



**BUTTE LOCAL AGENCY FORMATION COMMISSION
Draft Minutes of January 3, 2019**

(A complete voice recording of the Commission's meetings can be obtained from www.buttelafco.org)

1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., January 3, 2019, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

1.1 Roll Call

Commissioners Present: Greg Bolin (City), Jack Kiely (Special District), Bill Connelly (County), Nathan Wilkinson (City), Steve Lambert (County), Carl Leverenz, Chair (Public)

Alternate Commissioners Present: Al McGreehan (Special District) & Greg Steel (Public)

Commissioners Absent: None

Alternate Commissioners Absent: Bruce Johnson (City)

Vacant Seats: Alternate Commissioner (County) & Regular Commissioner Special District

Others Present: Stephen Lucas, LAFCO Executive Officer
Jill Broderson, Management Analyst
Joy Stover, LAFCO Commission Clerk
P. Scott Browne, LAFCO Legal Counsel
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1.2 Welcome New City Commissioner: Greg Bolin, Vice Mayor, Town of Paradise

1.3 Special Recognition – Departing Commissioner: Scott Lotter

Commissioner McGreehan made a motion to approve the Special Recognition Resolution for Scott Lotter. The motion was seconded by Commissioner Lambert.

The motion was carried by the following vote:

AYES: Bolin, Kiely, Connelly, McGreehan, Wilkinson, Lambert and Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

2. CONSENT AGENDA

2.1 Approval of the Minutes of October 10, 2018

2.2 Resolution to Amend Salary Plan

Chair Leverenz asked if there were any questions about either Consent Agenda items. None stated.

Commissioner Wilkinson made a motion to approve the Consent Agenda approving the October 10, 2018 minutes and the Salary Plan Amendment. The motion was seconded by Commissioner Kiely.

The motion was carried by the following vote:

AYES: Bolin, Kiely, Connelly, McGreehan, Wilkinson, Lambert and Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda – None

4.2 19-03 – City of Chico – Extension of Services – 16 Mayfair Drive

Steve Lucas stated this is an area where we have seen a number of septic failures as shown on the map provided on page 2 of the staff report. An emergency extension of services was previously approved. Staff is expecting the City of Chico to initiate an annexation in what is referred to as the North Chico Annexation Area, and this parcel is expected be included in that annexation request.

Commissioner McGreehan made a motion to adopt Resolution No. 06 2018/19 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Wilkinson.

The motion was carried by the following roll call vote:

AYES: Bolin, Kiely, Connelly, McGreehan, Wilkinson, Lambert and Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

4.3 19-05 – City of Chico – Extension of Services – 1212 Glenwood Avenue

Steve Lucas stated this parcel was previously approved for an emergency connection. The context of this project is a little more complicated as this parcel is contiguous to the City of Chico boundaries. At the time the emergency connection was approved, staff let the City and the property owner know that the Commission may determine that

annexation may be required. Staff is recommending the Commission condition this approval to state that the City of Chico has three months to submit an application for annexation of this parcel. Steve Lucas stated instead of having the City initiate an annexation for just one parcel in this area, it may be more appropriate for the City to initiate the entire island area.

Chair Leverenz stated if we approve the resolution as submitted for the one parcel for a three month window that would not preclude us from also asking the City to consider annexing the entire island area.

Steve Lucas stated another option could be to set the date at six months instead of three.

There was discussion on LAFCo's ability to force Chico to initiate the annexation and the appropriate timeframe.

Chair Leverenz opened this item to the public for comments. No responses received.

Commissioner McGreehan moved to adopt an amended Resolution No. 09 2018/19 approving the extension of sanitary sewer services with the condition amended to state the City of Chico is to initiate the annexation of the subject parcel or initiate the annexation of the entire island area within six months. The motion was seconded by Commissioner Bolin.

The motion was carried by the following roll call vote:

AYES: Bolin, Kiely, Connelly, McGreehan, Wilkinson, Lambert and Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

4.4 Butte County Resource Conservation District Request for Extension of Services

Steve Lucas stated as stated in the staff report, he has already found this action to be exempt. The only reason this was added as an agenda item is for Commission direction as this leads into a policy amendment that would clarify this particular question.

It was agreed to place a policy amendment on a future agenda to clarify this issue.

4.5 Adoption of 2019 LAFCo Regular Meeting Calendar

There was discussion due to the conflict with the July 4th date falling on a LAFCo meeting date.

Commissioner McGreehan made a motion to accept the LAFCo 2019 Calendar as presented. The motion was seconded by Commissioner Wilkinson.

The motion was carried by the following vote:

AYES: Bolin, Kiely, Connelly, McGreehan, Wilkinson, Lambert and Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

4.6 General Discussion of Local Agencies Impacted by the Camp Fire

Chair Leverenz stated he asked for this item to be placed on the agenda for discussion as LAFCo has the ability to provide assistance when it is asked for or needed. LAFCo is geared to assist with analysis, studies, etc. to the extent that we can. He would like our staff to reach out to all involved agencies and offer assistance.

Steve Lucas stated LAFCO has an opportunity to help but we don't have a mandate to tell people what to do nor should we do that. The general view of looking at any redevelopment or recovery in any area is to look at our primary purpose which is services and governance. LAFCo does that generally through a service review and sphere of influence update. Those are usually built off of a general plan as it gives us an idea of where growth is going to happen. With respect to a district, it is built off of the district's master plans or other planning documents. All of those documents are now suspect in the sense that they no longer have accurate reflection of what that service requirement will be. Part of this outreach effort is simply to start the process to find out from the 14 affected agencies and perhaps others, what their needs are and what their current situation looks like and whether or not we can start to formulate a plan to develop a Municipal Service Review (MSR) & Sphere Of Influence (SOI) plan that would be more reflective of those agencies moving forward. This is not a quick fix or any sort of a hostile action on our part. It is simply a way for LAFCo to reach out and assist these agencies that are recovering to the extent that we can, but we do have a responsibility down the road to develop these MSRs and SOI plans. This is a long process and LAFCO does have a role to play and hopefully we will be helpful and cooperative with those agencies. There is value to LAFCo getting involved to understand the challenges that each agency must address to assist the public in an improved picture of what can reasonably be expected from those agencies and provide the building blocks for the eventual MSRs and SOI plans.

Commissioner McGreehan asked if this staff report had been made available to any of these affected agencies.

Steve Lucas stated it was provided to the Town of Paradise and it was an oversight to not send this directly to all agencies.

Commissioner McGreehan stated in the event the Commission gives Steve direction to reach out to the agencies, you would share this report with them as well correct?

Steve Lucas stated yes.

Chair Leverenz opened this item to the public for comment.

Tasha Levinson, Oroville resident, voiced her concerns regarding the sorting of the concrete debris from the Town of Paradise and the impacts on the City of Oroville if the Koppers site in Oroville is used and she requested LAFCo assist in having the deadline date extended.

Zane Libert, Palermo community member, voiced his environmental concerns of using the Koppers Superfund site for Paradise debris removal. He stated he feels having the debris processed in Paradise would be more cost effective. He would hate for Oroville to get the name of being a dumping ground.

Richard Harriman, resident of the City of Chico, taxpayer of the City of Chico, Butte County, State of CA and USA, stated he cares about dollars, especially his. He stated he

is also here today as a member of the Butte Environmental Council, General Counsel of the Northern CA Environmental Defense Center (a public interest organization serving Chico & the north state Sacramento Valley) and here as someone who has watched Paradise very carefully. Mr. Harriman voiced his concerns on the process of what's going to happen, the possible impact on the City of Oroville, the Town of Paradise not having a current legal General Plan or current environmental document, individual property rights, the effects on the City of Chico and the County as a whole. Mr. Harriman stated LAFCO needs to be looking at the resources that might be available for the Town of Paradise. Mr. Harriman stated we might want to invoke the legal doctrine that is very well known to all lawyers and public agencies in development in that we should wait and not rush into anything.

William Bynum, resident of Palermo and the greater Oroville area stated he feels the community has been blindsided by the meeting a week ago today put on by FEMA, Army Corp of Engineers, OES, etc. regarding using the Koppers site for sorting debris. The community would like another town hall meeting with a better notice and extend the comment period which expires today. Mr. Bynum voiced his environmental concerns on the toxins still on this Superfund site.

Chair Leverenz stated LAFCO is mandated by the state legislature to do certain things and one of which is to provide oversight in preparing municipal service reviews of every entity in the County as it relates to their functioning. LAFCO does not have control over where the federal government or even the state of CA may decide to do certain things. The problem that we have as an entity is that we know that we are going to have a role down the line for not only the Town of Paradise but all the other agencies affected. This was placed on the agenda to discuss what LAFCO's role is going to be in this process. Currently LAFCO doesn't have enough facts to make some decisions. To the extent that LAFCO has input, LAFCO staff needs to reach out to all these agencies to provide information to assist these agencies where we can.

Debra Lucero, Supervisor elect for District 2 in Chico, stated she was wondering if it is proper for LAFCO to write a letter on behalf of these concepts. She has personally reached out to FEMA and is working with business people on the very idea that has been expressed here. She is concerned with the impact on the roads to transfer the aggregate and metal waste. There are people in the Paradise area that have offered to take in aggregate waste.

Chair Leverenz stated as a Commission we could authorize the Executive Officer to immediately write a letter requesting additional time to review and study the issue. Our problem is that LAFCO doesn't make land use decisions.

Debra Lucero stated she feels a letter would be helpful.

Lauren Gill, Town manager for the Town of Paradise, stated she is hearing a lot of talk this morning about the Koppers site and the hazardous materials. This is not under any of our jurisdiction here but she has spoke with CAL OES and FEMA and the materials are hazardous. The Town of Paradise and that material has been deemed a hazmat site. According to CAL OES and FEMA, one of the issues with processing the materials is CAL OES and FEMA are responsible for the materials, now and in the future. The materials may not be able to be reused and that would be up to CAL OES and FEMA. She wanted to thank LAFCO and Steve Lucas for the offer of help and they will be looking for many solutions together. The Town of Paradise has been dealt with the biggest disaster in the State's history, one they are not proud of, and the Town certainly is not in a hurry to go back and do everything exactly the way it was.

Chair Leverenz asked Lauren Gill if she felt LAFCO sending a letter to request an extension of time is appropriate from her perspective.

Lauren Gill stated she thinks they are looking at other sites other than Koppers and the one in Chico. Until they find a proper site for the large portion of the debris, the Town of Paradise can't start the clean up process, phase 2. She feels it is appropriate for anyone to ask anything of an agency that is going to do something especially of this magnitude.

Commissioner Kiely stated the sewer has always been a big issue for the Town of Paradise. Is this an opportunity for the Town to get some federal assistance to get the sewer system in.

Lauren Gill stated sewer was an issue before the fire and now it definitely is. The federal government does have options in place for possible funds to help the Town get a sewer system in place.

Bonita Malone, an educator in this area since 1973, stated she would like to ask for an extension for public comment.

Richard Harriman, stated he would like to make a specific request of the Commission that you agendaize the issue of initiating a municipal services review of the Town of Paradise for your next regular meeting.

No further comments. The public portion of the hearing was closed.

Chair Leverenz stated the issue before us is 1) whether or not the Commission wants to authorize the staff to write a letter to FEMA to request an extension for public comments as to the use of the Koppers location; 2) authorize the staff to reach out to all of the affected entities to offer assistance and then to follow up.

Commissioner Connelly stated reaching out to all the districts is what LAFCO is supposed to do. LAFCO helps create, dissolve and combine special districts, as well as look at services that can be provided. It is a bit preliminary right now as those agencies don't have any money right now. As for sending a letter, he understands the community concerns, but he's not sure a letter will do any good.

Commissioner McGreehan stated staff probably hasn't had any time to even research any potential financial assistance for grants and aids that exist that would help with the planning process if the Commission were so to direct staff to do so.

Commissioner Kiely moved to authorize staff to send a letter to FEMA indicating LAFCO would like them to extend the time limit so additional input could be provided. The motion was seconded by Commissioner Connelly.

The motion was carried by the following roll call vote:

AYES: Kiely, Connelly, Wilkinson, Lambert and Leverenz
NOES: None
ABSENT: None
ABSTAINS: Bolin and McGreehan

Chair Leverenz stated the Commission can authorize staff to contact affected participants and encourage participation by LAFCO and offer our assistance needed or wanted and as a practical matter take whatever steps are necessary to implement that.

Steve Lucas stated he will draft that letter and get it out, then provide an update at the very least through the Executive Officer's report every month.

Commissioner Connelly made a motion to authorize staff to reach out to local agencies and offer assistance and have the Executive Officer report each month on the progress and as necessary agendize any actions. The motion was seconded by Commissioner Wilkinson.

The motion was carried by the following roll call vote:

AYES: Bolin, Kiely, Connelly, McGreehan, Wilkinson, Lambert and Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

5. Public Comment on Items not on the Agenda

Richard Harriman stated he has an integrity issue he has to take care of this morning. At the October 10th meeting of this Commission, he made the assertion that Mr. Brouhard had not contacted him when he asked him to. Mr. Brouhard & Mr. Harriman spoke and Mr. Brouhard provided emails showing that Mr. Harriman was to call Mr. Brouhard.

6. Reports and Communications

6.1 Executive Officer's Report.

Steve Lucas summarized the Executive Officer's Report and provided updates.

6.2 Correspondence - None

7. ADMINISTRATION –

7.1 Public Employee Performance Evaluation

The Commission adjourned to Closed Session at 10:26

The Commission came out of Closed Session and stated there was nothing to report.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:09 a.m. to the next LAFCO meeting scheduled for February 7, 2019.

LOCAL AGENCY FORMATION COMMISSION

By: Stephen Lucas, Executive Officer

Minutes prepared by Joy Stover, Commission Clerk