
**BUTTE LOCAL AGENCY FORMATION COMMISSION (LAFCO)
EXECUTIVE OFFICER'S REPORT**

TO: Local Agency Formation Commission

FROM: Shannon Costa, Deputy Executive Director

SUBJECT: *LAFCo File 22-11 – South Feather Water & Power Agency – Palermo Community Annexation*

DATE: August 25, 2022 for the September 1, 2022 meeting

Summary

Proposed is the annexation of the unincorporated community of Palermo, consisting of approximately 550 parcels, to the South Feather Water and Power District (**Exhibit A**). The annexation would facilitate the Palermo Clean Water Consolidation Project, a partnership between the County of Butte and South Feather Water and Power District, to provide safe, clean, drinking water to the residents of Palermo who have historically depended on private wells for domestic water. The proposal substantially conforms to LAFCo policy; therefore, the Executive Officer recommends approval of this proposal.

General Information

Application Submitted: July 8, 2022

Application Deemed Complete: August 2, 2022

100% Landowner Consent: No

Notice and Hearing Required: Yes

Proponent: South Feather Water & Power Agency, by Resolution 22-04-26

Landowners: Various

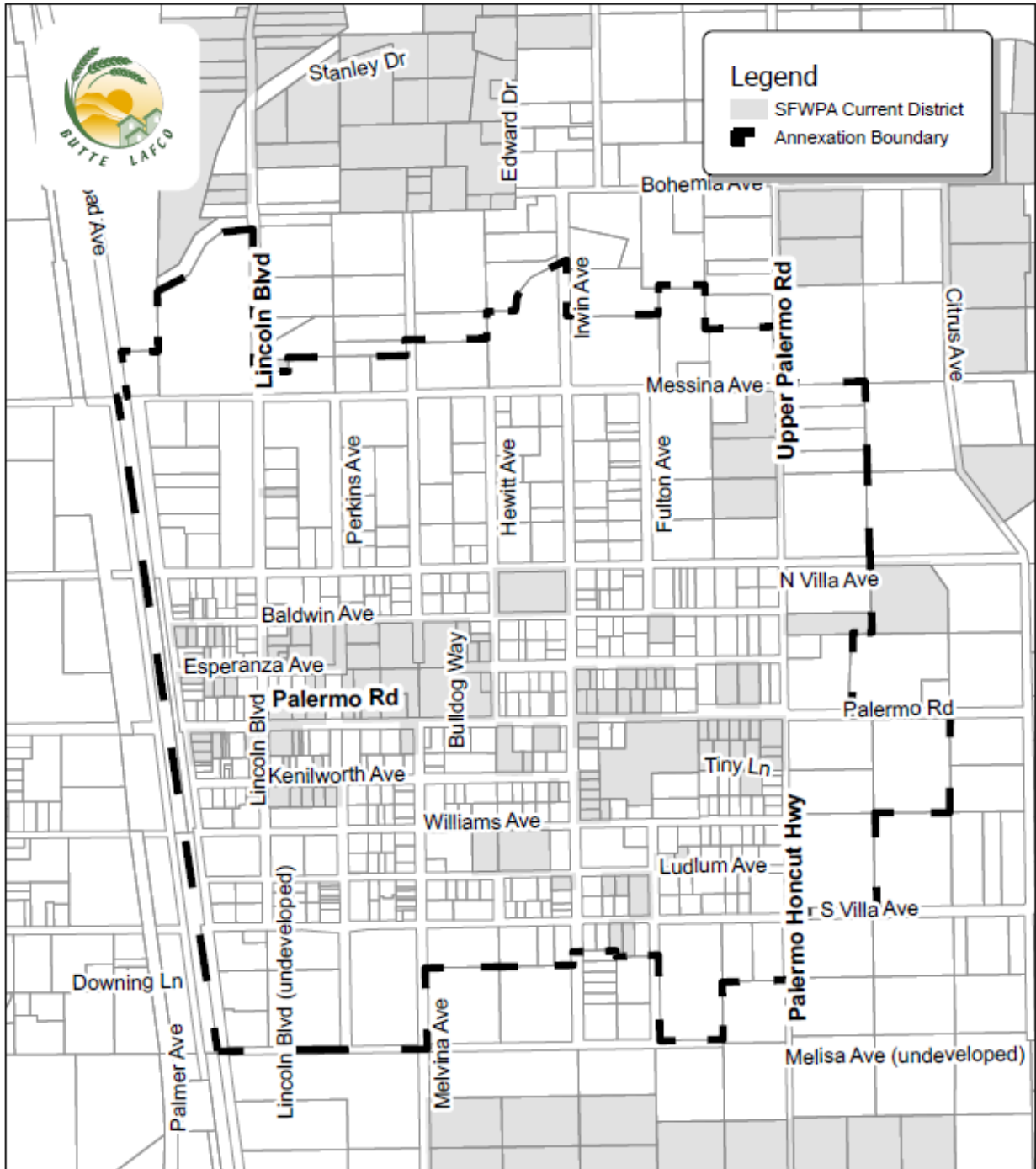
Location: The unincorporated community of Palermo is located approximately 5 miles south of the urban center of the City of Oroville, east of Highway 70. The annexation territory is bound by Messina Avenue to the north, Upper Palermo Road to the east, South Villa Avenue to the south, and Railroad Avenue to the west. The territory is located in Supervisorial District 1.


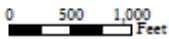
Proposal: Annexation of the unincorporated community of Palermo, totaling approximately 550 parcels, to the South Feather Water & Power Agency for the provision of domestic (potable) water.

**Requested
Action:**

Adopt Resolution 01 2022/23 (**Exhibit B**) approving the annexation.

Exhibit A



Butte Local Agency Formation Commission			 
22-11 - SFWPA - Palermo Community Annexation			
Applicant: SFWPA	Date: September 1, 2022	File: 22-11	
Map Project File: \\GIS\DEPTS\LAFCO\PROJECTS\File 22-11 Palermo Com Annex\File_22-11.aprx			

DISCUSSION AND ANALYSIS

Background

The unincorporated community of Palermo is located approximately 5 miles south of the urban center of the City of Oroville. Within the community are 5,000 residents, the majority of whom depend on individual wells for domestic water. All parcels are served by on-site septic systems for wastewater treatment and disposal.

High groundwater levels and reoccurring flooding have resulted in the cross contamination of existing wells and possible contamination of the groundwater aquifer. The area was identified for funding to support consolidation through the Safe and Affordable Funding for Equity and Resilience program with the State Water Board.

The annexation territory is within the Sphere of Influence and SWB Place of Use boundary for the South Feather Water and Power Agency (SFWPA), which provides domestic and irrigation water services to eastern Oroville and surrounding areas, including Bangor, and Kelly Ridge.

Land Use/Zoning Designations

The Butte County General Plan designates a majority of the annexation territory as LDR (Low Density Residential). Most residential lots contain older homes, some with small farmsteads and residential outbuildings. Portions of the annexation territory are identified for low intensity commercial uses, such as retail and office uses. Areas of the territory are zoned for Public uses, such as Palermo Middle School, Palermo Park, and Cal Fire Station 72. No changes to existing land use designations are proposed at this time.

Growth and development in the area is guided by the presence of public services, including the availability of domestic water. Domestic water for the area is provided by two sources: privately owned wells permitted by the Butte County Public Health Department, Environmental Health Division, or through treated water provided by SFWPA. Obstacles such as connection fees, groundwater contamination, and infrastructure availability have limited new development in the area. No changes to land use designations or zoning are proposed with the annexation.

Community Outreach

In November 2021, the Butte County Department of Water Resources and Conservation, in partnership with the SFWPA, solicited residents of the community of Palermo regarding their interest in participating in the Palermo Clean Water Consolidation Project. Residents were provided with information regarding the project details, including timelines and cost, and asked to complete a questionnaire opting in or out to the program. Additional information regarding funding and project implementation have been made available on the County's website.

Water Quality

Water quality testing performed in 2021 revealed data projecting that of the 380 potential connections tested within the project boundary, 91 wells could be at risk for having Total Coliform present and approximately 15 wells could be at risk for E-Coli present. A small percentage of wells could be at or above the primary drinking water MCL for Nitrates. Pollutants such as E. Coli and Total Coliform could result in various health issues, including diarrhea, stomach pain and urinary tract infections.

Project Elements

Installation of the project would consist of various elements. Connection to the SFWPA system would be via 6-inch and 12-inch PVC water mains to provide a looped water system, including: approximately 40,000 lineal feet of new pipelines and service lines; new fire hydrants every 800-1,000 feet per code requirements, and; meter boxes installed at each parcel to automate reading services.

Well destruction is an eligible cost covered by grant funds as part of the water consolidation project. Property owners who opt-in to the consolidation project will have the cost of destruction of their well covered once connected to the SFWPA system. Those who chose to keep their well for irrigation purposes would be responsible for destruction of the well in the future.

SFWPA Capacity to Serve

Within the community of Palermo, approximately 110 parcels currently receive water from SFWPA. Analysis was used per the State Water Resources Control Board of Drinking Water's Title 22 California Regulations Related to Drinking Water Chapter 16, Waterworks Standards to analyze the daily drinking water need for the area compared to the existing capacity of SFWPA. It was determined, based on average population rates, that maximum daily demand (MDD) of 0.66 million gallons per day would be needed to adequately serve the consolidation project area. In 2020, the MDD for SFWPA required 11.6 MGD with a water treatment plant capacity of 21 million gallons per day, resulting in sufficient water treatment plant capacity to meet the additional demand.

Annexation

The annexation was initiated by South Feather Water and Power Agency in partnership with the Butte County Department of Water and Resource Conservation, to facilitate domestic (potable) water to the annexation territory through the Palermo Clean Water Consolidation Project.

Individual Factors for Consideration

California Government Code § 56668 provides a list of factors to be considered in the review of a proposal. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process. An evaluation of these factors as it relates to the proposal follows.

a) Population; land use; topography; proximity to other populated areas; the likelihood of significant growth in the area.

The unincorporated community of Palermo is located approximately 5 miles south of the City of Oroville's urban center, and east of Highway 70. The area consists of approximately 550 parcels with an estimated population of 5,000. The area is rural-residential in nature, consisting of older single-family homes on lots ranging in size from 0.15 - 5 acres in size. Topography is relatively flat, rising less than 200 feet above sea level.

Growth and development in the area is guided by the presence of public services, including the availability of domestic water. Domestic water for the area is provided by two sources: privately owned wells permitted by the Butte County Public Health Department, Environmental Health Division, or through treated water provided by SFWPA. Obstacles such as connection fees, groundwater contamination, and infrastructure availability have limited new development in the area. No changes to land use designations or zoning are proposed with the annexation. It is not anticipated that the water consolidation project would promote growth beyond what is anticipate by the Butte County 2030 General Plan for the Palermo Community.

- b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

The community of Palermo is identified as a Severely Disadvantaged Community. The proposed annexation would facilitate the implementation of the Palermo Clean Water Consolidation Project. The project would bring domestic water compliant with State Drinking Water Act to the community of Palermo. SFWPA is an enterprise district and service charges are based on quantity consumed. The proposed annexation would not affect the cost or adequacy of services in the area and adjacent areas.

- c) The effect of the proposed action and of alternative actions on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.**

The proposed annexation will allow SFWPA to extend services for domestic water to the annexation territory. The annexation territory is within the Sphere of Influence for the South Feather Water and Power Agency, which provides domestic and irrigation water services to eastern Oroville and surrounding areas, including Bangor and Kelly Ridge. The proposed annexation will not have a nominal effect on the local government structure of the county or on mutual social and economic interests.

- d) The conformity of the proposal with the adopted commission policies on providing planned, orderly, efficient patterns of urban development.**

The proposed annexation would facilitate the implementation of the Palermo Clean Water Consolidation Project. The project would bring domestic water compliant with the State Drinking Water Act to the community of Palermo. The proposal is consistent with Commission policies that encourage consistency with spheres and municipal service reviews (4.1.1); the provision of services where a threat to public health and safety exists (2.14.1), and; annexation to the service provider who possesses the capability to provide the most efficient delivery of services for the population.

- e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands.**

No parcels in the annexation territory are zoned for agricultural uses.

- f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.**

The subject territory is parcel specific, with definite and certain boundaries. There are no conflicts with lines of assessment or ownership.

- g) Consistency with city or county general and specific plans.**

No changes to land uses are proposed at this time. The project involves the installation and connection of various parcels within the community of Palermo to the South Feather Water and Power Agency's water system.

The community of Palermo is identified as a Severely Disadvantaged Community. The proposed annexation would facilitate the implementation of the Palermo Clean Water Consolidation Project. The project would bring domestic water compliant with State Drinking Water Act to the community of Palermo.

h) Consistency with a regional transportation plan.

The proposed annexation would not interfere with implementation of the 2020 Regional Transportation Plan/Sustainable Communities Strategy for Butte County.

i) The sphere of influence of any local agency that may be applicable to the proposal being reviewed.

The proposed annexation territory is within the sphere of influence boundary of the Lake Oroville Public Utility District (LOAPUD), which provides sanitary sewer collection services in unincorporated areas east and south of the City of Oroville. The 2013 Sphere of Influence Plan for LOAPUD placed the community of Palermo within the district's SOI to facilitate the future connection of homes to the district's sanitary sewer system, reducing dependency on on-site septic systems.

The territory is within the Sphere of Influence for the South Feather Water and Power Agency. The proposed annexation territory is also within the Sphere of Influence for Feather River Parks and Recreation District, Oroville Cemetery District, Oroville Mosquito Abatement District and Community Service District 164 (Animal Control). The annexation proposal does not conflict with the Sphere of Influence of any agency. The existing public services provided to the subject parcel by Butte County will not change as a result of this proposal.

j) The comments of any affected local agency.

On July 12, 2022 LAFCo staff circulated copies of the application materials for review and comment from local public agencies. No substantial comments were received as of the date of this report. The project is generally supported as it implements Butte County General Plan policies and will provide services to a disadvantaged community.

k) Timely availability of water supplies.

As indicated in the agency's Municipal Service Review (adopted by the Commission in June 2006), SFWPA has sufficient capacity to provide domestic water service to the affected territory without detriment to current service recipients. The Agency's average annual consumption is approximately 28,000 AF (acre-feet), with one quarter (7,000 AF) of that being delivered to residential users and the rest (21,000 AF) going to agricultural users (whose use is projected to decline in future years as agriculture uses are converted to urban uses). Because the Agency has water rights that exceed the actual yield of the watershed, the Agency has significant expansion capability for residential development. It was determined, based on average population rates, that maximum daily demand (MDD) of 0.66 million gallons per day would be needed to adequately serve the consolidation project area. In 2020, the MDD for SFWPA required 11.6 MGD with a water treatment plant capacity of 21 million gallons per day, resulting in sufficient water treatment plant capacity to meet the additional demand.

l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs.

No changes to land use designations or zoning is proposed with the annexation proposal and no development beyond what is anticipated in the Butte County 2030 General Plan is anticipate. This annexation proposal would not affect Butte County in achieving its regional housing needs allocation.

m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

In November of 2021, a letter of interest was mailed to all parcels in the consolidation project boundary from the SFWPA and the Butte County Department of Water and Resource Conservation. The purpose of the letter was to gauge the public's interest in receiving service from SFWPA. Landowners were provided project details and given the opportunity to opt-in to the grant-funded program, or chose to remain dependent on their private well and pursue connection to SFWPA in the future, at their own expense.

Since the date of the application, no comments or information regarding the project have been received from landowners by LAFCo staff.

n) Any information relating to existing land use designations.

The Butte County General Plan designates a majority of the annexation territory as LDR (Low Density Residential). Most residential lots contain older homes, some with small farmsteads and residential outbuildings. Portions of the annexation territory are identified for low intensity commercial uses, such as retail and office uses. Small portions of the territory are zoned for Public uses, such as Palermo Middle School, Golden Hills Elementary School, Palermo Park, and Cal Fire Station 72. No changes to existing land use designations are proposed at this time.

o) The extent to which the proposal will promote environmental justice.

With an annual median household income that is less than 60% of the statewide annual median household income, the community of Palermo is identified as a severely disadvantaged community by the California Department of Water Resources. Environmental justice policies aim for the fair treatment of all people, regardless of race, color, national origin, or income. This means no one group of people should bear the disproportionate share of negative environmental consequences resulting from industrial, governmental, and commercial policies.

The proposed annexation would facilitate the implementation of the Palermo Clean Water Consolidation Project. The project would bring domestic water compliant with State Drinking Water Act to the community of Palermo.

p) Information pertaining to a local hazard mitigation plan contained in a safety element of the general plan, and any maps that identify land as very high fire hazard zone or maps that determine to be in a state responsibility area, if the information is relevant to the area.

Information found in the 2019 Local Hazard Mitigation Plan does not pertain to this project.

Based upon the above responses, the proposal appears to be consistent with the listed factors.

Applicable Butte LAFCo Policies

Section 2.0 (*LAFCo General Policies and Standards*) and Section 4.0 (*Annexation and Detachments*) of Butte LAFCo Policies and Procedures provides the Commission with general standards for annexation proposals. The relevant policies for consideration and guidance for this proposal include:

- The creation of logical boundaries. (2.11.2)
- Consistency of a proposal with the Sphere of Influence and Municipal Service Review of the affected jurisdiction(s). (4.1.1)
- Determination of the most efficient service provider. (4.2)

The proposal is substantially consistent with the above policies in that:

- The annexation does not create illogical boundaries; and
- The South Feather Water & Power Agency will provide a secure source of treated domestic and irrigation water to the territory being annexed; and
- The South Feather Water & Power Agency has adequate water rights and facilities to provide service to the territory; and
- The South Feather Water & Power Agency is the only domestic and irrigation water service provider in the area.

ADDITIONAL INFORMATION

Property Tax Agreement

In accordance with provisions of Revenue and Taxation Code § 99, a Master Property Tax Transfer Agreement was executed between the South Feather Water & Power Agency and the Butte County Board of Supervisors on July 23, 1996. The Master Property Tax Transfer Agreement states that no property tax transfer will occur because of any annexation to the South Feather Water & Power Agency.

Protest and Conducting Authority Proceedings

On April 26, 2022, the South Feather Water & Power Agency Board of Directors unanimously adopted Resolution No. 22-04-26 (**Exhibit C**) initiating the annexation proposal. Pursuant to California Government Code 56663, the Commission may waive the protest proceedings if the following conditions are met: mailed notice has been given to landowners and registered voters within the affected territory; the mailed notice discloses to the registered voters and landowners that unless written opposition to the proposal is received before the conclusion of the commission proceedings on the proposal, the commission intends to waive protest proceedings, and; written opposition to the proposal from landowners or registered voters within the affected territory is not received before the conclusion of the commission proceedings on the proposal.

On August 10, 2022, mailed notice was provided pursuant to Government Code Section 57025, to all landowners and registered voters within the project boundary, and within 300 feet of the project boundary. No opposition has been received as of the date of this report; therefore, staff is recommending the waiver of protest proceedings.

Environmental Analysis

The Butte County (County) Department of Water Resource Conservation is the lead agency for the proposal under the California Environmental Quality Act (CEQA). The County prepared and adopted an Initial Study in the form of a Mitigated Negative Declaration that analyzed the environmental impacts of the proposed project on the physical environment. The County's Mitigated Negative Declaration found that the proposed annexation would have a less than significant environmental impact with the incorporation of mitigation measures, to be monitored by the County of Butte, addressing impacts to air quality, biological resources, noise, aesthetics, greenhouse gas emissions, and tribal cultural resources. The Mitigated Negative Declaration prepared by the County is attached to this report as **Exhibit D**.

As a Responsible Agency pursuant to CEQA Guidelines 15096, LAFCo shall consider the Lead Agency's Initial Study and Mitigated Negative Declaration. Staff has reviewed the aforementioned Mitigated Negative Declaration and believes that the County has made an adequate

determination in that the proposed annexation will not directly result in any substantial impact to the environment and that no further environmental review is necessary.

ALTERNATIVES FOR COMMISSION ACTION

After reviewing this report and any testimony or materials that are presented, the Commission can take one of the following actions:

OPTION 1 – APPROVE the proposal as submitted:

- A. Adopt the Mitigated Negative Declaration/Mitigation Monitoring Program prepared and adopted by the County of Butte for the proposed annexation of the subject territory.
- B. Waive the conducting authority proceedings and direct staff to complete the proceeding.
- C. Adopt Resolution No. 01 2022/23 making determinations approving the proposed South Feather Water and Power Agency – Palermo Community Annexation.

OPTION 2 – DENY the proposal.

OPTION 3 – CONTINUE this proposal to a future meeting for additional information.

ACTION REQUESTED:

Approve OPTION 1.

Respectfully submitted,

Shannon Costa

Shannon Costa
Deputy Executive Officer

Attachments:

- Exhibit A: Annexation Area Map (Page 2)
- Exhibit B: Draft LAFCo Resolution No. 01 2022/23
- Exhibit C: SFWPA Resolution 21-23-02
- Exhibit D: IS/MND

RESOLUTION NO. 01 2022/23

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF BUTTE
MAKING DETERMINATIONS AND ORDERING THE ANNEXATION OF
TERRITORY DESIGNATED AS 22-11 - SOUTH FEATHER WATER & POWER AGENCY -
PALERMO COMMUNITY ANNEXATION**

RESOLVED, by the Local Agency Formation Commission of the County of Butte, State of California, that

WHEREAS, a proposal for the annexation of certain territory to the South Feather Water & Power Agency in the County of Butte was heretofore filed by the South Feather Water & Power Agency and accepted for filing on August 2, 2022, by the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56658, set September 1, 2022 as the hearing date on this proposal and gave the required notice of public hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56665, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, this Commission called for and held a noticed public hearing on September 1, 2022 and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, this Commission considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and

NOW, THEREFORE, the Local Agency Formation Commission of the County of Butte **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. Environmental Findings:

- A. As a Responsible Agency pursuant to CEQA Guidelines 15096, the Commission has considered the Lead Agency's Initial Study and Mitigated Negative Declaration and concurs that the County has made an adequate determination in that the proposed annexation will not directly result in any substantial impact to the environment and that no further environmental review is necessary.

Section 2. General Findings and Determinations:

- A. The Commission has considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, Sphere of Influence and General Plan consistency, the Domestic Water and Wastewater Service Providers Municipal Service Review and Commission Policies and other factors specified in

Government Code Section 56668 and as described in the staff report dated August 25, 2022 for the meeting of September 1, 2022.

- B. The annexation area shall consist of multiple parcels encompassing the unincorporated community of Palermo as submitted by the South Feather Water & Power Agency and depicted in "Exhibit A".
- C. The subject area is assigned the following short form designation: 22-11 – South Feather Water & Power Agency – Palermo Community Annexation.
- D. The purpose of the project is to implement the Palermo Clean Water Consolidation project, which is supported by Butte County General Plan Polices.
- E. The proposal is consistent with the South Feather Water & Power Agency Sphere of Influence.
- F. Pursuant to Butte LAFCO Policy 2.13.1, the Commission determines that agricultural and/or open space lands will not be adversely affected by this proposal as the subject parcel is developed; will not result in a change in land use or a significant increase in density on the subject parcel; the adjacent parcels are not developed with agricultural uses nor are agricultural uses expected to be established due to lack of adequate soil, lack of adequate water, and heavy brush; and the adjacent parcels are not considered to be "prime agricultural land" as defined in §56064. Therefore, no conversion of designated agricultural or open space lands will occur because of the requested annexation.
- G. A Master Property Tax Transfer Agreement, which states that there will be no transfer of property taxes, was executed between the South Feather Water & Power Agency Board of Directors and the Butte County Board of Supervisors on July 23, 1996.

Section 3. Conditions requested by LAFCO:

- A. All LAFCO, County of Butte and State of California fees must be paid in full prior to filing the Certificate of Completion.
- B. The legal description and map, if amended by action of the Commission, will be revised at the expense of the applicant, prior to filing the Certificate of Completion.
- C. The map and legal description shall comply with the State Board of Equalization requirement and if rejected by the State Board of Equalization, will be revised at the expense of the applicant.

Section 4. The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved as submitted and are as depicted in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 5. Further protest proceedings are waived and the Commission orders the annexation, pursuant to Part 4 commencing with Section 57000.

Section 6. The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Section 56882 of the Government Code.

PASSED AND ADOPTED by this Local Agency Formation Commission of the County of Butte, on the 1st day of September 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

Clerk of the Commission

BILL CONNELLY, Chair
Butte Local Agency Formation Commission



SOUTH FEATHER WATER & POWER AGENCY

LAFCO EXHIBIT 1 RESOLUTION OF THE BOARD OF DIRECTORS

Resolution 22-04-26

**Application by the South Feather Water & Power Agency
Requesting the Local Agency Formation Commission to
Take Proceedings for the Annexation of Territory into the Agency**

Palermo Water Consolidation Project Area ANNEXATION #1-22

WHEREAS, the Board of Directors of the South Feather Water and Power Agency desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, commencing with §56000 of the California Government Code, for the annexation of the territory hereinafter described; and,

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and subject agency; and,

WHEREAS, the territory proposed to be annexed is inhabited and its owners support the annexation proposal;

WHEREAS, a description of the boundaries of the territory proposed to be annexed is set forth in Exhibit 3 of the LAFCo Application Form for the subject annexation, attached hereto and by this reference incorporated herein; and,

WHEREAS, this proposal is consistent with the sphere of influence of South Feather Water and Power Agency; and,

WHEREAS, the proposed annexation is consistent with the Butte County General Plan applicable to this property; and,

WHEREAS, the annexation is proposed for the purpose of allowing South Feather Water and Power Agency to provide domestic (treated) water to the annexing territory when available; and,

WHEREAS, this Board of Directors acknowledges that, in accordance with Section 99, Subsection B, Paragraph 8, Subpart (d) of the Revenue and Taxation Code, the Master Property Tax Exchange Agreement that exists between South Feather Water and Power Agency (formerly Oroville-Wyandotte Irrigation District) and the County of Butte applies to this proposed annexation; and,

WHEREAS, this Board of Directors finds that, in accordance with said Master Property Tax Exchange Agreement with Butte County, this change of organization will be revenue neutral to all affected agencies; and,

WHEREAS, this Board of Directors acknowledges that South Feather Water and Power Agency is responsible for Butte LAFCo's expenses for staff services and materials associated with the processing of this annexation

application and agrees to pay, prior to the filing of the Certificate of Completion or within 30 days of receipt of invoice, all required fees and to reimburse Butte LAFCo for the cost of its services that exceed the initial deposit; and,

NOW, THEREFORE, BE IT RESOLVED that this project is exempt from the California Environmental Quality Act in accordance with the general rule contained in Title 14 CCR, §15319(b).

BE IT FURTHER RESOLVED that this Resolution of Application is hereby adopted and approved by the Board of Directors of the South Feather Water and Power Agency, and the Local Agency Formation Commission of Butte County is hereby requested to take proceedings for the annexation of territory as described in LAFCo Exhibit 3, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985 (rev. 1994).

BE IT FURTHER RESOLVED that the Local Agency Formation Commission be requested to make this change of organization subject to the conditions specified in the Statement of Justification, set forth in Section A.4 of the LAFCo Standard Application Form for the subject annexation, by this reference incorporated herein.

PASSED AND ADOPTED by the Board of Directors of the South Feather Water and Power Agency at the regular meeting of said Board on the 26th day of April 2022, by the following vote:

AYES: *RHW / DM / TH / RW / JS*

NOES: *∅*

ABSTAINED: *∅*

ABSENT: *∅*


Rick Wulbern, Vice President

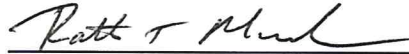

Rath T. Moseley, Secretary

SECRETARY'S CERTIFICATE

RATH T. MOSELEY, certifies that: he is the Secretary of the Board of Directors of the South Feather Water and Power Agency; and that the foregoing is a true and correct copy of a resolution duly and regularly adopted by the Board of Directors of the South Feather Water and Power Agency at a meeting of said Board duly and regularly held on the 26th day of April 2022, at which meeting a quorum was present and voted; said resolution has not been rescinded and is in full force and effect.

April 26, 2022

Date



Rath T. Moseley, Secretary
Board of Directors, South Feather Water and Power Agency