

# 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](mailto:eo@mendolaafco.org) | Web: [www.mendolaafco.org](http://www.mendolaafco.org)

### COMMISSIONERS

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

**Tony Orth, Vice Chair**  
Brooktrails Township CSD

**Gerald Ward, Treasurer**  
Public Member

**Gerardo Gonzalez**  
Willits City Council

**Vacant**  
Special District

**Scott Ignacio**  
Point Arena City Council

**John McCowen**  
County Board of Supervisors

**Jenifer Bazzani, Alternate**  
Ukiah Valley Fire District

**Will Lee, Alternate**  
Fort Bragg City Council

**Richard Weinkle, Alternate**  
Public Member

**John Haschak, Alternate**  
County Board of Supervisors

### 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

## Policies and Procedures Meeting A G E N D A

November 24, 2020; 4:00 p.m.

Meeting held remotely via Zoom due to pandemic.

### Important Notice

Pursuant to State Executive Order N-29-20 pertaining to the convening of public meetings in response to the COVID-19 pandemic, effective March 20, 2020, the Mendocino Local Agency Formation Commission (LAFCo) meetings will be conducted remotely and will not be available for in person public participation until further notice.

The Policies & Procedures Committee Meeting will be accessible to the public via teleconference (see <https://www.mendolaafco.org/policies-procedures-committee> for access and participation information.

In order to minimize the risk of COVID-19 exposure, the public may provide written and verbal comments in lieu of personal attendance as outlined below.

Submit written comments electronically to [eo@mendolaafco.org](mailto:eo@mendolaafco.org) by 2:00 p.m. on November 24. In the subject line, specify the agenda item number for your comments, "To be read aloud" if desired, and in the body of the email include your name. If to be read aloud, please keep your comments to 500 words or less. All written comments will be provided as soon as feasible to the Commission and posted on the meeting documents page of the website.

Provide verbal comments via teleconference with the information provided on the website. Please pre-register by email to [eo@mendolaafco.org](mailto:eo@mendolaafco.org) by 2:00 p.m. on November 24 to allow staff time to provide meeting participation instructions. In the subject line, specify the agenda item number for your comments and "...Live" (Example: Item 2b Public Comment Live), your name. Participants will receive instructions for participation in the meeting. Each participant will have three minutes to provide comments related to the agenda item.

We thank you for your understanding and appreciate your continued interest.

### 1. CALL TO ORDER & ROLL CALL

Commissioners Gonzalez, Ward and McCowen

### 2. MATTERS FOR DISCUSSION & POSSIBLE ACTION

#### 2a) Approval of the September 23, 2020 Policies & Procedures Committee Minutes

#### 2b) Policy Development for Spheres of Influence

Consider draft policy language regarding spheres of influence for recommendation to the Commission.

**2c) Other Policy & Procedure Update Discussions and/or Recommendations**

Opportunity for Committee to discuss additional policy and/or procedure topics and topics for future meetings.

**3. INFORMATION AND REPORT ITEMS**

**3a) Executive Officer Report (verbal)**

**ADJOURNMENT**

The next Regular Commission Meeting is scheduled for  
December 7, 2020  
in the County Board of Supervisors Chambers  
501 Low Gap Road, Ukiah, California

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Agenda Item 2a

### COMMISSIONERS

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

## Draft Minutes

## Policies and Procedures Meeting

September 23, 2020; 10:00 a.m.

Meeting held remotely via Zoom due to pandemic.

### 1. CALL TO ORDER & ROLL CALL

Meeting was called to order at 10:01 a.m.

Members present: Commissioners Gerardo Gonzalez, John McCowen and Gerald Ward  
Staff present: Executive Officer Uma Hinman

### 2. MATTERS FOR DISCUSSION & POSSIBLE ACTION

#### 2a) Approval of the February 24, 2020 Policies & Procedures Committee Minutes

Upon motion by Commissioner Gonzalez and second by Commissioner McCowen, the minutes for February 24, 2020 were approved by unanimous vote.

Ayes: Commissioners Gonzalez, McCowen and Ward.

#### 2b) Inactive Project Policy

EO Hinman presented the staff report, which included draft policy language provided by LAFCo Legal Counsel for the Committee's review. Commissioner McCowen suggested clarifying language be added for notification to applicants of application inactivity, closure of application upon no applicant response within 30 days, and EO notification to the Commission of application closure. Craig Schlatter, City of Ukiah, provided public comment supporting 18 months of inactivity plus 6 months after notification to respond and move the application forward. Phil Williams, City of Ukiah Attorney, commented that he believed today's meeting to be a Brown Act violation because staff reports were not distributed with the agenda. EO Hinman responded that the Brown Act requires the agenda be posted 72 hours prior to the meeting, which was done. Commissioner McCowen offered to provide proposed revisions to the draft policy to staff, with Committee direction to staff to review with Legal Counsel and place the proposed policy on the November 2, 2020 regular Commission meeting agenda.

#### 2c) Electronic Signature Policy

EO Hinman presented the staff report, explaining the need for an electronic signature policy, particularly due to the ongoing pandemic conditions, and requesting support to proceed with developing the policy. Commissioner Gonzalez suggested researching DocuSign, which is a secure software for electronic signatures. The Committee supported staff proceeding with development of a draft electronic signature policy for consideration at a later Committee meeting.

#### 2d) Fee Schedule Update

EO Hinman presented the staff report, noting that this was an update item and providing the Committee with staff's progress on developing a methodology for updated staff rates for application billing purposes. Craig Schlatter provided public comment asking for clarification on whether a Pre-Application Request was a necessary step in LAFCo's application process and suggesting consistent deposit amounts for

Pre-Application Requests. EO Hinman clarified that LAFCo policy encourages a Pre-Application Review, but that applicants may also proceed directly with an application. Deposits are based on the anticipated amount of time for a Pre-Application Review, which is dependent on the applicant's specific review requests. Commissioner McCowen recommended that discussions by phone or email be memorialized in writing.

**2e) Other Policies & Procedure Update Discussions and/or Recommendations**

Craig Schlatter provided public comment that he received the agenda, but not the full agenda packet with staff reports.

**3. INFORMATION AND REPORT ITEMS**

**3a) Executive Officer Report (verbal)**

Commissioner Gonzalez suggested staff confirm that all jurisdictions' planning directors are on LAFCo's agenda distribution list.

**ADJOURNMENT**

There being no further business, the meeting adjourned at approximately 11:10 p.m.

DRAFT

**MENDOCINO  
Local Agency Formation Commission  
Staff Report**

DATE: November 24, 2020  
TO: Mendocino Local Agency Formation Commission Policies & Procedures Committee  
FROM: Uma Hinman, Executive Officer  
SUBJECT: Policy Development for Spheres of Influence

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**STAFF RECOMMENDATION**

Consider proposed policy language regarding spheres of influence and direct staff to revise as needed and recommend to the Commission for consideration.

**BACKGROUND**

Per recommendation from the Executive Officer, the Policies & Procedures Committee will review proposed policy language regarding spheres of influence and develop recommendations to the full Commission.

The proposed Sphere of Influence (SOI) policy changes entail establishing that major change of organization and reorganization proposals must be consistent with an agency's SOI excepting non-major proposals, adding a definition for "outdated spheres", adding general provisions regarding Commission authority over SOIs and the timeframe and process for evaluating and updating SOIs, clarifying CEQA requirements related to sphere actions, adding cost recovery provisions for non-coterminous SOI Updates, and adding a provision for the combined preparation of Municipal Services Reviews (MSR) and SOI Updates to the maximum extent feasible. Many of these changes are consistent with past LAFCo practice and are intended to capture them in written policy form to establish uniform treatment.

A coterminous sphere is an SOI that is the same as the jurisdictional boundary of a local agency. Sphere actions by the Commission are subject to the provisions of the California Environmental Quality Act (CEQA) and the baseline for CEQA review is the current jurisdictional boundary of an agency. Therefore, environmental review for a sphere action is based upon evaluating the impacts associated with expanding the sphere beyond any agency's current boundary, and is not related to the configuration or boundary of the originally established or most recently Commission-adopted SOI for that agency.

Water and wastewater services are considered growth-inducing, and the territory of local agencies providing these services is normally subject to significant development potential. As a result, the MSR/SOI Update for these types of municipal service providers is more costly due to the level of complexity involved and associated potential for environmental impacts from service area expansions. The proposed SOI policy changes are intended to impose this higher cost on the agency that directly benefits from SOI expansion opportunities in an effort to keep annual apportionment fees lower for other agencies, such as fire and cemetery districts, which contribute to the support of LAFCo.

The following draft language is proposed for consideration of the Policies & Procedures Committee:

Underline indicates added language, strikethrough indicates deleted language.

## **9.12 BOUNDARIES**

### **9.12.1 DEFINITE BOUNDARIES REQUIRED**

LAFCo shall not accept as complete any application unless it includes boundaries that are definite, certain, and fully described.

### **9.12.2 SOI CONSISTENCY REQUIRED**

LAFCo shall not approve any major change of organization or reorganization proposals that are inconsistent with the agency's SOI. In the event an SOI is outdated, before any major change of organization may be approved, the SOI must be updated. The only exceptions are non-major proposals that are not likely to generate or facilitate significant new development. Examples of non-major proposals include fire service annexations or detachments, annexation of agency-owned property containing agency public service facilities and/or infrastructure, and annexations of fully developed property. SOI establishment, amendment, and update shall precede consideration of proposals for changes of organization or reorganization.

### **9.12.23 BOUNDARY CRITERIA**

LAFCo will generally favor applications with boundaries that do the following:

- a) create logical boundaries within the affected agency's sphere of influence, and where possible, eliminate previously existing islands or other illogical boundaries;
- b) follow natural or man-made features and include logical service areas where appropriate; and
- c) place all streets and rights-of-way within the same jurisdiction as the properties which abut thereon and/or for the benefit of which such streets and rights-of-way are intended.

### **9.12.34 BOUNDARY ADJUSTMENTS**

LAFCo will generally amend proposals with boundaries which:

- a) Split neighborhoods or divide existing identifiable communities, commercial districts, or other areas having a social or economic identity.
- b) Result in islands, corridors, or peninsulas of incorporated or unincorporated territory or otherwise cause or further the distortion of existing boundaries.
- c) Are drawn for the primary purpose of encompassing revenue-producing territories.
- d) Create areas where it is difficult to provide services.

### **9.12.4-5 BOUNDARY DISAPPROVALS**

If LAFCo, in consultation with the applicant, cannot suitably adjust the proposed boundaries to meet the criteria established above, it will generally deny the proposal.

## **10.1 SPHERES OF INFLUENCE**

### **10.1.2 DEFINITIONS**

The Commission incorporates the following definitions:

- a) ~~an~~ “Establishment” refers to the initial development and determination of a sphere of influence by the Commission;

- b) An “amendment” refers to a limited change to an established sphere of influence typically initiated by a landowner, resident, or agency; and
- c) An “update” refers to a comprehensive change to an established sphere of influence typically initiated by the Commission.
- d) An “outdated sphere” refers to a sphere that has not been updated in a considerable amount of time or where circumstances have changed significantly. SOI’s become outdated where substantial changes have occurred in the statutory requirements, agency services, and/or community resulting in the most recent MSR/SOI no longer providing reliable or relevant information needed by the Commission to carry out its responsibilities. The “outdated sphere” determination shall be made by the Executive Officer, subject to confirmation by the Commission in the event the determination is disputed.

### 10.1.3 SPHERE UPDATES

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

- a) LAFCo must adopt a Sphere of Influence (SOI) for each city and special district in its jurisdiction and keep it updated in accordance with CKH. Overseeing each SOI is a LAFCo responsibility. LAFCo strongly encourages the participation and cooperation of the subject agency in the SOI process, but the Commission remains the sole authority for establishing and making changes to an agency’s SOI and associated municipal service review. All LAFCo actions must be consistent with the subject agency’s SOI and changes to an agency’s SOI require careful review and consideration.
- ~~a)b) The Commission will update the SOI of municipal service providers periodically in accordance with the Cortese-Knox-Hertzberg Local Government Act of 2000 (CKH), and only as needed for non-municipal service providers review all spheres of influences every five years for each governmental agency providing municipal services. Municipal services include water, wastewater, road, police, and fire protection services. Non-municipal services include ambulance, recreation, health care hospital, resource conservation, cemetery, lighting and landscaping, and pest control.~~
- ~~c) Spheres of influence of districts not providing municipal services including, but not limited to, ambulance, recreation, hospital, resource conservation, cemetery, and pest control shall be updated as necessary.~~
- c) The most recent SOI for municipal service providers will be evaluated every five years for accuracy and relevancy. The agency SOI will be scheduled for a full MSR/SOI Update when deemed outdated or where major changes in the SOI are being considered. City SOI’s shall be updated at least every 10 years or as soon thereafter as the update can be completed. Whenever possible, city sphere updates shall be scheduled to coincide with city general plan updates.
- d) Sphere actions by the Commission are subject to the provisions of the California Environmental Quality Act (CEQA). The baseline for CEQA review is the current jurisdictional boundary of an agency. Therefore, where an agency desires an SOI Update or amendment including territory outside an agency’s current boundary, the agency will be expected to reimburse LAFCo for the cost of the environmental and other review required. This policy is intended to impose the cost on the agency seeking SOI expansion opportunities in an effort to keep annual apportionment fees lower for the other agencies that contribute to the support of LAFCo.
- e) All costs incurred by LAFCo for preparation of a non-coterminous SOI Update for an agency, including necessary MSR studies, CEQA compliance, staff time, and any additional fees charged

by state or local agencies for reviewing, processing, and filing the project, shall be subject to full cost recovery from the agency.

- f) In the absence of a legally binding commitment from a subject agency for full cost recovery of a non-coterminous SOI Update, the Commission will prepare a coterminous sphere or possibly maintain and/or expand the most recent sphere if subject to CEQA exemption.
- g) Sphere of influence changes initiated by application ~~any agency providing a municipal service~~ shall generally require either an updated or new municipal service review unless LAFCo determines that a prior service review is adequate.
- h) A combined Municipal Service Review (MSR) and SOI Update shall be prepared whenever feasible to minimize costs, streamline processing, and to maximize data collection and analysis.