
MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center ♦ 200 South School Street, Suite F ♦ Ukiah, California 95482

CHAIR

RICHARD SHOEMAKER
RUSSIAN RIVER FLOOD
CONTROL AND WATER
CONSERVATION
IMPROVEMENT DISTRICT

VICE CHAIR

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OF SUPERVISORS

MEMBERS

DAN HAMBURG
COUNTY BOARD
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DOUG HAMMERSTROM
FORT BRAGG CITY COUNCIL

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GUINNESS McFADDEN
POTTER VALLEY IRRIGATION
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ALTERNATE MEMBERS

JOHN McCOWEN
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HOLLY MADRIGAL
WILLITS CITY COUNCIL

TONY ORTH
BROOKTRAILS TOWNSHIP
COMMUNITY SERVICES
DISTRICT

GERALD WARD
PUBLIC MEMBER

EXECUTIVE OFFICER

BRUCE C. BARACCO

COUNSEL

THOMAS R. PARKER

COMMISSION CLERK

ELIZABETH SALOMONE

LAFCO ANALYST

CRAIG BARACCO

Approved by the Commission on February 3, 2014.

SUMMARY MINUTES

LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY

Regular Meeting of Monday, January 6, 2014

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

Call to Order Chair Shoemaker called the meeting to order at 9:03 AM.

Roll Call

Members Present: Commissioners Carre Brown, Dan Hamburg, Doug Hammerstrom, Michael Kisslinger, Guinness McFadden and Richard Shoemaker (until 9:56 AM)

Members Absent: None

Alternate

Members Present: Commissioners Holly Madrigal, John McCowen and Gerald Ward

Alternate

Members Absent: Commissioner Tony Orth

Staff Present: Bruce Baracco, Executive Officer, and Elizabeth Salomone, Commission Clerk

Alternate Commissioner Madrigal assumed the City Member seat.

Consent Calendar

1. Approval of the Summary minutes of the December 2, 2013 Regular meeting.
2. Approval of claims covering the period November 24 through December 28, 2013 totaling \$11,408.41.

Later in the meeting, Commissioner Brown pointed out typographical errors in the minutes dated December 2, 2013 on Page 5 of 8 to the Commission Clerk, which was not noted during the initial review of the minutes. The changes are underlined in the paragraph below:

“Commissioner McCowen commented in favor of approval of the MSR as a “snapshot in time” based on the best information currently available. He suggested that the Commission could address the approval of the SOI as a separate matter, possibly postponing approval of the SOI until the law suit is settled.”

Upon motion by Commissioner Kisslinger and second by Commissioner Hamburg, Agenda Items 1 and 2 were approved by the following roll call vote:

Ayes: Commissioners Brown, Hamburg, Hammerstrom, Kisslinger
McFadden, and Shoemaker

Noes: None

Abstain: Commissioner Madrigal

Absent: None

Public Expression

3. There were no members of the public who indicated an interest in speaking.

Other Matters

4. Election of Officers

Mr. Baracco reported that pursuant to Commission Policy and Procedures, Chapter III, Section E, nominations are in order to elect a Chair and Vice Chair to serve for the 2014 Calendar Year.

Upon motion by Commissioner McFadden and second by Commissioner Hamburg, the election of Richard Shoemaker to serve as the Commission Chair was approved unanimously.

Upon motion by Commissioner Shoemaker and second by Commissioner Madrigal, the election of Carre Brown to serve as the Commission Vice-Chair was approved unanimously.

5. Appointment of Committees

Upon motion by Commissioner Brown and second by Commissioner Kisslinger, the selection of Commissioner Shoemaker, Commissioner Brown and Commissioner Ward to serve as the Executive Committee was approved unanimously.

Upon motion by Commissioner Brown and second by Commissioner McFadden, the selection of Commissioner Hammerstrom, Commissioner Hamburg and Commissioner Kisslinger to serve as the Policies & Procedures Committee was approved unanimously.

Upon motion by Commissioner Madrigal and second by Commissioner Kisslinger, the selection of Commissioner Hamburg and Commissioner Hammerstrom to serve as the Coastal Forum Ad Hoc Committee was approved unanimously. The Commission charged the Committee to explore possible topics for a meeting on the Mendocino Coast.

Commissioner Shoemaker suggested forming an Ad Hoc Executive Officer Recruitment Committee. Commissioner Kisslinger indicated his support in having the Executive Committee address the Executive Officer recruitment, including the public posting of meetings.

Upon motion by Commissioner Madrigal and second by Commissioner Brown, the selection of Commissioner Shoemaker, Commissioner Brown and Commissioner Ward to serve as the Executive Officer Recruitment Committee was approved by the following roll call vote:

Ayes:	Commissioners Brown, Hamburg, Hammerstrom, Madrigal McFadden, and Shoemaker
Noes:	Commissioner Kisslinger
Abstain:	None
Absent:	None

Mr. Baracco recommended the formation of an Ad Hoc Commissioner Appointments Committee. Comments and questions were offered by Commissioners Brown, Shoemaker, McCowen, Mr. Baracco and Mr. Frank McMichael, former Executive Officer of Mendocino LAFCo, reviewing the past practices of appointing public and special district members. Chair Shoemaker recommended Commissioners Kisslinger, Brown and Madrigal to be appointed to the Ad Hoc Special District Commissioner Appointments Committee and charged the committee to first obtain statutes regarding both the appointment of public and special district members. The Commission requested all Special District election nominations and votes be done by US Postal Service mail, and that the process begin in the spring to allow for adequate notifications.

Commissioner Madrigal reported on the status of the City Selection Committee appointments to the Commission, indicating that the Mayor's Selection Committee had not yet met.

Chair Shoemaker requested that Agenda Item No. 8 be taken up next, as he was scheduled to depart at 10:00 AM.

8. Ukiah Valley Sanitation District Municipal Service Review (MSR), Part 2

Mr. Baracco reviewed his attempts to determine with any degree of accuracy the numerical data (both service-related and finance-related) in order to complete the District's MSR. Mr. Baracco recommended that the Final MSR for the Ukiah Valley Sanitation District (UVSD) be held in abeyance until such time as unresolved issues between UVSD and the City of Ukiah are resolved.

Commissioner Madrigal offered that a current lawsuit involving the City of Willits is now entering the third year of litigation and is using MSRs approved by Mendocino LAFCo as evidence, suggesting this be taken into consideration when making a decision on the UVSD MSR status.

Commissioner McCowen supported moving forward with the finalization of the UVSD MSR, noting in the MSR where numbers are in dispute and sourced. Commissioners Kisslinger and Hammerstrom both agreed with Commissioner McCowen's comments and further suggested the determinations be carefully worded. Commissioner McCowen suggested an Ad Hoc Committee to support staff in the finalization of the UVSD MSR.

Commissioner Hamburg supported the comments of Commissioners McCowen, Kisslinger and Hammerstrom. However, he noted they are in direct opposition to the Executive Officer's recommendation and therefore asked M. Baracco to expand his comments.

Mr. Baracco commented on the importance of the accuracy of information and that he is optimistic through discussions with UVSD and City of Ukiah staff that a resolution will soon be forthcoming.

Chair Shoemaker asked Mr. Frank McMichael of the Ukiah Valley Sanitation District to speak. Mr. McMichael shared that the UVSD and City of Ukiah have agreed to proceed with a mediation process. He expects that to begin in the later part of March 2014 and complete by the end of April 2014. Regarding Commissioner Ward's earlier question regarding the dispute of financial data, Mr. McMichael reported a lack of some financial information being provided to UVSD by the City of Ukiah. Mr. McMichael supports having the most accurate information available published in the MSR and later the Sphere of Influence. He suggested the big issue to be resolved is the disputed ESSU count.

Chair Shoemaker asked Mr. Tim Erickson, City Engineer for the City of Ukiah, to speak. Mr. Erickson noted the City is somewhat unclear on the UVSD's questions about the numbers provided to them by the City, stating UVSD has not brought up their concerns to the City. He offered that the City is responsive to the UVSDs questions and stated that the City's financial statements are all audited through the last year and available to the public.

Commissioner McFadden asked for further information on the mediation. Mr. Erickson responded the current mediation is based on one budget issue from 2011, and the mediator has not yet been chosen. He also confirmed the mediation is not binding.

Commissioner Kisslinger asked for more information on the City's accounting for the ESSUs. Mr. Erickson stated that the issue has never been brought up to the City and he is not sure what the alleged inaccuracy of information is based upon.

Commissioner McFadden stated his support for following Mr. Baracco's recommendation to hold the UVSD MSR process in abeyance until the resolution of the law suit. Commissioner Brown supported Commissioner McFadden's comments.

Chair Shoemaker suggested the possibility of a continuation of further review of the UVSD MSR until the completion of the current mediation between UVSD and the City of Ukiah.

Commissioner Hammerstrom asked for clarification on the issue of making determinations within the UVSD MSR that will lead to binding determinations in the Sphere of Influence. Mr. Baracco responded that the determinations for a SOI are different than those for an MSR but do go hand-in-hand, and as stated by Mr. McMichael, without factual information in the MSR it is very difficult to make determinations within the MSR. In this case, the District has requested designating new areas within their SOI that were previously undefined.

Commissioner McCowen supported acknowledging in the MSR Determinations that there are issues in dispute and the Commission is unable to make determinations at this point. He also supported a continuation of the UVSD MSR process until after mediation if the mediation was for all disputed issues rather than on one single issue, as stated by Mr. Erickson.

Chair Shoemaker asked Mr. McMichael to comment on this specific issue. Mr. McMichael stated that there appears to be confusion between the mediation for the law suit and the disputed issue over the current budget. The mediation for the law suit is through a judicial process and details for this mediation are currently under negotiation. He clarified that the budget issue is a different issue and that the mediation is separate.

Commissioner Ward pointed out his concern over postponing the MSR and suggested the possibility of reporting data in the MSR up to a certain date before the dispute. Commissioner Madrigal supported Commissioner Ward's suggestion.

Upon motion by Commissioner Hammerstrom and second by Commissioner Madrigal, that the Commission move forward in the approval process for the UVSD MSR with the qualifications discussed, and notwithstanding the mediation between the UVSD and the City of Ukiah. This motion was approved by the following roll call vote:

Ayes: Commissioners Kisslinger, Hammerstrom, Madrigal, and Shoemaker

Noes: Commissioner Brown, Hamburg, and McFadden

Abstain: None

Absent: None

At 9:56 AM, Chair Shoemaker departed and Vice Chair Brown assumed the responsibility of Commission Chair.

6. Monthly Financial Reports

Mr. Baracco presented the FY 2013-14 Agency Contributions, Budget and Activity Report, and Cash in Treasury Report. Project Activity Reports are being drafted and are expected to be available for review for the February 2014 meeting.

Commissioner Ward asked for six month reviews be prepared for the February 2014 meeting. He asked for clarification on accounts showing a negative balance. Commissioner Ward shared that he will be assisting the Commission Clerk to clean up some of the allocations. He noted that instead of paying consultants travel expenses to make presentations to the Commission, he would prefer to have a written report submitted.

Commissioner McCowen addressed the issue of payment for the City of Ukiah SOI. After some discussion, Commissioner Brown asked Mr. Baracco to place this item on the agenda for February 2014 Regular Meeting, and to present a report.

Commissioner Madrigal noted her concern that some of the reserves are excessive.

Upon motion by Commissioner Kisslinger and second by Commissioner Hammerstrom, the Monthly Financial Reports were accepted unanimously by the following roll call vote:

Ayes: Commissioners Brown, Hamburg, Hammerstrom, Kisslinger Madrigal, and McFadden
Noes: None
Abstain: None
Absent: Commissioner Shoemaker

7. Ukiah Valley Water Forum – A Community Conversation

Mr. Baracco presented a further updated Water Forum Expenditures summary and reminded the Commission of the additional items to consider, listed on the memo.

Commissioner Ward asked for an update on the follow up report requested in the December 2013 meeting. Mr. Baracco clarified that there is a Facilitator's Report prepared by Kateri Harrison, and the Follow-Up Report presented as a memo in this agenda item.

Commissioner Madrigal asked for the foreseeable cost to distribute the Facilitator's Report. Mr. Baracco estimated \$200. Commissioner Madrigal supported distribution. Commissioner McCowen asked what this charge would include since the report is already complete and suggested distribution by email to avoid photocopy costs. Mr. Baracco indicated that costs would involve staff time to secure additional e-mail addresses and to distribute the report.

Commissioner McFadden supported some type of report being published.

Upon motion by Commissioner Madrigal and second by Commissioner Hammerstrom, the Facilitator's Report and the Follow-Up Report on the Inland Water Forum will be distributed to attendees by US Postal Service mail. This motion was approved by the following roll call vote:

Ayes: Commissioners Brown, Hamburg, Hammerstrom, Kisslinger Madrigal, and McFadden
Noes: None
Abstain: None
Absent: Shoemaker

Commissioners McFadden, Kisslinger and Hamburg supported a 500 word article to be submitted to the local newspaper. Commissioner Kisslinger volunteered to draft the article. Comments and questions were offered by Commissioners McFadden, Ward, Madrigal, Hamburg, McCowen, Hammerstrom, Brown and Mr. Baracco. Commissioners Ward and McCowen stressed the importance of showing the value of the Water Forum to the community, especially in light of the controversy over the cost of holding it.

Upon motion by Commissioner Madrigal and second by Commissioner Kisslinger, a decision to produce an informative newspaper article on the Inland Water Forum was accepted by the following roll call vote:

Ayes: Commissioners Brown, Hamburg, Hammerstrom, Kisslinger
Madrigal, and McFadden
Noes: None
Abstain: None
Absent: Shoemaker

Mr. Baracco opened discussion on the appropriateness of the Commission to host such forums. Comments and questions were offered by Commissioners Hammerstrom, Ward and Madrigal. Commissioner Madrigal stressed the need to discuss the relevance of each proposed forum in the future, including setting budgets.

Other Items

9. Correspondence

Mr. Baracco presented the Ukiah Valley Conference Center letter indicating a rent increase from \$464 a month to \$474 for the office space effective January 1, 2014.

Mr. Baracco presented a letter from the Ukiah Valley Sanitation District protesting the cost of the Inland Water Forum. Mr. McMichael distributed this letter at the December 2013 meeting, but Mr. Baracco felt the importance of submitting it as official correspondence in the agenda packet.

10. Commissioners Reports, Comments or Questions

Commissioner Kisslinger announced his appointment to KZYX radio station.

Commissioner Madrigal announced she is actively pursuing the appointment process for the City Members to Mendocino LAFCo.

Commission Meeting Minutes

Commissioner McFadden commended the EO and Clerk in the more detailed minutes for November and December 2013. Commissioner Madrigal supported this commendation.

Commissioner McCowen stressed the standard practice of action minutes, cautioning on the increased cost of staff time to complete them, though he did note the strong opinions of certain matters discussed in the Commission meetings did warrant a more detailed account in the minutes. He reminded Commissioners to direct staff when they wish specific comments to be noted in the minutes. Commissioner Kisslinger supported this suggestion.

Commissioner Brown supported introducing a policy of increased reflection of certain discussions in the minutes. Mr. Baracco suggested incorporating that in the Policies & Procedures Manual.

Commissioner Hammerstrom raised the issue of minutes being the public record and subsequent issues. Commissioner McCowen suggested the recordings of the meetings were also considered public record.

Commissioner McFadden asked staff how long it takes to produce more detailed minutes. Commission Clerk Beth Salomone responded that she listens to the recording while producing the written minutes, and due to her advanced typing speed, she does not find that it takes much more time to include detail. The detail she focuses upon, as mentioned by Commissioner McCowen previously, is when there is a conflict within the opinions of the Commissioners, and her intention is to reflect which side of the issue Commissioners support.

Commissioner McFadden concluded that the cost for his request of more detailed minutes is minimal and supported the continuation of this practice.

Website

Commissioner Brown noted the need for some updates on the Mendocino LAFCo website. Commissioner Madrigal suggested including the Clerk email address on the website as a contact for the public.

11. Executive Officer's Report

Mr. Baracco presented a synopsis of the Municipal Services Review Completion Schedule. Commissioner Ward asked Mr. Baracco if staff will meet the schedule. Mr. Baracco indicated that he anticipates at least an administrative draft will be completed for each district.

12. Legislation Report

None.

Adjournment

There being no further business, at 10:53 AM the meeting was adjourned to the next regular meeting on Monday, February 3, 2014 at 9:00 AM in the County Board of Supervisors Chambers at 501 Low Gap Road, Ukiah, California.

Respectfully Submitted,


BRUCE C. BARACCO
Executive Officer