

# SOUTH FEATHER WATER & POWER AGENCY

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May 26, 2023

Mr. Steve Lucas  
Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, CA 95965

Re: Draft Municipal Service Review

Dear Mr. Lucas:

South Feather Water and Power Agency has reviewed Chapter 6 of the draft MSR specific to the agency and offer the following comments.

Let me first thank LAFCO for its coordinating efforts towards an updated MSR. Overall, the encompassing content satisfactorily captures SFWPA's structure and services.

Comments to please consider;


- A. The document primarily reflects the financial performance of FY2020 starting on page 6-3 (Profile and Overview) which is not a true representation of South Feather's annual performance, past and present. FY2020 was challenging in many ways and SF would request consideration to profile years 2021 and/or 2022 which reflect a more accurate analysis for such an important multi-year document.
- B. Page 6-6: South Feather agrees that the Sphere of Influence boundary should be co-terminus with the Place-of-Use boundary. However, by applying for an expanded Place-of-Use boundary it will likely cause protest from another existing water service provider listed in the MSR and impact South Feather rate payers with un-necessary costs.
- C. Page 6-9: Agency active committees are readily available and selected and posted in multiple regular board meetings open to the public.
- D. Page 6-12: LAFCO would like to see fewer than 50 percent of a District's meetings list a closed session item. Comment – Under the Brown Act, closed session is an important protection of HIPPA privacy rights and attorney/client privilege during potential or active litigation. An agency with the complexity and size of SFWPA will have closed session items on a regular basis. This should not be a reflection of management performance. For example, the previous General Manager sued the district post retirement that had nothing to do with current staff but was protected under attorney/client privilege. If this scenario was a public matter, then the post employee's privacy rights would have been violated.

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- E. Page 6-17: Again, on closed session determination. It is stated that South Feather exceeds the 50 percent accountability indicator. The number of closed session items needing to be less than 50 percent seems subjective.
  
- F. Page 6-53: The content written determining seven water quality items exceed EWG Non-Regulated Health Guidelines is a serious statement and frankly inappropriate. SFWPA is operated to state regulations and publish an annual consumer confidence report. This section of narrative cannot be accepted and imposes serious concerns about the accuracy of data and implied health risk to water consumers. Please consider replacing this content with South Feather's Annual Water Quality Report which meets all requirements from the State Water Resources Control Board – Division of Drinking Water.

Thank you in advance for the opportunity to comment on areas within the MSR that South Feather desire to be modified and more accurately reflect the Agency.

Sincerely,  
SOUTH FEATHER WATER AND POWER AGENCY

  
Rath Moseley, General Manager