

**Local Agency Formation Commission of
Colusa County**

Minutes

March 5, 2009

1. Call to Order/Roll Call

The Local Agency Formation Commission of Colusa County meets this 5th day of March 2009 at the hour of 3:00 PM. Commissioners Present: Kay Hosmer, Brandon Ash, and Don Barker, Chairman. Commissioners Absent: Denise Carter and Gary Evans.

Present: John Benoit, Executive Officer.
 Scott Browne, Legal Counsel.
 Mary Winters, Public Member, Alt.
 Alicia Draves, Commission Clerk.

Chairman Barker calls the meeting to order at 3:00 PM.

2. Approval of Minutes - February 5, 2009

Chairman Barker declares time for approval of the Minutes of February 5, 2009.

Commissioner Ash, states that page 3, paragraph 1 should read as follows:

Mr. Benoit states that all of the Fire Departments have received a copy of the MSR and they are aware of the findings.

He further states that the Executive Officers report page 5, paragraph 1 should read as follows:

Mr. Benoit states that he has received e-mail from Mr. Vedo, who would like to have a connection to the City of Colusa, due to the fact that his father was able to attain one 20 years ago.

He further states that paragraph 2 sentence 2 should read as follows:

She further states that Mr. Vedo does not wish to annex because he has to put in a sidewalk per the City of Colusa policies.

Mr. Ash states in the update on the MSR and SOI reports there were two misspellings.

- **Grimes Colusa County Waterworks District #1**
- **LaGrande Water District**

It is moved by Commissioner Ash, seconded by Commissioner Hosmer to approve the Minutes of February 5, 2008 as corrected. Motion carried by the following vote:

AYES: Commissioners Hosmer, Ash, and Barker.

NOES: None.

ABSENT: Commissioners Carter and Evans.

3. Public Comment

Chairman Barker declares time for public comment.

Commissioner Hosmer states she received the Calafco Policies and Procedures manual, noting that anyone can look at it.

No Further comment being heard, Chairman Barker closes the period of public comment.

4. Consent Agenda

Chairman Barker declares time for approval of the Consent Agenda for payment of claims for February 2009.

Commissioner Hosmer states that she was surprised at the cost of the Calafco conference expenses.

It is moved by Commissioner Ash, seconded by Commissioner Hosmer to approve payment of claims for the month of February 2009. Motion carried by the following vote:

AYES: Commissioners Hosmer, Ash, and Barker.

NOES: None.

ABSENT: Commissioners Carter and Evans.

5. Public Hearing for the Municipal Service Review and Sphere of Influence for Colusa the La Grande Water District for irrigation water services.

Chairman Barker declares time for a public hearing for the Municipal Service Review and Sphere of Influence for the La Grande Water District for irrigation water services.

Mr. Benoit states he has been in contact with Mark Atlas, counsel for the LaGrande Water Districts, noting that he brought up the notion of consolidation of the districts. He further states that the district was opposed to the idea, mainly because they will have to renew Bureau contracts. He further states that as these districts are primarily owned by families and in requesting budget information, he is essentially asking them for their personal information. He notes that the information he was able to attain was sufficient to do the MSR.

He further states that it is in the best interest of the LaGrande's to keep the infrastructure, which they have. He further notes that the land use is strictly agricultural and there is a suggestion a minor increase of 77 acres in the Sphere update.

Hearing no further comment, Chairman Barker closes the public hearing.

It is moved by Commissioner Ash, seconded by Commissioner Hosmer to adopt Resolution 2009-0003, A Resolution approving a MSR for Irrigation Water Services provided by the La Grande Water District. Motion carried by the following vote:

AYES: Commissioners Hosmer, Ash, and Barker

NOES: None.

ABSENT: Commissioners Carter and Evans.

It is moved by Commissioner Ash, seconded by Commissioner Hosmer to adopt Resolution 2009-0004, A Resolution approving a Sphere of Influence Update for the La Grande Water District. Motion carried by the following vote:

AYES: Commissioners Hosmer, Ash, and Barker

NOES: None.

ABSENT: Commissioners Carter and Evans.

6. LAFCO Policy Amendment: Updated Policies, Standards and Procedures (policy document). The purpose of this meeting is to review proposed changes to LAFCO's policies, standards and procedures.

Chairman Barker declares time for the continued workshop and review of LAFCO's adopted Policies and Procedures.

Mr. Benoit states that he has added two subsections to Section 2 LAFCO General Policies and Standards.

Mr. Browne requests in the first sentence of Section 2.17 Tribal lands the words change of organization be added.

2.17 Tribal lands.

If a proposal involves a change of organization, an amendment or establishment of a sphere of Influence, could ultimately lead to the provision of services to tribal lands, the proper tribal authority shall be informed of LAFCO's intention to seek a partial waiver of sovereign immunity prior to its approval of a change of organization.

Prior to issuance of a certificate of filing for an application involving a change or organization to provide public services on tribal lands, LAFCO will normally require a partial waiver of sovereign immunity whereby the proper tribal authority and LAFCO agree in writing to mitigate the effects of the proposed change of organization on adjacent areas and on the local government. structure of the county or city in accordance with the LAFCO Act, in exchange for the authority to provide the service.

LAFCO will incorporate the agreed upon provisions into its terms and conditions of approval.

2.18 Updated Municipal Service Review Required.

At the time LAFCO receives an application for a change of organization; information contained in the applicable Municipal Service Review (MSR) shall be reviewed and updated, as necessary. Revised determination within an applicable MSR will be required when significant changes in the MSR baseline result inconsistencies with existing MSR determinations.

Mr. Benoit states that he would like to see the definition of urban development spelled out in Section 2.2.

Mr. Browne states that he would like to see the definition include existing municipal service providers.

2.2 Urban Development

LAFCO will encourage proposals that result in urban development to include an annexation to a city wherever reasonably possible or to an existing municipal service provider and discourage proposals for urban development without annexation to a city or a municipal service provider.

Mr. Browne states on Page 9 Section 2.9, Efficient Services, the word *that* was stricken, and should not have been.

Commissioner Winters states that the lettering of Section 2.9 should be a, b, c. She further states Section 1.5 LAFCO Composition and Legislative Charge, subsection d, paragraph 2 should read as follows:

The legislative charge to LAFCO Commissioners is to bring their experience and perspectives to bear in a manner, which carries out the best policy from the perspective of the public as a whole. Commissioners are not selected to represent or to cast the vote of their appointing agencies. While Commissioners' decisions may be informed by their experience at their agency, those decisions must not be dictated by the interest of that agency. Each LAFCO Commissioner is charged with representing the County as a whole and not merely his or her appointing authority.

She notes that the last sentence of the paragraph will have to be stricken from Section 1.5 e.

Commissioner Winters states that in comparing section 3.1 General Policies old and new, there was a number iii, noting that there is no longer one in the new document.

Mr. Benoit states that he will look into it, and will bring that information back to the meeting.

Chairman Barker directs staff to circulate the document to the cities, and include changes Commissioner Winters has mentioned and set a hearing for May 7, 2009.

7. Establish and select a Budget Committee for the 2009-2010 budget process.

Chairman Barker appoints Commissioner Carter and Commissioner Winters to the Budget Committee for 2009/2010-budget year, with Commissioner Hosmer as alternate.

8. Establish and Select a Municipal Service Review Committee consisting of two LAFCO Commissioners for the purpose of determining content and reviewing Municipal Service Reviews prior to consideration by the Commission.

Chairman Barker appoints Commissioner Evans and Commissioner Winters the Municipal Service Review Committee for the 2009/2010 year with Commissioner Ash as the alternate.

9. Discussion of LAFCO fees and possible modifications to LAFCO's fees

Chairman Barker declares time for discussion on LAFCO fees and possible modifications to LAFCO's fees.

Mr. Benoit states the Commission needs to consider looking at a Sphere Maintenance fee, noting that since there are no longer developers able to pay the fees, if there is not a fee schedule adopted, LAFCO will have to pay for it out of its general fund.

Commissioner Ash inquires if Mr. Benoit tracks the cost of an MSR and if he can give an estimate on the time it would take to complete one.

Commissioner Hosmer inquires how Mr. Benoit would be able to support the figures.

Mr. Benoit states that the Commission would need to make a determination on the amount of detail they would like to have in the MSR, noting that there is a direct correlation between the amount of work and the cost.

Commissioner Winters inquires if after the criteria is completed, can it be numbered from 1-5 in order of cost of MSR, allowing the Commission to know by just looking at the number what the cost of completion would be for that particular MSR.

Mr. Benoit states that he can do what the Commission is requesting.

Chairman Barker directs staff to develop criteria to determine the cost of completing various MSR/SOI reports.

10. Executive Officer's Report

Mr. Benoit updates the Commission on the status of the following MSR and SOI reports:

- Colusa County Water District
- Grimes Colusa County Waterworks District #1
- Glenn Valley Water District
- Cortina Water Districts
- Reclamation Districts
- 4-M Water District
- LaGrande Water District
- Davis Water District
- Fire Districts Sphere

Mr. Benoit states that FPPC forms must be turned into the Clerk's office by April 1, 2009

11. Commissioner Reports

Commissioner Hosmer states she attended the Calafco in Irvine, she notes that they are not happy people down there. She further states that the people want more representation for Southern California. She further states that Colusa County has never had a representative on the Calafco Board before this time.

12. Correspondence

Mr. Benoit states that he has received correspondence from insurance and will update the questionnaire.

13. Closed Session

Chairman Barker inquires if the closed session should be continued till next month, when both Supervisors (County Members) can be in attendance.

Commissioner Ash states that he has no objection to a continuance, Commissioner Hosmer concurs.

Chairman Barker adjourns the meeting at 4:30 PM, to reconvene in Regular Session Thursday, April 2, 2009 at the hour of 3:00 PM.

Don Barker, Chairman

Alicia Draves, Commission Clerk