

**BUTTE LOCAL AGENCY FORMATION COMMISSION**  
**Minutes of September 8, 2011**

**1. CALL TO ORDER**

Chair Leverenz called the meeting to order at 9:00 a.m., on September 8, 2011, 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 Alternate), Mark Sweany (Special District), Jerry Fichter (City), Steve Lambert (County) and Chair Carl Leverenz (Public); Alternate Commissioners Ann Schwab (City) and Greg Steel (Public)

Absent: Alternate Commissioners Loren Gill (Special District) and Kim Yamaguchi (County)

Others Present: Stephen Lucas, LAFCO Executive Officer  
Stephen Betts, LAFCO Deputy Executive Officer  
Joy Stover, Commission Clerk  
Scott Browne, LAFCO Legal Counsel

**2. CONSENT AGENDA**

**2.1 Approval of the Minutes of August 4, 2011**

**Commissioner Lotter made a motion to approve the consent agenda with noted changes to the draft minutes on page 5 at paragraph 8. The motion was seconded by Commissioner Duncan.**

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

**AYES:** Commissioners Lotter, Duncan, Connelly, Sweany, Fichter, Lambert and Chair 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 11-10 – City of Gridley – Extension of Services – Rancho Villa Mobile Acres

Steve Betts stated staff would like to add one additional condition to the project as condition number “D” to be stated as:

*The City of Gridley shall include the subject property in any future annexation proposal of adjacent lands and where deemed necessary to provide for logical City boundaries as determined necessary by the Commission.*

Chair Leverenz stated as he understands it, we can't use the road as a basis of the parcel being contiguous so there is no way to annex the parcel at this time.

Chair Leverenz stated the whole area on Hollis Lane would need to be annexed in order to make this parcel contiguous.

Chair Leverenz opened this item for public comment.

Andrea Redamonti, the Community Development Director for the City of Gridley, stated that the water levels at Rancho Villa have unsafe levels of arsenic. The probability of drilling a new well at this location is very costly and would probably result in the same situation. The City was approached by the property owner, Butte County Environmental Health, the Drinking Water Division of CA Dept. of Public Health and the CA Rural Water Association to solve this problem. The City may be eligible for reimbursement under Proposition 84 and the City agreed to participate. In addition to being able to help the residents at Rancho Villa the City will also benefit in the long term by providing infrastructure to this area so that when annexation does occur in the surrounding parcels it will be much easier to annex in. Andrea Redamonti stated with regards to the staff report, they concur with option number 1 and they are also in agreement with the additional condition requiring the City to annex the parcel should annexation in the area occur. Andrea Redamonti stated John Wendele of the CA Rural Water Association, Elaine McSpadden from Butte County Environmental Health, Jim Moore the property owner and Ray Bruun from the CA State Drinking Water Division are here today.

Chair Leverenz asked where the arsenic comes from and is it natural.

Ray Bruun, with the CA Department of Public Health Drinking Water Division, stated the geology close to the Sutter Buttes tends to have arsenic issues and it is not uncommon to have arsenic and in 2006 the Federal EPA lowered the arsenic standard from 50 parts per billion to 10. A lot of people that did not have arsenic issues from the Drinking Water Division standpoint now do. This is a natural, geological condition.

Chair Leverenz closed the public portion of the hearing.

**Commissioner Lotter made a motion to approve the application noting the modification of the additional condition. The motion was seconded by Commissioner Sweany.**

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

**AYES:** Commissioners Lotter, Duncan, Connelly, Sweany, Fichter, Lambert and Chair Leverenz  
**NOES:** None

**ABSENT:** None  
**ABSTAINS:** None

**4.3 11-07 – City of Chico – Master Extension of Sewer Services**  
*(Continued from the August 4, 2011 meeting)*

Steve Lucas gave a quick review from last month's LAFCo meeting on this item. The Letter Agreement for Conditional Interim Authorization was prepared and provided to the City on August 18, 2011. There were some changes to the letter agreement that the City requested and those have been done. Additional changes were requested and staff agrees with those changes. Steve Lucas stated he will have the changes made by today and have the document back to the City.

Steve Lucas stated a question came up with regards to emergency extensions as the Commission's motion from last month indicated emergency extensions would be allowed under our current process & procedures. The current emergency extension process was summarized for the Commission. Steve Lucas stated the current process triggers a fee for processing these applications and the City has requested that during this interim period the fee portion be waived by the Commission. Steve Lucas stated the staff can support the fee waiver as the City has submitted the fees for the master application and would ultimately be covered by the emergency extensions eventual master approval. The City has assured staff that they would respect the Commission's wishes on emergency connections. Historically LAFCO has received very few emergency connection requests and most property owners that do have a failure may choose to connect to the sewer and sign the covenant thus removing the need for the fee altogether. Steve Lucas stated he does not think this will be a huge cost issue for us.

Chair Leverenz confirmed the only change this makes to the original motion is that we passed for emergency requests would be that we won't collect a fee.

**Commissioner Lotter made a motion to authorize the Executive Officer as part of this process to waive any fees on emergency hook ups during this interim period. The motion was seconded by Commissioner Duncan.**

Commissioner Connelly stated under item #3 in the Terms and Conditions of the Letter Agreement it states emergency sewer connections would not be required to sign the LAFCO Annexation Consent and Covenant. Commissioner Connelly stated as long as we don't see a rash of emergencies it will be working properly.

Chair Leverenz stated we will obviously have to monitor these.

Steve Lucas stated if he suddenly sees a large number of these come in, then he will bring the issue back before the Commission.

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

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

## **5. PUBLIC COMMENTS NOT ON THE AGENDA –**

Chair Leverenz stated he would like to comment on the CALAFCO Conference. Chair Leverenz stated the conference was well worth attending. He was impressed with the continuing efforts statewide to protect Ag land. It is interesting how we have a lot of the same problems in this county and also a myriad of different problems. Our attorney, Scott Browne, along with five others were recognized for revising and re-writing much of the legislative definitions for the CALAFCO. Commissioner Larry Duncan was re-elected as a CALAFCO Board member. As reported, the California Special Districts Rick Management Association recognized our staff's work in awarding Butte LAFCO for their safety efforts and getting the most points in reducing hazards. It was nice to see our staff recognized for their efforts. Chair Leverenz stated the Commissions efforts to have him nominated for a distinguished service award was successful and he does appreciate it.

Chair Leverenz stated Steve Betts and himself attended a workshop on environmental justice, which certainly had reference to areas in Oroville and Chico.

Steve Lucas stated as growth continues to occur, we are seeing more urban limit lines in terms of preserving Ag land. Steve Lucas commented on the Napa Valley historical land value changes that were presented at the one of the workshops at the CALAFCO conference.

Chair Leverenz commented on the urban growth conditions here in Butte County as the majority of our cities are surrounded by Ag Land. Chair Leverenz stated the CALAFCO Conference is a good place to get input, see how other people are dealing with it, to get ideas and see where mistakes are made too.

## **6. REPORTS AND COMMUNICATION**

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

Steve Lucas summarized the Executive Officer's report. Steve Lucas stated by participating in the safety programs we have been able to cut in the last two years our general insurance by a third and our worker's compensation by a half.

Steve Lucas stated staff is expecting to see about seven island annexation applications be submitted by the end of September from the City of Oroville. The City of Oroville has requested staff update their Sphere of Influence Plan and that document will be prepared by LAFCO staff instead of sending it out to consultants to prepare it. The Sphere of Influence Plan update application should be to staff sometime in November.

Commissioner Connelly asked if the City of Oroville will consider shrinking their Sphere of Influence.

Steve Lucas stated, from what he understands at this time, the Sphere that the City of Oroville is going to propose is going to be based on their general plan. Steve Lucas stated there will be some larger annexation applications coming in from the City of Oroville at a later time.

**6.2 Correspondence – None**

**7. ADMINISTRATION – None**

**8. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:31 a.m. to the October 6, 2011 regularly scheduled meeting.

**LOCAL AGENCY FORMATION COMMISSION**



**By: Stephen Lucas, Executive Officer**

Minutes prepared by Joy Stover, Commission Clerk