

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

COMMISSIONERS

Jerry Ward, Chair & Treasurer
Public Member

Carre Brown, Vice Chair
County Board of Supervisors

Kevin Doble
Ukiah City Council

Gerardo Gonzalez
Willits City Council

Dan Hamburg
County Board of Supervisors

Theresa McNerlin
Ukiah Valley Sanitation District

Tony Orth
Brooktrails Township CSD

Scott Ignacio, Alternate
Point Arena City Council

John McCowen, Alternate
County Board of Supervisors

Carol Rosenberg, Alternate
Public Member

Vacant
Alternate Special District Seat

STAFF
Executive Officer
Uma Hinman

Analyst
Larkyn Feiler

Commission Clerk
Elizabeth Salomone

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

A G E N D A

Policies and Procedures Committee Meeting

April 9, 2018 10:00am

Ukiah Valley Conference Center, Chardonnay Room
200 S School Street, Ukiah, CA 95482

1. CALL TO ORDER AND ROLL CALL

Commissioners Dan Hamburg, Carol Rosenberg, and Tony Orth

2. MATTERS FOR DISCUSSION & POSSIBLE ACTION

- a) Approval of the September 14, 2017 Policies and Procedures Committee Meeting Minutes
- b) Draft 2018 Legislative Platform
Legislative Platform annual review and recommendation to the Commission.
- c) Draft Participation of Alternate Commissioner Policy Amendment
Review Draft Participation of Alternate Commissioner Policy Amendment regarding alternate commissioner participation in closed sessions of the Commission.
- d) Electronic Email and Device Policy
Develop a draft policy regarding the use of electronic email and devices for Commission consideration.
- e) Commissioner Compensation Policy
Review Commissioner Compensation Policy to consider inclusion of city representatives and alternate.
- f) Draft Policies & Procedures Manual Update
Update and discussion of next steps.
- g) Other Policy & Procedure Update Discussions and/or Recommendations
Opportunity for Committee to discuss additional Policy & Procedure Manual needs or maintenance.

ADJOURNMENT

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Agenda Item 2a

COMMISSIONERS

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MINUTES

Policies and Procedures Committee Meeting

September 14, 2017 1:00pm

Ukiah Valley Conference Center, 200 S School Street, Ukiah, CA 95482

1. CALL TO ORDER AND ROLL CALL

Chair McNerlin called the meeting to order at 1:00pm.

Members Present: Commissioners Dan Hamburg, Theresa McNerlin,
and Tony Orth

Staff Present: Uma Hinman and Elizabeth Salomone

2. MATTERS FOR DISCUSSION & POSSIBLE ACTION

2a. Approval of the July 31, 2017 Policies & Procedures Committee Meeting Minutes

Upon motion by Commissioner Orth and second by Commissioner Hamburg, the minutes for the July 31, 2017 Policies and Procedures Committee Meeting were approved by unanimous vote:

Ayes: Commissioners Hamburg, McNerlin, and Orth

2b. Annual Legislative Platform Development for 2017

EO Hinman presented the legislative proposed platform which was based upon CALAFCO's legislative platform and reviewed by Commissioner McNerlin with suggestions on revising for Mendocino LAFCo. The Committee directed staff to recommend the proposed DRAFT 2017 Legislative Platform to the full Commission.

2c. Annexation Tax Negotiations Procedures

EO Hinman provided an update on the meeting with Carmel Angelo, Alan Flora, and Steve Dunicliff from County of Mendocino Executive Office and Planning Departments. A policy was proposed for review and comment. Committee directed staff to incorporate suggested edits to the policy, forward the proposed document to Committee members for comment, and recommend adoption to the full Commission at the October 2017 regular meeting.

2d. Budget Policy

Discussion was held regarding the development of a policy to specify conditions for budget line exceedance. The Committee directed staff to draft a policy based on discussion and recommend to the full Commission.

2e. Other Policy & Procedure Update Discussions and/or Recommendations

No additional issues were discussed.

3. ADJOURNMENT

There being no further business the meeting was adjourned at 1:026pm.

The next Regular Commission Meeting is scheduled for

October 2, 2017 at 9:00am

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

MENDOCINO
Local Agency Formation Commission

Staff Report

DATE: April 9, 2018
TO: LAFCo Policies & Procedures Committee
FROM: Uma Hinman, Executive Officer
SUBJECT: Draft 2018 Legislative Platform

STAFF RECOMMENDATION

Policies & Procedures Committee review and discuss the Draft Legislative Platform and make recommendation to the full Commission.

BACKGROUND

State Legislators annually propose new legislation that can significantly impact LAFCOs. This includes bypassing the LAFCo process for boundary changes and governmental reorganizations, creating new unfunded mandates, and other legislative changes that reduce or eliminate local discretion. The Commission adopted a *Legislative Policy* in 2017 for purposes of establishing a uniform process with respect to reviewing proposed state legislation and taking formal positions on individual bills. The Policy directs the Commission to annually adopt a Legislative Platform that will guide the Commission's decision making as it relates to submitting letters of support or opposition for proposed state legislation affecting LAFCOs.

To assist the Committee, the Executive Officer has reviewed the 2018 CALAFCO Legislative Platform and has suggested revisions consistent with Mendocino LAFCo's 2017 Legislative Platform. Deletions/additions are indicated with strikethroughs/underlining.

Attachments: Draft 2018 Legislative Platform

Mendocino LAFCo

DRAFT 2018 Legislative Platform

1. LAFCo Purpose and Authority

- 1.1. Support legislation which enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., and oppose legislation which diminishes LAFCo authority.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, and oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities, which require expansion of current local funding sources. Oppose unrelated responsibilities which dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies, which may have overlapping responsibilities in orderly growth, preservation, and service delivery, and oppose legislation or policies which create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

2. LAFCo Organization

- 2.1. Support the independence of LAFCo from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.
- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond a LAFCo's boundaries.

3. Agricultural and Open Space Protection

- 3.1. Support legislation which clarifies LAFCo authority to identify, encourage and ensure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies which encourage cities, counties and special districts to direct development away from all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.4. Support policies and tools, which protect all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a management tool to provide better planning of growth and development, and to preserve agricultural and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the boundaries of agencies.
- 4.4. Support communication among cities, counties, and special districts through a collaborative process that resolves service, housing, land use, and fiscal issues, prior to application to LAFCo.
- 4.5. Support cooperation between counties, ~~and cities,~~ and special districts on decisions related to development within the city's designated sphere of influence.

5. Service Delivery and Local Agency Effectiveness

- 5.1. Support the use of LAFCo resources to review Regional Transportation Plans, including sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, sustainable communities, and conformity with LAFCo's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCo and regional planning agencies.
- 5.2. Support LAFCo authority as the preferred method of local governance. Support the availability of LAFCo tools which provide options for local governance and efficient service delivery, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support the creation or reorganization of local governments in a deliberative, open process which will fairly evaluate the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- 5.5. Support collaborative efforts, including consolidation, among agencies and LAFCo that encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost effective services. Support legislation which provides LAFCo with additional opportunities to encourage shared services.

Primary Issues

A. Authority of LAFCo

Support legislation that maintains or enhances LAFCo's authority to condition proposals to address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, as well as to enact recommendations related to the delivery of services and the agencies providing them, including changes of organization and reorganizations.

B. Agriculture and Open Space Protection

Support policies, programs and legislation that recognize LAFCo's mission to protect and mitigate the loss of all types of agricultural lands, including prime agricultural lands and open space lands, and that encourage other agencies to coordinate with local LAFCOs on land preservation and orderly growth. Support efforts that encourage the creation of habitat conservation plans.

C. Water Availability

Support policies, programs and legislation that promote an integrated approach to water availability and management. Promote adequate water supplies and infrastructure planning for current and planned growth as well as to support the sustainability of all types of agricultural lands, including prime agricultural lands and open space lands. Support policies that assist LAFCo in obtaining accurate and reliable water supply information to evaluate current and cumulative water demands for service expansions and boundary changes, including impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

D. Viability of Local Services

Support legislation that maintains or enhances LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs, including those identified in regional planning efforts such as sustainable communities strategies. Support legislation which provides LAFCo and local communities with options for local governance and service delivery to ensure efficient, effective, and quality service delivery. Support efforts that provide tools to local agencies to address aging infrastructure, fiscal challenges, the maintenance of services, and services to disadvantaged communities.

Issues of Interest

A. Housing

Provision of territory and services to support housing plans consistent with regional land use plans and local LAFCo policies.

B. Transportation

Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

C. Flood Control

The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory, and the impact to public safety of proposed annexation to urban areas of uninhabited territory which is at risk for flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair and maintenance. Support efforts that encourage the creation of habitat conservation plans.

D. Adequate Municipal Services in Inhabited Territory

Expedited processes for inhabited annexations should be consistent with LAFCo law and be fiscally viable. To promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Support policies, programs, and legislation which would provide municipal services to disadvantaged communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of service through periodic updates of Municipal Service reviews, Spheres of Influence, and other studies.

MENDOCINO Local Agency Formation Commission

Staff Report

DATE: April 9, 2018
TO: LAFCo Policies & Procedures Committee
FROM: Uma Hinman, Executive Officer
SUBJECT: Draft Participation of Alternate Commissioner Policy Amendment

STAFF RECOMMENDATION

Policies & Procedures Committee discuss Draft Participation of Alternate Commissioner Policy Amendment and provide direction to staff or make recommendation to full Commission.

BACKGROUND

The Commission directed the Policies & Procedures Committee to review and make recommendations on the policies defining the participation of alternate members in closed sessions. The Executive Officer has consulted with LAFCo Counsel who recommends that alternate members be included in closed sessions to insure they are informed for decision making should they be called upon in a regular member's absence.

Current policy is as follows, with revisions recommended for consideration in strikethrough/underline.

Participation of Alternate Members

- A. Alternate Members shall be seated and entitled to vote if a Regular Member is their category is absent, or has been disqualified on any manner. If both Regular Members in their category are absent or disqualified, the Alternate Member who is authorized to serve shall only have one vote.
- B. Alternate Members are encouraged to take an active role in LAFCo matters including Commission discussions, policy development, working groups, workshops, committees, and CALAFCO activities.
- C. ~~Alternate Members may attend closed sessions when a Regular Member in their category is not present.~~
- C. Because Alternate Members may at any time be called upon to vote in place of a Regular Member, the Mendocino LAFCo encourages Alternate Members to participate in and to attend closed sessions, even when they may not vote.

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Staff Report

DATE: April 9, 2018
TO: LAFCo Policies & Procedures Committee
FROM: Uma Hinman, Executive Officer
SUBJECT: Draft Electronic Email and Devices Policy

STAFF RECOMMENDATION

Policies & Procedures Committee discuss draft electronic email and devices policy and provide direction to staff or make recommendation to full Commission.

BACKGROUND

The Commission directed the Policies & Procedures Committee to consider a policy regarding the use of electronic email and devices.

Staff has researched various electronic devices policies and drafted a policy for the Committee's consideration:

DRAFT Electronic Email and Devices Policy

1. Mendocino LAFCo discourages the use of personal email accounts for LAFCo-related business. All LAFCo related business should be conducted through Commissioners' respective agency-provided email accounts (i.e., county, city, special district), or a personal email account designated specifically for LAFCo business.
2. Mendocino LAFCo discourages the use of personal electronic devices in the course of LAFCo business as any device used may be subject to search as permitted or required by law. Should Commissioners and staff choose to use personal electronic devices for LAFCo-related business, there should be no expectation of privacy on said devices.
3. In order to avoid inadvertent violations of open meeting laws, the Commissioners may not use portable electronic devices to communicate with each other during a meeting of the Commission. Further, consistent with law, a majority of the Commissioners may not communicate with each other, either at the same time or serially, regarding LAFCo matters, outside of noticed Commission meetings.
4. Commissioners and staff should delete all confidential information from portable or personal electronic devices as soon as possible once such information is no longer needed for decision making purposes.

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Staff Report

DATE: April 9, 2018
TO: LAFCo Policies & Procedures Committee
FROM: Uma Hinman, Executive Officer
SUBJECT: Review Commissioner Compensation Policy

STAFF RECOMMENDATION

Policies & Procedures Committee discuss draft electronic email and devices policy and provide direction to staff or make recommendation to full Commission.

BACKGROUND

A question regarding the *Commissioner Compensation* policy was raised, specifically in regards to the exclusion of city members and their alternate for per diem and/or mileage reimbursement. Staff is requesting a Committee discussion and background on the current policy for clarification purposes.

The current *Commissioner Compensation* policy is as follows:

Commissioner Compensation

- A. Special District and Public Members and their Alternates shall be eligible to receive a meeting per diem of \$50.00 and mileage reimbursement at the federal rate for Regular Commission meetings.
- B. Commissioners are eligible for reimbursement of actual costs associated with out-of-county travel, lodging, meals, and registration fees, and other necessary and reasonable expenses. The mileage rate and meal allowances as established by the California Department of Human Resources shall apply.