

**M E M O R A N D U M**

**TO:** Local Agency Formation Commission

**FROM:** Stephen Lucas, Executive Officer

**SUBJECT:** **Agenda Item 6.1 - Executive Officer's Report**

**DATE:** August 30, 2018 for the meeting of September 6, 2018

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**ADMINISTRATION:**

1. Special District regular non-enterprise Commissioner Lando has submitted his resignation from the Commission due to a conflict of interest with his current employment with the City of Oroville. Staff will begin the process of selecting a replacement to complete his term set to expire May 2021. During the interim period Special District alternate member McGreehan will step into the vacated seat.
2. Staff has prepared recruitment materials to fill the vacant position of Deputy Executive Officer. As reported earlier, we will recruit for a flexibly staffed position (DEO/Policy Analyst) which may result in a wider range of eligible candidates applying for the position. The recruitment is set to run from September 10 through October 12, 2018.

**PROJECT NOTES:**

1. At its August 28 meeting, the Butte County Board of Supervisors directed its staff to move forward with creating a county service area structure as an alternative method of providing fire protection services in the unincorporated territory. The likely alternative will be to request LAFCO expand the powers of County Service Area No. 164 (Animal Control) to include fire protection services. The CSA may be renamed as a Public Safety CSA that may also allow future service expansions such as law enforcement and code enforcement.
2. Staff continues to work with the Durham Irrigation District (DID) to develop its Municipal Service Review and Sphere of Influence Update.
3. Pursuant to Government Code 56133, the Butte County Resource Conservation District (RCD) requested approval from LAFCO to extend services outside its District boundaries in order to conduct a fire damage assessment for the City of Chico related to the Stony Fire in Upper Bidwell Park. Staff considered the request and found it to be covered by an exemption (56133(e)) that allows one agency to serve another agency if the services to be provided are consistent with the services of the receiving entity. The LAFCO authorization letter is provided (Attachment 1) for Commission review.

**CALAFCO:**

1. The CALAFCO Board of Directors (Commissioner Connelly) continues to develop a financial strategy to address a structural budget weakness whereby excess and fluctuating revenues from the annual conference and workshop represent approximately a third (\$180,000) of the CALAFCO annual budget (\$430,000) in contrast to member dues (\$219,000) which

represent a little over half. The remaining revenues come from carry-over funds. The Board appears poised to request an increase in member dues which will require a vote of the membership to establish.

**LEGISLATION:**

1. CALAFCO's signature piece of legislation, AB 2258 (Caballero), which creates a \$1.5 million grant program to fund reorganization studies (dissolutions/consolidations) evolving from MSR/SOI determinations, hit a snag on the funding component when the Governor's Office indicated it would veto the bill because the funding was to come from the General Fund rather than a budgetary line item. The compromise with the Bill's author allowed the funding mechanism to be removed this year and allow the bill to pass in structure and return next year with a funding bill. This was the safest way to proceed rather than have the bill be vetoed in its entirety. Staff will prepare an additional letter of support from the Commission.

**GENERAL NOTES:** None

**APPLICATION ACTIVITY**

<b>APPLICATION ACTIVITY</b>								
<i>Project Status As of Aug. 30, 2018</i>								
File	Applicant	Project Name	Date Application Received	Certificate of Filing	LAFCO Hearing Date	Certificate of Completion	SBE Submittal Date	Additional Comments
11-06	Butte County	CSA No. 114 - Expansion of Powers	02/02/11	N/A	pending	N/A	N/A	Incomplete - On Hold
15-17	Chico	Chapman Annexation No. 1	04/17/15	05/17/15	07/02/15			To be Recorded 7/2020
15-18	Chico	Mulberry Annexation No. 1	04/17/15	05/17/15	07/02/15			To be Recorded 7/2020
17-04	Chico	MSR-SOI Plan Update		NA		NA	NA	Letter agreement Oct. 2015
17-11	Oroville	Oroville Region Domestic Water Study	N/A	N/A	06/07/18	N/A	N/A	finalizing
18-03	LAFCO	Drainage Districts - MSR/SOI Plan Update	N/A	N/A	06/07/18	N/A	N/A	approved - Preparing Final Document
18-04	Durham I. D.	MSR/SOI Plan Update	10/04/17	N/A	pending	N/A	N/A	In progress
18-05	BCMVCD	Rice Fields Annexation	04/10/18		06/07/18			approved - Need map/legal/SBOE fee
18-07	LAFCO	RCD MSR/SOI Plan Update	N/A	N/A	pending	N/A	N/A	In progress
18-09	TWSD	Clay Pit State Recreation Area Annexation						On hold. Incomplete Application
18-11	LOAPUD	Oak Knoll Way Annexation No. 1	03/29/18	04/09/18	05/03/18	06/12/18	06/26/18	Waiting for SBE acknowledgement
19-01	Chico	North Chico Annexation No. 1						Pre-application review

Attachments: 1. LAFCO letter of approval for the BCRCD to extend services.



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**BUTTE LOCAL AGENCY FORMATION COMMISSION**

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1453 Downer Street, Suite C • Oroville, California 95965-4950  
(530)538-7784 • Fax (530)538-2847 • www.buttelafco.org

August 28, 2018

David Lee, Chair  
Butte County Resource Conservation District  
c/o Thad Walker, Conservation Project Coordinator  
150 Chuck Yeager Way - Suite A  
Oroville, CA 95965

Re: Extraterritorial Service Extension Request - City of Chico Upper Park Fire Assessment

Dear Mr. Lee:

Thank you for contacting the Butte Local Agency Formation Commission (LAFCO) with a request to extend the services of the Butte County Resource Conservation District (District) outside your jurisdictional boundaries to assist the City of Chico (City) with wild fire recovery efforts. As you know, pursuant to Government Code Section 56133, a city or district may provide services outside its boundaries only after receiving authorization from LAFCO.

The LAFCO review pursuant to 56133 involves a number of steps, first of which is to determine whether the services to be extended qualify as an exemption. As described in your letter of August 28, 2018 (Attachment 1), the District desires to utilize its personnel to conduct a *fire damage assessment* of the trails and trees in areas of Upper Bidwell Park impacted by the Stony Fire that burned on July 12, 2018. The City indicates in their letter of support (Attachment 2) that while the City routinely provides such park and open space maintenance functions through its Public Works Department/Parks Division/Urban Forester it simply does not have the current capacity to immediately address the public health and safety concerns related to the recent wild fire prior to the onset of the rainy season.

Upon a review of the letters submitted and the City of Chico Draft Municipal Service Review, we determined that the narrowly described proposal for a *fire damage assessment* is exempt from Section 56133 in that the District will be providing a service that is an alternative to, or substitute for, services already being provided by the City and the level of service to be provided by the District is consistent with the level of service contemplated by the City.

This authorization is effective August 28, 2018 for the limited purpose of the District conducting a *fire damage assessment* of Upper Bidwell Park in the City of Chico. Any substantial deviation from this limited purpose will require additional review by LAFCO for compliance with state law.

Sincerely,

*Steve Lucas*

Stephen Lucas  
Executive Officer

Attachments: 1. BCRCD Request Letter - August 28, 2018  
2. City of Chico Support Letter - August 28, 2018

cc: LAFCO

Butte County Resource Conservation District (BCRCD)  
150 Chuck Yeager Way, Ste A  
Oroville, CA 95965

Butte Local Agency Formation Commission  
1453 Downer Street  
Oroville, CA 95965

August 27, 2018

Mr. Stephan Lucas:

This letter is to request a service extension allowing the Butte County Resource Conservation District to perform work beyond its jurisdictional boundaries; specifically, within the City of Chico.

The City of Chico Public Works Department has requested assistance from BCRCD to complete a fire damage assessment for trees and trails in areas of Upper Bidwell Park impacted by the Stoney Fire that occurred on July 12<sup>th</sup> 2018. Post-fire trail conditions pose a threat to the health and safety of the public, and trails cannot be re-opened until these threats have been assessed and remediated.

Although the City of Chico Public Works Department does have an Urban Forester and an established public lands maintenance program to manage its public lands, staffing capacity is insufficient to complete the fire damage assessment in a timely manner. Therefore, the City has requested the BCRCD address this very time-sensitive concern to avoid additional environmental damage and threats to public health and safety.

BCRCD has the capacity and expertise to complete the fire damage assessment. Therefore, BCRCD is requesting to provide services as an **alternative or substitute for City of Chico services already provided**. Please let us know if you have any questions or concerns about this request.

Sincerely,



Dave Lee  
Chairman of the Board  
Butte County Resource Conservation District



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PUBLIC WORKS DEPARTMENT  
OPERATIONS & MAINTENANCE

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965 Fir Street (530) 896-7800 or (530) 894-4200  
P.O. Box 3420 Fax (530) 895-2634  
Chico, CA 95927-3420 <http://www.Chicoca.gov>

August 28, 2018

Steve Lucas  
Butte Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, CA 95965

Dear Mr. Lucas:

I am submitting this letter in support of the Butte County Resource Conservation District's (RCD) request to extend its services to contract with the City of Chico to conduct a damage assessment in the Stoney Fire area in Upper Bidwell Park.

Although the City once again has an Urban Forest Manager, he does not have the capacity to perform this work due to the backlog of tree service requests and work within the entire city limits. In addition, the City's Park Division does not have the staff available due to the need to perform its regular maintenance duties in both Lower and Upper Park during this busy summer season

Therefore, the City is requesting RCD's services to assist the City in this very time sensitive public safety concern and to avoid additional environmental damage before the winter rains.

Thank you for your consideration of this request and please feel free to contact me at 530-894-4202 or by email at [erik.gustafson@chicoca.gov](mailto:erik.gustafson@chicoca.gov) if you have any questions or if you would like more information.

Sincerely,

Erik Gustafson  
Public Works Director  
Operations & Maintenance.