

# MENDOCINO

# Local Agency Formation Commission

Ukiah Valley Conference Center ◊ 200 South School Street ◊ Ukiah, California 95482  
Telephone: 707-463-4470 Fax: 707-462-2088 E-mail: eo@mendolafco.org Web: www.mendolafco.org

## CHAIR

**Richard Shoemaker**  
Russian River Flood Control  
And Water Conservation  
Improvement District

**Agenda Item No. 1**

## VICE CHAIR

**John McCowen**  
County Board  
Of Supervisors

## MINUTES LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY

### Regular Meeting of Monday, June 1, 2015

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

## MEMBERS

**Dan Hamburg**  
County Board  
Of Supervisors

### Call to Order & Roll Call

Vice Chair McCowen called the meeting to order at 9:03am.

**Doug Hammerstrom**  
Fort Bragg City Council

### Members Present:

Commissioners Dan Hamburg, Doug Hammerstrom (9:07am), Holly Madrigal (9:06am), John McCowen, Theresa McNerlin, and Jerry Ward

**Holly Madrigal**  
Willits City Council

**Theresa McNerlin**  
Ukiah Valley Sanitation District

### Members Absent:

Commissioners Richard Shoemaker, by prearrangement

**Jerry Ward**  
Public Member

## ALTERNATE MEMBERS

**Carre Brown**  
County Board  
Of Supervisors

### Alternate Members Present:

Commissioners Carre Brown, Carol Rosenberg, and Angela Silver

**Kevin Doble**  
Ukiah City Council

### Alternate Members Absent:

Kevin Doble, by prearrangement

**Carol Rosenberg**  
Public Member

### Staff Present:

George Williamson, Executive Officer  
Elizabeth Salomone, Clerk

**Angela Silver**  
Calpella County Water District

***Commissioner Angela Silver was seated immediately.***

**Executive Officer**  
George Williamson

## **Consent Calendar**

**Counsel**  
Scott Browne

1. Approval of the May 4, 2015 Regular Meeting Summary Minutes
2. Approval May 2015 Claims
3. Acceptance of the Monthly Financial Report

**Analyst**  
Colette Metz

Upon motion by Commissioner Hamburg and second by Commissioner McNerlin, the Consent Calendar was approved by unanimous consent:

**Commission Clerk**  
Elizabeth Salomone

**Regular Meetings**  
First Monday  
of each month  
At 9:00 AM  
At the Mendocino  
County Board  
Of Supervisors Chambers  
501 Low Gap Road

Ayes: Commissioners Hamburg, Hammerstrom, Madrigal, McCowen, McNerlin, Silver, and Ward

## **Public Expression**

4. Frank McMichael, District Manager - Ukiah Valley Sanitation District, spoke in regards to possible Brown Act violations in the noticing of the June 1, 2015 Regular Commission Meeting, and Public Hearings for the FY 2015-16 Budget on May 4, 2015 and June 1, 2015.

## **Public Hearing**

5. Final Fiscal Year 2015-16 Mendocino LAFCo Budget

Vice Chair McCowen asked the Executive Officer to address the procedural questions raised during Public Expression before opening the Public Hearing.

Comments and questions were offered by Commissioner McNerlin, Hammerstrom, Madrigal, Silver, Ward, Brown, Hamburg, and Rosenberg, George Williamson, Frank McMichael, and Lee Howard.

George Williamson responded to the procedural questions, distributing and presenting a FY 2015-16 Budget Preparation and Review Chronology he prepared. He noted a letter from the Law Offices of John E. Sharp on behalf of the Ukiah Valley Sanitation District regarding Failure of Mendocino County Local Agency Formation Commission to Provide Proper Notice for Proposed Budget was received Friday afternoon, May 29, 2015 which was attached to the Chronology.

Vice Chair McCowen noted the Commissioners had not received copy or notice of this letter until today's meeting.

George Williamson stated that LAFCo Legal Counsel has advised that when Legal Counsel is copied in correspondence to LAFCo, as this letter was, it becomes privileged communications and Mr. Williamson therefore immediately attempted to contact Scott Browne and was unable to reach him before the meeting.

Commissioner McNerlin noted concern over the lack of Public Hearing Notice to the Special Districts, Cities and County for the May 4, 2015 FY 2015-16 Budget. Vice Chair McCowen noted concern as to whether the points raised were true or not true, and the implications for each point raised if they are true. GW spoke to each point, noting supporting law where appropriate.

Frank McMichael spoke in regards to the website posting requirements and past noticing practice of LAFCo. He also noted the Ukiah Valley Sanitation District has issue with Line 24 of the Proposed Approved FY 2015-16 Budget "Special District Training Support."

Lee Howard, "speaking as Lee Howard and only Lee Howard" spoke in regards to possible Brown Act violations in the noticing.

George Williamson recommended the Commission open the Public Hearing and continue it to a date certain, in order to allow time for 21 day noticing to Special Districts, Cities, County and general public, as well as conference with the Legal Counsel.

Commissioner Hamburg asked if the 72 hour notice for this Regular Commission Meeting was met. He also asked for the Proof of Publication for the Ukiah Daily Journal that was not yet received for the FY Public Hearing Notice FY 2015-16 Budget.

## **Public Hearing Opened**

Vice Chair McCowen opened the Public Hearing at 9:40am to hear comments, noting no action would be taken by the Commission today and the public hearing would be continued.

Lee Howard, speaking “as Lee Howard and only Lee Howard” spoke in regards to the legalities of the Public Hearing Notice Line 24 of the Proposed Approved FY 2015-16 Budget “Special District Training Support.” Comments and questions were offered by Commissioner Ward.

Frank McMichael spoke in regards to the legalities of the Public Hearing Notice Line 24 of the Proposed Approved FY 2015-16 Budget “Special District Training Support.”

Upon motion by Commissioner Silver and second by Commissioner Hammerstrom, continuation of the Public Hearing for Final Fiscal Year 2015-16 Mendocino LAFCo Budget to Monday, June 8, 2015 at a Special Meeting, with Legal Counsel advice on legalities of issues raised was approved by roll call vote:

Ayes: Commissioners Hamburg, Hammerstrom, Madrigal, McCowen, Silver, and Ward  
Abstain: Commissioner McNerlin

Commissioner McNerlin asked for Special Districts to be notified by email of the Special Meeting.

Vice Chair McCowen noted there is a list of question for the Executive Officer to review with Legal Counsel.

## **Other Matters for Discussion & Possible Action**

Vice Chair McCowen noted no action can be taken on these items as the agenda does not state what action is expected to be taken. George Williamson concurred.

### **6. Status of MSR and SOI Updates**

George Williamson presented the Staff Report, noting Mr. Bruce Baracco requires further time for completion of MSRs for review and agrees that no further reimburseing of funds will be issued until work completed. Comments and questions were offered by Commission Brown, Madrigal, McCowen, Ward, Madrigal, Hammerstrom, and Rosenberg.

Commissioner Ward recommended that Planwest provide a proposal for the cost of completing the work of Baracco & Associates.

The Executive Officer was directed to place this as an actionable item on the July Regular Meeting Agenda and coordinate with Bruce Baracco to have drafts of the MSRs to Commissioners as soon as possible.

### **7. Status of Current and Future Projects**

George Williamson presented his staff report.

Comments and questions were offered by Commissioners Hamburg and Hammerstrom regarding the Anderson Valley CSD Activation of Latent Powers for Water and Sewer Services.

Commissioner Ward asked for an update on the Moore Annexation, Russian River Flood Control District and Redwood Valley County Water District with regard to outstanding amounts due on their accounts.

Commissioner Ward also asked for an update on the Fort Bragg Detachment and George Williamson responded that mapping discrepancies were discovered and have held up the finalization.

Commissioner Hammerstrom asked for clarification on the financial report regarding Legal cost allocation. Commissioner Ward noted he would forward discrepancies he noted in financial report to the Executive Officer.

Commissioner McCowen noted invoices for work completed by LAFCo need to be issued in a timely manner.

Commissioner McCowen asked for copies of the detailed comment letters from the City of Ukiah and the Ukiah Valley Sanitation District be distributed electronically to the Commissioners so that they may begin familiarizing themselves with the issues.

#### 8. Status of Policies and Procedures Update

Commissioner Hamburg, Chair of the Planning Committee, presented an update. Commissioner Ward asked if the Planning Committee is looking at application fees and Commissioner Hamburg noted that this was not assigned to the Planning Committee.

### **Other Items**

#### 9. Executive Officer's Report

Nothing to report.

#### 10. Commissioners Reports, Comments or Questions

*Commissioner Ward:* The Jere Melo Foundation is organizing a Walk to Take Back Our Forests in memory of Jere Melo on Saturday, August 29, 2015.

*Commissioner Brown:* An update on PG&E license variance update.

#### 11. Legislation Report

George Williamson distributed an update.

### **Adjournment**

There being no further business, at 10:45am the meeting was adjourned to the next regular meeting on Monday, June 6, 2015 at 9:00 AM in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah, California.

[Note: At a later date, the Regular Commission Meeting for July was moved to **July 13, 2015** at same time and location.]