

## BUTTE LOCAL AGENCY FORMATION COMMISSION

**DRAFT** Minutes of June 6, 2013

### 1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., on June 6, 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), and Chair Carl Leverenz (Public). Alternate Commissioners Ann Schwab (City), Loren Gill (Special District) and Greg Steel (Public).

Absent: Commissioner Scott Lotter (City) and Steve Lambert (County). Alternate Commissioner 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

Commissioner Lambert arrived at 9:01am.

### 2. CONSENT AGENDA

#### 2.1 Approval of the Minutes of May 2, 2013

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

**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, Gill, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** None

**ABSTAINS:** None

### 3. NOTICED PUBLIC HEARINGS

#### 3.1 Amendment Single Flat Hourly Rate Based Upon the Employment Cost Index.

Steve Lucas stated LAFCo adopted the single flat hourly charge out rate a couple of years back with the condition it would be applied with a cost escalator every year to ensure it maintains with inflation. The data came back this quarter for a 1.2% increase.

**Commissioner Fichter made a motion to adopt Resolution No. 22 2012/13 approving amendment to the current single flat hourly rate for all billable projects based upon the Employment Cost Index. The motion was seconded by Commissioner Duncan.**

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

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

**NOES:** None

**ABSENT:** None

**ABSTAINS:** None

### **3.2 Public Review Draft Lake Oroville Area Public Utility District Sphere of Influence Update and Draft Environmental Impact Report**

Steve Lucas stated this has been a fairly long process as a result of waiting for the County's General Plan update.

Steve Betts stated this is a Sphere of Influence (SOI) Plan Update and a Municipal Service Review (MSR) Update for the Lake Oroville Area Public Utility District (LOAPUD). The Draft Environmental Impact Report (EIR) was prepared for this project and is currently within the 45 day review period which started May 9<sup>th</sup> and ends June 24<sup>th</sup>. Staff has not received any comments to date. The Commission will be reviewing the Draft EIR, the Draft SOI Plan update and the Draft MSR update without taking any action and continue this item to the July 10<sup>th</sup> meeting for adoption of the Final EIR, Final SOI Plan Update and Final MSR Update.

Steve McMurtry, principle planner with De Novo Planning Group, stated he served as the project manager for the preparation of the Environmental Impact Report (EIR). Steve McMurtry stated it is not a requirement for CEQA to hold a public meeting during this process, but it is Butte LAFCO's intent to enhance the public participation process and create more opportunity to receive comments. Steve McMurtry provided the project overview using.

Steve Betts provided an overview of the draft SOI Plan update and draft MSR update.

Chair Leverenz asked if the City of Oroville's General Plan is consistent with the proposed area shown on the draft map for LOAPUD's SOI.

Commissioner Connelly stated the City of Oroville avoids Palermo and would like to grow west of Highway 70.

Steve Betts stated the City of Oroville adopted their General Plan in 2010 that proposed a new SOI for the City. The City has submitted an application to LAFCO to update their SOI Plan.

There was discussion regarding the area west of Highway 70 referred to as the Rio D' Oro Specific Plan. The area is not within the City of Oroville's current SOI and is not

contiguous to the City's boundaries. It was confirmed that staff has not received any comments from the City of Oroville regarding LOAPUD extending their SOI to that area.

Chair Leverenz opened this item to the public.

Dwayne Long, General Manger of the Lake Oroville Area Public Utility District, stated he wanted to add that in the short period time he has been involved in this process, quite a bit of work has been done and he wanted to thank LAFCO staff as they really made this process happen fairly efficiently.

#### **4. REGULAR AGENDA**

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

##### **4.2 13-12 – Lake Oroville Area Public Utility District – Autrey Lane Annexation No. 4**

Steve Betts stated this is a proposal by LOAPUD to extend sanitary sewer service to an existing parcel. The proposal is consistent with state law and with LAFCO local policy and it is a logical extension of LOAPUD's service boundaries and staff recommends approval.

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

**Commissioner Connelly made a motion to adopt resolution No. 19 2012/13 approving the annexation. The motion was seconded by Commissioner Duncan.**

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

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

**NOES:** None

**ABSENT:** None

**ABSTAINS:** None

##### **4.3 13-13 – City of Chico – Extension of Services – 80 Rose Avenue**

Steve Betts stated this parcel does not have a failing septic system; however the land owner wants to abandon the existing septic system and hook up to the sewer system that is available in front of the property on Rose Avenue. It is logical to take this parcel off an existing septic system and connect to the City's sanitary sewer service. This parcel is within the Chico Urban Nitrate Area, but is not in an identified "Hot Spot". Most, if not all, of the other approved extension of services applications that the Commission has approved have been within an identified "Hot Spot" area. Staff recommends approving this application.

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

Steve Betts confirmed one has been received.

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

**Commissioner Schwab made a motion to adopt resolution No. 20 2012/13 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, Gill, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** None

**ABSTAINS:** None

#### **4.4 13-14 – City of Chico – Extension of Services – 1335 Martin Street**

Steve Betts stated this parcel is only .22 acres in size and is located within the Chapman neighborhood of Chico. It is within an identified nitrate “Hot Spot” area where the abandonment of existing septic systems is desirable and staff has received the signed annexation agreement and covenant. Staff recommends approving this application.

Chair Leverenz opened the public portion of the meeting. No comments received and the public portion was closed.

**Commissioner Schwab made a motion to adopt resolution No. 21 2012/13 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, Gill, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** None

**ABSTAINS:** None

#### **4.5 Review and Consideration of California Association of Local Agency Formation Commissions (CALAFCO) Business Items**

Steve Lucas stated this year’s CALAFCO Conference is the 50<sup>th</sup> year anniversary for CALAFCO and asked if there are any Commissioners interested in attending. Commissioner Duncan stated his term is up this year for his appointment on the CALAFCO Board of Directors and he would like to run again and attend the Conference. Steve Lucas stated there are two openings on the CALAFCO Board of Directors and one is for a special district representative and one is for the County representative.

**Commissioner Schwab made a motion to nominate Commissioner Larry Duncan to run for the Special District seat on the CALAFCO Board of Directors election. The nomination was seconded by Commissioner Fichter. The nomination passed by unanimous vote.**

**Commissioner Lambert nominated Commissioner Bill Connelly to run for the County seat on the CALAFCO Board of Directors election. The nomination was seconded by Commissioner Fichter. The nomination passed by unanimous vote.**

Steve Lucas stated this year there is a new CALAFCO achievement award being presented by CALAFCO entitled the Lifetime Achievement Award.

**Commissioner Duncan nominated Chair Leverenz for the new Lifetime Achievement Award. Commissioner Connelly seconded the motion. The motion passed by unanimous vote.**

#### **4.6 Special District Risk Management Authority Board of Directors Elections**

There was discussion on the merits of having a representative with LAFCo experience serving on the Special District Risk Management Authority Board of Directors and the importance of having representatives from the northern California area.

**Commissioner Duncan made a moved to vote for Muril Clift, John Woolley, and Dennis Mayo. The motion was seconded by Commissioner Connelly.**

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

**AYES:** Commissioners Schwab, 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 unfortunately we have not received a quorum of votes for the Special District *Non-Enterprise Regular* Commissioner and the Alternate Special District Commissioner. We will extend this voting process another 45 days and the agencies that have already voted, do not need to vote again, as their votes will remain valid.

Steve Lucas summarized the Executive Officer's Report concerning Project notes, General notes and Legislative notes.

**6.2 Correspondence –**

- a. CALAFCO Letter of Appreciation dated 4-30-13.

**7. ADMINISTRATION.**

**8. ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:08 a.m. to the **Thursday, July 10, 2013** regularly scheduled meeting.

**LOCAL AGENCY FORMATION COMMISSION**

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**By: Stephen Lucas, Executive Officer**