

Local Agency Formation Commission Of  
Colusa County

Minutes

The Local Agency Formation Commission of Colusa County meets in Regular Session this 8<sup>h</sup> day of February 2008 at the hour of 3:00 PM. Commissioners Present, Don Barker, Vice Chairman, Daniel Yerxa, Kay Hosmer, and Mary Winters. Commissioners Absent: Commissioners Gary Evans and Brandon Ash.

Present: John Benoit, Executive Officer.  
Scott Browne, Legal Counsel.  
Steve Hackney, Director, Dept. Public Works.  
Henry Rodegerdts, County Counsel.  
Angie Fulcher, Williams City Member.  
Ed Holbert, Colusa Industrial Properties.  
Alicia Draves, Commission Clerk.

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

It is moved by Commissioner Hosmer, and seconded by Commissioner Winters to approve the Minutes of December 6, 2007. Motion carried by the following vote:

AYES: Commissioners Yerxa, Winters, Hosmer, and Barker,.

NOES: None.

ABSENT: Commissioners Evans and Ash.

Vice Chairman Barker declares time for a period of public comment.

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

Vice Chairman Barker declares time for approval of the Consent Agenda.

Consent Agenda: It is moved by Commissioner Winters, seconded by Commissioner Hosmer to approve payment of claims for December 2007. Motion carried. All yes. Absent: Commissioners Evans and Ash..

Vice Chairman Barker declares time for review and approval of the 2008 LAFCO Regular Meeting Schedule.

Mr. Benoit states that this is the approval of the 2007/2008 meeting schedule.

It is moved by Commissioner Winters, seconded by Commissioner Yerxa to adopt the 2008 Regular Meeting Schedule. Motion carried. All yes. Absent: Commissioners Evans and Ash.

Vice Chairman Barker declares time for discussion and possible adoption of Resolution 2008-01, A Resolution of the Local Agency Formation Commission of Colusa County Establishing LAFCO's Policy Regarding Disclosure of Political Expenditures for LAFCO Proceedings.

Mr. Benoit states that this discussion was brought about by the passage of AB745. He further states that the resolution contains the alternatives discussed at the previous meeting. noting that these will be filed with the executive officer.

It is moved by Commissioner Hosmer, seconded by Commissioner Yerxa to adopt **Resolution 2008-1**, A Resolution of the Local Agency Formation Commission of Colusa County Establishing LAFCO's Policy Regarding Disclosure of Political Expenditures for LAFCO Proceedings. Motion carried by the following vote:

AYES: Commissioners Yerxa, Winters, Hosmer, and Barker.

NOES: None.

ABSENT: Commissioner Evans and Ash.

Vice Chairman Barker declares time for discussion and possible adoption of Resolution 2008-02 , A Resolution of the Local Agency Formation Commission of Colusa County Approving an MSR/SOI Guidelines Amendment.

Mr. Benoit states that the Commission adopted MSR Guidelines in 2004 to reduce the number of MSR determinations from 9 to 5, noting that these guidelines are still consistent with the government code.

Mr. Ron Lee, representative of the Holt House Water District calls to take part in the discussion. He is told by Vice Chairman Barker that he will be called in 15 minutes when we are addressing his project.

Mr. Rodegerdts states that he informed Mr. Lee that he would be able to participate in the meeting via telephone.

It is moved by Commissioner Winters, seconded by Commissioner Hosmer to adopt **Resolution 2008-02**, A Resolution of the Local Agency Formation

Commission of Colusa County Approving an Amendment to MSR/SOI Guidelines.  
Motion carried by the following vote:

AYES: Commissioners Yerxa, Winters, Hosmer, and Barker.

NOES: None.

ABSENT: Commissioners Evans and Ash.

Vice Chairman Barker declares time for review on the letter regarding the CIP/EIR recently circulated by the County of Colusa.

Mr. Benoit states that he wrote a letter outlining the issues he saw with the EIR that needed to be addressed as far as LAFCO's liability. He further states that if there is a change in the formation, then LAFCO becomes the lead agency. He notes that if the property were left in the City of Colusa SOI, it would be inappropriate to form a County CSD. He notes that he is seeking clarity on the intentions of the City of Colusa and of Mr. Holbert and Colusa Industrial Properties. He further notes that if the intention is to form a CSD to manage the wastewater treatment plan, it needs to be taken out of the City of Colusa's SOI.

Ms. Winters inquires if the property is not annexed into the City of Colusa, why does it matter what they do with the property.

Mr. Browne states that once there is urban development without connecting to the city, there is no reason for the occupants to ever connect to the city utilities. He further states that the current law requires the SOI to be evaluated every five years. Discussion is held.

Mr. Holbert states that they had a pre annexation agreement, but the City of Colusa does not have the ability to meet the needs of Colusa Industrial Properties. He notes that there are many things that CIP could do for the City of Colusa, and there has been a lot of dialog between CIP and the City of Colusa. He further states that at this time the project and permit are both in the County, noting that it is not foreseeable to think they will be part of the City of Colusa at any time.

Discussion is held regarding the size of the plant, and whether or not by allowing this, it will create an island situation, with Commissioner Hosmer stating that the property past this is agricultural land and will not be developed.

Mr. Browne inquires if they plan to run this plant as a private or public entity noting that Regional Water Quality Control will try to make them become public.

Mr. Holbert states their plan is to be a public entity.

Mr. Hackney states that the Regional Water Quality Control Board can not make them become a public entity, they can only request that they do so. He further states that he will be sending his comments on the EIR to both LAFCO and the City of Colusa. He notes that County Staff is opposed to CSD, further noting that the County should not be in the wastewater business.

Lengthy discussion is held regarding LAFCO's role in this project with no action taken.

Vice Chairman Barker declares time for discussion on the Draft MSR/SOI reports for Westside Water District and Holthouse Water District.

Ms. Winters states that Westside Water District's comments have been included in the new MSR.

Vice Chairman Barker calls Ron Lee and places him on speaker phone.

Mr. Benoit states that the purpose of today is to give the commission a look at the draft MSR for the Holthouse Water District. He further states that Colusa County will be placing a power plant, adjacent to the district boundaries. He further states that LAFCO will be looking at three SOI's for the districts, a change of organization, and annexations including 100 acres, that Mr. Lee will be approving.

Mr. Rodegerdts states that he has spoken with Mr. Lee regarding the entire site. He further states that it would be useful if all of the property on which the proposed site is located can be included in the SOI.

Mr. Lee states that he is in agreement with Mr. Rodegerdts noting that there are additional changes he would like put into the proposal before it is up for final approval.

Mr. Benoit states that the changes will be made before the MSR is brought back for final approval.

There is no action taken on this item.

Vice Chairman Barker continues the discussion regarding the seating of independent special districts on LAFCO.

Vice Chairman Barker declares time for discussion on staff attendance to the Calafco Staff Workshop in San Jose – April 2-4, 2008.

It is moved by Commissioner Winters, seconded by Commissioner Hosmer to approve staff attendance to the Calafco Staff Workshop in San Jose – April 2-4, 2008. Motion carried. All yes. Absent: Commissioners Evans and Ash.

Mr. Benoit states that he would like to have Steve Hackney, Director of the County Planning Dept. attend the workshop. He further states that he would like to grant him a scholarship.

It is moved by Commissioner Winters, seconded by Commissioner Hosmer to approve a scholarship for Steve Hackney, Director, County Planning Department to attend to the Calafco Staff Workshop in San Jose – April 2-4, 2008. Motion carried. All yes. Absent: Commissioners Evans and Ash.

Mr. Benoit states that due to the timing of the staff workshop, he requests that the regularly scheduled meeting for April be changed to April 9, 2008. The Commission concurs.

Vice Chairman Barker declares time for discussion on the appointment of a Budget Committee for the FY 2008-2009 Budget process.

Vice Chairman Barker inquires of Ms. Winters if she would like to be on the budget committee again. She states that she would.

Vice Chairman Barker appoints Commissioner Winters and himself to the 2008/2009 Budget Committee.

**Executive Officer's Report**

Mr. Benoit updates the Commission on the GCID/Holthouse WD/Westside WD reorganizations.

**Commissioner Reports**

None.

Vice Chairman Barker adjourns the meeting at 5:08 PM to reconvene in Regular Session on Thursday March 6 , 2008 at the hour of 3:00 PM.

Approved: \_\_\_\_\_  
Don Barker, Vice Chairman

Attest: \_\_\_\_\_  
Alicia Draves, Commission Clerk