

## BUTTE LOCAL AGENCY FORMATION COMMISSION

**DRAFT** Minutes of October 3, 2013

### 1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., on October 3, 2013, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

#### 1.1 Roll Call

Present: Commissioners Larry Duncan (Special District), Bill Connelly (County), Jerry Fichter (City), Steve Lambert (County) and Chair Carl Leverenz (Public). Alternate Commissioners Ann Schwab (City) and Greg Steel (Public)

Absent: Commissioner Scott Lotter (City). Alternate Commissioners Loren Gill (Special District) and Larry Wahl (County).

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

### 2. CONSENT AGENDA

#### 2.1 Approval of the Minutes of September 11, 2013

Chair Leverenz asked if anyone wanted any corrections or changes to the minutes. None stated.

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

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

**AYES:** Commissioners Schwab, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** Alternate Commissioner Gill

**ABSTAINS:** None

### 3. NOTICED PUBLIC HEARINGS - None

### 4. REGULAR AGENDA

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

#### **4.2 13-18 – City of Chico – Extension of Sewer Services – 1215 Jackson Street**

Steve Betts stated the next six items on the agenda all came in as emergency applications and have already been hooked-up to the City of Chico sanitary sewer system. Staff has received the signed Annexation Consent Covenants for all of the parcels involved. Staff is recommending approving the extension of sanitary sewer service to this project.

Chair Leverenz asked if there were any questions or comments.

Commissioner Duncan stated he wanted to make it known that the Commission is processing these applications at a reduced rate for the City of Chico and we are spending more than we are receiving.

**Commissioner Schwab made a motion to adopt Resolution No. 05 2013/14 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Duncan.**

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

**AYES:** Commissioners Schwab, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** Alternate Commissioner Gill

**ABSTAINS:** None

#### **4.3 13-22 – City of Chico – Extension of Services – 995 Ohio Street**

**Commissioner Duncan made a motion to adopt Resolution No. 09 2013/14 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Schwab.**

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

**AYES:** Commissioners Schwab, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** Alternate Commissioner Gill

**ABSTAINS:** None

#### **4.4 13-23 – City of Chico – Extension of Services – 2898 Jolyn Way**

**Commissioner Schwab made a motion to adopt Resolution No. 13 2013/14 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Duncan.**

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

**AYES:** Commissioners Schwab, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** Alternate Commissioner Gill

**ABSTAINS:** None

#### 4.5 13-24 – City of Chico – Extension of Services – 2250 Elm Street

Steve Betts stated this parcel is an emergency connection and has been connected to the City's sewer system. This parcel is contiguous to the City of Chico's jurisdictional boundaries on the northeast side where the parcel abuts Elm Street and all of Elm Street is within the City of Chico. Staff is not recommending annexation of this parcel as a standalone annexation, as doing so would create very illogically jurisdictional boundaries. If this parcel was to be annexed it should include all of the six parcels on the southwest side of Elm Street to create very logical boundaries. Steve Betts identified parcels on the map shown on page 2 of the staff report, showing parcels that appear to have been connected to the City of Chico's sewer system without LAFCo approval. Staff is working with the City of Chico staff on this issue and will be meeting with City staff today to go over this issue.

Commissioner Duncan asked how many parcels may have been hooked-up to the City of Chico's sewer system without LAFCo approval.

Steve Betts stated it could be 60 more or less.

Chair Leverenz asked which option of approval is the staff recommending at this time.

Steve Lucas stated staff provided Option 2 in the staff report to give the Commission a choice to approve the sanitary sewer service connection with a condition of approval requiring the City of Chico to initiate annexation of the six parcels fronting Elm Street between East 22<sup>nd</sup> Street and East 23<sup>rd</sup> Street. This option was included in case the Commission was ready to move forward with annexation of this parcel.

It was decided LAFCo staff will continue to meet with the staff at the City of Chico to discuss the issue of the City hooking up parcels to sewer without having LAFCo approval and come up with a solution.

Commissioner Schwab stated it was her understanding that annexation would not be triggered unless fifty plus one of the parcels were hooked up to the sewer.

Steve Lucas stated there was a six month interim agreement where LAFCo was allowing hook ups while we were working on a master annexation agreement. Unfortunately the agreement was never executed.

Chair Leverenz stated as a matter of policy, it would make good sense to have all six parcels annexed in this area.

Steve Betts stated Option 1 is the recommendation from staff, to approve the extension of service for the one parcel at this time.

**Commissioner Schwab made a motion to approve Option 1 of the staff report, adopting Resolution No. 14 2013/14 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Duncan.**

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

**AYES:** Commissioners Schwab, Duncan, Connelly, Fichter, Lambert and Chair Leverenz  
**NOES:** None

**ABSENT:** Alternate Commissioner Gill

**ABSTAINS:** None

**4.6 13-25 – City of Chico – Extension of Services – 1060 Virginia Street**

Steve Betts stated this parcel is contiguous to the City of Chico boundaries. Staff is not recommending annexation of this parcel as it would be a standalone parcel and would be very difficult for the City of Chico to provide services to this one parcel.

Steve Lucas stated staff is going to continue to work with the City of Chico to resolve the issue of parcels being hooked up to the City's sewer system without LAFCo approval. In the meantime, we will continue to work each application on a case by case basis.

Scott Browne, LAFCo Counsel, stated what we have here is a pattern of non-compliance with the statute in terms of failure to come to LAFCo. There needs to be some program to ensure the City does not continue to allow connections without LAFCo approval.

**Commissioner Fichter made a motion to adopt Resolution No. 15 2013/14 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Duncan.**

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

**AYES:** Commissioners Schwab, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** Alternate Commissioner Gill

**ABSTAINS:** None

**4.7 13-26 – City of Chico – Extension of Services – 1354 Jackson Street**

**Commissioner Schwab made a motion to adopt Resolution No. 16 2013/14 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Duncan.**

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

**AYES:** Commissioners Schwab, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** Alternate Commissioner Gill

**ABSTAINS:** None

**5. PUBLIC COMMENTS NOT ON THE AGENDA - None**

**6. REPORTS AND COMMUNICATION**

**6.1 Executive Officer's Report –**

Steve Lucas summarized the Executive Officer's Report which included an update to the voting for a Special District *Non-Enterprise* Regular Commissioner and a Special

District Alternate Commissioner; information provided on the upcoming CALAFCO University classes to be held in Sacramento- one titled *Performance Measures and MSR Strategies* on October 10<sup>th</sup> and the other titled *Creating a Clerk's Manual: The Roadmap to Success* on November 14<sup>th</sup>; and under Project Notes: The Public Review Draft of the El Medio Fire Protection District Municipal Service Review and Sphere of Influence Update has been released for a 21 day public review.

**6.2 Correspondence – None**

**7. ADMINISTRATION**

**8. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:39 a.m. to the Thursday, November 7, 2013 regularly scheduled meeting.

**LOCAL AGENCY FORMATION COMMISSION**

---

**By: Stephen Lucas, Executive Officer**

Minutes prepared by Joy Stover, Commission Clerk