

MENDOCINO

Local Agency Formation Commission

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

Scott Ignacio
Point Arena City Council

John McCowen
County Board of Supervisors

Vacant
Special District Member

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

Approved by Commissioner on November 2, 2020

MINUTES

Local Agency Formation Commission of Mendocino County

Regular Meeting of Monday, September 14, 2020

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

1. CALL TO ORDER and ROLL CALL (Video Time 3:11)

Chair Brown called the meeting to order at 9:01 a.m.

Regular Commissioners Present: Carre Brown, Gerald Ward, Gerardo Gonzalez, Scott Ignacio, and John McCowen

Regular Commissioners Absent: Tony Orth

Alternate Commissioners Present: Richard Weinkle, Jennifer Bazzani (seated for former Commissioner Huff)

Alternate Commissioners Absent: Will Lee, John Haschak

Staff Present: Uma Hinman, Executive Officer; Larkyn Feiler, Analyst; Kristen Meadows, Clerk

2. PUBLIC EXPRESSION (Video Time 5:51)

No one from the public indicated interest in public expression.

3. CONSENT CALENDAR (Video Time 6:39)

3a) Approval of the August 3, 2020 Regular Meeting Summary

Commissioner McCowen noted a correction to a reference of County Service Area 3 – a missing 3 – on page 12 of the agenda packet.

3b) Approval of the August 2020 Claims & Financial Report

<u>August 2020 Claims totaling</u>	<u>\$ 20,527.68</u>
Hinman & Associates Consulting	\$ 12,938.44
P. Scott Browne	\$ 4,954.50
Newspapers	\$ 274.64
Ukiah Valley Conference Center	\$ 670.10
PNP CPA	\$ 1,690.00

Commissioner McCowen requested clarification on the legal invoices. EO Hinman explained that LAFCo is charged a flat rate for general legal services capped at an average of four hours per month over a year and noted that she would work with Legal Counsel to provide more clarity on future invoices.

Commissioner Ignacio welcomed Commissioner Gonzalez to the meeting at 9:10 a.m.

3d) Certificate of Appreciation for Commissioner Huff

Chair Brown made note of the commendation for former Commissioner Huff.

Following a motion by Commissioner McCowen and a second by Commissioner Ward, the Consent Calendar was unanimously approved with noted changes by roll call vote.

Ayes: (6) McCowen, Bazzani, Ward, Ignacio, Gonzalez, Brown

4. PUBLIC HEARING ITEM None.

5. WORKSHOP ITEMS None.

6. MATTERS FOR DISCUSSION AND POSSIBLE ACTION (Video Time 15:55)

6a) Release Request for Proposals and Establish an Ad Hoc Committee for Work Plan Implementation

EO Hinman presented the item. (Video Time 16:19)

Commissioner Bazzani left the meeting at 9:18 a.m. due to technical difficulties.

Commissioner Ward inquired about why the issue was not raised during the budget process and what staff recommends if the costs exceed the budgeted amounts. EO Hinman responded that the applications were not on file during the budget process, the reports were planned to be prepared in-house at that time, and it was assumed that the City of Ukiah would be a two-year study. Commissioner Ward inquired about whether there would be two RFPs, one for each agency, and EO Hinman responded that the RFP allows for individual or combined proposals to be submitted for the City of Ukiah and Ukiah Valley Sanitation District (UVSD).

Commissioner Ignacio expressed support for the RFP.

Commissioner McCowen also supported the RFP and inquired about whether the cost of the consultant would be paid by the applicant. EO Hinman responded that the UVSD study is scheduled for this fiscal year and the City study is scheduled for the current and next fiscal year in the Work Plan budget, and that both studies will likely require CEQA review beyond an exemption level, which is not included in the Work Plan budget, and is the purpose for trying to coordinate the City's SOI Update with the City's General Plan Update process underway. Discussion ensued regarding Commission policy that the cost for sphere change is the responsibility of the subject agency and there are multiple applications pending completion of the SOI Update. Commissioner McCowen expressed concern regarding member agencies paying for an individual agency's application process.

Commissioner Weinkle supported the RFP and also expressed concern regarding the allocation of costs.

Chair Brown reported that the Executive Committee discussed and approved a list of consultants for distribution of the RFP and provided staff direction to require consultant disclosure of any work performed for the subject agencies and potential disqualification based on the scope of involvement.

Commissioner Ward inquired about how to handle bids exceeding the Work Plan budget and EO Hinman clarified that the issue would be addressed by the RFP Ad Hoc Committee.

Commissioner Ignacio inquired about whether approval of a proposal is anticipated by the November 2, 2020 Commission meeting. EO Hinman responded that the intent is for the RFP Ad Hoc Committee to provide a recommendation at the November Commission meeting and for work to potentially begin in December.

Chair Brown encouraged the Commission to select Ad Hoc Committee members with longevity to ensure consistency and recommended Commissioner Orth due to his many years of experience. Commissioner McCowen agreed with Chair Brown's recommendation of Commissioner Orth and also recommended Commissioners Ignacio or Ward for the Ad Hoc Committee. Commissioner Ignacio explained that he could not guarantee his re-election and therefore his availability to serve on the Ad Hoc Committee. Commissioner Ward agreed to participate in the Ad Hoc Committee.

Commissioner McCowen motioned to approve the release of the request for proposals and to appoint an RFP Ad Hoc Committee consisting of Commissioners Orth and Ward with direction to work with the Executive Officer. Commissioner Ignacio seconded the motion which passed unanimously by roll call vote.

Note: Commissioner Bazzani dropped out of the meeting temporarily due to technical difficulties.

Ayes: (5) Gonzalez, Ignacio, McCowen, Ward, Brown

6b) Report on Proposed Revisions to Indemnity Clause (Video Time 37:50)

EO Hinman presented the item. Discussion ensued regarding the Executive Committee unanimously decided to make no changes to the standard application indemnity clause and directed staff to provide this informational report at the next Commission meeting, the City of Ukiah's proposed revision is a policy decision due to the absence of clear legal authority that such a provision is illegal, and the existing indemnity clause language is consistent with other LAFCoS and is not unique.

Mr. Philip A. Williams, Special Attorney for the City of Ukiah, provided public comments and indicated that there are examples of other LAFCoS, such as Fresno LAFCo, with indemnity clause language consistent with the proposed revision, noted a San Luis Obispo LAFCo case involving this matter, and encouraged the Commission to continue to reflect on the issue.

Commissioner Ignacio suggested that staff monitor the San Luis Obispo LAFCo case.

EO Hinman noted for the record that Commissioner Bazzani rejoined the meeting at 9:50 a.m.

6c) Fee Schedule Update Report (Video Time 1:07:35)

EO Hinman presented the item. There were no comments or questions from the Commission. EO Hinman noted that an analysis of staff billing rates and updates to the Fee Schedule will be proposed at a future meeting.

6d) CALAFCO Board of Directors Elections (Video Time 1:10:52)

EO Hinman presented the item. Chair Brown nominated Commissioner Ward to serve as Mendocino LAFCo's voting delegate for CALAFCO Board of Directors Elections, which was supported by Commissioners Ignacio, Gonzalez, McCowen, and Bazzani. Commissioner Ward accepted the nomination.

6e) Commissioner Terms of Office and Special District Member Election (Video Time 1:16:21)

EO Hinman presented the item, noted the Commission terms scheduled to end this year for Commissioners Orth, Brown, McCowen, and Gonzalez, in addition to the seat vacated by former Commissioner Huff, and suggested holding one special district member election for both the vacant seat and the ending term seat as a cost saving measure and to streamline the process. Chair Brown expressed support for combining the special district regular and alternate member election process and requested a report back at the next meeting regarding whether Commissioners can continue in office until replaced.

7. INFORMATION/REPORT ITEMS (Video Time: 1:24:12)

7a) Work Plan, Current, and Future Proposals (Video Time: 1:24:12)

EO Hinman presented the item. Chair Brown noted staff direction to provide a legal opinion regarding LAFCo jurisdiction over CSA 3 activation of latent powers.

7b) Correspondence None. (Video Time: 1:27:27)

7c) Executive Officer's Report (Video Time: 1:27:40)

EO Hinman noted that the LAFCo office continues to be closed due to the COVID-19, staff is working on the year-end financial report, and the Mendocino LAFCo website is currently down and there is no estimated restoration date.

7d) Committee Reports (Executive Committee/Policies & Procedures) (Video Time: 1:30:27)

EO Hinman noted current efforts to schedule a Policies & Procedures Committee meeting. Chair Brown reported that at the August 13, 2020 Executive Committee meeting they discussed a potential electronic signature policy.

7e) Commissioners Reports, Comments or Questions (Video Time: 1:32:22)

Commissioner Ward and Chair Brown discussed the current process for Commissioner authorization for payments.

7f) CALAFCO Business and Legislation Report (Video Time: 1:34:17)

EO Hinman noted updates from CALAFCO regarding cancelation of the annual conference, virtual annual Board meeting and elections, and annual achievement awards.

ADJOURNMENT (Video Time: 1:36:26)

There being no further business, the meeting was adjourned at 10:34 a.m. The next regular meeting is scheduled for Monday, October 2, 2020 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 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=wFkJLy3LNTw&list=PLraKTU7AyZLQXUgRLLzYuAU9eq1qMFheb&index=7>