

BUTTE LOCAL AGENCY FORMATION COMMISSION
Minutes of January 5, 2017

1. Call to Order

Chair Leverenz called the meeting to order at 9:02 a.m., January 5, 2017, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

1.1 Roll Call

Present: Commissioners: Scott Lotter (City), Larry Duncan (Special District); Bill Connelly (County), Linda Dahlmeier (City), Steve Lambert (County) and Chair Carl Leverenz (Public). Alternate Commissioner Al McGreehan (Special District).

Absent: Commissioner, Tom Lando (Special District)
Alternate Commissioners: Greg Steel (Public) and Larry Wahl (County)

Others Present: Stephen Lucas, LAFCO Executive Officer
Stephen Betts, LAFCO Deputy Executive Officer
Joy Stover, LAFCO Commission Clerk
P. Scott Browne, LAFCO Legal Counsel

2. Consent Agenda

2.1 Approval of the Minutes of November 3, 2016

Chair Leverenz asked if there were any amendments to the minutes. None stated.

Commissioner Duncan made a motion to approve the consent agenda. The motion was seconded by Commissioner Dahlmeier.

The motion was carried by the following vote:

AYES: Commissioners Lotter, Duncan, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

3. NOTICED PUBLIC HEARINGS –

3.1 17-06 – Paradise Irrigation District – Sphere of Influence Amendment and Neal Road Annexation No. 1

Chair Leverenz stated due to noticing reasons we will be requesting a continuance on this item.

Steve Betts stated this project came to us to annex only one parcel which will also require a Sphere of Influence amendment. In order to ensure adequate, affective and logical future boundaries, three more parcels need to be added to the SOI. The SOI amendment is in addition to the annexation of the one parcel. Staff neglected to send a request for comments to the Town of Paradise and the Town is asking that the Commission continue this item, “open”, to the next LAFCO meeting in February to allow time for the Town of Paradise to submit their comments.

Chair Leverenz opened this item up for public comment.

George Barber, General Manager for the Paradise Irrigation District, stated the District intends to update their Sphere of Influence/Municipal Service Review and have it coupled with their Water Rights permit extension process update at a later time. The staff report shows a road right-of-way included in the annexation. This will cause the owner of the parcel to have to incur cost to create a new legal description and map.

Chair Leverenz stated in order to maintain logical boundaries the Commission cannot leave out a little strip of land. Historically LAFCO does not leave out a strip of land, such as a road, when an annexation is approved as LAFCO is charged with creating logical boundaries.

Steve Lucas stated the State Board of Equalization sets the standards on the legal description and maps and there is no way around those requirements. As to the cost, a legal description can be anywhere from \$500 to \$1500 in our experience. Generally we take in road right-of-ways for all the special districts, primarily so that their infrastructure is within their district boundaries.

George Barber stated the district will work to get an estimate of the cost to prepare a new map & legal description.

Chair Leverenz closed this portion of the public hearing

Commissioner Lotter made a motion to continue this open item to the February 2, 2017 LAFCO meeting as suggested by staff. The motion was seconded by Commissioner Duncan.

The motion was carried by the following vote:

AYES: Commissioners Lotter, Duncan, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

Commissioner Duncan stated for the record he wanted to state that Ezekiel and Edna Duncan are not relatives of his.

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda – None

4.2 17-03 – Lake Oroville Area Public Utility District – Olive Highway Annexation No. 1 (*Continued from November 3, 2016 for Reconsideration*)

Steve Lucas stated staff recommends a revision to some wording in a condition that would be very problematic to implement.

Chair Leverenz stated there is a concern regarding a fence and emergency access to Hildale Avenue.

Steve Lucas stated the only way for the Tribe to gain access to Hildale Avenue is through an encroachment permit through the County. It was confirmed with the County Public Works Department that there are only two ways for the Tribe to move forward. They could either have no access to Hildale Avenue or they have to ask the County for an encroachment permit which would be restricted for the emergency use only. If access is requested, it would require the County to do a traffic study to determine whether or not there are any improvements required, before they can issue an encroachment permit.

Chair Leverenz opened this item to the public for comment. No responses received. Chair Leverenz closed this portion of the public hearing.

Commissioner Duncan made a motion to approve the resolution submitted by the staff. Commissioner Connelly seconded the motion.

Commissioner Connelly stated he feels LAFCO should stay out of encroachment issues.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

4.3 17-05 – City of Chico – Extension of Services – 85 Rose Avenue

Steve Betts stated this is an extension of services to allow the City of Chico to provide sanitary sewer services to the parcel. The parcel is located approximately 1200 feet from the nearest City of Chico jurisdictional boundary and there are many intervening parcels. Annexation of this parcel to the City would be very difficult. The annexation would have to include a minimum of 50 parcels to ensure the needed contiguity and to ensure the creation of effective jurisdictional boundaries. An annexation agreement and covenant has been submitted with the application.

Chair Leverenz stated he assumes the sewer line is readily available.

Steve Betts stated the sewer line goes down Rose Avenue and has been there for many years.

Commissioner Duncan made a motion to adopt Resolution No. 09 2016/17, approving the extension of sanitary sewer service. Commissioner Dahlmeier seconded the motion.

The motion was carried by the following roll call vote:

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| AYES: | Commissioners Lotter, Duncan, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz |
| NOES: | None |
| ABSENT: | None |
| ABSTAINS: | None |

5. Public Comment on Items not on the Agenda

Chair Leverenz asked for comments 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.

Chair Leverenz stated he was impressed with the CALAFCO Sphere and Director’s Report, both as to content and form, it was clearly the best that they have put out.

Steve Lucas stated Commissioner Connelly was appointed to the CALAFCO Legislative Committee on December 9 2016.

Commissioner Connelly stated serving on the CALAFCO Legislative Committee was very rewarding and they weren't self serving. We addressed how much CALAFCO should be lobbying with limited funding and our status restriction. There will be a meeting with our Legislative Assemblyman Gallagher on Monday.

Commissioner Duncan stated he has always found that the CALAFCO Directors are not self serving.

6.2 Correspondence – None

7. CLOSED SESSION (*Administration Conference Room Available 9:00 to 12:00 p.m.*)

7.1 Public Employee Performance Evaluation.

With respect to every item of business in a closed session pursuant to Government Code Section 54957. Title: Executive Officer

Chair Leverenz adjourned the meeting to closed session at 9:30 a.m.

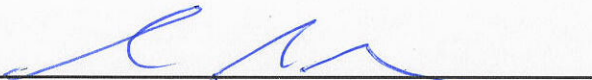
Chair Leverenz re-opened the meeting at 9:52 a.m. No reportable action taken.

8. ADMINISTRATION – None

9. ADJOURNMENT.

There being no further business, the meeting was adjourned at 9:53 a.m. to the Thursday, February 2, 2017 regularly scheduled meeting.

LOCAL AGENCY FORMATION COMMISSION


By: Stephen Lucas, Executive Officer