



BUTTE LOCAL AGENCY FORMATION COMMISSION

Minutes of April 7, 2022

(A complete voice recording of the Commission's meetings can be obtained from www.buttelafco.org)

1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., April 7th, 2022, in the City of Oroville Council Chambers, 1735 Montgomery Street, Oroville, California. The meeting was also available to be viewed through Zoom Webinar.

1.1 Roll Call

Commissioners Present: Carl Leverenz (Chair-Public)
Greg Bolin (City)
Debra Lucero (County)
Tod Kimmelshue (County)
Larry Bradley (Special District)
Bruce Johnson (City)
Al McGreehan (Special District)

Commissioners Absent: Bill Connelly (County)
James T "Bo" Sheppard (City)
Bill Sharman (Special District)

Alternate Commissioners Present: Steve Betts (Public)

Alternate Commissioners Absent: none

Others Present: Stephen Lucas, LAFCO Executive Officer
Shannon Costa, LAFCO Government Planning Analyst
Joy Stover, LAFCO Commission Clerk
Krystal Bradford, LAFCO Commission Clerk
Scott Browne, LAFCO Legal Counsel

1.2 Resolution of Appreciation Upon Retirement- Joy Stover

Steve Lucas read the resolution into the record and Chair Leverenz thanked Joy for her patience and signed the resolution.

1.3 Welcome New Staff Member/Commission Clerk – Krystal Bradford

Steve Lucas welcomed Krystal Bradford.

2. CONSENT AGENDA

2.1 Approval of the Minutes of March 3, 2022

2.2 Adoption of a Renewing Resolution in Support of AB361

Chair Leverenz stated if there is no opposition, both items will be acted upon together. He asked if anyone had any questions or additions. None stated.

Commissioner Kimmelshue made a motion to approve the consent agenda, approving the March 3, 2022 minutes, adopting Resolution No. 15 2021/22 in support of AB361. The motion was seconded by Commissioner Bolin.

The motion was carried by the following roll vote:

AYES: Commissioners Bolin, Kimmelshue, Lucero, McGreehan, Bradley, Johnson and Chair Leverenz
NOES: None
ABSENT: None
ABSTAINS: McGreehan & Johnson abstained from 2.1.

3. NOTICED PUBLIC HEARINGS – None

3.1 22-06 – City of Chico – Glenwood Avenue Annexation No. 3

Shannon Costa summarized the project and added that CSA 36 (Glen Haven lighting) will be dissolved and all parcels will be removed from CSA 164 and Butte Co Resource Conservation District.

Commissioner McGreehan asked if staff received any questions from the public.

Steve Lucas stated he received one phone call.

Commissioner Kimmelshue asks if there is a drainage district involved.

Steve Lucas replied most of the drainage is handled onsite, there is no formal drainage system.

Further discussion regarding drainage in the area.

Commissioner Lucero asked how it works when water wells fail, are they required to hook up to Cal Water.

Shannon Costa stated Cal Water doesn't have infrastructure in place currently. If residents wanted to obtain Cal Water services they would have to initiate contact with Cal Water.

Chair Leverenz opened the item to the public for comment. No responses received.

Commissioner McGreehan asked staff if the City of Chico knows how many wells are in this area.

Shannon Costa replied no they would not.

Discussion on making a policy that would require the City of Chico to notify residents in the event of a failed well they would need to connect to Cal Water.

Chair Leverenz added he thinks this policy should apply to all cities.

Steve Lucas said he would draft something up and present it to the Commission at a later date.

Commissioner Lucero made a motion to approve the annexation, adopting Resolution No. 09 2021/22. The motion was seconded by Commissioner McGreehan.

The motion was carried by the following roll vote:

AYES: Commissioners Bolin, Kimmelshue, Lucero, McGreehan, Bradley, Johnson and Chair Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

3.2 Review and Consideration of Proposed budget for Fiscal year 2022/23

Chair Leverenz stated budget committee met and voted to approve the budget subject to the final vote of the Commission.

Scott Browne, LAFCo Legal Counsel, voiced a concern for inflation.

Discussion regarding the need for consideration for inflation in future.

Scott Browne asked for his compensation to be increased to meet inflation at 7.4%.

Steve Lucas stated he believes we have accounted for increases that we expect to receive for this coming year. Staff opted to present a 4% cost of living increase instead of 7.5% while recognizing our member agencies have budgetary issues.

Chair Leverenz stated he believes the 4% is much more closely related to what will happen.

Commissioner Lucero made a motion to amend the budget and increase legal counsel fee by 4%. The motion was seconded by Commissioner Kimmelshue.

Chair Leverenz opened this item to the public for comments. None stated.

The motion was carried by the following roll vote:

AYES: Commissioners Bolin, Kimmelshue, Lucero, McGreehan, Bradley, Johnson and Chair Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

Chair Leverenz opened this item to the public for comments. None stated.

Commissioner Kimmelshue made a motion to adopt the budget as amended. The motion was seconded by Commissioner Lucero.

Commissioner McGreehan stated in the event we approve the motion if staff would monitor the inflationary situation over the year and provide the commission an update before the end of the year.

Steve Lucas stated we can bring an update back to the commission in six months.

The motion was carried by the following roll vote:

AYES: Commissioners Bolin, Kimmelshue, Lucero, McGreehan, Bradley, Johnson and Chair Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

3.3 22-07 – CAL FIRE / City of Oroville – Extension of Fire Services by Contract

Shannon Costa presented a PowerPoint presentation. She stated this is the first time anyone in the state has utilized Senate Bill 239. She asked if there were any questions from the Commissioners.

Discussion regarding pre Camp Fire data used.

Chair Leverenz opened item to the public.

Chris Tenms, Interim Fire Chief City of Oroville, introduced himself and asked if anyone had any questions for him. None stated.

Bill LaGrone, City of Oroville Administrator and acting Police Chief, explained how the City recognized the need for change within the fire department. He stated the fire department is the 2nd oldest fire department in California and the fire department will still exist. He summarized the benefits of contracting with Cal Fire.

Chair Leverenz stated he has sympathy and concern for what they are doing. He also mentioned LAFCo's concerns regarding El Medio Fire Department.

Bill LaGrone stated the City has been tracking the costs of providing services to the El Medio fire area and we may be back before this commission seeking the dissolution of that district.

Commissioner Kimmelshue made a motion to approve & adopt Resolution No. 13 2021/22. The motion was seconded by Commissioner McGreehan.

The motion was carried by the following roll vote:

AYES: Commissioners Bolin, Kimmelshue, Lucero, McGreehan, Bradley, Johnson and Chair Leverenz

NOES: None

ABSENT: None

ABSTAINS: None

Commissioner Kimmelshue asked if LAFCo has the ability to dissolve a district without their approval.

Chair Leverenz confirmed.

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda- None

4.2 Butte LAFCo/City of Chico – Island Annexation Agreement

Shannon Costa summarized the staff report and made a correction to the staff report in that there will be no resolution adopted today. If approved the commission will be giving the Chair the authority to enter into an agreement with the City of Chico effective 2022. The first application for annexation is expected to be received around August 2022.

Lucero asked how this will affect elections.

Shannon Costa stated they would be absorbed into their districts.

Discussion regarding how the homeowners would be notified by the city once annexed.

Kimmelshue asked how the islands are determined.

Shannon Costa explained the islands have infrastructure already in the ground for sewer services.

Kimmelshue asked if these are all of the islands.

Steve Lucas stated this is the final grouping of islands.

Commissioner Lucero made a motion to adopt Resolution No. 16 2021/22 authorizing the Chair of the Commission to enter into the Island Annexation Agreement between the City of Chico and Butte LAFCo. The motion was seconded by Commissioner Kimmelshue.

The motion was carried by the following roll vote:

AYES: Commissioners Bolin, Kimmelshue, Lucero, McGreehan, Bradley, Johnson and Chair Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

4.3 21-06 – Formation of Tuscan Water District Update

Steve Lucas gave an update of the protest hearing and stated 120 land owners protested out of 3106. Which represented 2.6% of the assessed land value. The next step is for the Board of Supervisors to direct the county elections office to hold an election by mailed ballots. Staff has already discussed the process with county elections officials. The vote will be based on acreage and is expected to be held in August.

5. Public Comment on Items not on the Agenda

None stated.

6. Reports and Communications

6.1 Executive Officer's Report

Steve Lucas summarized the Executive Officer's report and provided updates.

6.2 Correspondence - None

7. ADMINISTRATION. The commission will discuss and provide direction to the EO on admin matters relating to the operation of the commission.

8. ADJOURNMENT NOTICE: Adjourn to May 5th, 2022 In the City of Oroville Council Chambers.

There being no further business, the meeting was adjourned at 10:45 a.m. to the next LAFCO meeting scheduled for Thursday, April 7, 2022.

LOCAL AGENCY FORMATION COMMISSION

By: Stephen Lucas, Executive Officer

Minutes prepared by Krystal Bradford, Commission Clerk