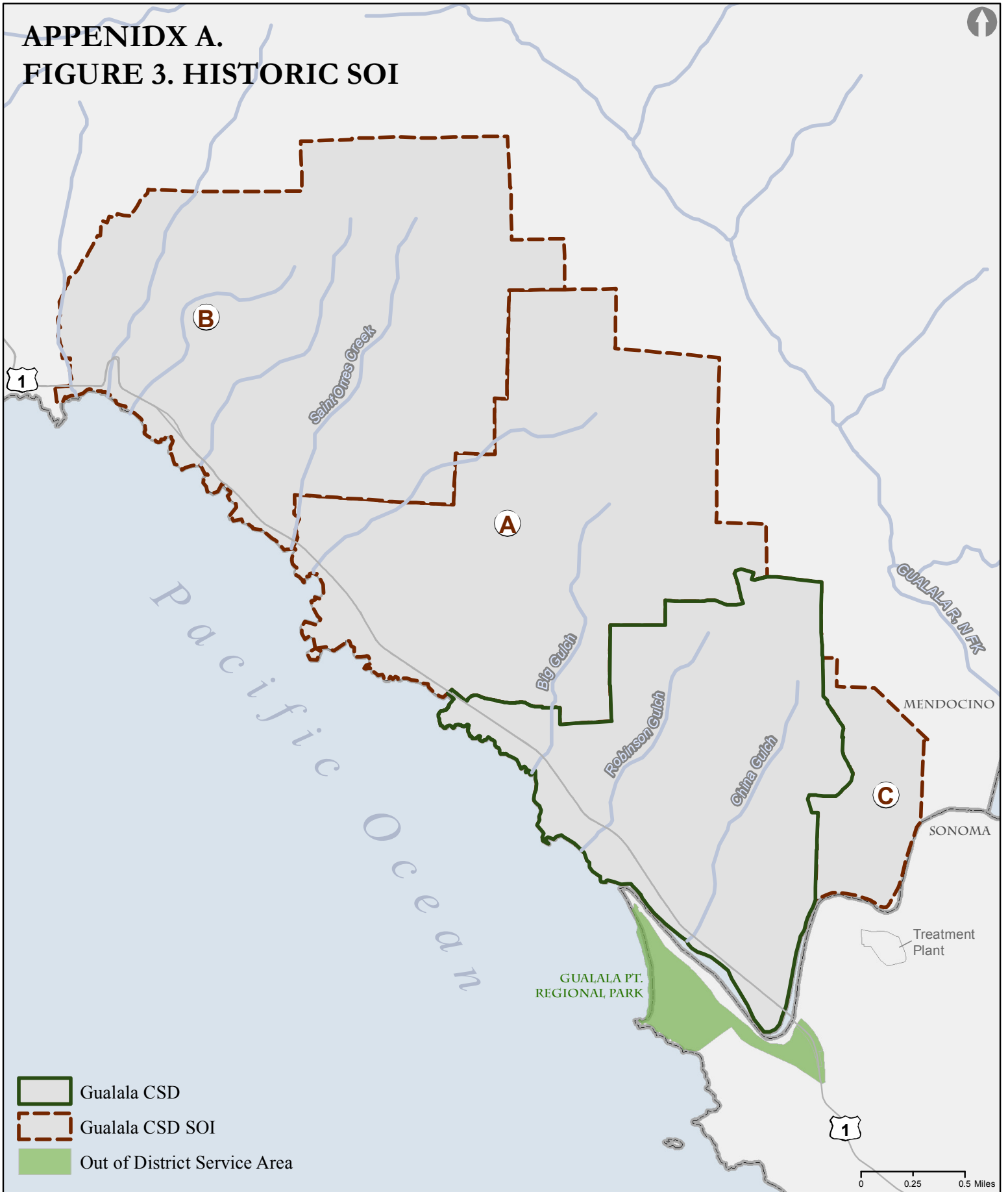


**Gualala Community Service District**  
Service Zones & Out of District Service Area

Prepared for Mendocino  
LAFCo by:  
**PLANWEST**  
PARTNERS, INC.

Sources: Boundaries: Mendocino County LAFCo; Roads: US Census TIGER.  
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**APPENIDX A.**  
**FIGURE 3. HISTORIC SOI**



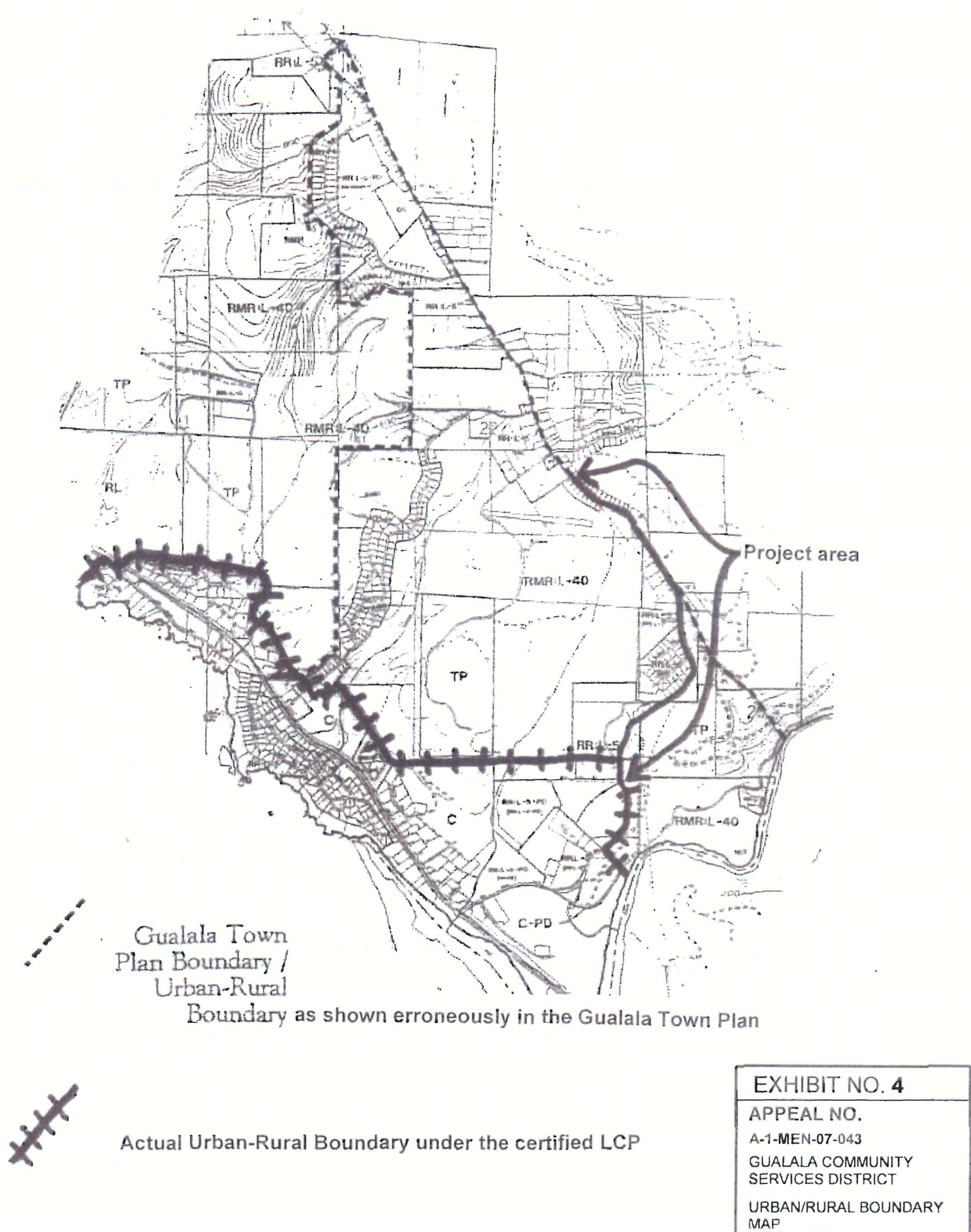
**Gualala Community Service District**  
 Sphere of Influence & Out of District Service Area

Prepared for Mendocino  
 LAFCo by:  
**PLANWEST**  
 PARTNERS, INC.

Sources: Boundaries: Mendocino County LAFCo; Roads: US Census TIGER.  
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# APPENDIX A

## FIGURE 4. Coastal Commission Urban/Rural Boundary Correction



**MENDOCINO LOCAL AGENCY FORMATION COMMISSION**

**LAFCo Resolution No. 15-16-10**

**A RESOLUTION OF  
THE LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY  
APPROVING THE GUALALA COMMUNITY SERVICES DISTRICT  
SPHERE OF INFLUENCE UPDATE 2016**

WHEREAS, the Mendocino Local Agency Formation Commission, hereinafter referred to as the “Commission”, is authorized to establish, amend, and update spheres of influence for local governmental agencies whose jurisdictions are within Mendocino County; and

WHEREAS, the Commission conducted an update for the Gualala Community Services District’s sphere of influence pursuant to California Government Code Section 56425; and

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

WHEREAS, the Executive Officer’s report and recommendations on the sphere of influence update were presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the sphere of influence update on December 7, 2015 and continued to January 4, 2016; and

WHEREAS, the Commission considered all the factors required under California Government Code Section 56425.

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

1. This sphere of influence update has been informed by the Commission’s earlier municipal service review on countywide water and wastewater services, for which the section on the Gualala Community Services District was accepted by the Commission on October 6, 2014.
2. The Commission, as Lead Agency, finds the update to the Gualala Community Services District’s sphere of influence is exempt from further review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15061(b)(3). This finding is based on the Commission determining with certainty the update will have no possibility of significantly effecting the environment given no new land use or municipal service authority is granted.
3. The Gualala Community Services District confirmed during the review of its sphere of influence that its services are currently limited to wastewater services. Accordingly, the Commission waives the requirement for a statement of services prescribed under Government Code Section 56425(i).
4. This sphere of influence update is assigned the following distinctive short-term designation: “Gualala Community Services District Sphere of Influence Update 2016”
5. Pursuant to Government Code Section 56425(e), the Commission makes the written statement of determinations included in the Gualala Community Services District Sphere of Influence Update report, hereby incorporated by reference.

6. The Executive Officer shall revise the official records of the Commission to reflect this update of the Gualala Community Services District's sphere of influence.

BE IT FURTHER RESOLVED that the Gualala Community Services District's sphere of influence is amended to include the Gualala Point Regional Park in Sonoma County as depicted in Exhibit "A".

The foregoing Resolution was passed and duly adopted at a regular meeting of the Mendocino Local Agency Formation Commission held on this 7<sup>th</sup> day of December, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

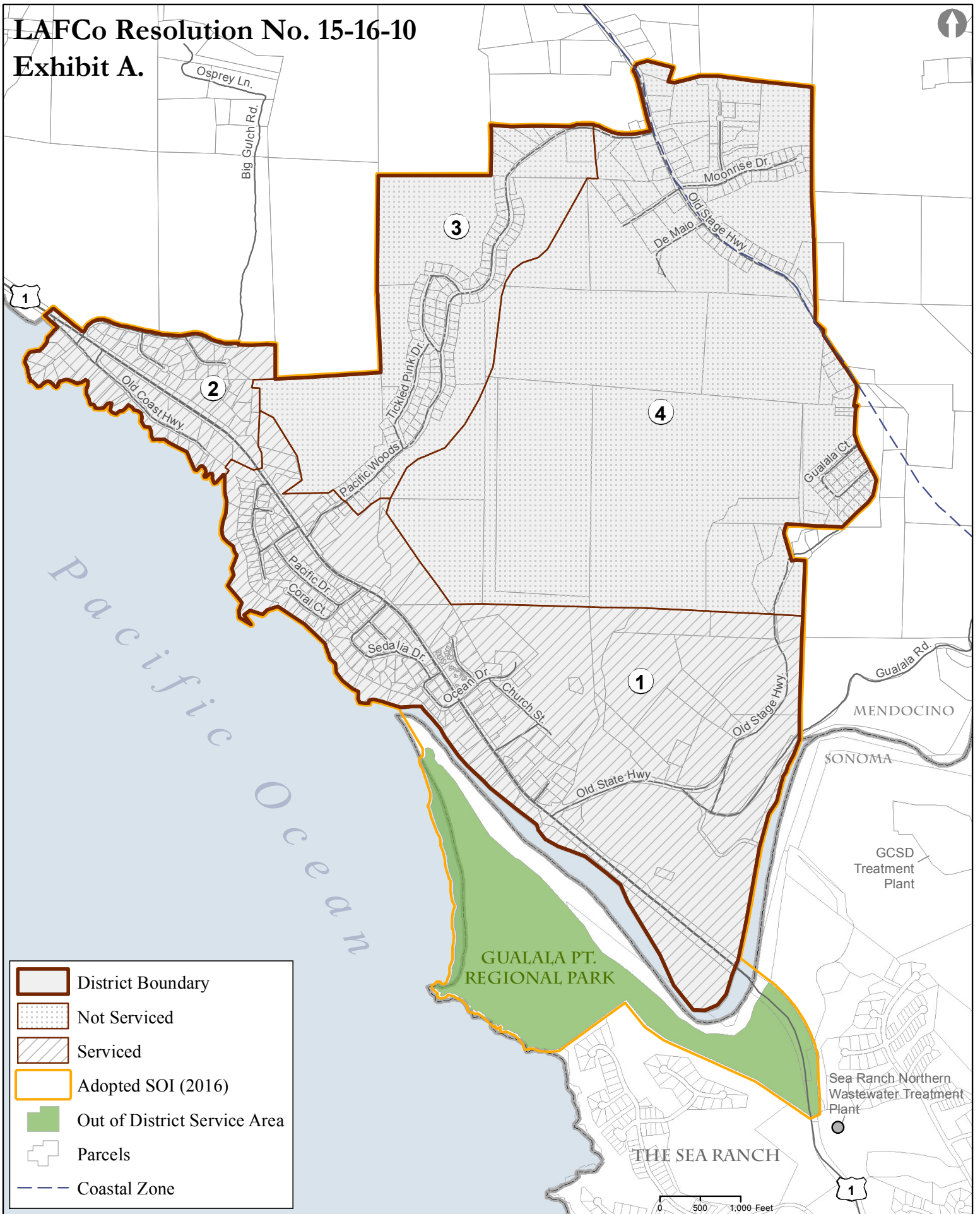
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JERRY WARD, Chair

ATTEST:

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GEORGE WILLIAMSON, Executive Officer



|  |                              |
|--|------------------------------|
|  | District Boundary            |
|  | Not Serviced                 |
|  | Serviced                     |
|  | Adopted SOI (2016)           |
|  | Out of District Service Area |
|  | Parcels                      |
|  | Coastal Zone                 |

# Gualala Community Services District

Prepared for **PLANWEST PARTNERS, INC.**

Sources: Boundaries - Mendocino County CSDS, Roads - US Census TIGER.  
 Path: D:\Planwest\_GIS\projects\current\Mendocino\_LAFCo\CSD\Gualala\_CSD.mxd



## SONOMA LOCAL AGENCY FORMATION COMMISSION

575 ADMINISTRATION DRIVE, ROOM 104A, SANTA ROSA, CA 95403  
(707) 565-2577 FAX (707) 565-3778  
www.sonomalafco.org

December 14, 2015

George Williamson, Executive Officer  
Mendocino Local Agency Formation Commission  
200 South School Street, Suite F  
Ukiah, CA 95482

Re: Referral: Gualala Community Services District Sphere of Influence Update

Dear Mr. Williamson:

On behalf of the Sonoma Local Agency Formation Commission ("Commission" or "Sonoma LAFCO"), I want to thank Mendocino LAFCO for the recent referral requesting review and comment on a proposed amendment to the sphere of influence of the Gualala Community Services District ("District"). The Commission considered the referral and the "Gualala Community Services District Sphere of Influence Update" ("Update") at its meeting on December 9, 2015, and directed me to respond.

From the description provided in the Update, the Commission understands that the District provides sanitary sewer services to the unincorporated community of Gualala, just over the border of Mendocino and Sonoma Counties. For over 20 years, the District has also extended such services to the Gualala Point Regional Park ("Park"), located wholly in Sonoma County.

Mendocino LAFCO is proposing to amend the District's sphere, to include territory encompassed by the Park. This proposed change is based on general guidelines that Mendocino LAFCO uses in determining or updating a sphere of influence. Key among these, it appears, in this situation, are: (1) the fact that the Park currently receives services from the District and (2) plans proposed by Sonoma County Regional Parks in the draft Sonoma County Local Coastal Plan include upgrading and enhancing facilities in the Park, such that the Park would need additional services in the next five – ten years.

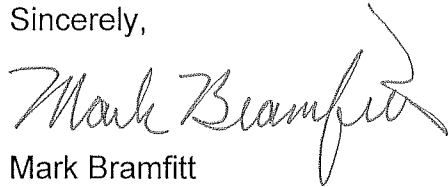
Sonoma LAFCO supports inclusion of the Gualala Point Regional Park in the sphere of influence of the Gualala Community Services District. Such action would meet criteria Mendocino LAFCO has developed for inclusion of territory in an agency's sphere. According to the Update, the District is in the process of updating its treatment capacity to meet future needs. In addition, there does not appear to be another agency in the area that could adequately provide the needed services.

Sonoma LAFCO is aware that, should Mendocino LAFCO amend the District's sphere of influence, annexation of the Park could be proposed at some time in the future,

creating a multi-county district, with Mendocino as the principal county. Should a proposal be submitted, we would appreciate notification and an opportunity to comment.

Again, thank you for reaching out to Sonoma LAFCO.

Sincerely,

A handwritten signature in black ink, reading "Mark Bramfitt". The signature is written in a cursive style with a large, sweeping initial "M".

Mark Bramfitt  
Executive Officer

**MENDOCINO**  
**Local Agency Formation Commission**

**Staff Report**

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: George Williamson, Executive Officer  
SUBJECT: **WORKSHOP** for Calpella County Water District Sphere of Influence Update

---

**Background**

This is a workshop to reintroduce the Draft SOI Update for the Calpella County Water District (CWD). This item was previously reviewed by the Commission and brought to public hearing over multiple meetings in fall of 2015. Staff discontinued the public hearing to provide more time for research and revision due to incomplete/incorrect information presented in the MSR. The District has been very responsive in providing additional information needed to inform the SOI Update. The item has been brought back to workshop with new, updated information for Commission review.

Calpella CWD provides water and wastewater services to the community of Calpella in the Ukiah Valley. The District was a part of the 2013 Ukiah Valley MSR. The MSR includes recommendations for consolidating the Calpella CWD, Willow CWD, and Hopland Public Utility District (PUD) due to shared staffing and management between these agencies. It is important to note that similar staffing agreements have since also been extended to Millview CWD and the Redwood Valley CWD.

Calpella CWD provides out of district water services to an area adjacent to the district boundary known as the Central Avenue Area. This Out of District Service Area has been receiving water services since 2000 and is within the District's current SOI, which includes areas not currently receiving services beyond the Out of District Service Area. Like many water providers in their region, the District is under a moratorium for new water service hook ups. Water supply for Ukiah Valley residents continues to be a regional concern.

Considering the current SOI includes areas not currently served by the Calpella CWD, a sphere of influence amendment (reduction) is proposed to include only those areas within the Out of District Service Area and District boundary. A reduced SOI would allow the District to consider annexing their Out of District Service Area in the future.

**Recommendation**

Staff recommends the Commission hold a public workshop on the Draft SOI Update; provide comments and requested revisions, and direct staff to notice the matter for public hearing at the Commission's March meeting.

Attachments: Draft SOI Update

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**MENDOCINO**    **Local Agency Formation Commission**

Ukiah Valley Conference Center    ♦    200 South School Street    ♦    Ukiah, California 95482

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**CALPELLA COUNTY WATER DISTRICT**  
**SPHERE OF INFLUENCE UPDATE**

Prepared in accordance with Government Code §56425

**Update Dates**

Commission Review

Administrative Draft Workshop- January 2016

Draft Hearing- March 2016 (Tentative)

Final Adoption- DATE

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| The Calpella community is a census designated place. According to the 2010 census, the population within the Calpella CWD is 679. There are an estimated 272 total housing units, 253 of which are occupied. Using the conservative annual growth rate referenced in the Ukiah Valley’s Municipal Service Review (2013) of 1 percent, the expected population in 2020 would be approximately 730 people (MSR 2013). ..... | 7         |
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## **INTRODUCTION**

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### **OVERVIEW**

This update is prepared in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH Act) which states, “In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the county and its communities, LAFCo shall develop and determine the Sphere of Influence (SOI) of each local governmental agency within the county” (GC §56425). A “SOI” is defined under the CKH Act as “.... a plan for the probable physical boundaries and service area of a local (government) agency” (GC §56076).

Decisions on organizational changes must be consistent with the SOI boundary and determinations. The adopted SOI is used by LAFCo as a policy guide in its consideration of boundary change proposals affecting each city and special district in Mendocino County. Other agencies and individuals use adopted SOIs to better understand the services provided by each local agency and the geographic area in which those services will be available. Clear public understanding of the planned geographic availability of urban services is crucial to the preservation of agricultural land and discouraging urban sprawl.

The following update will assess and recommend an appropriate sphere of influence (SOI) for the Calpella County Water District (Calpella CWD or District). The objective is to update Calpella CWD’s SOI relative to current legislative directives, local policies, and agency preferences in justifying whether to change or maintain the designation. The update draws on information from the Calpella CWD Municipal Services Review (MSR), which includes the evaluation of availability, adequacy, and capacity of services provided by the District.

### **REVIEW PERIOD**

SOI reviews and updates typically occur every five years, or as needed. A local agency’s services are analyzed with a twenty year planning horizon, and a sphere is determined in a manner emphasizing a probable need for services within the next 5-10 years. Actual boundary change approvals, however, are subject to separate analysis with particular emphasis on determining whether the timing of the proposed action is appropriate.

### **EVALUATION CONSIDERATIONS**

When updating the SOI, the Commission considers and adopts written determinations:

#### **Sphere Determinations: Mandatory Written Statements**

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1. Present and planned land uses in the area, including agricultural and open space
  2. Present and probable need for public facilities and services in the area
  3. Present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide
  4. Existence of any social or economic communities of interest in the area if the commission determines they are relevant to the agency
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- 
5. If the agency provides services related to water, sewer, or fire, then the present and probable need for these services by any disadvantaged unincorporated communities within the existing sphere should be considered
- 

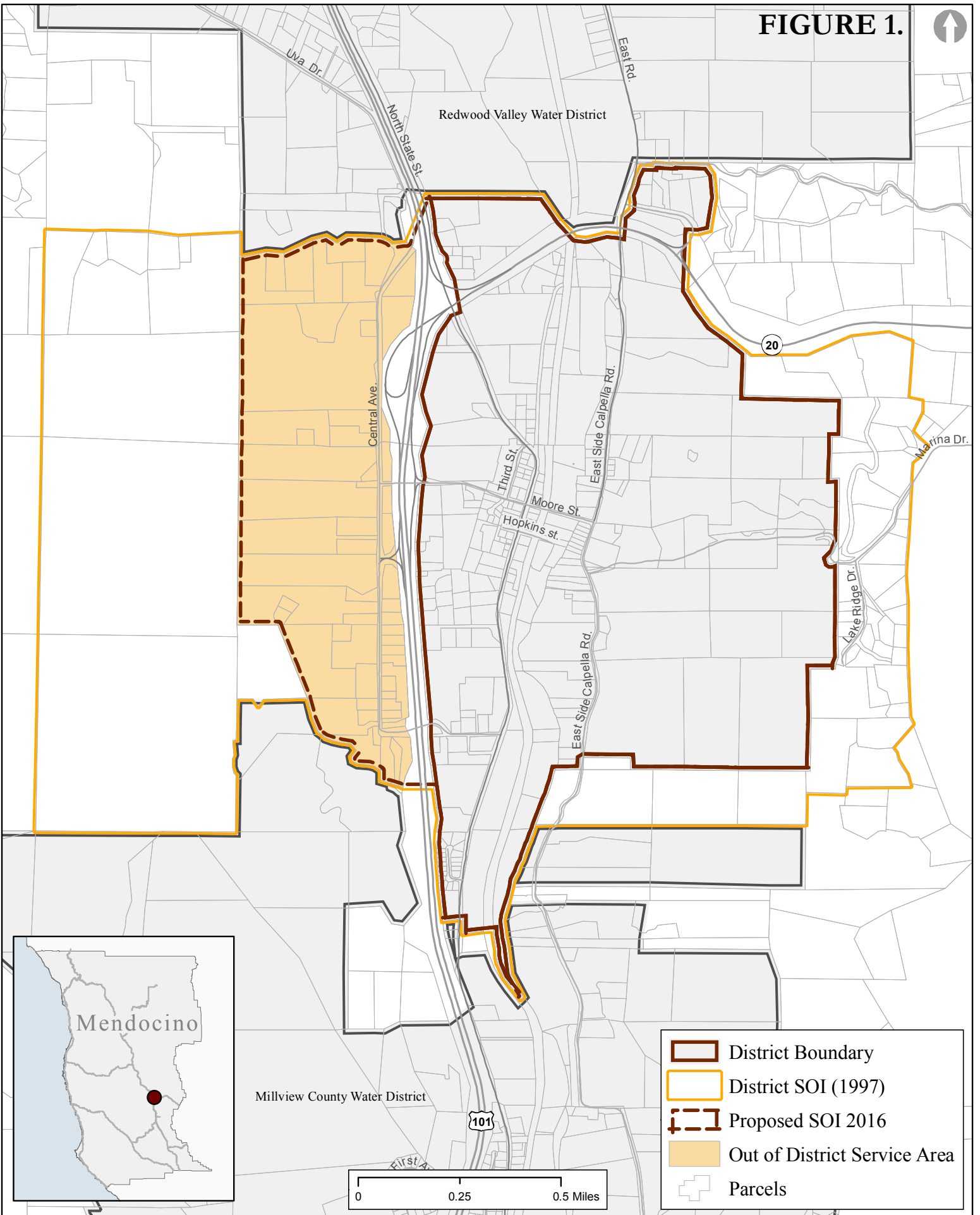
Policies specific to Mendocino LAFCo are also considered along with determinations in administering the CKH Act. This includes considering the merits of the SOI, or any changes, relative to the Commission's seven interrelated policies, as listed below, with respect to determining the appropriate SOI.






### **General Guidelines for Determining Spheres of Influence**

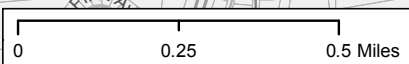
The following is excerpted from *Mendocino LAFCo's 2004 Policies and Procedures*, "Chapter 5: Policies That May Apply for Some Applicants":

1. Territory that is currently receiving services from a local agency shall be considered for inclusion within that agency's sphere. Territory that is projected to need services within the next 5-10 years may be considered for inclusion within an agency's sphere, depending on a number of factors required to be reviewed by LAFCO. Additional territory may be considered for inclusion if information is available that will enable the Commission to make determinations as required by Section 56425.
2. Territory will not be considered for inclusion within a city's sphere of influence unless the area is included within the city's general plan land use or annexation element.
3. A special district that provides services, which ultimately will be provided by another agency (e.g. mergers, consolidations) will be assigned a zero sphere.
4. When more than one agency can serve an area, agency service capabilities, costs for providing services, input from the affected community, and LAFCO's policies will be factors in determining a sphere boundary.
5. If additional information is necessary to determine a sphere boundary a partial sphere may be approved and a special study area may be designated.
6. A local agency may be assigned a coterminous sphere with its existing boundaries if:
  - There is no anticipated need for the agency's services outside its existing boundaries.
  - There is insufficient information to support inclusion of areas outside the agency's boundaries in a sphere of influence.
  - The agency does not have the service capacity, access to resources (e.g. water rights) or financial ability to serve an area outside its boundaries.
  - The agency's boundaries are contiguous with the boundaries of other agencies providing similar services.
  - The agency's boundaries are contiguous with the sphere of influence boundaries previously assigned to another agency providing similar services.
  - The agency requests that their sphere of influence be coterminous with their boundaries.
7. If territory within the proposed sphere boundary of a local agency does not need all of the services of the agency, a service specific sphere of influence may be designated.

FIGURE 1.



-  District Boundary
-  District SOI (1997)
-  Proposed SOI 2016
-  Out of District Service Area
-  Parcels



# Calpella County Water District

Prepared for **PLANWEST PARTNERS, INC.**  
 Mendocino LAFCo by: Date: 12/22/2015

Sources: Boundaries: Mendocino County; Roads: US Census TIGER.  
 Path: D:\Planwest\_GIS\projects\current\Mendocino\_LAFCo\Water\_Districts\mapdocs\Calpella\_Water\_District.mxd



## **OVERVIEW**

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### **CURRENT AGENCY OPERATIONS**

The Calpella County Water District provides water and wastewater services to the community of Calpella. The District operates a wastewater treatment plant which serves 103 wastewater connections. It contracts with Willow County Water District (CWD) for staffing and office services. A five-member board governs the District (MSR 2013). The District is currently under a moratorium for new water service connections due to a lack of water availability for any new customers (District General Manager, August, 2015).

### **BACKGROUND**

Calpella CWD was formed in 1955 under the County Water District Law. It provides water and wastewater service to an area east of Highway 101 and directly south of California State Route 20. Additionally, it provides out of district water services to an area off the Central Avenue corridor west of Highway 101. In total, the Calpella CWD serves an area of approximately 1,297 acres (MSR 2013).

### **MUNICIPAL SERVICE REVIEW**

In 2012/13, LAFCo prepared the *Ukiah Valley Special Districts Municipal Service Review* (MSR) to consider services provided by Ukiah Valley special districts and identify opportunities for more effective and efficient provision of services. MSRs are a prerequisite for establishing, amending, or updating spheres of influence. As such, much of the information contained herein comes directly from the Ukiah Valley Special Districts MSR, accepted by the Commission on May 8, 2013. The MSR includes recommendations for consolidating the Calpella CWD, Willow CWD, and Hopland Public Utility District (PUD) due to shared staffing and management between these agencies. It is important to note that management agreements have also since been extended to Millview CWD and the Redwood Valley CWD.

### **SPHERE OF INFLUENCE**

The Calpella CWD's current boundary and SOI are shown in Figure 1. The current SOI is larger than the District's boundary and was last amended by LAFCo in 1997 as part of the Southwest Annexation (Resolution No. 97-07). The Out of District Service Area discussed below is included within the District's adopted sphere. The District's existing SOI, out of district services, and boundary will be considered as a part of this SOI update.

#### **Out of Area Service**

Through a 2000 Out of Area Service Agreement the District provides water for non-agricultural uses to an area external to its boundaries. This area is known herein as the Out of District Service Area. (Out of District Service Area). It consists of 46 parcels and approximately 233 acres, and there are 30 residential water connections in the area. The District indicated in their MSR questionnaire that they would like pursue annexation of this area into their district.

### **DISADVANTAGED UNINCORPORATED COMMUNITIES**

LAFCo is required to evaluate disadvantaged unincorporated communities (DUCs) as part of a SOI review, including "...the present and probable need for those public facilities and services of any

DUCs within the existing sphere of influence” (GC §56425). A DUC is defined as any area with 12 or more registered voters where the median household income (MHI) is less than 80 percent of the statewide MHI. Within a DUC, three basic services are evaluated: water, sewage, and fire protection. Calpella CWD provides water and wastewater services, and is therefore only responsible for assuring that these services are adequately provided to communities.

The 2013 MSR estimates Calpella’s median household income to be \$53,725, which is 93% of the California Median Household Income of \$57,708 (MSR 2013. pp. 3-5). Therefore, Calpella is not considered to be a DUC. The communities of Redwood Valley to the north and Hopland to the south neighbor the District. Of these, only Hopland meets the definition of a disadvantaged unincorporated community. The Hopland community receives municipal services from the Hopland Public Utility District, which provides water and wastewater services, and from the Hopland Fire Protection District which provides fire suppression (MSR 2013 pp. 3-5).

## **POPULATION AND LAND USE**

### **Population and Growth**

The Calpella community is a census designated place. According to the 2010 census, the population within the Calpella CWD is 679. There are an estimated 272 total housing units, 253 of which are occupied. Using the conservative annual growth rate referenced in the Ukiah Valley’s Municipal Service Review (2013) of 1 percent, the expected population in 2020 would be approximately 730 people (MSR 2013).

### **Land Use and Development**

The primary land uses within the District are Agricultural and Rural Residential, with a majority Rural Residential<sup>1</sup>. The District also contains a fair amount of Industrial and Suburban Residential designated land, the latter being mostly unimproved. See Land Use Map in Appendix A.

The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability. The Agricultural Lands classification is intended to be applied to lands which are suited for and are appropriately retained for production of crops. As such, little population growth can be expected within either of these designations, which make up the majority of the land within the district.

The Suburban Residential land appears to be largely undeveloped, and could represent an area of significant population growth within the district. This growth is limited by the need for public services and the current moratorium on new water service hookups.

The western portion of Calpella CWD’s SOI (external to District boundaries) contains resource lands and Rural Residential lands. The Out of District Service Area is within this region, and the primary land use designation of properties served is Agricultural, with some Rural Residential. The Rural Residential properties all appear to be improved, so little additional demand may be expected for water services. The eastern portion of the SOI (external to District boundaries) is entirely

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<sup>1</sup> All land use designation information from Mendocino County GIS Parcel Information Layer. October, 2014.

designated as rural residential. The western portion of the SOI is primarily designated as range or agricultural lands.

## CAPACITY AND SERVICE

Calpella CWD has contracted office space and staff services with the Willow CWD since 1993. The Calpella CWD contracts the general manager, office personnel, and maintenance staff of Willow CWD.

### Water

The District owns and operates a public water system with more than two miles of pipeline and infrastructure, booster stations and multiple storage tanks. The District’s water supply comes from a combination of groundwater and surface water. Surface water is purchased from the Russian River Flood Control and Water Conservation Improvement District (RRFC), which is then transported via the Millview CWD (MSR 2013). Surface water treatment and transport services are provided on a continuing basis by Millview CWD.

The 2013 MSR reports a demand increase from approximately 100 acre feet (AFY) in 2000 to 120 AF in 2006. Well production is reported as fairly consistent at 30 to 40 AFY and the District has a contract for 101 AFY from RRFC. The maximum the Calpella CWD can supply is 140 AFY. The well water extracted accounts for approximately 30 percent of demand, and imported water provides the remaining water needed (MSR 2013). See the table below for the District’s 2013 flow data.

Table 1. Calpella CWD Flow Rates

| <b>Calpella CWD Updated Flow Data Based on Calendar Year 2013</b> |        |
|---|--------|
|   | ac/ft. |
| Maximum daily water demand  | 0.51   |
| Maximum daily production  | 0.55   |
|   |        |
| Contract water from RRFC  | 101    |
| Well  | 33.3   |
| <b>Total annual water supply</b>                                  | 134.3  |
| <b>Annual water demand</b>  | 99.27  |

Information in the table was submitted by the District General Manager, December 2015.

The District maintains two storage tanks. One has a capacity of 250,000 gallons, built in 2001, while the other has the capacity of 50,000 gallons. The 250,000-gallon facility was at 83-percent capacity, while the 50,000-gallon facility was at 17 percent capacity in 2006. The storage facilities provide a three-day supply for average daily demand and a two-day supply based on maximum daily demand (MSR 2013).

Calpella CWD has sufficient infrastructure capacity but lacks additional water capacity. According to the MSR (2013), the District will have an insufficient water supply to meet future demands with current pump capacity and current purchase contracts from RRFC. Calpella CWD is currently under a moratorium for new service hookups because the District currently does not have water available for any new customers. Multiple agencies in the Ukiah Valley are under a moratorium for extending

new water services (2013 MSR, 1-1). It is important to note the District reports that it has a reliable water supply for its current customers, including the Out of District Service Area (General Manager, August 2015).

### **Wastewater**

The Calpella CWD provides wastewater services to a total of 103 units all of which are in District boundaries. Calpella CWD operates a wastewater treatment plant. The wastewater system was upgraded in 2004 and has additional treatment capacity that can accommodate up to 1,000 residents, about 300 more than the current population.

### **Relevant Local Agencies and Communities of Interest**

The Calpella CWD works closely with other special districts and lies within proximity to multiple other agencies. It is located within the Redwood Valley/Calpella Fire District, which provides fire protection services.

Willow CWD provides staffing for Calpella CWD through a management contract. The contract provides for what can be considered a functional consolidation of the district with Willow CWD. Willow CWD also contracts staffing and office facilities for Hopland PUD, Millview CWD, Redwood Valley CWD and the River Estates Mutual Water Company. (District General Manager, November 2015).

## **RELEVANT PLANNING AND SERVICE FACTORS**

Local planning policies and land-use designations inform LAFCo SOI decisions. Below are relevant policies and service factors that are used as a guide.

### **County of Mendocino General Plan- Development Element (DE)**

General Plan Water Supply and Sewer (Wastewater Treatment) Services Policies:

Policy DE-186: Coordinate community water and sewer services with General Plan land use densities and intensities.

Policy DE-187: The County supports efficient and adequate public water and sewer services through combined service agencies, shared facilities, or other inter-agency agreements.

Action Item DE-187.1: Work aggressively with water and sewer service providers to overcome current and projected system and supply deficiencies necessary to serve planned community growth.

Action Item DE-187.2: Support funding applications to improve and expand water and sewer service capabilities in areas planned for future growth or to resolve existing deficiencies.

Action Item DE-187.3: Work with communities and public water and sewer service entities to monitor, manage and/or maintain community-wide or decentralized water/sewer systems.

Policy DE-188: Encourage water and sewer service providers to incorporate water conservation, reclamation, and reuse.

- Encourage the development and use of innovative systems and technologies that promote water conservation, reclamation, and reuse.
- Encourage the development of systems that capture and use methane emissions from their operation.

- Encourage the development and use of innovative systems and technologies for the treatment of wastewater.

Policy DE-189: Oppose extension of water or sewer services to rural non-community areas when such extensions are inconsistent with land use and resource objectives of the General Plan, except where the extension is needed to address a clear public health hazard.

Policy DE-190: Development of residential, commercial, or industrial uses shall be supported by water supply and wastewater treatment systems adequate to serve the long-term needs of the intended density, intensity, and use.

Policy DE-191: Land use plans and development shall minimize impacts to the quality or quantity of drinking water supplies.

## UKIAH VALLEY AREA PLAN

Excerpts from the Ukiah Valley Area Plan are below. Only items relevant to this document are included.

### **WATER MANAGEMENT**

#### **Water Distribution and Infrastructure**

Community Water Services: There are five major providers of community water services in the Ukiah Valley. The City of Ukiah serves customers within the City, while Rogina Water Company and Millview, Calpella, and Willow County Water Districts serve the unincorporated areas. All suppliers are regulated by the California Department of Health Services, and Rogina Water Company is additionally regulated by the California Public Utilities Commission. These water providers hold varying claims to water rights for current and future use.

The primary water source for water providers in the Valley is the Russian River and diversion of Eel River water with storage in Lake Mendocino. Property owners without access to the City or community systems obtain water from individual wells, springs or direct diversions of Russian River water. Some water needs are also supplied by wells that tap groundwater aquifers that are not connected to the underflow of the Russian River.

**Policy WM1.1: Maintain and increase water supplies and systems for existing and future water system needs.**

#### **WM1.1a Identify Water Sources**

Cooperate and coordinate with the City of Ukiah, LAFCO, the Water Agency, and local water districts in the provision of infrastructure and services within the Ukiah Valley.

#### **WM1.2a Groundwater Stewardship Program**

Assemble baseline information describing existing conditions of the Valley's groundwater system (quality, quantity, demand and re-supply), and develop a comprehensive groundwater protection program with specific protection and mitigation measures.

**Policy WM2.1: Strive for efficient delivery of public water services.**

#### **WM2.1a Service Evaluation**

Involve water agencies, City and agricultural water users in collaboration with LAFCO to perform mandated municipal service reviews.

### **WM 2.1b Water Rights and Distribution**

Coordinate with water purveyors to actively participate in hearings and actions involving water rights and distribution of area water in order to ensure efficient and equitable use of available water rights and supplies.

## ***DISCUSSION***

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### **Annexation**

The 2013 MSR provided the following recommendation: “Calpella CWD provides water services to the area of the Central Avenue corridor west of US 101. The District has been providing services since 2001. According to LAFCo policies, Calpella CWD should consider annexation. One concern with annexation is that the District is under a moratorium for new water service connections. Since the Calpella CWD already provides services, there would be no additional hookups that would violate the moratorium. Annexation may allow the District to collect some additional property tax revenue. Since the average of revenues and expenditures has shown a deficit in the last couple of years, the added property tax may help resolve the deficit. Should the District pursue annexation, it may have to establish two zones of services. One zone would provide water and sewer. The other zone would provide water only” (MSR 2013).

### **Consolidation**

The 2013 MSR provided the following recommendation: “Willow CWD has management agreements with both Calpella CWD and Hopland PUD whereby Willow CWD provides office space, administrative staff, and field staff for the two districts. Both Calpella and Hopland have no employees, so the management agreements represent a functional consolidation of the three districts. Other than maintaining separate boards of directors, Calpella CWD and HPUD are essentially one with Willow CWD. Given this arrangement, the Districts should consider consolidation so that policies and service delivery are consistent. The three districts have not yet consolidated because they desire to maintain community identity. Although having separate districts is one way to maintain identity, other ways include community advisory councils that would be made up of concerned residents of Calpella and Hopland. Community advisory councils would be able to focus on their respective communities and have standing with the board of directors. Other options include establishing districts so that representation on the board would be sure to include residents of Calpella and Hopland. Nevertheless, the three districts should evaluate the options” (MSR 2013).

As of November 2015, WCWD now also has management contracts with Millview CWD and Redwood Valley CWD, further functionally consolidating the region’s water service providers.

### **Water Supply**

Water availability has long been an issue in the Ukiah Valley and is a likely constraint to future development in the Valley, further complicated by legal, environmental, political and socioeconomic issues (UVAP 2011). In the MSR process the District identified water supply demand stemming from growth in the Ukiah Valley as a key issue for ensuring adequate future service to Valley

customers. Three of the five county water districts in the area (including Calpella CWD) have state imposed water connection moratoriums (MSR 2013).

As discussed above, for the past 15 years the District has been involved in an agency water works agreement. The agreement allows this small district to participate in cost sharing with the other agencies to provide a higher level of service than would otherwise be possible. However, this functional consolidation will not resolve any of the limited water supply issues for the agencies served by the Ukiah-Valley-Russian River watershed (General Manager, 2012 MSR Questionnaire). Opportunities to help alleviate the Ukiah Valley water supply issues should be considered further at the regional level by LAFCo.

### **Sphere of Influence**

The District has long provided service to the Out of District Service Area. This Area is within the District's current SOI, and present services provided warrant the continued inclusion of it in the District's updated SOI. The current SOI includes other areas beyond the Out of District Service Area. Given the District's water moratorium on new service hookups and that no services are provided to these other areas, an updated sphere of influence should exclude these areas.

## **ANALYSIS**

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As presented in the introduction, when updating the SOI, the Commission considers and adopts written determinations. The following are the formal determinations for this SOI Update:

### **1.) Present and Planned Land Use**

The primary land use designations of the Out of District Service Area properties served are Agricultural and Rural Residential. The District provides water to these properties for non-agricultural uses.

### **2.) Present and Probable Need for Public Facilities and Services**

Calpella CWD has provided services to the Out of District Service Area since 2000. This precedent indicates a continued need for services within the Area and warrants inclusion within the updated SOI.

### **3.) Present Capacity of Facilities and Adequacy of Public Services**

The District does not have supply capacity for additional connections, however, the Out of District service Area already receives service, and the District has demonstrated a capability to serve the area.

### **4.) Social and Economic Communities of Interest**

The larger community of the Ukiah Valley is of interest. Multiple agencies provide similar water service in a community which shares geography and in most cases, the same water source. The District has a common interest with the other local water purveyors to manage the water supply systems and watersheds of the Ukiah Valley.

### **5.) Present and Probable Need for Water, Sewer, or Fire Protection Services for Disadvantaged Unincorporated Communities (DUCs)**

Calpella CWD is not considered a DUC, nor are there any DUCs within the vicinity of Calpella CWD which have been identified that should be considered for service by the District.

## ***CONCLUSION***

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Given that the Out of District Service Area receives water services from Calpella CWD and is within the current SOI, this area should be included in the updated SOI. The updated SOI will *only* include the Out of District Service Area and lands that are already within LAFCo approved District boundaries. Territory external to the areas served within the existing SOI are to be removed. See Proposed SOI in Figure 1.

Further consideration should be given to the water supply issues in the Ukiah Valley and the potential for consolidation of multiple agencies providing water services within this area.

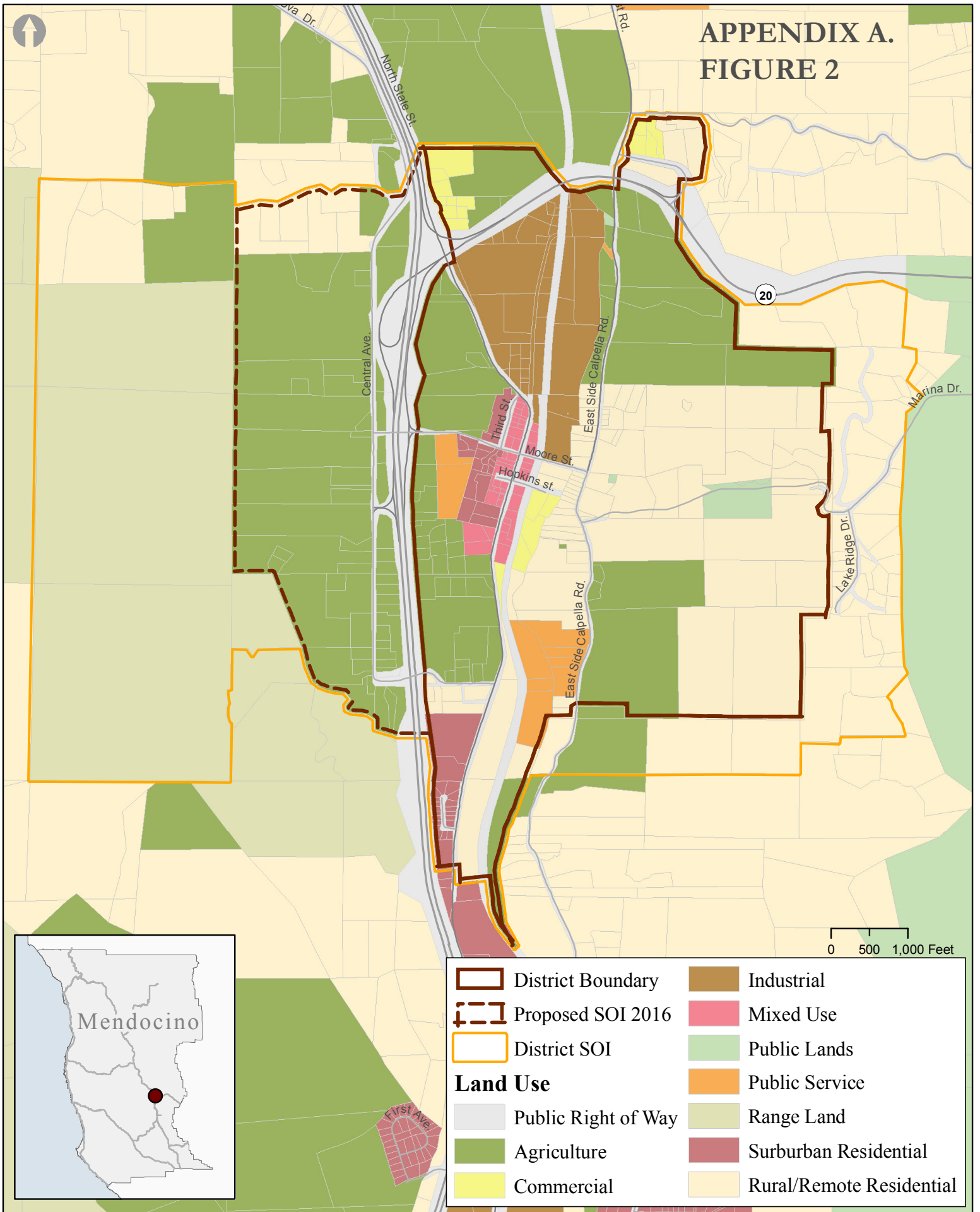
## ***REFERENCES***

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- Mendocino LAFCo, 2004 Policies and Procedures, Chapter 5- Policies That May Apply for Some Applicants, D. Sphere of Influence.
- (UVAP 2011) Mendocino County. Ukiah Valley Area Plan, August 2011. <http://www.co.mendocino.ca.us/planning/UVAP.htm>
- Ukiah Valley Municipal Service Review, 2013. LAFCo of Mendocino County. May 6, 2013. E Mulberg & Associates



# APPENDIX A. FIGURE 2



|                 |                     |  |                          |
|-----------------|---------------------|--|--------------------------|
|                 | District Boundary   |  | Industrial               |
|                 | Proposed SOI 2016   |  | Mixed Use                |
|                 | District SOI        |  | Public Lands             |
| <b>Land Use</b> |                     |  | Public Service           |
|                 | Public Right of Way |  | Range Land               |
|                 | Agriculture         |  | Suburban Residential     |
|                 | Commercial          |  | Rural/Remote Residential |



## Calpella County Water District Landuse Designations

Sources: Boundaries - Mendocino County CDSD, Roads - US Census TIGER.

Path: D:\Planwest\_GIS\projects\current\Mendocino\_LAFCo\Water\_Districts\mapdocs\Calpella\_Water\_District\_Landuse.mxd

Prepared for Mendocino  
LAFCo by:  
**PLANWEST**  
PARTNERS, INC.

Date: 12/17/2015

**MENDOCINO**  
**Local Agency Formation Commission**

**Staff Report**

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: George Williamson, Executive Officer  
SUBJECT: **WORKSHOP** for Redwood Valley County Water District Sphere of Influence Update

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**Background**

This is a workshop to introduce the Draft SOI Update for the Redwood Valley County Water District (CWD), which provides water services to the community of Redwood Valley, located adjacent to the Ukiah Valley. Like many providers in this region, the Redwood Valley CWD is currently under a court-ordered moratorium for domestic connections and a board-initiated moratorium for irrigation connections. Water supply for local residents continues to be a regional concern.

The District was a part of the 2013 Ukiah Valley MSR. The MSR includes recommendations for consolidating the Redwood Valley CWD with the Russian River Flood Control and Water Conservation Improvement District (RRFC). Subsequent to the completion of the MSR, both districts preliminarily explored merging. In November of 2015 Redwood Valley CWD submitted a letter to LAFCo indicating the consolidation was on hold. The Ukiah Valley MSR also included a recommendation for consolidating the Calpella CWD, Willow CWD, and Hopland Public Utility District (PUD) based on shared staffing and management agreements with Willow CWD. It is important to note that similar management agreements have since been extended to Millview CWD and Redwood Valley CWD.

The Redwood Valley CWD does not provide out of district services and currently has a coterminous SOI. The updated SOI is proposed to remain coterminous with the District's boundary.

**Recommendation**

Staff recommends the Commission hold a public workshop on the Draft SOI Update; provide comments and requested revisions, and direct staff to notice the matter for public hearing at the Commission's March meeting.

Attachments: Redwood Valley CWD Draft SOI Update

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**MENDOCINO**    **Local Agency Formation Commission**

Ukiah Valley Conference Center    ♦    200 South School Street    ♦    Ukiah, California 95482

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**REDWOOD VALLEY COUNTY WATER  
DISTRICT**

**SPHERE OF INFLUENCE UPDATE**

Prepared in accordance with Government Code §56425

**Update Dates**

Commission Review

Administrative Draft Workshop- January 4, 2016

Draft Hearing- March 2016

Final Adoption- DATE

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## **INTRODUCTION**

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### **OVERVIEW**

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Decisions on organizational changes must be consistent with the SOI boundary and determinations. The adopted SOI is used by LAFCo as a policy guide in its consideration of boundary change proposals affecting each city and special district in Mendocino County. Other agencies and individuals use adopted SOIs to better understand the services provided by each local agency and the geographic area in which those services will be available. Clear public understanding of the planned geographic availability of urban services is crucial to the preservation of agricultural land and discouraging urban sprawl.

The following update will assess and recommend of an appropriate Redwood Valley County Water District (Redwood Valley CWD or District) Sphere of Influence (SOI). The objective is to update Redwood Valley CWD’s SOI relative to current legislative directives, local policies, and agency preferences in justifying whether to (a) change or (b) maintain the designation. The update draws on information from the Redwood Valley CWD’s Municipal Services Review (MSR), which includes the evaluation of availability, adequacy, and capacity of services provided by the District.

### **REVIEW PERIOD**

SOI reviews and updates typically occur every five years, or as needed. A local agency’s services are analyzed with a twenty year planning horizon, and a sphere is determined in a manner emphasizing a probable need for services within the next 5-10 years. Actual boundary change approvals, however, are subject to separate analysis with particular emphasis on determining whether the timing of the proposed action is appropriate.

### **EVALUATION CONSIDERATIONS**

When updating the SOI, the Commission considers and adopts written determinations:

#### **Sphere Determinations: Mandatory Written Statements**

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1. Present and planned land uses in the area, including agricultural and open space.
  2. Present and probable need for public facilities and services in the area.
  3. Present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide.
  4. Existence of any social or economic communities of interest in the area if the commission determines they are relevant to the agency.
-

- 
5. If the agency provides services related to water, sewer, or fire, then the present and probable need for these services by any disadvantaged unincorporated communities within the existing sphere should be considered
- 

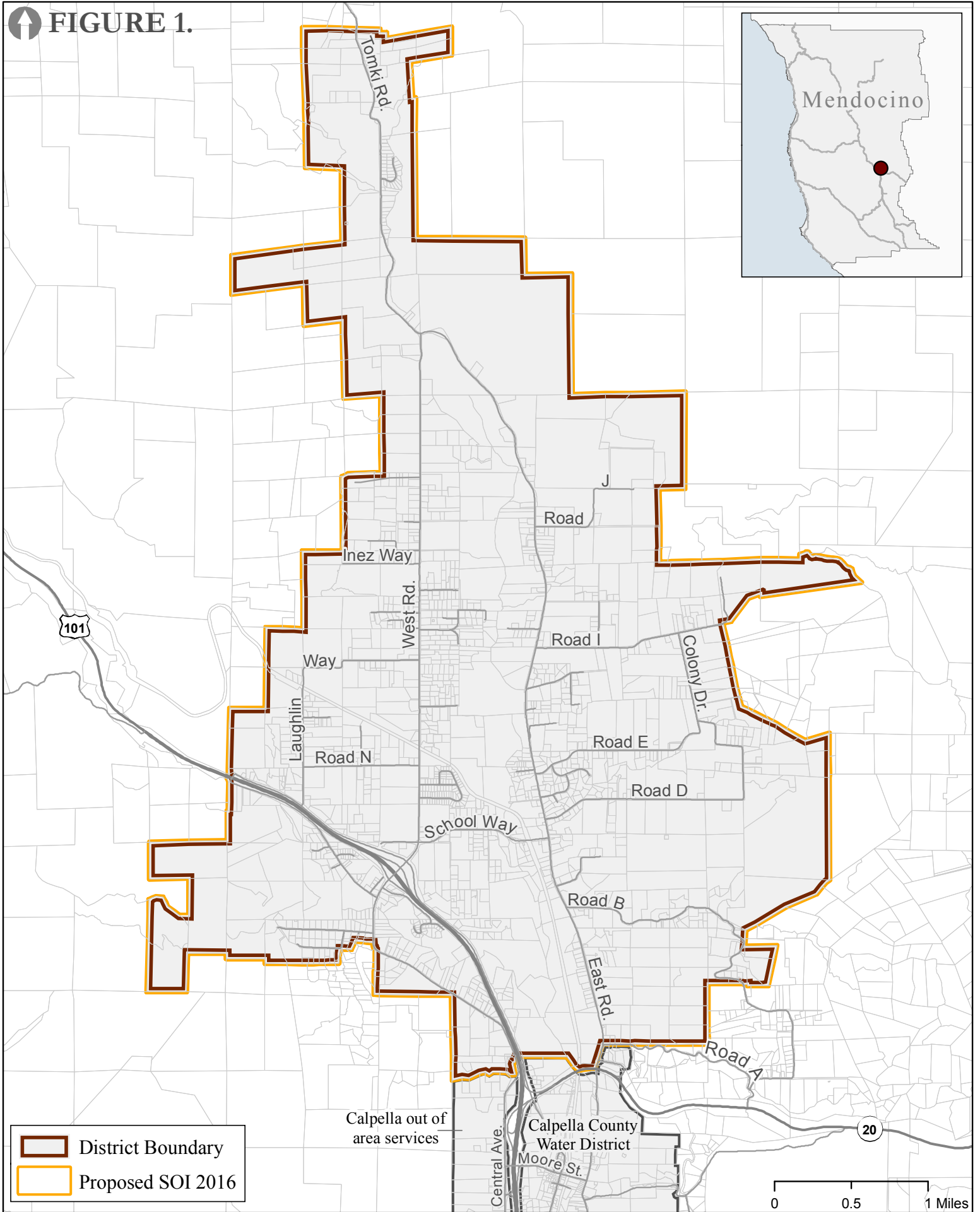
Policies specific to Mendocino LAFCo are also considered along with determinations in administering the CKH Act in Mendocino County. This includes considering the merits of the SOI, or any changes, relative to the Commission's seven interrelated policies, as listed below, with respect to determining the appropriate SOI.

### **General Guidelines for Determining Spheres of Influence**

The following is excerpted from *Mendocino LAFCo's 2004 Policies and Procedures*, "Chapter 5: Policies That May Apply for Some Applicants":

1. Territory that is currently receiving services from a local agency shall be considered for inclusion within that agency's sphere. Territory that is projected to need services within the next 5-10 years may be considered for inclusion within an agency's sphere, depending on a number of factors required to be reviewed by LAFCo. Additional territory may be considered for inclusion if information is available that will enable the Commission to make determinations as required by Section 56425.
2. Territory will not be considered for inclusion within a city's sphere of influence unless the area is included within the city's general plan land use or annexation element.
3. A special district that provides services, which ultimately will be provided by another agency (e.g. mergers, consolidations) will be assigned a zero sphere.
4. When more than one agency can serve an area, agency service capabilities, costs for providing services, input from the affected community, and LAFCo's policies will be factors in determining a sphere boundary.
5. If additional information is necessary to determine a sphere boundary a partial sphere may be approved and a special study area may be designated.
6. A local agency may be assigned a coterminous sphere with its existing boundaries if:
  - There is no anticipated need for the agency's services outside its existing boundaries.
  - There is insufficient information to support inclusion of areas outside the agency's boundaries in a sphere of influence.
  - The agency does not have the service capacity, access to resources (e.g. water rights) or financial ability to serve an area outside its boundaries.
  - The agency's boundaries are contiguous with the boundaries of other agencies providing similar services.
  - The agency's boundaries are contiguous with the sphere of influence boundaries previously assigned to another agency providing similar services.
  - The agency requests that their sphere of influence be coterminous with their boundaries.
7. If territory within the proposed sphere boundary of a local agency does not need all of the services of the agency, a service specific sphere of influence may be designated.

**FIGURE 1.**



# Redwood Valley County Water District

Prepared for **PLANWEST PARTNERS, INC.**  
Mendocino LAFCo by:   
Date: 12/10/2015

Sources: Boundaries: Mendocino County; Roads: US Census TIGER.

Path: D:\Planwest\_GIS\projects\current\Mendocino\_LAFCo\Water\_Districts\mapdocs\Redwood\_Valley\_Water\_District.mxd

## **OVERVIEW**

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### **CURRENT AGENCY OPERATIONS**

The Redwood Valley County Water District (Redwood Valley CWD or District) provides domestic and agricultural water services to the community of Redwood Valley, including a total of 1,345 equivalent dwelling units and 200 agricultural customers. The District is currently under a court-ordered moratorium for domestic connections and a board-initiated moratorium for irrigation connections (MSR 2013). In November of 2015, the District entered into contracts with Willow CWD for staffing and future office management services (District Manager, December 2015).

### **BACKGROUND**

The Redwood Valley CWD was formed on January 16, 1964 pursuant to County Water District Law (California Water Code, Division 12, Section 30000-33901). The District's service area is roughly 15 square miles in area. The Redwood Valley CWD began operating a dual distribution system for irrigation water service in April 1979 and for domestic water service in November 1979 (MSR 2013).

### **MUNICIPAL SERVICE REVIEW**

In 2013, LAFCo prepared the Ukiah Valley Special Districts Municipal Service Review (MSR) to consider services provided by Ukiah Valley special districts and identify opportunities for more effective and efficient provision of services. Redwood Valley CWD was included as a part of this Review. MSRs are a prerequisite for establishing, amending, or updating spheres of influence. As such, much of the information contained herein comes directly from the Ukiah Valley Special Districts MSR.

The MSR included recommendations for possibly consolidating the Redwood Valley CWD and the Russian River Flood Control and Water Conservation Improvement District (RRFC). It is important to note that the MSR also included recommendations for consolidating the Calpella CWD, Willow CWD, and Hopland Public Utility District (PUD) due to shared staffing and management between these agencies. Since this recommendation, similar services from Willow CWD have been extended to Millview CWD and the Redwood Valley CWD.

### **SPHERE OF INFLUENCE**

The Redwood Valley CWD's current SOI is coterminous with District's boundaries. Furthermore, there are no reported out of district service connections, and services provided are limited by infrastructure and elevational changes in the surrounding valley. The present boundary (with minor exceptions) represents the service elevational limits of the current system (District Manager, November 2015).

### **DISADVANTAGED UNINCORPORATED COMMUNITIES**

LAFCo is required to evaluate disadvantaged unincorporated communities (DUCs) as part of an SOI review, including "...the present and probable need for those public facilities and services of any DUCs within the existing sphere of influence (GC §56425). A DUC is defined as any area with 12 or more registered voters where the median household income (MHI) is less than 80 percent of the statewide MHI. Within a DUC, three basic services are evaluated: water, sewage, and fire



protection. The Redwood Valley CWD provides water services, and is therefore only responsible for assuring that this service is adequately provided to communities.

The MSR reports that there are no disadvantaged unincorporated communities in the vicinity of the Redwood Valley CWD boundaries. The community of Calpella lies just outside the district boundaries to the south and is served water and wastewater services by the Calpella County Water District and fire protection services by the Redwood Valley-Calpella Fire District. The median income for Calpella exceeds the 80-percent threshold and is not considered a disadvantaged unincorporated community (MSR 2013).

## **POPULATION AND LAND USE**

### **Population**

The 2013 MSR estimated the population of Redwood Valley to be somewhere between 3,349 and 3,969 residents. In October of 2014, the population was adjusted to 5,200 residents by the Division of Drinking Water (District Manager, December 2015).

## **CAPACITY AND SERVICE**

The Redwood Valley CWD's water supply comes from Lake Mendocino. A pump station located at the lake pumps water to a holding reservoir 4.5 miles away. The holding reservoir has a capacity of 68 acre feet (AF). During typical demand, water is pumped to the reservoir from the lake at night to take advantage of lower electricity rates. From there, domestic water is delivered by gravity flow to the water treatment plant. The plant can treat up to 1.7 million gallons per day (mgd). Treated potable water is then pumped to six covered steel tanks with a total volume of 1.85 million gallons. Water flows by gravity from these tanks to customers. Irrigation water flows from the reservoir by gravity to the irrigation distribution system. During periods of high demand, gravity flows are augmented by pressure flows from the lake pumps (MSR 2013).

The Redwood Valley CWD currently delivers approximately 750 AFY for residential and commercial uses, and 1,450 AFY for agricultural purposes—a combined annual demand of 2,200 AFY. The District's water supply consists of a largely un-exercisable right to divert up to 4,900 AFY directly from Lake Mendocino between November 1 and April 30 of each year. Water diversions made according to the Redwood Valley CWD's Lake Mendocino water right can only occur in instances when stream flows in the Russian River main stem (as measured near the confluence of the East and West forks) exceeds 150 cubic feet per second (cfs) and Lake Mendocino storage exceeds the Army Corps of Engineers' Operating Target Storage Curve. This curve volume varies between 64,000 AF and 86,400 AF seasonally. (District Manager, December 2015). These limitations represent a relatively narrow window of opportunity for diversions that can be as much as 70 days in wet years or as little as one or two days in dry years.

During dry years when the Redwood Valley CWD water right is un-exercisable, and during spring and summer, water supplies are diverted from the Mendocino County Russian River Flood Control and Water Conservation Improvement District (RRFC). By definition, the water being sold to Redwood Valley by the RRFC is surplus to the ongoing needs of RRFC district customers. Although a negotiated agreement between the RRFC and the Redwood Valley CWD could provide a more stable source of water for the District it would also preclude the RRFC surplus water supply from being used, at least in part, to meet future water demands of RRFC customers in the Ukiah Valley.

An emergency intertie constructed in 2014 allows for the transfer of up to approximately 400 AFY from Millview CWD into Redwood Valley. This intertie has been in operation since January 2015 (District Manager, December 2015).

Because of the uncertain supply, the Redwood Valley CWD is currently under a court-ordered moratorium for domestic connections and a board initiated moratorium for irrigation connections. The Redwood Valley CWD adopted a conservation ordinance in 2007 to deal with droughts such as those that occurred in 2007–2009. The ordinance is based on six tiers, of which the most severe restrictions are declared for Tier 6. Tier 4 was implemented in 2009 when Lake Mendocino water levels receded to record lows and mandatory rationing was instituted by the Mendocino County Board of Supervisors, resulting in a 50-percent reduction in water use (MSR 2013).

The District operates with a budget of approximately \$1.2 million. The primary source of revenues is water sales, for domestic and irrigation purposes. It also receives a limited amount of property tax. Water sales account for approximately 96 percent of all revenues; property taxes and interest income about 2 percent each. Of the total water sales, 75 percent is for domestic water and 25 percent is for irrigation water. The average volumetric split is 1/3 domestic and 2/3 irrigation. The actual ratio of domestic to irrigation water is highly weather-dependent (MSR 2013).

Each year, the RVCWD addresses capital improvement needs in its budget. Projects include upgrades to the water treatment plant, meter upgrades, filter upgrades, SCADA upgrades, and security (MSR 2013).

### **Relevant Local Agencies and Communities of Interest**

The Redwood Valley CWD works cooperatively with federal, state, and local agencies. The District is very active with agencies that are involved with the Russian River and Eel River Watersheds related to the Potter Valley Project that supplies water to Lake Mendocino. The Redwood Valley CWD works with other agencies such as the Mendocino County Inland Water and Power Commission (MCIWPC), which is a joint powers agency that includes Mendocino County, the City of Ukiah, Russian River Flood Control, and Potter Valley Irrigation District (MSR 2013).

The Redwood Valley CWD is a participating member of the Joint Powers Insurance Authority (JPIA). JPIA is an association of a large number of independent water agencies that have pooled funds to be self-insured for liabilities up to \$1,000,000 per occurrence. The JPIA also purchases excess insurance to cover each member for liabilities to \$50 million per occurrence (MSR 2013).

### **RELEVANT PLANNING AND SERVICE FACTORS**

Local planning policies and land-use designations inform LAFCo SOI decisions. Below are relevant policies and service factors that are used as a guide.

#### **County of Mendocino General Plan- Development Element (DE)**

General Plan Water Supply and Sewer (Wastewater Treatment) Services Policies:

Policy DE-186: Coordinate community water and sewer services with General Plan land use densities and intensities.

Policy DE-187: The County supports efficient and adequate public water and sewer services through combined service agencies, shared facilities, or other inter-agency agreements.

Action Item DE-187.1: Work aggressively with water and sewer service providers to overcome current and projected system and supply deficiencies necessary to serve planned community growth.

Action Item DE-187.2: Support funding applications to improve and expand water and sewer service capabilities in areas planned for future growth or to resolve existing deficiencies.

Action Item DE-187.3: Work with communities and public water and sewer service entities to monitor, manage and/or maintain community-wide or decentralized water/sewer systems.

Policy DE-188: Encourage water and sewer service providers to incorporate water conservation, reclamation, and reuse.

- Encourage the development and use of innovative systems and technologies that promote water conservation, reclamation, and reuse.
- Encourage the development of systems that capture and use methane emissions from their operation.
- Encourage the development and use of innovative systems and technologies for the treatment of wastewater.

Policy DE-189: Oppose extension of water or sewer services to rural non-community areas when such extensions are inconsistent with land use and resource objectives of the General Plan, except where the extension is needed to address a clear public health hazard.

Policy DE-190: Development of residential, commercial, or industrial uses shall be supported by water supply and wastewater treatment systems adequate to serve the long-term needs of the intended density, intensity, and use.

Policy DE-191: Land use plans and development shall minimize impacts to the quality or quantity of drinking water supplies.

### **County of Mendocino General Plan- Community Specific Policies (CP) – Redwood Valley Community Planning Area**

*Redwood Valley Community Area Policies* (only relevant policies to this update are included below)

Policy CP-RV-8: The County encourages the Redwood Valley County Water District to evaluate the merits of a water conservation program for all customers and to pursue the provision or management of sewage treatment facilities. The County shall facilitate this process and support funding applications consistent with technical studies and General Plan objectives.

### **SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA)**

The Sustainable Groundwater Management Act, signed by Governor Brown in September 2014, applies to groundwater basins designated as medium or high-priority by the California Department of Water Resources. Mendocino County has one medium-priority basin (Ukiah Valley) and no high-priority basins. The Groundwater Act requires formation of a Groundwater Sustainability Agency (GSA) for the Ukiah Valley Basin by June 30, 2017, and preparation of a Groundwater Sustainability Plan by 2022. The Mendocino County Water Agency, a dependent special district governed by the Mendocino County Board of Supervisors, is coordinating efforts among stakeholders to identify options for establishing a GSA for the Ukiah Valley Basin. Ultimately, the decision on which public agency (or agencies) will serve as the GSA for the Ukiah Valley Basin will be made by the

Mendocino County Board of Supervisors with input from the Water Agency and in consultation with other local agencies (cities, tribes, special districts) situated within the groundwater basin boundary.

## ***DISCUSSION***

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### **Sphere of Influence**

The Redwood Valley CWD does not provide services external to current boundaries, nor do they anticipate any expansion of services in the new future. A coterminous SOI fits the present and anticipated near-future needs of the District.

### **Shared Services**

Recently, the Redwood Valley CWD entered into a staffing contract with the Willow County CWD. The Willow CWD now provides office space, administrative staff, and field staff for Redwood Valley CWD, Calpella CWD, Millview CWD, and Hopland PUD. The shared staffing and management contracts are viewed as a step towards a functional consolidation between these agencies. Given to the coordination of services between these districts, there may be opportunity to consider a structural consolidation in the future.

### **Water Supply**

Water availability has long been an issue in the Ukiah Valley and is a likely to constrain future development in the area. (UVAP 2010, 6-3). Though Redwood Valley stands geographically separately from the Ukiah Valley, it is a part of the regional community, utilizes the same water supply and faces the same service challenges. The Redwood Valley CWD is one of four water service providers in the area to have state imposed water connection moratoriums (MSR 2013).

Challenges cited in the Ukiah Valley Area plan include decreased water diversion from the Eel River, as well as difficulties and lengthy time inherent in developing new supplies in the face of increasing demand. Various unknowns complicating growth planning include the water rights of water purveyors, the definition of Russian River underflow versus groundwater, continued refinement of water agreements, and changes in imports from the Eel River through the Potter Valley Project.”(UVAP 2011, 6-3).

As discussed above, the District has worked to streamline service provision via contracted staffing services. However, this functional consolidation will not resolve the any of the limited supply issues for the agencies served by the Ukiah-Valley-Russian River watershed. Opportunities to help alleviate the Ukiah Valley water supply issues should be considered further at the regional level by LAFCo.

### **Consolidation**

The 2013 MSR provided the following recommendation: “Both Redwood Valley CWD and RRFC have expressed interest in consolidation. A consolidation would offer Redwood Valley CWD a more reliable source of water and the RRFC an opportunity to acquire more water rights. In fact, there is a pending application with the State Water Resources Control Board for an additional 6,000 AFY of water rights. The RRFC is in the process of meeting with the authors of protest letters to help resolve protests. The consolidation hinges on an agreement with SCWA, which controls much of the water in Lake Mendocino. Should the water rights application be approved and both districts adopt substantially similar resolutions to consolidate, LAFCO cannot turn them down.”

Subsequent to the 2013 MSR, Redwood Valley CWD and RRFC initiated a pre-application for consolidation process with LAFCo. In November of 2015, Mendocino LAFCo received a letter from Redwood Valley CWD indication that the consolidation was put on hold.

## ***ANALYSIS***

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As presented in the introduction, when updating the SOI, the Commission considers and adopts written determinations. The following are the formal determinations for this SOI Update:

### **1.) Present and Planned Land Use**

Service outside District boundaries is limited by infrastructure and elevational changes in the surrounding valley. The current SOI, which is coterminous with the District's boundary, suits the District's current service needs.

### **2.) Present and Probable Need for Public Facilities and Services**

There are no reported out of district service connections. The District has indicated that the present coterminous SOI fits their service needs.

### **3.) Present Capacity of Facilities and Adequacy of Public Services**

The District does not have a supply capacity for additional connections, however, service to present customers appears to be adequate and a coterminous sphere suits the District's current service needs.

### **4.) Social and Economic Communities of Interest**

The larger Ukiah Valley is a community of interest for purposes of coordinating common water supply and management needs. Multiple agencies provide water services in a community which shares geography and in most cases, the same water source. The District has a common interest with the other local water purveyors to manage the water supply systems and watersheds of the Ukiah Valley.

### **5.) Present and Probable Need for Water, Sewer, or Fire Protection Services for Disadvantaged Unincorporated Communities (DUCs)**

The Redwood Valley CWD is not considered a DUC, nor are there any DUCs within the vicinity of the District which have been identified and should be considered for service by the District.

## ***CONCLUSIONS***

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The current SOI for the District is coterminous. Given that no services are provided outside of District boundaries, and the District indicates no future plans for service beyond district boundaries, an updated SOI that remains coterminous with Redwood Valley CWD's current service boundary is sufficient (See Proposed Sphere Figure 1).

Further consideration should be given to the water supply issues in the Ukiah Valley and the potential for consolidation of multiple agencies providing water services within this area.

## *REFERENCES*

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Mendocino LAFCo, 2004 Policies and Procedures, Chapter 5- Policies That May Apply for Some Applicants, D. Sphere of Influence.

Ukiah Valley Municipal Service Review, 2013. LAFCO of Mendocino County. May 6, 2013. E Mulberg & Associates

(UVAP 2011) Mendocino County. Ukiah Valley Area Plan, August 2011.  
<http://www.co.mendocino.ca.us/planning/UVAP.htm>

DRAFT

**MENDOCINO**  
**Local Agency Formation Commission**

**Staff Report**

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: Bruce Barraco, Former Executive Officer  
SUBJECT: **WORKSHOP** for Countywide Fire Protection Services (Part 3, 5 Districts)  
Municipal Service Review

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**Background**

This is a workshop to introduce the Draft MSR for Part 3 of the Regional Fire Protection Services MSR, which include the following Districts:

- Comptche Community Services District
- Elk Community Services District
- Piercy Fire Protection District
- South Coast Fire Protection District
- Westport Volunteer Fire Department

Copies of the draft MSR distributed by Baracco & Associates prior to the packet distribution are attached.

**Recommendation**

Staff recommends the Commission hold a public workshop on the Draft MSR and provide comments and requested revisions.

Attachments: Comptche Community Services District Draft MSR

## COMPTCHE COMMUNITY SERVICES DISTRICT

### ***1. AGENCY OVERVIEW***

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The Comptche Community Services District (CCSD or District) is the umbrella agency for the Comptche Volunteer Fire Department (CVFD). CVFD is a small rural fire agency serving the rural hamlet of Comptche and the surrounding area. The District is located inland from the Pacific Coast and southeast of Fort Bragg. (Refer to Figure 1: Mendocino County Fire Protection Services) The Volunteer Fire Department provides structural fire protection, emergency medical response, vehicle rescue and extrication, and wildland fire protection response as a first responder. This is the first municipal service review (MSR) for CCSD/CVFD.

#### **FORMATION**

The Comptche Community Services District was formed by the Mendocino County Board of Supervisors and Mendocino LAFCo on May 3, 1989. The Volunteer Fire Department was organized at that time and remains an all-volunteer department.

The principal act that governs the District is the State of California Community Services District Law, Government Code Section 61000 *et seq.*

#### **BOUNDARY**

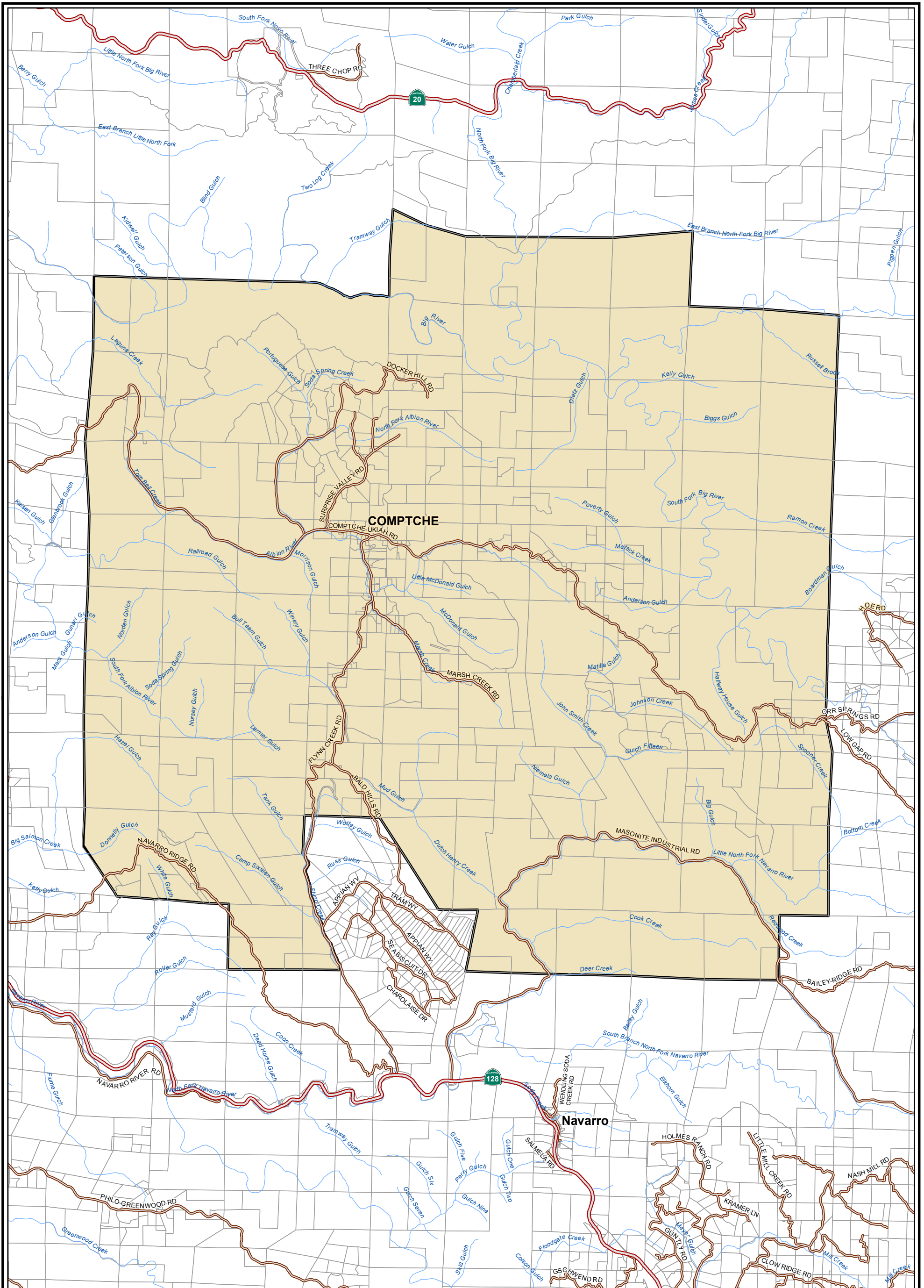
The CCSD comprises 86.6 square miles (55,445 acres) centered on the unincorporated community of Comptche. The District is located inland from the Pacific Ocean, and is adjacent and east of both the Mendocino Fire Protection District and the Albion-Little River Fire Protection District; with the Anderson Valley Community Services District to the south. Lands to the east of the District are not within any fire district and are classified as State Responsibility Area (SRA). (Refer to Figure 1)

The Districted is centered around the hamlet of Comptche and provides services along Comptche-Ukiah Road, Flynn Creek Road, Marsh Creek Road, Bald Hills Road, Docker Hill Road, and Surprise Valley Road. The District is also responsible for an area in the southern portion of the District along Masonite Industrial Road that is only accessible from Flynn Creek Road and Dutch Mill Road, or via Flynn Creek Road and State Route 128 near Navarro. (Refer to Figure 41: Comptche Community Services District Map)

In 1996, an approximate three square mile area at the southwest corner of the District was detached from Albion-Little River Fire Protection District and added to CCSD.



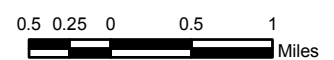
Figure 41: Comptche Community Services District Map



# Comptche Community Service District

Source: This map was prepared by the Mendocino County Department of Information Services GIS Program, June 2013.  
 Note: This map is not a survey product.

- Comptche CSD
- Parcels
- Highways
- Roads
- Streams



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## Extra-territorial Services

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The Comptche Volunteer Fire Department does not provide services outside its district boundary to other agencies by contract, but does maintain Mutual Aid Agreements with the neighboring fire districts of Mendocino Fire Protection District, Albion-Little River Fire Protection District, and Anderson Valley Community Services District; and the California Department of Forestry and Fire Protection (CALFIRE) for wildland fire incidents. The CVFD has responded to calls outside the District boundary including Orr Hot Springs Resort (not within any fire district).

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## Unserved Areas

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There is a corridor area south of the District and along State Route 128 and the Navarro River that is unserved. However, this area is more likely to be served by Albion-Little River Fire Protection District or Anderson Valley Community Services District.

The aforementioned Masonite Industrial Road area is difficult to serve.

## **SPHERE OF INFLUENCE**

The Sphere of Influence (SOI) for Comptche Community Services District was established in October 1993 when Mendocino LAFCo and the Mendocino County Board of Supervisors adopted resolutions establishing the Mendocino County Fire Districts' Spheres of Influence. The District's SOI is co-terminus with the District boundary.

## ACCOUNTABILITY AND GOVERNANCE

Accountability of a governing body is signified by a combination of several indicators. The indicators chosen here are limited to 1) agency efforts to engage and educate constituents through outreach activities, in addition to legally required activities such as agenda posting and public meetings, 2) a defined complaint process designed to handle all issues to resolution, and 3) transparency of the agency as indicated by cooperation with the MSR process and information disclosure.

The Comptche Community Services District is governed by a five-member Board of Directors elected by registered voters within the District boundary. The Directors are normally elected at large to staggered four-year terms. However, Board Members may be appointed by the Mendocino County Board of Supervisors in lieu of election if there are insufficient candidates to require an election, which is the case for CCSD. Currently, all five of the board members were appointed by the Mendocino Board of Supervisors, two in November 2013, and three in November 2015. There have been no contested elections in the past five years. Current Board Member names, positions, and term expiration dates are shown in Figure 37.

**Figure 42: Comptche Community Services District Governing Body**

| <b>Comptche Community Services District</b> |   |                        |                  |                       |
|---|---|------------------------|------------------|-----------------------|
| <b><i>District Contact Information</i></b>  |   |                        |                  |                       |
| <b>Contact:</b>                             | Larry Tunzi, Fire Chief                                     |                        |                  |                       |
| <b>Address:</b>                             | 8491 Flynn Creek Road (PO Box 359) Comptche CA 95427        |                        |                  |                       |
| <b>Telephone:</b>                           | 707-937-0728  |                        |                  |                       |
| <b>Email/website:</b>                       | tunziranch@aol.com or sibbet@mcn.org      None              |                        |                  |                       |
| <b><i>Board of Directors</i></b>            |   |                        |                  |                       |
| <b>Member Name</b>                          | <b>Position</b>   | <b>Term Expiration</b> | <b>Selection</b> | <b>Length of Term</b> |
| James L. Sibbet                             | Chair   | November 2019          | Appointed        | 4 years               |
| Larry MacDonald                             | Vice Chair  | November 2017          | Appointed        | 4 years               |
| Carol Ann Baker                             | Secretary   | November 2019          | Appointed        | 4 years               |
| Michael Schaeffer                           | Treasurer   | November 2019          | Appointed        | 4 years               |
| Joel S. Holmes                              | Director  | November 2017          | Appointed        | 4 years               |
| <b><i>Meetings</i></b>                      |   |                        |                  |                       |
| <b>Date:</b>                                | Second Tuesday of each month at 7:00 PM                     |                        |                  |                       |
| <b>Location:</b>                            | Fire Station 820 8491 Flynn Creek Road Comptche             |                        |                  |                       |
| <b>Agenda Distribution:</b>                 | Posted at the fire station, Comptche store, and post office |                        |                  |                       |
| <b>Minutes Distribution:</b>                | Available by request.                                       |                        |                  |                       |

The Board conducts regular meetings once per month at the Fire Station. Board meeting agendas are posted at the Fire Station (Flynn Creek Road), the Comptche store, and the Comptche post office. Minutes are available upon request.

In addition to the required public notices in compliance with the Brown Act (including the posting of agendas), the District and the Volunteer Fire Department reaches its constituents through community outreach.

The District does not have a website.

Complaints to the District are handled on a direct basis by either the Board Chair or the Fire Chief. The District reported that it has received zero complaints over the past few years.

CCSD demonstrated accountability in its disclosure of information and cooperation with Mendocino LAFCo. The District responded to the questionnaires and staff telephone calls, and cooperated with document requests.

## **MANAGEMENT AND STAFFING**

While public sector management standards vary depending on the size and scope of the organization, there are minimum standards. Well-managed organizations evaluate employees annually, track employee and agency productivity, periodically review agency performance, prepare a budget before the beginning of the fiscal year, conduct periodic financial audits to safeguard the public trust, maintain relatively current financial records, conduct advanced planning for future service needs, and plan and budget for capital needs.

The Comptche Volunteer Fire Department has one Chief, two Deputy Chiefs, and 20 Volunteer Firefighters (of which three are also trained Emergency Medical Technicians (EMTs)). In addition, one Volunteer Firefighter serves as the training officer. At the present time, the Department receives support from nine reserve firefighters who are available to be called up in large-scale emergencies. All volunteers are part of the Fire Department and do not receive remuneration for their services. Volunteers are evaluated as part of the weekly training sessions which are held each Tuesday. Firefighters also attend academy classes, EMT training, and additional weekend drills during the year.

The Fire Chief prepares detailed response sheets to determine how time is being spent and how to improve efficiencies. In addition, the Department keeps an emergency log and training records. The Department reported that it did not conduct formal evaluations of its own performance such as annual reports or benchmarking. However, CVFD does informally review the best practices of other fire agencies.

The Department's financial planning efforts include an annually adopted budget and an annual audited financial statement. Capital improvement needs are generally planned in the budget. Audits are prepared by Michael Celentano, CPA. The most recent audit is for Fiscal Year 2013-2014.

## GROWTH AND POPULATION PROJECTIONS

This section discusses the factors affecting service demand, such as land uses, and historical and anticipated population growth.

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### Land Use

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The District's boundary area is approximately 86.6 square miles, with a service area of approximately 100 square miles. The District contains a variety of land uses including rural residential and 'ranchettes,' with limited commercial development in the hamlet of Comptche. Orchards, vineyards and grazing land comprise agricultural land uses. Large tracts of forest and range land are predominate in the District's outer areas. The land use authority for land within the District is the County of Mendocino.

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### Existing Population

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There are approximately 600 residents within the District, based on District estimates. According to the 2010 Census, there are 159 people residing in the hamlet of Comptche, which is a 'census designated place.'

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### Projected Growth and Development

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The District reports that it anticipates little growth within its boundaries in the next few years because existing land use patterns have been unchanged, and new development is not anticipated. It is possible that the District will see a reduced population due to aging and out-migration.

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### Disadvantaged Unincorporated Communities

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LAFCo is required to evaluate water service, sewer service, and structural fire protection within disadvantaged unincorporated communities (DUCs) as part of this service review, including the location and characteristics of any such communities. A DUC is defined as any area with 12 or more registered voters where the median household income is less than 80 percent of the statewide median household income.

The primary community within the District is Comptche, a 'census designated place' (CDP). The Comptche CDP does not qualify as a DUC because the median household income is greater than 80% of the State median household income of \$61,632. For Comptche, the median household income in 2013 was \$83,750 (or 135.9% of the State median household income).

## FINANCING

The financial ability of agencies to provide services is affected by available financing sources and financing constraints. This section discusses the major financing constraints faced by the Comptche Community Services District and identifies the revenue sources currently available to the District.

CCSD reports that current financing levels are adequate to deliver services, thanks to fund raising efforts of the Fire Auxiliary. The District is in fair financial condition and has identified apparatus replacement as a priority.

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### Revenues

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The primary revenue sources for the District are property tax revenues, the benefit assessment (property assessment), and fund-raisers. The District does not charge additional fees for services to residents or non-residents. Even though the District was formed after 1978 (Proposition 13), the District is allocated a share of the One Percent Ad Valorem Property Tax. An additional property assessment (special tax) was approved by District voters in 1998 and charges an annual fee \$10 per dwelling unit and \$40 for commercial uses.

Revenue sources and a three-year comparison are shown in Figure 43. Revenues over the past three fiscal years have increased, with a large increase in Fiscal Year (FY) 2012-2013 from State grant funds.

If lack of revenue becomes an issue, the District would consider a new property assessment (special tax) ballot measure, which requires a two-thirds approval.

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### Expenditures

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As an 'all volunteer' Fire Department, the District spends no monies on employee salaries or fringe benefits. Expenditures for CCSD have fluctuated over the past three fiscal years, and usually balance out over a longer period.

The District has budgeted for and purchased fire apparatus on a 'pay as you go' basis, utilizing accrued funds and State grants.

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### Liabilities and Assets

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The District does not have any long-term debt or liabilities.

The District's fund balance on June 30, 2014 (which can be considered to be a 'Reserve Account') totaled \$30,009. These funds are classified as 'unrestricted' and can be used for any purpose. (Refer to Exhibit A: District Balance Sheet for details.)

**Figure 43: Three-year Revenues and Expenditures Comparison**

|                             | FY 10-11        |             | FY 11-12        |             | FY 12-13        |             |
|-----------------------------|-----------------|-------------|-----------------|-------------|-----------------|-------------|
| <b>Revenues</b>             |                 |             |                 |             |                 |             |
| Property Tax                | \$10,307        | 41%         | \$11,276        | 39%         | \$11,209        | 20%         |
| Property Assessments        | \$14,924        | 59%         | \$15,213        | 52%         | \$15,415        | 27%         |
| Interest Income             | \$46            | 0%          | \$22            | 0%          | \$14            | 0%          |
| Other Government Funds      | \$117           | 0%          | \$2,477         | 9%          | \$29,793        | 53%         |
| Miscellaneous Revenues      | \$46            | 0%          | \$22            | 0%          | \$15            | 0%          |
| <b>Total Income</b>         | <b>\$25,440</b> | <b>100%</b> | <b>\$28,995</b> | <b>100%</b> | <b>\$56,446</b> | <b>100%</b> |
| <b>Expenses</b>             |                 |             |                 |             |                 |             |
| Salaries-Wages & Benefits   | \$0             | 0%          | \$0             | 0%          | \$0             | 0%          |
| Services & Supplies         | \$15,702        | 54%         | \$14,662        | 58%         | \$16,977        | 39%         |
| Debt Service                | \$0             | 0%          | \$0             | 0%          | 0               | 39%         |
| Fixed Assets                | \$18            | 0%          | \$0             | 0%          | \$19,373        | 45%         |
| Other Expenditures          | \$13,123        | 45%         | \$10,750        | 42%         | \$7,177         | 16%         |
| <b>Total Expenses</b>       | <b>\$28,843</b> | <b>100%</b> | <b>\$25,412</b> | <b>100%</b> | <b>\$43,527</b> | <b>100%</b> |
| <b>Net Income (or Loss)</b> | <b>-\$3,403</b> |             | <b>\$3,583</b>  |             | <b>\$12,919</b> |             |
| Current Year Depreciation   |                 |             |                 |             | \$ 16,658       |             |
| Accumulated Depreciation    |                 |             | \$ 379,264      |             | \$ 395,922      |             |

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### Financing Efficiencies

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The District participates in one joint powers authority (JPA), the Golden State Risk Management Authority (GSRMA). The JPA’s purpose is to provide economical funding for workers compensation and employers liability coverage.

The District also has mutual aid agreements with neighboring fire agencies within Mutual Aid Zone 4 which includes Albion-Little River Fire Protection District, Mendocino Fire Protection District, Fort Bragg Rural Fire Protection District, and Westport Volunteer Fire Department.

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### Fundraising

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Fund-raisers are sponsored by the fire Auxiliary and consist of an annual chicken dinner, a golf tournament, and periodic breakfasts; which generate \$20,000 to \$25,000 per year. These funds are utilized to upgrade equipment.

## 2. MUNICIPAL SERVICES

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### FIRE SERVICES

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#### Service Overview

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The Comptche Volunteer Fire Department provides structural fire protection, emergency medical services to an emergency Medical Technician (EMT)/First Responder level, rescue and extrication, and fire prevention. Fire prevention includes continuing inspections of public and private property; working with several wildland/urban interface communities to improve survivability of homes and businesses threatened by wildland fires; and providing public education on fire safety through various types of public presentations. The Fire Department also responds to wildland fires to a 'first responder' level under a Mutual Aid Agreement with CALFIRE.

Fire Department personnel undergo diverse training three hours each Tuesday, and at additional weekend training sessions. The Department also participates in County-wide training exercises, and sends volunteer firefighters to academy classes and EMT training sessions.

The Department is dispatched by CALFIRE. All firefighters are alerted by pagers.

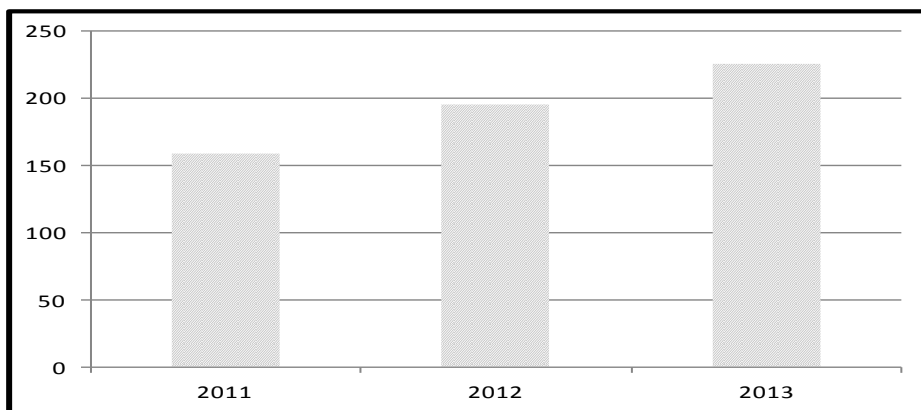
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#### Demand for Services

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As shown in Figure 44, the number of calls have increased slightly over the past three years. The annual calls average about 200, with the majority of calls being medical response to traffic accidents and other medical service responses (85%). Fifteen percent of the calls are fire or hazardous materials-related. Typically there are 3 structure fires and 12 vegetation fires per year. The highest reported call volume occurs daily between the hours of 2:00 and 10:00 PM.

**Figure 44: Number of Calls by Year, 2011-2013**





The Comptche Volunteer Fire Department reported that it generally had sufficient capacity to provide services to its current service area, and to assist other fire departments through mutual aid.

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## Infrastructure and Facilities

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CVFD operates one main fire station located at 8491 Flynn Creek Road; approximately 0.5 miles south of the Comptche-Ukiah Road – Flynn Creek Road intersection. The Main Station was constructed in 1985 and is a 7,500 square foot facility with three apparatus bays (two engines each); plus a meeting/training room, kitchen, bathroom, shop, and storage area.

The Department maintains and operates one rescue truck (used for rescue and emergency medical calls), one command vehicle, one Type 1 Structure Engine, three Type 3 Wildland Fire Engines, and two Water Tenders (1,800 gallon capacity each).

Water for fire protection provided by on-board tanks on each engine, the water tenders, and a 2,500 gallon portable 'fold-a-tank'. There is no water system/hydrant system within the District. The Fire Department must rely on engines with water storage capacity; and/or utilize ponds and streams, swimming pools, or occasional water storage tanks.

Ambulance service is provided by the Mendocino Coast Healthcare District hospital in Fort Bragg. Air ambulance service is provided by CalStar and REACH.



Main Fire Station Station 820 8491 Flynn Creek Road Comptche

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## Infrastructure Needs or Deficiencies

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CVFD reported that the Main Station is in 'good' condition but is operating at capacity.

The District would like to replace its older apparatus, especially a 1978 Type 3 Wildland Engine.

Currently, water supply for fire fighting is considered 'adequate' – however, additional water storage tanks in strategic locations would be very beneficial.

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## Shared Facilities and Regional Collaboration

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No apparatus or facilities are shared with other districts. The District collaborates with other fire service providers through statewide (CALFIRE) and countywide mutual aid agreements.

The Fire Department did not identify any future opportunities for facility sharing.

The District participates in joint training exercises with other fire departments, and is involved in the the Mendocino Fire Plan through the Fire Safe Council.

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## Service Adequacy

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While there are several benchmarks that may define the level of fire service provided by an agency, indicators of service adequacy discussed here include ISO ratings, response times, and level of staffing and station resources for the service area.

Fire services in the communities are classified by the Insurance Service Office (ISO), an advisory organization. This classification indicates the general adequacy of coverage, with classes ranking from 1 to 10. Communities with the best fire department facilities, systems for water distribution, fire alarms and communications, and equipment and personnel receive a rating of 1. CVFD has an ISO rating of 8, and most areas of the District are within 5-miles of the fire station.

Emergency response time standards vary by level of urbanization of an area; the more urban an area, the faster a response is required to be. The California EMS Agency established the following response time guidelines: five minutes in urban areas; 15 minutes in suburban or rural areas; and as quickly as possible in wildland areas. The Department tracks its response times for each incident. Eighty-five percent of responses are medically related. Response times for the Comptche Volunteer Fire Department range from 5-minutes to 45-minutes.

The Fire Department Service Profile is presented in Figure 45.

**Figure 45: Comptche Volunteer Fire Department Profile**

| <b>Fire Service Profile - Comptche community Services District</b>  |                |  |                           |                             |      |
|---|----------------|--|---------------------------|-----------------------------|------|
| <b>District Resource Statistics</b>   |                | <b>Service Configuration</b>   |                           | <b>Service Demand</b>       |      |
| Staffing Base Year  | 2013           | Configuration Base Year  | 2013                      | Statistical Base Year       | 2013 |
| Fire Stations in District   | 1              | Fire Suppression   | Direct                    | Total Service Calls         | 220  |
| Main Station Location: Comptche   |                | Emergency Medical Service  | Direct                    | % Emergency Medical Service | 85%  |
| Square Miles Served per Station <sup>1</sup>  | 87             | Ambulance Transport  | MCHD                      | % Fire/Hazardous Materials  | 15%  |
| Total Staff <sup>2</sup>  | 23             | Hazardous Materials  | County OES                | % False                     | 0%   |
| Total Paid Firefighters (in FTE)  | 0              | Air Ambulance  | REACH, CalStar            | % Miscellaneous Emergency   | 0%   |
| Total Volunteer Firefighters  | 23             | Fire Suppression Helicopter  | CalFire                   | % Non-Emergency             | 0%   |
| Total Firefighters per Station <sup>3</sup>   | 23             | Public Safety Answering Point  | Sheriff                   | % Mutual Aid Calls          | 0%   |
| Total Firefighters per 1,000 pop.   | N.A.           | Fire/EMS Dispatch  | CalFire                   | Calls per 1,000 population  | N.A. |
| <b>Service Adequacy</b>   |                |  | <b>Service Challenges</b> |                             |      |
| Response Time Base Year   | 2013           | Masonite Industrial Road area -- southern District area. Water supply in outlying areas.               |                           |                             |      |
| Response Time (in minutes)  | 5 - 45 minutes | <b>Training</b>  |                           |                             |      |
| Maximum Response Time (in minutes)  | 45 minutes     | Weekly with extra training on some weekends; classes and joint training sessions with other districts. |                           |                             |      |
| ISO Rating  | 8              |  |                           |                             |      |
| Notes:<br>1) Primary service area (square miles) per station.<br>2) Total staff includes firefighters (paid and volunteer), emergency medical personnel, and administrative personnel.<br>3) Based on ratio of firefighters to the number of stations. Actual staffing levels of each station vary. |                |  |                           |                             |      |

### **3. MSR DETERMINATIONS**

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#### Growth and Population Projections

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1. There are approximately 600 residents within the Covelo Community Services District boundary, based on District estimates. There are 159 people residing in the hamlet of Comptche.
2. The population of the District has not increased over the past few years, and is not expected to increase in the foreseeable future.

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#### Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence

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3. There are no Disadvantaged Unincorporated Communities (DUCs) within the District Sphere of Influence.

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#### Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies

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4. The District's current facilities are adequate, but are operating at capacity.
5. The Fire Department has the capacity to adequately serve current demand within the 87 square mile District boundary, and is able to assist adjoining fire districts through mutual aid.
6. Water supply for fire fighting is limited to apparatus with water tank capability. Additional water tanks at strategic locations throughout the District would be beneficial.

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#### Financial Ability of Agency to Provide Services

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7. CCSD reported that current financing levels are adequate to deliver services.
8. If lack of revenue becomes an issue, the District would consider a new property assessment (special tax) ballot measure, which requires a two-thirds approval.

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Status and Opportunities for Shared Facilities  
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- 9. The District collaborates with other fire service providers through state and county mutual aid agreements.

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Accountability for Community Services, Including  
Governmental Structure and Operational Efficiencies  
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- 10. CCSD is governed by an elected five-person Board of Directors. However, all recent Board positions have been filled by appointment of the Mendocino County Board of Supervisors. The District should renew its efforts to identify more than one candidate for each Board position so that voters within the District will be afforded a choice and an opportunity to vote.
- 11. The District and the Volunteer Fire Department do not have a website. Establishing a website and the posting of agendas, minutes, budgets, and audits would provide better transparency.
- 12. The District maintains a community presence at its Main Fire Station, where it posts information about district and fire department activities, documents and updates.
- 13. The agency demonstrated accountability in its cooperation with Mendocino LAFCo information requests.

\* \* \* \*

## District Balance Sheet

COMPTCHE COMMUNITY SERVICES DISTRICT  
STATEMENT OF NET POSITION AND GOVERNMENTAL FUNDS BALANCE SHEET  
JUNE 30, 2014

|   | <u>General<br/>Fund</u> | <u>Adjustments<br/>Note 4</u> | <u>Statement<br/>of Net<br/>Assets</u> |
|---|-------------------------|-------------------------------|--|
| <u>ASSETS</u>   |                         |                               |  |
| Cash  | \$ 31,414               |                               | \$ 31,414                              |
| Land - Note 2   |                         | 271,027                       | 271,027                                |
| Other capital assets, net of<br>accumulated depreciation - Note 2 | <u>-</u>                | <u>225,810</u>                | <u>225,810</u>                         |
| Total Assets  | <u>\$ 31,414</u>        | <u>496,837</u>                | <u>528,251</u>                         |
| <u>LIABILITIES</u>  |                         |                               |  |
| Accounts payable  | <u>\$ 1,405</u>         | <u>-</u>                      | <u>1,405</u>                           |
| Total Liabilities   | <u>1,405</u>            | <u>-</u>                      | <u>1,405</u>                           |
| <u>FUND BALANCE / NET POSITION</u>                                |                         |                               |  |
| Fund balances   |                         |                               |  |
| Unassigned  | <u>30,009</u>           | <u>(30,009)</u>               | <u>-</u>                               |
| Total Fund Balances   | <u>30,009</u>           | <u>(30,009)</u>               | <u>-</u>                               |
| Total Liabilities and Fund Balances                               | <u>\$ 31,414</u>        | <u>(30,009)</u>               | <u>-</u>                               |
| Net Position  |                         |                               |  |
| Investment in capital assets                                      |                         | 496,837                       | 496,837                                |
| Unrestricted  |                         | <u>30,009</u>                 | <u>30,009</u>                          |
| Total Net Position  |                         | <u>\$ 526,846</u>             | <u>\$ 526,846</u>                      |

**MENDOCINO**  
**Local Agency Formation Commission**

**Staff Report**

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: George Williamson, Executive Officer  
SUBJECT: Mid-Year Budget Review and MSR/SOI Work Plan

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**Summary of Mid-Year Budget**

The Commission requested a mid-year budget review for FY 2015-16. This is an opportunity to look at itemized operating expenses and make adjustments as necessary. Staff has prepared the attached multi-year budget comparison, which was reviewed at the December 18<sup>th</sup> Executive Committee meeting (See Attachment 1). This comparison includes adopted and actual (unaudited) FY 2014-15 amounts; adopted and mid FY 2015-16 amounts; a staff proposed FY 2015-16 amendment; and an early look at proposed FY 2016-17 operating expenses. To focus on operating expenses, no other accounts (i.e. contracts and revenues) are included in this review.

The Commission has expressed concern in the amount of FY 2015-16 budget expended thus far for SOI updates, and the need to understand the staff expense necessary to complete the current cycle of MSR and SOI updates. For the purposes of this mid-year review, only the MSRs Planwest is responsible for are addressed. The MSRs being prepared by Baracco and Associates are a separate expense and subject to a separate agreement.

The mid-year amount expended in Account #7501 SOI Updates (87%) reflects the considerable amount of staff time involved in working with member organizations, adapting and correcting MSR information, and mapping and analyzing prior boundaries for these updates. There has been a completely new format developed for these updates, and workshops added into the review and adoption process. The extent of this was not reflected in the budget for these line items. Staff hopes that the Commission can appreciate the effort expended thus far to complete the SOI updates and allow staff to extend the timeframe for MSR and SOI updates into FY 2016-17. An investment now in this current cycle is expected to result in cost savings in the next five-year cycle, as well as a complete detailed record of services, boundaries, and spheres.

A mid-year amendment is proposed that would draw on unexpended funds to sustain the level of effort necessary to work effectively with districts and cities. We will continue to work to streamline the process and look for ways to economize in this most important of LAFCo functions. We hope it is evident from the agency involvement at Commission meetings that they are engaged and see the value of participating in this process. A public hearing would be required to amend the FY 2015-16 Budget. With Commission concurrence, the budget amendment hearing can be scheduled for the February 1, 2016 meeting.

## Summary of MSR/SOI Work Plan

Staff time to date on SOI Updates has largely focused on coordinating with affected agencies to assure that information presented to the Commission accurately reflects the agency's services and functions, and also contains an appropriate level of detail/analysis to make the required determinations. Addressing these issues ensures that LAFCo records for each agency are organized and correct with miscellaneous issues identified and addressed. Many districts lack a LAFCo recognized SOI and others have not been through a SOI Update in many years. For this reason, there is a need to inform special districts on the intent of establishing or amending a sphere, consider future changes to boundaries and services, and address whether there is sufficient capacity to support additional growth. Staff's efforts to coordinate with agencies have focused on improving the understanding of LAFCo's role, and building relationships with agencies. This level of coordination will help to streamline future MSR and SOI Update cycles, and any future boundary change or reorganization proposals.

The following is a summary of the SOI Update process, including the administrative draft, workshop, and hearing phases:

### 1) Administrative draft review

Staff prepares an administrative draft SOI Update based largely on the information included in the MSR and returned SOI questionnaire. The administrative draft is provided to the agency for internal review. For the most part it takes a lot of energy and back-and-forth between the agency and LAFCo staff before both parties feel confident that the administrative draft accurately represents the agency, addresses the requirements of the CKH Act, and meets the needs of the Commission prior to taking it to workshop.

### 2) Workshop review

Staff incorporates agency feedback and develops a workshop draft SOI Update. Staff circulates the draft via e-mail to the Commission prior to the meeting. This is ideally where staff receives most of the individual feedback and edits from the Commission so that questions and revisions can be addressed in the meeting packet. Agencies are encouraged to participate in the workshop to answer questions and be involved in the process. Staff keeps agencies informed of document review progress, offers opportunities to address commissioner questions and requested revisions (if needed), and provides the staff report and workshop draft document to the agency prior to the meeting. After the workshop staff works with the agency to address any questions or changes requested by the Commission prior to scheduling it for hearing.

### 3) Public Hearing and adoption via resolution

Staff incorporates agency and commissioner feedback and develops a hearing draft SOI Update. A 21-day notice is published in the newspaper and posted on the LAFCo website. Staff circulates the hearing draft to the Commission. Ideally this version would have all necessary changes made, and the Commission would take public testimony, address questions or comments, and adopt the document by resolution. However, the reality is that the hearing often results in more changes made to the document as a part of the motion to adopt the resolution. Post meeting, staff makes all the required revisions and creates an "adopted" SOI Update document. This adopted version is then posted on the website and sent to the agency involved.

Moving forward with the SOI Updates, staff has been able to overcome initial obstacles and identify ways in which to streamline the SOI Update process. Moving forward with complete records and a much better understanding of the significant amount of work required, staff believes the this update cycle is on track for success. Staff has created an amended work program which we believe reflects the future needs of the remaining updates and provides a more realistic timeline for completion (See Attachment 2, Work Program Summary for an estimated timeline, and Attachment 3 the MSR and SOI Table for a complete status overview of these documents).



Staff requests Commission input on additional ways to streamline the process. For instance, is there a way to better coordinate commissioner review of administrative draft documents? How can we work more effectively at the workshop stage so that the public hearing draft is ready for Commission action? Commissioner Silver has provided comments regarding the process for reviewing documents (See Attachment 4).

### **Recommendation**

Staff recommends the Commission review and comment on the Mid-Year Budget Summary and Work Plan, and direct staff to notice a public hearing for Commission consideration of a FY 2015-16 Budget Amendment at the February 1, 2016 meeting.

Attachments: 1) Mid-Year Budget Review Spreadsheet  
2) Work Program Summary Table  
3) MSR and SOI Progress Table  
4) Letter from Commissioner Silver



# Mendocino Local Agency Formation Commission MSR and SOI Update – Work Program Summary

## Fiscal Year 2015-16

City of Point Arena

Elk County Water District

Westport County Water District

Caspar South Water District

Pacific Reefs Water District

Laytonville County Water District

Anderson Valley CSD

--

Gualala CSD (January hearing)

Round Valley County Water District (February hearing)

--

Calpella County Water District

Hopland Public Utility District

Millview County Water District

Redwood Valley County Water District

Willow County Water District

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Irish Beach Water District

Potter Valley Irrigation District

Noyo Harbor District

Mendocino Coast Healthcare District

Mendocino County RCD



**Completed**



**March 2016 Public  
Hearing**

Already 75%  
complete



**May 2016 Public  
Hearing**

Already 25%  
complete

# Fiscal Year 2016-17

Ukiah Valley Sanitation District

Russian River Flood Control and WCID

City of Willits

Brooktrails Township CSD *(combined MSR and SOI Update)*

City of Fort Bragg *(combined MSR and SOI Update)*

Covelo CSD *(combined MSR and SOI Update)*

Mendocino City CSD *(combined MSR and SOI Update)*

Mendocino Coast Rec & Park District *(combined MSR/SOI Update)*

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Fort Bragg Rural FPD *(combined MSR and SOI Update)*

Redwood Coast FPD *(combined MSR and SOI Update)*

Albion-Little River FD

Comptche CSD

Covelo FPD

Elk CSD

Hopland FPD

Leggett Valley FPD

Little Lake FPD

Long Valley FPD

Mendocino FPD

Piercy FPD

Potter Valley CSD

Redwood Valley-Calpella FD

South Coast FPD

Ukiah Valley FPD

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Anderson Valley Cemetery District

Cemetery District of the Redwoods

Covelo Public Cemetery District

Hopland Cemetery District

Mendocino-little River Cemetery District

Potter Valley Cemetery District

Russian River Cemetery District

Westport-Ten Mile Cemetery District

Will be at least 50% complete by beginning of FY 2016-17

Will be 25% complete by beginning of FY 2016-17 - contingent on MSRs being completed in FY 2015-16

Will be completed in FY 2016-17 contingent on MSRs being completed in FY 2015-16

Mendocino Local Agency Formation Commission  
MSR and SOI Updates – January 2016

| Agency                        | MSR   | SOI Update  | Notes |
|-------------------------------|---|---|-------|
| <b>Cities</b>                 |   |   |       |
| City of Fort Bragg            | Scheduled for FY 2016-17                              | Scheduled for FY 2016-17                                  |       |
| City of Point Arena           | City of Point Arena MSR<br>(Adopted Feb 2, 2015)      | Completed in FY 2015-16<br>(Adopted Nov 2, 2015)          |       |
| City of Ukiah                 | City of Ukiah MSR<br>(Adopted Sept 4, 2012)           | SOI Amendment Application in<br>progress – on hold status |       |
| City of Willits               | City of Willits MSR<br>(Adopted Feb 2, 2015)          | Scheduled for FY 2016-17                                  |       |
| <b>Fire Related Districts</b> |   |   |       |
| Albion-Little River FD        | Countywide Fire MSR – Part 3<br>(In Progress)         | Scheduled for FY 2016-17                                  |       |
| Comptche CSD                  | Countywide Fire MSR – Part 2<br>(Adopted Nov 2, 2015) | Scheduled for FY 2016-17                                  |       |
| Covelo FPD                    | Countywide Fire MSR – Part 1<br>(Adopted Mar 2, 2015) | Scheduled for FY 2016-17                                  |       |
| Elk CSD                       | Countywide Fire MSR – Part 3<br>(In Progress)         | Scheduled for FY 2016-17                                  |       |
| Fort Bragg Rural FPD          | Scheduled for FY 2016-17                              | Scheduled for FY 2016-17                                  |       |
| Hopland FPD                   | Countywide Fire MSR – Part 1<br>(Adopted Mar 2, 2015) | Scheduled for FY 2016-17                                  |       |
| Leggett Valley FPD            | Countywide Fire MSR – Part 1<br>(Adopted Mar 2, 2015) | Scheduled for FY 2016-17                                  |       |
| Little Lake FPD               | Countywide Fire MSR – Part 1<br>(Adopted Mar 2, 2015) | Scheduled for FY 2016-17                                  |       |

FY 2015-16  
 FY 2016-17

| Agency                                | MSR   | SOI Update   | Notes |
|---------------------------------------|---|--|-------|
| Long Valley FPD (Laytonville VFD)     | Countywide Fire MSR – Part 1<br>(Adopted Mar 2, 2015)     | Scheduled for FY 2016-17                                 |       |
| Mendocino FPD                         | Countywide Fire MSR – Part 2<br>(Adopted Nov 2, 2015)     | Scheduled for FY 2016-17                                 |       |
| Piercy FPD                            | Countywide Fire MSR – Part 3<br>(In Progress)             | Scheduled for FY 2016-17                                 |       |
| Potter Valley CSD                     | Countywide Fire MSR – Part 2<br>(Adopted Nov 2, 2015)     | Scheduled for FY 2016-17                                 |       |
| Redwood Coast FPD                     | Scheduled for FY 2016-17                                  | Scheduled for FY 2016-17                                 |       |
| Redwood Valley-Calpella FD            | Countywide Fire MSR – Part 2<br>(Adopted Nov 2, 2015)     | Scheduled for FY 2016-17                                 |       |
| South Coast FPD                       | Countywide Fire MSR – Part 3<br>(In Progress)             | Scheduled for FY 2016-17                                 |       |
| Westport VFD (not a special district) | Countywide Fire MSR – Part 3<br>(In Progress)             | Sphere update n/a - Potential<br>fire district formation |       |
| Ukiah Valley FPD                      | Part of UV Special Districts<br>MSR (Adopted May 6, 2013) | Scheduled for FY 2016-17                                 |       |
| <b>Community Services Districts</b>   |   |  |       |
| Anderson Valley CSD                   | Anderson Valley CSD MSR<br>(Adopted Feb 3, 2014)          | Completed in FY 2015-16<br>(Adopted Dec 7, 2015)         |       |
| Brooktrails Township CSD              | Scheduled for FY 2016-17                                  | Scheduled for FY 2016-17                                 |       |
| Covelo CSD                            | Scheduled for FY 2016-17                                  | Scheduled for FY 2016-17                                 |       |
| Gualala CSD                           | Countywide W/WW MSR<br>(Adopted Oct 6, 2014)              | Scheduled for FY 2015-16<br>(Jan Hearing)                |       |
| Mendocino City CSD                    | Scheduled for FY 2016-17                                  | Scheduled for FY 2016-17                                 |       |

| Agency                               | MSR  | SOI Update                                    | Notes |
|--------------------------------------|--|---|-------|
| <b>County Water Districts</b>        |  |   |       |
| Calpella County Water District       | Part of UV Special Districts MSR (Adopted May 6, 2013)   | Scheduled for FY 2015-16 (March Hearing)      |       |
| Elk County Water District            | Countywide W/WW MSR (Adopted Oct 6, 2014)                | Completed in FY 2015-16 (Adopted Nov 2, 2015) |       |
| Laytonville County Water District    | Countywide W/WW MSR (Adopted Oct 6, 2014)                | Completed in FY 2015-16 (Adopted Dec 7, 2015) |       |
| Millview County Water District       | Part of UV Special Districts MSR (Adopted May 6, 2013)   | Scheduled for FY 2015-16 (March Hearing)      |       |
| Redwood Valley County Water District | Part of UV Special Districts MSR (Adopted May 6, 2013)   | Scheduled for FY 2015-16 (March Hearing)      |       |
| Round Valley County Water District   | Countywide W/WW MSR (Adopted Oct 6, 2014)                | Scheduled for FY 2015-16 (Feb Hearing)        |       |
| Westport County Water District       | Countywide W/WW MSR (Adopted Oct 6, 2014)                | Completed in FY 2015-16 (Adopted Nov 2, 2015) |       |
| Willow County Water District         | Part of UV Special Districts MSR (Adopted May 6, 2013)   | Scheduled for FY 2015-16 (March Hearing)      |       |
| <b>California Water Districts</b>    |  |   |       |
| Caspar South Water District          | Countywide W/WW MSR (Adopted Dec 1, 2014)                | Completed in FY 2015-16 (Adopted Nov 2, 2015) |       |
| Irish Beach Water District           | Countywide W/WW MSR (Adopted Nov 3, 2014)                | Scheduled for FY 2015-16 (May Hearing)        |       |
| Pacific Reefs Water District         | Countywide W/WW MSR (Adopted Oct 6, 2014)                | Completed in FY 2015-16 (Adopted Nov 2, 2015) |       |
| <b>Other Districts</b>               |  |   |       |
| Ukiah Valley Sanitation District     | Part of UV Special Districts MSR (Adopted March 3, 2014) | Scheduled for FY 2016-17                      |       |
| Hopland Public Utility District      | Part of UV Special Districts MSR (Adopted May 6, 2013)   | Scheduled for FY 2015-16 (March Hearing)      |       |

| Agency                                   | MSR   | SOI Update                             | Notes |
|--|---|--|-------|
| Potter Valley Irrigation District        | Part of UV Special Districts MSR (Adopted May 6, 2013)        | Scheduled for FY 2015-16 (May Hearing) |       |
| Russian River Flood Control and WCID     | Part of UV Special Districts MSR (Adopted May 6, 2013)        | Scheduled for FY 2016-17               |       |
| Noyo Harbor District                     | Noyo Harbor District MSR (Adopted Feb 3, 2014)                | Scheduled for FY 2015-16 (May Hearing) |       |
| Mendocino Coast Healthcare District      | Mendocino Coast Healthcare District MSR (Adopted Aug 4, 2014) | Scheduled for FY 2015-16 (May Hearing) |       |
| Mendocino County RCD                     | Mendocino County RCD MSR (Adopted Aug 4, 2014)                | Scheduled for FY 2015-16 (May Hearing) |       |
| Mendocino Coast Rec & Park District      | Scheduled for FY 2016-17                                      | Scheduled for FY 2016-17               |       |
| <b>Cemetery Districts</b>                |   |  |       |
| Anderson Valley Cemetery District        | Countywide Cemetery MSR (In Progress)                         | Scheduled for FY 2016-17               |       |
| Cemetery District of the Redwoods        | Countywide Cemetery MSR (In Progress)                         | Scheduled for FY 2016-17               |       |
| Covelo Public Cemetery District          | Countywide Cemetery MSR (In Progress)                         | Scheduled for FY 2016-17               |       |
| Hopland Cemetery District                | Countywide Cemetery MSR (In Progress)                         | Scheduled for FY 2016-17               |       |
| Mendocino-Little River Cemetery District | Countywide Cemetery MSR (In Progress)                         | Scheduled for FY 2016-17               |       |
| Potter Valley Cemetery District          | Countywide Cemetery MSR (In Progress)                         | Scheduled for FY 2016-17               |       |
| Russian River Cemetery District          | Countywide Cemetery MSR (In Progress)                         | Scheduled for FY 2016-17               |       |
| Westport-Ten Mile Cemetery District      | Countywide Cemetery MSR (In Progress)                         | Scheduled for FY 2016-17               |       |



December 9, 2015

Dear Commissioners,

In the last meeting once again the concern of the overages in the budget was discussed. This seems to be an ongoing problem with no current remedy. I agree with Commissioners McNerlin and McCowen that the main area of concern is the amount of hours Planwest is spending on the MSRs and SOIs.

I would like to suggest a procedure developed by the schools when preparing a WASC evaluation:

1. The original documents are prepared by Planwest or Baracco & Associates.
2. Each report is assigned to one or two Commissioners who are responsible for the corrections of that one report.
3. Each Commissioner sends in the said report to the Commission Clerk for updating.
4. Unless the editing changes the Determination part of the report or a question of content, the editing does not need to be in the minutes, as has been demonstrated by Commissioners sending in corrections and not commenting during the meetings. During the final overview, a representative from the District in question would be invited to comment either in person or by written response.
5. The Clerk could make the corrections as needed and present to the Commission for approval.

This process would reduce time taken at the meetings and from Planwest contract hours.

Commissioners would be relieved of the burden of editing several reports. This way each one of us would be responsible for only one report instead of relying on one or two of the Commissioners to do most of the editing (McCowen and Hamburg) as we have witnessed in the past meetings.

Once again I stress that unless the editing changes the content, the Commission does not need to spend time reviewing each correction. Nor does the correction of "adding an s" or "taking out a period or comma" need to be in the minutes.

Instead of each of us reading 100 page documents before each meeting, we could potentially have a working knowledge of a 15-20 page report and then present that report to the Commission for review. Collectively we could review each report for content at the meeting. This process has worked in the school system and has proven to be very efficient.

Thank you for taking the time to consider this.

Angela Silver

**MENDOCINO**  
**Local Agency Formation Commission**

**Staff Report**

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: George Williamson, Executive Officer  
SUBJECT: MSR Completion

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**Background**

At the November 2015 Executive Committee Meeting, staff was given direction to address the majority of the MSRs in LAFCo records and create adopted documents for posting on the Mendocino LAFCo website. Attached is a table which provides an overview of all the special districts and cities in Mendocino County and their current MSR status (see attachment 1- MSR Overview Table).

**Recommendation**

This item has been agendized for information only. Staff recommends the Commission review and discuss the report and provide additional direction, as necessary.

Attachments: 1) MSR Overview Table

## Mendocino LAFCo MSR Overview as of December 28, 2015

| Type   | Agency   | MSR Preparer                  | Date of Comm. Final Adoption | Adopted Document Present in LAFCo Records | Notes  |
|--------|--|-------------------------------|------------------------------|---|--|
| FIRE   | Redwood Coast Fire Protection District           | 2006: McMichael 2015:Planwest | Oct 2006                     | Present                                   | Hardcopy recently scanned and made available on website.   |
| CITY   | City of Fort Bragg                               | 2008: McMichael 2015:Planwest | Aug 2008                     | Present                                   | Hardcopy only  |
| PARK   | Mendocino Coast Recreation and Park District     | 2008: uka 2015:Planwest       | Aug 2008                     | Present                                   | Hardcopy only  |
| CSD    | Mendocino City Community Services District       | 2008: McMichael 2015:Planwest | Nov 2008                     | Present                                   | Hardcopy only  |
| CSD    | Brooktrails Township Community Services District | 2010: McMichael 2015:Planwest | Oct 2010                     | Present                                   | Available on website   |
| CSD    | Covelo Community Services District               | 2010: McMichael 2015:Planwest | Sept 2010                    | Present                                   | Available on website   |
| FIRE   | Fort Bragg Rural Fire Protection District        | 2011: Baracco 2015:Planwest   | Sept 2011                    | Present                                   | Available on website   |
| CITY   | City of Ukiah                                    | Mulberg                       | Sept 2012                    | Present                                   | Available on website   |
| UVD    | Hopland Public Utility District                  | Mulberg                       | Mar 2013                     | Present                                   | Adopted version recently finished by staff. Available on website.                                    |
| UVD    | Calpella County Water District                   | Mulberg                       | May 2013                     | Present                                   | Adopted version recently finished by staff. Available on website.                                    |
| UVD    | Millview County Water District                   | Mulberg                       | May 2013                     | Present                                   | Adopted version recently finished by staff. Available on website.                                    |
| UVD    | Potter Valley Irrigation District                | Mulberg                       | May 2013                     | Present                                   | Adopted version recently finished by staff. Available on website.                                    |
| UVD    | Russian River Flood Control and WCID             | Mulberg                       | May 2013                     | Present                                   | Adopted version recently finished by staff. Available on website.                                    |
| UVD    | Ukiah Valley Fire Protection District            | Mulberg                       | May 2013                     | Present                                   | Adopted version recently finished by staff. Available on website.                                    |
| UVD    | Willow County Water District                     | Mulberg                       | May 2013                     | Present                                   | Adopted version recently finished by staff. Available on website.                                    |
| UVD    | Redwood Valley County Water District             | Mulberg                       | May 2013                     | Present                                   | Adopted version recently finished by staff. Available on website.                                    |
| WAT    | Caspar South Water District                      | Baracco                       | Adopt for 12 mo: Dec '14     | Present                                   | Adopted version recently finished by staff. Available on website.                                    |
| CONS   | Mendocino County Resource Conservation District  | Baracco                       | Aug 2014                     | No  | Boundary map not finalized but being addressed in SOI process. Adopted version in progress by staff. |
| HEALTH | Mendocino Coast Health Care District             | Baracco                       | Aug 2014                     | No  | Adopted version in progress by staff   |
| CSD    | Anderson Valley Community Services               | Baracco                       | Feb 2014                     | Present                                   | Available on website   |
| HARBOR | Noyo Harbor District                             | Baracco                       | Feb 2014                     | Present                                   | Available on website   |
| UVD    | Ukiah Valley Sanitation District                 | Baracco                       | Mar 2014                     | No  | Adopted version in progress by staff   |
| WAT    | Irish Beach Water District                       | Baracco                       | Nov 2014                     | No  | Adopted version in progress by staff   |
| CSD    | Gualala Community Services District              | Baracco                       | Oct 2014                     | No  | Adopted version in progress by staff   |

**Mendocino LAFCo MSR Overview as of December 28, 2015**

|      |  |         |              |              |                                      |
|------|--|---------|--------------|--------------|--------------------------------------|
| WAT  | Elk County Water District                    | Baracco | Oct 2014     | No           | Adopted version in progress by staff |
| WAT  | Laytonville County Water District            | Baracco | Oct 2014     | No           | Adopted version in progress by staff |
| WAT  | Pacific Reefs Water District                 | Baracco | Oct 2014     | No           | Adopted version in progress by staff |
| WAT  | Round Valley County Water District           | Baracco | Oct 2014     | No           | Adopted version in progress by staff |
| WAT  | Westport County Water District               | Baracco | Oct 2014     | No           | Adopted version in progress by staff |
| CITY | City of Point Arena                          | Baracco | Feb 2015     | No           | Adopted version in progress by staff |
| CITY | City of Willits                              | Baracco | Feb 2015     | No           | Adopted version in progress by staff |
| FIRE | Covelo Fire Protection District              | Baracco | Mar 2015     | No           | Adopted version in progress by staff |
| FIRE | Hopland Fire Protection District             | Baracco | Mar 2015     | No           | Adopted version in progress by staff |
| FIRE | Leggett Valley Fire Protection District      | Baracco | Mar 2015     | No           | Adopted version in progress by staff |
| FIRE | Little Lake Fire Protection District         | Baracco | Mar 2015     | No           | Adopted version in progress by staff |
| FIRE | Long Valley Fire Protection District         | Baracco | Mar 2015     | No           | Adopted version in progress by staff |
| FIRE | Albion-Little River Fire Protection District | Baracco | Nov 2015     | No           | Adopted version in progress by staff |
| FIRE | Mendocino Fire Protection District           | Baracco | Nov 2015     | No           | Adopted version in progress by staff |
| FIRE | Potter Valley Community Services District    | Baracco | Nov 2015     | No           | Adopted version in progress by staff |
| FIRE | Redwood Valley-Calpella Fire Protection      | Baracco | Nov 2015     | No           | Adopted version in progress by staff |
| GEM  | Anderson Valley Cemetery District            | Baracco | None Adopted | None Adopted |                                      |
| GEM  | Cemetery District of the Redwoods            | Baracco | None Adopted | None Adopted |                                      |
| GEM  | Covelo Public Cemetery District              | Baracco | None Adopted | None Adopted |                                      |
| GEM  | Hopland Cemetery District                    | Baracco | None Adopted | None Adopted |                                      |
| GEM  | Mendocino-Little River Cemetery District     | Baracco | None Adopted | None Adopted |                                      |
| GEM  | Potter Valley Cemetery District              | Baracco | None Adopted | None Adopted |                                      |
| GEM  | Russian River Cemetery District              | Baracco | None Adopted | None Adopted |                                      |
| GEM  | Westport-Ten Mile Cemetery District          | Baracco | None Adopted | None Adopted |                                      |
| FIRE | Elk Community Services District              | Baracco | None Adopted | None Adopted |                                      |
| FIRE | Compiche Community Services District         | Baracco | None Adopted | None Adopted |                                      |
| FIRE | Piercy Fire Protection District              | Baracco | None Adopted | None Adopted |                                      |
| FIRE | South Coast Fire Protection District         | Baracco | None Adopted | None Adopted |                                      |
| FIRE | Westport Volunteer Fire Department           | Baracco | None Adopted | None Adopted |                                      |

# MENDOCINO

## Local Agency Formation Commission

### Staff Report

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: George Williamson, Executive Officer  
SUBJECT: Caspar South Water District MSR Review

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#### Background

At the December 1, 2014 meeting, the Commission approved the Caspar South Water District (CSWD) section in the Countywide Water and Wastewater MSR, contingent upon a review by LAFCo 12 months after adoption as reflected in Determination #30 of the document, which states:

*This Municipal Service Review shall be reviewed by LAFCo 12-months from adoption in order to evaluate the District's operations and compliance with regulatory requirements. In particular, LAFCo will look for the District initiation process to develop a Capital Improvement Plan and a Sanitary Sewage Management Plan.*

Staff contacted the CSWD and the Board's president, Mr. Clouse, discussed the current status of a Capital Improvement Plan (CIP), a Sewer System Management Plan (SSMP), as well as other details regarding compliance with regulatory requirements, infrastructure upgrades, system capacity and current connections. Mr. Clouse explained that since the 2014 MSR adoption, the District has worked to implement both a CIP and SSMP. The District has an internal plan focusing on aging infrastructure, though it is not specifically called a Capital Improvement Plan. As part of this plan, CSWD has been monitoring, prioritizing and upgrading infrastructure. The process is ongoing and to date, CSWD's average daily flow has been reduced by 50% compared to pre-2014 flows due to replacement and/or maintenance of system. Additionally, they have hired a licensed chief plant operator who monitors the system on a weekly basis, which also contributes to reduced flows. The new chief plant operator is in the process of preparing a SSMP for the North Coast Regional Water Quality Control Board. The District also sends monthly wastewater and lift station reports to the Regional Water Quality Control Board.

Following the 2014 MSR, the District's sphere of influence was evaluated in November of 2015 and updated to remain coterminous with District boundaries. The adopted sphere considered the flow capacity of the District's system and the ongoing maintenance and upgrades to infrastructure. This action demonstrates that there is no anticipated need for the agency's services outside its existing boundaries based on service demand and current design capacity of the system.

#### Recommendation

This report represents a staff review of District operations subsequent to the 2014 MSR and fulfills determination #30 in that report. The Caspar South Water District MSR may be updated or amended further per Commission direction.

**MENDOCINO**  
**Local Agency Formation Commission**

**Staff Report**

DATE: January 4, 2016  
TO: Mendocino Local Agency Formation Commission  
FROM: George Williamson, Executive Officer  
SUBJECT: Policies and Procedures Manual Revision

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**Background**

This is not an update of the current P&Ps but a completely new document, therefore changes have not been “tracked.” However, Staff and Committee are confident in their work to include all relevant information in the current document.

The draft P&P include two parts, Part 1: Administrative Policies and Procedures, and Part 2: Boundary Change Policies and Procedures. This draft was e-mailed to Commissioners on November 5, 2016 for review and comment.

Special thanks to the following for their extensive work to produce the draft being presented:

Dan Hamburg, Doug Hammerstrom, Theresa McNerlin, Colette Metz, Elizabeth Salomone, Bruce Baracco, and warm remembrance of Michael Kisslinger

Please find enclosed a report on the following two topics for Commission discussion and direction:

1. Participation of Alternate Members in closed sessions. (Ch 3-6-c)
2. Overlapping Spheres (Ch 9-1-10)

**Recommendation**

Staff recommends the Commission approve the Policies and Procedures Manual as recommended by the Policies Committee, with any revisions incorporated.

Attachments: 1) Draft Policies and Procedures

## **Participation of Alternate Members in closed sessions. (Ch 3-6-c)**

Q: Can Alternate Commissioners attend closed session when the Regular Commissioner in their category is present and able to participate?

**February 6, 2013:** Thomas R. Parker, LAFCo General Counsel, offered opinion #13-006 on Legal Authority of LAFCo Alternate Commissioners to Participate in Commission Functions and Committees. “Alternate commissioners may not attend closed session of the Commission when the regular commissioners in their membership category are present and able to participate in the closed session.” An Attorney General decision of 1999 was noted. “The Attorney General also determined that the Brown Act would be violated by the presence of non-voting alternate commissioners in closed session of the Commission.”

**April 21, 2015:** P. Scott Browne, LAFCo Legal Counsel, offered opinion. “My opinion is that alternate public members properly can attend closed session so that they can be in a position to make informed decisions on the closed session item when sitting as a voting member. There is an Attorney General Opinion which in part holds to the contrary but in my view the opinion on that issue has no legal authority supporting the conclusion and fails to appreciate the integral role under CKH that alternate members play in Commission activities.

## **Overlapping Spheres (Ch 9-1-10)**

Below is alternate language on overlapping spheres considered by the Committee but ultimately revised and shortened to what is included in Chapter 9, Section 1, Policy 10 (See Final Draft Policies page 29 of 37). Due to lack of agreement on whether this hierarchy applies in all situations, especially in a rural areas where there are existing overlapping jurisdictional boundaries and spheres, the language in blue (underlined) below was not included. This allows the Commission to address changes to sphere boundaries and overlapping service areas on a case-by-case basis, based on local service needs and circumstances.

### 10) Overlapping Spheres

LAFCo encourages the reduction of overlapping spheres of influence to avoid unnecessary and inefficient duplication of services or facilities. Where an area could be assigned to the sphere of influence of more than one agency, the following hierarchy typically applies:

- a. Inclusion within a city’s sphere
- b. Inclusion within a multi-purpose district’s sphere
- c. Inclusion within a single-purpose district’s sphere

Territory placed within a city’s sphere indicates that the city is the most logical provider of urban services. LAFCo encourages annexation of developing territory (i.e., area not currently receiving services) that is currently within a city’s sphere to that city rather than to one or more single-purpose special districts. LAFCo discourages the formation of special districts within a city’s sphere. To promote efficient and coordinated planning among the county’s various agencies, districts that provide the same type of service shall not have overlapping spheres.

In deciding which of two or more equally capable agencies shall include an area within its sphere of influence, LAFCo shall consider the agencies’ service and financial capabilities, social and economic interdependencies, topographic factors, and the effect that eventual service extension will have on adjacent agencies.

DRAFT

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**MENDOCINO Local Agency Formation Commission**

Ukiah Valley Conference Center ♦ 200 South School Street ♦ Ukiah, California 95482

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# **Policies & Procedures Manual**



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**MENDOCINO  
LOCAL AGENCY FORMATION COMMISSION**

**PART 1**

**ADMINISTRATIVE  
POLICIES AND PROCEDURES**

*Unless otherwise noted, all section listings are for the Government Code. The summaries of the applicable statutes set forth in these policies and procedures are intended to serve as general information only. Please consult the appropriate code sections for a complete reading.*

## **Chapter 1. Preamble**

Actions taken by the Mendocino Local Agency Formation Commission shall be predicated on the following principles:

### Section 1: Mission

It shall be the mission of the Mendocino Local Agency Formation Commission to:

- Consider the present and future needs of the community;
- Oversee the logical formation and development of cities and special districts;
- Coordinate the efficient and rational delivery of municipal services;
- Preserve agricultural and open space resources; and
- Discourage urban sprawl.

### Section 2: General Guidelines

First: Commission decisions will be based on the best interests of those served by LAFCo.

Second: Commission actions will take into account 'long term' consequences and effects on future generations, seeking the greater good for the citizens.

Third: In all of its decisions and actions, the Commission's desired result is the most efficient and effective delivery of services by local entities including the County, cities, special districts, and service delivery agencies throughout Mendocino County.

Fourth: LAFCo Commissioners and staff are dedicated to hearing and responding to community needs through an open and engaged process, and to delivering an excellent level of service emphasizing transparency, efficiency, integrity and fairness in its operations.

Fifth: Once a decision has been made, the Commission will not deviate from that decision unless new and compelling information is provided.

Sixth: Preference shall be given to those local agencies which can provide services in the most effective and efficient manner.

Seventh: Where special district boundaries overlap city limits, the Commission will advocate for district detachments if the city can demonstrate a higher level of service or an equivalent level of service at a lower cost.

Eighth: Open space and/or undevelopable land will be included within a city sphere of influence only if compelling determinations can be made by the Commission.

Ninth: Prime agricultural land, commercial timberland, and dedicated open space will generally not be considered for annexation to a city.

## Chapter 2. Introduction

### Section 1. Authority, Purpose, Jurisdiction and General Intent

The Mendocino Local Agency Formation Commission (LAFCo) was established by and operates under the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act). (California Government Code Sections 56000 *et seq.* and 57000 *et seq.*)

This law establishes LAFCo as an independent public agency within Mendocino County. LAFCo functions under applicable state statutes, and state and local policies relating to the organization of local government; specifically boundary changes for cities and most special districts (including sphere of influence, incorporations, reorganizations, annexations, detachments and other changes of organization). In this capacity, Mendocino LAFCo plans and regulates boundaries for cities and special districts within the County.

The CKH Act requires each LAFCo to adopt written policies and procedures. Other state laws require LAFCo to adopt written policies and guidelines applicable to specialized functions (e.g., California Environmental Quality Act, Political Reform Act, etc.).

This Policies and Procedures Manual is a compilation of written policies and procedures adopted by Mendocino LAFCo. These policies are intended to supplement state law, rather than interpret or reiterate the statute. To fully understand LAFCo processes and procedures, the applicable provisions of state law should be reviewed in conjunction with this document. All citations included in the Manual are from the CKH Act, unless otherwise noted.

Each chapter of the Manual is freestanding and can be amended or changed without amending the entire Manual. The Mendocino LAFCo Executive Officer ensures the Manual is current and up to date and publically available. To the extent that any portion of the Manual conflicts with any provision of law, the applicable law takes precedent.

### Section 2: Procedural Flexibility

The Policies and Procedures Manual is a guide. The Commission may, by majority vote, modify procedures and polices set forth in the Manual when the situation warrants, provided the change is not in conflict with statues governing LAFCo activities; nor inconsistent with other policies and procedures included within the Manual.

### Section 3. Amendment Procedures

The Commission shall approve all amendments to the Policies and Procedures Manual by a majority vote.

### **Chapter 3. Commission Rules and Procedures**

#### **Section 1. Authority**

These rules are adopted pursuant to the CKH Act and apply to Mendocino LAFCo and proceedings conducted before that Commission.

#### **Section 2. Commission Membership**

The Commission consists of seven regular and four alternate members, selected as follows:

- A. County  
Two Members and one Alternate Member are members of the Mendocino County Board of Supervisors appointed by the Board of Supervisors.
- B. City  
Two Members and one Alternate Member are City Council Members appointed by the City Selection Committee consisting of the mayors from the four cities.
- C. District  
Two Members and one Alternate Member are Special District Board Members appointed by the Special District Selection Committee consisting of Presidents or Chairpersons from the Independent Special Districts in the County. If it is determined that a meeting of the special district selection committee is not feasible, the LAFCo Executive Officer shall conduct a nomination and election process by mailed ballot in accordance with G.G. §56332(f).
- D. Public  
One Member and one Alternate Member from the general public are appointed by the six other members of the Commission. Public Members cannot be a current officer (elected or appointed) or employee the County of Mendocino or of any city of special district located within the county.

Commission selection procedures include the following steps:

- 1) Advertisement of the position(s) in newspapers of general circulation in the county.
- 2) Interviews of the candidates by the full Commission. If appropriate, the Commission may appoint a screening committee to screen applications to reduce the number to be interviewed to a manageable number.
- 3) Selection by majority vote subject to the affirmative votes of at least one city, county, and district member seated on LAFCo.

#### **Section 3. Responsibilities of Commissioners**

LAFCo Commissioners sit as independent decision-makers and are required by law to exercise their independent judgment on behalf of the general public within Mendocino County. Commissioners shall exercise their responsibilities to consider their decisions within a regional or county-wide perspective without regard to a specific interest group or government agency.

Section 4. Commissioner Terms of Office

- A. All Commissioner terms of office shall be for four years. Any new appointments made during the four-year term shall be for the purpose of completing the remainder of the four-year term.
- B. The expiration date of the term of office for all Commissioners shall be December 31<sup>st</sup> of the year in which their term expires as allowed by Section 56334. New Commissioner terms of office shall begin on the date of the first Commission meeting in January of the year in which they are appointed, or as soon thereafter as is practical.

Section 5. Officers

A. Selection of Chair and Vice Chair

The Members of the Commission shall elect a Chair, a Vice Chair, and a Treasurer at the first meeting of the Commission held in January of each year or as soon thereafter as possible. The Chair, Vice Chair, and Treasurer shall serve for one-year terms, or until their successors are elected, whichever occurs later. Should the Chair, Vice-Chair, or Treasurer cease to be a member of the Commission, the Commission shall at the first available meeting select a successor to fill the position for the balance of the year.

B. Chair

The Chair shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by State Law and by these rules. The Chair shall preserve order and decorum and decide all questions of order, subject to the action of a majority of the Commission.

In the absence of an objection, the Chair may order a motion unanimously approved by the members present, however any Commissioner may call for a roll call vote on any item.

The Chair shall be permitted to participate in debate and vote, move or second a motion without surrender of the Chair.

The Chair shall have the authority to sign all resolutions, directives and contracts approved by the Commission. The Chair shall also have authority to sign any documents necessary for the operation of the Commission and to authorize budget transactions.

The chair shall have the authority to appoint members to Committees.

C. Vice Chair

In the event that the Chair is absent or unable to act, the Vice Chair shall act as Chair and exercise all the powers and duties of the Chair.

D. Treasurer

The Treasurer shall review monthly revenues and expenditures for consistency with the adopted budget and shall monitor invoices to be paid.

E. Chair Pro Tem

If both the Chair and Vice Chair are absent, or for any reason unable to act, the members of the Commission present shall select one of the members to act as Chair Pro Tem, said selection to be entered into the minutes. The Chair Pro Tem shall have all of the powers and duties of the Chair while the Chair and Vice Chair are absent or for any reason unable to act.

Section 6. Participation of Alternate Members

- A. Alternate Members shall be seated and entitled to vote if a Regular Member in their category is absent, or has been disqualified on any matter. If both Regular Members in their category are absent or disqualified, the Alternate Member who is authorized to serve shall only have one vote.
- B. Alternate Members are encouraged to take an active role in LAFCo matters including Commission discussions, policy development, working groups, workshops, committees, and CALAFCO activities.
- C. Alternate Members may attend closed sessions when a Regular Member in their category is not present.

Section 7. Commissioner Compensation

- A. Special District and Public Members and their Alternates shall be eligible to receive a meeting per Diem of \$50.00 and mileage reimbursement at the Federal rate for Regular Commission meetings.
- B. Commissioners are eligible for reimbursement of actual costs associated with out-of-county travel, lodging, meals, and registration fees, and other necessary and reasonable expenses. The mileage rate and meal allowances as established by the California Department of Human Resources shall apply.

Section 8. Meetings

- A. All meetings conducted by Mendocino LAFCo, including posting and publication of notices and agendas, shall adhere to the provisions of the Ralph M. Brown Act (54950 *et seq.*).
- B. Regular Meetings  
Regular meetings of the Commission shall be held on the first Monday of each month, at the Mendocino County Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, CA, commencing at 9:00 AM unless otherwise noticed. If any regular meeting of the Commission falls on a holiday, the regular meeting of the Commission shall be held on the preceding or succeeding Monday that does not fall on a holiday or on the first available date agreeable to the Commission.
- C. Special Meetings  
Special meetings may be called at any time by the Chair or by a majority of Commissioners in a manner provided for in State Law. The order calling the special meeting shall specify the time and place of the meeting and the business to be transacted at such meeting, and no



other business shall be considered at that meeting. The call and notice shall be posted at least 24 hours prior to the special meeting at the Commission's regular place of posting.

D. Request for Special Meeting

Any interested party may request that the Commission hold a special meeting by submitting a written request to the LAFCo Executive Officer indicating the specific reasons for such a meeting. The request will be considered by the Commission at its next regular meeting for which adequate notice can be provided. If the request is granted, the applicant is responsible for all costs associated with the conduct of the special meeting.

E. Major Hearings

At the recommendation of the Executive Officer, the Commission shall consider holding meetings in proximity to the affected project area. The determination of what constitutes a major agenda item shall be made by the LAFCo Executive Officer and is subject to verification by the Commission.

Section 9. Committees

A. Standing Committees

The Executive Committee consists of the Chair, the Vice Chair and the Treasurer. The Executive Committee is responsible for administrative oversight, personnel matters, and budget preparation and review.

The Policies and Procedures Committee is made up of three members appointed at the first Commission meeting of each Calendar Year, as recommended by the Chair and ratified by the Commission. The Policies and Procedures Committee is responsible for developing and maintaining the Policies and Procedures Manual. Revisions shall be proposed to the full Commission for consideration and adoption.

The two Standing Committees are subject to the requirements of the Brown Act. The two Standing Committees shall meet on an as-needed basis. Recommendations from the two Standing Committees can be made by the Committees and presented to the full Commission for consideration and approval.

B. Ad Hoc Committees

Ad Hoc Committees are formed as necessary to address specific topics, projects, and issues. Examples include Municipal Service Review projects, Sphere of Influence Update projects, Grand Jury Reports, and Commission Workshops and Seminars. Each Ad Hoc Committee is made up of three members as recommended by the Chair and ratified by the Commission.

Section 10. Conduct of Meetings

A. Order of Business

The business of each regular meeting of the Commission shall be transacted to the extent practicable in the following order:

- Call to order and roll call
- Consent Agenda items

Minutes of the previous meeting or meetings

Claims for Payment  
Financial Report

- Verification of any Resolutions
- Public Expression
- Matters Set for Hearing
- Other Matters for Discussion & Possible Action
- Committee Reports
- Executive Officer's Report
- Commissioner Reports, Comments or Questions
- Legislation Report
- Adjournment

B. Quorum

Four members of the Commission shall constitute a quorum for the transaction of business. In the absence of a quorum, the Executive Officer may adjourn the meeting to a stated time and place in accordance with §54955.

C. Majority Vote

Four affirmative votes are required to approve any proposal or other action. A tie vote or any failure to act by at least four affirmative votes shall constitute a denial. An abstention shall not be counted as an affirmative vote.

D. Roll Call Voting

- 1) The roll need not be called in voting upon a motion except when the matter involves the adoption of a Resolution, or a roll call vote is requested by a member of the Commission.
- 2) If the roll is not called and no objection is raised by a member of the Commission, the Chair may order the motion unanimously approved.
- 3) The Commission Clerk shall determine the voting order, except that the Chair shall be called last.

E. Authorization to Vote

- 1) A member shall not participate in a final vote on a matter on which a hearing has been held at which such member was not in attendance, until that member is familiar with the substance of such hearing.
- 2) This may be done by reviewing the written material presented at the hearing and by listening to the recording of such hearing; or by viewing a video of the hearing; or by reading a transcript of the proceedings if one has been prepared.

F. Disqualification and Conflict of Interest

The representation by a Regular or Alternate Member of a city or district shall not disqualify the member from acting on a proposal affecting that city or district in accordance with §56336.

- G. **Commission Actions**  
The Commission may act by resolution or motion. All final actions of the Commission on application determinations, budget adoption, spheres of influence, and policy considerations shall be made by resolution. When each Commissioner has received a copy of the resolution, the reading of the resolution is automatically waived unless a Commissioner specifically requests that it is read.
- H. **Consent Calendar**  
Routine matters that do not require a public hearing may be placed on the Commission's consent calendar. Approval of all items on the consent calendar may be made in one motion. Matters placed on the consent calendar may be removed by any Commissioner or a member of the public for discussion purposes and separate action.
- I. **Summary Minutes**  
Minutes of the Commission meetings shall be Summary Minutes that include the essence of agenda items considered by the Commission, Commission motions and seconds, and votes cast. The minutes shall also reflect the names of the public speakers, reasons for legally required abstentions from voting, and comments noted for the record. Detailed Commission and staff discussion, comments, questions, and answers are not reflected in the minutes. Minutes of the Commission meetings shall be presented to the Commission at its next regularly scheduled meeting.
- J. **Comments for the Record**  
If a Commissioner desires that a comment be included in the minutes, it is his or her responsibility to indicate that the statement is 'for the record' before making the comment and/or shall provide the comment in writing..
- K. **Recordings of the Meetings**  
Regular Commission meetings are typically recorded and all recordings shall be archived for two years. Copies of meeting recordings are available upon request and compensation for the costs borne in producing copies. Meetings may be transcribed upon request and upon receipt of a deposit to cover the transcription costs (§56379). Failure to record a meeting does not negate the results of that meeting.
- L. **Informational Presentations**  
Informational presentations will be placed on the Commission agenda by the LAFCo Executive Officer. Time allowed for such presentations may be limited at the discretion of the Chair.
- M. **Public Comment**
- 1) At each regular and special meeting, the Commission shall allow any member of the public to address the Commission on a matter within its jurisdiction.
  - 2) The Chair may establish reasonable regulations including but not limited to limiting the amount of time allocated for public testimony on particular issues and for each speaker (e.g., three minutes). An allocated time limit of three minutes per speaker may be overridden on a majority vote of Commissioners.

- 3) Comments on agenda items are appropriate when the item is being discussed by the Commission. A speaker shall not be heard during the “Public Expression” portion of the meeting on a matter listed on the agenda except as authorized by the Chair.
- 4) The Commission shall act only on items appearing on the agenda unless the action is authorized by §54954.2. The Chair may refer matters raised during the “Public Comment” period to the appropriate staff.
- 5) Members of the public are encouraged to submit comments in writing in advance to the Commission relating to any items within LAFCo’s subject-matter jurisdiction, whether on the Commission agenda or otherwise. If received in time, staff will provide such written comments to all members of the Commission.

N. Rules of Procedure

Robert’s Rules of Order shall be used as the general guide for conducting meetings and to resolve points of order, unless otherwise specified herein.

Section 11. Commission Representation

A. Chair to Act as Ceremonial Representative

The Chair is delegated to act as the Commission’s ceremonial representative at public events and functions. In the Chair’s absence, the Vice Chair is delegated to assume this responsibility. In both the Chair and the Vice Chair’s absence, the Chair shall appoint another Commission member or alternate to assume this responsibility.

B. Ministerial Duties

The Chair is delegated to sign Commission correspondence and resolutions, and perform other ministerial functions as needed.

C. Spokesperson

The Chair is considered to be the official spokesperson to represent the Commission. However, the Commission may, from time to time, designate an alternate spokesperson to represent the Commission on a particular matter.

D. Commission Member Participation in Community Activities

From time to time, Commission members and alternates may participate in community activities, events and task forces. Unless specifically authorized by the Commission, when a Commission member or alternate participates in such activities, the member or alternate is acting as an interested party rather than acting on behalf of the Commission.

E. Representation

LAFCo members shall represent the official policies or positions of Mendocino LAFCo to the best of their ability when designated by the Commission as a delegate and/or spokesperson for this purpose. When presenting their individual opinions and positions, Commissioners shall explicitly state they are doing so as an individual.

**Chapter 4. Staffing**

Section 1. Executive Officer

The Commission shall appoint an Executive Officer as the chief administrative official to implement the policies and directives established by the Commission. The Executive Officer will also be responsible for the day-to-day operation of LAFCo.

The Executive Officer is an independent contractor appointed under a contract by the Commission. The terms, duties, responsibilities, and work program for the Executive Officer shall be based on a response to a Request for Proposal issued by the Commission, and shall be formalized through a Professional Services Agreement.

Additional staff members may also be included in the Agreement, with duties and responsibilities based on the response to the Request for Proposal and formalized in the Professional Services Agreement. These staff members may include a Commission Clerk, a LAFCo Analyst, or any other specialty personnel required to carry out the adopted work program.

Section 2. LAFCo Counsel

Pursuant to §56384(b), the Commission shall appoint a legal counsel to advise it. The Commission may utilize the services of the Mendocino County Counsel's Office by contract for legal services or may solicit proposals from qualified attorneys to provide such services under contract. In the event of any conflict of interest on a matter before the Commission by the legal counsel, the Commission may appoint an alternate legal counsel pursuant to state law.

## **Chapter 5. Budget and Financial Procedures**

LAFCo encourages an open, collaborative process in the development of its budget, and strives to equitably apportion its expenditures among the member agencies who contribute to the costs of LAFCo.

### **Section 1. Authority to Develop and Adopt the Budget**

Each year, following noticed public hearings, the Commission adopts Proposed and Final Budgets in accordance with the CKH Act. The Proposed Budget must be adopted by May 1<sup>st</sup> and the Final Budget by June 15<sup>th</sup>. The budget is based on a July 1 to June 30 fiscal year.

Subsequent to public hearings, consideration of comments, and adoption of a Final Budget by the Commission, the County Auditor is responsible for apportioning the net operating expenses of the Commission to the County, the cities and the independent special districts according to a formula established pursuant to §56381.

If the County, a city or an independent special district does not remit its required payment within 60 days after July 1, the Executive Officer shall request that the County Auditor collect an equivalent amount from the property tax, or any fee or eligible revenue owed to that agency, pursuant to §56381.

### **Section 2. Preliminary Budget and Proposed Annual Work Plan**

Prior to March 1<sup>st</sup> of each year, the Executive Officer shall prepare a Preliminary Budget and Work Plan for the ensuing fiscal year. The Preliminary Budget and Work Plan shall be submitted to the Executive Committee during March for their review, input and comment.

The Preliminary Budget shall show anticipated revenues and expected expenditures by line item in sufficient detail to allow for Commission, member agency, and public review. The Work Program shall provide a narrative of the expected work products to be accomplished during the fiscal year, and likewise shall be in sufficient detail to allow for Commission, member agency, and public review.

### **Section 3 Proposed Budget and Work Plan**

At the regular Commission meeting in April, the Executive Committee shall present the Proposed Budget and Work Plan for the ensuing fiscal year to the full Commission. The Proposed Budget shall be adopted following a noticed public hearing for which adequate notice has been given to each member agency.

### **Section 4. Final Budget and Work Program**

Prior to June 15<sup>th</sup> of each year, the Final Budget and Work Plan for the ensuing Fiscal Year shall be adopted by the Commission. The Final budget shall be adopted following a noticed public hearing for which adequate notice has been given to each member agency.

Section 5. Year-End Financial Report

Following the end of each fiscal year, and as soon as year-end financial data is available, a year-end financial report shall be prepared for presentation to the Commission. This report will show revenues and expenditures for the fiscal year, a statement of net assets, and a statement of activities.

Section 6. Annual Audit

An annual audit shall be performed utilizing the services of a qualified Certified Public Accountant. The contract for audit services shall be awarded by the Commission based on proposals solicited for this purpose, either on an annual basis or a multi-year renewable contract.

## **Chapter 6. Conflict of Interest and Financial Disclosure**

### **Section 1. Conflict of Interest**

The California Political Reform Act, Government Code §81000 *et seq.*, requires each state and local government agency to adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission (FPPC) has adopted a regulation, Title 2, §18730 of California Code of Regulations, which contains the terms of a standard Conflict of Interest Code. This standard Code is hereby incorporated by reference.

Persons serving in Designated Positions must file annual statements of economic interest (Form 700) with the Commission Clerk by April 1 of each year. Statements of economic interest are also required upon appointment to office and upon leaving office.

The following Designated Positions must file statements of economic interest:

Commissioners and Alternate Commissioners  
Executive Officer  
LAFCo Counsel

### **Section 2. Financial Disclosure**

Pursuant to Government Code §56700.1, expenditures for political purposes related to an application must be disclosed. All applicants, including individual property owners and other representatives who are a party to a proceeding, are required to submit a financial disclosure statement as part of any application package [§84308]. Disclosures must be made in the same manner as disclosures for local initiative measures presented to the electorate.

Any applicant or an agent of an applicant who has made business or campaign contributions totaling \$250 or more to any Commissioner (regular or alternate) in the past twelve months, must disclose that fact for the official record of the Commission [§84308(d)]. The disclosure of any such contribution (including amount of contribution and name of recipient Commissioner(s) must be made: (1) in writing and delivered to the Executive Officer prior to the hearing on the matter; or (2) by oral declaration made at the time the hearing on the matter is opened.

Commissioners shall be disqualified and not able to participate in any proceedings within a 12 month period preceding the LAFCo decision if the Commissioner received \$250 or more in campaign contributions from the applicant, an agent of the applicant, or any financially interested person who actively supports or opposes the LAFCo decision on the matter.

### **Section 3. Dealing with a Conflict**

Whenever a Commissioner is disqualified or has a conflict of interest, that Commissioner shall not participate in the proceedings. It is recommended that the Commissioner state the basis for the conflict of interest immediately after the Chair announces the item for consideration, and then refrain from participating in the deliberations, abstain from voting, and leave the room in which the meeting is being held.



## **Chapter 7. Document Retention and Destruction Policy**

### **Section 1. Document Retention**

Except as otherwise provided herein, and subject to the conditions contained in this policy, all original records and documents maintained by LAFCo will be retained for a period of five (5) years. A true copy of all documents shall be kept in a safe and separate place for security purposes.

As used in this policy, the term “record” (or “record of proceedings”) is defined to mean documents that show decisions or actions taken by the Commission in fulfillment of its statutory responsibilities. Records maintained by the Commission include the following: Records of proceedings (LAFCo application, petition or other initiating documents; statement of property valuation; statement of tax rate area assignment; indemnification and agreements to pay; Certificates of Filing and Completion; copies of public hearing notice; environmental review documents prepared for purposes of complying with the California Environmental Quality Act (“CEQA”); plan for service; map and legal description; staff reports; impartial analysis; order for change of organization/reorganization; documentation of election and results; Statement of Boundary Change; State Board of Equalization acknowledgement letter, LAFCo meeting minutes, Municipal Service Reviews); and Administrative/Financial documents (budgets, accounts payable, accounts receivable, audits, invoices, ledgers, registers, Commissioner reimbursements, Commissioner policies and procedures, agreements, contracts, leases, purchase orders, requisitions, recruitment/selection/resumes, claims).

### **Section 2. Limited Exceptions to Five Year Retention Period**

Original statements of economic interest (Form 700) shall be retained by the Commission for a period of seven (7) years. Environmental review documents that are prepared by a lead agency other than LAFCo (i.e., Environmental Impact Reports and other CEQA documents that are approved or adopted by LAFCo but are not prepared by LAFCo as the lead agency for the project), will be retained by the Commission for a period of two (2) years. Environmental review and CEQA documents prepared by LAFCo as the lead agency for the environmental review of the project will be retained for a period of five (5) years.

### **Section 3. Destruction Authorized Following Required Retention Period**

At the conclusion of the applicable required retention period, the Executive Officer is authorized to destroy records as needed. If deemed necessary by the Executive Officer, a photographic or electronic copy of the original record may be made and preserved in the manner specified in §56382. Any documents that are preserved must be made as accessible for public reference as the original records were.

DRAFT

**MENDOCINO  
LOCAL AGENCY FORMATION COMMISSION**

**PART 2**

**BOUNDARY CHANGE  
POLICIES AND PROCEDURES**

## **Chapter 8. General Policies and Standards**

### **Section 1. Communication Among Local Agencies**

LAFCo considers that an important part of its role is to encourage communication and collaborative planning and studies among public agencies (such as the County, cities, and special districts), members of the public, and private sector service providers.

### **Section 2. Premature Extension of Urban Services**

Prior to the Commission's consideration of a sphere of influence expansion request or a change of organization involving annexation of territory to a city or district, the applicant shall provide a plan for services including written evidence from the affected agency that it has the service capacity and fiscal capability to adequately serve the subject territory.

The Commission discourages the extension of urban services (i.e., water and sewer service) in the absence of either existing development or plans for imminent development. Unless exceptional circumstances exist, no application for a change of organization or reorganization will be accepted until all discretionary approvals for any pending application for land use entitlements, including land divisions pertaining to the subject territory, are granted.

### **Section 3. Discouraging Urban Sprawl**

LAFCo has been directed by the State Legislature to discourage urban sprawl, and the Commission will generally deny proposals that can reasonably be expected to result in sprawl. Sprawl is characterized by irregular, dispersed, and/or disorganized urban or suburban growth patterns occurring at a relatively low density and in a manner that precludes or hinders efficient delivery of municipal services, especially roads, sewer, and water.

### **Section 4. Environmental Review (CEQA)**

LAFCo shall operate in accordance with the CEQA and the regulations of the California Resources Agency, which establishes the guidelines for its implementation. Furthermore, whenever an agency other than the Commission is involved in the approval of a project, the Commission prefers that the other agency be designated as the "Lead Agency." For annexations and/or reorganizations involving annexation to a city, the city shall act as the Lead Agency under CEQA for the proposal.

### **Section 5. Compact Urban Form and Infill Development Encouraged**

When reviewing proposals that would result in urban development, LAFCo will consider whether the proposed development is timely, compact in form, and contiguous to existing urbanized areas. LAFCo will favor development of vacant or underutilized parcels already within a city or other urbanized area prior to annexation of new territory.

Section 6. Public Accessibility and Accountability

LAFCo recognizes that the public's ability to participate in the local governance process is improved when the government structure is clear and accessible and when decision-makers are accountable to the public. The Commission shall consider this principle when it evaluates proposals for changes of organization or reorganization.

Section 7. Adequate Services

LAFCo shall consider the ability of an agency to effectively and efficiently deliver adequate, reliable, and sustainable services and shall not approve a proposal that has significant potential to diminish the level of service in the agency's current jurisdiction. The agency will be required to provide satisfactory documentation of capacity to provide service within a reasonable period of time.

Section 8. Efficient Services

Community needs are typically met most effectively and efficiently by proposals that:

1. utilize existing public agencies rather than create new ones;
2. consolidate the activities and services of public agencies in order to obtain economies from the provision of consolidated services; and
3. restructure agency boundaries and service areas to provide more logical, effective, and efficient local government services.

Section 9. Community Impacts

LAFCo shall consider the impacts of a proposal and any alternative proposals on adjacent areas, on social and economic interests, and on the local government structures of the County. The Commission may deny a proposal if adverse impacts are not mitigated to an acceptable level.

Section 10. Conformance with General and Specific Plans

1. Consistency with General and Specific Plans. LAFCo shall approve changes of organization or reorganization only if the proposal is consistent with the applicable General Plan and any applicable Specific Plan. LAFCo shall discourage proposals that promote urban development in areas not planned for urban uses.
2. Consistency Found Adequate. The proposal shall be deemed consistent if the proposed use is consistent with the applicable General Plan designation and the anticipated types of services to be provided are appropriate to the land use designated for the area.
3. Pre-zoning or Planning. All territory proposed for city annexation must be specifically planned and/or pre-zoned. The pre-zoning of the territory must be consistent with the applicable General Plan and sufficiently specific to determine the

likely intended use of the property. Subsequent change to the zoning by a city is prohibited by state law for a period of two years under most circumstances.

Section 11. Boundaries

1. Definite Boundaries Required. LAFCo shall not accept as complete any application unless it includes boundaries that are definite, certain, and fully described.
2. Boundary Criteria. LAFCo will generally favor applications with boundaries that do the following:
  - a. create logical boundaries within the affected agency's sphere of influence, and where possible, eliminate previously existing islands or other illogical boundaries;
  - b. follow natural or man-made features and include logical service areas where appropriate; and
  - c. place all streets and rights-of-way within the same jurisdiction as the properties which abut thereon and/or for the benefit of which such streets and rights-of-way are intended.
3. Boundary Adjustments. LAFCo will generally amend proposals with boundaries which:
  - a. Split neighborhoods or divide existing identifiable communities, commercial districts, or other areas having a social or economic identity.
  - b. Result in islands, corridors, or peninsulas of incorporated or unincorporated territory or otherwise cause or further the distortion of existing boundaries.
  - c. Are drawn for the primary purpose of encompassing revenue-producing territories.
  - d. Create areas where it is difficult to provide services.
4. Boundary Disapprovals. If LAFCo, in consultation with the applicant, cannot suitably adjust the proposed boundaries to meet the criteria established above, it will generally deny the proposal.

Section 12. Agricultural and Open Space Land

1. Agricultural Policies
  - a. LAFCo's decisions shall reflect its legislated responsibility to work to maximize the retention of prime agricultural land and open space while facilitating the logical and orderly expansion of urban areas.

- b. Urban growth shall be guided away from existing prime agricultural lands unless that action would not promote planned, orderly, and efficient development of an area.
- c. The Commission shall not approve a change of organization or reorganization that would result in the annexation of territory that is subject to a Williamson Act contract unless the facilities or services proposed benefit the uses that are allowed under the contract.
- d. Development of existing vacant lands for urban uses within the jurisdictional boundaries of a local agency shall be encouraged before any annexation proposal or change to a sphere of influence is approved which would lead to, or allow, the development of prime agricultural or open space lands outside the existing jurisdiction of any local agency.
- e. Spheres of influence should reflect consideration for existing and/or potential agricultural use or resource land use and should not be extended into such areas for purposes of allowing urban development.

2. Factors to Consider in Review of a Proposal

A proposal which includes agricultural or open-space designated land shall be evaluated in light of the existence of the following factors:

- a. “prime agricultural land” as defined in G.C. §56064;
- b. “open space” as defined in G.C. §56059;
- c. land that is under contract to remain in agricultural or open-space use, such as a Williamson Act Contract or Agricultural/Open-Space Easement;
- d. land which has an agricultural or open-space designation;
- e. the adopted General Plan policies of the County and the affected city;
- f. the physical and economic integrity of both agricultural lands proposed for conversion to urban use and adjoining land in agricultural use;
- g. the potential for the premature conversion of agricultural or open-space designated land to urban use; and
- h. the policies and priorities in G.C. §56377.

3. Conditions for Approval of Prime Ag/Open Space Land Conversion

LAFCo will apply a heightened level of review when considering proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of prime agricultural land or open space uses to other uses and will approve such proposals only when the Commission finds that the proposal will lead to planned, orderly, and efficient development and/or provision of services. For purposes of this standard, a

proposal leads to planned, orderly, and efficient development only if all of the following criteria have been considered:

- a. the land subject to the change of organization or reorganization is contiguous either to lands developed with an urban use or to lands which have received all discretionary approvals for urban development;
- b. the proposed development of the subject lands is consistent with the sphere of influence plan(s) of the affected agency or agencies;
- c. the land subject to the change of organization is likely to be developed within five years. For large development projects, annexation should be phased wherever feasible. If the Commission finds phasing infeasible for specific reasons, it may approve annexation if all or a substantial portion of the subject land is likely to develop within a reasonable period of time;
- d. insufficient vacant non-prime or open space land exists within the existing agency boundaries or applicable sphere boundaries that is planned and developable for the same general type of use; and
- e. The proposal will have no significant adverse effect on the physical and economic integrity of other ag/open space lands.

Section 13. Disadvantaged Unincorporated Communities

1) Definition

A Disadvantaged Unincorporated Community (DUC) is defined as a developed area that has been identified as such by LAFCo, the County or applicable city; or one that meets all the following standards:

- a. is substantially developed with primarily residential uses;
- b. does not have reliable public water, sewer, or structural fire protection service available;
- c. contains at least 12 registered voters; and
- d. has a median household income level of 80% or less than the statewide median household income.

2) Request for Determination

In addition to those DUCs identified by LAFCo or other agencies, residents or property owners may request that LAFCo determine whether a specific area meets the definition listed above to be treated as a DUC. The review shall be conducted by LAFCo staff and shall, if appropriate, be submitted for consideration and approval by the Commission.

3) Identification of DUCs

The Commission will identify DUCs, for the purpose of:

- a. Municipal Service Reviews. Water, Wastewater, and Fire Protection Municipal Service Reviews will identify opportunities for the provision of those services to DUCs.
- b. City and District Annexations. DUCs located adjacent to areas proposed for annexation to a city or special district shall be included in the annexation or reorganization proposal or be separately proposed for annexation unless the Commission has determined that the disadvantaged community would not benefit by annexation, or if at least 50% of the registered voters within the affected territory have indicated opposition to annexation.

Section 14. Unincorporated Islands

The Commission acknowledges that unincorporated islands are generally costly for county government to serve and often have service impacts on the surrounding city. Cities should be encouraged to annex unincorporated islands or land that is substantially surrounded by a city (G.C. §56375.3 and 56744). LAFCo discourages the formation of special districts within unincorporated islands for services that are readily available from the surrounding city.

Section 15. Exceptions

LAFCo may make exceptions to any of the standards in this chapter if it determines that such exceptions can be justified upon one or more of the following grounds:

- 1) the project has a unique physical constraint which is so unusual and inconsistent with other similar locations that granting an exception would not be a grant of a special privilege;
- 2) exceptions are required to resolve conflicts between standards of these policies;
- 3) the project will result in significantly improved quality or substantially lower cost of service available; and
- 4) no feasible or logical alternative exists.



**Chapter 9. Spheres of Influence, MSRs, and Special Studies**

Section 1. Spheres of Influence

1) Legislative Authority and Intent

A sphere of influence is the probable 20-year growth boundary for a jurisdiction's physical development. The Commission shall use spheres of influence to:

- a. promote orderly growth and development within and adjacent to communities;
- b. promote cooperative planning efforts among cities, the County, and special districts to address concerns regarding land use and development standards, premature conversion of agriculture and open space lands, and efficient provision of public services;
- c. guide future local government reorganization that encourages efficiency, economy, and orderly changes in local government; and
- d. assist property owners in anticipating the availability of public services in planning for the use of their property.

2) Definitions

The Commission incorporates the following definitions:

- a. an "establishment" refers to the initial development and determination of a sphere of influence by the Commission;
- b. an "amendment" refers to a limited change to an established sphere of influence typically initiated by a landowner, resident, or agency; and
- c. an "update" refers to a comprehensive change to an established sphere of influence typically initiated by the Commission.

3) Sphere Updates

In updating spheres of influence, the Commission's general policies are as follows:

- a. The Commission will review all spheres of influences every five years for each governmental agency providing municipal services. Municipal services include water, wastewater, police, and fire protection services.
- b. Sphere of influence changes initiated by any agency providing a municipal service shall generally require either an updated or new service review unless LAFCo determines that a prior service review is adequate.
- c. Spheres of influence of districts not providing municipal services including, but not limited to, ambulance, recreation, hospital, resource conservation, cemetery, and pest control shall be updated as necessary.

- 4) Reduced Spheres

The Commission shall endeavor to maintain and expand, as needed, spheres of influence to accommodate planned and orderly urban development. The Commission shall, however, consider removal of land from an agency's sphere of influence if either of the following two conditions apply:

  - a. the land is outside the affected agency's jurisdictional boundary but has been within the sphere of influence for 10 or more years; or
  - b. the land is inside the affected agency's jurisdictional boundary but is not expected to be developed for urban uses or require urban-type services within the next 10 years.
- 5) Zero Spheres

LAFCo may adopt a "zero" sphere of influence encompassing no territory for an agency. This occurs if LAFCo determines that the public service functions of the agency are either nonexistent, no longer needed, or should be reallocated to some other agency (e.g., mergers, consolidations). The local agency which has been assigned a zero sphere should ultimately be dissolved.
- 6) Service Specific Spheres

If territory within the proposed sphere boundary of a local agency does not need all of the services of the agency, a "service specific" sphere of influence may be designated.
- 7) Agriculture and Open Space Lands

Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an agency's sphere of influence unless the area's exclusion would impede the planned, orderly and efficient development of the area. In addition, LAFCo may adopt a sphere of influence that excludes territory currently within that agency's boundaries. This may occur when LAFCo determines that the territory consists of agricultural lands, open space lands, or agricultural preserves whose preservation would be jeopardized by inclusion within an agency's sphere. Exclusion of these areas from an agency's sphere of influence indicates that detachment is appropriate.
- 8) Annexations are not Mandatory

Before territory can be annexed to a city or district, it must be within the agency's sphere of influence (G.G. §56375.5). However, territory within an agency's sphere will not necessarily be annexed. A sphere is only one of several factors that are considered by LAFCo when evaluating changes of organization or reorganization.
- 9) Islands or Corridors

Sphere of influence boundaries shall not create islands or corridors unless it can be demonstrated that the irregular boundaries represent the most logical and orderly service area of an agency.

10) Overlapping Spheres  
LAFCo encourages the reduction of overlapping spheres of influence to avoid unnecessary and inefficient duplication of services or facilities. In deciding which of two or more equally capable agencies shall include an area within its sphere of influence, LAFCo shall consider the agencies' service and financial capabilities, social and economic interdependencies, topographic factors, and the effect that eventual service extension will have on adjacent agencies.

11) Memorandum of Agreements (for City Sphere Amendments and Updates)  
Prior to submitting an application to LAFCo for a new city sphere of influence or a city sphere of influence update, the city shall meet with the County to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on development standards and planning and zoning requirements as contained in G.C. §56425. If an agreement is reached between the city and County the agreement shall be forwarded to LAFCo. The Commission shall consider and adopt a sphere of influence for the city consistent with the policies adopted by LAFCo and the County, and LAFCo shall give great weight to the agreement to the extent that it is consistent with LAFCo policies in its final determination of the city sphere.

Section 2. Municipal Service Reviews

- 1) A service review will be prepared prior to, or in conjunction with each sphere of influence establishment, update, or amendment unless LAFCo determines that a prior service review is adequate (i.e., there are no significant changes in existing or anticipated circumstances). A minor sphere of influence amendment will not require a service review. A minor sphere of influence amendment is one that does not have any adverse regional, planning, economic, or environmental impacts.
- 2) LAFCo will consider service review determinations and recommendations when rendering sphere of influence findings.

Section 3. Special Studies

The Commission may undertake special studies or service reviews when requested by an agency or initiated by the Commission.

## Chapter 10. General Application Requirements

### Section 1. LAFCo Jurisdiction

- 1) Specific Authority. LAFCo has the specific authority to review and approve or disapprove:
  - a. Annexations to, or detachments from, cities or districts;
  - b. Formation or dissolution of districts;
  - c. Incorporation or disincorporation of cities;
  - d. Consolidation or reorganization of cities or districts;
  - e. Merger of a city and a district;
  - f. Establishment of subsidiary districts;
  - g. The establishment of, and amendments to, spheres of influence;
  - h. Extensions of service beyond an agency's jurisdictional boundaries; and
  - i. Provision of new or different services by districts.
- 2) Limited Authority to Initiate Proposals. Under specific circumstances, LAFCo may initiate proposals resulting in the formation, dissolution, or consolidation of districts; merger of a city and district; establishment of a subsidiary district; or reorganizations that include any of the aforementioned changes of organization.
- 3) Limitation of Authority Relating to Land Use Conditions. In order to carry out the legislative policies identified above, LAFCo has the power to approve or disapprove applications, or to impose reasonable conditions of approval. However, while LAFCo is charged with consideration of the impacts of land use in its determination, it is prohibited from directing specific land use or zoning actions. LAFCo can deny an application where the land use that would result violates the statutory policies of CKH Act.

### Section 2. Notice and Public Participation

1. Public Participation Encouraged. LAFCo encourages participation in its decision-making process. The CKH Act provides for a wide dissemination of notice. LAFCo shall not necessarily be limited to the minimum requirements by law and policy. The Commission will provide opportunity for the public to be heard at LAFCo meetings in accordance with the procedures set forth in its Administrative Policies.
2. Unnecessary Public Hearings Eliminated. Where LAFCo is authorized by CKH Act to consider a proposal without public hearing, the proposal will be considered by the Commission without a public hearing, unless the Executive Officer or the Commission determines that the matter is of sufficient public interest or controversy to warrant a public hearing (G.C. §56662, 56664).

### Section 3. Application by Resolution of Application Preferred

1. While the CKH Act permits initiation of applications to LAFCo either by resolution of an affected agency or by direct landowner/voter petition, LAFCo prefers that the

resolution procedure be utilized wherever feasible. Use of the resolution of application procedure is preferred because (1) it involves the affected public agency early in the process to assure that the agency's concerns are considered and (2) it better integrates CEQA processing by the affected public agency as Lead Agency. Each applicant shall be advised of this policy at the earliest possible time.

2. Prior to accepting a petition-initiated application (other than for sphere updates, district formations, and city incorporations), the LAFCo Executive Officer will require the proponent(s) to demonstrate that they have attempted to initiate proceedings by a resolution of application or otherwise obtain the sponsorship of the affected public agency.
3. If the proposal will require a public hearing and is submitted by resolution of application, prior to adopting the resolution, the initiating agency may notify registered voters and property owners and affected/interested agencies (G.C. §56654). A resolution of application must contain the same information as a petition, except for signatures (G.C. §56700).

Section 4. Application Requirements

1. Pre-Application. LAFCo encourages a pre-application discussion between the proponent and LAFCo staff, which can save the prospective applicant substantial time once the process has begun. LAFCo staff will review procedures, applicable spheres of influence, information requirements, environmental review requirements, processing fees, and provide application forms.
2. Application Materials. Applications to the Commission must contain all the information and materials required by the CKH Act (G.C. §56652 and 56653), including a plan for services, as well as the applicable fees or deposit toward fees as specified by the LAFCo Fee Schedule. Except when the Commission is the Lead Agency pursuant to the CEQA (as defined in Public Resources Code §21067), an application must also contain complete documentation of the Lead Agency's environmental determination. No application for a change of organization or reorganization will be deemed complete and scheduled for hearing unless Revenue and Taxation Code (Section 99) requirements for tax apportionment agreements have been satisfied.
3. Fees and Indemnification. The application shall also include an agreement to pay costs and indemnification. The agreement to pay costs and indemnification must be signed by the applicant for the application to be deemed complete.
4. Authorized Officer. Where the application is by resolution of application from an agency, the application and related agreements must be signed by an authorized officer of the agency.

Section 5. Commission Proceedings

1. Upon submittal of an application, the Executive Officer shall review the proposal and within 30 days of its receipt either:
  - a. Determine that the application is complete and issues a Certificate of Filing, setting the Commission hearing within 90 days. After receiving an application and before issuance of a Certificate of Filing, the Executive Officer shall give mailed notice to affected agencies, county departments, school districts, and other affected counties' LAFCo pursuant to G.C. §56658(b), unless the subject agency has already given notice pursuant to G.C. §56654(c); or
  - b. Determine that the application is not complete and notifies the proponent pursuant to G.C. §56658(g).
2. If a proposal involves a district annexation that is not initiated by the annexing district, or a proposal involving the detachment of territory from a city, the proposal shall be scheduled as an informational item for the next Commission meeting and the annexing district or detaching city shall be notified that the proposal has been submitted. No later than 60 days after the date the proposal is on the Commission's agenda as an informational item the annexing district or detaching city may transmit a resolution terminating the proceedings (G.C. §56751, 56857).
3. The Executive Officer, at least 21 days prior to the date set for hearing, shall give notice by publication, posting, website, and mailed notice to landowners and registered voters pursuant to G.C. §56660 and 56661. Some Commission actions can be made without notice and hearing, such as annexations and detachments with written consent of all landowners. Notice and opportunity to request a public hearing must be given to agencies whose boundaries are affected (G.C. §56662).
4. The Executive Officer shall review the application and any comment received, and shall prepare a written report and recommendation. The report reviews pertinent factors and policies, procedures, spheres of influence, and general and specific plans.
5. The Executive Officer shall mail the report at least five days prior to the hearing to each commissioner, each person named in the application to receive a report, each affected local agency requesting a report, each agency whose boundaries or sphere of influence will be changed, and the LAFCo executive officer of any other affected county (G.C. §56665).
6. The Commission shall hear the proposal on the noticed date and time. The hearing may be continued for up to 70 days (G.C. §56666). The Commission must consider a number of factors and policies in compliance with G.C. §56668 and 56668.3.

Section 6. Commission Adoption of a Resolution

1. In its actions, the Commission may:
  - a. approve the proposal as submitted;
  - b. approve the proposal with an amendment;

- c. approve the proposal with conditions; or
  - d. deny the proposal.
2. Within 35 days after the conclusion of the hearing, the Commission shall adopt a resolution approving, approving conditionally, or disapproving the proposal (G.C. §56880). Upon execution of the resolution, copies shall be mailed to the chief petitioners, if any, and the affected agencies whose boundaries would be changed by the proposal. (G.C. §56882)
  3. If the proposal is approved, a protest hearing shall be scheduled unless it has been waived in accordance with G.C. §56663. If the proposal is approved with conditions, the resolution of approval shall include a description of the required terms and conditions for approval. If the proposal is denied, no further proceedings shall be taken on that proposal and no similar proposal involving the same territory may be initiated for one year unless the Commission waives that stipulation as detrimental to the public interest (G.C. §56884).

Section 7. Reconsideration of LAFCo Decisions

1. Request and Fees. A request for reconsideration shall be made in accordance with G.C. §56895 within 30 days of the Commission's determination and shall be accompanied by the appropriate reconsideration fee deposit as established in the LAFCo Fee Schedule. If the request does not specify the required grounds for reconsideration or does not otherwise comply with statutory requirements, the Executive Officer shall return the incomplete request to the requesting party, along with a statement of the deficiency. A request will be placed on the Commission's agenda only if the requesting party supplies the missing information before the end of the 30 day reconsideration period.
2. Grounds for Reconsideration. LAFCo will consider changing its previous determination only under one or more of the following circumstances:
  - a. compelling new evidence about the proposal, which was previously unavailable is brought to the Commission's attention;
  - b. factors significant to the Commission decision were overlooked or have changed, such as a change in an applicable federal, state, or local law; or
  - c. a significant, prejudicial error in procedure is found.

Section 8. Conducting Authority Proceedings

1. Waiver of Conducting Authority Proceedings. The Commission may waive final Conducting Authority proceedings in accordance with G.C. §56662 and 56663, and otherwise authorize the Executive Officer to file a Certificate of Completion upon approval of a change of organization or reorganization and satisfaction of all terms and conditions pursuant to G.G. §57200.
2. Setting the Matter for Hearing. Within 35 days of final LAFCo action, the Executive Officer shall set the matter for hearing and cause a notice thereof to be published in

accordance with G.C. §57025. The date of the hearing shall not be less than 21 nor more than 60 days, after the date the notice is given. The hearing may be continued for up to 60 days.

3. Conclusion of Hearing. Within thirty (30) days of the protest hearing, the Executive Officer shall, based on the value of written protests filed, either order the change, order the change subject to an election, or terminate the proposal. The Executive Officer shall report to the Commission at its next meeting the outcome of any protest hearing that is conducted.
4. Delegation of Authority to Conduct Protest Hearing. The Commission shall delegate to the Executive Officer the authority to conduct protest hearings unless it specifies otherwise. The purpose of delegating certain duties to the Executive Officer is to increase scheduling flexibility, to avoid extending Commission meetings to conduct non-discretionary procedures, and to expedite the boundary change process. If the Commission chooses to retain such authority, this decision shall be stated in the terms and conditions for approval of the subject proposal. The Executive Officer shall have the authority to issue the appropriate order upon completion of the protest proceedings.

Section 9. Final Filing

1. The effective date of the change of organization or reorganization is the date the signed Certificate of Completion is filed at the County Recorder's office unless otherwise specified by the Commission (G.C. §57202). If the Certificate of Completion has not been filed within one year after the Commission approves a proposal, the proceeding is deemed abandoned unless the Commission authorizes an extension prior to the expiration of that year (G.C. §56895).
2. The Certificate of Completion, including the recording numbers affixed by the County recorder, will be distributed to affected agencies, County surveyor, County assessor, County auditor, and the State Board of Equalization. The State Board of Equalization will distribute relevant information to the Department of Finance, the Controller, and to the Secretary of State, as appropriate (G.C. §57203, 57204).

**Chapter 11. Specific Application Requirements**

Section 1. Provision of New Services by Districts

1. The Commission is responsible for determining latent powers for special districts under the Commission's jurisdiction. Towards this end, the Commission shall periodically review and update the functions and services established for each special district as part of its periodic review of municipal services pursuant to G.C. §56430. In conducting a municipal service review, the Commission may require the special districts to provide current information concerning established functions and services. The Commission may remove any function or service established for a special district if the Commission determines that the function of service is not currently being provided by the district.



2. Any special district desiring to undertake the provision of any new or different function or class of service, or divest an existing power within its boundaries, shall adopt a resolution of application for filing with LAFCo pursuant to G.C. §56824.12. In addition, applications for provision of new or different functions or classes of service must be accompanied by a plan for providing service consistent with G.C. §56653.

Section 2. Extension of Services by Contract

1. Commission Approval Required. Except for the specific situations exempted by G.C. §56133(e), a city or district shall not provide new or extended services to any party or property outside its jurisdictional boundaries unless it has obtained written approval from LAFCo, consistent with the CKH Act and the policies described herein.
2. Extension of Services within Sphere. Annexation to cities and special districts involving territory located within the affected agency's sphere of influence is generally preferred to extending services by contract or agreement. The Commission recognizes, however, 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 will give great weight to properly documented existing health and safety needs when considering justification of such extensions. 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

3. Extension of Services Outside Sphere. The Commission shall authorize a city or special district's request to provide new or extended services outside their jurisdictional boundary and sphere of influence only in response to an existing or future threat to public health or safety in accordance with G.C. §56133(c).
4. Administrative Approval Under Urgent Circumstances. The Commission authorizes the Executive Officer, in accordance with G.C. §56133(d), to administratively approve a city or special district's request for extended services by contract or agreement if there is an existing and urgent public health or safety emergency as identified in writing from the local public health officer. The Commission shall ratify the Executive Officer's determination at the next regularly scheduled meeting.
5. Exemptions to LAFCo Approval Requirement. Commission approval may not be required for cities or special districts to provide new or extended services outside their jurisdictional boundaries in accordance with the provisions of G.C. §56133(e).

The Executive Officer shall consult with cities and districts to determine whether extended services agreements are subject to Commission review.

6. Anticipation of Later Annexation. G.C. §56133(b) authorizes the Commission to approve contracts for extension of services “in anticipation of a later change of organization”. The Commission defines the term “anticipation of a later change of organization” as follows:
  - a) The inclusion of the area to be served within the sphere of influence of the serving agency shall be sufficient to comply with this provision.
7. Agreements Consenting to Annex. Whenever the Commission determines to condition the approval upon a later annexation of the affected property, the condition shall normally include a requirement that the owner record an agreement consenting to annex the territory, which agreement shall bind future owners of the property. The agreement shall be prepared by LAFCo legal counsel and provided to the landowners for execution and recording. Proof of recordation will be required before the LAFCo contract approval becomes final and effective.

### Section 3. LAFCo Initiated Proposals

1. As provided under G.C. §56375(a), the Commission is authorized to initiate the following specific types of proposals:
  - a) Consolidation of two or more special districts.
  - b) Dissolution of one or more special districts, where another agency or agencies can assume service responsibilities.
  - c) Merger of a special district with a city, where the city encompasses the entire district.
  - d) Establishment of a subsidiary district of a city, where at least 70% of the district's territory and population are within the city.
  - e) Reorganization which includes two or more of the above changes of organization.
2. The Commission will consider initiation of such proposals in instances in which the following conditions apply:
  - a) A sphere of influence, municipal service review, or other governmental study has shown that a proposal may result in lower overall public service costs, greater local government access and accountability, or both.
  - b) The Commission can complete the necessary review, analysis, and processing with its own staff resources, or funds are available to pay for additional assistance needed to complete the review and processing of the proposal.
3. The Commission reserves its discretion to initiate such proceedings in exceptional circumstances in which there exists a level of public concern about a district's services or governance which, in the Commission's view, warrants initiation of a

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proposal. The Commission may refer the proposal to a reorganization committee as provided in G.C. §56827. As an alternative, the Commission may refer the proposal to an advisory committee composed of a representative from each affected district and any additional representative the Commission deems appropriate.

# MENDOCINO Local Agency Formation Commission

## Staff Report

DATE: January 4, 2016  
 TO: Mendocino Local Agency Formation Commission  
 FROM: George Williamson, Executive Officer  
 SUBJECT: Status of Commissioner Terms

| SEAT                 | Commission Seat Terms Schedule |             |             |             |          |          |          |      |
|----------------------|--------------------------------|-------------|-------------|-------------|----------|----------|----------|------|
|                      | 2012                           | 2013        | 2014        | 2015        | 2016     | 2017     | 2018     | 2019 |
| BoS Regular 1        | McCowen                        | Brown       | Brown       | Hamburg     |          |          |          |      |
| Bos Regular 2        | Hamburg                        | Hamburg     | McCowen     | McCowen     |          |          |          |      |
| Bos Alternate        | Brown                          | McCowen     | Hamburg     | Brown       |          |          |          |      |
| City Regular 1       | Hammerstrom                    | Hammerstrom | Hammerstrom | Hammerstrom |          |          |          |      |
| City Regular 2       | Rodin                          | * Rodin     | Madrigal    | Madrigal    | Madrigal | Madrigal |          |      |
| City Alternate       | Madrigal                       | * Madrigal  | Landis      | Doble       | Doble    | Doble    |          |      |
| Special District 1   | Shoemaker                      | Shoemaker   | * Shoemaker | McNerlin    | McNerlin | McNerlin | McNerlin |      |
| Special District 2   | McFadden                       | McFadden    | * McFadden  | Shoemaker/  |          |          |          |      |
| Special District Alt | Orth                           | Orth        | * Orth      | Silver      | Silver   | Silver   | Silver   |      |
| Public               | Kisslinger                     | Kisslinger  | Kisslinger  | Ward        | Ward     | Ward     | Ward     |      |
| Public Alt           | Ward                           | Ward        | Ward        | Rosenberg   |          |          |          |      |

**Vacant Term: Special District Regular Seat 2**

Staff produced and distributed ballots with special district nominations received. There are three candidates to fill the unexpired term that ends on December 31, 2016: T. Dusty Dillion (Noyo Harbor District), Tony Orth (Brooktrails Township CSD), and Robert Page (Ukiah Valley Sanitation District). The deadline for returning ballots is February 25<sup>th</sup> by 5:00 p.m. Ballots are scheduled to be opened and tallied at the LAFCo office on February 26<sup>th</sup> at 1:00 p.m. The new Special District Commissioner will be sworn in at the March 7<sup>th</sup> Commission meeting.

**Expiring Term: BoS Alternate Seat**

The Board of Supervisors will make their annual appointments in January 2016 to be reflected at the February 1, 2016 Regular Commission Meeting.

**Expiring Term: Public Alternate Seat**

The term of Carol Rosenberg as alternate Public Member expires December 31, 2015. Commissioner Rosenberg may continue to serve until the new appointment is made. The timeline for soliciting candidates for the open seat includes the following:

- Notice of Alternate Public Member opening be posted/published by January 5, 2016.
- Deadline for applications Monday, January 25<sup>th</sup>, 2016.
- Interview of applicants at the February 1, 2016 Regular Meeting.

Recommendation: This item has been agendized for information only. The Commission is invited to discuss the item and provide direction to staff as needed.



Department of Planning and Community Development  
300 Seminary Avenue, Ukiah, CA 95482  
707-463-6203 / [planning@cityofukiah.com](mailto:planning@cityofukiah.com)

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December 17, 2015

George Williamson, Executive Officer  
Mendocino LAFCO  
Via Email: [eo@mendolafco.org](mailto:eo@mendolafco.org)

RE: City of Ukiah Sphere of Influence Update Application

Dear George,

As you requested on the telephone today, this correspondence is intended to formally notify the Mendocino LAFCO that on December 16, 2015 the Ukiah City Council voted unanimously to withdraw the City's Sphere of Influence update application. Since the City will be embarking on a General Plan update project in 2016, the Council decided to wait until that process is complete before seeking LAFCO approval of an updated Sphere of Influence.

Please return all unused filing fees and the remaining deposited funds submitted for the preparation of the environmental impact report (EIR). Please also include an accounting of the used filing fees and any funds expended on the initial tasks associated with the preparation of the EIR.

If you have any questions or need additional information, please contact me at (707) 463-6219 / [cstump@cityofukiah.com](mailto:cstump@cityofukiah.com).

Sincerely,

Charley Stump, Director  
Planning and Community Development

# CALAFCO BULLETIN

## The Implementation of SB 239



This bulletin is intended to provide our member LAFCoS with information on the implementation of SB 239. It is a result of CALAFCO's meeting with a number of representatives from the Sponsor of the bill along with union representatives from CalFIRE Local 2881 and the CA Fire Chief's Association. Authored by Senator Hertzberg and sponsored by the California Professional Firefighters, the bill was signed into law by Governor Brown on October 10, 2015, and takes effect January 1, 2016.

In summary, the bill amends Government Code Sections 56017.2 and 56133, and adds GC §56134 relating to the extension of fire protection services outside existing city or district boundaries. The bill deems "existing boundaries" as those that exist as of 12-31, 2015. It requires LAFCo approval on any new contract for the extension of fire services or a contract extension or amendment that transfers greater than 25% of the service area or changes the employment status of more than 25% of employees of any affected agencies. Further, it requires the applicant to include in their application a comprehensive fiscal analysis (CFA) prepared by independent contract, and outlines the required contents of the application and the CFA. The contents of the CFA are identified in Section 56134 (f) and are not as exhaustive as what is required in a CFA for a proposed city incorporation.

### What the bill is intended to do according to the sponsor:

- ❖ Require the applicant to provide LAFCo, as part of the application, proof that the 25% trigger is occurring.
- ❖ It is up to each LAFCo to determine what the required proof would be (for example, service maps demonstrating the change of +25% of the service area, or employment statistics that would provide proof of the +25% of change in employment status). Each LAFCo is encouraged to create local policies on what they would require as the proper documentation.
- ❖ While the term "employment status" found in 56134 (B) is not defined, it is the intent of the sponsor that this means a change in service providers (department as employer). While a change in wages/benefits/hours worked/working conditions may be viewed by some as a change in "employment status, but, it was, according to the sponsor, not the original intent of the term. Each LAFCo is encouraged to create a local policy to define this term.
- ❖ The change of +25% in employment status of the employees of any public agency affected by the contract or agreement is intended to apply to the entire department. In other words, +25% as compared to the department affected.
- ❖ Section 56134 (a) (2) states in part, that if a contract or agreement that, in combination with other contracts or agreements, triggers the +25% change in service area or employment status, it shall be subject to the definition of a fire protection contract pursuant to this section, and as such will not be exempt from this process. What is unclear about this situation is if it is just this one contract that is subject to the law, or if all existing contracts within the jurisdictional area are affected. The sponsor indicated it is their intent that it be just the one contract rather than all of the contracts within that service area, as all of the other contracts are not the trigger of the +25%. Each LAFCo is encouraged to consider a local policy to clarify this situation.

### What the bill is not intended to do according to the sponsor:

- ❖ The bill is not intended to apply to the renewal of existing contracts, unless the renewal included amendments or the inclusion of new territory that triggered the +25% change in service area or employment status.
- ❖ The bill is not intended to apply to mutual or automatic aid agreements.
- ❖ The bill is not intended to apply to ambulance services agreements.
- ❖ If a current contract expires and a service area no longer wants to contract for services and will take over providing the services themselves, this bill does not apply, as there is no contract to review and approve.

### What has yet to be determined:

- ❖ What happens if both parties agree on the contract? It has been suggested that future consideration may be given to an exemption in these cases. For now, if the situation meets the criteria, the new law must be followed, even though both parties may be in full agreement to the proposed changes.
- ❖ How to measure the cumulative effect of incremental extensions affecting less than 25% of the service area of employment status. Since the law requires the public agencies to go to LAFCo only in the instances where they have identified a greater than 25% impact, questions remain as to the process of documenting cumulative impacts to either the affected service area or the employment status when changes of either are less than 25%.

All LAFCos are encouraged to meet early with all of the stakeholders that may be impacted by this new law. You are also encouraged to create local policies as noted above to best implement the law based on local conditions and circumstances. Please contact CALAFCO with any questions.