



## **BUTTE LOCAL AGENCY FORMATION COMMISSION Minutes of March 5, 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 9:00 a.m., March 5, 2020, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

Chair Leverenz welcomed new incoming City Member James T. "Bo" Sheppard to the Commission.

#### **1.1 Roll Call**

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

Commissioners Absent: None

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

Alternate Commissioners Absent: Debra Lucero (County-Alt)

Vacant Seat: Alternate Commissioner (Special District)

Others Present: Stephen Lucas, LAFCO Executive Officer  
Jill Broderson, LAFCO Management Analyst  
Joy Stover, LAFCO Commission Clerk  
P. Scott Browne, LAFCO Legal Counsel

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### **2. CONSENT AGENDA**

#### **2.1 Approval of the Minutes of February 6, 2020**

#### **2.2 Acceptance of Independent Auditor's Report and Financial Statements for Fiscal Year ending June 30, 2019.**

Chair Leverenz asked if there was anyone on the Commission that would like either of the items changed, pulled or commented on. None stated.

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

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

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

**3. NOTICED PUBLIC HEARINGS - None**

**4. REGULAR AGENDA**

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

**4.2 20-05 Agricultural Groundwater Users of Butte County (AGUBC) – Tuscan Water District Formation**

Steve Lucas stated the AGUBC circulated their notice of intent to collect signatures on a petition. The group has collected what appears to be an adequate number of signatures. The petitions must be verified by the County Assessor's Office before we can move forward.

Commissioner Lambert asked who the signatures are from.

Steve Lucas stated the signatures are from the landowners who own the land within the proposed district. They need to obtain at least 50 + 1 percent to get the petition off the ground. Which also happens to be the same election standard we will use to support it. Right now it looks like they have about 62% of the landowners in favor of the petition. But until we get it verified we won't know for sure.

Commissioner Bolin asked for clarification on whether it is landowners or registered voters.

Steve Lucas confirmed this would be a landowner voter district and explained the process.

Chair Leverenz opened this item to the public.

John Scott stated he has an issue with AGUBC and he doesn't think there is enough transparency. He would like to see more stuff posted.

Commissioner Lambert asked what type of stuff Mr. Scott wants to see posted.

John Scott stated he would like to see their proposed by-laws, how they plan to form, how they plan to vote on things, how they plan to assess people, fees to run the organization, will the fees be fixed, who is going to actually run the organization, etc.

Chair Leverenz stated he thinks the concerns are legitimate. The group needs to submit the petition, it has to be approved and many of the issue may at that point be part of the staff report.

Steve Lucas stated any group of people can get together and choose to petition LAFCo for formations or annexations. Steve explained the process and at what point LAFCo gets

involved and stated until that time they submit the petition, there is really no public process. Once that petition becomes valid, then an application can be submitted and that application will be a public document.

Richard Harriman stated he just wanted to follow up on John Scott's comments. The more proactive the Commission is at putting things on the website, the more the perception is of openness and transparency and would be appreciated by the public and himself.

Commissioner Kiely wanted clarification on the map boundaries for the proposed district.

Steve Lucas stated the map in the Commission's packet is the Group's map and not prepared by LAFCo staff. He identified the areas as shown in the map for the Commission and what each area represents.

Commissioner McGreehan stated once staff receives the official petition, at that time staff can start posting related information on the LAFCo website.

Commissioner McGreehan stated in the meantime, there's a matter of public record for all about this nonprofit organization, citizens can look up the information themselves. Or maybe contact the principles of the organization.

John Scott stated in future discussions on the AGUBC with LAFCo would it be appropriate for any members on the Commission here today to recuse themselves on this discussion or any actions taken by this commission in the future.

Chair Leverenz stated this in an informational item only but as a practical matter, once the application is received, any member that feels they have a conflict, recuse themselves and that is standard practice.

Chair Leverenz stated LAFCo will follow the law and as this is an informational item only, no action will be taken.

#### **4.3 Paradise Water Planning Issues Discussion**

Steve Lucas stated this is an update and he is happy to report that the Commission's letter to the State Department of Finance resulted in a quick response from staff at the State Water Board who are actually going to be managing the study. They indicated they were happy to receive the letter and it supported what they had already planned to do. They will be providing a \$500,000 grant, it will be conducted by Sac State's Department of Water Programs, and they held a kick off meeting with the district to get the process started.

Commissioner Bolin wanted to know who would represent LAFCo at these meetings.

Steve Lucas stated at this point he feels they prefer staff level representation.

Chair Leverenz opened this item to the public.

Kevin Phillips, Paradise Irrigation District General Manager, stated Steve Lucas just covered the process perfectly. PID did support LAFCo being very much involved in this process and he appreciates Steve and his willingness to participate.

Chair Leverenz stated hopefully the Study will move along quick enough so there aren't any fiscal issues for the District.

Kevin Phillips stated it is an 18 month process and right now he feels pretty good about the process. The process is going to be called the Sustainability Study, getting away from the consolidation word. The Study will look at all options. The process will be very transparent and there will be a lot of community involvement. There will be a community relations firm come in to help facilitate community meetings that will be someone from out of the area.

Commissioner McGreehan asked if the kick-off meeting will be in this area.

Kevin Phillips confirmed.

Commissioner McGreehan asked if there is any indication when in March the meeting will be held.

Kevin Phillips stated no date has been confirmed yet. All of the meetings are to be held in the Butte County area and possibly Paradise.

Richard Harriman asked if the staff meetings that will be held by the various agencies involved, will those be open to the public.

Scott Browne stated there would be no Brown Act requirements so it's really going to be up to the foundation itself how it chooses to operate them.

Richard Harriman asked, under the Public Records Act, is there a right to request copies of the minutes of those meetings.

Scott Browne stated he would suspect he would have a right to do so.

Richard Harriman stated he will follow up with Kevin Phillips and Dustin Cooper as that is part of the transparency issue.

Steve Lucas stated everything that he obtains or learns from those meetings, he will be sharing with the Commission and then it becomes a public record.

Richard Harriman stated he would encourage staff that those reports might also be something to put on the website. He is trying to be protective of the public and his own interest.

Steve Lucas stated there is a Miocene working group that meets regularly under the guidance of the County Water Department staff and they are working on the issue of dewatering the canal. This will also be a part of the Study.

Steve Lucas added he attended the Vina GSA meeting and of particular interest was a rule that ban out of basin transfers of water. This is very positive and this relates back to the Tuscan Water District issue. This will be a huge factor in how we move forward in protecting our groundwater.

Commissioner McGreehan asked how often the group meets.

Steve Lucas started he thinks about once a month.

Chair Leverenz closed the public portion of the meeting due no further responses.

#### **4.4 Consideration and Selection of Public Member and Alternate Public Member**

Chair Leverenz asked if there was any discussion on these two vacancies coming up in May. None stated. Chair Leverenz stated Jill will be posting the vacancies.

#### **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.

Commissioner McGreehan wanted to remind all the Commissioners that they will need to file their 700 forms.

Steve Lucas stated if there are any questions about the 700 forms Jill will be happy to answer those.

#### **6. Reports and Communications**

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

Steve Lucas summarized the executive officer's report and stated we are continuing the recruitment for the replacement of the Special District alternate representative. We currently have two nominations. Steve stated he was invited to speak at the newly constituted Butte County Special District's Association meeting. The meeting was very well attended and he is hopeful because of that meeting and turnout that we will get a better response to our recruitment process.

Steve Lucas stated we went through a long process of recruitment to hire someone that could fill our vacancy, and he is very happy to report that we hired Shannon Costa who is a City of Chico Associate Planner.

The City of Oroville recently met and will be going forward with their update of their Municipal Service and Sphere of Influence Study. They have a plan that they want to look at the Thermalito area for annexation as well as potentially expanding their sphere by about 400 acres west of Wilbur Road for additional housing opportunities. All of this is in flux while we do the study. The study will be completely funded by the City.

Staff received a notice that Pamela Miller, Director of CALAFCO, wishes to retire and she will be with us through September. It is a big loss for us and she has been with CALAFCO for 8 years.

Commissioner Connelly stated that law that did away with contracting did influence her decision and he thinks it will make it much more difficult to hire somebody. It will be interesting.

Commissioner McGreehan stating he does not see how AB-5 even applies to that position.

Commissioner Connelly stated they had CALAFCO counsel review it and it didn't pass the test of the law. If your primary way of making a living is your primary contract then you are actually an employee.

Steve Lucas stated AB-5 is being considered for modifications.

Under general notes Steve Lucas stated we do these MSR updates and make determinations and recently we prepared a MSR for the Butte County Resource Conservation District. The District took the determinations seriously and they are trying to make some of the changes we recommended.

**6.2 Correspondence - None**

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

**7.1 Public Employee Performance Evaluation.**

The Commission adjourned to Closed Session at 9:36 a.m.

The Commission reconvened at 10:11. Chair Leverenz stated officially letting the public know the Commission met in Closed Session to discuss personnel issues, we are no longer in session and the meeting is adjourned.

**8. ADMINISTRATION**

**9. ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:12 a.m. to the next LAFCO meeting scheduled for April 2, 2020.

**LOCAL AGENCY FORMATION COMMISSION**



**By: Stephen Lucas, Executive Officer**

Minutes prepared by Joy Stover, Commission Clerk