

BUTTE LOCAL AGENCY FORMATION COMMISSION
DRAFT Minutes of August 7, 2014

1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., on August 7, 2014, 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), Tom Lando (Special District), Linda Dahlmeier (City) and Chair Carl Leverenz (Public). Alternate Commissioners John Busch (City) and Greg Steel (Public).

Absent: Commissioner Steve Lambert (County). Alternate Commissioners Wes Gilbert (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

1.2 Recognize and Welcome Commission Appointments:

Cities Representative: Linda Dahlmeier (4 year term to end 5/31/18)
Cities Alternate Representative: John Busch (4 year term to end 5/31/18)

2. CONSENT AGENDA

2.1 Approval of the Minutes of July 3, 2014

Chair Leverenz asked if anyone wanted any corrections or changes to the minutes.

Commissioner Lotter requested one correction on page 2.

Commissioner Lando made a motion to approve the minutes of June 5, 2014. The motion was seconded by Commissioner Connelly.

The motion was carried by the following vote:

AYES: Commissioners Lotter, Duncan, Connelly, Lando, Dahlmeier and Chair Leverenz

NOES: None

ABSENT: Commissioner Lambert

ABSTAINS: None

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda – None

4.2 14-16 – City of Oroville – Acacia Avenue Annexation No.

Commissioner Dahlmeier stated this is a clean-up issue as the property owner has one parcel in the City and one in the County.

Commissioner Lando made a motion to approve the extension of sanitary sewer services and adopt Resolution No. 01 2014/15. The motion was seconded by Commissioner Connelly.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Connelly, Lando, Dahlmeier and Chair Leverenz

NOES: None

ABSENT: Commissioner Lambert

ABSTAINS: None

4.3 15-01 – City of Chico – Extension of Services – 982 Cleveland Avenue

Steve Betts stated a signed annexation agreement was submitted for this parcel.

Commissioner Lotter asked if this project was unusual as the septic system has not failed, there's a single wide mobile one the property and they can't do any additional development without coming back before LAFCo.

Steve Betts stated there might be indication that the septic system is failing but does not qualify for an emergency connection at this time.

Commissioner Lando made a motion to adopt Resolution No. 02 2014/15 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Dahlmeier.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Connelly, Lando, Dahlmeier and Chair Leverenz

NOES: None

ABSENT: Commissioner Lambert

ABSTAINS: None

4.4 Review and Ratification of Sewer Service Extension and Annexation Agreement with the City of Chico.

Chair Leverenz stated the City of Chico had this item on their agenda for Tuesday night and ran out of time as they have a rule that the council meeting will not go beyond 10:30 p.m. unless the council votes in an extension of time. The City continued this item to their August 19th meeting for further action by the City. Chair Leverenz stated there is no reason to delay the Commission ratifying this action at this time.

Commissioner Lando made a motion to ratify the Sewer Service Extension and Annexation Agreement with the City of Chico. The motion was seconded by Commissioner Duncan.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Connelly, Lando, Dahlmeier and Chair Leverenz

NOES: None

ABSENT: Commissioner Lambert

ABSTAINS: None

5. PUBLIC COMMENTS NOT ON THE AGENDA

Chair Leverenz asked if there were any public comments on items not on the agenda.

Bill Bynum stated he resides on Lone Tree Road in south Oroville and about a year ago it came to his attention that the annexation of Southside has been an ongoing issue for about 50 years. He helped establish the "Friends of Southside Ad Hoc Committee" and they have about 10 members. The Committee has been collecting signatures and already have about 100 signatures in favor of the annexation. He came to the meeting today to request the status of the annexation of Southside [Oroville] and he would like to see this annexation be moved along a little quicker.

Steve Lucas stated staff received a signed Notice of Intent to Circulate Petition for the area known as Southside Oroville. The drive has been underway for about a month now and the number of signatures collected is sufficient to allow them to submit an annexation application via petition. Their preference would be for the City of Oroville to initiate this annexation. There has been discussion between the City of Oroville and County representatives and LAFCo staff has been involved in some but not all of those discussions. At this point, there is a need to discuss and negotiate between the City and County a method by which services for that area can be provided in a way that does not become harmful to the City in the long run. The County has shown some willingness to participate for a period of years in providing some level of service overlap.

Commissioner Connelly stated he knows that the City Council is looking into law enforcement issues, which is a budgetary problem for them. The people of south Oroville shop and spend their tax revenue in the City limits and this area is not an agricultural area and needs to be in the City. It is not good for counties to provide urban services, which are best provided by municipalities. Commissioner Connelly stated if the group could obtain 500 signatures, he would take it before the Board of Supervisors to attempt to force an annexation.

Chair Leverenz stated he applauds the efforts of the Friends of Southside Committee and he would like to urge patience. The mechanics of working out the financial issues takes a long time.

Commissioner Dahlmeier stated she has been the mayor of the City of Oroville for the past 3 ½ years and from the beginning she has been involved in clarifying the lines around the City and annexing approximately 12 island areas. The City is currently reviewing approximately 6 pre-applications for annexation and Southside is one of the six. She does not shy away from annexing Southside, nor does the majority of the rest of the Council. You have to be careful when you annex as you can bankrupt a city. One of the issues has to do with fire and safety and the City is currently checking into partnering with the Sheriff's department to see if the City can close the gap.

Commissioner Connelly stated historically south Oroville is different than Chico. It is served by sewer and domestic water everywhere. It is much poorer than the Chapmantown/Mulberry area and it does have a higher crime rate. Annexing this area will not bankrupt anybody. He urged the friends of Southside to go forward and collect the signatures.

Bill Bynum stated they are not trying to rush this but this annexation discussion has been going on since the 1960s. This is something that is long overdue. He is a member of the NAACP and they took a vote in May that this is a high priority for that organization. The organization sees this not just as an economic issue but also a civil rights issue.

Chair Leverenz stated his perspective, as a public member of this body for many years, is that the mechanics of working out the financial side of it takes time. Everything the committee can do as a group to provide the signatures to the County, the City and LAFCo will go on to assist in getting this done.

Pastor David Goodson, residing at 2132 Oro Bangor Hwy. in south Oroville, stated he grew up in south Oroville and this annexation issue has been going on for many years. He spoke with a lot of families that spoke of how their children have to walk in the street as some areas have sidewalks and some don't. He wanted to urge anyone that has anything to do with this annexation to please move forward as the

residents feel they did not have a voice before. The Friends of Southside Committee has been very significant in terms of gathering additional support.

Commissioner Lando stated the annexation does not produce sidewalks and public improvements are very expensive. He strongly supports the annexation but it will be a long time before infrastructure needs will be met.

Commissioner Connelly stated as a County Supervisor he has spent many hours trying to get infrastructure funding for curbs, gutters and sidewalks in the south Oroville area so kids don't have to walk in the streets.

6. REPORTS AND COMMUNICATION

6.1 Executive Officer's Report

Steve Lucas summarized the Executive Officer's Report and stated the CALAFCO Conference is coming up in the middle of October and CALAFCO is looking for award nominations.

Commissioner Lando asked if Carl has ever received his recognition.

It was confirmed that Chair Leverenz has received CALAFCO awards.

Commissioner Duncan stated our clerk has been very outstanding with CALAFCO in training other clerks.

Steve Lucas stated she has been instrumental in several conferences and workshops and put together classes for the clerk's manual and nominating her would be an outstanding suggestion.

It was agreed to submit the paperwork for the nomination.

An update was given regarding the City of Biggs moving forward with their Municipal Service Review and Sphere of Influence update. The Commission can expect over the next few months for the City to begin to formulate with staff the details of their proposal in expanding their SOI and updating their MSR.

There was discussion on agricultural land setback requirements and what legislature currently has in place giving LAFCo an incredible amount of discretion in protecting agricultural land.

Steve Lucas provided an update on the water bills making their way through legislature.

Chair Leverenz stated Scott Brown has been asked to write a letter to the California Supreme Court requesting the Court depublish a case in Stanislaus County involving the Stanislaus County LAFCO and if approved that case would not be able to be used as case law.

6.2 Correspondence – None

7. ADMINISTRATION – None

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:43 a.m. to the next LAFCo meeting to be held on Thursday, **September 4, 2014** at 9:00 a.m.

LOCAL AGENCY FORMATION COMMISSION

By: Stephen Lucas, Executive Officer

Minutes prepared by Joy Stover, Commission Clerk