

Colusa Local Agency Formation Commission

Regular Meeting Agenda

Thursday – July 6, 2023

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

3:00 PM

(A Zoom option is available for the public)

(All meeting materials are available on LAFCo's Website: www.colusalafco.org)

In person meeting: Required for all Commissioners. The Public may choose to use zoom link below to attend the meeting.

Topic: Colusa LAFCo

Time: Jul 6, 2023 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83198018124?pwd=eDRBSkVYcUZzWDI4UINDZWszLzJSZz09>

Meeting ID: 831 9801 8124

Passcode: 352835

One tap mobile

+16694449171,,83198018124#,,,,*352835# US

+16699006833,,83198018124#,,,,*352835# US (San Jose)

Meeting ID: 831 9801 8124

Passcode: 352835

Find your local number: <https://us02web.zoom.us/u/kddj4DQvw5>

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

Kent Boes (County)
Katherine Dunlap, (Williams, City)
Brandon Ash (Public)

Alternates

Ryan Codorniz (City Alternate)
Janice Bell (County Alternate)
John Loudon, (Public Member Alternate)

Staff

John Benoit, Executive Officer
P. Scott Browne, Legal Counsel

Greg Ponciano (Vice-Chair, Colusa,
City)
Merced Corona (Chair, County)

Paige Hensley Clerk

2. Elect Chair and Vice Chair for FY 2023-2024

Action:

- a. *Elect Chair*
- b. *Elect Vice-Chair*

3. Approval of minutes from the June 1, 2023 meeting

Action:

- a. *Approve minutes from the June 1, 2023 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 June 2023.*

6. Correspondence:

- a. *Letter from SDRMA*

7. Continued PUBLIC HEARING for the GCID MSR and SOI

Action:

- a) *Executive Officer's Alternatives Memo*
- b) *Review and discuss comments submitted re: the GCID MSR and SOI*
- c) *Provide clear direction to staff*
- d) *Continue public hearing to a date and time certain*

OTHER MATTERS

8. **Select a Commissioner and alternate to vote on behalf of Colusa LAFCo at the Calafco Annual Conference October 18-20.**

Action:

- a) *Select voting member and alternate voting member to vote on behalf of Colusa LAFCo at the Calafco annual conference October 18-20, 2023*

9. **Annual adjustment to LAFCO Staff Hourly Charge-out Rates based upon the Employment Cost Index.**

Action: Adopt Resolution 23-05 approving the Annual Employment Cost Index Adjustment (4.7%) for LAFCo's Charge Out Rates

10. **A. Consider Amendment # 5 to the Agreement for Executive Officer Services:**

Action: Approve Amendment # 5 to the Agreement for Executive Officer Services granting a 4.7% cost of living increase based on the Employment Cost Index, as included in the LAFCo Budget

B. Consider Amendment #4 to the Agreement for Legal Services:

Action: Approve Amendment to Agreement for Legal Services for Colusa LAFCO granting a 4.7% cost of living increase based on the Employment Cost Index, as included in the LAFCo Budget

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

12. **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

13. **Next Colusa LAFCo meeting: The next LAFCo meeting will take place on August 3rd, 2023**

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.

Colusa LAFCO

- 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 lafco@countyofcolusa.com or j.benoit4@icloud.com

Webpage Reports, agendas, minutes and general information about LAFCO are available on the LAFCO Webpage at www.colusalafco.org

Colusa Local Agency Formation Commission

5

CLAIMS

June 2023

Authorize payment of the following claims:

FY 2022-2023 EXPENSES:

FY 22-23 Claims for June 2023:

July 1, 2023	Staff Svcs and Exp. –June 2023	\$ 5,991.70
5.16-23-6-15.24	Legal Svcs. P. Scott Browne	\$ 2,128.00

TOTAL: \$ 8,119.70

Claims for FY 2023-2024 bills to be paid

July 1, 2023	Calafco Dues FY 23-24	\$ 1,486.00
July 1, 2023	SDRMA Liability Insurance FY 23-24	\$ 2,807.81

TOTAL: \$ 4,293.81

DATED: July 6, 2023

APPROVED: July 6, 2023

**Merced Corona , Chair
Colusa Local Agency Formation Commission**

Attest:

**John Benoit
Executive Officer**

C/O John Benoit, Executive Officer - P.O. Box 2694, Granite Bay, CA. 95746 530.619.5128
ph.

j.benoit4@icloud.com www.colusalafco.org

Acct 520-500

Expenditure Category City Coding	Ex Officer Cont Executive Off. Co 7338	Clerical Support 7320	Workers Com 7016	Contactural Lgl Services 7321	Liability Insurance 7315	Office Exp Office Suppl 7339	Postage and Copies 7322	Dues-Subs Memberships 7319	
	\$51,072.00	\$3,657.00	\$50.00	\$25,536.00	\$2,847.00	\$375.00	\$500.00	\$750.00	\$1,872.00

Calafco Dues 2022-2023 (2022-06) -\$1,372.00

SDRMA Insurance 22-23 #72123 -\$2,824.92

Expenditure Category City Coding	Ex Officer Cont Executive Off. Co 7338	Clerical Support 7320	Workers Com 7016	Contactural Lgl Services 7321	Liability Insurance 7315	Office Exp Office Suppl 7339	Postage and Copies 7322	Dues-Subs Memberships 7319
Revenue								
Browne ending 7.15.22				-\$2,000.00				
Staff Svcs July 2022	-\$4,000.00	-\$175.00				-\$58.30		-\$10.00
Staff Svcs Aug 2022	-\$4,000.00							-\$15.00
Browne ending 8.15.22	-\$2,000.00							
Calafco Conf. GPondlanoS Singh Pioneer Review Fee Update notice								
Browne ending 9.15.22				-\$2,256.00				
Staff Svcs Sept, 2022	-\$4,768.00	-\$175.00				-\$13.99		-\$15.00
Staff Svcs Oct 2022	-\$4,256.00							-\$10.00
Browne ending 10.15.22				-\$2,128.00				
CSDA Dues 10-1.22-23								-\$500.00
John Loudon Conf reimb JB conf share reimb								
Browne ending 11.15.22				-\$2,128.00				
Staff Svcs Nov 2022	-\$4,256.00	-\$175.00						-\$40.00
Conf reimb Singh 2022								
John Loudon MILEAGE Relmb								
Browne ending 12.15.22				-\$2,128.00				
Staff Svcs December	-\$4,256.00						-\$0.60	-\$10.00
Browne ending 1.15.23				-\$2,128.00				
Staff Svcs January 2023	-\$4,256.00	-\$175.00						-\$10.00
Staff Svcs Feb 2023	-\$4,256.00							-\$10.00
Browne ending 2.15.23				-\$2,128.00				
Staff svcs Mar 2023	-\$4,256.00	-\$175.00						-\$144.80
Browne ending 3.15.23				-\$2,128.00				
Pioneer Review 23-24 prop Budget Update notice								
Staff Svcs April 2023	-\$4,256.00	-\$175.00				-\$11.44		-\$30.00
Browne ending 4.15.2023				\$2,128.00				
Staff Svcs May 2023	-\$4,256.00	-\$175.00						
Browne ending 5.15.23				-\$2,128.00				
Pioneer Rev. 23-24 Fin Budget								
Staff Svcs June 2023	-\$4,256.00					-\$43.61		-\$39.00
Browne ending 6.15.23				-\$2,128.00				

Total Expended in FY 21-22	-\$53,072.00	-\$1,225.00	\$0.00	-\$19,152.00	-\$2,824.92	-\$127.34	-\$0.60	-\$333.80	-\$1,872.00
Total Remaining In FY 21-22	-\$2,000.00	\$2,432.00	\$50.00	\$6,384.00	\$22.08	\$247.66	\$499.40	\$416.20	\$0.00

June 19, 2023

Mr. John Benoit
Executive Officer
Local Agency Formation Commission of Colusa
Post Office Box 2694
Granite Bay, California 95746

Dear Mr. Benoit,

We sincerely appreciate your patience while the program reinsurers finalized the 2023-24 renewal costs for the SDRMA Property/Liability Program over the past few months. As expected, the program final renewal costs have been impacted by the challenging conditions of the current insurance market.

The initial program renewal estimates were projected to be a 15%-20% increase in early 2023. Since then, the market renewal pricing for public entities are increasing between 35-70% due to global losses, natural disasters, inflation and limited carriers providing coverage within the state of California. The American Property Casualty Insurance Association (APCIA) announced the United States Property & Casualty Insurers are facing the hardest market in a generation with the following Inflation and Financial Results:

- 2022 was the eighth consecutive year where the U.S. suffered at least 10 catastrophes causing over a billion dollars in losses.
- A.M. Best noted auto and homeowners incurred an estimated underwriting loss of \$34.9 billion in 2022, nearly tripling the prior-year level and driving an industry five-year high underwriting loss.
- The price of residential home construction materials have climbed 33.9% since the start of the pandemic, while trade services are up 27 percent.
- The U.S. property casualty insurance industry's policyholder surplus fell 9.4% in 2022, according to A.M. Best, and is likely to be the largest drop since early 2009, according to S&P.

Given these difficult market conditions and challenging renewal terms, in addition to your agency's loss experience, scheduled item changes, budget updates and exposure changes that were reported to SDRMA since July 1, 2022, your agency may see an increase greater than the estimated 15-20%.

Your agency's 2023-24 Property/Liability Program renewal invoice is now available on MemberPlus Online™ as an attachment to this letter. If your agency has an insurance broker for property/liability coverage, you may receive a separate invoice from your broker agency.



Your invoice may include the following adjustments:

- The annual contribution for the Property/Liability Package Program may vary compared to the 2022-23 renewal invoice due to scheduled item changes, updates submitted through the renewal questionnaire, and any optional coverages selected by your agency.
- The Limit of Liability selected by your agency is also indicated on the invoice.
- For members belonging to both SDRMA Property/Liability and Workers' Compensation Programs, a 5% Multi-Program Discount has been deducted from the invoice total.
- Credit Incentive Program (CIP) discounts, if earned, have been applied to your invoice.
- In addition, a \$75 credit has been applied if your agency used MemberPlus Online™ to submit your 2023-24 Renewal Questionnaire by the February 15 deadline.
- No Longevity Distribution is declared for the Property/Liability Program this year.

To ensure accurate and timely processing of your coverages, **please submit payment for the total contribution amount shown on the invoice by July 15, 2023**. If you would like to receive a hard copy invoice, please contact us at memberplus@sdrma.org or 800-537-7790.

Please note that any balance due on **August 15, 2023** will begin to accrue interest charges of 1% per month regardless of any payment arrangements.

From the SDRMA Board of Directors and entire risk management team, we thank you for your continued partnership! If you have any questions, please contact us at memberplus@sdrma.org or 800-537-7790.

Sincerely,
Special District Risk Management Authority

Brian Kelley
Chief Executive Officer

MEMORANDUM
JULY 6, 2023

TO: COLUSA LAFCO COMMISSIONERS

FROM: JOHN BENOIT, EXECUTIVE OFFICER

SUBJECT: CONTINUED GCID MSR AND SOI HEARING

I have reviewed the nine letters and attachments (posted on the LAFCo website) received by Mr. King regarding the GCID MSR and SOI. At its May 6, 2023 meeting the Commission deferred this item until LAFCo's July 6th meeting. The Commission needs to review the content of these letters and attachments located at www.colusalafco.org under the "GCID MSR and SOI" tab to effectively discuss.

I have not had the opportunity to review the nine letters with Counsel. Nevertheless there are several items I believe I am not qualified to address. Those items in the letters in addition to possible CEQA issues will require an attorney with expertise in LAFCo, CEQA, Municipal Law, and Water Law to help provide comments although there are no proposed changes to the GCID Sphere and its boundary here. Several items in the letters have the potential to take hours if not days to research.

While Mr. King brings up several valid comments which could be addressed in the MSR/SOI more detail should be addressed somewhere else. I agree with the GCID and am not convinced the MSR-SOI and LAFCo is the forum to be the lead in addressing all these items enumerated. However, the concerns need to be addressed.

From a financial perspective the independent special districts in Colusa County do not participate in the costs of LAFCo therefore the bill for this activity will be borne by the Cities and Colusa County. Depending upon work involved LAFCo's work plan which includes updating the MSR and SOI for the City of Williams and County Service Areas #1 and #2 will need to be amended or postponed indefinitely until resolution of the GCID MSR and SOI is completed.

After review of the letters, have provided various alternatives for the Commission to consider going forward

Alternatives:

1. Alternative #1 GCID does not find the comments are germane to the MSR-SOI and conterminous Sphere of Influence as proposed. In fact, GCID has agreed to meet with Mr. King regarding the comments. In this case, notwithstanding legal challenges, an alternative would be for LAFCo is to proceed and adopt the MSR and SOI. The cost to LAFCo is unknown should its decision be challenged.
2. Alternative #2 This alternative would be for LAFCo to address all the concerns in the letters whether or not they are germane to LAFCo. This alternative would take months to address and would require LAFCo or a special counsel to address and an independent MSR-SOI Consultant with specific experience to produce a new MSR-SOI update report. There is no guarantee the new MSR-SOI would be considered adequate. I estimate the costs of this alternative would be in excess of \$50,000.00 which is not in the 2023-2024 budget and therefore should be placed into the 2024-2025 LAFCo Budget.

3. Alternative #3 This alternative is to request the County and the Sustainable Groundwater Committee to address these issues prior to proceeding with the MSR-SOI update.
4. Alternative #4 This alternative is to request the GCID to address these issues prior to proceeding with the MSR-SOI update.
5. Alternative #5 This alternative is to continue adoption the MSR and SOI update indefinitely until all concerns are resolved.
6. Alternative #5 Confer with LAFCo Legal Counsel on how to proceed.
7. Other Alternatives?

From: Ben King bking@pacgoldag.com
Subject: Written Statement of Ben King For Agenda Item No. 6 April 6, 2023 Meeting
Date: April 6, 2023 at 10:06 AM
To: j.benoit4@icloud.com
Cc: scott@scottbrowne.com, Ben King bking@pacgoldag.com

Thank you for the opportunity to comment at this Public Hearing. I am appearing today on behalf of my family's farming interest which dates back to 1860 near College City but also on behalf of my family's civic legacy. My grandfather Alva King was once District Attorney of Colusa County, my great grandfather JB Stanton was once Sheriff of Colusa County when it encompassed Glenn and Colusa Counties. I am an active stakeholder in the SGMA implementation for the Colusa Subbasin with a focus on general fairness and water quality issues. I am also a Board Member of the Colusa County Resource Conservation District and a Member of the Joint Technical Advisory Committee for the Colusa Groundwater Authority and Glenn Groundwater Authority.

I became aware of the GCID SOI and MSR update a few weeks ago after reading the legal notice in the Pioneer Review. It has taken some time to get up to speed on the specifics of the LAFCo process and the GCID documents and it is my opinion that the SOI and MSR drafts are deficient concerning environmental impacts, material contractual relationships and probably most importantly the dam and reservoir that GCID that GCID apparently manages at the south-eastern edge of the Colusa National Wildlife Refuge.

It appears that the current MSR was adopted on November 1, 2006 and the current SOI was adopted March 6, 2008. A lot has happened in the last 15 years regarding water and regulatory issues in California which impact GCID yet the GCID documents offer minimal transparency. If you compare the SOI for RD 2047 which has the same geographical footprint to the GCID documents the lack of transparency in the GCID relative to the RD 2047 documents is glaring. Additionally, the GCID documents do not discuss its contractual relationships with the Tehama-Colusa Canal Authority, the Colusa Drain Mutual Water Company or its contractual obligations under the 5 Party Agreements. There is no mention of SGMA nor the fact that GCID is members of two JPA controlling the Colusa Subbasin and in a Cooperation Agreement for SGMA Management of the Corning Subbasin. Finally, there is no mention about the requirements or potential impacts of the Bay Delta plan nor the Voluntary Agreements – just several references on how they seem to be expecting financial problems with no explanation why.

Regarding the dam and reservoir on the property owned by the United States of America at the south eastern edge of the Colusa National Wildlife Refuge – it appears that were three parcels sold Sycamore Family Revocable Trust to the United States of America a few months after the current GCID SOI was adopted in 2008 covering approximately 388 acres (see attachment). This sale or real estate materially expanded the refuge to the east and importantly to the eastern side of the channel of the Colusa Basin Drain which includes the site of the reservoir that is created by the dam on the Colusa Basin Drain just below the south eastern corner of the Refuge. This was a surprise to me and it is of great concern since I am not aware of any environmental review that was done with this purchase of real estate by the USA on behalf of the Colusa National Refuge.

It would be good to know what environmental review was done before deciding on exempting GCID from CEQA.

Unless the LAFCo Commission knows that an EIR and NEPA was done with this transaction, the

Commission should deny the requested exemption from CEQA and request that a NEPA review also be done by GCID since the reservoir is on Federal Property. The dam and reservoir appear to be a de facto project whereby the dam creates a reservoir for drainage and tail water coming down the GCID canal system and down the channel of the Colusa Basin Drain. Putting it simply this is where all the gunk coming out of rice fields comes and settles for most of rice fields on the west side of Glenn and Colusa Counties and it has been that way for apparently 60 years because it appears that GCID has owned the west half of the channel of the Colusa Basin Drain where the dam is since 1963. There are a couple studies I will reference below but this means that sixty years of excess fertilizer, pesticides and natural contaminants have made it way down to the stagnant summer water behind this dam to settle in the soil and habitat in this reservoir – this covers a quite sizeable portion of acreage within the boundaries of the Refuge. It was one thing when the property was owned by a private family but now it is owned by the United States of American and managed by US Fish and Wildlife – **THERE NEEDS TO BE AN ENVIRONMENTAL REVIEW OF THIS PROJECT!** Growing up in Colusa I knew that one should not eat crayfish and catfish caught from rice fields and sloughs because of the contamination potential – this area literally takes all of that water and supports the aquatic life, riparian habitat and flora and fauna on a National Refuge. Would you eat cray fish or a catfish caught from this reservoir?

Please review the photos that I am forwarding below the text taken on August 8, 2023 – you will see the water flowing in from the GCID conveyance canal and water backing up on to the Refuge in the channel of the Colusa Basin Drain and the overflow on the Refuge itself – a very large body of primarily stagnant water in the middle of summer.

If the Commission does not want to require a CEQA process, it should at least ask GCID about what type of environmental review has happened at the site and how water quality is measured at the site of the dam and reservoir. I know of two monitoring sites upstream of the dam in the Glenn-Colusa Subbasin referenced in the **2019 Sacramento Valley Water Quality Coalition Annual Monitoring Report**. If you refer to page 12 of this Report – the closest is several miles upstream at Freshwater Creek and the other is way up in Glenn County at Walker Creek. The other report detailing water quality problems in the Colusa Trough which aggregate in the Colusa Basin Drain is the **Sites Reservoir Project Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement dated November 2021 – Chapter 6 Surface Water Quality**. The Sites EIR details how surface water quality is generally lower in the Colusa Trough – more salt and more contaminants.

The **Sacramento Valley Water Quality Commission Annual Monitoring Report** details the monitoring sites on Figure 1 page 10 and you will see that there are no monitoring sites near the reservoir location and are generally rather sparse. There were two pesticide toxicity exceedances at the Freshwater Site detailed on page 51 and two toxicity exceedances at the Walker Creek site detailed on Page 52 upstream. There were also several toxicity exceedances downstream in the Colusa Basin Drain. It is a fair conclusion that there are many observed contaminants which are likely making their way to down to the reservoir behind the dam on the refuge. The water is stagnant and the residency time is extensive and through most of the irrigation season and this has been happening for decades. Chapter 6 of the **Sites Reservoir Project Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement dated November 2021** is also concerning because it highlights some very high levels of EC observed and the potential for heavy metals to make their way down to the reservoir site and settle. It also

highlights of the potential negative ecological consequences of a Harmful Algal Blooms (6.2.2.6) and Invasive Aquatic Vegetation (6.2.2.7) from the stagnant water in the summer heat at the reservoir site.

Again, I would urge Supervisor Corona to request advice from County Counsel regarding this vote as he represents the County of Colusa. In my opinion Supervisor Corona should not vote to approve exempt the documents and the de facto reservoir project unless he is confident it does not need a CEQA and NEPA review based off an reasoned assessment of the facts and circumstances on how the site of the dam and reservoir has been managed and how environmental concerns has been assessed and currently monitored. It would be better to get more information that to vote without a reasonable basis to exempt a CEQA review in my opinion.

Thank you again for the opportunity to submit this Written Testimony and to supplement it with Oral Comments at the Hearing on April 6, 2023

Please include this Written Statement with the Minutes for Agenda Item No. 6

Ben King
T&M King Farms, LLC

