

**Colusa Local Agency Formation Commission**

**Regular Meeting Agenda**

**Thursday – February 1, 2024**

**Board of Supervisors Chambers  
546 Jay Street  
Colusa, CA.**

**3:00 PM**

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

Katherine Dunlap, (Williams, City)  
Janice Bell (County)  
Greg Ponciano (Chair, Colusa, City)  
Merced Corona (County)  
Brandon Ash (Public)

**Alternates**

Ryan Codorniz (City Alternate)  
John Loudon, (Public Member Alternate)  
Kent Boes (County)

**Staff**

Paige Hensley, Clerk  
John Benoit, Executive Officer  
P. Scott Browne, Legal County

**2. Elect Vice-Chair to fill a vacancy due to a change in the Board of Supervisor's appointment of Kent Boes now being Alternate Member**

*a. Elect a new vice-chair to fill an unfinished term.*

**3. Approval of minutes from the January 4, 2024 LAFCo meeting**

Action:

*a. Approve minutes from the January 4, 2024 LAFCo meeting*

**4. Public Comment**

This is the time for the public to address the Commission on any matter not on the agenda. Testimony related to an item on the agenda should be presented at the time that item is considered

**5. Consent Agenda**

Action:

a. Payment of claims for the month of January 2024.

6. **Correspondence:** a. *Calafco Quarterly Newsletter*  
b. *Draft Taxpayer Protection and Government Accountability Act*

[https://ballotpedia.org/California\\_Two-Thirds\\_Legislative\\_Vote\\_and\\_Voter\\_Approval\\_for\\_New\\_or\\_Increased\\_Taxes\\_Initiative\\_\(2024\)](https://ballotpedia.org/California_Two-Thirds_Legislative_Vote_and_Voter_Approval_for_New_or_Increased_Taxes_Initiative_(2024))  
<https://righttovoteontaxes.com/>

7. **Williams MSR and SOI discussion**

- a. *Review the proposed Service Review and Sphere determinations with staff.*  
b. *Schedule a public hearing after Williams City Staff has had a chance to review the draft MSR and SOI document.*

8. **Colusa Basin Drainage District Service Review and Sphere of Influence process and timeline**

- a. *Review letter dated January 24, 2024 sent to the Colusa Basin Drainage District*

9. **Consider change in meeting dates for March, April and May 2024**

- a) *Designate revised meeting dates for March April and May 2024*

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

*Upcoming projects: City of Colusa  
Cortina CSD dissolution of a Mello-Roos District  
Recruitment of new Executive Officer  
Potential annexation: CMAD*

11. **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*

12. **Next Colusa LAFCo meeting: The next LAFCo meeting will be determined as discussed in Item #9**

**Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56331.4**

Pursuant to Government Code Section 54954.2, Commission members may make a brief announcement or report on activities. Commission members may also provide a reference to staff or other resources for factual information, request staff to report back to the Commission at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

*Public Comment*

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.

- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).
- The total amount of time allotted for receiving public comment may be limited to 15 minutes.
- Any individual's testimony may be limited to 5 minutes. Time to address the Commission will be allocated on the basis of the number of requests received.

*Public Hearings*

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to 5 minutes. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

*Agenda Materials*

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda are available for review for public inspection in the Colusa County Clerk's office located at the Colusa County Courthouse 546 Jay Street, Colusa CA. [such documents are also available on the Colusa LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting].

*Accessibility*

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting. The location of this meeting is wheelchair-accessible.

*Disclosure & Disqualification Requirements*

Pursuant to Government Code Sections 56100.1, 56300(b), 56700.1, and 81000 et seq., and Colusa LAFCO's Policies and Procedures for the Disclosure of Contributions and Expenditures in Support of and Opposition to Proposals, any person or combination of persons who directly or indirectly contribute \$1000 or more or expend \$1000 or more in support of or opposition to a change of organization or reorganization that has been submitted to Colusa LAFCO must comply with the disclosure requirements approved by Colusa LAFCO. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the Colusa County Elections Department 546 Jay Street, Colusa, CA 95932. (530) 458-0500

A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff LAFCO staff may be contacted at (530) 619-5128 or by mail at Colusa LAFCO P.O. Box 2694, Granite Bay Ca 95746 or by email at [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com)

Webpage Reports, agendas, minutes and general information about LAFCO are available on the LAFCO Webpage at [www.colusalafco.org](http://www.colusalafco.org)

**MINUTES**

**Thursday – January 4, 2024**

**Board of Supervisors Chambers  
546 Jay Street  
Colusa, CA.**

**3:00 PM**

- 1. Commissioner Ponciano called the meeting to Order at 3:00 PM and a roll call of Commissioners was conducted by Executive Officer Benoit.**

**Commissioners Present**

Greg Ponciano (Chair, Colusa,  
City)  
Kent Boes (Vice-Chair, County)

Katherine Dunlap, (Williams, City)  
Janice Bell, County Alternate  
John Loudon, Public Member Alt

A quorum was present

**Staff Present**

John Benoit, Executive Officer

- 2. Approval of minutes from the October 5<sup>th</sup> and December 7<sup>th</sup> LAFCo meetings**

*A motion was made by Commissioner Bell and a second by Commissioner Dunlap to approve minutes from the October 5<sup>th</sup> LAFCo meeting. Motion was approved by 3 in favor, none opposed and 2 abstentions.*

*A motion was made by Commissioner Boes and a second by Commissioner Dunlap to approve the minutes from the December 7<sup>th</sup> LAFCo meeting. Motion was approved by 3 in favor, none opposed and 2 abstentions.*

- 3. Public Comment**

Ben King discussed the Colusa County Flood Control and Water Conservation District

**4. Consent Agenda**

- a. *A motion was made by Commissioner Boes and seconded by Commissioner Dunlap for the payment of claims for the month of December 2023. The motion was passed by a 5-0 vote.*

**5. Correspondence:** No correspondence reported

**6. Retirement of Executive Officer effective around June 30, 2024**

- a. *An ad hoc committee to review proposals once submitted was appointed consisting of Commissioner's Bell and Ash..*
- b. *A Review of the draft request for proposal was presented there were no proposed changes*
- c. *Staff was authorized to finalize and distribute the request for proposal. It was suggested perhaps sharing a staff person with another LAFCo might be entertained.*

**7. Colusa Basin Drainage District (CBDD) Service Review and Sphere of Influence process and timeline**

- a. *Benoit reviewed the CBDD law and the items to be address in the Service Review. Ben King discussed several items of concern he has with the CBDD. Benoit explained the process and timeline for the Service Review and Sphere of Influence beginning with a request for information to be sent to the district.*

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

*Benoit stated the Williams Service Review will be discussed at the next meeting Benoit discussed upcoming projects including an annexation by the City of Colusa.*

**9. Commissioner Reports - Discussion**

*There were no Commissioner reports*

**10. The Meeting was adjourned to February 1<sup>st</sup> 2024 at 3:59 pm**

# Colusa Local Agency Formation Commission

#5

## CLAIMS

January 2024

Authorize payment of the following claims:

### FY 2023-2024 EXPENSES:

Claims for January 2024:

Feb 1, 2024	Staff Svcs and Exp. -Jan 2024	\$ 4,696.81
Feb 1, 2024	MSR and SOI Williams-CBDD	\$ 2,940.96
12.16-23-1-15.24	Legal Svcs. P. Scott Browne	\$ 2,229.00
<b>TOTAL:</b>		<b>\$ 9,866.77</b>

DATED: Feb 1, 2024

APPROVED: Feb 1, 2024

**Greg Ponciano , Chair or Kent Boes, Vice-Chair  
Colusa Local Agency Formation Commission**

Attest:

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**John Benoit  
Executive Officer**

2023-2024

Acct 520-500

City Expenditure titles Expenditure Category City Coding	Ex Officer Cont Executive Off. Co	Clerical Support Clerical Supp	Workers Com Workers Com	Contactural Lgl Services	Liability Insurance	Office Exp Office Suppl	Postage and Postage	Copies Copies	Dues-Subs Memberships
	7338	7320	7016	7321	7315	7339	7322	7322	7319
	\$53,523.46	\$3,657.00	\$50.00	\$26,761.73	\$2,919.00	\$375.00	\$500.00	\$750.00	\$2,027.00
Calafco Dues 2022-2023 (2022-06)									-\$1,486.00
SDRMA Insurance 22-23 #72123					-\$2,807.81				
Calafco Reg JB,Jb,KD, GP &RC									
Browne Ending 7.15.23				-\$2,229.00					
Staff Svcs July 2023	-\$4,458.00	-\$175.00				-\$32.20	-\$1.39	-\$30.70	
Browne Endingn 8.15.2023				-\$2,229.00					
Staff Svcs August 2023	-\$4,458.00					-\$15.00			
Staff Svcs Sept 2023 2024-07	-\$4,458.00					-\$20.00			
Browne Ending 9.15.23				-\$2,229.00					
Browne Ending 10.15.23				-\$2,229.00					
Browne Ending 11.15.23				-\$2,229.00					
Staff SVCS NOVEMBER 2023	-\$4,458.00							-\$60.00	
CSDA 2024 Member Invoice	-\$4,458.00					-\$2.00	-\$3.50		-\$500.00
Conf Reimb Ponciano for Colusa									
Conf Reimb Janice Bell Colusa									
Staff Svcs December 2023	-\$4,458.00	-\$637.50						-\$1.00	
Browne ending 12.15.23				-\$2,229.00					
Staff Svcs January 2024	-\$4,458.00					-\$19.95	-\$35.00		
Browne Ending 1.16.24				-\$2,229.00					

Total Expended in FY 21-22	-\$31,206.00	-\$812.50	\$0.00	-\$15,603.00	-\$2,807.81	-\$87.15	-\$3.39	-\$130.20	-\$1,986.00
Total Remaining in FY 21-22	\$22,317.46	\$2,844.50	\$50.00	\$11,158.73	\$111.19	\$287.85	\$496.61	\$619.80	\$41.00





# COLUSA LAFCo

January 24, 2024

Colusa-Basin Drainage District

Merrilee Vanderwall

P.O. Box 390

Willows, CA 95988

**VIA EMAIL ONLY**

Dear Ms Vandervall:

The Colusa Local Agency Formation Commission (LAFCo) is beginning the state-mandated Sphere of Influence (SOI) update and related Municipal Service Review (MSR). Pursuant to Government Code Section 56425, since there has never been a MSR and SOI prepared for the district and it has come to LAFCo's attention a MSR and SOI is being prepared at this time.

As you may be aware, Government Code Section 56425 requires LAFCOs to establish and maintain SOIs for each agency under its jurisdiction. An SOI is defined by statute as "a plan for the probable physical boundaries and service area of a local agency as determined by the Commission." In conjunction with the SOI updates, Government Code Section 56430 requires LAFCo conduct MSRs that "comprehensively review all of the agencies that provide the identified service or services within the designated geographic region."

To assist Colusa LAFCo in the MSR/SOI (Municipal Service Review and Sphere of Influence) update process for Colusa Basin District services within its boundaries in portions of Colusa, Yolo and Glenn Counties, we are requesting that you provide respond to our questions information by **Friday, February March 1st , 2024.**

**Questions:**

Section 127-20 (a) of Chapter 127 states ".....Limited outlet capacity and limited drainage capacity with the basin result in periodic extensive flooding throughout the basin. This problem needs to be studied and addressed"

Section 127-20(b) states "..... The Colusa Basin Drain has been used for the purpose of receiving irrigation water drainage or return flows. As land within the Colusa Basin has been developed and improved, the capacity of this drain for drainage waters has become overtaxed to the point where irrigation water drainage is not available to lands adjacent to the drain at times when it is required for agricultural purposes, and

flooding of adjacent lands may occur even during the normal drainage season. This problem needs to be studied and addressed”.

Section 127-20 (c) states the following: “Certain areas within the Colusa Basin appear to be experiencing subsidence which may add to the flooding and drainage problems occurring within the basin. This problem needs to be studied and addressed”.

Section 127-21 of the CBDD Act regarding the necessity of the CBDD Act states “While the problems of flooding and winter drainage, irrigation drainage, and subsidence which are occurring within the Colusa Basin are multicounty in scope, but are unique to the Colusa Basin and are not general or statewide. A special act to address these problems is, therefore, necessary.

**Question #1** Since its inception what has the district completed a study and address flooding and winter drainage, irrigation drainage, and subsidence as mentioned above within its boundaries? If so, please elaborate

**Question #2** Has the district designated benefit zones and for what purpose? Please let LAFCO know the location and purposes of each benefit zone.

**Question #3** Has the district completed and approved a plan for the improvement or mitigation of drainage, flooding, and subsidence problems per Section 127-610? Has such a plan been approved by the voters? Please elaborate and explain.

**Question #4** How many parcels are in the district, a statement of the assessments levied and the purpose of the assessment? Please elaborate and explain.

The following is an information request. Requested are documents or information items LAFCo's typically request when preparing a MSR and SOI:

1. Copy of Detailed Budget for the past three years including expenditures and revenues.
2. Copy of Audits for the past two years
3. Information regarding Bonded Indebtedness if so explain
4. Board Members and contact Information, Terms of office, Officers of the Board
5. Board Agendas and Minutes, meeting schedule and location for the past year
6. District Plans and Work Programs going forward
7. Current Grants
8. A District organizational chart
9. Revenue Generated and Fee schedule and ordinances, if applicable
10. Projects completed
11. Projects in progress, explain and describe project
12. Describe Projects planned for the future

13. Insurance, Risk Management
14. Land owned by District, the purpose and plans or projects for land owned by the District
15. Requirements of Federal and State Legislation and how these requirements are met
16. Copy of the Federal Legislation authorizing the CBDD

Thank you for your responses. Please feel free to email your responses to Colusa LAFCo to [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com) Should you have any questions Please do not hesitate to call me at 530.619.5128

Sincerely,



John Benoit.

Executive Officer