

# MENDOCINO

## Local Agency Formation Commission

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

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### COMMISSIONERS

**Jerry Ward,**  
Chair & Treasurer  
Public Member

**Carre Brown, Vice Chair**  
County Board of Supervisors

**Kevin Doble**  
Ukiah City Council

**Gerardo Gonzalez**  
Willits City Council

**John McCowen**  
County Board of Supervisors

**Theresa McNerlin**  
Ukiah Valley Sanitation District

**Tony Orth**  
Brooktrails Township CSD

**Scott Ignacio, Alternate**  
Point Arena City Council

**Dan Hamburg, Alternate**  
County Board of Supervisors

**Carol Rosenberg, Alternate**  
Public Member

Special District Seat, Alternate  
(Jenifer Bazzani to be  
sworn in July 2018.)

### STAFF

**Executive Officer**  
Uma Hinman

**Analyst**  
Larkyn Feiler

**Commission Clerk**  
Elizabeth Salomone

**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

*Approved by Commission August 6, 2018*  
**MINUTES**

## Local Agency Formation Commission of Mendocino County

### Regular Meeting of Monday, June 4 2018

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

#### 1. **CALL TO ORDER and ROLL CALL** (Video Time 6:08)

Chair Ward called the meeting to order at 9:05am.

Members Present: Commissioners Carre Brown, Kevin Doble, Gerardo Gonzalez, John McCowen, Theresa McNerlin, Tony Orth, and Jerry Ward

Alternate Members Present: Commissioners Dan Hamburg

Alternate Members Absent: Commissioner Scott Ignacio and Carol Rosenberg

Staff Present: Uma Hinman, Executive Officer  
Elizabeth Salomone, Clerk

#### 2. **PUBLIC EXPRESSION** (Video Time 6:35)

No one indicated interest in public expression.

#### 3. **OTHER BUSINESS** (Video Time 6:40)

Announcement of Commissioner Jenifer Bazzani as the Alternate Special District Representative. Apologies sent and oath will be conducted at the next Regular Commission meeting.

#### 4. **CONSENT CALENDAR** (Video Time 6:50)

4a) Approval of the May 7, 2018 Regular Meeting Summary Minutes

4b) Approval of the May 2018 Claims and Financial Report

4c) Approval of the County of Mendocino Information Services Contract Renewal

Chair Ward pulled Consent Item 4c) Approval of the County of Mendocino Information Services Contract Renewal.

<u>May 2018 Claims totaling:</u>	\$ 12,883.18
Uma Hinman Consulting:	\$10,212.46
Ukiah Valley Conference Center:	\$ 476.90
P. Scott Browne:	\$ 600.00
Commissioner Reimbursement:	\$ 178.07
County of Mendocino (audio/video, GIS, etc):	\$ 149.96
SDRMA:	\$ 894.00
Public Hearing Notice Publication:	\$ 371.79

Edits to the May 7, 2018 Regular Commission Meeting minutes:

- Pg 1, Commissioner Theresa McNerlin was present, not absent, at the May 7, 2018 meeting.

Upon motion by Commissioner McCowen and second by Commissioner Gonzalez, Consent Calendar items 4a) the May 7, 2018 Regular Meeting Minutes and 4b) the May 2018 Claims and Financial Report were approved with noted corrections by roll call vote:

Ayes: (7) Brown, Doble, Gonzalez, McCowen, McNerlin, Orth, and Ward

Item 4c) Approval of the County of Mendocino Information Services Contract Renewal: Chair Ward asked for clarification on the County representative signatures, reference to a bond in section 3, and noted satisfaction with the explanations provided.

Upon motion by Commissioner McCowen and second by Commissioner Brown, Consent Calendar items 4c) the County of Mendocino Information Services Contract Renewal was approved by roll call vote:

Ayes: (7) Brown, Doble, Gonzalez, McCowen, McNerlin, Orth, and Ward

## 5. PUBLIC HEARING ITEMS

**5a) Public Hearing to Consider Adoption of Resolution 2017-18-12 Approving the Redwood Coast Fire Protection District Municipal Service Review (MSR) and Sphere of Influence (SOI) Update**  
(Video 11:00)

*Chair Ward opened the public hearing at 9:15am.*

It was noted Proof of Publication of Public Hearing was included in the packet. EO Hinman presented and reviewed updates. Comments and questions were offered by Commissioners Orth, McCowen, Brown, and Ward.

The following items were discussed:

- For future reports, include the maximum number of volunteers that can be supported by the fire district, whether they are understaffed or have a waiting list.
- Pg 2-1, 2.1.2 & Pg 3-1, 3.1.1.2 – verify official name with the Tribe (Manchester Ranch of Pomo Indians of the Manchester Rancheria).
- EO Hinman confirmed both the Redwood Coast FPD and the South Coast FPD were contacted and provided opportunity to comment on the intention to expand the SOI of the Redwood Coast FPD.
- The fire hydrants are owned by the City of Point Arena and therefore the District has limited ability to upgrade them.
- The most recent audit included is FY 2016/17.
- Clarify the debt reporting between the table and text.

*Public Comment was opened at 9:16am and with no comments offered, was closed at 9:16am.*

Upon motion by Commissioner Brown and second by Commissioner McCowen, the following were approved by roll call vote:

- 1) Find the Redwood Coast Fire Protection District Municipal Service Review and Sphere of Influence Update exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations §15306 and §15061(b)(3) and approve the Notice of Exemption for filing; and

- (2) Adopt LAFCo Resolution 2017-18-12, approving the Redwood Coast Fire Protection District Municipal Service Review and Sphere of Influence Update and amend the existing Sphere of Influence to add Area A containing 16 parcels to the District SOI boundary, subject to the verification regarding the Manchester Ranch of Pomo Indians of the Manchester Rancheria name.

Ayes: (7) Brown, Doble, Gonzalez, McCowen, McNerlin, Orth, and Ward

*The Public Hearing was closed at 9:24am.*

**6. WORKSHOP ITEMS** (Video time 20:30)

None.

**7. MATTERS FOR DISCUSSION & POSSIBLE ACTION** (Video time 20:45)

**7a) Commissioner Terms of Office, Special District Election, and Public Member Recruitment**

EO Hinman presented an informational update on upcoming expirations of Commissioner terms of office and a schedule for election and recruitment processes. Comments and questions were offered by Commissioners Brown, McCowen, and Ward.

**7b) Proposed Electronic Email and Devices Policy**

EO Hinman presented the Policies & Procedures Committee's recommendation to adopt a policy on electronic email and devices for official LAFCo business, reviewing changes made after legal counsel consultation. Comments and questions were offered by Commissioners McCowen.

Upon motion by Commissioner Orth and second by Commissioner Brown, the Adoption of Resolution 17-18-10, approving the proposed Electronic Email and Devices Policy with the change of wording as noted below, was approved by unanimous vote:

"2. Mendocino LAFCo discourages the use of personal electronic devices in the course of LAFCo business as any device used may be subject to search as permitted or required by law. Should Commissioners and staff choose to use personal electronic devices for LAFCo-related business, *they are assuming the risk that* such communications may be public records and ~~they are assuming the risk that~~ their device may be subject to search for public records."

Ayes: (7) Brown, Doble, Gonzalez, McCowen, McNerlin, Orth, and Ward

**7c) Proposed Definition of Terms for Policies & Procedures Manual**

EO Hinman presented the Policies & Procedures Committee's recommendation to adopt the definitions of terms for the Policies & Procedures Manual. The Commission offered no comments and Chair Ward directed staff to include definitions in the next Policies & Procedures Manual update, due for formal approval at a later date.

**7d) Proposed Inter-LAFCo Coordination Policy**

EO Hinman presented the Policies & Procedures Committee's recommendation to adopt the Inter-LAFCo Coordination Policy and reviewed the process of development. It was noted Humboldt and Sonoma LAFCos have reviewed the proposed policy and responded with support. Comments and questions were offered by Commissioner Ward.

Upon motion by Commissioner McCowen and second by Commissioner Gonzalez, the Adoption of Resolution No. 2017-18-13, approving the Proposed Inter-LAFCo Coordination Policy was approved by roll call vote:

Ayes: (7) Brown, Doble, Gonzalez, McCowen, McNerlin, Orth, and Ward

#### **7e) Proposed Area of Interest Policy**

EO Hinman presented the proposed “Area of Interest” policy that was considered by the Policies & Procedures Committee and recommended to the Commission for discussion. The policy is a tool utilized by some LAFCos as a means to identify areas outside a sphere of influence that would benefit from greater coordination between agencies. EO Hinman noted the outreach efforts to Cities and the County.

Comments and questions were offered by Commissioners Ward, McCowen, Brown, Orth, McNerlin, Hamburg, Ward, and Gonzalez.

It was noted identification of the areas of interest will emerge primarily through LAFCo’s Sphere of Influence reviews and updates, and would be identified with the planning services division of affected agencies. The following edit was requested:

B. When LAFCo receives notice of a proposal *for organization or reorganization* from another agency relating to the Area of Interest, LAFCo will notify the Interested Agency and will consider its comments.

Chair Ward directed staff to expand the feedback outreach to include special districts and schedule policy discussion and adoption for a future meeting.

#### **7f) Proposed Legal Counsel Contract Amendment**

Chair Ward noted his approval of a letter in May to legal counsel requesting further information on travel and workshop attendance charges. The response was a proposed amendment to the existing Legal Counsel Contract intended to include consistent language for all their flat rate LAFCo clients. EO Hinman presented. Comments and questions were offered by Commissioners Ward, McCowen, Brown, and Orth.

Comment was made on the importance of a process of expenditure of public funds and clarification was needed on the terms of this agreement. It was clarified the last base month increase was due to the firm’s hourly rate increase, not specifically linked with the Commission’s history of legal counsel use. Direction was given to the Executive Committee to further discuss and propose action.

#### **7g) CALAFCO Calls for Legislative Action**

EO Hinman presented CALAFCO’s request for support letters for 1) AB 2238 as amended April 3, 2018, 2) AB 2238 as amended April 3, 2018, and 3) SB 929 as amended March 6, 2018. Comments and questions were offered by Commissioners Gonzalez, Brown, McNerlin, Orth, Ward, and McCowen. Discussion was held regarding concern with language contained in SB 979 regarding the annual board action requirement for districts without a full board. Chair Ward directed staff to hold the support letter, make edits reflecting the Commission discussion, and present to Chair for signature.

Upon motion by Commissioner Orth and second by Commissioner Gonzalez, the support letters for AB 2238 as amended April 3, 2018, AB 2238 as amended April 3, 2018, and SB 929 as amended March 6 with edits reflecting Commission discussion and Chair signature were approved by unanimous vote:

Ayes: (7) Brown, Doble, Gonzalez, McCowen, McNerlin, Orth, and Ward

## 8. INFORMATION/ REPORT ITEMS (Video Time: 1:31:35)

### 8a) Work Plan, Current, and Future Proposals

EO reviewed the staff report, highlighting changes from last month's report. Comments and questions were offered by Commissioners McCowen, Brown, Ward, Orth, Doble. Commissioner McCowen requested changes to the report formatting. Staff clarified LAFCo's role regarding the County Service Areas as well as the need to expand the review of the Ukiah Valley Fire Protection District to include the functional consolidation with the City of Ukiah.

### 8b) Correspondence

None to report.

### 8c) Executive Officer's Report

EO Hinman reported on the following:

- CALAFCO conference registration is open and will be held in Yosemite in October. The Commission advised staff to anticipate four Commissioners would attend the conference.
- Coordination with County regarding Redevelopment Agency Oversight Board selection process, noting the cost of this legislative mandated task was not accounted for in the LAFCo budget, though it may be recoverable through the proposed onetime grant (AB 2258) should it be approved. EO was asked to present more fully at a future Commission meeting.

### 8d) Committee Reports

A Policies & Procedures meeting was held May 21, 2018 to continue working on policy proposals and updating the P&P Manual.

### 8e) Commissioners Reports, Comments or Questions

*Commissioner Brown* provided information on grant opportunities, specifically for Special Districts.

### 8f) CALAFCO Business and Legislation Report

EO Hinman reviewed the CALAFCO video guide, nominations for annual achievement awards, and Board recruitment for the Northern Region, City and Public member.

## ADJOURNMENT

There being no further business, at 10:46 am the meeting was adjourned. The next regular meeting is scheduled for Monday, July 2, 2018 at 9:00am in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah, California.

*Live web streaming and recordings of Commission meetings are now available via the County of Mendocino's YouTube Channel. Links to recordings and approved minutes are also available on the LAFCo website.*

<https://www.youtube.com/watch?v=XUR-J9PFGGc&list=PLraKTU7AyZLTmV-2PpmufbzkipN3QCnog&index=6>