

BUTTE LOCAL AGENCY FORMATION COMMISSION
Minutes of March 4, 2010

1. Call to Order

Chair Leverenz called the meeting to order at 9:00 a.m., on March 4, 2010, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

1.1 Roll Call

Present: Commissioners Lotter, Duncan, Sweany, Holcombe, Dolan and Chair Leverenz.
Alternate Commissioner Steel

Absent: Commissioners Connelly and Frith and Alternate Commissioners Yamaguchi & Gill

Others Present: Stephen Lucas, LAFCO Executive Officer
Stephen Betts, LAFCO Deputy Executive Officer
Joy Stover, LAFCO Commission Clerk
Marsha Burch, LAFCO Legal Counsel Representative

2. Consent Agenda

2.1 Approval of the Minutes of February 4, 2010

Chair Leverenz asked if anyone on the Commission or in the audience wanted to have any item pulled from the consent agenda. No responses received.

Commissioner Lotter 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, Sweany, Holcombe, Dolan and Chair Leverenz

NOES: None

ABSENT: Commissioner Connelly

ABSTAINS: None

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda – None

4.2 10-03 – City of Chico – Extension of Services – West Sacramento Avenue No. 29

Steve Betts stated the landowners were granted an emergency extension of services due to a septic tank failure and staff is recommending an approval of this extension of services.

Commissioner Duncan made a motion to adopt the resolution approving the extension of services. The motion was seconded by Commissioner Dolan.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Sweany, Holcombe, Dolan and Chair Leverenz
NOES: None
ABSENT: Commissioner Connelly
ABSTAINS: None

4.3 Consideration of Amendments to the Commission's Policies Related to the Processing of Extension of Services Proposals.

Steve Betts, Deputy Executive Officer, summarized the related staff report. There was discussion on how LAFCo has been approving extension of services for emergency extensions and also to promote future development.

Chair Leverenz opened this item for public comments.

Jared Hancock, City of Oroville Planning Department, stated he was involved in processing the last extension of services project in the Oroville area and went over the circumstances of that project. Jared Hancock stated he would support staff's recommendation to remove the 2 year timeframe and gave his concerns regarding restricting someone's right to protest an annexation.

Commissioner Duncan stated he felt extending services for water could be considered an emergency extension.

Chair Leverenz asked if anyone else from the public had any comments. None stated and the public portion was closed.

Commissioner Dolan stated the motion would be to amend the draft policies to state it would be LAFCo policy to discourage extension of limited or specific services without an annexation to the entity, it would be for Health and Safety issues and to remove the timeframes of annexing within a certain amount of time.

Commissioner Lotter stated if we say we discourage it that leaves the door open if you have an unusual situation where water service is needed.

Steve Lucas, LAFCo Executive Officer, suggested the following wording on page 7 at section 1 - The commission will give great consideration and great weight to health and safety issues while putting strict limitations on new development and only under extraordinary circumstances.

Commissioner Dolan made a motion to amend the draft policies incorporating the discussion and to send the draft policy back for a re-draft and bring it back to the Commission. Commissioner Duncan seconded the motion.

The motion was carried by the following vote:

AYES: Commissioners Lotter, Duncan, Sweany, Holcombe, Dolan and Chair Leverenz

NOES: None
ABSENT: Commissioner Connelly
ABSTAINS: None

4.4 Consideration of Amendments to the Commission's Policies Related to the Processing of Sphere of Influence Proposals.

Steve Lucas summarized the current policies in place. Steve Lucas discussed the comments staff received from the cities after the proposed policy updates were distributed.

Commissioner Dolan asked if the anticipated public comment took place. Steve Lucas stated the five cities have seen the first and second draft policies and their comments have been shared with the Commission today.

Chair Leverenz opened this item for public comments. Seeing none, the public comment portion was closed.

There was discussion regarding internal horizons and tying the timeframes back to the municipal service reviews. It was agreed the wording on page 11 at section 1) should be changed from *land* to *parcel* and at section 3) change the *market* study to *absorption* study for clarification.

Commissioner Lotter made a motion to approve the Draft Policies with a waiver of the first reading of the Draft Policies, including the noted changes. The motion was seconded by Commissioner Holcombe.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Sweany, Holcombe, Dolan and Chair Leverenz
NOES: None
ABSENT: Commissioner Connelly
ABSTAINS: None

4.5 City of Biggs – Request for Waiver of Sphere of Influence Fees.

Commissioner Dolan made a motion to approve the request to waive the Sphere of Influence Fees. The motion was seconded by Commissioner Lotter.

The motion carried by the following vote:

AYES: Commissioners Lotter, Sweany, Holcombe, Dolan and Chair Leverenz
NOES: Commissioner Duncan
ABSENT: Commissioner Connelly
ABSTAINS: None

4.6 Wastewater Service Providers – Oroville Region Municipal Service Review Update

Chair Leverenz opened this item for public comments. Seeing none, the item was closed to the public.

The SC-OR entities' progress report was taken under submission.

5. Public Comment on Items not on the Agenda –

Chair Leverenz stated the Budget Committee met and the budget was revised down from the original staff recommendation. Chair Leverenz asked if anyone on the Budget Committee felt they needed to have another meeting and if not we will go forward with the revised proposal and present it to the Commission in April as the Budget Committee recommendation.

Alternate Commissioner Steel asked if the four LAFCO positions are County allocated positions. Steve Lucas stated the LAFCO positions as independent from the County. Alternate Commissioner Steel stated these are fulltime positions and asked if staff's proposal is for the Executive Officer to have total discretion over what hours the individual people work.

Steve Lucas stated he is proposing the Commission to give him the ability to implement furloughs as necessary based on what our expenditures and revenue projections are. Steve Lucas stated he is proposing some fairly significant furlough times at the beginning of this process as he doesn't know what the workload will look like in the coming year. He has indications that there are a number of large projects on the horizon and if they come in it would reduce the need to furlough. If those projects do not materialize in the timeframe that he expects then we will need to make some hard decisions about furlough time in terms of meeting our budget expenditures.

Alternate Commissioner Steel voiced his concerns regarding the furlough levels.

6. Reports and Communications

6.1 Executive Officer's Report

Steve Lucas, LAFCo Executive Officer, summarized the Executive Officer's Report and gave a quick update to staff meeting with the City of Chico relating to their MSR.

Marsha Burch, representing LAFCo counsel, gave an overview on AB 853 and the related litigation. There was discussion on how AB 853 could affect our area.

6.2 Correspondence – None

7. ADMINISTRATION – None

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:10 a.m. to the April 1, 2010 regularly scheduled meeting.

LOCAL AGENCY FORMATION COMMISSION



By: Stephen Lucas, Executive Officer

Minutes prepared by Joy Stover, LAFCO Commission Clerk