

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@mendolafoo.org](mailto:eo@mendolafoo.org) | Web: www.mendolafoo.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

**Special District Seat,
Alternate**
(Jenifer Bazzani to be
sworn in June 2018.)

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

May 21, 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 April 9, 2017 Policies and Procedures Committee Meeting Minutes

b) Commissioner Compensation Policy

Review Commissioner Compensation Policy to consider inclusion of city representatives and alternate.

c) Proposed Draft Policy for Multi County Proposals

Review proposed policy and discuss next steps.

d) Proposed Draft Policy for Areas of Interest

Review proposed policy and discuss next steps.

e) Draft Policies & Procedures Manual Update

Review term definitions and Manual update and discuss next steps.

f) Other Policy & Procedure Update Discussions and/or Recommendations

Opportunity for Committee to discuss additional Policy & Procedure Manual needs or maintenance.

ADJOURNMENT

MENDOCINO

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Vacant
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501 Low Gap Road

Agenda Item 2a

MINUTES

Policies and Procedures Committee Meeting

April 9, 2018 10:00am

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

1. CALL TO ORDER AND ROLL CALL

[Note: Commissioner Carol Rosenberg was assigned to the Policies & Procedures Committee in February 2018 by Chair Ward, replacing Commissioner Theresa McNerlin]

Chair Orth called the meeting to order at 10:05am.

Members Present: Commissioners Dan Hamburg, Tony Orth, and Carol Rosenberg

Staff Present: Uma Hinman and Elizabeth Salomone

2. MATTERS FOR DISCUSSION & POSSIBLE ACTION

2a. Approval of the September 14, 2017 Policies & Procedures Committee Meeting Minutes

Upon motion by Commissioner Orth and second by Commissioner Hamburg, the minutes for the September 14, 2017 Policies and Procedures Committee Meeting were approved by unanimous vote:

Ayes: Commissioners Hamburg and Orth

Abstain: Commissioner Rosenberg

2b. Draft 2018 Legislative Platform

EO Hinman presented the proposed draft 2018 legislative platform, which was based upon CALAFCO's 2018 legislative platform. Discussion was held and the Committee directed staff to recommend the proposed policy to the full Commission.

2c. Draft Participation of Alternate Commissioner Policy Amendment

EO Hinman presented the proposed draft Alternate Commissioner Policy Amendment, language for which was recommended by LAFCo Counsel, Scott P. Browne. Discussion was held and the Committee directed staff to recommend the proposed policy amendment to the full Commission.

2d. Electronic Email and Device Policy

EO Hinman presented a draft policy regarding the use of electronic email and devices for Commission consideration. Discussion was held and the Committee directed staff to recommend the proposed policy amendment to the full Commission.

2e. Commissioner Compensation Policy

EO Hinman presented the current Commissioner Compensation Policy and opened the discussion to consider inclusion of city representatives and alternate in the mileage reimbursement and/or per diem. Discussion was held and the Committee directed staff to 1) research potential impact to budget and email to P&P Committee members, and 2) present the proposed policy amendment with three options for consideration to the full Commission.

Commissioner Orth called a break: 10:44 – 10:49am.

2f. Draft Policies & Procedures Manual Update

EO Hinman presented the working draft Policies and Procedures Manual update. Discussion was held and consensus met for approval of the new numbering format of the manual. Staff will continue to develop the addition of definitions and fee policy, electronic hot links to resolutions numbers of policy updates, and any proposed policies approved by the Commission in May, and present the full revised draft to the Committee for the next Policies & Procedures Committee meeting on Monday, May 21, 2018 at 10:00am.

2g. Other Policy & Procedure Update Discussion and/or Recommendations

The Committee requested a proposal for realigning the LAFCo Commissioner terms to better coincide with Special District, City, and County terms.

3. ADJOURNMENT

There being no further business the meeting was adjourned at 11:08am.

The next Regular Commission Meeting is scheduled for May 7, 2018 at 9:00am
in the County Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California

MENDOCINO
Local Agency Formation Commission

Staff Report

DATE: May 21, 2018
TO: LAFCo Policies & Procedures Committee
FROM: Uma Hinman, Executive Officer
SUBJECT: Review Commissioner Compensation Policy

STAFF RECOMMENDATION

Policies & Procedures Committee discuss draft Commissioner Compensation Policy and provide direction to staff or make recommendation to full Commission.

BACKGROUND

On April 9, 2018, the Policies & Procedures Committee discussed revising the *Commissioner Compensation* policy to include city members and their alternate for per diem and/or mileage reimbursement. Additional information was requested regarding impact to budget.

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.

Budget Analysis

Current policy is \$50/Regular Meeting and mileage reimbursement for Special District and Public Members. We currently have \$2,000 budgeted for in-county travel and stipends, both in the 2017/18 and 2018/19 budgets. With the exception of 2016/17, the last 5 years' actuals for this account have been less than \$2,000 annually.

However, the following table provides an analysis if all eligible members were to seek reimbursement for per diem and mileage.

| | Number of members | Annual Per Diem (\$50/mo) | Estimated mileage/year ¹ (.545/mile) | Totals |
|--|-------------------|---------------------------|---|-----------------|
| Special District Members | 3 | \$ 1,800 | \$ 458 | \$ 2,258 |
| Public Members | 2 | \$ 1,200 | \$ 327 | \$ 1,527 |
| Subtotals | 5 | \$ 3,000 | \$ 785 | \$ 3,785 |
| City Members (Proposed) | 3 | \$ 1,800 | \$ 1,373 | \$ 3,173 |
| Totals | 8 | \$ 4,800 | \$ 2,158 | \$ 6,958 |
| Notes: Does not include County members. Milage estimate based on current Commissioner locations. | | | | |
| ¹ Mileage estimated from city to LAFCo meeting location (Willits - 50 mi; Ukiah - 10 mi; Fort Bragg - 115 mi; Point Arena - 150 mi) | | | | |

The proposed inclusion of city members for being eligible for both per diem and mileage could add approximately \$3,785; approximately \$1,527 (approximate) for mileage only. County Commissioners are not eligible for compensation. Commissioners Ward and Doble do not request reimbursement for per diem or mileage. Additionally, Ukiah-based Commissioners' mileage reimbursement is minimal, which is why our current budget of \$2000 has been adequate.

Cities current compensation is as follows:

- Ukiah City Council (all) compensation - \$490/month (2006)
- Willits City Council (mayor) compensation - \$200/month (2015)
- Fort Bragg City Council (all) compensation - \$300/month (2012)
- Point Arena City Council (mayor) compensation - \$100/month (2015)

MENDOCINO Local Agency Formation Commission

Staff Report

DATE: May 21, 2018
TO: LAFCo Policies & Procedures Committee
FROM: Uma Hinman, Executive Officer
SUBJECT: Proposed Draft Policy for Multi-County Proposals

STAFF RECOMMENDATION

Policies & Procedures Committee discuss draft Multi-County Proposals Policy and provide direction to staff or make recommendation to full Commission.

BACKGROUND

The CKH provides that the county having all or the greater portion of the assessed value of all taxable property within a district for which a change of organization or reorganization is proposed is the principal county for changes in organization that involving that district. The Act further provides that the LAFCo of the principal county shall have exclusive jurisdiction over all boundary changes affecting a district located in more than one county, unless the LAFCo of the principal county vests exclusive jurisdiction in the LAFCo of another affected county, and both LAFCos agree to the transfer of jurisdiction.

Mendocino County shares at least two districts with neighboring counties, neither of which Mendocino County is the principal county: Humboldt County (Southern Humboldt Community Healthcare District) and Sonoma County (Coast Life Support District). Whenever issues or potential applications have come up about either of these districts, it is we've been in touch with the other LAFCO, to notify of an application and/or to get feedback and comment or recommendation.

Sonoma County approved a policy in June 2004 regarding multi-county districts (attached), which was based on information in sections 56123 and 56124 of CKH. There have been only a few situations in which issues associated with the Mendocino-Sonoma shared district have come up. In 2004 the Coast Life Support District applied for a sphere amendment and annexation. At that time, Sonoma LAFCo sent Mendocino LAFCo the application and requested comment/recommendation from Mendocino LAFCO on the MSR and proposal. Mendocino LAFCo provided a letter of support to Sonoma LAFCo. In 2015, Mendocino LAFCo staff requested Sonoma LAFCo's comment on a request from the Gualala CSD to amend its sphere to include territory in Sonoma County.

Also attached for information is Nevada LAFCo's policy regarding inter-LAFCo coordination.

Staff has developed the following proposed policy language for Committee discussion and consideration (numbering temporary).

1.1 Inter-LAFCo Coordination (Proposed)

1.1.1 Purpose

Mendocino LAFCo recognizes that special districts may have territory in more than one county and that development patterns similarly do not always follow county boundaries. The Commission also recognizes that decisions made in one county can have significant environmental, economic, or fiscal impacts on another county. Recognizing that sharing information, policies and perspectives with neighboring LAFCos can benefit the public by enhancing and expediting the decision-making process, Mendocino LAFCo seeks to foster such sharing by formalizing its policy on cooperation with other LAFCos.

1.1.2 General

In recognition that the Cortese-Knox-Hertzberg Act vests authority for jurisdictional changes and all other matters with the LAFCo of a district's Principal County, Mendocino LAFCo affirms as policy that activities and decisions affecting independent special districts having territory in more than one county ("multi-county districts") are the sole responsibility of the Principal County LAFCo. This policy applies to:

- 1) Conduct and adoption of Municipal Service Reviews ("MSRs");
- 2) Adoption, update and amendment of Sphere of Influence Plans ("SOIs"), including adjustments of sphere horizons and changes in the assignment of territory to particular horizons;
- 3) Changes of organization such as formation, dissolution, annexation, and detachment;
- 4) Actions affecting the provision of services, such as changes in service boundaries and provision of new services.
- 5) Notwithstanding the policy stated above, Mendocino LAFCo will share information and engage in joint activities with neighboring LAFCos whenever doing so can reasonably be expected to reduce costs, improve efficiency in performance of LAFCo actions, or enhance the quality of LAFCo decisions and not conflict with provisions of applicable law.

1.1.3 Transfers of Jurisdiction

When requested by LAFCo of an affected county, Mendocino LAFCo will consider and determine, on a case-by-case basis, whether it is appropriate to transfer jurisdiction to the LAFCo of the affected county.

The Commission has authority pursuant to the provisions of Section 56388 of the Government Code to transfer jurisdiction for certain district proposals to the LAFCo of the county in which the subject territory is wholly or partially located. Mendocino LAFCo recognizes that such transfer of jurisdiction may benefit the public by expediting service or enhancing development of information regarding the subject territory. The Commission hereby delegates to its Executive Officer its authority to transfer jurisdiction for proposals involving a multi-county district and property located wholly outside Mendocino County if those proposals are of minor significance and the transfer would be of benefit to the public.

- 1) Proposals for formation or dissolution of agencies, modification of sphere plans, or activation of latent powers may not be transferred without Commission approval.
- 2) Considerations involved in the determination whether a proposal is of minor significance include, but are not necessarily limited to, the size of the area involved, the number of property owners, the assessed valuation, and the potential impact of the action on all affected service providers.
- 3) The Mendocino LAFCo Executive Officer shall make any such transfer of jurisdiction in writing (or subsequently prepare a written record for a transfer first approved orally or

electronically) and promptly inform the Chair. The Chair and Executive Officer shall report such transfers to the Commission in a timely manner.

1.1.4 Multi-County Application Processing Procedures

Mendocino LAFCo recognizes the need to collaborate with the LAFCos of affected counties and when considering a change of organization of a district that is located in more than one county. To further this collaboration and assure thorough and consistent consideration of applications affecting more than one county, the Commission adopts the following procedure for processing applications from multi-county districts.

1.1.4.1 Mendocino LAFCo the Principal LAFCo

The Executive Officer of Mendocino LAFCo will inform neighboring LAFCo Executive Officers whenever Mendocino LAFCo receives a proposal for or initiates action on an MSR, SOI, organizational change, or service change involving a multi-county district for which Mendocino is the Principal County but has territory in the neighboring LAFCo's county.

- 1) Applications affecting the boundaries of a district for which Mendocino LAFCo is the principal LAFCo shall be submitted to Mendocino LAFCo, including instances in which the subject territory is located in another county. Prior to application, applicants should meet with Mendocino LAFCo staff and the staff of the LAFCo in the affected county regarding process and application requirements.
- 2) Upon receipt of an application involving territory in another county, Mendocino LAFCo staff shall immediately forward a copy of the application to the LAFCo of the affected county. Mendocino LAFCo staff shall also notify all affected local agencies of any proceedings, action, or reports on the proposed change of organization.
- 3) Mendocino LAFCo staff shall consult with the staff of the LAFCo of the affected county and the staffs of affected agencies, to gather data for the Executive Officer's report and recommendation.
- 4) Mendocino LAFCo shall schedule Commission consideration of the application so that the LAFCo of the affected county has had time to review the application and submit a written recommendation to be included in the Executive Officer's report for Mendocino LAFCo consideration.
- 5) During its consideration of the application, the Commission shall consider the Executive Officer's report, the recommendation of the LAFCo of the affected county, and the comments of interested persons and affected local agencies in making its determination.
- 6) Following the Commission's consideration of the application, the Executive Officer shall forward any resolutions and written report of Commission action to all affected local agencies and the LAFCo of the affected county.

1.1.4.2 Mendocino County not Principal LAFCo

Upon receipt by Mendocino LAFCo of a referral from the LAFCo of another county of an application for a change of organization affecting territory in Mendocino County, Mendocino County staff shall place the application and report and recommendation on Mendocino LAFCo's next possible agenda so that the Commission may consider the application and forward a recommendation to the principal LAFCo. The application will be processed and a staff report will be prepared consistent with Mendocino LAFCo's Policies and Procedures.

SONOMA LAFCO

consider the request for review and receive any oral or written testimony. After the conclusion of the hearing, the Commission may affirm, reverse, or modify the decision of the Executive Officer. A request for review shall not be deemed to be an allegation of any flaw in or a pre-judgment of the Executive Officer's decision, nor shall the fact that a member of the Commission has filed a request for review affect that member's right to participate in the hearing and to affirm, reverse, or modify the decision of the Executive Officer, unless actual bias or prejudice is otherwise shown.

- G. Within 30 days after the Commission disapproves or approves with conditions an outside service area agreement, the applicants may request reconsideration of the decision by filing a written request with the Executive Officer. In all other cases, the decision of the Commission on an outside service area agreement shall be final and conclusive. The request for reconsideration shall include the required reconsideration fee and shall state the reasons for the reconsideration. Reconsideration by the Commission shall be noticed and conducted pursuant to Government Code section 56895. The determinations of the Commission on reconsideration shall be final and conclusive.

15. Proposals Affecting More than One County

A. Legislative Authority

- 4) The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 ("the Act") provides that the county having all or the greater portion of the assessed value of all taxable property within a district for which a change of organization or reorganization is proposed is the principal county for changes in organization involving that district. The Act further provides that the LAFCO of the principal county shall have exclusive jurisdiction over all boundary changes affecting a district located in more than one county, unless the LAFCO of the principal county vests exclusive jurisdiction in the LAFCO of another affected county, and both LAFCOs agree to the transfer of jurisdiction.
- 2) The Act also grants each LAFCO the authority to enter into an agreement with the LAFCO of an adjoining county for the purpose of determining procedures for the consideration of proposals that may affect the adjoining county.
- 3) Sonoma LAFCO recognizes the need to collaborate with the LAFCOs of affected counties when considering a change of organization of a district that is located in more than one county. To further this collaboration and assure thorough and consistent consideration of applications affecting more than one county, this Commission adopts the following procedure for processing applications from multi-county districts.

B. Transfer of jurisdiction to LAFCO of another affected county when Sonoma LAFCO is principal LAFCO:

- 1) When requested by the LAFCO of an affected county, Sonoma LAFCO will consider and determine, on a case-by-case basis, whether it is appropriate to transfer jurisdiction to the LAFCO of the affected county.

SONOMA LAFCO

- C. Procedure for processing of applications affecting more than one county when Sonoma LAFCO is principal LAFCO:
1. Applications affecting the boundaries of a district for which Sonoma LAFCO is principal LAFCO shall be submitted to Sonoma LAFCO, including instances in which the subject territory is located in another county. Prior to application, applicants should meet with Sonoma LAFCO staff and the staff of the LAFCO in the affected county regarding process and application requirements.
 2. Upon receipt of an application involving territory in another county, Sonoma LAFCO staff shall immediately forward a copy of the application to the LAFCO of the affected county. Sonoma LAFCO staff shall also notify all affected local agencies of any proceedings, action, or reports on the proposed change of organization.
 3. Sonoma LAFCO staff shall consult with the staff of the LAFCO of the affected county and the staffs of affected agencies, to gather data for the Executive Officer's report and recommendation.
 4. Sonoma LAFCO shall schedule Commission consideration of the application so that the LAFCO of the affected county has had time to review the application and submit a written recommendation to be included in the Executive Officer's report for Sonoma LAFCO consideration.
 5. During its consideration of the application, the Commission shall consider the Executive Officer's report, the recommendation of the LAFCO of the affected county, and the comments of interested persons and affected local agencies in making its determination.
 6. Following the Commission's consideration of the application, the Executive Officer shall forward any resolutions and written report of Commission action to all affected local agencies and the LAFCO of the affected county.
- D. Applications affecting territory in Sonoma County when Sonoma LAFCO is not principal LAFCO:
1. Upon receipt by Sonoma LAFCO of a referral from the LAFCO of another county of an application for a change of organization affecting territory in Sonoma County, Sonoma LAFCO staff shall place the application and report and recommendation on Sonoma LAFCO's next possible agenda so that the Commission may consider the application and forward a recommendation to the principal LAFCO. The application will be processed and a staff report will be prepared consistent with Sonoma LAFCO's Policies and Procedures.

LOCAL AGENCY FORMATION COMMISSION OF NEVADA COUNTY POLICIES

The legislative charge to LAFCo Commissioners is to bring their experience and perspectives to bear in a manner which carries out the best policy from the perspective of the public as a whole. Commissioners are not selected to represent or to cast the vote of their appointing agencies. While Commissioners' decisions may be informed by their experience at their agency, those decisions must not be dictated by the interests of that agency.

Since Commission members are appointed by law to impartially carry out objective policies concerning public policy issues, it is presumed that they will do so. It is for this reason that the Legislature determined that it is not an automatic conflict of interest for a Commissioner to vote on issues that may affect their appointing agency. Nevertheless, if a Commissioner feels that he or she is unable to act impartially, then the Commissioner should voluntarily disqualify himself or herself.

5. Commission Composition. Nevada LAFCo Commissioners are selected from the groups most affected by its decisions: the cities, the county, the public, and special districts. Nevada LAFCo is composed of seven members, each of whom serve four-year terms. These members are:
 - a) Two City Council members and one alternate who are appointed by a committee made up of the mayors of the incorporated cities within Nevada County.
 - b) Two Nevada County Supervisors and one alternate appointed by the Nevada County Board of Supervisors.
 - c) Two Special District Board Members and one alternate appointed by written ballot of the governing boards of special districts.
 - d) One Public Member and one alternate appointed by the Commission with at least one affirmative vote of a member from each of the other three categories.

F. INTER-LAFCO COOPERATION

1. Purpose

Nevada LAFCo recognizes that many special districts have territory in more than one county and that development patterns similarly do not always follow county boundaries. The Commission also realizes that decisions made in one county can have significant environmental, economic, or fiscal impacts on another county. Recognizing that sharing information, policies and perspectives with neighboring LAFCos can benefit the public by enhancing and expediting the decision-making process, Nevada LAFCo seeks to foster such sharing by formalizing its policy on cooperation with other LAFCos.

2. General

- a) In recognition that the Cortese-Knox-Hertzberg Act vests authority for jurisdictional changes and all other matters with the LAFCo of a district's Principal County, Nevada LAFCo affirms as policy that activities and decisions affecting independent special districts having territory in more

**LOCAL AGENCY FORMATION COMMISSION OF NEVADA COUNTY
POLICIES**

than one county (“multi-county districts”) are the sole responsibility of the Principal County LAFCo. This policy applies to

- (1) Conduct and adoption of Municipal Service Reviews (“MSRs”);
- (2) Adoption, update and amendment of Sphere of Influence Plans (“SOIs”), including adjustments of sphere horizons and changes in the assignment of territory to particular horizons;
- (3) Changes of organization such as formation, dissolution, annexation, and detachment;
- (4) Actions affecting the provision of services, such as changes in service boundaries and provision of new services.

b) Notwithstanding the policy stated above, Nevada LAFCo will share information and engage in joint activities with neighboring LAFCos whenever doing so can reasonably be expected to reduce costs, improve efficiency in performance of LAFCo actions, or enhance the quality of LAFCo decisions and not conflict with provisions of applicable law. (Support for this policy can be found in the Guidelines for Municipal Service Reviews prepared by the Governor’s Office of Planning and Research: See, for example, Chapter 3.C., where the discussion of Key Decision Points, under “Multi-County Review,” suggests coordinating data collection with adjacent LAFCos; in Chapter 5.B., the analysis of Example 5—Using Multi-County Study Areas suggests the possibility of creating a Joint Powers Agreement for two LAFCos to jointly conduct a Municipal Service Review.)

3. Information Sharing

- a) The Executive Officer of Nevada LAFCo will inform neighboring LAFCo Executive Officers whenever Nevada LAFCo receives a proposal for or initiates action on an MSR, SOI, organizational change, or service change involving a multi-county district for which Nevada is the Principal County but has territory in the neighboring LAFCo’s county.
- b) Upon request by a neighboring LAFCo’s Executive Officer, Nevada LAFCo’s Executive Officer will make available information regarding such action (including data collected in the course of carrying out the action) to the extent that doing so does not interfere with normal operations of Nevada LAFCo.

4. Joint Planning/Conduct of Activities

- a) Nevada LAFCo’s Executive Officer will offer the neighboring LAFCo Executive Officer an opportunity to meet and engage in joint planning of projects such as MSRs and Sphere Plan updates involving multi-county districts. When the two (or more) Executive Officers concur that it would be mutually beneficial to engage in joint planning and/or joint conduct of activities (such as meetings with staff of other agencies), information-gathering activities (such as design and circulation of surveys), or public presentations (such as workshops), the Nevada LAFCo Executive Officer

LOCAL AGENCY FORMATION COMMISSION OF NEVADA COUNTY
POLICIES

may participate in such activity to the extent he or she considers appropriate. The Nevada LAFCo Executive Officer shall inform the Nevada LAFCo Chairperson in a timely manner of any decision to engage in joint planning or joint conduct of activities with the neighboring LAFCo Executive Officer; the Chairperson and Executive Officer shall inform the Commission of such decisions in a timely manner.

- b) Whenever the Executive Officers consider it appropriate, they may request their respective Commissions to schedule a joint meeting for discussion of matters of mutual interest and/or coordination of activities. Such meetings are understood to have the purpose of mutually respectful communication of information and concerns and not to affect the formal discharge of either Commission's responsibilities under law.

5. Transfers of Jurisdiction

- a) The Commission has authority pursuant to the provisions of Section 56388 of the Government Code to transfer jurisdiction for certain district proposals to the LAFCo of the county in which the subject territory is wholly or partially located. Nevada LAFCo recognizes that such transfer of jurisdiction may benefit the public by expediting service or enhancing development of information regarding the subject territory. The Commission hereby delegates to its Executive Officer its authority to transfer jurisdiction for proposals involving a multi-county district and property located wholly outside Nevada County if those proposals are of minor significance and the transfer would be of benefit to the public.
 - (1) Proposals for formation or dissolution of agencies, modification of sphere plans, or activation of latent powers may not be transferred without Commission approval.
 - (2) Considerations involved in the determination whether a proposal is of minor significance include, but are not necessarily be limited to, the size of the area involved, the number of property owners, the assessed valuation, and the potential impact of the action on all affected service providers.
- b) The Nevada LAFCo Executive Officer shall make any such transfer of jurisdiction in writing (or subsequently prepare a written record for a transfer first approved orally or electronically) and promptly inform the Chair. The Chair and Executive Officer shall report such transfers to the Commission in a timely manner.

MENDOCINO

Local Agency Formation Commission

Staff Report

DATE: May 21, 2018
TO: LAFCo Policies & Procedures Committee
FROM: Uma Hinman, Executive Officer
SUBJECT: Proposed Draft Area of Interest Policy

STAFF RECOMMENDATION

Staff recommends the Committee discuss the concept of recommending policy language to the Commission that would define “Area of Interest”.

BACKGROUND

“Area of Interest” is a policy tool used by other LAFCOs throughout the state to serve as a compromise approach that recognizes situations involving challenging boundary considerations. LAFCOs in other counties that have adopted SOI policies or other agreements that include “Area of Interest” or a similar term include Butte, Merced, Napa, Nevada, San Luis Obispo, Stanislaus, and Ventura.

An “Area of Concern/Interest” is defined in the Definition of Terms as the geographical area beyond the Sphere of Influence of a local agency in which land use decisions, or other governmental actions of the jurisdiction impact directly or indirectly upon the local agency, or for which urbanization may be anticipated in the intermediate or long range planning horizons.

Staff recommends the Committee consider both the concept and the following proposed language, which closely mirrors many of the other LAFCOs, and describe how the new term would be applied in Mendocino County.

1.1 Areas of Interest

LAFCo may, at its discretion, designate a geographic area beyond the sphere of influence as an Area of Interest to any local agency.

- A. An Area of Interest is a geographic area beyond the sphere of influence in which land use decisions or other governmental actions of one local agency (the "Acting Agency") impact directly or indirectly upon another local agency (the "Interested Agency"). For example, approval of a housing project developed to urban densities on septic tanks outside the city limits of a city and its sphere of influence may result in the city being forced subsequently to extend sewer services to the area to deal with septic failures and improve city roads that provide access to the development. The city in such a situation would be the Interested Agency with appropriate reason to request special consideration from the Acting Agency in considering projects adjacent to the city.

- B. When LAFCo receives notice of a proposal from another agency relating to the Area of Concern, LAFCo will notify the Interested Agency and will give great weight to its comments.
- C. LAFCo will encourage Acting and Interested Agencies to establish Joint Powers Agreements or other commitments as appropriate.