
MENDOCINO

Local Agency Formation Commission

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

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GERALD WARD
PUBLIC MEMBER

EXECUTIVE OFFICER

BRUCE C. BARACCO

COUNSEL

VACANT

COMMISSION CLERK

ELIZABETH SALOMONE

LAFCo ANALYST

CRAIG BARACCO

Approved by Commission on July 7, 2014

SUMMARY MINUTES

LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY

Regular Meeting of Monday, June 2, 2014

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

Call to Order

Chair Shoemaker called the meeting to order at 9:03 AM.

Roll Call

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

Members Absent: None

Alternate

Members Present: Commissioners Dan Hamburg, Tony Orth, Gerald Ward

Alternate

Members Absent: Commissioners Mary Anne Landis

Staff Present:

Bruce Baracco, Executive Officer;
Elizabeth Salomone, Commission Clerk

Consent Calendar

1. Approval of the Summary minutes of the May 5, 2014 Regular meeting.
2. Approval of claims covering the April 27 through May 24, 2014 totaling \$19,552.70.

Upon motion by Commissioner Madrigal and second by Commissioner Kisslinger, Agenda Items 1 and 2 were approved by the following roll call vote:

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

Noes: None

Public Expression

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

Matters Set for Hearing

4. Final LAFCo Fiscal Year 2014-15 Budget

Mr. Baracco reviewed the final budget adoption process and changes made to the final budget from the preliminary budget presented in May 2014. Comments and questions were offered by Commissioners Ward, Hammerstrom, McCowen, McFadden, Kisslinger and Shoemaker.

Commissioners indicated two editing corrections:

- On Resolution 13-14-01, date needs to be changed from 2013-2014 to 2014-2015.
- On the Final FY 2014-15 LAFCo Budget, the second line 52 needs to be changed to 53.

Discussion was held to clarify the transfer of funds from reserves.

Commissioner McFadden noted his concern over the development of the budget, asking for clarification of the actual expenditures. He indicated he would be voting against approval of the budget as presented, with respect to the lack of information. In response, it was noted by Commissioners Ward and Madrigal that the actual expenditures are shown on the monthly financial reports, namely the Running Budget and Activity Report. Mr. Baracco indicated the difficulty in showing actual expenditures in aid of developing the next year's budget due to the timing requirement. Commission Kisslinger supported developing future budgets with more detail as Commissioner McFadden indicated.

Chair Shoemaker opened the public hearing at 9:19 AM and with no members of the public indicating an interest in speaking, closed the public hearing at 9:19 AM.

Commissioner Ward asked if the audit would be completed and expensed in June 2014 or did the 2014-15 budget need to reflect the cost of two annual budgets. Mr. Baracco assured the Commission that the FY 2012-13 audit would be completed and billed by the end of June 2014.

Commissioner Shoemaker asked for clarification on any transfer of reserves required for the balancing of this proposed budget and Mr. Baracco indicated none were required.

Commissioner Brown noted the Executive Committee is keeping a close eye on the actual expenditures in regards to the development of the budget and would continue to do so. Commissioner Ward indicated the Executive Committee chose to recommend that contributions remain the same rather than lower them for this budget in order to complete the first round of MSRs and develop a clear picture for future requirements.

Upon motion by Commissioner Kissinger and second by Commissioner Hammerstrom, the Final Budget with two editing changes as noted above was approved by the following roll call vote:

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

Other Matters

5. Contract Award for Executive Officer Services to Planwest Partners, Inc.

Mr. Baracco reviewed the selection process of Planwest Partners, Inc. as the preferred contractor for the Executive Officer Services Contract. Final contract negotiations are underway.

Commissioner McCowen asked Mr. Baracco for clarification on the negotiation issues. Mr. Baracco indicated topics included staffing, SOI work program, and MSR transition. Final contract ratification is expected to be brought to the Regular Monthly Meeting of July 7, 2014 unless the Commission directs the Executive Committee to finalize the contract on behalf of the Commission.

Comments and questions on this topic were offered by Commissioners Shoemaker, Hammerstrom, McCowen, and Brown.

Commissioner Shoemaker introduced the memo from the Commission Clerk regarding adjustment of public office hours and hours/duties of the Clerk. Comments and questions were offered by Commissioners Hammerstrom, Kisslinger, Brown, Madrigal, Shoemaker, and McCowen.

Discussion was held by the Commission in regards to the amount of time to have the office staffed, setting of public office hours, and contract negotiations between the Commission Clerk and Planwest. Commission consensus was to reduce the public office hours from 12 to 8 per week, noting the actual schedule and staff assignment would be handled within contract negotiations with Planwest Partners, Inc.

Commissioner Kissinger asked if there are any legal ramifications for LAFCo being in operation for a week without a named Executive Officer, between the end of Baracco & Associates' contract and the beginning of Planwest Partners' contract. Doug Losak, County Counsel, offered to explore the legal ramifications. Commission consensus was that there would not be a problem with the one week between contracts.

Commissioner McCowen noted his concern over finalizing the Executive Officer Contract without being brought in front of the Commission again on July 7, 2014. He indicated he would vote against having the Executive Committee finalize the contract on behalf of the Commission before the July 7th meeting, specifically regarding the process of the contract finalization and not regarding the actual contractor or any specific negotiations.

Commissioner Brown noted that Baracco & Associates had certain terms to meet before the end of the contract term and Commissioner Shoemaker indicated terms would be handled by the Executive Committee.

Upon motion by Commissioner Hammerstrom and second by Commissioner McFadden, approval for the Executive Committee to negotiate and finalize the Executive Officer Services contract on behalf of the Commission was approved by the following roll call vote:

Ayes: Commissioners Brown, Hammerstrom, Kisslinger, Madrigal, McFadden and Shoemaker

Noes: Commissioner McCowen

6. Municipal Service Review Mapping Program

Mr. Baracco presented a summary of the work done by the County GIS department and a request to transfer \$13,000 from reserves to fund the mapping program. Comments and questions were offered by Commissioners Hammerstrom and McCowen.

Commissioner McCowen asked for clarification on future amendments to maps due to changes in the SOI. Mr. Baracco indicated that he was in communication with the GIS Department to negotiate updates and that this memo accounted for the entire remaining special district mapping required.

Commissioner McCowen asked if any current fiscal year carryover would be available to cover this cost. Mr. Baracco cautioned that he could not be confident of the amount of carryover left and recommended taking the \$13,000 from reserves, using only what is needed after available carryover.

Commissioner McCowen moved to approve \$12,000 be taken from the general reserves and \$221.91 from the fiscal year carry over and Commissioner Brown seconded the motion. Comments and questions were offered by Commissioner Hammerstrom, Shoemaker, Kisslinger and Madrigal.

Commissioner Shoemaker cautioned against depending on the carry over when the available amount is unknown, supporting the staff recommendation to transfer \$13,000 from reserves.

Commissioner Hammerstrom asked for clarification on the purpose of the MSR reserves if not for using in matters such as this. Commissioner Ward asked for clarification on the allocation of the GIS billing to date. Mr. Baracco indicated that it would be desirable to use the full budgeted \$80,000 for MSRs and not for any of the mapping.

Commissioner Shoemaker asked for details on the format of the maps and how they can be accessed. Mr. Baracco indicated the maps are in scalable pdf format and will eventually all be available for download from the website.

Commissioner McCowen amended his motion, which was acceptable to Commissioner Brown, for approval for \$13,000 to be transferred from general reserves to cover the costs of the Mapping Program. This motion was approved by the following roll call vote:

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

Noes: None

7. Monthly Financial Reports

Mr. Baracco presented the monthly financial reports.

Upon motion by Commissioner Kisslinger and second by Commissioner Brown, acceptance of the monthly financial reports was approved by the following roll call vote:

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

Noes: None

Other Items

8. Correspondence

Mr. Baracco had no correspondence to report.

9. Commissioners Reports, Comments or Questions

Commissioner Ward noted that the County Counsel response to a complaint regarding the Water Forum cost \$300.

Commissioner Madrigal asked for an update on the Russian River Flood Control District and Redwood Valley County Water District Annexation/Dissolution, including how to keep the incoming Executive Officer updated. Commissioner Shoemaker summarized the status of the joint District Boards agreement to submit the LAFCo application soon, clarifying the applicants are responsible for the full cost of the project. The Commission Clerk noted procedures in place to provide George Williamson of Planwest Partners, Inc. all incoming information regarding the application process. Commissioner Brown asked if the Commission would like her to continue being the LAFCo Liaison to the applicants of this project, and the Commission supported her continuing.

Commissioner Hammerstrom asked for an update on the North of Ten Mile Annexation process. Mr. Baracco reported that a check was received by the applicants, and the final steps of filing for the annexation are currently underway.

10. Executive Officer's Report

▪ Water and Wastewater Special Districts Municipal Service Reviews

Mr. Baracco reported the Administrative Draft is at the printers and expected to be in the mail by Wednesday this week. He reviewed that the Commission workshop will occur at the July 7th meeting and adoption is anticipated for the August meeting.

- Proposals for Contract Legal Services

Mr. Baracco reviewed the process of selection by the Executive Committee for LAFCo Legal Services. Commissioner Shoemaker reviewed the three top candidates, noting Scott Brown was the preferred applicant. Discussion was held regarding the proposed flat rate option by Scott Brown and staff was directed to follow up for further information from the applicant.

Commissioner McCowen cautioned on the presentation of this topic on the agenda. Mr. Baracco indicated there is not a tight deadline on this topic; therefore it can be brought back to the full Commission for discussion and approval at the July 7th meeting.

At 10:13 AM, Alternate Commissioner Ward assumed the Public Seat upon Commissioner Kissinger's departure.

Comments and questions were offered by Commissioner McCowen, McFadden, Shoemaker, Orth, Hamburg and Hammerstrom. Discussion was held regarding the need for more specialized legal counsel, conflict of interest, and financial implications. The Commission directed the Executive Committee to proceed with evaluating the proposal, and that the contract be brought to the full Commission on July 7, 2014.

11. Legislation Report

Mr. Baracco had no legislature updates to report.

Adjournment

There being no further business, at 10:22 AM the meeting was adjourned to the next regular meeting on Monday, July 7, 2014 at 9:00 AM in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah, California.

Respectfully Submitted,

BRUCE C. BARACCO
Executive Officer