

# MENDOCINO

## Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482  
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*Approved March 4, 2024*

### COMMISSIONERS

**Maureen Mulheren, Chair**  
County Member

**Gerald Ward, Vice-Chair/Treasurer**  
Public Member

**Gerardo Gonzalez**  
City Member

**Katharine Cole**  
Special District Member

**Candace Horsley**  
Special District Member

**Glenn McGourty**  
County Member

**Mari Rodin**  
City Member

**Francois Christen, Alternate**  
Special District Member

**Douglas Crane, Alternate**  
City Member

**John Haschak, Alternate**  
County Member

**Public Member, Alternate**  
Vacant

### STAFF

**Executive Officer**  
Uma Hinman

**Clerk/Analyst**  
Larkyn Feiler

**Counsel**  
Marsha Burch

### REGULAR MEETINGS

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

## FINAL MINUTES Regular Commission Meeting

### Regular Meeting (Hybrid) of Monday, February 5, 2024

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

#### 1. CALL TO ORDER and ROLL CALL (Video Time 1:52)

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

**Regular Commissioners Present:** Maureen Mulheren, Gerald Ward, Gerardo Gonzalez, Katharine Cole (received approval from the Commission to participate remotely in accordance with AB2449), Candace Horsley, and Mari Rodin

**Regular Commissioners Absent:** Glenn McGourty

**Alternate Commissioners Present:** Francois Christen and Douglas Crane

**Alternate Commissioners Absent:** John Haschak

**Staff Present:** Uma Hinman, Executive Officer; Larkyn Feiler, Clerk/Analyst; Marsha Burch, Legal Counsel

Commissioner Cole's request to participate via videoconference under the "just cause" circumstance per AB 2449 and Mendocino LAFCo Policy 3.8.1.1 was approved unanimously. The brief general description of the circumstances necessitating remote participation was a downed tree blocked egress; Commissioner Cole confirmed verbally and through video technology that no other individuals were present in the room.

#### 2. PUBLIC EXPRESSION (Video Time 3:40)

None

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

##### 3a) Announcement of Commission Appointments

EO Hinman provided an update that the BOS reappointed McGourty, Mulheren and Haschak to their positions and that the alternate public member position is still vacant, and the application period has been extended until March 31st. EO Hinman encouraged Commissioners to spread the word of the open position via their agency networks.

##### 3b) Selection of 2024 Officers

EO Hinman directed the Commission to elect a Chair, Vice-Chair and Treasurer for the calendar year 2024.

Commissioner Horsley motioned for Chair Mulheren to continue in the position of Chair and Commissioner Ward seconded the motion.

<b>Motion:</b> Nominate Maureen Mulheren to serve as Chair for 2024.	
<b>Motion Maker:</b> Commissioner Horsley	<b>Motion Second:</b> Commissioner Ward
<b>Roll Call Vote:</b> Ayes: (6) Rodin, Horsley, Cole, Gonzalez, Ward, and Mulheren	

Commissioner Horsley motioned for Commissioner Ward to continue in the position of the Vice Chair and Treasurer and Commissioner Rodin seconded the motion.

<b>Motion:</b> Nominate Gerald Ward as Vice Chair and Treasurer for 2024.		
<b>Motion Maker:</b> Horsley	<b>Motion Second:</b> Rodin	<b>Outcome:</b> Passed unanimously
<b>Roll Call Vote:</b> Ayes: (6) Cole, Horsley, Rodin, Gonzalez, Ward, and Mulheren		

**3c) Standing Committee Appointments**

Chair Mulheren appointed the existing members who served in 2023 on the Executive Committee (Commissioners Mulheren, Ward and Rodin) the Policies and Procedures Committee (Commissioners Mulheren, Rodin and Gonzalez) to continue to serve in 2024 for consistency.

Commissioner Rodin and Commissioner Gonzalez both confirmed that they want to remain on the assigned Committees. The Commission ratified unanimously.

**4. CONSENT CALENDAR (Video Time 11:09)**

**4a) December 4, 2023 Regular Meeting Summary**

**4b) December 2023 Claims & Financial Report**

<b>December 2023 Claims totaling:</b>	<b>\$16,330.31</b>
Hinman & Associates Consulting	14,749.06
Commissioner Stipends	128.82
Marsha Burch Law Office	540.00
Streamline	63.00
Mendocino County	267.54
Ukiah Valley Conference Center	581.89

**4c) January 2024 Claims & Financial Report**

<b>January 2024 Claims totaling:</b>	<b>\$26,818.55</b>
Hinman & Associates Consulting	24,837.19
Marsha Burch Law Office	360.00
Streamline	63.00
Mendocino County	1,003.36
Ukiah Valley Conference Center	555.00

Commissioner Horsley asked what the ‘treasury’ totals were comprised of (from the Budget Tracking sheet); EO Hinman responded that LAFCo requests a lump sum amount from the County Treasury and pays claims through a separate LAFCo checking account.

Commissioner Ward inquired about the \$135 charge by Legal Counsel; EO Hinman explained that Counsel was tasked with reviewing the consent to annex form as part of the draft out of agency services agreement policy amendment.

Commissioner Ward inquired about the cost of \$825 to rent the room for Commission meetings and why January 2024 was paid for even though the Commission did not meet; EO Hinman responded that the room rental was paid in full in advance for the year to obtain a cheaper rate, staff would confirm whether refunds could be requested for the months not used, and the room rental costs would be added to office rent costs in the Rent budget line item for next fiscal year.

Commissioner Ward inquired if it is necessary for Legal Counsel to attend every Commission meeting and suggested deciding for each meeting based on the scope of items on the agenda, as a cost savings measure.

Commissioner Horsley asked EO Hinman how much of the rental costs for the Board Chambers meeting space went towards IT; EO Hinman responded that she believed the rate was \$75/hour for the space and did not include technical support.

<b>Motion:</b> Approve the consent calendar.		
<b>Motion Maker:</b> Ward	<b>Motion Second:</b> Gonzalez	<b>Outcome:</b> Passed unanimously
<b>Roll Call Vote:</b> Ayes: (6) Rodin, Horsley, Cole, Ward, Gonzalez, and Mulheren		

**5. PUBLIC HEARING ITEMS**

None

**6. WORKSHOP ITEMS**

None

**7. MATTERS FOR DISCUSSION AND POSSIBLE ACTION**

**7a) Mid-Year Financial and Work Program Report** (Video Time 17:45)

EO Hinman gave a presentation on the Mid-Year Financial and Work Program Report (18:11 – 23:52)

Commissioner Ward asked about the vacant clerk position; EO Hinman responded that a temp agency was utilized for an Administrative Assistant position, but they are no longer available, and clarified that they were paid \$25/hour. Commissioner Ward asked if the past meeting agendas would be posted to the LAFCo website similar to the resolutions which were recently posted, and EO Hinman agreed that it would be a good idea. Commissioner Ward asked about what could be done to progress the work plan; EO Hinman responded that a contractor was hired to help and she anticipates that the first of the reports will go to workshops in March or April.

Commissioner Horsley suggested that the website archives be organized by year.

No public comments were provided on the item.

**7b) Proposed Streamlined Review Process for Work Plan Studies** (Video Time 29:13)

Analyst Feiler gave a presentation on the Proposed Streamlined Review Process for Work Plan Studies (29:24 – 36:35)

Commissioner Horsley asked for clarification on what type of audits LAFCo could request as part of the process and Analyst Feiler confirmed it was financial audits. Commissioner Horsley expressed concern over LAFCo taking on other research responsibilities beyond the six determinations currently required (i.e. housing, homelessness, etc.) and cautioned against taking on too much. Commissioner Horsley asked if all special districts have 5 board members and Analyst Feiler that it is standard for special districts to operate with five board members but there can be exceptions. Commissioner Horsley asked if the role of LAFCo was to act as a watchdog over districts; Analyst Feiler responded that evaluating agency operations periodically helps LAFCo make informed decisions related to their governing structure.

Commissioner Ward asked if moving to a ten-year program was legal; Analyst Feiler responded that many other LAFCos already operate this way. Legal Counsel Burch added that the review process would not be skipped each five years, it would just be a streamlined process. Commissioner Ward requested a list of when the studies were last

updated. Commissioner Ward asked how different the proposed process is from the current process; Analyst Feiler responded that the proposed process includes a one-on-one interview with District and LAFCo staff to go through the questionnaire together, which should result in better input, and she explained that when there are Districts without staff, LAFCo usually meets with a board member. Analyst Feiler added that the process should ultimately be helpful for the Districts. Commissioner Ward noted that the financial audits are very helpful for capturing the whole image of an agency's health, expressed the importance of circling back to prior MSR report determinations and challenges facing the agency, and recommended coming back to in a certain amount of time to address challenges identified.

Commissioner Gonzalez recommended that the streamlined questionnaire be posted on the LAFCo website to help agencies understand the LAFCo process and prepare information prior to the LAFCo interview process.

Commissioner Cole then recommended that the proposed process have a timeline associated with how long an agency has to respond to inquiries and agreed with Commissioner Gonzalez that the information should be available online so agencies can get a head start on the process and know what is expected. Analyst Feiler then responded that a significant amount of time is built into the process to give advanced notice to agencies.

Commissioner Rodin commented on Commissioner Horsley's concerns over LAFCo taking on more responsibilities in what they research and commented that adding new subject areas could be beneficial (such as fire districts and studying climate hazards with respect to fire). Commissioner Horsley agreed that emergency response areas would be helpful and that she was focusing more on housing and homelessness after reading what Monterey County LAFCo was doing. Commissioner Rodin asked if the proposed streamlined process would be applied to any type of agency and why the focus is on districts; Analyst Feiler responded staff is focusing on special districts first because they typically have the least amount of changes over time, but the intent is to create a questionnaire specific to cities also. EO Hinman added that the proposed process is intended to allow LAFCo time to be spent more intentionally on MSR reports that require comprehensive updates; the streamlined process would apply to agencies when an in depth analysis is not needed every five years, and confirmed the process would be applied to city's as well once that process is developed. Commissioner Rodin asked about what other LAFCos have done when they found that agencies are not operating sufficiently; Analyst Feiler responded that each situation is unique, but the goal is to help failing agencies get back on track, and which is why consolidation/dissolution is typically not the first step. Legal Counsel Marsha Burch added that, if necessary, the County can become involved too.

Commissioner Ward expressed concern over not following up on failing districts; EO Hinman responded that there was a time when the EO position was consistently changing and requests to follow up with agencies fell through the cracks, but those issues are currently being examined by staff. EO Hinman recommended that the Commission provide feedback on the draft questionnaire.

Commissioner Christen commented that Requests for Information (RFIs) can be seen as burdensome and streamlining the process with a checklist is a good idea, and would encourage establishing good relationships. He asked if there was a larger agency that would approve the proposed process; Legal Counsel Burch responded that there is no agency that oversees LAFCos, there is no case law on the subject, and purpose it to find the best way to meet the requirements of the CKH statute as Mendocino LAFCo interprets it.

Chair Mulheren inquired with the Commissioners on where they stood, in support or opposition, of studying areas beyond the existing required six determinations that need to be made for MSRs.

Commissioner Gonzalez recommended that there be an asterisk noting that for certain agencies, additional areas beyond the existing determinations would need to be studied.

Commissioner Ward added that LAFCo should not take on any more work than it has to.

Commissioner Cole added that as a representative of a Cemetery District, it is still helpful to see what other research areas are out there, even if they are not applicable to each agency.

EO Hinman added that much of the language related to hazard mitigation, disaster planning, and the unhoused came from LAFcos that have been directly impacted (i.e. Butte County with fires and Sacramento County with homelessness as it relates to their fire management approach).

Commissioner Hosley added that she is primarily concerned over creating requirements for small, underfunded districts that are not necessarily able to meet the state requirements that already exists (particularly as it relates to housing); EO responded that she understood and is primarily looking to maintain adherence with the CKH.

Commissioner Ward commented that he would like to see annual check-ins with agencies and added that determinations should be made clear and up front.

The Commission blessed in concept staff moving forward with implementing the proposed streamlined process and making adjustments as needed.

No public comments were provided on the item.

### **7c) Proposed Logo for Mendocino LAFCo (Video Time 1:23:10)**

EO Hinman gave a brief presentation on the proposed logo (1:23:27 – 1:27:10)

Commissioner Christen commented that he likes the proposed logo but he is not sure it communicated what LAFCo does and added that language similar to CALAFcos tagline of “supporting sustainable community growth” be considered. He added that using the acronym of LAFCo would be helpful.

Chair Mulheren commented that adding a tagline could be incorporated into the LAFCo letterhead and using the LAFCo acronym is a good idea.

Commissioner Ward agreed that the logo should communicate what LAFCo does.

Commissioner Horsley noted that adding things like a tagline and the acronym to the letterhead is a good idea and liked the Orange County example.

Commissioner Gonzalez added that he liked the acronym and tagline as well.

Commissioner Rodin added that she supports Commissioner Christen’s statements on the logo.

EO Hinman said she would work with the designer to further refine the logo and bring it back to the Commission for final approval at the next meeting.

No public comments were provided on the item.

## **8. INFORMATION AND REPORT ITEMS**

### **8a) Work Plan, Current and Future Proposals (Video Time 1:34:07)**

EO Hinman provided an update that all applications on file are pending tax share agreements; staff is working on the Anderson Valley CSD and Elk CSD applications and the Anderson Valley CSD future LAFCo application. She added that a consultant has been brought on to help speed up the work plan process and expects workshops in March or April.

Commissioner Ward asked if staff knew if any of the smaller districts are interested in consolidation and EO Hinman added that she met with Chair of GCSD and MCWWD2 and they both expressed wanting to see discussion of consolidation in the reports, so it will be included. Commissioner Ward asked what the consolidation process would look like and EO Hinman responded that if the Commission adopted specific determinations, resolutions of

applications would need to be received to start the application process, and there is a specific protest process to follow. EO Hinman clarified that if LAFCo initiates a dissolution of an agency, then LAFCo would bear the costs associated with the process.

Commissioner Horsley commented that there would be a major decision related to water district consolidation made in March.

**8b) Correspondence** (Video Time 1:38:10)

None

**8c) CALAFCO Business and Legislation Report** (Video Time 1:38:18)

None

**8d) Executive Officer's Report** (Video Time 1:38:40)

EO Hinman noted that the alternate public member vacancy is ongoing, the recruitment has been extended until March 1<sup>st</sup>, and information is available on the LAFCo website. She acknowledged Treasurer Ward for his help in preparing the Commission's financial report, which will support the next budget. Commissioner Ward asked how the amount of money for the treasury account was estimated; EO Hinman responded that Munis reports were provided for June of 2023, and two agencies did not pay their fees, but they were collected in September after the fiscal year.

**8e) Committee Reports (Executive Committee, Policies & Procedures)** (Video Time 1:40:28)

EO Hinman noted that both Committees would have meetings scheduled in the coming months.

**8f) Commissioners Reports, Comments or Questions** (Video Time 1:41:12)

Commissioner Ward commented that the interest on the Wells Fargo account went up significantly, but he got the bank to remove the \$4 statement fee.

Chair Mulheren added that proposals for the master tax share agreement would be ready soon to go to the Board of Supervisors and City Councils.

**ADJOURNMENT** (Video Time 1:42:22)

There being no further business, the meeting adjourned at 10:41 a.m.

The next regular meeting of the Commission is scheduled for Tuesday, **March 5<sup>th</sup>, 2024** at 9:00 a.m. The meeting will be conducted in a hybrid format to accommodate both in-person and remote participation. The in-person meeting will be held in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah.

*Live web streaming and recordings of Commission meetings are available via the County of Mendocino's YouTube Channel [February 5, 2024 YouTube meeting recording](#). Links to recordings and approved minutes are also available on the [LAFCo website](#).*