

Local Agency Formation Commission of
Colusa County

Minutes
February 4, 2010

1. Call to Order/Roll Call

The Local Agency Formation Commission of Colusa County meets this 4th day of February 2010 at the hour of 3:00 PM. Commissioners Present: Denise Carter, Don Barker, Kay Hosmer, Brandon Ash, and Gary Evans, Chairman. Commissioners Absent: None.

Present: John Benoit, Executive Officer.

Angie Fulcher, City Member, Alt.

Mary Winters, Public Member, Alt.

Jan McClintock and Brian Stice, City of Colusa

Scott Browne, Legal Counsel.

Alicia Draves, Commission Clerk.

2. Public Comment

Chairman Evans declares time for public comment.

Hearing none, Chairman Evans closes the period of public comment.

3. Approval of Minutes

Chairman Evans declares time for approval of the Minutes of January 7, 2010.

Commissioner Ash states that page 3; paragraph 7 should read as follows:

Chairman *Ash* declares time to establish and adopt a regular schedule of LAFCO meetings for 2010.

He further states section page 4; paragraph 10 should read as follows:

Chairman *Ash* adjourns the meeting at 4:23 PM, to reconvene in Regular Session on Thursday, February 4, 2010 at the hour of 3:00 PM.

It is moved by Commissioner Barker, seconded by Commissioner Hosmer to approve the Minutes of January 7, 2010 as corrected. Motion carried by the following vote:

AYES: Commissioners Hosmer, Barker, and Ash.

NOES: None.

ABSENT: None.

ABSTAIN: Commissioners Carter and Evans.

4. Consent Agenda

Chairman Evans declares time for approval of the Consent Agenda for payment of claims for January 2010.

It is moved by Commissioner Ash, seconded by Commissioner Hosmer to approve the payment of claims for January 2010. Motion carried. All yes. Absent: None.

PUBLIC HEARING

5. City of Colusa Municipal Service Review

Chairman Evans declares time for a Public Hearing, Receive Executive Officer's Report, and consider Resolution 2010-0003 approving and adopting a Municipal Service Review for services provided by the City of Colusa.

Mr. Benoit states that the MSR before the Commission is the hearing draft, which contains all additional comments from the previous workshops. He further states that the essential changes were regarding levee issues, more information on wastewater treatment facility, and improvements on the wastewater treatment plant. He further states the draft contains all of the determinations required of an MSR. He further states that the next step is to have a mandatory meeting between the City of Colusa and the County of Colusa to discuss the proposed Sphere of Influence, noting that if no agreement can be made, then the Sphere of Influence will be decided by the Commission as a whole.

Ms. Winters inquires if the lists of proposed annexation areas for the City of Colusa are only possibilities.

Mr. Benoit states they are only potential projects, not guaranteed.

Commissioner Hosmer states page 16, section 4.2.2 City Council should read as follows:

City Council Members

Donna Critchfield, Mayor

Kirk Kelleher, Mayor Pro Tem

Kay Hosmer, City Council Member

Robert MacKaben, City Council Member

Thomas Reische, City Council Member

Commissioner Carter states that she has the following changes for the MSR.

She states that page 55, section 4.9.3 will need to be rewritten with the correct verbiage, which more accurately reflects the responsibilities of the State, the Army Corps and the local government. She notes that she will relay the information to Mr. Benoit.

She inquires if the water rates are current on page 39, section 4.5.5 B.

Ms. McClintock states they are the current rates, as they have not changed since 2007.

Commissioner Carter further inquires if the sewer rates have been changed.

Ms. McClintock states they have been changed, noting that she will get an updated rate list to Mr. Benoit.

Commissioner Carter inquires if the data on Page 43 section 4.6.3 is current.

Ms. McClintock states it is the most current data.

Commissioner Carter states on page 44, section 4.6.3 paragraph 5, Page 45 section 4.6.4, paragraph 7, and in one other area in the MSR, the permitted gallons per day capacities do not match. She inquires which figure is correct.

Ms. McClintock states she will validate those numbers and relay that information to Mr. Benoit, noting that the permitted capacity is 0.9 million gallons per day. She further states that page 44 paragraph 3, should read as follows:

The City *has upgraded* its treatment facility to provide advanced biological treatment, filtration, and ultraviolet disinfection to its municipal wastewater prior to discharge into an unnamed tributary of Pough Slough, tributary to the Colusa Basin Drain.

Mr. Benoit states he is aware of the different capacities, noting he would like to see them standardized.

Commissioner Carter states she would like to see them listed in the MSR in one chart.

She further states page 46, paragraph 3, titled Agricultural Land needs to be moved to a different section. Mr. Benoit concurs.

She further states page 48, section 4.6.6 will need the corrected rates.

She further states page 51 section 4.7.2 paragraph 1 should read as follows:

Recology Butte Colusa Counties was selected as the solid waste collection and disposal service provider for the City of Colusa effective January 1, 2009.

Commissioner Hosmer states she would like to see a statement regarding where the City of Colusa obtains their water.

Commissioner Carter states she is concerned that page 68, section 5.2.2 chart G states that the City has adequate drainage capabilities when there are issues with flooding within the City.

Ms. McClintock states that most of the drainage issues have to be dealt with through Cal Trans and they are working with them. She further states that LAFCO through the MSR should not be requiring the City of Colusa to deal with drainage issues which go back 50 to 70 years. She notes that the goal of the MSR is to decide if the City of Colusa has sufficient drainage to deal with the water for new developments.

Mr. Browne states that the goal of the MSR is to decide whether the City of Colusa has adequate infrastructure to provide services to the whole city in addition to any new developments.

Ms. McClintock states she does not believe that the MSR should require the City of Colusa to deal with drainage issues that have been around longer than the City has been in existence. She further states that the City of Colusa has sufficient drainage if they can get the water where it needs to go.

Mr. Browne states that the MSR should state that the City of Colusa has some problem spots, but overall the capacity is there.

Mr. Benoit inquires of the Commission if they would like to continue the discussion to the March 4, 2010 meeting, noting that he will provide a sheet containing the corrections and additions.

Chairman Evans continues the discussion and public hearing to Thursday March 4, 2010.

6. Discuss and Conduct Review of LAFCO's Fee Schedule (adopted on May 6, 2003).

Chairman Evans declares time to review the Fee Schedule and provide direction to staff to set public hearing to amend the Fee Schedule.

Mr. Benoit states he is requesting that the Commission direct staff to conduct a public hearing for the proposed Fee Schedule. He further states that the current fee schedule has the lowest charge out rate of all of the counties in California, noting the cost of an application is largely underwritten by the Cities and the County. He further states that MSR preparation costs are not accounted for in the original cost analysis.

Discussion is held regarding LAFCO's proposed Fee Schedule with Chairman Evans directing staff to set a Public Hearing for March 4, 2010.

7. Executive Officer's Report

Mr. Benoit reminds the Commissioners that their Form 700's are due prior to April 1st, 2009.

Lengthy discussion is held regarding issues with Walnut Ranch and Del Oro Water Company, with Mr. Benoit presenting the issue.

Mr. Benoit states that a full annexation would be the better alternative to forming a CSA.

Mr. Browne states that the citizens and the County of Colusa should take their complaints to the Public Utilities Commission for action.

Discussion is held regarding alternative CSA options with no action taken.

8. Commissioner Reports

None.

9. Correspondence

None.

10. Authorize travel expenditures for Commissioner Hosmer's participation to serve on the 2010 Calafco Conference Committee.

Chairman Evans declares time for discussion and possible authorization for travel expenses for Commissioner Hosmer's participation to service on the 2010 Calafco Conference Committee.

Mr. Benoit states there has never been anyone from Colusa County on a conference committee, noting that he believes it will be a benefit to the County for Commissioner Hosmer to attend.

Commissioner Hosmer states that she is aware of the cost involved for her to attend, noting that she believes it will benefit not only Colusa County but all of Northern California to have a representative in attendance at the committee meeting.

It is moved by Commissioner Carter, seconded by Commissioner Barker to Authorize travel expenditures for Commissioner Hosmer's participation to serve on the 2010 Calafco Conference Committee. Motion carried. All yes. Absent: None.

11. Authorize Executive Officer and Counsel to attend the 2010 Calafco Staff Workshop in Santa Rosa – April 14-16.

Chairman Evans declares time for discussion and possible authorization for the Executive Officer and Counsel to attend the 2010 Calafco Staff Workshop in Santa Rosa – April 14-16.

Mr. Benoit states that at this time, he and Mr. Browne both may have prior commitments, which would only allow them to each attend one day of the workshop. He further states that he is awaiting a schedule of seminars to see if there is something he is interested in attending.

Discussion is held with Chairman Evans continuing approval to the March 4, 2010 meeting.

12. Adjournment

Chairman Evans adjourns the meeting at 4:20 PM, to reconvene in Regular Session Thursday, March 4th at the hour of 3:00 PM.

Gary Evans, Chairman

Alicia Draves, Commission Clerk