



## BUTTE LOCAL AGENCY FORMATION COMMISSION Minutes of February 6, 2020

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

### 1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:02 a.m., February 6, 2020, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

#### 1.1 Roll Call

Commissioners Present: Greg Bolin (City)  
Jack Kiely (Special District)  
Bill Connelly (Vice Chair - County)  
Al McGreehan (Special District)  
Steve Lambert (County)  
Carl Leverenz – (Chair-Public)

Commissioners Absent: Nathan Wilkinson (City)

Alternate Commissioners Present: Debra Lucero (County-Alt)

Alternate Commissioners Absent: Greg Steel (Public-Alt) and Bruce Johnson (City-Alt)

Vacant Seat: Alternate Commissioner (Special District)

Others Present: Stephen Lucas, LAFCO Executive Officer  
Stephen Betts, LAFCO Deputy Executive Officer  
Jill Broderon, LAFCO Management Analyst  
Joy Stover, LAFCO Commission Clerk  
Marsha Burch, LAFCO Legal Counsel Representative

\* \* \* \* \*

### 2. CONSENT AGENDA

#### 2.1 Approval of the Minutes of December 5, 2019

Chair Leverenz asked if there were any changes or amendments to be made on the minutes. None stated.

**Commissioner Kiely made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Bolin.**

**The motion was carried by the following vote:**

**AYES:** Bolin, Kiely, Connelly, McGreehan, Lambert and Chair Leverenz

**NOES:** None  
**ABSENT:** Wilkinson  
**ABSTAINS:** None

**3. NOTICED PUBLIC HEARINGS - None**

**4. REGULAR AGENDA**

**4.1 Items Removed from the Consent Agenda – None**

**4.2 Appointment of Budget Committee for the 2019/20 Fiscal Year**

It was decided Commissioners Connelly, McGreehan, Bolin and Chair Leverenz will serve on the 2019/20 Budget Committee.

**The motion was carried by the following vote:**

**AYES:** Bolin, Kiely, Connelly, McGreehan, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** Wilkinson  
**ABSTAINS:** None

**4.3 20-06 – Oroville Mosquito Abatement (OMAD) District Dissolution – Fee Waiver**

Steve Lucas stated the estimated fees for processing this application is approximately \$5,000. Butte County Mosquito & Vector Control District (BCMVCDD) is currently providing the services under contract with OMAD. OMAD has unmet CalPERS obligations that still need to be worked through.

Commissioner Kiely asked if any money is left in the district's budget.

Steve Lucas stated approximately \$90,000 and next year's tax allocation. There is unfunded CalPERS liabilities for two past employees that total approximately \$250,000 that still needs to be negotiated with BCMVCDD.

Chair Leverenz opened this item to the public. No responses received.

**Commissioner Connelly moved to approve the waiver of filing fees as recommended by staff. The motion was seconded by Commissioner McGreehan.**

**The motion was carried by the following vote:**

**AYES:** Bolin, Kiely, Connelly, McGreehan, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** Wilkinson  
**ABSTAINS:** None

**4.4 Durham Mosquito Abatement District (DMAD) Sphere of Influence Review of Conditions**

Steve Betts stated the item before the Commission is a review of the Durham Mosquito Abatement District's (DMAD) Probationary Sphere of Influence Boundary. This review of

the DMAD's Probationary Sphere of Influence Boundary was a requirement of the granting of their Sphere, which was approved by the Commission as a part of the 2017 Municipal Services Review and Sphere of Influence Plans for the Mosquito Abatement Districts within Butte County.

The granting of the DMAD Probationary Sphere of Influence required a review of DMAD's service provisions to ensure that the District has adopted and implemented a comprehensive integrated pest management program and has created and maintained a comprehensive website.

DMAD has created a website and adopted an Integrated Mosquito Management Plan (IMMP), which appears to cover all of the major elements of an integrated pest management plan and provides a large amount of information on how the District performs mosquito abatement services. The agenda report stated that the District's IMMP has not been posted to the District's webpage, however, the plan was recently posted on the webpage.

DMAD's webpage contains basic information about the District, such as contact and location information, the names of the District Board of Trustees, spray zone maps, and information about mosquitoes and mosquito-borne diseases. After the agenda report was completed, the District added additional information to their webpage, including their adopted Integrated Mosquito Management Plan, the District's latest financial audits, and several financial documents about the District's fund balances. The District also added tabs for District Board of Trustees meeting agendas and minutes, but no agendas or minutes have been actually placed on the webpage. The District's webpage does not appear to be comprehensive since a significant amount of information about the District is not posted on the webpage. The information that the District should add to their webpage to make it a comprehensive and publically useful webpage includes:

- Past and current annual budgets
- Employee compensation reports
- Board of Trustee meeting dates
- Board of Trustee current and past meeting notices, agendas and minutes
- Municipal Service Review/Sphere of Influence Plan
- Map of the District jurisdictional boundaries

The agenda report contains three options that the Commission can consider today regarding DMAD's Probationary Sphere of Influence.

Staff recommends the Commission approve Option No. 1 of the staff report or bring the item back to the Commission at a future hearing if either Option No. 2 or Option No. 3 is chosen by the Commission.

Chair Leverenz stated if the Commission adopts Option No. 1, staff will monitor efforts of DMAD and bring this item back to the Commission at a later date.

Commissioner McGreehan asked Steve Betts for a suggested timeframe.

Steve Betts stated 6 months should be adequate time.

Chair Leverenz opened this item to the public for comments.

Aaron Amator, General Manager for DMAD, stated the District is starting from scratch and has made lots of improvements. If the District needs to add these other items to the webpage, we will do so from here on out. The last 3 years' working budgets have been

posted to the website. The District did have a couple of community meetings that were attended by Supervisor Lambert and Steve Lucas. The community expressed a desire to keep the District.

Chair Leverenz asked if the District would be able to meet the suggested requirements within 6 months.

Aaron Amator stated he felt this could be accomplished within 6 months.

Chair Leverenz closed the public portion of the meeting.

**Commissioner Lambert moved to adopt Option No. 1 of the staff report and bring this item back to the Commission in six months. The motion was seconded by Commissioner McGreehan.**

**The motion was carried by the following roll call vote:**

**AYES:** Bolin, Kiely, Connelly, McGreehan, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** Wilkinson  
**ABSTAINS:** None

**4.5 20-05 – Agricultural Groundwater Users of Butte County (AGUBC) – Tuscan Water District Formation**

Steve Lucas stated this in an informational item only and no action will be taken today on this item.

Chair Leverenz stated we did receive a letter from John Scott and it will be taken into the record.

Chair Leverenz opened this item for public comment.

Tasha Levinson, a resident of the City of Oroville, stated she has attended a lot of ground water meetings and voiced her concerns with the formation of Tuscan Water District.

Chair Leverenz asked if Ms. Levinson has seen the petition that is circulating.

Tasha Levinson stated she has not.

Gail Tozier, a member of the Miocene Canal Coalition, stated the Coalition would like to be a part of the Tuscan Water District meetings. The Coalition has requested to be notified when meetings are being held. There is about two thirds of the Miocene Canal that could be used now to help recharge the aquifer if it was in operation.

Jessie Lyon, a resident of Chico, stated he does not want to have conjunctive use. They do not want water to be pumped out of the ground and mixed with surface water and sent down south.

John Scott stated he wants to make sure his email letter will be a part as a record to the minutes.

Chair Leverenz stated the letter has been made a part of the record.

Ryan Newman, a member of the Miocene Canal Coalition, stated over a thousand parcels are affected and 148 thousand acre feet of water is currently not recharging the Aquifer.

Chair Leverenz closed the public portion of the meeting.

No action was taken on this item as it was an informational item only.

#### **4.6 Paradise Water Planning Issues Discussion**

Steve Lucas stated we discussed this item at the Dec. 5, 2019 LAFCo meeting. Steve wanted to clarify this item has nothing to do with the Cal Water Intertie Proposal as LAFCo has no role to play in the Intertie at this time.

At the December meeting, the Commission indicated an interest in this issue and acknowledged the Commission has a significant role to play in developing future growth and planning documents and the boundaries and services of local agencies on the Paradise Ridge. The Commission also acknowledged it has a public interest role in seeking information on behalf of the public. The Commission directed staff to prepare a letter for the Chair's signature to be sent to the State Department of Finance, the State Water Resources Control Board and the Paradise Irrigation District strongly encouraging them to reach out to all affected local agencies and stakeholders when developing scopes of work. In preparing the letter, LAFCo staff did reference the Miocene Canal issue as well.

Chair Leverenz opened this item for comment.

Kevin Phillips, Paradise Irrigation District Manager, stated PID lost 90% of its revenue due to the Camp Fire. The question is how will PID backfill the revenue once the current backfill money runs out. PID received a letter from the Department of Finance indicating a two year backfill with conditions. Kevin Phillips called the Department of Finance and was told the letter was a little harsher than it needed to be. Kevin was told PID needs to look at future options. The Department of Finance will provide \$500,000 to prepare a "Sustainability Plan" to be conducted by the Sacramento State Department of Water Programs. The pre-kickoff meeting was recently held and a formal kickoff meeting is set for March.

Kevin Phillips stated the feasibility study will be prepared by an out of area independent consultant. LAFCo will have a voice and be able to attend the meetings.

Chair Leverenz asked if Kevin Phillips was aware of and has he read the draft letter from LAFCo.

Kevin Phillips stated he has no problem with the letter.

Commissioner Bolin asked how long does PID see the study taking.

Kevin Phillips stated no longer than 18 months and possibly sooner.

Commissioner McGreehan stated based on comments heard, he is concerned about the 18 months as it goes beyond the backfill revenue timeframe.

Kevin Phillips stated the backfill will go beyond the 18 months and the District has been being very careful with their revenue.

Commissioner Kiely voiced his concerns regarding media reports about the feasibility study. The District should be primarily concerned that they have the ability to provide services and not lose any rights to water.

Richard Harriman appearing as a Chico resident stated Mr. Kiely has addressed most of the concerns he had. He is concerned about the City of Chico recently adopted Sphere of Influence Plan that included areas along the Skyway. He is concerned about the feasibility study and the impacts of how they affect the City of Chico. One of the issues he would like to see part of the feasibility study and the consolidation review is to include the Miocene Canal issue.

Tasha Levinson stated she wanted to sound a word of caution about letting Cal Water get involved at all.

James Brobeck, Water Policy Analyst for AquAlliance, expressed his concerns with the study and said the feasibility study needs to examine many alternatives and help the county conform to the overall requirements of SGMA.

Chair Leverenz stated these comments need to be addressed with the agency conducting the study.

James Brobeck asked what the feasibility study is to be a study of.

Chair Leverenz said as stated by Kevin Phillips, the feasibility study will examine future options for the District.

Chair Leverenz closed the public comments.

Commissioner McGreehan stated he wanted to discuss some amendments to the letter.

Chair Leverenz asked if Commissioner McGreehan wanted to put that in the form of a motion.

**Commissioner McGreehan moved to approve the letter to the Department of Finance with amendments as noted. The motion was seconded by Commissioner Connelly.**

**The motion was carried by the following roll call vote:**

**AYES:** Bolin, Kiely, Connelly, McGreehan, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** Wilkinson  
**ABSTAINS:** None

## **5. Public Comment on Items not on the Agenda**

Chair Leverenz asked if there was anyone that wanted to speak on anything not on the agenda. No responses received.

## **6. Reports and Communications**

### **6.1 Executive Officer's Report.**

Steve Lucas summarized the executive officer's report and stated the recruitment interviews are scheduled for Feb. 14, 2020. Steve stated he was invited to attend the 1<sup>st</sup> Special District Association meeting on Friday Feb. 7<sup>th</sup> and he is looking forward to going. Updates to GC56133 and LAFCo Protest Proceedings were provided. Steve stated staff received an email from Nathan Wilkinson and advising he is resigning from the City of Biggs Council effective Feb. 10, 2020.


**6.2 Correspondence - None**

**7. ADMINISTRATION**

**8. ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:43 a.m. to the next LAFCO meeting scheduled for March 5, 2020.

**LOCAL AGENCY FORMATION COMMISSION**

  
By: Stephen Lucas, Executive Officer