



BUTTE LOCAL AGENCY FORMATION COMMISSION Minutes of November 7, 2019

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

1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., November 7, 2019, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

1.1 Roll Call

Commissioners Present: 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) and Greg Bolin (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
Jill Broderson, LAFCO Management Analyst
Joy Stover, LAFCO Commission Clerk
P. Scott Browne, LAFCO Legal Counsel
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1.2 Special Presentation

Matthew Ball, District Manager for the Butte County Mosquito and Vector Control District, stated he is happy to be bearing gifts today. Butte LAFCo has been awarded an achievement for 2019 for the Mike Gotch Courage and Innovation Award. Matt stated he wanted to thank the Commission and Steve Lucas for going above and beyond in looking out for his district. For our local LAFCO to look out for special districts that were impacted negatively by the Camp Fire, he can't thank the Commission enough.

Commissioners Bolin and Wilkinson arrived at 9:04

2. CONSENT AGENDA

2.1 Approval of the Minutes of October 3, 2019

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

Commissioner McGreehan made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Wilkinson.

The motion was carried by the following vote:

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

3. NOTICED PUBLIC HEARINGS

3.1 19-12 – County of Butte – County Service Area No. 158 (Ishi Valley Estates) Sphere of Influence Amendment and Mandville Subdivision Annexation No. 1

(Continued from October 3, 2019 meeting)

Steve Lucas stated this item was heard last month and staff recommended approval however there were a couple of issues that needed to be dealt with. County Counsel's office has stated they will be conducting a new 218 hearing as the property owners have changed. Also, LAFCO has been told we do have a 100% support by all property owners. The Commission can approve this today and condition it upon the County completing the 218 hearing and once approved staff can go forward with recording the certificate of completion.

Chair Leverenz stated the County already has allowed development and construction. As far as marketing the parcels, does the failure of the Commission to act, affect whether they have a valid way to hook people up yet.

Steve Lucas stated it is the County's process to decide how they want to go about this. Our concern in forming this district is that it is financially capable in doing what they want it to do, which is that 218 charge to those individual property owners. As long as that charge gets in effect by the County, then we have met our obligation to make sure that CSA is adequately funded. If they don't achieve success in that 218 proceeding, then this process basically becomes terminated.

Chair Leverenz stated the County Counsel's office is going to implement the 218 proceeding over again to make sure that the taxing ability is there, but it is also up to the County to deal with the developer to allow continuous development if that is what legally can be done.

Commissioner Wilkinson moved to adopt Resolution No. 02-S 2019/20 approving the Sphere of Influence Amendment and Resolution No. 02 2019/20 approving the annexation. The motion was seconded by Commissioner Kiely.

The motion was carried by the following roll call vote:

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

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda – None

4.2 20-03 – City of Chico – Extension of Services – 1447 Glenwood Avenue

Steve Lucas stated a condition of approval in the draft resolution should have the date of May 1, 2020 instead of Jan. 7, 2020 for the City of Chico to initiate the annexation, per the motion made by Commissioner McGreehan on agenda item 4.3 at the October 3, 2019 meeting.

Commissioner Connelly moved to adopt Resolution No. 05 2019/2020 approving the extension of services and amending the condition of approval at Section 3 A to state the City of Chico shall initiate, through a resolution of application, the annexation of the subject parcel or the entire 43 acre island area by May 1, 2020. The motion was seconded by Commissioner Lambert.

The motion was carried by the following roll call vote:

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

4.3 20-02 – Cemetery Districts Municipal Service Review and Sphere of Influence Update

(Continued from October 3, 2019 meeting)

Chair Leverenz stated the Commission has received today a letter dated October 28th from the Paradise Cemetery District, which deals with many of the issues.

Steve Lucas stated the Commission had some concerns regarding this district and requested a letter be sent to the district noting the concerns and requesting a meeting. We received a response from the Paradise Cemetery District, which was provided to the Commission today. Steve Lucas stated he is still going to work on getting a meeting with the district.

Chair Leverenz stated maybe we should calendar this item for six months to see if the district has been able to provide their audit.

Debra Lucero asked how the district's records are kept.

Steve Lucas stated every district is unique, they are independent districts governed by their own board of directors or trustees and they make their own decisions on how they want to maintain their record keeping. LAFCo has no influence to tell any particular district how it needs to store its records. We do know that a lot of records are kept in boxes, possibly in people's garages, etc.

Debra Lucero asked if LAFCo's purview is to ensure records are being kept and then if they aren't being kept in a secure location, then what happens.

Chair Leverenz stated legislature imposes on LAFCO to look at the agency's financial liability and we have to assume most of them are going to act responsibly. This particular district has not been as responsible as most people would want. He would like to see in six months, if in fact the district has gone through an audit and in fact the audit comes

back reasonably clean. The Commission has had districts that we have had to put out of business, where the district was not functioning properly.

Steve Lucas stated possibly in future MSR's we could revise our questionnaire to include secure record maintenance.

Debra Lucero stated we lost so many historical documents in the recent fire and it would be sad to lose records of where people are buried too.

It was decided staff would put this back on the agenda in six months as a follow up.

No action was taken.

4.4 Adoption of 2020 LAFCO Regular Meeting Calendar

Chair Leverenz asked if there was any further discussion or questions. None stated.

Commissioner Wilkinson moved to approve the 2020 LAFCO Calendar. The motion was seconded by Commissioner Bolin.

The motion was carried by the following vote:

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

Chair Leverenz stated the Commission has received one request from John Scott to speak.

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

- Tuscan Water District (Groundwater Users of Butte County)- Steve Lucas stated staff has met with this group on multiple occasions to try to flush out what the group is anticipating. The group may decide to submit a petition to form a new district directly to LAFCo.
- Miocene Canal- This continues to be a very serious issue and it doesn't appear to have a solution anytime soon.

John Scott, resident of Butte Valley, voiced his concerns on private people possibly forming a private water group (Groundwater Users of Butte County) and his concerns with the Miocene Canal.

Chair Leverenz asked if John Scott is he aware if there are any property owners along the Miocene Canal that are looking to form a district or something to fund the repairs.

John Scott stated a group has been formed called the Miocene Canal Coalition and their last possible option would be to have the group fund the repairs.

Paul Behr, Chair of the Rock Creek Reclamation District, stated he wanted to speak to the Tuscan Water District. Rock Creek Reclamation District has tried to work with the group toward groundwater sustainability and the district has been rejected totally. This would be a private corporation controlled by five men. Mr. Behr voiced his concerns regarding the forming of the Tuscan Water District and the dangers of private corporations in our government.

Richard Harriman voiced his concerns regarding of AB430 (Gallagher) and amendments to general plans. Mr. Harriman also has concerns with AB431 and no CEQA review.

Steve Lucas stated the Oroville Mosquito Abatement District have a meeting scheduled next Tuesday and it will be a hearing to formally adopt a resolution to dissolve the district.

There was discussion regarding the Town of Paradise and the Paradise Irrigation District and issues related to government reorganizations.

Richard Harriman, speaking as a private citizen, stated he supports the Town of Paradise and he wanted to acknowledge that LAFCO is a great resource for the Town and PID.

Commissioner Kiely stated the most valuable asset the Town of Paradise is their water. A temporary line is above ground and an underground line is permanent.

Steve Lucas stated Commissioner Connelly was elected again to the CALAFCO Board and has been elected to serve as the Treasurer on the CALAFCO Board.

Muhammad Khan, a Gridley resident, stated he just wanted to get knowledge of about what LAFCO's role is.

6.2 Correspondence - None

7. ADMINISTRATION

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:04 a.m. to the next LAFCO meeting scheduled for December 5, 2019.

LOCAL AGENCY FORMATION COMMISSION

By: Stephen Lucas, Executive Officer

Minutes prepared by Joy Stover, Commission Clerk