

**BUTTE LOCAL AGENCY FORMATION COMMISSION**  
**Minutes of November 4, 2010**

**1. CALL TO ORDER**

Chair Leverenz called the meeting to order at 9:01 a.m., on November 4, 2010, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

**1.1 Roll Call**

Present: Commissioners Lotter, Duncan, Connelly, Sweany, Fichter and Chair Leverenz.

Absent: Commissioner Dolan & Alternate Commissioners Gill, Schwab, Steel, & Yamaguchi.

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 September 2, 2010**

**2.2 11-01 – Butte Water District – Sutter Reorganization No. 1**

The annexation of seven parcels and the adjacent road right of ways, located in the unincorporated area of Sutter County, to the Butte Water District for the purpose of receiving agricultural irrigation (untreated) water services to the territory. **ACTION REQUESTED:** Adopt Resolution No. 02 2001/11 approving the annexation subject to the terms and conditions contained within the staff report.

**Commissioner Fichter made a motion to approve the consent agenda. The motion was seconded by Commissioner Lotter.**

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

**AYES:** Commissioners Lotter, Duncan, Connelly, Sweany, Fichter, and Chair Leverenz

**NOES:** None

**ABSENT:** Commissioner Dolan

**ABSTAINS:** None

Land owner Ron Giovannetti, Half-Moon Fruit and Produce Company, stated he appreciates the Commission approving this annexation.

**3. NOTICED PUBLIC HEARINGS –**

**3.1 SP-17MS – Review and Consideration of the Public Review Draft Municipal Service Review Update and Sphere of Influence Plan for the Cemetery Service Providers.**

Jill Broderson, LAFCo Management Analyst, provided a PowerPoint presentation to the Commission.

Commissioner Connelly asked if Thompson Flat Cemetery District is at capacity, why do they need a web presence. Commissioner Lotter stated some cemeteries have a listing of the people interred in their cemetery posted on their website that helps in genealogy research. Jill Broderson stated a web presence is a place to file the district board's agendas, minutes and other information like district budgets.

Commissioner Duncan asked if the new law regarding the disclosure of salaries will affect the cemetery districts. Steve Lucas stated one of the ways that a lot of the districts are going to accomplish this is through the Special Districts Association website to save the districts from having to do this individually.

Jill Broderson stated she wanted to state that many of these districts do have internet access and email; they just don't have a webpage to post information that might be beneficial to the residents within their district.

Chair Leverenz opened this item for public comment.

Pat Teague, Manager of the Gridley-Biggs Cemetery District, stated her district contracts with Thompson Flat Cemetery District to provide services and their district does not have an internet webpage but they do have all of Thompson Flat's records available and printouts can be made upon request of the public.

Chair Leverenz closed the public portion.

Commissioner Duncan asked about the fact where some of the cemetery districts do not adhere to the Brown Act requirements. Chair Leverenz stated it is not within LAFCo's authority to make any of the district do anything, we just make a note of the determinations in the Municipal Service Review.

Commissioner Lotter thanked Jill Broderson for preparing the MSR and stated she did a nice job. Commissioner Lotter stated the districts may want to look into the possibility of having the creation of a cemetery districts website as a possible senior class project.

**Commissioner Lotter made a motion to approve the LAFCo staff recommendation and adopt Resolution No. 04 2010/11. The motion was seconded by Commissioner Sweany.**

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

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

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

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

#### **5. PUBLIC COMMENTS NOT ON THE AGENDA – None**

#### **6. REPORTS AND COMMUNICATION**

##### **6.1 Executive Officer's Report**

Steve Lucas, LAFCo Executive Officer, stated at the CALAFCO Annual Conference, Larry Duncan was appointed to the CALAFCO Board representing Special Districts for the Northern Region and will serve a one year term.

At the Conference, the Wastewater Service Providers MSR won the "Project of the Year" award out of 50 entries. It was noted, the fact that we prepared the MSR in house and at our cost, is one factor that was used in choosing us for the award.

Steve Lucas stated the audit is progressing and everything looks good and will possibly be brought before the Commission in December.

There was discussion regarding the LAFCo calendar and possible dates available for the LAFCo meetings in April and September due to conflicting dates with the CALAFCO Workshop and Conference.

Steve Lucas stated application activity has increased significantly. The projects currently in progress include-

- The Lake Oroville Area Public Utility District Sphere of Influence update
- The City of Gridley Sphere of Influence update
- The County of Butte request to expand the powers of CSA No. 114 (Chico Nitrate) to allow funding for sewer connections to the City of Chico sewer system, which is something the City was not previously able to do
- The review of the City of Chico General Plan EIR
- Assisting the City of Chico in developing a Master Extension of Services application to address their desire to connect unincorporated parcels utilizing on-site septic systems to the City of Chico sewer system without mandatory annexation.

Steve Lucas discussed the Governor's veto of AB853 – Disadvantaged Communities. Commissioner Connelly stated the bill was re-written at least three times and it is a very difficult situation to address as it is basically a hostile annexation to a city. Commissioner Connelly stated for example communities that just bring new subdivisions or wealthier subdivisions while avoiding the poorer adjacent community is just morally corrupt and he would like to see in particular an annexation attempt for South Oroville. Chair Leverenz stated the mechanism is there for LAFCo to encourage a municipality to annex an area if it fits within those policy guidelines.

There was discussion regarding the Interest and the Unrealized Gain/Loss amounts shown on the financial report. Jill Broderson clarified these items.

Commissioner Connelly stated the award that we received because of the hard work of Steve Lucas and LAFCo Staff is a pretty major deal when you think how 50 different agencies submitted applications and we still won. Commissioner Connelly stated he appreciates the efforts of LAFCo to facilitate change and he wants LAFCo to remain vigilant and keep meeting as he doesn't want it to lapse back where it was.

## 6.2 Correspondence –

- A. Letter from the Special District Risk Management Authority regarding no reported Property/Liability Claims in 2009-10, dated September 30, 2010.
- B. Letter from the Special District Risk Management Authority regarding no reported Worker's Compensation Claims in 2009-10, dated September 30, 2010.
- C. Letter to Butte County Board of Supervisors from the City of Gridley Mayor, Jerry Fichter, dated October 19, 2010.

Chair Leverenz stated the letter is pretty straight forward. Commissioner Connelly stated Supervisor Lambert is willing to do whatever the people in the affected area want to do and he is holding a community meeting on November 29<sup>th</sup> and after that meeting he will bring his thoughts and policy direction to the Board of Supervisors. Commissioner Fichter wanted to know if the Commission would authorize Steve Lucas to participate in any discussions to do with this. Chair Leverenz stated LAFCo staff wherever they can help in situations like this they should help as it is our role.

- D. Oroville Mirror news article submitted by SCOR for Commission review.

Steve Lucas stated staff attended the LAFCo/SCOR TAC meeting and learned TWSD has been utilizing this patch system quite extensively and has installed approximately 20 patches so far.

## 7. ADMINISTRATION – None

## 8. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:39 a.m. to the December 2, 2010 regularly scheduled meeting.

## LOCAL AGENCY FORMATION COMMISSION



By: **Stephen Lucas, Executive Officer**

Minutes prepared by Joy Stover, LAFCO Commission Clerk