

# Local Agency Formation Commission of Colusa County

## Minutes November 5, 2009

### **1. Call to Order/Roll Call**

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

Present: John Benoit, Executive Officer.  
Scott Browne, Legal Counsel.  
Dick Marvel, Walnut Ranch Sewer and Water  
Committee.  
Alicia Draves, Commission Clerk.

Due to there being no Chairman or Vice Chairman the Commission elects Commissioner Ash to act as Chair pro-tempore.

3:05 Commissioner Indrieri is now present.

### **2. Public Comment**

Chairman Ash declares time for public comment.

Mr. Marvel states that he wishes to alert LAFCO to the situation happening out at Walnut Ranch Subdivision. He further states that he and the rest of the residents are very frustrated at the lack of progress made by Del Oro to fix the situation with the water and sewer. He further states that it is the desire of the residents to annex into the City of Colusa, and they are working with the City of Colusa City Attorney, but that they know that it will also have to come before LAFCO, so he is here to make them aware of what is happening.

Commissioner Indrieri states they are aware of the situation, but the County of Colusa is currently working on their General Plan and nothing can be looked at until that is completed.

Commissioner Hosmer states that the City of Colusa is also aware of the situation, and she believes that when Colusa Industrial Park is annexed into Colusa, it will give the residents of Walnut Ranch a much better chance for the annexation to be approved.

Hearing no further comment, Chairman Ash closes the period of public comment.

### **3. Approval of Minutes**

Chairman Ash declares time for approval of the Minutes of October 1, 2009.

It is moved by Commissioner Barker, seconded by Commissioner Hosmer to approve the Minutes of October 1, 2009 as read. Motion carried by the following vote:

AYES: Commissioners Barker, Hosmer, and Ash.

NOES: None.

ABSENT: Commissioners Fulcher and Evans.

ABSTAIN: Commissioner Indrieri.

### **4. Consent Agenda**

Commissioner Ash declares time for approval of the Consent Agenda for payment of claims for October 2009.

It is moved by Commissioner Hosmer, seconded by Commissioner Barker to approve the payment of claims for October 2009. Motion carried. All yes. Absent: Commissioners Fulcher and Evans.

### **5. Out of Agency Agreement-Ray Diaz-Wastewater service from the Arbuckle Public Utility District on property located at 1063 and 1065 Almond Ave. in Arbuckle.**

Chairman Ash declares time for approval of an Out of Agency Agreement-Ray Diaz-Wastewater service from the Arbuckle Public Utility District on property located at 1063 and 1065 Almond Ave. in Arbuckle.

Mr. Benoit states that he has received an application from Mr. Diaz regarding the parcels. He further states that there is currently an annexation in progress that will come to LAFCO in a couple of months. He further states that the out of agency agreement is only for the two, and that they are in the Sphere of Influence. He notes he has attached a letter from the Public Utilities District stating they are willing and able to serve with the stipulation that they will not provide water till annexed.

Commissioner Hosmer inquires if the fees fall in line with prop 218.

Mr. Browne states the connection fees are not part of prop 218.

It is moved by Commissioner Indrieri, seconded by Commissioner Hosmer to adopt **Resolution 2009-15**, A Resolution making Determinations and Approving Arbuckle Public Utility District Out of Agency Service Extension: 1063 and 1065 Almond Avenue, Arbuckle, CA. Motion carried by the following vote:

AYES: Commissioners Barker, Hosmer, Indrieri, and Ash.

NOES: None.

ABSENT: Commissioners Carter and Evans.

**6. Receive Executive Officer's report and conduct a Public Hearing on the Municipal Service Review for Irrigation Water Services and Sphere of Influence for the Maxwell Irrigation District.**

Chairman Ash continues the Public Hearing on the MSR for Maxwell Irrigation District to the December 3, 2009 meeting.

**7. Workshop regarding the City of Colusa Municipal Service Review Document.**

Chairman Ash declares time for a Workshop regarding the City of Colusa Municipal Service Review Document.

Mr. Benoit states this is only the Service Review, which will be adopted at the December 3, 2009 meeting. He further states adopting the Service Review is only the first part, noting that the Sphere of Influence will also need to be adopted. He further notes that prior to the adoption of the Sphere, there will need to be a meeting held between the County and the City of Colusa. He recommends that two City Council members, the Planners for both the County of Colusa and the City of Colusa, and two Board Members meet to try to reach an agreement on development standards.

Commissioner Indrieri inquires if the sphere update is tied with the General Plan.

Commissioner Indrieri inquires if this part of a LAFCO process. He also inquires if the Sphere update trumps the City General Plan.

Mr. Benoit states City of Colusa has already completed their General Plan, noting that LAFCO policy states, within the Sphere updates, the controlling document is the City General Plan. He further notes that there seems to be some resistance by the Board members to even entertain this.

Mr. Benoit states that the Commission is developing a probable growth plan for the City of Colusa.

Commissioner Hosmer states the City of Colusa has no problem with this meeting, noting that it is just a share of information.

Mr. Browne states that State law requires LAFCO to update the Sphere every five Years, as necessary, noting that it should look at a 20-year horizon.

Mr. Benoit states he does not want to put anything on a map until the meeting.

Mr. Benoit inquires if the Commission would prefer to wait to schedule a public hearing on this item till a full Commission has had an opportunity to speak at a workshop.

Chairman Ash agrees.

Chairman Ash continues the workshop to the December 3, 2009 meeting.

### **8. Executive Officer's Report**

Mr. Benoit speaks to Reclamation District Municipal Service Reviews, noting that he is in agreement with Ms. Winters, and the Districts will receive the MSR, which they will have to vote on and return with comments by their Board before approval will be given by LAFCO.

Mr. Benoit states he would give the CALAFCO conference a good evaluation and reviewed a written report he prepared regarding the conference.

Discussion is held regarding legislation, with Mr. Browne stating that all but one bill sponsored by CALAFCO passed.

### **9. Commissioner Reports**

Commissioner Barker states that this was the best conference he has attended.

Commissioner Hosmer states it was also one of the best conferences she has attended, noting that she is on the Nomination Committee and will be able to make nominations next year.

### **10. Correspondence**

None.

### **11. Adjournment**

Chairman Brandon Ash adjourns the meeting at 4:08 PM, to reconvene in Regular Session Thursday, December 3, 2009 at the hour of 3:00 PM.

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Brandon Ash, *Chair Pro tem*

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Alicia Draves, Commission Clerk