

ERNIE WIPF
CHAIR

JULIE BAWCOM
VICE-CHAIR

THERESA MCNERLIN
DIRECTOR

DARWIN DICK
DIRECTOR

CANDACE HORSLEY
DIRECTOR

UKIAH VALLEY SANITATION DISTRICT SPECIAL MEETING
TUESDAY August 2, 2022 AT 6:00PM

LOCATION:

DISTRICT'S MEETING ROOM - 151 LAWS AVE., UKIAH, CA 95482

AND

TELECONFERENCE VIA ZOOM

Call in number: 1-669-900-6833

Meeting ID: 820-4939-7490

Zoom Link: <https://us02web.zoom.us/j/82049397490>

*The Ukiah Valley Sanitation District Board meeting will be conducted pursuant to AB 361. The Board welcomes participation in the Board meetings. If you are joining the meeting via Zoom and wish to make a comment on an item, press the "raise a hand" button. If you are joining the meeting by phone, press *9 to indicate a desire to make a comment. The chair will call you by name or phone number when it is your turn to comment. Speakers will be limited to 3 minutes. If you choose not to observe the meeting via Zoom and wish to make a comment on a specific agenda item, please submit your comment via email to the Board Secretary at aa@uvsd.org at least one hour before the meeting. All public comments submitted to the Board Secretary will be read verbatim for up to 3 minutes.*

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need disability-related modifications or accommodation to participate in this meeting, then please contact Chelsea Teague, Board Secretary at 707-462-4429. Requests must be made as early as possible, and at least one-full business day before the start of the meeting. The times indicated for agenda items are estimated and the Board reserves the right to address items either earlier or later than scheduled.

1. CALL TO ORDER

2. NEW BUSINESS

- A. DISCUSSION AND POSSIBLE ACTION RE: Public Hearing Regarding Resolution Adopting the Report Proposing to Have Delinquent Sewer Charges Collected on the Property Tax Roll for Fiscal Year 2022-23 and Directing the Clerk of the Board to File Said Report with the Mendocino County Auditor-Controller to Place Said Charges on the Tax Roll

Recommended Action: 1) Receive the Report; 2) Open the Public Hearing to receive all written and oral objections or protests to the Report; 3) Close the Public Hearing and consider taking action to adopt, revise, change, reduce, or modify any charge or overrule any or all objections; 4) It is recommended that the Interim District Manager or her designee be authorized to remove or modify any assessment from the approved Report should all or part of the delinquent sewer service charges be paid prior to the Report being referred to

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the County Auditor-Controller for placement onto the tax roll; and 5) Adopt the Resolution.

- B. DISCUSSION AND POSSIBLE ACTION RE: Nomination of Director Candace Horsley to serve on the Mendocino Local Agency Formation Commission as a Special District Regular Member.

Recommended Action: Ratify nomination of Director Candace Horsley to serve on the Mendocino Local Agency Formation Commission as a Special District Regular Member.

3. ADJOURNMENT

Ukiah Valley Sanitation District
151 Laws Avenue
Ukiah, CA 95482

STAFF REPORT
August 2, 2022

To: Board of Directors
From: Wing-See Fox
Meeting Date: August 2, 2022

Item #2A: Public Hearing Regarding Resolution Adopting the Report Proposing to Have Delinquent Sewer Charges Collected on the Property Tax Roll for Fiscal Year 2022-23 and Directing the Clerk of the Board to File Said Report with the Mendocino County Auditor-Controller to Place Said Charges on the Tax Roll

Overview

The Ukiah Valley Sanitation District Board of Directors has elected to collect delinquent sewer service charges via the tax roll as permitted by Health and Safety Code sections 5473 et seq. and pursuant to the District's Ordinance No. 13. Health and Safety Code sections 5473 and 5473a authorize the District to collect delinquent sewer charges via the property tax roll by preparing and filing a written report of delinquent sewer service charges (Report), and giving notice and holding the required public hearing. Delinquent charges are those that have not been paid for 6 months or longer.

Purpose of Hearing

The purpose of tonight's meeting is to conduct a public hearing in accordance with the requirements of Health and Safety Code sections 5473 et seq. This requires the District to annually prepare a written report to be filed with the Clerk of the Board.

Delinquency Report

The written report must contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the year. This report is attached as Exhibit A to the Resolution. District staff has pulled past due reports from the billing system. Based on these reports, notices of delinquent amounts and the public hearing were mailed to property owners of the properties receiving sewer service with delinquent amounts. Since the notices were sent, some payments have been made. Any delinquent accounts that are paid prior to the adoption of this Resolution will be removed from the information forwarded to the County.

Notice

The District must notice the filing of the report and the public hearing at which the collection of delinquent charges on the property tax roll will be considered. A Notice of the Public Hearing for this issue has been published twice in the Ukiah Daily Journal. District Staff has also noticed by mail the property owners of record for the delinquent sewer accounts in accordance with Health and Safety Code sections 5473 et seq.

Public Hearing

At the public hearing, the Board must hear and consider all objections and protests to the Report. Pursuant to Health and Safety Code section 5473.2, if the Board finds that protest

Ukiah Valley Sanitation District
151 Laws Avenue
Ukiah, CA 95482

is made by a majority of the owners of the properties described in the Report, then the Report shall not be adopted and the delinquent charges shall be collected separately from the tax roll and shall not constitute a lien against the parcel of land. After the hearing, the Board may revise, change, reduce, or modify any charge, or overrule any or all objections. The Board must make a determination upon each charge in the Report.

Filing of Adopted Report with County Auditor-Controller

If the Report is adopted as submitted or as modified, the Clerk of the Board shall file with the Mendocino County Auditor-Controller, before or on August 10, 2022, a copy of the Report with a statement endorsed on the Report that the Report was adopted by the District Board, and the County Auditor-Controller shall enter the amount of the delinquent sewer service charges denoted within the Report against the respective parcels of land as they appear on the current assessment roll.

Lien Against Property

The amount of the charge shall constitute a lien against the parcel which the charges have been imposed, as of noon on the first Monday in March immediately preceding the date of levy.

Fiscal Impact

Collection of approximately \$65,000.00 in delinquent sewer service charges by placing the charges on the tax roll.

Recommended Actions

1. Receive the Report.
2. Open the Public Hearing to receive all written and oral objections or protests to the Report.
3. Close the Public Hearing and consider taking action to adopt, revise, change, reduce, or modify any charge or overrule any or all objections.
4. It is recommended that the Interim District Manager or her designee be authorized to remove or modify any assessment from the approved Report should all or part of the delinquent sewer service charges be paid prior to the Report being referred to the County Auditor-Controller for placement onto the tax roll.
5. Adopt the Resolution.

Alternative Action

Provide other direction to staff.

Attachments

1. Resolution

Respectfully submitted,



WING-SEE FOX
Interim District Manager

RESOLUTION 2022-02

RESOLUTION OF THE BOARD OF DIRECTORS OF THE UKIAH VALLEY SANITATION DISTRICT ADOPTING THE REPORT PROPOSING TO HAVE DELINQUENT SEWER CHARGES COLLECTED ON THE PROPERTY TAX ROLL FOR FISCAL YEAR 2022-23 AND DIRECTING THE BOARD CLERK TO FILE SAID REPORT WITH THE MENDOCINO COUNTY AUDITOR-CONTROLLER TO PLACE SAID CHARGES ON THE TAX ROLL

WHEREAS, pursuant to Ordinance No. 13 and Article 4 of Chapter 6 of Part 3 of Division 5 of the California Health and Safety Code, commencing with Sections 5470 et seq., the Board of Directors (“Board”) of the Ukiah Valley Sanitation District (“District”) is authorized to have delinquent sewer charges (“Delinquent Charges”) collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes of the District; and

WHEREAS, the District has prepared and filed a written report (“Report”) attached hereto as Exhibit A containing a description of each parcel of real property within the District to which the Delinquent Charges are applicable (the “Identified Parcels”) and the amount of the Delinquent Charges for each such Identified Parcel; and

WHEREAS, the Board Clerk caused a notice of the filing of said Report and setting the time and place for a public hearing on August 2, 2022 regarding said Report and to consider whether to place the Delinquent Charges on the property tax roll, as required in Health and Safety Code sections 5473 et seq.; and

WHEREAS, such notice was published in the paper once a week for two weeks, with the first publication occurring at least 14 days before the public hearing, and with at least 5 days in between the two publications, pursuant to Health and Safety Code sections 5473 et seq. and Government Code section 6066; and

WHEREAS, such notice was mailed to each person to whom any parcel or parcels of real property described in said Report is assessed in the last equalized assessment roll available on the date the Report was prepared pursuant to Health and Safety Code section 5473.1; and

WHEREAS, a public hearing was held on August 2, 2022 by the Board of Directors to hear and consider all objections and protests to the Report on the Delinquent Charges; and

WHEREAS, at the public hearing called for such purpose, there was not a protest of the majority of owners of separate parcels of property described in the Report; and

WHEREAS, the Board finds that it is in the best interests of the District to collect the Delinquent Charges on the property tax roll, which shall constitute a lien against the Identified Parcels in accordance with Health and Safety Code sections 5473 et seq.

NOW THEREFORE, the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California does hereby resolve as follows:

1. The above recitals are true and correct.
2. The Board hereby finds and determines that protests have not been made by the owners of a majority of the Identified Parcels in the Report.
3. The Delinquent Charges set forth in the Report, attached hereto as Exhibit A, and incurred by property owners of the Identified Parcels described in the Report are hereby confirmed and the Report is hereby adopted.
4. The Board hereby elects to collect the Delinquent Charges in Exhibit A, on the property tax roll, in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes.
5. Pursuant to the authority set forth in Health and Safety Code sections 5473 et seq., on or before August 10, 2022, the Board Clerk is hereby authorized and directed to file with the Auditor-Controller for the County of Mendocino a copy of the Report, with a statement endorsed on the Report over his or her signature that the Report has been adopted by the Board of Directors. Once such action is taken, the amount of the Delinquent Charges shall constitute a lien against the lot or parcel of land against which the Delinquent Charges have been imposed, and the tax collector shall include the amount of the Delinquent Charges on bills for taxes levied against the respective lots and parcels of land.
6. If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.
7. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California, this 2nd day of August, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ernie Wipf, Board Chair

ATTEST:

Chelsea Teague
Board Secretary

APPROVED AS TO FORM:

Joanna Gin
General Counsel

Exhibit A
[see attached]

Ukiah Valley Sanitation District
151 Laws Avenue
Ukiah, CA 95482

STAFF REPORT
August 2, 2022

To: Board of Directors
From: Wing-See Fox
Meeting Date: August 2, 2022

Item #2B: Nomination of Director Candace Horsley to serve on the Mendocino Local Agency Formation Commission as a Special District Regular Member

Overview

On April 29, 2022, Mendocino Local Agency Formation Commission (LAFCo) sent a letter to the Boards of Independent Special Districts inviting nominations to fill two vacancies for Regular and Alternate Special District Members of the LAFCo Board. In accordance with Government Section 56332(f), the Executive Officer of LAFCo performs the nomination and election process on behalf of the Special District Selection Committee.

Members are elected to four-year terms, and there are no term limits. Each district may nominate one person for the regular member position. Nominees must be board members and nominations must be approved by the district's governing body. If more than one nomination is received, LAFCo will prepare and send ballots to each district. Nominations were due to LAFCo by August 1, 2022.

The District's Interim General Manager submitted a Nomination Form for Director Candace Horsley on July 27, 2022. Director Horsley's nomination needs to be ratified by the Board for her to move forward with the election process.

Recommended Actions

Ratify nomination of Director Candace Horsley to serve on the Mendocino Local Agency Formation Commission as a Special District Regular Member.

Attachments

1. Notice Sent by LAFCo
2. Nomination Form Submitted to LAFCo to be Ratified

Respectfully submitted,



WING-SEE FOX
Interim District Manager

MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482
Telephone: (707) 463-4470 | E-mail: eo@mendolafo.org | Web: www.mendolafo.org

COMMISSIONERS

Tony Orth, Chair

Special District Member

Scott Ignacio, Vice-Chair

City Member

Gerald Ward, Treasurer

Public Member

Matthew Froneberger

Special District Member

Glenn McGourty

County Member

Maureen Mulheren

County Member

Mari Rodin

City Member

Gerardo Gonzalez, Alternate

City Member

John Haschak, Alternate

County Member

Richard Weinkle, Alternate

Public Member

Vacant, Alternate

Special District Member

STAFF

Executive Officer

Uma Hinman

Analyst

Larkyn Feiler

Commission Clerk

Kristen Meadows

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, Ukiah

Sent by Certified Mail

April 29, 2022

To: Board of Directors of Independent Special Districts

From: Uma Hinman, Executive Officer

Subject: Notice of Vacancies for Special District Members to LAFCo

Mendocino Local Agency Formation Commission (LAFCo) has received the resignation of the Alternate Special District member Jenifer Bazzani and invites nominations to fill the following current and upcoming vacancies for Alternate and Regular Special District Members. View our website for the current Commission members: <https://www.mendolafo.org/commission>.

Seat	Current Status	New Term
Regular Special District	Term ends December 31, 2022	January 1 2023 – December 31, 2026
Alternate Special District	Vacant Term ends December 31, 2022	January 1 2023 – December 31, 2026

In accordance with Government Code Section 56332(f), the Executive Officer performs the nomination and election process on behalf of the Special District Selection Committee.

LAFCo is an independent, quasi-legislative agency that reviews city and special district reorganizations and the establishment of boundaries and authorized services for numerous local agencies, including fire, community service, and water districts. The Commission is comprised of seven regular and four alternate members representing the county, cities, independent special districts, and general public.

LAFCo conducts nominations and elections to special district members on behalf of the Independent Special Districts. Members are elected to four-year terms; there are no term limits. Each district may nominate one person for the regular member position. Nominees must be board members and nominations must be approved by the district's governing body. All nominations must be accompanied by a completed nomination form (enclosed) and may be mailed or emailed to LAFCo (see letterhead).

If nominations are received for only one candidate for either seat by the end of the nominating period, the candidate shall be deemed appointed. If more than one nomination is received, LAFCo will prepare and send ballots to each district. If you have any questions, please contact LAFCo staff at 707-463-4470 or email the Clerk at clerk@mendolafo.org.

The nomination and election schedule are as follows:

Selection Process Step	Date
Nominations due	August 1, 2022
Ballots issued	August 16, 2022
Ballots due	October 14, 2022
Terms begin	January 1, 2023

Signed nominations may be submitted by mail, email or hand delivery and must be received by August 1, 2022

Nomination Form
(due to LAFCo by August 1, 2022)

Special District Regular Member
4-year Term, ending December 31, 2026

Name of District: _____

Address: _____

Telephone: _____

The Board hereby nominates _____
to serve on the Mendocino Local Agency Formation Commission.

Board action taken on the _____ day of _____, 2022 by the following
vote:

Ayes: _____

Noes: _____

Abstain: _____

Absent: _____

District Representative:

Signature

Date

Printed Name

Title

Nominations due to LAFCo (mail, email, or hand delivery)
by August 1, 2022.

Nomination Form
(due to LAFCo by August 1, 2022)

Special District Alternate Member
4-year Term, ending December 31, 2026

Name of District: _____

Address: _____

Telephone: _____

The Board hereby nominates _____
to serve on the Mendocino Local Agency Formation Commission.

Board action taken on the _____ day of _____, 2022 by the following
vote:

Ayes: _____

Noes: _____

Abstain: _____

Absent: _____

District Representative:

Signature

Date

Printed Name

Title

Nominations due to LAFCo (mail, email, or hand delivery)
by August 1, 2022.

Nomination Form
(due to LAFCo by August 1, 2022)

Special District Regular Member
4-year Term, ending December 31, 2026

Name of District: Ukiah Valley Sanitation District

Address: 151 Laws Avenue, Suite B, Ukiah, CA 95482

Telephone: (707) 462-4429

The Board hereby nominates Candace Horsley
to serve on the Mendocino Local Agency Formation Commission.

Board action taken on the 2nd day of August, 2022 by the following vote:

Ayes: _____

Noes: _____

Abstain: _____

Absent: _____

District Representative:

Wing-See Fox
Signature

07/27/2022
Date

Wing-See Fox
Printed Name

Interim General Manager
Title

Nominations due to LAFCo (mail, email, or hand delivery)
by August 1, 2022.