

MENDOCINO

Local Agency Formation Commission

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

COMMISSIONERS

Tony Orth, Chair
Brooktrails Township CSD

Scott Ignacio, Vice-Chair
Point Arena City Council

Gerald Ward, Treasurer
Public Member

Matthew Froneberger
Special District Member

Gerardo Gonzalez
Willits City Council

Glenn McGourty
County Board of Supervisors

Maureen "Mo" Mulheren
County Board of Supervisors

Jenifer Bazzani, Alternate
Ukiah Valley Fire District

John Haschak, Alternate
County Board of Supervisors

Mari Rodin, Alternate
City Member

Richard Weinkle, Alternate
Public Member

STAFF
Executive Officer
Uma Hinman

Analyst
Larkyn Feiler

Commission Clerk
Kristen Meadows

Counsel
Scott Browne

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

A G E N D A

Regular Meeting of **Monday, December 6, 2021 at 9:00 AM**

Special Notice

On September 16, 2021, Governor Newsom signed AB 361, which modified the Brown Act to allow for teleconferencing participation at local legislative body public meetings during a proclaimed state of emergency. As urgency legislation, this law took effect immediately. Pursuant to Government Code §54953(e)(1)(B), the Commission will conduct its December 6, 2021 meeting by Zoom. Therefore, Commissioners, staff and members of the public will attend this meeting via teleconference, as provided below.

Instructions for Meeting Participation

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

1. Zoom meeting link: <https://mendocinocounty.zoom.us/j/82854998778>
2. Telephone option (audio only):
Dial: **(669) 900-9128** (*Please note that this is not a toll-free number*)
Meeting ID: **828 5499 8778**

Public Participation is encouraged and public comments are accepted:

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

Meeting Participation

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

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

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

The Commission appreciates the public's flexibility and patience during this health crisis.

Live web streaming and recordings of Regular Commission meetings are available via the [Mendocino County YouTube Channel](#).

Links to recordings, approved minutes, and meeting documents are available on the LAFCo website: <https://www.mendolaafco.org/commission-meetings>

1. CALL TO ORDER and ROLL CALL

2. PUBLIC EXPRESSION

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

3. 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.

3a) November 1, 2021 Regular Meeting Summary

3b) November 8, 2021 Special Meeting Summary

3c) November 2021 Claims & Financial Report

3d) Resolution Authorizing Continued Remote Meetings per AB 361

3e) Proposed 2022 Regular Meeting Calendar

3f) Proposed Fiscal Year 2021-22 Contract with the County of Mendocino for GIS and Technical Support Services

4. PUBLIC HEARING ITEMS

None

5. WORKSHOP ITEMS

None

6. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

6a) Commissioner Terms

The Commission will receive an informational report on Commissioner terms and upcoming vacancies. No action.

6b) Process for Executive Officer Services Contractor Annual Evaluation

The Commission will receive instruction on the process for the annual evaluation of the Executive Officer Services Contractor and schedule a closed session item at a future meeting for the evaluation to be held.

7. INFORMATION AND REPORT ITEMS

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

7a) Work Plan, Current and Future Proposals (Written)

7b) Correspondence (Copies provided upon request)

- State Controller's Office Notice of Inactive Districts

7c) CALAFCO Business and Legislative Report

- Water webinar: December 6, 2021
- Northern Region Roundtable: December 8, 2021

7d) Executive Officer's Report (Verbal)

7e) Committee Reports (Executive Committee, Policies & Procedures, Work Plan Ad Hoc) (Verbal)

7f) Commissioner Reports, Comments or Questions (Verbal)

ADJOURNMENT

The next Regular Commission Meeting is tentatively scheduled for Monday, **January 3, 2022** at 9:00 AM.
Location to be determined based on current State and local mandates related to the COVID-19 pandemic.

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

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

Americans with Disabilities Act (ADA) Compliance: Because the meeting is being held by teleconference, if you are hearing impaired or otherwise would have difficulty participating, please contact the LAFCo office as soon as possible so that special arrangements can be made for participation, if reasonably feasible.

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

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REGULAR MEETINGS

First Monday of each month

at 9:00 AM in the

Mendocino County

Board of Supervisors

Chambers

501 Low Gap Road, Ukiah

Agenda Item No. 3a

DRAFT MINUTES

Local Agency Formation Commission of Mendocino County Regular Meeting of Monday, November 1, 2021

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

1. CALL TO ORDER and ROLL CALL (Video Time 0:28)

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

Regular Commissioners Present: Tony Orth, Scott Ignacio, Gerald Ward, Gerardo Gonzalez, Maureen Mulheren, Matthew Froneberger, and Glenn McGourty (9:22)

Regular Commissioners Absent: None

Alternate Commissioners Present: Richard Weinkle, and Mari Rodin

Alternate Commissioners Absent: John Haschak and Jenifer Bazzani

Staff Present: Uma Hinman, Executive Officer; Larkyn Feiler, Analyst; Kristen Meadows, Clerk; and Scott Browne, Legal Counsel

2. PUBLIC EXPRESSION None

3. CONSENT CALENDAR (Video Time 2:36)

3a) Approval of the October 4, 2021 Regular Meeting Summary

3b) Approval of the October 2021 Claims & Financial Report

October 2021 Claims totaling:	\$19,946.31
Hinman & Associates Consulting	17,167.29
P. Scott Browne	630.00
Newspapers	187.69
Mendocino County Clerk	250.00
Mendocino County IS Division	1,107.29
Comcast	90.04
Streamline	50.00
Ukiah Valley Conf. Center	464.00

3c) Resolution for Continued Remote Meetings per AB 361

Treasurer Ward asked whether a new resolution would be needed before the December 6th Commission meeting since it was more than 30 away. EO Hinman responded that another resolution will be on the consent calendar of the November 8th Special Meeting to extend the remote meetings an additional 30 days.

When asked when the Commission will resume in-person meetings, EO Hinman responded that LAFCo will follow the County Board of Supervisors lead.

Motion by Commissioner Gonzalez: Approve the Consent Calendar

Second by Commissioner Ignacio.

Approved by roll call vote: unanimous.

Ayes: (7) Froneberger, Gonzalez, Ignacio, Mulheren, Ward, McGourty, Orth

4. PUBLIC HEARING ITEMS None

5. WORKSHOP ITEMS None

6. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

6a) Sustainable Agricultural Lands Committee (SALC) Grant Project (Video Time 5:01)

EO Hinman presented an update to the Commission on the SALC Grant project and LAFCo's role.

In 2020, the Mendocino County Department of Agriculture was awarded the SALC grant to build on the 2017 Lands Strategy. The project team consists of the Agricultural Commissioner's Office, MCRCD, Mendocino County, Mendocino Land Trust, Inland Mendocino Land Trust, Anderson Valley Land Trust, Mendocino LAFCo, USDA Natural Resources Conservation Service, Mendocino County Farm Bureau, and local farmers and residents.

Project Goals:

- Protect agricultural lands while supporting sustainable housing development
- Build a sustainable and resilient agricultural community

Objectives (4):

1. Develop an agricultural component for a Mendocino County Climate Action Plan (CAP)
2. Expand the Carbon Farm Planning Program and Soil Health Initiative
3. Increase participation in the Williamson Act and Conservation Easement programs
4. Increase communication with diverse stakeholders regarding the coalescence of agricultural land conservation and sustainable housing development

LAFCo's Role is to lead Objective #4 by:

- Attending monthly MCSALC meetings
- Organizing and convening stakeholder meetings to explain Ag. Lands Strategy and participating in meetings discussing zoning and housing
- Distributing educational materials
- Development of fact sheets:
 - Ag Lands Committee Fact Sheet
 - Conservation Easements Fact Sheet
 - Williamson Act Fact Sheet

The original grant schedule was March 2020 through January 2022; however, an extension through April 30, 2022 has been requested.

The overall grant award was \$251,730, with a match of \$43,130. LAFCo's budget for the project is \$14,200, with a match of \$4,000. The match funding is documented related work carried out in the normal course of duties. Due to LAFCo workload, utilization of funds was under budget, however, the match requirement was met, and project participation will continue as staff capacity allows.

Commissioner Gonzalez asked if a link to the project can be found on LAFCo's website. EO Hinman responded that staff will work on adding one in the coming month.

Commissioner Ward thanked EO Hinman for her presentation. He asked what additional benefits were received through participation in the project. EO Hinman responded that communication has been the main benefit consisting of dialogue between the partners regarding sphere of influence updates and growth patterns. In addition, the more detailed GIS mapping of agricultural lands will be a benefit to LAFCo as it conducts SOI updates, particularly in the Ukiah Valley area. She also reiterated that there were no out-of-pocket expenses for the project, as the match funding was related work carried out through staff's normal course of duties.

Chair Orth stated that he is also the Associate Director for the MCRCD and noted that there are very detailed soil maps that will be beneficial to LAFCo in the future.

6b) CALAFCO White Paper: *The Metamorphosis of Special Districts: Current Methods for Consolidation, Dissolution, Subsidiary District Formation and Merger* (Video Time 17:11)

EO Hinman gave a summary presentation on the white paper developed by CALAFCO partner, Best, Best and Krieger, to provide an overview of the typical methods of reorganization of special districts.

Under the Cortese Knox Hertzberg Act (CKH) a special district can be modified by consolidation, disillusion, merger, or establishment of a Subsidiary District. It can be initiated by the district, LAFCo, or petition. The CKH places different restrictions of reorganization and protest thresholds based on the initiating agency.

LAFCos are encouraged to use a committee when initiating reorganizations and it must be consistent with an MSR, SOI or other study under the CKH. In addition, the costs must be less than or equal to the cost of an alternate service provision, and modification must promote public access and accountability for community service needs and financial resources. Cities must consent to a merger or formation of a subsidiary district regardless of initiation by LAFCo or petition. A subsidiary district is governed by the City Counsel and at least 70% of its territory and voters is included entirely within the boundaries of a city.

When a city or petition initiates a reorganization, LAFCo must provide written notice to the affected district(s) within ten days of receiving the proposal. The district(s) can either consent or adopt a resolution of intent to file an alternative proposal, which will delay an action by LAFCo for 70 days.

EO Hinman highlighted valuable resources for processing applications are located in the appendices of the white paper.

Commissioner Gonzalez asked for an example of a subsidiary district. EO Hinman noted the Fort Bragg Municipal Improvement District, which is managed and operated by the City of Fort Bragg.

Commissioner Ward thanked EO Hinman for her presentation and asked if the newly updated white paper triggered any need to update LAFCo Policies and Procedures. EO Hinman responded that no updates are needed at this time.

Chair Orth referenced one of the resources EO Hinman highlighted – *Factors to be considered in review of a proposal* – and asked how they relate to the current Fire District Annexation of the City of Ukiah. EO Hinman indicated the factors were included in the staff report for the application. Counsel Browne added that the Commission should also consider those factors when issues are raised by the public.

Chair Orth asked how the protest threshold of 25% is determined. Counsel Browne confirmed that all protest forms received before the end of the hearing will be considered. He noted the importance of the denominator, which was the 25% threshold figure. Unfortunately, the CKH does not stipulate when to set the denominator but it would be good to have a good estimate prior to the meeting.

Commissioner Rodin suggested announcing the denominator at the beginning of the Nov. 8th protest hearing for transparency. Counsel Browne agreed, reminding Staff to confirm the number with the elections department before the hearing.

Chair Orth asked which agency would conduct the election process if the 25% threshold is met. Counsel Browne responded that the City of Ukiah would implement the election.

Commissioner Froneberger asked for confirmation that the protest threshold of 25% refers to registered voters within the area of annexation. Counsel Browne confirmed his statement.

7. INFORMATION AND REPORT ITEMS (Video Time: 32:30)

7a) Work Plan, Current, and Future Proposals

Active Proposals:

- The Ukiah Valley Fire District Annexation Protest Hearing will be held on November 8. Staff has been receiving Protest Forms at the office. She acknowledged Commissioner Rodin's comment and confirmed clarification of the thresholds will be provided during the hearing. Staff still anticipates meeting the December 1st Board of Equalization deadline of submittal of the packet.
- The City of Ukiah's Annexation of City Owned Properties tax share negotiation process is in progress.

- There has been no change to Ukiah Valley Sanitation Detachment Application or the Application for Annexation of Areas north of the City of Ukiah
- Staff received a public notice that the Millview County Water District has a draft mitigated negative declaration for District the proposed annexation of the old Masonite area. The public comment period is November 4 – December 6, 2021. Staff will review the documents and submit comments as a Responsible Agency under CEQA.

Future Proposals and Work Plan: No change since the previous update.

7b) Correspondence None.

7c) CALAFCO Business and Legislation Report (Video Time: 36:13)

EO Hinman noted a webinar on Nov. 3rd at 10:30 a.m.: *The New Era: State of the State - What you need to know about extreme weather, water, and fire issues.*

Chair Orth asked for a reminder on how to register for the webinar. EO Hinman responded that there is an active registration link on the flier for the webinar, included in the agenda packet.

The search for a new CALAFCO executive director has been extended into early 2022.

7d) Executive Officer's Report (Video Time: 38:28)

EO Hinman reported the following:

- Staff will submit the year-end financial report to Treasurer Ward for review this week.
- The Protest Hearing Annexation notification process is complete. EO Hinman thanked Staff for the extra hours spent completing the project. Staff has also been answering many questions from the public. She asked the Commission to direct interested parties to the website for more information.

7e) Committee Reports (Executive Committee/Policies & Procedures) (Video Time: 40:33)

Staff has been trying to schedule meetings for the Policies & Procedures committee and the Work Plan Ad Hoc committee. EO Hinman encouraged Commissioners to respond to Staff's requests for survey participation.

7f) Commissioners Reports, Comments or Questions (Video Time: 41:23)

Commissioner McGourty reported on a recent Ad Hoc Meeting with Congressman Huffman regarding the Potter Valley Project, a hydroelectric power project owned by PG&E that diverts water from the Eel River to the Russian River. The original plan, to use grant money to fund the necessary studies and to secure the license for the project by April 14, 2022, has been unsuccessful, leaving the future for Russian River water users uncertain. Unfortunately, there is little data on the ramifications of dismantling Scott Dam, which impounds Lake Pillsbury. In addition, a powerhouse that allows for larger diversions to Lake Mendocino went down over the summer. Annually, about 90,000-acre-feet of water is transferred from the Eel River into the Russian River drainage through the Potter Valley Project. Lake Pillsbury's capacity is approximately 80,000-acre feet. Typically, in the winter months, 270 cubic-feet-per-second (cfs) is diverted to Lake Mendocino. Currently, due to the offline powerhouse, the diversion capability has been reduced to only 45 cfs, severely impacting Lake Mendocino's ability to recover from the drought. The Inland Water and Power Commission and the Sonoma Water Agency are working directly with the Department of Water Resources on potential solutions for a reliable water supply.

EO Hinman asked what the next steps are if the FERC deadline is not met.

Commissioner McGourty responded that PG&E would surrender its license.

Commissioner Rodin asked about PG&E's interest in the situation.

Commissioners McGourty and Froneberger responded that FERC and PG&E are primarily concerned with hydropower. Commissioner McGourty said that he would like to have a meeting with Congressman Huffman to hear his reasoning for his lack of support. Commissioner Froneberger said that it is on record that many elected officials are supportive of a two-basin solution, which means stopping the water that comes through the Potter Valley power station, isolating the two water sheds, and crippling much of inland Mendocino County and parts of Sonoma County. He said that support of this scenario is the reason Congressman Huffman has not financially

supported the Potter Valley Project. The Commissioners also mentioned the exclusion of Lake and Humboldt Counties and questioned the sincerity of the Congressman's dedication to finding a viable solution.

Chair Orth confirmed with EO Hinman and Counsel Browne that LAFCo does not have a role to play in the process, however he thanked the Commissioners for the discussion and education.

Before the adjournment, EO Hinman reminded the Commission that the November 8th meeting starts at 10 a.m. and said that she will be in the office to accept written protests in person starting at 8 a.m. Counsel Browne asked if there are other items on the agenda. She responded that the only other item is the resolution to continue remote meetings per AB 361. He then reminded the Commission and participants that the hearing is limited to only accepting protests and again encouraged stating the denominator for the 25% threshold at the beginning of the meeting.

ADJOURNMENT (Video Time: 57:17)

There being no further business, the meeting adjourned at 9:57 a.m. A Special Meeting for the Ukiah Valley Fire District's Annexation of the City of Ukiah Protest Hearing is scheduled for November 8, 2021, at 10:00 a.m. The next regular meeting is scheduled for Monday, December 6, 2021, at 9:00 a.m. The location is to be determined based on guidelines recommended by the Mendocino County Public Health Officer and Executive Orders regarding the COVID-19 pandemic.

Live web streaming and recordings of Commission meetings are available via the County of Mendocino's YouTube Channel. [November 1, 2021, YouTube meeting recording](#). Links to recordings and approved minutes are also available on the [LAFCo website](#).

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Agenda Item No. 3b

DRAFT MINUTES

Local Agency Formation Commission of Mendocino County

Special Meeting of Monday, November 8, 2021

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

1. CALL TO ORDER and ROLL CALL

Chair Orth called the meeting to order at 10:00 a.m.

Regular Commissioners Present: Tony Orth, Scott Ignacio, Gerald Ward, Gerardo Gonzalez, Maureen Mulhern, Matthew Froneberger, and Glenn McGourty

Regular Commissioners Absent: None

Alternate Commissioners Present: Mari Rodin, Jenifer Bazzani and Richard Weinkle

Alternate Commissioners Absent: John Haschak

Staff Present: Uma Hinman, Executive Officer; Larkyn Feiler, Analyst; Kristen Meadows, Clerk; and Scott Browne, Legal Counsel

Note: Due to a demonstration at the LAFCo office, Executive Officer Hinman and Analyst Feiler were delayed and entered the meeting at 10:08. Additionally, Commissioner McGourty and Alternate Commissioner Weinkle were admitted into the meeting at 10:08.

2. PUBLIC EXPRESSION (Video Time 2:45)

None

3. CONSENT CALENDAR (Video Time 13:13)

3a) Resolution Authorizing Continued Remote Meetings per AB 361

Approval of the Resolution authorizes the continued use of teleconferenced meetings through December 8, 2021.

Motion by Commissioner Ignacio: Approve the Consent Calendar

Second by Commissioner Mulhern.

Approved by roll call vote: unanimous.

Ayes: (7) Froneberger, Gonzalez, Ignacio, Mulhern, Ward, McGourty, Orth

4. PROTEST HEARING (Video Time 17:56)

4a) Protest Hearing and Determination of the Value of Written Protests for the Ukiah Valley Fire District Change of Organization to Annex the City Limits of the City of Ukiah for Fire Services (File No. A-2021-02)

Chair Orth opened the Protest Hearing at 10:17 a.m. and invited EO Hinman to introduce the item.

On October 4, 2021 the Commission approved the annexation of the City of Ukiah (City) into the Ukiah Valley Fire District (UFVD or District) triggering a 30-day reconsideration period followed by a protest hearing. The hearing provides an opportunity for landowners and registered voters in the affected area to reverse LAFCo's decision.

The sole purpose of the hearing is to receive and count written protests and withdrawals. The number of protests received will determine whether the application is terminated, ordered with an election, or ordered without an election.

EO Hinman reviewed the protocols for public participation during the hearing and parameters for submitting or withdrawing a protest, and then invited Analyst Feiler to summarize the process.

Analyst Feiler detailed the steps taken by staff to notice the hearing with a minimum 21-day public notice requirement, which was completed by October 18, 2021.

She outlined the three steps of the protest hearing process:

1. Summarize Resolution 2021-22-03 approving the annexation pursuant to GOV §57050(b).
2. Receive Oral and Written Protests.
3. Determine the Value of Written Protests.

Analyst Feiler clarified that LAFCo staff will determine the value of written protests received and not withdrawn from landowners and registered voters in the City of Ukiah by the close of the Protest Hearing pursuant to GOV §57075, as briefly outlined below:

1. If written protest is less than 25%, the Commission approval stands.
2. If written protest is more than 25%, then a vote of the people follows.
3. If written protest exceeds 50%, then the annexation is terminated.

Analyst Feiler confirmed the protest denominators: with a total of 8,949 registered voters in the annexation area, the 25% threshold is 2,238 protestors. With a total of 4,986 landowners in the annexation area, the 25% threshold is 1,247 protestors with a land value of \$134 million.

Chair Orth invited public comment at 10:28 a.m., with a 3-minute time limit each. (Video Time 29:18)

Leonard Winter, CEO of Medstar Ambulance of Mendocino County, expressed concern for the District's proposal to increase Emergency Medical Services (EMS) staffing and the potential impact to Medstar.

John Rarick expressed frustration over the public health guidelines that limit in-person meetings and accessibility to petition local government. He is opposed to a property tax increase, which he believes will indirectly affect renters, and questioned the reason for the increase, especially given the current hyper-inflation environment. He does not believe enough time was given for the public to review and digest the documents relevant to the annexation to make an informed decision.

Lea Bergem, Director of Administration for Medstar Ambulance of Mendocino County, added to Mr. Winter's comments expressing concern for the City of Ukiah's investigation into ambulance feasibility and the potential impact to the viability of MedStar, a non-profit organization that is not funded by tax dollars.

Chair Orth asked Legal Counsel Browne if it would be appropriate to continue the hearing to a later date to calculate the protest forms received during the hearing. Mr. Browne confirmed that the hearing can be continued, but in order to determine the value of protests received the hearing must be closed.

Chair Orth closed the Protest Hearing at 10:44 a.m. (Video time 45:41).

Staff requested a 15-minute break to assess the number of written protests received during the hearing and to determine if additional time would be needed to calculate the results.

Commissioner Froneberger asked if 15 minutes would be sufficient time to calculate the protests received, specifically the assessed property value.

Analyst Feiler confirmed that the threshold calculation involves both the total number of landowners and the total assessed property value and LAFCo staff had this data available.

Legal Counsel Browne added that if the number of written protests received is less than 25% of landowners there is no need to calculate the assessed property value.

Chair Orth called for a 15-minute break at 10:48 a.m. (Video Time 49:51)

15-MINUTE BREAK

The meeting reconvened at 11:06 a.m.

Analyst Feiler reported Staff's findings: (Video Time 1:08:53)

- 75 additional written protests were received during the hearing.
- Protests received before the close of the protest hearing fell far below the 25% threshold for landowners and registered voters.
- Total protests received did not meet the minimum threshold in either category and, therefore, were insufficient to initiate an election process or reverse the Commission's approval.

Commissioner Ward asked about the percentage of protests received. Analyst Feiler responded that 360 protests from registered voters and 236 from landowners were received before the start of the hearing. Commissioner Ward offered a very rough estimation of 5% and Analyst Feiler agreed.

Commissioner Gonzalez asked if it was necessary to verify the validity of the 75 protests collected during the hearing.

Analyst Feiler responded that Staff received and calculated approximately 500 forms prior to the hearing to gain an understanding of the data, and even with an assumption that the additional 75 protests collected were all valid, the total protests calculation was still insufficient to trigger the minimum threshold requirements.

Commissioner Froneberger commented that although the hearing was noticed in accordance with the Brown Act, he does not believe the public was adequately notified or given enough time to respond. Given the curtailments of public gatherings due to the pandemic, he believes the current methods of advertising proceedings and soliciting community engagement are woefully inadequate and outdated.

Mr. Rarick agreed with Commissioner Froneberger and thanked him for his comments.

Commissioner Ward expressed his support of MedStar and the continuation of their ambulance services.

Commissioner Rodin commended Staff on lawfully notifying the public of the hearing. She suspects the public has unanswered questions and a misunderstanding of the application. She suggested that providing more public outreach and information would foster more support.

Motion by Commissioner Ignacio: Adopt Resolution No. 2021-22-08, finding insufficient protest and ordering without an election the Ukiah Valley Fire District Change of Organization to Annex the City Limits of the City of Ukiah for Fire Services pursuant to GOV §57075(a)(3)

Second by Commissioner Mulhern.

Approved by roll call vote: unanimous.

Ayes: (7) Froneberger, Gonzalez, Ignacio, Mulhern, Ward, McGourty, Orth

Following the vote, Commissioner Froneberger asked Staff to repeat the motion for clarification.

EO Hinman read the following:

After the close of the Protest Hearing, if it is determined that insufficient written protests were received by landowners and registered voters within the City of Ukiah prior to the close of the Protest Hearing, adopt Resolution No. 2021-22-08, finding insufficient protest and ordering without an election the Ukiah Valley Fire District Change of Organization to Annex the City Limits of the City of Ukiah for Fire Services pursuant to GOV §57075(a)(3).

ADJOURNMENT (Video Time: 1:25:41)

There being no further business, the meeting adjourned at 11:24 a.m. The next regular meeting is scheduled for Monday, December 6, 2021, at 9:00 a.m. The location is to be determined based on guidelines recommended by the Mendocino County Public Health Officer and Executive Orders regarding the COVID-19 pandemic.

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MENDOCINO Local Agency Formation Commission Staff Report

DATE: December 6, 2021
 TO: Mendocino Local Agency Formation Commission
 FROM: Uma Hinman, Executive Officer
 SUBJECT: **Financial Report and Claims for November 2021**

RECOMMENDED ACTION

Approve the November 2021 claims and financial report.

Name	Account Description	Amount	Total
Hinman & Associates Consulting, Inc.	5300 Basics Services	\$ 8,603.00	\$ 18,887.00
	5601 Office Supplies (QB)	\$ 80.00	
	6200 Bookkeeping	\$ 330.00	
	7000 Work Plan (CSA 3)	\$ 3,939.00	
	8026 UVFD Annex City of Ukiah	\$ 5,860.00	
	8601 SALC (grant reimbursed)	\$ 75.00	
P. Scott Browne	8026 UVFD Protest Hearing	\$ 1,620.00	\$ 2,520.00
	6300 Legal Counsel - General Services	\$ 900.00	
ExpressIt	8026 UVFD Mailing	\$ 606.40	\$ 606.40
Comcast	5700 Internet	\$ 90.04	\$ 90.04
Streamline	5700 Website Hosting	\$ 50.00	\$ 50.00
Ukiah Valley Conf. Center	8026 UVFD Sept/Oct. Postage & Copies	\$ 975.50	\$ 1,542.96
	5502 Office Space	567.46	
Total:			\$ 23,696.40

Deposits: City of Ukiah, \$17,267.86; SALC, \$75.00.

Attachments:

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

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

**Mendocino Local Agency Formation Commission
FY 2020-21 Budget and Application Tracking**

Acct #	Task	FY 21-22 Adopted Budget	1st Qtr Subtotals	October	Nov	Dec	2nd Qtr Subtotal	Year to Date	Remaining Budget	% of Budget Expended
EXPENSES										
5300	Basic Services - EO/Analyst/Clerk	\$108,000	\$25,936.00	\$7,521.00	\$8,603.00		\$16,124.00	\$43,012.00	\$64,988.00	40%
	Unfunded Mandates (Public Records Requests)	\$0	\$952.00				\$0.00			
5500	Rent	\$5,775	\$1,392.00	\$464.00	\$464.00		\$928.00	\$2,320.00	\$3,455.00	40%
5600	Office Expenses	\$3,300	\$797.26	\$160.73	\$183.46		\$344.19	\$1,141.45	\$2,158.55	35%
5700	Internet & Website Costs	\$2,500	\$622.97	\$140.04	\$140.04		\$280.08	\$903.05	\$1,596.95	36%
5900	Publication & Legal Notices	\$2,000	\$275.71				\$0.00	\$275.71	\$1,724.29	14%
6000	Televising Meetings	\$2,000	\$180.69	\$401.83			\$401.83	\$582.52	\$1,417.48	29%
6100	Audit Services	\$3,500	\$1,760.00				\$0.00	\$1,760.00	\$1,740.00	50%
6200	Bookkeeping	\$4,500	\$690.00	\$310.00	\$330.00		\$640.00	\$1,330.00	\$3,170.00	30%
6300	Legal Counsel (S Browne)	\$19,000	\$3,565.50	\$630.00	\$900.00		\$1,530.00	\$5,095.50	\$13,904.50	27%
6400	A-87 Costs County Services	\$2,100	\$0.00				\$0.00	\$0.00	\$2,100.00	0%
6500	Insurance - General Liability	\$2,450	\$2,600.87				\$0.00	\$2,600.87	\$-150.87	106%
6600	Memberships (CALAFCO/CSDA)	\$3,525	\$2,220.00				\$0.00	\$2,220.00	\$1,305.00	63%
6670	GIS Contract with County	\$2,500	\$0.00	\$442.94			\$442.94	\$442.94	\$2,057.06	18%
6740	In-County Travel & Stipends	\$4,000	\$126.45				\$0.00	\$126.45	\$3,873.55	3%
6750	Travel & Lodging Expenses	\$6,250	\$0.00				\$0.00	\$0.00	\$6,250.00	0%
6800	Conferences (Registrations)	\$4,100	\$0.00				\$0.00	\$0.00	\$4,100.00	0%
7000	Work Plan (MSRs and SOIs)	\$51,500	\$0.00	\$125.00	\$3,939.00		\$4,064.00	\$12,922.00	\$38,578.00	25%
Monthly/ Year to Date Totals		\$227,000.00	\$49,977.45	\$10,195.54	\$14,559.50	\$0.00	\$24,755.04	\$74,732.49	\$152,267.51	33%
APPLICATIONS										
		DEPOSIT (total by application)	1st Qtr Subtotals	October	Nov	Dec	2nd Qtr Subtotal	Project Total to Date	Remaining Budget	Notes
D-2014-8010	City of Ukiah Detachment of UVSD lands	\$19,032.75	\$0.00				\$0.00	\$15,080.75	\$3,952.00	
P-2020-01 (8022)	City of Ukiah North Annexation Pre-Application	\$1,500.00	\$0.00				\$0.00	\$1,122.00	\$378.00	
P-2020-04 (8024)	Millview CWD Annexation Pre-Application	\$3,500.00	\$0.00				\$0.00	\$2,721.50	\$778.50	
A-2021-01 (8025)	City of Ukiah Annexation of City-Owned Properties	\$5,000.00	\$34.00				\$0.00	\$1,815.00	\$3,185.00	
A-2021-02 (8026)	UVFD Annexation of City of Ukiah	\$23,767.86	\$5,335.00	\$9,750.77	\$9,061.90		\$18,812.67	\$24,555.67	\$-787.81	
O-2021-03 (8027)	Fort Bragg Extension of Water Service to Minnesota Ave	\$500.00	\$500.00				\$0.00	\$500.00	\$0.00	
8601	Sustainable Ag Lands Committee Grant Project	\$5,100.00	\$850.00		\$75.00		\$75.00	\$1,500.00	\$3,600.00	
Application Totals		\$58,400.61	\$6,719.00	\$9,750.77	\$9,136.90	\$0.00	\$18,887.67			
EXPENSES AND APPLICATION TOTALS		\$285,400.61	\$56,696.45	\$19,946.31	\$23,696.40	\$0.00	\$43,642.71			

DEPOSITS

11/12/2021	City of Ukiah (UVFD A-2021-02)	\$ 17,267.86
11/19/2021	MCRCD (SALC Grant Project)	\$ 75.00

ACCOUNT BALANCES

County of Mendocino Account Balance	\$ 76,303	MUNIS Balance as of	10/19/2021
Operations (Checking) Account Balance	\$ 56,484	Bank Statement as of	10/31/2021
Legal Reserve Balance	\$ 50,000	Bank Statement as of	10/31/2021
Operations Reserve Balance	\$ 31,026	Bank Statement as of	10/31/2021
Total	\$ 213,812		

Mendocino LAFCo
FY 2021-22 Estimated Work Plan Implementation Schedule and Cost Tracking
November 2021

Subject to Change: The estimated schedule and costs for the Fiscal Year 2021-22 Work Plan are subject to change based on agency responsiveness, timely provision of requested information, complexity of issues, level of public and affected agency controversy, and changing needs and priorities.

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

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

Agency	Request for Information	Admin Draft	Public Workshop	Public Hearing	Final Study	Cost Estimate ¹	FY 2021-22 Budget	FY 2021-22 Expenses	Cost to Date ²
Ukiah Valley Sanitation District	Complete	Pending	TBD	TBD	TBD	\$40,000	\$20,000	\$326	\$4,067
City of Ukiah	Pending	Pending	TBD	TBD	TBD	\$25,000	\$12,500	\$175	\$4,445
Ukiah Valley Fire District	Complete	Complete	9/13/21	10/4/21	10/8/21	\$7,000	\$6,000	\$5,991	\$9,068
County Service Area 3	In progress	In progress	TBD	TBD	TBD	\$10,000	\$6,000	\$5,101	\$9,198
Covelo CSD	Complete	Complete	7/12/21	9/13/21	9/24/21	\$8,000	\$3,000	\$1,329	\$8,769
Estimated Total						\$90,000	\$51,500	\$12,922	\$35,422

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

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



Hinman & Associates Consulting

PO Box 1251 | Cedar Ridge, CA 95924

(916) 813-0818

uhinman@comcast.net

Date November 29, 2021
To Mendocino LAFCo
Project Executive Officer Services
Work Period October 25 - November 28, 2021

Invoice No. 618
Invoice Total \$ 18,887.00

Account	Description	Staff/Hours			Other (At Cost)	Totals
		Executive Officer \$100	Analyst \$68	Clerk \$40		
5300	Basic Services	63.50	12.25	35.50		\$ 8,603.00
5601	Office Supplies Quickbooks Online Fee Office Supplies (envelopes, labels)				\$ 80.00	\$ 80.00
6200	Bookkeeping	2.50		2.00		\$ 330.00
7000	Work Plan (MSR/SOI/Special Studies) City of Ukiah UVSD CSA 3	1.25	0.50		\$ 3,780.00	\$ - \$ - \$ 3,939.00
8010	City of Ukiah Detachment Application					\$ -
8022	City of Ukiah North Annex Pre-App					\$ -
8024	Millview CWD Annex Pre-App					\$ -
8025	City of Ukiah Annex City Properties					\$ -
8026	UVFD Annex City of Ukiah	24.25	36.25	24.25		\$ 5,860.00
8601	SALC Project (grant reimbursed)	0.75				\$ 75.00
Totals		\$ 9,225.00	\$ 3,332.00	\$ 2,470.00	\$ 3,860.00	\$ 18,887.00

5300 Basic Services

Administrative tasks and Clerk duties. Scheduling Policies & Procedures meeting. File research and maintenance. October and November claims. Communications with Commissioners, public inquiries, etc. Agenda packet development for November 1 and 8 Commission meetings. Preparation for and participation in November 22 Work Plan Ad Hoc Committee.

6200 Bookkeeping

Prepared and coordinated with Treasurer regarding claims. Entered claims into Quickbooks and prepared checks. Reconciled Quickbooks. Completed drafting Fiscal Year End reports.

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

Preparation of Administrative Draft CSA 3 MSR/SOI; meeting with Deputy County Counsel regarding next steps for CSA 3 MSR and activation of latent powers.

8010 City of Ukiah Detachment of UVSD Area

No activity.

8022 City of Ukiah North Annex Pre-App

No activity.

8025 City of Ukiah Annexation of City-owned Properties

No activity.

8026 UVFD Annexation of City of Ukiah

Conference calls with City and UVFD staff regarding application processing, information needs, and process steps. Preparation for and completion of the November 8th protest hearing and process. Coordination with UVFD, City, County Assessor and Auditor and BOE. Preparation of the Certificate of Completion and BOE submittal.

8601 Sustainable Agricultural Lands Committee Grant Project

Participation in monthly meeting (August 9, 2021).

From: Intuit QuickBooks Team <intuit@notifications.intuit.com>
Sent: Friday, November 19, 2021 6:28 AM
To: eo@mendolafco.org
Subject: We received your QuickBooks subscription payment!

Flag Status: Flagged



Payment success

Executive Officer, thank you for your payment.

Invoice number:
10001127798387
Invoice date: 11/19/2021
Total: \$80.00
Payment method: VISA ending
in

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

[View billing history](#)

Account details

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

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

Law Office of P. Scott Browne
131 South Auburn Street
Grass Valley, CA 95945
5302724250
Tax ID: 68-0348904

November 15, 2021

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

Invoice Number: 1043
Invoice Period: 10-16-2021 - 11-15-2021

Payment due by the 15th of next month.

RE: Mendocino LAFCo - General
Mendocino LAFCo - General

Mendocino LAFCo - General

Time Details

Date	Staff Member	Description	Hours
10-16-2021	PSB	Monthly flat rate, as agreed upon in Legal Representation Agreement	
10-26-2021	PSB	Agenda review	0.60
11-01-2021	PSB	Prepare for meeting; Meeting of Commission via Zoom; Review emails re protest hearing	1.25
11-04-2021	PSB	Review and respond to emails and respond	0.75
11-09-2021	PSB	Review emails;	0.30
			Total 900.00
			Total for this Invoice 900.00
			Total Amount to Pay 900.00

We appreciate your business.

Page 1 of 2

Project Statement of Account

As of 11-15-2021

Project		Balance Due
Mendocino LAFCo - General		900.00
	Total Amount to Pay	900.00

Mendocino LAFCo - General

Transactions

Date	Transaction	Applied	Invoice	Amount
10-15-2021	Previous Balance			630.00
11-04-2021	Payment Received - Reference ck# 1702			(630.00)
11-04-2021	Payment Applied	630.00	1010	
11-15-2021	Invoice 1043			900.00
			Balance	900.00

We appreciate your business.

Page 2 of 2

Law Office of P. Scott Browne
 131 South Auburn Street
 Grass Valley, CA 95945
 5302724250
Tax ID: 68-0348904

November 15, 2021

Mendo-03
 200 South School St. Ste F
 Ukiah, CA 95482

Invoice Number: 1044
 Invoice Period: 10-16-2021 - 11-15-2021

RE: Fire District Annexation

Time Details

Date	Staff Member	Description	Hours	Rate	Amount
11-02-2021	PSB	Review and respond re emails on protest hearing	0.50	225.00	112.50
11-03-2021	PSB	Review and respond to various emails re the protest procedure	1.40	225.00	315.00
11-05-2021	PSB	Further emails and responses	2.00	225.00	450.00
11-08-2021	PSB	Prepare for hearing; participate in protest hearing; Respond to emails	2.00	225.00	450.00
Total					1,327.50

Time Summary

Staff Member	Hours	Rate	Amount
PSB	5.90	225.00	1,327.50
Total			1,327.50

Total for this Invoice	1,327.50
Previous Invoice Balance	1,462.50
Payment - Check #1640 on 03-15-2021	(1,170.00)
Total Amount to Pay	1,620.00

Project Statement of Account

As of 11-15-2021

Project		Balance Due
Fire District Annexation		1,620.00
	Total Amount to Pay	1,620.00

Fire District Annexation

Transactions

Date	Transaction	Applied	Invoice	Amount
10-15-2020	Previous Balance			1,462.50
03-15-2021	Payment Received - Reference Check #1640			(1,170.00)
03-15-2021	Payment Applied	1,170.00	670	
11-15-2021	Invoice 1044			1,327.50
			Balance	1,620.00

Open Invoices and Credits

Date	Transaction	Amount	Applied	Balance
09-15-2020	Invoice 632	292.50		292.50
11-15-2021	Invoice 1044	1,327.50		1,327.50
			Balance	1,620.00

MENDOCINO
Local Agency Formation Commission
Staff Report

MEETING December 6, 2021
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Authorizing Continued Remote Meetings per Assembly Bill 361**

RECOMMENDATION

Commission adopt Resolution No. 2021-22-09 acknowledging that a Gubernatorial State of Emergency continues to exist and authorizing the continued use of teleconferenced meetings for a 30-day period.

BACKGROUND

Pursuant to Assembly Bill 361 (AB 361), which was signed into order on September 21, 2021, in order for the Commission to continue to conduct its meetings remotely, it must adopt a resolution confirming that a Gubernatorial State of Emergency continues to exist and the Commission has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, Commissioners or staff.

AB 361 provides local agencies with the ability to continue to meet remotely under modified Brown Act requirements during proclaimed state emergencies with the adoption of resolution finding that either:

- 1) Open physical meetings present imminent risks to the health or safety of attendees; *or*
- 2) State/local officials recommend/require measures to promote social distancing.

These criteria permit a local agency to schedule a remote meeting to determine whether meeting in-person during the state of emergency would pose imminent risk to the health or safety of attendees. At that remote meeting, a local agency may determine by majority vote that sufficient risks exist to the health or safety of attendees as a result of the emergency and pass a resolution to that effect. These criteria also permit a local agency to meet remotely in the event that there is a state of emergency declaration while state or local officials have recommended or required measures to promote social distancing.

In compliance with AB 361, the Commission adopted Resolution No. 2021-22-05 on October 4, 2021 authorizing the continued remote meetings for legislative bodies of Mendocino LAFCo for a period of 30 days. AB 361 requires subsequent resolutions be adopted by the Commission every 30 days, finding that the state of emergency declaration remains active, the local agency has thoughtfully reconsidered the circumstances of the state of emergency, and the local agency has either identified A) ongoing, direct impacts to the ability to meet safely in-person or B) active social distancing measures as directed by relevant state or local officials. LAFCo Resolution 2021-22-07 extended authorization of the remote meetings until December 8, 2021.

Attachment: Draft Resolution 2021-22-09

Resolution No. 2021-22-09
of the Local Agency Formation Commission of Mendocino County

**Re-Ratifying the Proclamation of a State of Emergency by Governor Newsom
On March 4, 2020 to Address the COVID 19 Pandemic, and Re-Authorizing,
Pursuant to AB361, Remote Teleconference Meetings for the Period from
December 6, 2021 to January 5, 2022 Pursuant to Brown Act Provisions**

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

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

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

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

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

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

WHEREAS, the Commission previously adopted a Resolution, Number 2021-22-06 on November 1, 2021, finding that the requisite conditions continue to exist for the legislative bodies of Mendocino Local Agency Formation Commission to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Section 54953; and

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

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

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

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

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

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

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

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

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

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

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

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of January 5, 2022, or such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative body of the Mendocino Local Agency Formation Commission may continue to teleconference without compliance with Section 54953(b)(3).

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County this 6th day of December 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHARLES A. ORTH, Commission
Chair

ATTEST:

UMA HINMAN, Executive Officer

DRAFT

MENDOCINO Local Agency Formation Commission

Staff Report

DATE: December 6, 2021
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: 2022 Regular Commission Meeting Schedule

RECOMMENDATION

Approve the proposed Mendocino LAFCo Regular Commission Meeting Schedule for the 2022 calendar year.

BACKGROUND

All regular meetings of the Commission fall on Mondays at 9 a.m. in the Mendocino County Board of Supervisors Chambers on Low Gap Road, Ukiah, unless otherwise scheduled to accommodate observance of federal holidays. The following 2022 dates are proposed:

Month	Date	Notes
January	3	
February	7	
March	7	
April	4	
May	2	
June	6	
July*	11	Independence Day calls on the first Monday
August	1	
September *	12	Labor Day observed September 5
October	3	
November	7	
December	5	

Attachment: 2022 Calendar

2022 Calendar

January 2022

N	S	M	T	W	T	F	S
52							1
1	2	3	4	5	6	7	8
2	9	10	11	12	13	14	15
3	16	17	18	19	20	21	22
4	23	24	25	26	27	28	29
5	30	31					

February 2022

N	S	M	T	W	T	F	S
5			1	2	3	4	5
6	6	7	8	9	10	11	12
7	13	14	15	16	17	18	19
8	20	21	22	23	24	25	26
9	27	28					

March 2022

N	S	M	T	W	T	F	S
9			1	2	3	4	5
10	6	7	8	9	10	11	12
11	13	14	15	16	17	18	19
12	20	21	22	23	24	25	26
13	27	28	29	30	31		

April 2022

N	S	M	T	W	T	F	S
13						1	2
14	3	4	5	6	7	8	9
15	10	11	12	13	14	15	16
16	17	18	19	20	21	22	23
17	24	25	26	27	28	29	30

May 2022

N	S	M	T	W	T	F	S
18	1	2	3	4	5	6	7
19	8	9	10	11	12	13	14
20	15	16	17	18	19	20	21
21	22	23	24	25	26	27	28
22	29	30	31				

June 2022

N	S	M	T	W	T	F	S
22				1	2	3	4
23	5	6	7	8	9	10	11
24	12	13	14	15	16	17	18
25	19	20	21	22	23	24	25
26	26	27	28	29	30		

July 2022

N	S	M	T	W	T	F	S
26						1	2
27	3	4	5	6	7	8	9
28	10	11	12	13	14	15	16
29	17	18	19	20	21	22	23
30	24	25	26	27	28	29	30
31	31						

August 2022

N	S	M	T	W	T	F	S
31		1	2	3	4	5	6
32	7	8	9	10	11	12	13
33	14	15	16	17	18	19	20
34	21	22	23	24	25	26	27
35	28	29	30	31			

September 2022

N	S	M	T	W	T	F	S
35					1	2	3
36	4	5	6	7	8	9	10
37	11	12	13	14	15	16	17
38	18	19	20	21	22	23	24
39	25	26	27	28	29	30	

October 2022

N	S	M	T	W	T	F	S
39							1
40	2	3	4	5	6	7	8
41	9	10	11	12	13	14	15
42	16	17	18	19	20	21	22
43	23	24	25	26	27	28	29
44	30	31					

November 2022

N	S	M	T	W	T	F	S
44			1	2	3	4	5
45	6	7	8	9	10	11	12
46	13	14	15	16	17	18	19
47	20	21	22	23	24	25	26
48	27	28	29	30			

December 2022

N	S	M	T	W	T	F	S
48					1	2	3
49	4	5	6	7	8	9	10
50	11	12	13	14	15	16	17
51	18	19	20	21	22	23	24
52	25	26	27	28	29	30	31

2022 Holidays

Jan 01: New Year's Day	Sep 05: Labor Day
Jan 17: Martin Luther King Day	Oct 10: Columbus Day
Feb 21: Presidents Day	Nov 11: Veterans' Day
May 30: Memorial Day	Nov 24: Thanksgiving
Jul 04: Independence Day	Dec 25: Christmas Day

Notes

**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: December 6, 2021
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: **Proposed FY 2021-22 Contract with Mendocino County for GIS and Technical Support Services**

RECOMMENDATION

The Commission approve and authorize the Chair to sign the draft contract (EO# 22-07) with the County of Mendocino County Executive Office Information Services Division to provide GIS and video and audio meeting support for the fiscal year 2021-22.

BACKGROUND

Mendocino LAFCo contracts with the County of Mendocino for GIS support and video and audio meeting services. LAFCo relies on the County of Mendocino GIS department for mapping support and exhibits included in documents such as municipal services reviews and sphere of influence updates. Additionally, all of the Commission's regular meetings are recorded and live-cast with the aid of staff support provided by Mendocino County's Information Services Division.

The attached draft contract updates the billing rates of relevant personnel and covers Fiscal Year 2021-22.

Attachment: County of Mendocino FY 2021-22 Draft Contract

**COUNTY OF MENDOCINO
STANDARD SERVICES AGREEMENT**

This Agreement is by and between the MENDOCINO COUNTY EXECUTIVE OFFICE, INFORMATION SERVICES DIVISION, hereinafter referred to as the "COUNTY", and LAFCO OF MENDOCINO, hereinafter referred to as the "LAFCO".

WITNESSETH

WHEREAS, LAFCO desires to obtain COUNTY for its professional assistance and support with regard to the technical support activities of the Mendocino County Executive Office, Information Services Division; and,

WHEREAS, COUNTY is willing to provide such services on the terms and conditions set forth in this AGREEMENT and is willing to provide same to LAFCO.

NOW, THEREFORE it is agreed that LAFCO does hereby retain COUNTY to provide the services described in Exhibit "A", and COUNTY accepts such engagement, on the General Terms and Conditions hereinafter specified in this Agreement, the Additional Provisions attached hereto, and the following described exhibits, all of which are incorporated into this Agreement by this reference:

Exhibit A Definition of Services
Exhibit B Payment Terms

The term of this Agreement shall be from July 1, 2021, and shall continue through June 30, 2022.

IN WITNESS WHEREOF

DEPARTMENT FISCAL REVIEW:

LAFCO OF MENDOCINO


DEPARTMENT HEAD 11/04/2021
DATE

By: _____

Date: _____

Budgeted: Yes No

NAME AND ADDRESS OF CONTRACTOR:

Budget Unit: 1960

LAFCO of Mendocino

Line Item: 826392

200 S. School Street

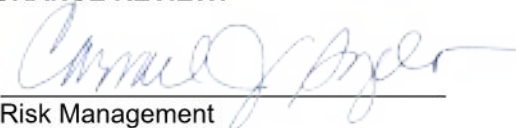
Grant: Yes No

Ukiah, CA 95482

Grant No.: N/A

INSURANCE REVIEW:

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement


By: 
Risk Management

11/04/2021
Date: _____

COUNTY COUNSEL REVIEW:

EXECUTIVE OFFICE/FISCAL REVIEW:

APPROVED AS TO FORM:

By: 
Deputy CEO

CHRISTIAN M. CURTIS,
County Counsel

11/04/2021
Date: _____

By: Matthew Kiedrowski
Deputy

Date: 11/05/2021

Signatory Authority: \$0-25,000 Department; \$25,001- 50,000 Purchasing Agent; \$50,001+ Board of Supervisors

Exception to Bid Process Required/Completed _____

Mendocino County Business License: Valid

Exempt Pursuant to MCC Section: _____

GENERAL TERMS AND CONDITIONS

1. **INDEPENDENT CONTRACTOR:** No relationship of employer and employee is created by this Agreement; it being understood and agreed that COUNTY is an Independent Contractor. COUNTY is not the agent or employee of the LAFCO in any capacity whatsoever and LAFCO shall not be liable for any acts or omissions by COUNTY nor for any obligations or liabilities incurred by COUNTY.
2. **INDEMNIFICATION:** To the furthest extent permitted by law (including without limitation California Civil Code sections 2782 and 2782.8, if applicable), LAFCO shall assume the defense of, indemnify, and hold harmless the COUNTY, its officers, agents, and employees, from and against any and all claims, demands, damages, costs, liabilities, and losses whatsoever alleged to be occurring or resulting in connection with the performance or obligations under this AGREEMENT, unless arising out of the sole negligence or willful misconduct of COUNTY.
3. **WORKERS' COMPENSATION:** Each party shall be responsible for providing its own Worker's Compensation insurance.
4. **CONFORMITY WITH LAW AND SAFETY:**
 - a. In performing services under this Agreement, COUNTY shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal, and local governing bodies, having jurisdiction over the scope of services, including all applicable provisions of the California Occupational Safety and Health Act. COUNTY shall indemnify and hold LAFCO harmless from any and all liability, fines, penalties and consequences from any of COUNTY's failures to comply with such laws, ordinances, codes and regulations.
 - b. **Accidents:** If a death, serious personal injury or substantial property damage occurs in connection with performance of this Agreement, COUNTY shall immediately notify Mendocino County Risk Manager's Office by telephone. COUNTY shall promptly submit to LAFCO a written report, in such form as may be required by LAFCO of all accidents which occur in connection with this Agreement. This report must include the following information: (1) name and address of the injured or deceased person(s); (2) name and address of involved sub-contractor, if any; (3) name and address of COUNTY's liability insurance carrier; and (4) a detailed description of the accident and whether any of LAFCO's equipment, tools, material, or staff were involved.
 - c. COUNTY further agrees to take all reasonable steps to preserve all physical evidence and information which may be relevant to the circumstances surrounding a potential claim, while maintaining public

safety, and to grant to the LAFCO the opportunity to review and inspect such evidence, including the scene of the accident.

5. **PAYMENT:** For services performed in accordance with this Agreement, payment shall be made to COUNTY as provided in Exhibit "B" hereto as funding permits.

If LAFCO over pays COUNTY for any reason, COUNTY agrees to return the amount of such overpayment to LAFCO, or at LAFCO's option, permit LAFCO to offset the amount of such overpayment against future payments owed to COUNTY under this Agreement or any other agreement.

6. **TAXES:** Payment of all applicable federal, state, and local taxes shall be the sole responsibility of LAFCO.

7. **THIRD PARTY LICENSES:** If contemplated in Attachment A of this agreement, COUNTY may provide copies, licenses, sublicenses, or other right to computer software at the rate for reimbursement so provided. Such software is subject to all terms, conditions and other restrictions under which it may be licensed by its author, vendor, or other licensor. LAFCO agrees to adhere to and be bound by such licensing terms. COUNTY is not the manufacturer of any such software, and provides no warranties or representations, including but not limited to any warranty as to fitness for any particular purpose.

8. **NOTICES:** All notices, requests, demands, or other communications under this Agreement shall be in writing. Notices shall be given for all purposes as follows:

Personal delivery: When personally delivered to the recipient, notices are effective on delivery.

First Class Mail: When mailed first class to the last address of the recipient known to the party giving notice, notice is effective three (3) mail delivery days after deposit in a United States Postal Service office or mailbox. **Certified Mail:** When mailed certified mail, return receipt requested, notice is effective on receipt, if delivery is confirmed by a return receipt.

Overnight Delivery: When delivered by overnight delivery (Federal Express/Airborne/United Parcel Service/DHL WorldWide Express) with charges prepaid or charged to the sender's account, notice is effective on delivery, if delivery is confirmed by the delivery service.

Facsimile transmission: When sent by facsimile to the facsimile number of the recipient known to the party giving notice, notice is effective on receipt, provided that, (a) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (b) the receiving party delivers a written confirmation of receipt. Any notice given facsimile shall be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a non-business day.

Addresses for purpose of giving notice are as follows:

To COUNTY: MENDOCINO COUNTY EXECUTIVE OFFICE
INFORMATION SERVICES DIVISION
501 Low Gap Road, Room 1440
Ukiah, CA 95482
Attn: Cody Snider

To LAFCO: LAFCO OF MENDOCINO COUNTY
200 S. School Street
Ukiah, CA 95482
ATTN: Administration

Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger, or overnight delivery service.

Any party may change its address or facsimile number by giving the other party notice of the change in any manner permitted by this Agreement.

9. USE OF LAFCO PROPERTY: COUNTY shall not use LAFCO property (including equipment, instruments and supplies) or personnel for any purpose other than in the performance of his/her obligations under this Agreement.
10. AUDITS; ACCESS TO RECORDS: Each party shall make available to the other, its authorized agents, officers, or employees, for examination any and all ledgers, books of accounts, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to the expenditures and disbursements charged in connection with this agreement.

Each party shall maintain full and adequate records to show the actual costs incurred by in the performance of this Agreement. Each party further reserves the right to examine and reexamine said books, records and data during the four (4) year period following termination of this Agreement or completion of all work hereunder, as evidenced in writing, and each party shall in no event dispose of, destroy, alter, or mutilate said books, records, accounts, and data in any manner whatsoever for four (4) years after the LAFCO makes the final or last payment or within four (4) years after any pending issues between the LAFCO and COUNTY with respect to this Agreement are closed, whichever is later.

11. TIME OF ESSENCE: Time is of the essence in respect to all provisions of this Agreement that specify a time for performance; provided, however, that the foregoing shall not be construed to limit or deprive a party of the benefits of any grace or use period allowed in this Agreement.

12. **TERMINATION:** The COUNTY has and reserves the right to suspend, terminate or abandon the execution of any work by without cause at any time upon giving to LAFCO notice. Such notice shall be in writing and may be issued by any county officer authorized to execute or amend the contract, the County Chief Executive Officer, or any other person designated by the County Board of Supervisors. In the event of termination, the COUNTY shall be entitled to payment for services provided hereunder prior to the effective date of said suspension, termination or abandonment. Said payment shall be computed in accordance with Exhibit B hereto, provided that the maximum amount payable to COUNTY for its professional assistance and support with regard to the technical support activities of the Mendocino County Executive Office, Information Services Division shall not exceed payment for services provided hereunder prior to the effective date of said suspension, termination or abandonment or lack of funding.
13. **NON APPROPRIATION:** If LAFCO should not appropriate or otherwise make available funds sufficient to purchase, lease, operate or maintain the products set forth in this Agreement, or other means of performing the same functions of such products, LAFCO may unilaterally terminate this Agreement only upon ninety (90) days written notice to COUNTY. Upon termination, LAFCO shall remit payment for all products and services delivered to LAFCO and all expenses incurred by COUNTY prior to COUNTY'S receipt of the termination notice.
14. **CHOICE OF LAW:** This Agreement, and any dispute arising from the relationship between the parties to this Agreement, shall be governed by the laws of the State of California, excluding any laws that direct the application of another jurisdiction's laws.
15. **VENUE:** All lawsuits relating to this contract must be filed in Mendocino County Superior Court, Mendocino County, California.
16. **WAIVER:** No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right or remedy. No waiver of any breach, failure, right or remedy shall be deemed a waiver of any other breach, failure, right or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.
17. **ENTIRE AGREEMENT:** This Agreement, including all attachments, exhibits, and any other documents specifically incorporated into this Agreement, shall constitute the entire agreement between LAFCO and COUNTY relating to the subject matter of this Agreement. As used herein, Agreement refers to and includes any documents incorporated herein by reference and any exhibits or attachments. This Agreement supersedes and merges all previous understandings, and all other agreements, written or oral, between the parties and sets forth the entire understanding of the parties regarding the subject matter thereof. This Agreement may not be modified except by a written document signed by both parties. In the event of a conflict between the body of this

Agreement and any of the Exhibits, the provisions in the body of this Agreement shall control.

18. HEADINGS: Herein are for convenience of reference only and shall in no way affect interpretation of this Agreement.
19. MODIFICATION OF AGREEMENT: This Agreement may be supplemented, amended or modified only by the mutual agreement of the parties. No supplement, amendment or modification of this Agreement shall be binding unless it is in writing and signed by authorized representatives of both parties.
20. ASSURANCE OF PERFORMANCE: If at any time the LAFCO has good objective cause to believe COUNTY may not be adequately performing its obligations under this Agreement or that COUNTY may fail to complete the Services as required by this Agreement, LAFCO may request from COUNTY prompt written assurances of performance and a written plan acceptable to LAFCO, to correct the observed deficiencies in COUNTY's performance. COUNTY shall provide such written assurances and written plan within thirty (30) calendar days of its receipt of LAFCO's request and shall thereafter diligently commence and fully perform such written plan. COUNTY acknowledges and agrees that any failure to provide such written assurances and written plan within the required time is a material breach under this Agreement.
21. SUBCONTRACTING/ASSIGNMENT: COUNTY shall not subcontract, assign or delegate any portion of this Agreement or any duties or obligations hereunder without the LAFCO's prior written approval.
 - a. Neither party shall, on the basis of this Agreement, contract on behalf of or in the name of the other party. Any agreement that violates this Section shall confer no rights on any party and shall be null and void.
 - b. Only the department head or his or her designee shall have the authority to approve subcontractor(s).
22. SURVIVAL: The obligations of this Agreement, which by their nature would continue beyond the termination on expiration of the Agreement, including without limitation, the obligations regarding Indemnification (Paragraph 2), shall survive termination or expiration for two (2) years.
23. SEVERABILITY: If a court of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable, or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them, will not be affected, unless an essential purpose of this Agreement would be defeated by the loss of the illegal, unenforceable, or invalid provision.
24. INTELLECTUAL PROPERTY WARRANTY: During the course of this AGREEMENT, COUNTY may access LAFCO's computers or other electronic devices for the purposes of providing the services contemplated in Attachment A

or any amendment or addendum thereto. LAFCO represents and warrants that it has obtained all appropriate licenses for any software or other intellectual property on such devices. Said licenses shall be sufficient for both LAFCO's ordinary operation of the devices and all maintenance or other services COUNTY performs pursuant to this agreement. In the event COUNTY is subject to any claim, lawsuit, or demand by a third party related to such software or other intellectual property, LAFCO shall indemnify and defend COUNTY pursuant to Paragraph 2 of this Agreement.

25. ELECTRONIC COPIES:

The parties agree that an electronic copy, including facsimile copy, email, or scanned copy of the executed Agreement, shall be deemed, and shall have the same legal force and effect as, an original document.

26. COOPERATION

COUNTY and LAFCO shall cooperate in the performance of all work hereunder.

[END OF GENERAL TERMS AND CONDITIONS]

EXHIBIT A

DEFINITION OF SERVICES

1. **General:**

- 1.1. Inclusions – Information Services Division (IS) shall provide:
 - 1.1.1. Miscellaneous Geographical Information Services (GIS) and mapping services.
 - 1.1.2. Audio visual administration and support including recording meetings, encoding, uploading and copying meetings.
 - 1.1.3. A point of contact e-mail address and phone number.
 - 1.1.4. Documentation will be maintained for all services provided.
- 1.2. Exclusions - IS will NOT provide:
 - 1.2.1. Funding for providing physical equipment or software.

EXHIBIT B

PAYMENT TERMS

COUNTY will receive payment according to the Technical Services and Support rates listed below.

Within 30 days following each month, COUNTY shall submit to LAFCO an invoice detailing the COUNTY hours spent performing technical support as specified in this Agreement for which reimbursement is sought. Based on the expenses identified in the invoice, LAFCO shall remit payment within thirty (30) days, following acceptance of cost report/invoice.

COUNTY and LAFCO will exercise due diligence in resolving any questions that may arise in regards to services and/or billings. LAFCO shall not be charged for operational mistakes and errors unless the errors clearly originated in LAFCO.

MENDOCINO COUNTY INFORMATION SERVICES TECHNICAL SERVICES AND SUPPORT STANDARD RATES		
SUPPORT COSTS*	RATE	UNIT OF COST
GIS COORDINATOR	\$101.36	PER HOUR
GIS TECHNICIAN	\$66.56	PER HOUR
INFORMATION SYSTEMS TECHNICIAN	\$47.08 – \$73.38	PER HOUR
NETWORK SYSTEMS ANALYST	\$86.50 – \$107.16	PER HOUR

1. Weighted average salary rate is per hour based on the above referenced class specifications. Weighted rates may be modified during the term of this agreement when updates are provided by the Mendocino County Auditor's Office.
2. Requests for services outside of regular business hours, as identified in Exhibit A, will be billed at the following rates:
 - a. Service charges will equal 1.5 times the weighted average salary rate
 - b. The minimum call out will equal three (3) hours
3. Mileage rate is based on the Internal Revenue Service standard mileage rates and mileage calculations are based on travel from 501 Low Gap, Ukiah and returning to same address.

**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: December 6, 2021
 TO: Mendocino Local Agency Formation Commission
 FROM: Uma Hinman, Executive Officer
 SUBJECT: **Commissioner Terms of Office**

RECOMMENDATION

Receive informational report from staff regarding Commissioner terms of office and Special District Member election process.

BACKGROUND

Staff presents this information to update the Commission on staff activities undertaken to fill current and upcoming vacancies. Current Commissioner terms end on December 31 of the years indicated in the following table:

Commissioner	Seat	Representing Agency	Term Ending December 31
Glenn McGourty	Regular	County of Mendocino	2024
Maureen “Mo” Mulheren	Regular	County of Mendocino	2024
John Haschak	Alternate	County of Mendocino	2023
Gerardo Gonzalez	Regular	City	2021
Scott Ignacio	Regular	City	2022
Mari Rodin	Alternate	City	2021
Tony Orth	Regular	Special District	2024
Matthew Froneberger	Regular	Special District	2022
Jenifer Bazzani	Alternate	Special District	2022
Gerald Ward	Regular	Public	2022
Richard Weinkle	Alternate	Public	2023

Note: Commissioners in bold have terms expiring December 31, 2021.

LAFCo staff is coordinating with the City Selection Committee regarding appointment of City Member and Alternate. Regular Commissioner Gonzalez’s term expires December 31st of this year. Additionally, Alternate Commissioner Rodin was selected to finish Will Lee’s term, which expires December 31st as well.

Pursuant to Government Code §56334, Commissioners serve four-year terms and until the appointment and qualification of a successor.

**MENDOCINO
Local Agency Formation Commission**

Staff Report

MEETING: December 6, 2021
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: **Executive Officer Services Contractor Evaluation**

RECOMMENDATION

Informational report.

DISCUSSION

The Commission will perform an annual evaluation of the Executive Officer team in accordance with Government Code Section 54957(b)(1). Hinman & Associates Consulting, Inc. provides Executive Officer Services under contract to Mendocino LAFCo, including the following staff: Uma Hinman, Executive Officer; Larkyn Feiler, Analyst; and Kristen Meadows, Clerk. The last evaluation was performed in January 2020.

The evaluation process is as follows:

1. Evaluation forms will be emailed to Commissioners for input.
2. Commissioners send completed evaluation forms directly to Chair Orth for developing the evaluation – due December 20, 2021.
3. Verbal and written evaluation of Hinman & Associates Consulting, Inc. performed in a closed session scheduled during the January 3, 2022 meeting, or the next regularly scheduled meeting.

A closed session performance evaluation, in accordance with Government Code Section 54943, will be scheduled for the January 3, 2022 agenda.

MENDOCINO Local Agency Formation Commission

Staff Report

MEETING December 6, 2021
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Applications and Work Load**

RECOMMENDATION

Informational report.

BACKGROUND

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

ACTIVE PROPOSALS

Following is a description of the status of each of the proposals currently on file with LAFCo.

Ukiah Valley Fire District Annexation of the City of Ukiah (LAFCo File No. A-2021-02)

The proposal was approved by the Commission at its October 4, 2021 meeting. The required Protest Hearing was held during a Special Meeting of the Commission on November 8, 2021. Insufficient protests were received and the Certificate of Completion was filed on November 22, 2021. The final filing was mailed to the State Board of Equalization on November 23rd. The final distributions are being sent this week and the final accounting will be completed shortly after.

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

On February 22, 2021, LAFCo received an application from the City of Ukiah proposing to annex City-owned parcels that are used for government purposes and consisting of approximately 446 acres in total. Parcels include the City's Wastewater Treatment Plant, solid waste transfer station, a portion of the municipal airport and open space. The application referral and notice to the County to initiate the tax share negotiation were routed and comments received. An incomplete letter identifying additional information needs was sent to the City of Ukiah on March 23, 2021. The tax share negotiation process is in progress. No further information has been received.

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

In April 2020, the City of Ukiah submitted a request to restart a 2014 application for detachment of Ukiah Valley Sanitation District (UVSD) served areas from the City that had been deemed incomplete and placed on-hold by the City in 2015. LAFCo staff responded to the City in May, requiring a new application

submittal due to the lapse of time and change in conditions, as well as noting the application as premature pending completion of the UVSD SOI Update. The application will be processed concurrently with the City of Ukiah Municipal Service Review and Sphere of Influence Update. The City submitted an Appeal to the Commission of the Executive Officer's determination that the application is incomplete (letter dated April 26, 2021). The Commission continued the item to June 7, 2021 (Item 5d). The Appeal has been temporarily placed on hold by the City.

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

Pre-Application request for consultation on the process and potential issues regarding the City's proposal to annex the Brush Street Triangle and Masonite area properties. Staff is coordinating with City staff regarding next steps in the process and timing of application processing.

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

Pre-Application request for consultation on process and draft documents associated with the MCWD's proposal to annex the Masonite area properties. LAFCo staff have participated in several conference calls with the District and its consultants regarding the proposal and has provided feedback on draft CEQA and application materials. LAFCo, as a Responsible Agency, is reviewing the District's Draft Initial Study/Mitigated Negative Declaration and will submit comments by the deadline of December 6, 2021.

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

POTENTIAL FUTURE PROPOSALS

LAFCo staff has been made aware of the following potential future proposals that may come before the Commission for consideration.

City of Ukiah Annexation of Western Hills (Hull Properties)

The City has routed a project referral package stating its intent to acquire and annex approximately 695 acres in the Western Hills for open space preservation, while allowing the potential for future low density residential development on the approximately 55 easternmost acres, consistent with existing development in the Western Hills within the City of Ukiah limits. LAFCo received and provided written comments on the project referral in February and a revised referral in March. Staff also provided written comments on the Draft Initial Study/Mitigated Negative Declaration for the project in May. On August 25, 2021, the City of Ukiah Planning Commission considered and recommended to the City Council approval of the Western Hills Open Land Acquisition and Limited Development Agreement Project and adoption of the Draft Initial Study and Mitigated Negative Declaration. The City Council adopted the project's CEQA document at its September 15, 2021.

Elk Community Services District Activation of Latent Powers for Wastewater Services

The ECSD is preparing an application to activate latent powers for the provision of wastewater services. The District will be assuming ownership and operation of a community leach field within the community of Elk. It is anticipated that the application will be submitted within the next month. Staff has been coordinating with District representatives in development of the application materials.

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

WORK PLAN

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

The Fiscal Year 2021-22 Work Plan includes the following agencies:

- Covelo Community Services District (completed)
- Ukiah Valley Fire District (completed)
- County Service Area 3 (in progress)
- City of Ukiah
- Ukiah Valley Sanitation District

See Attachment 2 Summary Table – Work Plan Tracking and Status.

Attachment 1 Summary Table – Application Activity and Potential Future Proposals

Attachment 2 Summary Table – Work Plan Tracking and Status

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

APPLICATION ACTIVITY								
<i>Project status as of December 1, 2021</i>								
LAFCo File No.¹	Applicant	Project Name	Date Application Received	Certificate of Filing	LAFCo Hearing Date	Certificate of Completion	BOE Submittal Date	Additional Comments
D-2020-01	Ukiah	City of Ukiah Detachment of UVSD Served Areas	2014; 4/29/2020					Incomplete
P-2020-02	Ukiah	City of Ukiah Pre-Application for Annexation of Areas North of the City	8/12/2020	N/A	N/A	N/A	N/A	Incomplete
P-2020-04	MCWD	Millview County Water District Pre-Application for Annexation of Masonite Properties	10/23/2020	N/A	N/A	N/A	N/A	Draft IS/MND comments due December 6, 2021; staff preparing letter
A-2021-01	Ukiah	City of Ukiah Annexation of City-Owned Properties	3/1/2021					Incomplete
A-2021-02	UVFD	Ukiah Valley Fire District Annexation of the City of Ukiah	6/29/2021	9/29/21	10/4/21 11/8/21	11/22/21	11/23/21	Approved; final distributions in progress
Potential Future Proposals								
N/A	Ukiah	City of Ukiah Annexation of Western Hills (Hull Properties)						City Council adopted CEQA MND in September 2021
N/A	ECSD	Elk Community Services District Activation of Latent Powers for Wastewater Services						

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

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

Attachment 2. Summary Table – Work Plan Tracking and Status

FY 2021-22 ESTIMATED WORK PLAN IMPLEMENTATION SCHEDULE AND STATUS						
<i>Work Plan status as of December 1, 2021</i>						
Subject to Change: The estimated schedule and costs for the Fiscal Year 2021-22 Work Plan are subject to change based on agency responsiveness, timely provision of requested information, complexity of issues, level of public and affected agency controversy, and changing needs and priorities.						
CEQA: Based on LAFCo practice, the work plan assumes minimal costs for CEQA compliance related to preparing a Notice of Exemption, unless an agency proposes a non-coterminous SOI and pays for any necessary studies and preparation of a Negative Declaration or Environmental Impact Report.						
Rolling Work Plan: It is difficult to completely contain staff activities in a single fiscal year; therefore, completion of a study may roll over to the next fiscal year. This estimated work plan implementation schedule is intended to enhance communication and transparency.						
Agency	Request for Information	Admin Draft	Public Workshop	Public Hearing	Final Study	Status/Notes
Ukiah Valley Sanitation District	Complete	Pending	TBD	TBD	TBD	The UVSD has provided a response to the Request for Information (RFI) and staff has been collecting available documentation for the MSR/SOI report. Staff has been discussing funding options and timing with UVSD staff. The UVSD Board has provided direction to its staff to work with LAFCo to develop funding terms for consideration by the Board and Commission. LAFCo and District staff are coordinating next steps for the SOI Update. Staff is researching the original UVSD sphere of influence.
City of Ukiah	Pending	Pending	TBD	TBD	TBD	On December 7, 2020, the Commission approved a consultant selection for the City of Ukiah MSR/SOI Update and directed staff to negotiate and execute agreements with the City of Ukiah for funding and the Planwest Partners Team for preparing the City’s MSR/SOI Update. The City has offered to fully fund the Update in order to expedite the process, which would otherwise have required a minimum of two years for LAFCo to fund through its normal budget cycles. An MOU agreement between the City and LAFCo for funding the MSR/SOI Update will need to be developed. LAFCo and City staff and are coordinating the next steps for the SOI Update.
Ukiah Valley Fire District	Complete	Complete	9/13/21	10/4/21	10/8/21	Project complete and posted to website.

County Service Area 3	In progress	In progress	TBD	TBD	TBD	<p>This will be the first MSR/SOI study for the CSA.</p> <p>The County is considering utilizing CSA 3 for a number of local and regional needs including the Sherwood Road secondary access for Brooktrails. The County Board of Supervisors' (BOS) August 3, 2021 agenda included an item to consider establishing a benefit zone for the Sherwood Road secondary access for Brooktrails Township. LAFCo staff submitted a comment letter to the BOS requesting a continuation of the item to allow time to coordinate with LAFCo regarding the current authorized services for CSA 3.</p> <p>Staff met with Deputy County Counsel to initiate discussions on activating latent powers and coordinating on the MSR.</p>
Covelo CSD	Complete	Complete	7/12/21	9/13/21	9/24/21	Project complete and posted to website.