

MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482

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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

Angela Silver, Alternate
Calpella County Water District

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

Approved by Commission August 7, 2017

MINUTES

LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY

Regular Meeting of Monday, June 5, 2017

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

CALL TO ORDER and ROLL CALL

Chair Ward called the meeting to order at 9:02am.

Members Present: Commissioners Carre Brown, Kevin Doble, Gerardo Gonzalez, Dan Hamburg, Theresa McNerlin, Tony Orth, and Jerry Ward

Members Absent: None

Alternate Members Present: Commissioners John McCowen and Carol Rosenberg

Alternate Members Absent: Commissioners Scott Ignacio and Angela Silver

Staff Present: Uma Hinman, Executive Officer
Larkyn Feiler, Analyst
Elizabeth Salomone, Clerk

PUBLIC EXPRESSION (Video Time: 4:20)

1. Public Expression

None.

CONSENT CALENDAR (Video Time: 4:43)

2. Approval of the May 1, 2017 Regular Meeting Summary Minutes
3. Approval of the May 2017 Claims
4. Executive Officer Contractor Business Name Change

Item 2, Minutes of the May 1, 2017 meeting, was pulled and after discussion, tabled until the July 3, 2017 Regular Meeting.

The following edits were requested to the May 1, 2017 meeting:

- Page 4 of 7, Item 6, Review the times of the Russian River Flood Control MSR & SOI Public Hearing.
- Review the recording of Commissioner Hamburg's comments on page 3 of 7, third paragraph.

Commission discussion was held regarding Commissioner Hamburg's comments during the May 1, 2017 meeting during the Anderson Valley Community Service District Application for Activation of Latent Powers Public Hearing and the accuracy of their documentation in the draft minutes. Staff was directed to review the video recording and present the appropriate changes to Commissioners Hamburg and McCowen for review. The May 1, 2017 draft meeting minutes will be brought back to the Commission on July 3, 2017 for approval.

Commissioner Hamburg revisited his comments and stated he believed the County chose not to negotiate in order not to set a precedent of negotiating property taxes with Special Districts in this way. Commissioner Hamburg stated he did not mean to say the County was not negotiating in good faith; he does not believe that is an accurate statement but meant there was not a clear procedure in place.

Commissioner McCowen restated his position that no negotiation of tax share agreements occurred, the County did not refuse to negotiate, and there was confusion and misunderstanding about the process.

Commissioner Orth noted this issue is important to the Commission and a policy review is needed to address the annexation processes in regards to tax negotiations between special districts and Mendocino County. He suggested a Mendocino County Supervisor work directly and officially with the Mendocino County Executive Office directly when a special district is legally required to work through this process of tax negotiations. Chair Ward directed the Policies & Procedures Committee to provide a recommendation on tax negotiation procedures to their next meeting agenda.

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|---|--------------------|
| <u>May 2017 claims totaling:</u> | <u>\$16,564.14</u> |
| Uma Hinman Consulting: | \$ 12,838.73 |
| Ukiah Valley Conference Center: | \$ 838.40 |
| P. Scott Browne: | \$ 500.00 |
| Commission Reimbursements: | \$ 233.48 |
| County of Mendocino, audio/video & GIS | \$ 208.96 |
| Newspapers (public hearing notices) | \$ 599.07 |
| Deluxe (checks) | \$ 198.50 |
| County of Mendocino (Brown Act/Ethics training) | \$ 160.00 |
| SDRMA (insurance) | \$ 987.00 |

Upon motion by Commissioner Gonzalez and second by Commissioner Brown, Items 3 & 4, the May 2017 claims and Executive Officer Contractor Business Name Change, were approved with corrections by roll call vote:

Ayes: (7) Brown, Doble, Gonzalez, Hamburg, McNerlin, Orth, and Ward

MATTERS SET FOR PROTEST HEARING

5. Protest Hearing for Anderson Valley Community Services District (AVCSD) Application for Activation of Latent Powers (Video Time: 10:00)

Analyst, Larkyn Feiler, presented the AVCSD Protest Hearing to receive written protests from affected landowners and registered voters regarding the proposal from AVCSD to Activate Latent Powers for Ambulance Services.

Chair Ward opened the Protest Hearing for the Anderson Valley Community Service District Application for Activation of Latent Powers at 9:23am.

No one indicated an interest in speaking.

Chair Ward closed the Protest Hearing for the Anderson Valley Community Service District Application for Activation of Latent Powers at 9:24am.

Upon motion by Commissioner Orth and second by Commissioner Doble, LAFCo Resolution number 16-17-11 ordering the activation of latent powers for ambulance services without an election pursuant to Government Code Section 57075(a)(3) was approved unanimously:

Ayes: (7) Brown, Doble, Gonzalez, Hamburg, McNerlin, Orth, and Ward

MATTERS SET FOR HEARING

6. Public Hearing for the Final Budget for Fiscal Year 2017-18 (Video Time: 46:55)

EO Hinman presented the staff report. The total operating costs of \$160,225, an overall reduction from the previous year's operating expenses just under \$10,000. With the approved motions in Items 8 & 9 of this agenda, the rollover from unutilized account budgets will be approximately \$16,000 rather than \$20,000. Comments and questions were offered by Commissioners Ward and Doble.

Chair Ward opened the Public Hearing for the Final Budget for Fiscal Year 2017-18 at 9:48am.

No one from the public indicated an interest in speaking and no comments were received by staff.

Chair Ward closed the Public Hearing for the Final Budget for Fiscal Year 2017-18 at 9:49am.

Upon motion by Commissioner Gonzalez and second by Commissioner Doble, Resolution No. 16-17-12 approving the Final Budget for Fiscal Year 2017-18 was approved by roll call vote:

Ayes: (7) Brown, Doble, Gonzalez, Hamburg, McNerlin, Orth, and Ward

WORKSHOP ITEMS

7. Public Workshop for the Little Lake Fire Protection District (LL FPD) Sphere of Influence (SOI) Update (Video Time 52:00)

EO Hinman thanked the Little Lake FPD for their cooperation and provided an update on the remaining fire district SOI workshops. Analyst Larkyn Feiler presented the staff report. Incoming Chief, Chris Wilkes of Little Lake FPD noted the District just received the Fiscal Year 15/16 Audit for their review and approval and he will forward it to LAFCo staff as soon as possible. Comments and questions were offered by Commissioners Orth, McNerlin, McCowen, Gonzalez, Rosenberg, and Doble.

The Little Lake FPD SOI will be brought to public hearing at a future meeting.

MATTERS FOR DISCUSSION & POSSIBLE ACTION

8. Request for Authorization to Exceed the Basic Services Contract (Video Time 25:25)

EO Hinman presented the request to approve exceedance of the Basic Services budget line no more than \$4,500. She noted the unexpected projects staff handled throughout the fiscal year included a number of backlog items such as the Fort Bragg Rural Fire District, reconciling QuickBooks discrepancies, and emergency services

meetings between agencies. She pointed out the Fiscal Year 2016-17 budget is currently projected to have unspent funds and therefore the exceedance in Basic Services would not mean an overage for the overall budget.

Commissioner Ward noted the Executive Committee reviewed the request, does not want to see a reduction of staffing, and supported the request. Commissioner McCowen suggested approving an exceedance to ensure sufficient funds. Commissioner Doble noted the difficulty of estimating this type of work and the value of service being provided lends to his support. Commissioner Orth noted the services rendered are very valuable.

Upon motion by Commissioner Brown and second by Commissioner McNerlin, the exceedance of the Basic Services budget line by no more than \$4,500 was approved by roll call vote:

Ayes: (7) Brown, Doble, Gonzalez, Hamburg, McNerlin, Orth, and Ward

9. Request for Anderson Valley Community Services District Application Fee Reimbursement
(Video Time: 29:55)

EO Hinman presented the application fee reimbursement request from Anderson Valley Ambulance Service (AVAS), the funding entity for the application involving the AVCSD annexation/detachment and activation of latent powers for ambulance services.

The AVAS request suggested an adjustment of \$3,761.57, which they believe to be related directly to processing the annexation/detachment project component. The Executive Committee reviewed the request and directed staff to further refine the breakdown of processing costs to differentiate between staff time associated with the annexation/detachment component and the activation of latent powers component. Staff identified \$1,682.50 in application processing costs that are attributable solely to the annexation/detachment portion of the AVCSD application. Not included are charges incurred during May 2017, including \$780 of additional time for protest hearing preparations, public hearing notices, and a \$50 Certificate of Completion recording fee, bringing the refund to \$1,921. Comments and questions were offered by Commissioners Hamburg, McCowen, Orth, McNerlin, Rosenberg, and Ward.

Chief Andres Avila commented that the appropriate effort was made by the applicants but the process was not clear and asked for recognition of their time and effort.

Commissioner McCowen urged the Commission to make their decision on the refund based on staff research.

Commissioner McNerlin made a motion to refund the Anderson Valley Ambulance Service the requested amount of \$3,761.57 for the application involving the AVCSD annexation/detachment and activation of latent powers for ambulance services. Commissioner Hamburg seconded the motion. The motion failed with the following roll call vote:

Ayes: (3) Hamburg, McNerlin, and Orth

Noes: (4) Doble, Gonzalez, Brown, and Ward

Upon motion by Commissioner Doble and second by Commissioner Gonzalez, an adjustment of \$2,845 for the actual cost of the annexation line item in the application involving the AVCSD annexation/detachment and activation of latent powers for ambulance services was approved by roll call vote:

Ayes: (7) Brown, Doble, Gonzalez, Hamburg, McNerlin, Orth, and Ward

Joy Andrews, General Manager of AVCSD, thanked the Commission and LAFCo staff. Philip Thomas, Treasurer of Anderson Valley Ambulance Services, thanked the staff, noting he found them helpful, kind, friendly, and always trying to get to the truth. Chair Ward thanked members of AVAS and AVCSD for their patience.

10. Special District Risk Management Authority (SDRMA) Board of Directors Election (Video Time: 1:05:38)

Upon motion by Commissioner Orth and second by Commissioner Brown, votes for Michael J. Karen, Board Director of Apple Valley Fire Protection District, James M. Hamlin, Board Director of Burney Water District, and David Aranda, General Manager of Mountain Meadows Community Services District candidates on the SDRMA Board of Directors Election were approved by unanimous vote:

Ayes: (7) Brown, Doble, Gonzalez, Hamburg, McNerlin, Orth, and Ward

INFORMATION/ REPORT ITEMS

11. Status of Applications, Future Projects, MSR and SOI Updates (Video Time: 1:09:50)

EO Hinman presented the staff report. Comments and questions were offered by Commissioners.

Fort Bragg RFPD North of 10 Mile Annexation

EO Hinman reported steps being taken to clarify mapping issues for final completion.

Status of MSR/SOI Updates

EO Hinman reported approximately two additional fire district SOIs will be ready for workshop next month. LAFCo staff is waiting for the City of Willits to respond with their input on the SOI. The City of Fort Bragg SOI workshop has been tentatively scheduled for the August 7, 2017 meeting.

12. Correspondence (Video Time: 1:11:37)

Comments were offered by Commissioners Orth, Brown, Doble, and Ward.

13. Executive Officer's Report: (Video Time: 1:15:06)

No comments were offered by Commissioners.

14. Committee Reports (Video Time: 1:15:10)

Executive Committee meeting met May 1, 2017.

15. Commissioners Reports, Comments or Questions (Video Time: 1:16:00)

Commissioners were asked to provide further additions to the Joint Powers of Authority list being compiled by staff.

16. Legislation Report (Video Time: 1:22:16)

No reports.

ADJOURNMENT

There being no further business, at 10:26am the meeting was adjourned. The next regular meeting is scheduled for Monday, July 3, 2017 at 9:00am in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah, California.

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. June 5, 2017

https://www.youtube.com/watch?v=5XV1xtBT_ps