

BUTTE LOCAL AGENCY FORMATION COMMISSION

DRAFT Minutes of July 10, 2013

1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., on July 10, 2013, 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), Jerry Fichter (City), Commissioner Steve Lambert (County) and Chair Carl Leverenz (Public).

Absent: Alternate Commissioners Loren Gill (Special District), Ann Schwab (City), Greg Steel (Public) and Larry Wahl (County).

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

2. CONSENT AGENDA

2.1 Approval of the Minutes of June 6, 2013

2.2 FY 2013/14 Budget Appropriation Transaction Request

Chair Leverenz asked if anyone wanted either items pulled or discussed. No response received.

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 Lotter, 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 11-02 MS – Review, Consideration and Adoption of the Draft Lake Oroville Area Public Utility District Sphere of Influence Plan Update, Municipal Service Review Update and the Certification of the Final Environmental Impact Report.

(Continued from the June 6, 2013 Meeting)

Steve Betts stated at the June 6, 2013 LAFCo meeting the Commission reviewed several documents and at that time the Draft EIR was still within the 45 day public review period. That review has ended and staff has not received any comments on the Draft EIR, the Draft MSR update or the Draft SOI Plan update. The EIR consultant prepared the final EIR document, the Findings of Fact and the Statement of Overriding Considerations regarding environmental impacts. The Statement of Overriding Considerations is necessary because the draft determined there are certain environmental impacts that cannot be mitigated.

Chair Leverenz opened this item to the public. No comments received and the public portion was closed.

Commissioner Lotter made a motion to adopt resolution No. 09 2013/14 approving the Findings of Facts and Statement of Overriding Considerations. The motion was seconded by Commissioner Duncan.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

NOES: None

ABSENT: Alternate Commissioner Gill

ABSTAINS: None

Commissioner Lotter made a motion to adopt resolution No. 10 2013/14 certifying the Final Environmental Impact Report. The motion was seconded by Commissioner Fichter.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

NOES: None

ABSENT: Alternate Commissioner Gill

ABSTAINS: None

Commissioner Lotter made a motion to adopt resolution No. 11 2013/14 approving the Municipal Service Review and approving the Sphere of Influence Plan Update. The motion was seconded by Commissioner Lambert.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

NOES: None
ABSENT: Alternate Commissioner Gill
ABSTAINS: None

4.3 13-16 – City of Chico – Extension of Services – 1904 Oak Way

Steve Betts stated the septic system on this parcel was identified as failing. The LAFCo Executive Officer has approved an emergency connection and the parcel has already connected to the City of Chico sewer system. This parcel is contiguous to the City of Chico boundaries. Staff recommends this project be conditioned to require the City of Chico initiate annexation of this parcel within 60 days of the approval. Steve Betts stated staff has not received any comments from the City of Chico regarding this condition.

Commissioner Duncan asked if we have received a signed Annexation Consent Agreement and Covenant for this project.

Steve Betts confirmed one has been received.

Alternate Commissioner Gill arrived at 9:07 a.m.

Commissioner Lotter made a motion to adopt resolution No. 02 2013/14 approving the extension of sanitary sewer services with conditions. The motion was seconded by Commissioner Fichter.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Connelly, Fichter, Lambert and Chair Leverenz
NOES: None
ABSENT: None
ABSTAINS: Alternate Commissioner Gill

4.4 13-11 – City of Chico – Extension of Services – 1465 Guill Street

Steve Betts stated this parcel also has a failed septic system. The LAFCo Executive Officer approved an emergency extension of sanitary sewer services. The parcel is already connected to the City of Chico sewer system. The parcel is contiguous to the City of Chico jurisdictional boundaries. Steve Betts identified this parcel on a map shown to the Commission and stated annexation of only this parcel would result in very illogical and difficult to serve jurisdictional boundaries as on 3 sides the parcel would be surrounded by unincorporated area. Staff recommends approving this application without requiring annexation unless annexation includes a larger area.

Commissioner Fichter made a motion to adopt resolution No. 03 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 Lotter, Duncan, Connelly, Gill, Fichter, Lambert and Chair Leverenz

NOES: None
ABSENT: None
ABSTAINS: None

4.5 13-17 – City of Chico – Extension of Services – 863 and 865 Virginia Street

Steve Betts stated this parcel had a failed septic system. The LAFCo Executive Officer approved an emergency extension of sanitary sewer services to the City of Chico. This parcel has two single-family dwelling units and is a little over ½ acre in size. It may have been feasible to put in a new leach field, as there appears to be adequate area. However, the Butte County Environmental Health Department requires any parcel within 250 feet of a sewer line to hook up to sewer. Staff is recommending approval of this project.

Commissioner Duncan made a motion to adopt resolution No. 04 2013/14 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Connelly.

The motion carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Connelly, Gill, Fichter, Lambert and Chair
Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

4.6 13-19 – City of Chico – Extension of Services – 860 Virginia Street

Steve Betts stated this parcel does not have a failed septic system. This is a very small parcel at 0.05 acres and the septic system will fail at some point in the future and there is no room for a replacement area. It is logical for this parcel to connect to the City of Chico sanitary sewer service. Staff has received a covenant agreement for this parcel.

Chair Leverenz asked if this parcel is located in one of the designated ‘hot spot nitrate areas’. Steve Betts stated confirmed it is.

Commissioner Duncan made a motion to adopt resolution No. 06 2013/14 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Fichter.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Connelly, Gill, Fichter, Lambert and Chair
Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

Steve Lucas stated we’ve seen an onflux of emergency extension applications come along. Staff has started to map these out along with other sewer connection data and we

want to come back at a future meeting to give the Commission an update of how this is progressing.

Chair Leverenz asked where is the fiscal analysis study that was supposed to out by now.

Steve Lucas stated the City of Chico is still reviewing the study and has yet to respond back to the County staff with their corrections or suggestions.

Commissioner Connelly stated he spoke with a member of the City of Chico Council and was told the Council has yet to see the fiscal study that was prepared. The City Council is aware of the study but it has not been presented to the Council as of July 4, 2013.

4.7 Review and Update of Commission Bylaws

Steve Lucas stated the Butte LAFCo bylaws were first adopted in 1993. The bylaws are in need of updating following independence from the County in 2008. In the future we will reformat the Operations Manual and also create an administrative practices chapter that will go through a whole variety of internal mechanisms of how we operate. Steve Lucas stated he would like to make one correction on page 5 section 1.13, under Compensation. In consultation with our LAFCo counsel, we would like to strike section A.

There was discussion on the importance of having annual audits versus having an audit prepared every three years. It was decided we can take up this issue in the fall when we review our policies and procedures.

Commissioner Lotter made a motion to adopt resolution No. 17 2013/14 approving the updated bylaws with noted changes. The motion was seconded by Commissioner Duncan.

The motion was carried by the following vote:

AYES: Commissioners Lotter, Duncan, Connelly, Gill, Fichter, Lambert and Chair
Leverenz

NOES: None

ABSENT: None

ABSTAINS: None

4.8 Review and Consideration of California Association of Local Agency Formation Commissions (CALAFCO) Business Items

Steve Lucas stated he has been serving as the northern region Deputy Executive Officer for CALAFCO for the last two years and CALAFCO has asked him to continue in this capacity for another two years.

Pamela Miller, Executive Director for CALAFCO, stated she wanted to publicly thank Steve Lucas and the Commission and express her gratitude. This is her first year as the Executive Director for CALAFCO and this has been a significant year of transition for

CALAFCO. In her first year she has relied very heavy on the CALAFCO staff, the volunteered stipend staff such as Steve Lucas and the other deputy executive officers and the executive officer. Pamela Miller stated she has come to really appreciate Steve Lucas as a thoughtful conversation partner, he is frank, he is honest, sometimes brutally, which she really appreciates and is very knowledgeable. Pamela Miller stated all of the LAFCo staff represents the Commission in a professional knowledgeable way and the Commission should be very proud of all the staff. Some of the highlights about Steve Lucas this past year were noted in the letter included in the packet. Pamela Miller stated she would very much appreciate it if he would continue to serve for the next couple of years. Pamela Miller stated she also wanted to thank Commissioner Duncan. He also represents this Commission and the northern region very well on the CALAFCO Board and he has thoughtful creative ideas and always participates as a member of some committee and this year is on the awards committee. Pamela Miller stated she can't say enough about the staff, Scott Browne is just amazing. Joy did a session at this year's Staff Workshop highlighting her clerk's manual and it is quickly becoming a model for other clerks across the state. We are working to design a standalone CALAFCO U session for the clerks across the state showcasing Joy's clerk's manual. CALAFCO would very much appreciate if the Commission would be agreeable and Steve Lucas is willing to take the journey for the next two years.

Chair Leverenz stated he wanted to state, on behalf of the Commission, we take the position that Steve Lucas and the Commission benefits by going to these meetings and learning from other LAFCOs.

Scott Browne stated a motion needs to be made to authorize Steve Lucas to continue to serve on CALAFCO.

Commissioner Connelly made a motion to authorize Steve Lucas to serve as the northern region Deputy Executive Officer on CALAFCO for another two years. The motion was seconded by Commissioner Duncan.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Connelly, Gill, Fichter, Lambert and Chair
Leverenz

NOES: None

ABSENT: None

ABSTAINS: None

5. PUBLIC COMMENTS NOT ON THE AGENDA - None

6. REPORTS AND COMMUNICATION

6.1 Executive Officer's Report –

Steve Lucas stated we originally had the next regularly scheduled LAFCo meeting set for August 1, 2013. It was confirmed the next LAFCo meeting will be held on Wednesday, September 11, 2013.

Steve Lucas gave an update to the initial voting for the Special District Non-Enterprise Regular Commissioner member. We currently still need 6 more ballots and the voting period was been extended to July 31, 2013. In the interim, alternate Commissioner Loren Gill is invited to remain to sit on the Commission.

CALAFCO proposed legislation AB743 (Logue) passed and it is now back to the assembly floor for their concurrence on the amendment that occurred in the Senate, where it will sit while they are in summer recess. CALAFCO proposed legislation AB453 (Mullen) has been amended to add another factor to what we have to consider when we look at urban annexation is to look at greenhouse gas emissions.

This is the fiftieth year of CALAFCOs existence. There has been a resolution prepared in the Los Angeles County calling out the anniversary of CALAFCO. LAFCOs around the state have been asked whether they want to ask their County's if they would be interested in adopting such a resolution. If so, there has been a draft resolution prepared and is available.

6.2 Correspondence – None

7. ADMINISTRATION.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:35 a.m. to Wednesday, September 11, 2013 regularly scheduled meeting.

LOCAL AGENCY FORMATION COMMISSION

By: Stephen Lucas, Executive Officer