

MENDOCINO

Local Agency Formation Commission

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COMMISSIONERS

Tony Orth, Chair

Brooktrails Township CSD

Scott Ignacio, Vice Chair

Point Arena City Council

Gerald Ward, Commissioner

Public Member

Matthew Froneberger

Special District Member

Gerardo Gonzalez

Willits City Council

Glenn McGourty

County Board of Supervisors

Maureen 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

Approved by Commission on November 1, 2021

MINUTES

Local Agency Formation Commission of Mendocino County

Regular Meeting of Monday, October 4, 2021

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

1. CALL TO ORDER and ROLL CALL (Video Time 0:01)

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, Glenn McGourty, and Matthew Froneberger (9:02)

Regular Commissioners Absent: None

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

Alternate Commissioners Absent: John Haschak

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

2. PUBLIC EXPRESSION None

3. OTHER BUSINESS (Video Time 2:48)

3a) Authorizing Continued Remote Meetings per Assembly Bill 361

In March 2020, following the Governor's declaration of a state of emergency due to COVID-19 and Executive orders modifying the Brown Act, Mendocino LAFCo switched from in-person meetings to remote meetings via Zoom. On June 11, 2021 the Governor issued an Executive order rescinding the Brown Act modifications effective September 30, 2021. Assembly Bill 361 (AB361), signed into order on September 21, 2021, states that in order for local agencies subject to the Brown Act to continue to meet remotely, the governing body must first adopt a resolution indicating that a Gubernatorial State of Emergency exists and meeting in person would present imminent risks to the health or safety of attendees, Commissioners, or staff. In addition, the resolution must be renewed every 30 days.

Commissioners Ward, Gonzalez and Ignacio asked for clarification and proposed suggestions to ease the burden of renewing the resolution every 30 days.

Legal Counsel Marsha Burch confirmed that the resolution must be renewed. If a meeting is canceled or if there are more than 30 days between meetings a special meeting would be required to renew the resolution.

Motion by Commissioner Mulheren: Adopt Resolution No. 2021-22-05 acknowledging that a Gubernatorial State of Emergency exists and authorizing the use of teleconferenced meetings for a 30-day period.

Second by Commissioner McGourty.

Approved by roll call vote: unanimous.

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

4. **CONSENT CALENDAR** (Video Time 9:38)

4a) Approval of the September 13, 2021 Regular Meeting Summary

Treasurer Ward commended staff on the meeting summary.

4b) Approval of the September 2021 Claims & Financial Report

September 2021 Claims totaling:	\$14,647.64
Hinman & Associates Consulting	11,622.00
P. Scott Browne	1,765.50
Cash	153.90
Newspapers	275.71
Comcast	190.08
Streamline	50.00
Ukiah Valley Conf. Center	464.00
Commissioner Stipends	126.45

Treasurer Ward's questions/comments:

- Requested expenses for public records requests be identified on the budget tracking sheet under unfunded mandates.
 - EO Hinman: Confirmed there was one request over the last month and noted the request.
- Requested confirmation that a credit for the Comcast late charge correction will be received and noted on the next invoice.
 - EO Hinman confirmed.
- Asked if the original check issued to Commissioner Weinkle had been returned.
 - Commissioner Weinkle: He was unable to locate the check.

Motion by Commissioner Ward: Approve the Consent Calendar

Second by Commissioner Mulhern.

Approved by roll call vote: unanimous.

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

5. **PUBLIC HEARING ITEMS** (Video Time 12:50)

5a) Ukiah Valley Fire District Municipal Service Review and Sphere of Influence Update and UVFD Fire Services Annexation and Fire District Sphere Amendment (File No. A-2021-02)

Chair Orth opened the Public Hearing at 9:13 a.m. (Video Time 13:23) and confirmed proper notice of the hearing.

EO Hinman recognized Doug Hutchinson, Fire Chief for the Ukiah Valley Fire Authority, and Craig Schlatter, Director of Community Development for the City of Ukiah, for their assistance in preparing the item and gave special thanks to Mendocino County for expedited completion of the Tax Share agreement process, including Assessor Katrina Bartolomei, Acting Auditor-Controller Chamise Cubbison, CEO Carmel Angelo, County Counsel Christian Curtis and their staffs, and Commissioner Mulheren as Second District Supervisor and member of the Tax Share Ad Hoc Committee.

Analyst Feiler gave a [presentation](#) of the [Executive Officer's \(EO\) Report](#) and the associated [Corrections Memo](#) related to the proposed Ukiah Valley Fire District (UVFD or District) Municipal Service Review (MSR) and Sphere of Influence (SOI) Update and the proposed change of organization, with support from the City of Ukiah, for UVFD annexation of the Ukiah City Limits for fire services and a related Sphere of Influence amendment to add the proposed annexation area to the UVFD SOI. (Video Time 17:11 – 32:15)

EO Hinman noted that two public comment letters were received from MedStar and Mr. Farr after the agenda packet was released and were provided to the Commission, District, and interested parties, and posted on the LAFCo website prior to the meeting. Chair Orth invited Commissioner comments and questions (Video Time 33:37).

Commissioner McGourty asked about the role of CAL FIRE in providing fire services and whether District residents will experience a change in the level of service from the application. Chief Hutchison responded that District residents will

experience no change in services or taxes and the annexation will ultimately allow for better staffing on Fire engines from two to three firefighters which will make more resources available to respond to multiple incidents simultaneously and better mitigate potential losses from fire. Chief Hutchison also clarified that the District and CAL FIRE have an Automatic Aid Agreement in place and both agencies respond with staff and equipment under a unified command structure to any fire within the Local Responsibility Area (LRA) or State Responsibility Area (SRA), and the agency with jurisdiction over the area maintains command and control of the incident. Commissioner McGourty commended the District, CAL FIRE, and Law Enforcement for their quick response times, coordinated efforts, and hard work, especially on the recent Hopkins Fire.

Chair Orth opened the Public Comment Period for the Public Hearing at 9:36 a.m. (Video Time 36:53).

Brandon Gunn, Division Chief for CAL FIRE, commented that CAL FIRE is vigorously opposed to any new construction in high fire hazard severity zones, and if the area is annexed, CAL FIRE wants to ensure that work complies with Public Resources Code 4127 which will keep this area in the Local Responsibility Area (LRA).

Commissioner Froneberger asked whether it is possible for residents to expect less services in some areas post annexation. Chief Hutchison responded that the current service levels are not expected to change and that the anticipated increase in staffing will help the Fire Authority better address the current 35% overlapping call rate by allowing one unit to respond to certain emergencies that currently require two units, and will improve efficiencies by keeping the second unit in service for new service calls instead of depleting all resources on one service call.

Commissioner Froneberger commented that prior to the JPA, the City had roughly 15 line staff and 5 overhead staff and the District carried about a third of that, which equates to a higher number than post annexation, and asked if that continues to make sense for the District and the City. Chief Hutchison responded that the joint service delivery model between the District and City has achieved efficiencies and eliminated redundancies; in the past the agencies had two different command staffs and the District was running fewer staff per shift than the City. Chief Hutchison explained that together the District and City can put more boots on the ground and not duplicate ranking officers to serve the combined area more efficiently.

Commissioner Froneberger asked if those efficiencies could be achieved with shared administration rather than a shared district. Chief Hutchison affirmed and clarified that the largest expense is personnel which must be shared between the District and City to achieve maximum cost savings and economies of scale.

Commissioner Rodin commented that the LAFCo staff analysis and presentation was well done and expressed support for the proposed annexation.

Commissioner Gonzalez asked whether District or City residents will pay more in taxes from the annexation. Chief Hutchison responded that the District parcel taxes will be equally applied to the District and City areas and are based on the current use of property as opposed to property value. Chief Hutchison explained that the wide range in the projected increase in revenue from adding the City to the District boundary is due to the complexity in applying the calculations of the District parcel taxes, which is based on units of benefit for different types of uses; a single-family residence would include two units of benefit and a charge of roughly \$120 per year. Chief Hutchison further explained that the City is more densely populated and has more commercial type buildings and may end up paying slightly more in total than the District service area, but all residents will pay District parcel taxes based on the same rate structure.

Commissioner Ward asked whether the annexation will impact MedStar's ability to continue to provide services. Chief Hutchison responded that there is no connection between the annexation and MedStar and the annexation does not contemplate any of the actions outlined in the letter provided by MedStar. Chief Hutchison explained that the Fire Authority has attempted on multiple occasions to collaborate with MedStar without success and the purpose of the annexation is to provide the best fire protection services to the District and City service areas.

Commissioner Ward asked about Fire Authority plans to increase ambulance staffing post annexation. Chief Hutchison responded that ambulance service is a City enterprise service funded by the City General Fund and the annexation

and ambulance services are not related. Chief Hutchison explained that to date there have been 1,092 instances in which MedStar had one or fewer ambulances available in Mendocino County based on standard notification of low ambulance numbers from the CAL FIRE Howard Forest Station. Chief Hutchison further explained that in those situations, the Fire Authority must decide whether to wait for a MedStar ambulance from Willits or to down-staff a Fire engine for a reserve ambulance to immediately respond to a call for medical service in the Ukiah Valley area; therefore, the Fire Authority is exploring the option of adding another ambulance to stabilize the Emergency Medical System (EMS) and provide rapid medical response for both 911 calls and requests to transfer patients between hospitals for a higher level of care.

Commissioner Ward asked about the composition of the District Board of Directors post annexation. Chief Hutchison responded that the District Board will remain the same until the next election cycle.

Commissioner Ward asked about City representation on the five-member District Board post annexation. Chief Hutchison responded that currently all District Board members must reside in the District boundary, outside the City limits, and it has not yet been decided how City representation will be addressed on the District Board, such as changing to an election process by zones.

Commissioner Ward asked what happens to the JPA agreement if the annexation is approved. Analyst Feiler responded that the current 2017 Joint Powers Agreement (JPA) would be replaced by the 2020 JPA which includes more restrictive terms for termination of joint services by either agency, and LAFCo staff has included a condition of approval requiring effective implementation of the 2020 JPA prior to annexation.

Commissioner Ward asked how the JPA would be addressed in the District's next MSR/SOI study in five years since LAFCo does not have oversight over JPAs. Analyst Feiler responded that while LAFCo does not have regulatory authority over JPAs, agencies are required to provide a copy of those agreements to LAFCo which are posted on the LAFCo website for public transparency. Analyst Feiler explained that JPAs are intended to improve the delivery of services and provide more efficient and effective public services, which LAFCo encourages. Analyst Feiler further explained that in the process of developing an MSR/SOI study specific to an agency participating in a JPA, LAFCo staff includes data and analysis of joint operations with other agencies, and it is likely that the District would be willing to return to the Commission within the next five years to provide updates and discuss how the Fire Authority is evolving.

Commissioner Ward noted that there is limited information regarding City representation on the District Board and calculations of District taxes in the City limits and asked about the feasibility of approving the MSR/SOI study today but not the annexation. Analyst Feiler responded that it is feasible to approve one but not the other, but they are interrelated so it would be better to continue both items. Analyst Feiler noted that staff has been working on an expedited processing schedule to allow for implementation of the new taxes by the next fiscal year.

Commissioner Froneberger asked if blending the District and City Fire Departments will impact the City's ISO Rating of 3 post annexation. Chief Hutchison responded that it would not impact the City's ISO Rating because the combined JPA services are already being taken into consideration and the primary difference between the District and City ISO Ratings is based on public water systems and the availability of water supply. Chair Orth noted that this is similar to the situation of other cities in Mendocino County that provide joint services with fire districts.

Commissioner Gonzalez asked if additional information regarding the District taxes will be available at the Protest Hearing. Analyst Feiler responded that no new information will be provided during the Protest Hearing. Analyst Feiler explained that it is difficult to know how much revenue will be generated from the District taxes in the City limits because the District taxes are not a flat rate, and instead are based on units of benefit which requires ground-truthing to determine the use of each property. Analyst Feiler further explained that the District received a quote of \$10,000 from a consultant to prepare this high-quality data and as a result the District provided an estimate of projected revenue with a minimum and maximum range. Analyst Feiler noted that there is an overlap area between the District and City of approximately 1,000 parcels that are not currently being assessed the District Tax Measure J and B.

Chair Orth recommended that the District report back to the Commission in two-years to provide an update on District governance and finances and the Fire Authority.

Commissioner Froneberger asked whether the 0.5% annual growth rate in the MSR/SOI study, which is based on historical population numbers, is an accurate reflection of anticipated growth in the District service area especially in light of proposed development of two new apartment complexes and a project that will add hundreds of homes north of the City. Analyst Feiler responded that consistent with previous MSR/SOI studies, population projections are based on official data sources, such as the US Census, Department of Finance, or Department of Transportation, which does not necessarily reflect local trends related to current development projects. Chief Hutchinson noted that actual population growth from current development projects emphasizes the need to enhance the fire services.

Chair Orth asked whether the District plans to conduct a Nexus Study, similar to the recent Hopland FPD effort, to capture capital costs from new development. Chief Hutchinson affirmed and explained that the District is aware of the need to update District Mitigation Fee to address newer development impacts in the service area.

Commissioner Froneberger commented that although he is critical of the annexation and the original JPA for the Fire Authority, that is not a reflection on the critical services provided by firefighters, and he commended the Fire Chief and his staff for a job well done and doing their best with the resources available.

Commissioner Ward asked how costs were allocated for the MSR/SOI study and the annexation. EO Hinman responded that the MSR was billed to the LAFCo Work Plan, the SOI Update was a shared cost between LAFCo and the applicant due to the proposed sphere amendment, and application processing was billed to the applicant.

With no further public interest in providing public testimony or Commissioner questions, Chair Orth closed the Public Comment Period and the Public Hearing at 10:05 a.m. (Video Time 1:05:07).

Motion by Commissioner Mulheren: Find the Ukiah Valley Fire District Municipal Service Review and Sphere of Influence Update and UVFD Fire Services Annexation and Fire District Sphere Amendment (File No. A-2021-02) exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code §21065 and Title 14 of the California Code of Regulations §15306, §15378(a), §15061(b)(3), 15261, 15301, and 15320 and approve the Notice of Exemption for filing.

Second by Commissioner Ignacio.

Motion Clarification: Commissioner Froneberger requested clarification regarding whether the three recommended actions will be taken separately, and Chair Orth confirmed the three actions will be taken one at a time.

Approved unanimously by roll call vote.

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

Commissioner Mulheren requested clarification regarding the appropriate resolution to address the requirement for the District to report back to the Commission in two years related to District finances and governance and the Ukiah Valley Fire Authority JPA, as suggested by Chair Orth. Analyst Feiler recommended adding the requirement to Resolution 2021-22-02 for the UVFD MSR/SOI Update on page 107 and 108 of the packet under the Resolution, Determination, and Order section after the Whereas statements, under item number 3, and reordering the remaining items as 4 through 7.

Motion by Commissioner Ignacio: Adopt LAFCo Resolution 2021-22-02, approving the Ukiah Valley Fire District Municipal Service Review and Sphere of Influence Update and amending the existing coterminous Ukiah Valley Fire District Sphere of Influence to add the entire City Limits of the City of Ukiah and designate as Areas of Interest the proposed Western Hills annexation area and two unincorporated island areas within the District boundary, with the amendment as noted by staff.

Second by Commissioner Mulheren.

Approved by roll call vote with one dissenting vote.

Ayes: (6) Gonzalez, Ignacio, Mulheren, Ward, McGourty, Orth

Noes: (1) Froneberger

Motion by Commissioner Mulheren: Adopt LAFCo Resolution 2021-22-03, conditionally approving the UVFD Fire Services Annexation and Fire District Sphere Amendment (File No. A-2021-02) change of organization application to annex the City Limits of the City of Ukiah for fire services, as amended based on the Memorandum of Corrections dated October 3, 2021 prepared and distributed by staff prior to the meeting.

Second by Commissioner McGourty.

Motion Comment: Commissioner Ward commented that he will support the annexation but noted that the process has been rushed and expressed interest in the results of the Protest Hearing. Commissioner Froneberger agreed with Commissioner Ward's comments but noted non-support for the annexation at this time.

Approved by roll call vote with one dissenting vote.

Ayes: (6) Gonzalez, Ignacio, Mulheren, Ward, McGourty, Orth

Noes: (1) Froneberger

Commissioner Ignacio requested that the outcome of the resolution votes be read into the record for the benefit of the public and EO Hinman confirmed that the resolution motions passed with one dissenting vote.

Analyst Feiler provided a brief summary of next steps for the Conducting Authority Proceedings. (Video Time 1:16:31)

6. WORKSHOP ITEMS

None

7. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

7a) Ratification of an Out of Agency Water Service Agreement for the City of Fort Bragg (Video Time 1:18:36)

In August, EO Hinman received a request from the City of Fort Bragg to provide water service to two single-family residence parcels on Minnesota Ave. In September, in accordance with Mendocino LAFCo Policy 12.2.4, the Executive Officer issued an administrative approval with a condition requiring the landowners to submit written consent to annexation of the parcels to the City if initiated in the future. The Policy requires Commission ratification of the approval at the next regularly scheduled meeting.

Commissioner Ward asked if staff anticipates similar requests in the future and the fees involved. EO Hinman responded that LAFCo Policy allows for a fee range from \$500 to \$2500 for Out of Area Service Agreement applications. Staff accepted an initial deposit of \$500 deposit to initiate the application. Any time over the deposit spent on the administrative review is billed to the applicant. Currently, staff is not aware of any additional water service applications planned for submission.

Commissioner McGourty commented, based on his knowledge of water conditions in Fort Bragg, he believes that extending long-term water service to the community would be beneficial. He hopes the City is looking into expanding its storage capacity and incorporating a centralized water service in the near future.

Chair Orth noted that the City of Fort Bragg is installing a desalination plant which will make brackish water in the Noyo River water available for processing and will improve the area's water resiliency.

Motion by Commissioner Gonzalez: To adopt Resolution No. 2021-22-04 ratifying out of agency service agreements approved by the Executive Officer (1) authorizing the City of Fort Bragg to provide new public water service to two unincorporated properties located within the City's Sphere of Influence at 19970 Minnesota Avenue (APN 018-300-06) and 19981 Minnesota Avenue (APN 018-300-01) to address a public health threat; and (2) finding the out of agency service agreements are exempt from CEQA pursuant to Public Resources Code Section 21080(b)(4) and CEQA Guidelines 15282(k)

Second by Commissioner Mulheren:

Approved by roll call vote: unanimous

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

7b) Update on LAFCo's Role in Drought Emergency Out of Agency Water Transfers (Video Time 1:25)

EO Hinman presented an informational report to update the Commission on the Countywide drought emergency progress. Staff presented LAFCo's operative regulations and policies related to out of agency service provision and requested Commission direction regarding LAFCo's role in the current drought response water supply hauling.

The Commission delegated the matter to the Executive Committee and on September 23, 2021 it met to discuss the options, heard public comment, and directed LAFCo Legal Counsel and staff to do additional research on the applicability of Government Code Section 56133 to the emergency provision of services and development of a policy addressing emergency water deliveries to the Policies and Procedures Committee. A meeting will be scheduled with the Policies and Procedures Committee for policy development.

Commissioner McGourty added that the County received a \$2 million grant from the State Water Resources Control Board Division of Drinking Water. In addition, the SWRCB will allow Ukiah to use its pre-1914 water rights to supply water to Fort Bragg.

No action taken.

7c) Proposed Special Meeting (Video Time: 1:28:17)

Staff requested a special meeting for the UVFD Annexation Application Protest Hearing on Monday, November 8 or Wednesday November 10, 2021. To meet the Board of Equalization December 1st deadline, the protest hearing needs to be held as soon as possible following the 30-day reconsideration period.

Staff received direction to schedule the special meeting based on Commissioners Ignacio, Froneberger, and McGourty recommendation of Monday, November 8, 2021 at 10 am.

Commissioner Ward asked about a resolution for the meeting per AB361. EO Hinman responded that a resolution will need to be adopted at the November 1st Regular Meeting to cover the time period for the special meeting.

8. INFORMATION AND REPORT ITEMS

8a) Work Plan, Current, and Future Proposals (Video Time: 1:31:44)

Active Proposals: no change to most proposals excepting for the following:

- The County Auditor/Assessor have provided the tax rate area information to effected agencies for the City of Ukiah's application to annex City-owned properties.

Future Proposals: No change since the previous update.

Work Plan:

- The approval of the UVFD MSR/SOI marked the completion of the two tasks scheduled for this year.
- An administrative draft of the CSA 3 report is expected within the coming weeks and Staff will coordinate the next steps with the County.
- Staff will also reach out to the City of Ukiah and the UVSD.

Commissioner Ward asked for an update to the Covelo CSD Financial information and Census data. EO Hinman thanked him for the reminder and follow up.

8b) Correspondence None.

8c) CALAFCO Business and Legislation Report

- EO Hinman reminded the Commission of the CALAFCO Board Meeting to be held on Thursday and Friday, October 7 and 8, 2021. The information was forwarded to Commissioners and attendance is encouraged.
- Infrastructure and Cyber Security, the first virtual conference session, is scheduled for October 8, 2021 and is free to all CALAFCO Members.

Included in the agenda packet:

- An implementation guide for AB361 from the California Special District Association (CSDA)
- CALAFCO Legislative Report

8d) Executive Officer's Report (Video Time: 1:36:43)

EO Hinman reported the following:

- She has been invited to sit on a CALAFCO webinar panel: "Throw Out the Historic Water Framework, What do LAFCos do Now?" with the State Water Board Assistant Deputy Director and a Merced County LAFCo Commissioner. The panel will be scheduled for December.
- Staff intends to submit the audit financials to the Treasurer by the end of the month.

Questions from Commissioner Ward:

Q He requested an update on the Sustainable Ag Lands Community (SALC) Grant.

A EO Hinman said that the project concludes at the end of the year. A meeting is scheduled for today and she will provide an update during the November 1st meeting. LAFCo's role is in assisting with distributing information to the public and finalizing fact sheets for the SALC website.

Q He asked if LAFCo will experience a savings from the project.

A Because the project is funded by a grant, it has no impact to LAFCo's budget.

Commissioner Froneberger commended Staff on the meeting and supporting materials, noting the large size of the packet.

8e) Committee Reports (Executive Committee/Policies & Procedures)

Staff will reach out to schedule a Policies & Procedures committee meeting in the coming weeks.

8f) Commissioners Reports, Comments or Questions

- Chair Orth reported that the Brooktrails application for sewer water reuse to potable water is moving forward.

ADJOURNMENT (Video Time: 1:42:43)

There being no further business, the meeting adjourned at 10:43 a.m. The next regular meeting is scheduled for Monday, November 1, 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. [October 4, 2021, YouTube meeting recording](#). Links to recordings and approved minutes are also available on the [LAFCo website](#).