

# Colusa Local Agency Formation Commission

## Regular Meeting Minutes

Thursday – August 1, 2024

Board of Supervisors Chambers  
546 Jay Street  
Colusa, CA

**3:00 PM**

### 1. Call to Order/Roll Call

The meeting was called to order at 3:01 pm

Roll Call of Commissioners present:

Janice Bell  
Greg Ponciano  
Merced Corona  
Kent Boes, Alt

Staff present:

Larkyn Feiler, Executive Officer  
P. Scott Browne, Counsel  
John Benoit, minutes

### 2. Election of Chair and Vice Chair for FY 2024-2025

Action:

- a. Upon motion of Commissioner Corona and seconded by Commissioner Bell Katherin Dunlap and unanimously elected chair
- b. Elect Vice-Chair Bell nominates Commissioner Ponciano seconded by Commissioner Corona. Commissioner Ponciano was unanimously elected vice-chair.

### 3. Approval of the June 6, 2024 Meeting Minutes

Action: upon motion of Commissioner Corona and seconded by Commissioner Bell the minutes of the June 6, 2024 LAFCo meeting were unanimously approved.

### 4. Public Comment

This was no public comment

**5. Consent Agenda**

Action: upon motion of Commissioner Ash and seconded by Commissioner Corona payment of claims for the months of June and July 2024 were unanimously approved.

**6. Correspondence:**

None

**7. Workshop regarding the Municipal Service Review (MSR) and Sphere of Influence (SOI) for the Colusa Basin Drainage District (CBDD)**

E.O. Feiler introduced the item and introduced former E.O. Benoit and Merrilee Vandervaal from the district is present. Letters received from Ben King, member of the public and Downey Brand, attorneys for the CBDD.

Benoit began his presentation by stating the district has no plan or no longer has a plan for the district going forward. There was also concern about the residents of small communities paying for the district.

Benoit spoke about SB 938 which requires a public hearing to identify deficiencies and request to correct issues raised. SB 938 identifies reasons a public hearing may be required. The most important deficiency is the lack of a plan. The Commission would need to notice a public hearing and the Commission would need to pass a resolution of intent to dissolve the CBDD and identify any deficiencies and ask the district to come back to LAFCo within 12 months to address and remedy. If deficiencies are not remedied then the Commission shall not rescind the resolution of intent to dissolve and order a public hearing to dissolve the district. A protest of 25% of the registered voters within the district will be required to terminate the proceedings at this point.

Commissioner Ponciano after review of the Draft MSR identified the district needs to identify what is going on and the rate payers should only be paying for activities undertaken by the district. Downey Brand's letter clarifies what is happening with the district.

Benoit recommend continue the workshop and notice a hearing pursuant to the CBDD.

Merrilee Vandervaal had some of the concerns in the MSR and has had district committee meetings about what the district is doing. The district should participate in regional activities and will need to analyze district funding. The district has the benefit to cross over to other agencies and counties for items subject to their authority.

The district entered into a lease for the Linqvist ranch effective September 1<sup>st</sup> to help recover costs. The district has several political and funding issues in dealing with projects such as Willow Creek and a proposed reservoir flooding the Linqvist Ranch.

Ben King addressed the Commission and made the following comments based on emails he wrote to LAFCo.

There is no need for a separate agency given the cost of operation and need. There are other agencies that perform these functions i.e. groundwater authorities and RCD's and expressed an issue regarding is this agency subject to Prop 218. He hired a private law firm to review this issue. It remains unclear due to unclear facts. Discussed

a conflict of office issue and the board subsequently appointed Merrilee back to be the district manager. He questioned the assessments over the past 29 years and discussed the budgets and why they are not doing anything and questioned the authority to pay Downey Brand regarding the ranch. He questioned the assessments and why they are not subject to Prop 218. The district needs to do projects. Questions the lack of transparency. Expressed that the LAFCo Commission should make the district accountable by returning prior assessments to landowners.

There were no further comments from the public and the Commission. Larkyn, indicated the Commission needs to continue the workshop to the next meeting. So the item will be continued to the next meeting to hold another workshop.

**8. MSR and SOI Status Review**

Larkyn handed out the MSR and SOI status and items to be finished up such as the GCID and the CBDD as projects to finish up. Larkyn requested to prepare these updates.

Ben King voiced a need for efficiency in preparing reports.

**9. Executive Officer's Report:**

The E.O. discussed AB 3277 re: Property Tax was signed by the Governor removing the requirements for financial analysis in certain cases and AB 1209 was approved by the State Assembly and to be moved by the Senate. The taxpayer protection act was removed by the California Supreme Court and discussed an amendment of the bylaws at the Calafco Conference Oct 16-18 regarding absences of Commissioners and Scott Browne brought up a revision to the Calafco Legislative Committee composition. Benoit expressed that this will be his last meeting and may be back from time to time. Merced Corona questioned Calafco Conference expenses and how they are to be paid.

**10. Commissioner Reports - Discussion**

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCo, and legislative matters.

**11. At 3:50 pm the meeting was adjourned to its next regular LAFCo meeting on October 3, 2024.**