

Local Agency Formation Commission of
Colusa County

Minutes
October 1, 2009

1. Call to Order/Roll Call

The Local Agency Formation Commission of Colusa County meets this 1st day of October 2009 at the hour of 3:00 PM. Commissioners Present: Denise Carter, Don Barker, Kay Hosmer, Mary Winters, and Gary Evans, Chairman. Commissioners Absent: Brandon Ash.

Present: John Benoit, Executive Officer.
Angie Fulcher, City Member, Alt.
Jennifer Masters, Maxwell Irrigation District.
Marsha Burch, 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 September 3, 2009.

It is moved by Commissioner Barker, seconded by Commissioner Winters to approve the Minutes of September 3, 2009. Motion carried. All yes. Absent: None.

4. Consent Agenda

Chairman Evans declares time for approval of the Consent Agenda for payment of claims for September 2009.

It is moved by Commissioner Hosmer, seconded by Commissioner Carter to approve the payment of claims for September 2009. Motion carried. All yes. Absent: None.

Public Hearing: Receive Executives 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.

Mr. Benoit states that most of the information he will give to the Commission is in the Executive officers report, noting that this district is different from many of the water districts since they do still hold some old water rights. He further states that

there will not be a lot of growth. He further states that the District does have the ability to financially take care of itself. He further states that they would like to stay independent and do not wish to merge with other districts. He notes the facilities are adequate and they have an adequate water supply.

Ms. Masters states that there are some minor changes that need to be made to the MSR noting that the Board of Directors for the Maxwell Irrigation District is as follows:

Chairman:	Paul Richter
Vice Chairman:	Gregory Mensik
Director:	Chris Dobson
Director:	Richard Richter
Director:	Matthew Southam

Ms. Masters further states page 8, section 3.1 should read "The Maxwell Irrigation District was formed in 1918. The District consists of **an open ditch conveyance and drainage system** and provides water for rice production and wildlife habitat only. The only pipeline the District has is a siphon structure which runs beneath the Reclamation District 2047 Drainage Canal. The District is not a metered district with the exception of the meters on the Sacramento River Pumping Station."

Ms. Masters further states "The Maxwell Irrigation District holds eight licenses to appropriate water from the State of California. One is for diversion of 63 cubic feet per second (cfs) from the Sacramento River. The remaining seven licenses grant a right to divert a total of 123.1 cfs from the creeks and drains within the boundaries of the District. She further states that they District has a Five Party Agreement which allows for the diversion of water out of the R.D. 2047 Drainage Canal. The agreement was recognized by the Bureau of Reclamation Solicitors in the contract renewal process as a bona fide right to divert water."

She further states that Mary Wells the General Manager of the District asked that the following information be included in the MSR on page 11:

"Mary Wells, General Manager, notes that "2009 is not a typical financial year". There are other years whereby MID's Project Supply must be used within MID when the USBR allocation for the Sacramento River Settlement Contracts is reduced to 75%. Years like 2009 that create the need to transfer water within the area of origin **in basin** are unique. In 2009 MID initially received a 75% supply but that was increased to 100% of its contract supply. Service Contracts in the T-C service area received initially only 15%. The revenue in years such as 2009 must be utilized to meet the extraordinary cost of water and added pumping costs for MID **not only in 75% supply years, but also in normal 100% supply years.**"

She further states "Because the BOR water is now very expensive: \$20.00 per Acre foot as compared to the prior \$2.00 per acre foot. Years like 2009 where our revenue seems augmented, will help us get through normal supply years while helping keep costs to our landowners down. It is feast or famine type of

situation where we spread extraordinary revenues over many years to cover the costs and keep the costs down."

Commissioner Carter states she does not wish to approve the MSR today noting, she would like to see the changes made to the MSR first.

Chairman Evans inquires if section 2.11 paragraphs 2 and 3 are necessary to the MSR, noting that there are many streams and creeks that would need to be included. He directs staff to omit paragraphs 2 and 3. The Commission concurs.

He further directs staff to strike from the bottom of page 7 **The Maxwell Public Utility District serves approximately 800-900 residents. from page...** and from paragraph 2, the words **within the district**, and **further development will be based around designated land uses harmonious with the ability of the District to provide municipal services** on the same page.

Chairman Evans states page 24; 4.4.2 line 4-4 should read "The District transfers surplus Project Supply water to Tehama-Colusa Canal Water **Authority** in water short years."

Commissioner Carter inquires if at some point in time will they want to transfer water to a smaller district.

Chairman Evans states that there is nothing in the MSR that will keep them from being able to do this.

Discussion is held regarding approval of the MSR by the Maxwell Irrigation Districts' Board members. The Commission requests Ms. Masters place the MSR on the Districts next meeting agenda for approval.

Ms. Masters states she will place it on the agenda.

Chairman Evans directs staff to continue the public hearing and approval of the MSR and SOI to the November 5th meeting. The Commission concurs.

6. Receive report and set workshop date regarding the City of Colusa Municipal Service Review (MSR) Document.

Chairman Evans declares time to receive report and set workshop date regarding the City of Colusa Municipal Service Review (MSR) Document.

Mr. Benoit states that LAFCO code section 56425 states prior to submitting an application for a sphere update the city and the county need to meet and discuss the new proposed boundaries of the sphere of influence. He further states they need to meet and explore methods to reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the city. He notes he would like to see this accomplished in a

manner that promotes a logical and orderly development of areas within the sphere.

He further states that there is no requirement that the County and the City come to an agreement. He notes however, that if they should be able to come to one, then LAFCO should stand by that agreement.

He states that this must be two members of the Board, two members of the City Council, a member of the Planning Departments from both the County and the City.

Commissioner Hosmer inquires when this must be achieved.

Mr. Benoit states that this must be accomplished in the next few months. He further states that this should be placed on their respective agendas.

Commissioner Evans states that he does not see how anything could be set up till the General Plan for the County is completed.

Mr. Benoit states that LAFCO is under a mandate to finish these.

Commissioner Carter inquires if the MSR can be completed for the City of Colusa, without also completing the Sphere update at the same time.

Mr. Benoit states by not completing the Sphere Amendment it leaves any development project within the City of Colusa where there is an annexation on shaky ground.

Mr. Benoit states he would like to see common development standards, noting that there is no agreement required. He further states that this is just to get the city and the county to talk.

Chairman Evans states that he does not wish to see an agreement made that will then be used by LAFCO to complete the MSR, when the County has not had an opportunity to allow its citizens to weigh in on the process.

Mr. Benoit states a policy can be added to the Sphere update stating once the general plan is completed the issue will be revisited.

Chairman Evans states that he will bring it forward to the Board of Supervisors, to see how they feel about this.

Commissioner Hosmer states she will take this to her Council as well.

7. Executive Officer's Report

Mr. Benoit updates that Commission on the progress of registration for the CALAFCO conference.

8. Commissioner Reports

None.

9. Correspondence

None.

10. Adjournment

Chairman Evans adjourns the meeting at 4:02 PM, to reconvene in Regular Session Thursday, November 5, 2009 at the hour of 3:00 PM.

Gary Evans, Chairman

Alicia Draves, Commission Clerk