

**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](http://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 3<sup>rd</sup>, 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](mailto:lafco@countyofcolusa.com) or [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)

# Colusa Local Agency Formation Commission

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## 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

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

**Attest:**

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**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](mailto:j.benoit4@icloud.com) [www.colusalafco.org](http://www.colusalafco.org)

Acct 520-500

Expenditure titles Expenditure Category City Coding	Ex Officer Cont Executive Off. Co 7338	Clerical Support Clerical Suppl 7320	Workers Co Workers Com 7016	Contactural Lgl Services 7321	Liability Insurance 7315	Office Exp Office Suppl 7339	Postage and Copies Postage 7322	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 titles Expenditure Category City Coding	Ex Officer Cont Executive Off. Co 7338	Clerical Support Clerical Suppl 7320	Workers Co Workers Com 7016	Contactural Lgl Services 7321	Liability Insurance 7315	Office Exp Office Suppl 7339	Postage and Copies Postage 7322	Copies 7322	Dues-Subs Memberships 7319
<b>Revenue</b>									
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](mailto: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](mailto: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 6<sup>th</sup> meeting. The Commission needs to review the content of these letters and attachments located at [www.colusalafco.org](http://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.

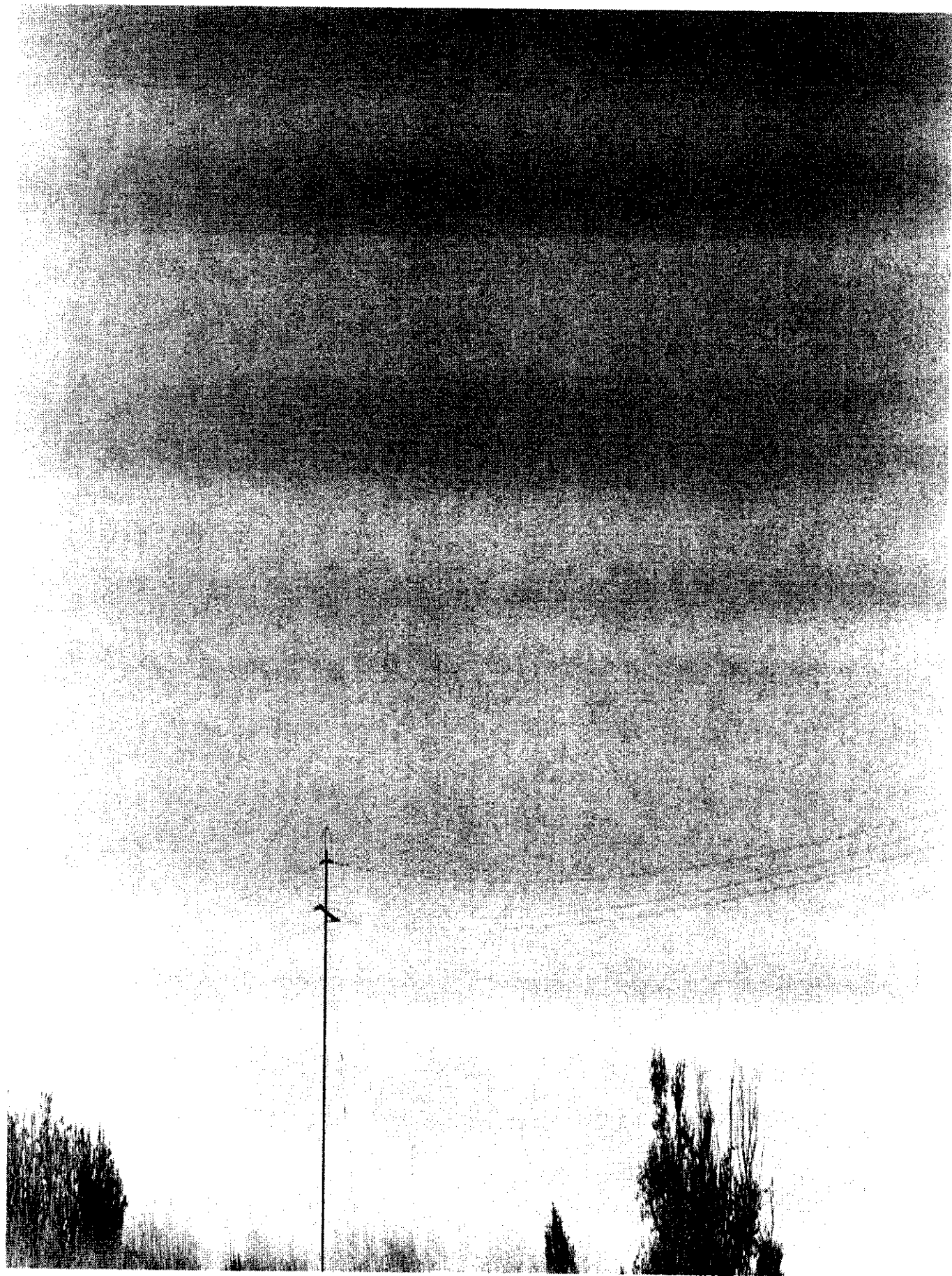
Thank you again for the opportunity to submit this Written Testimony and to supplement it with Oral Comments at the Hearing on April 6, 2023

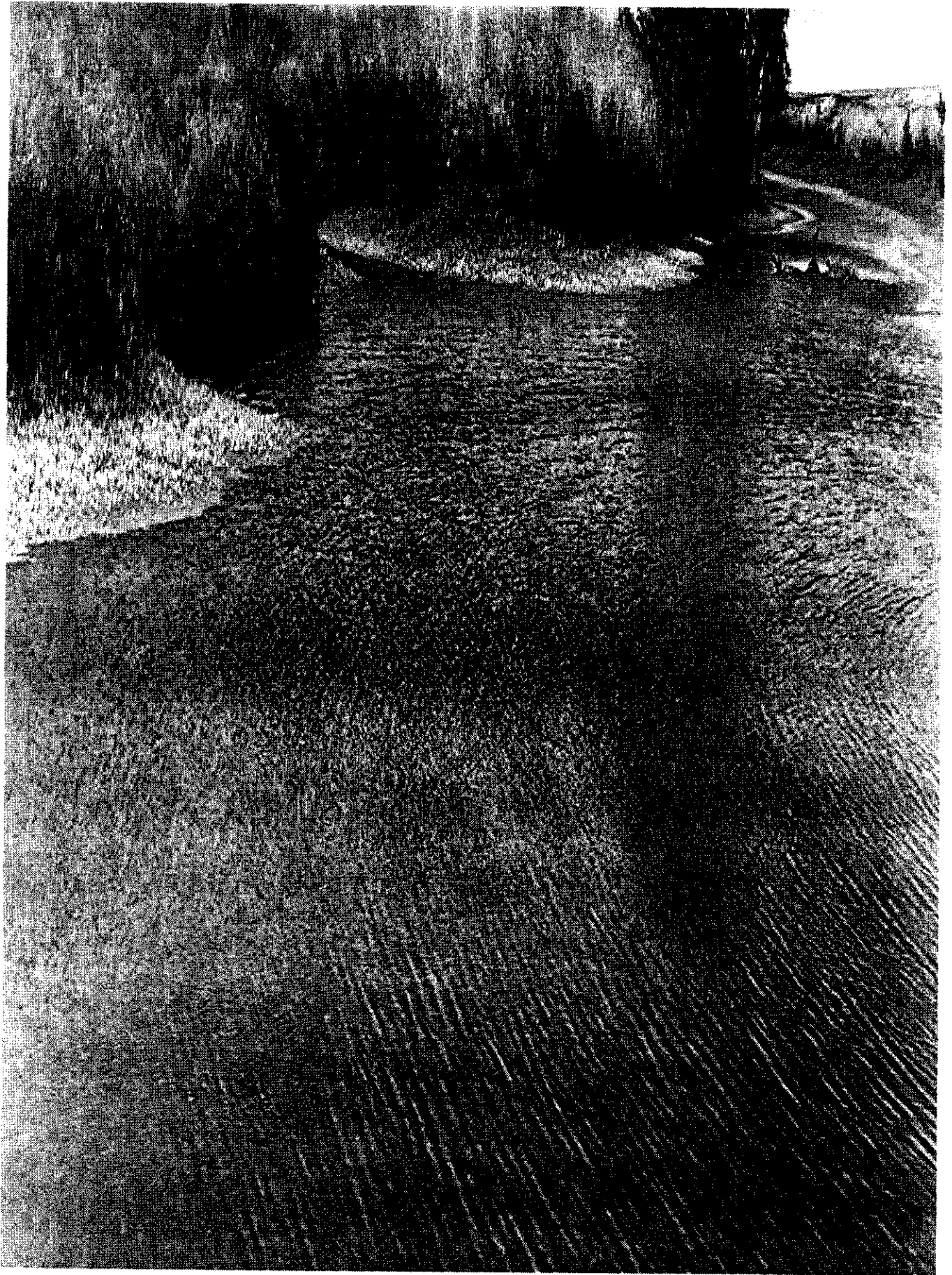
Please include this Written Statement with the Minutes for Agenda Item No. 6

Ben King  
T&M King Farms, LLC

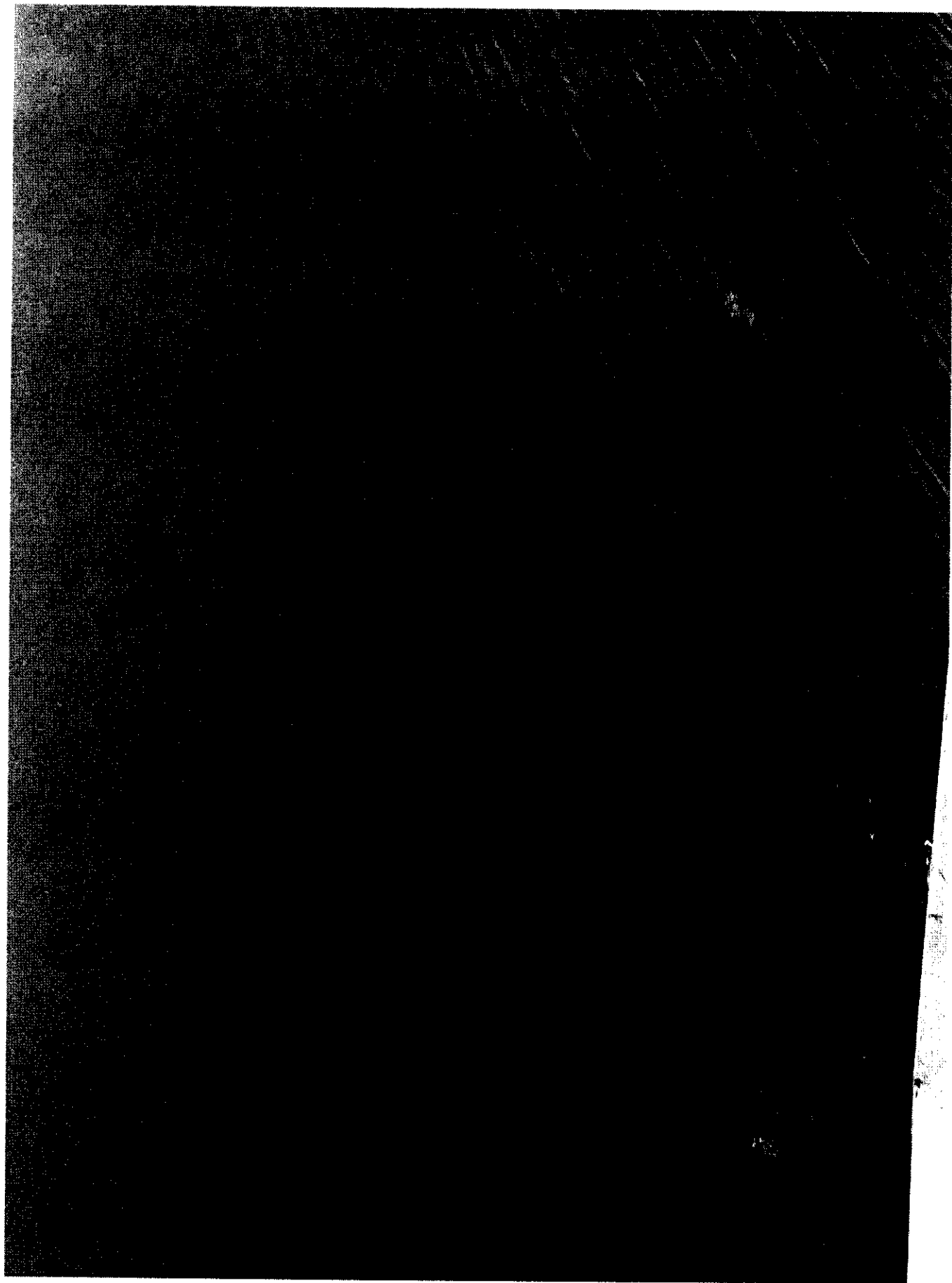


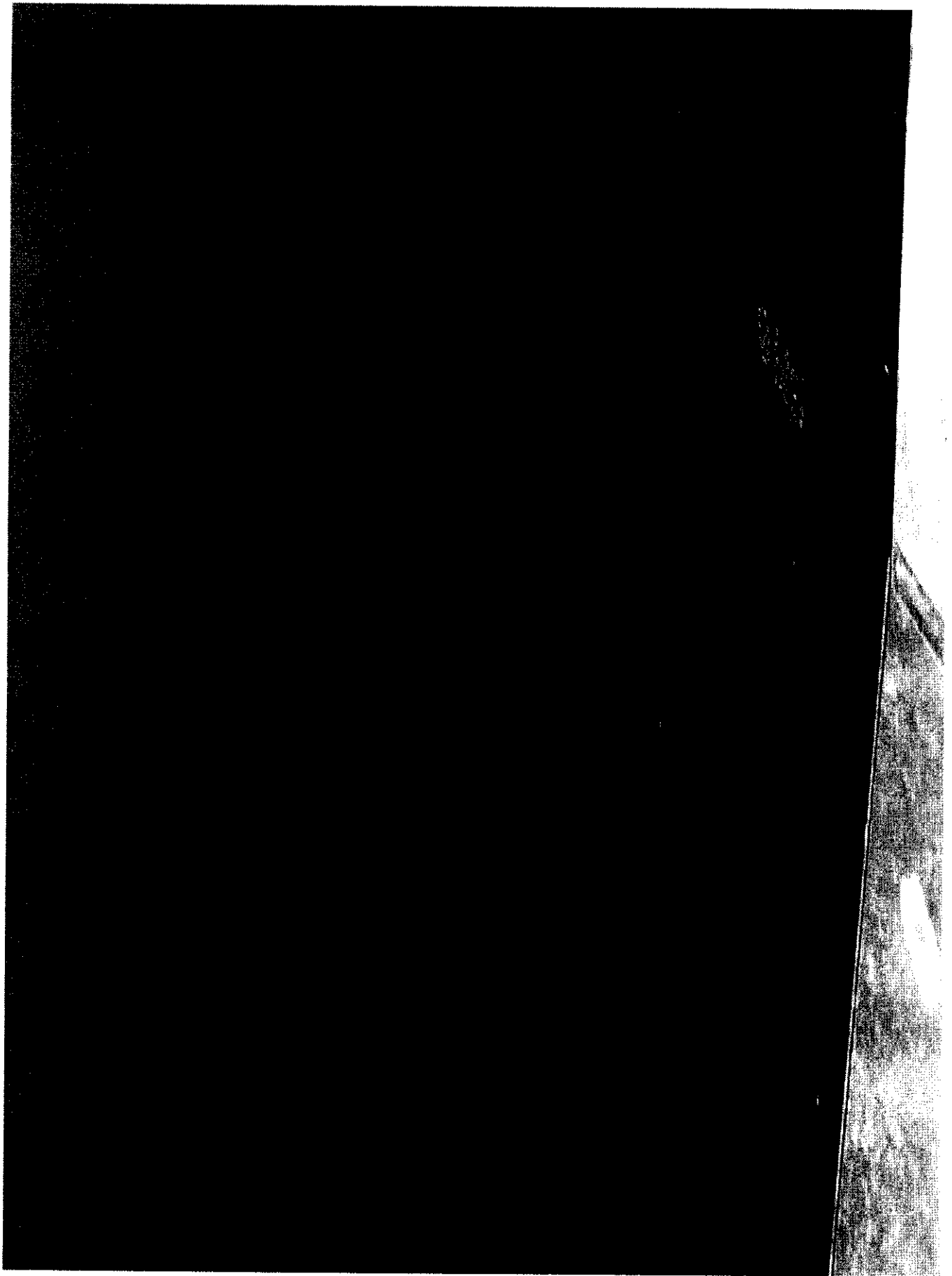


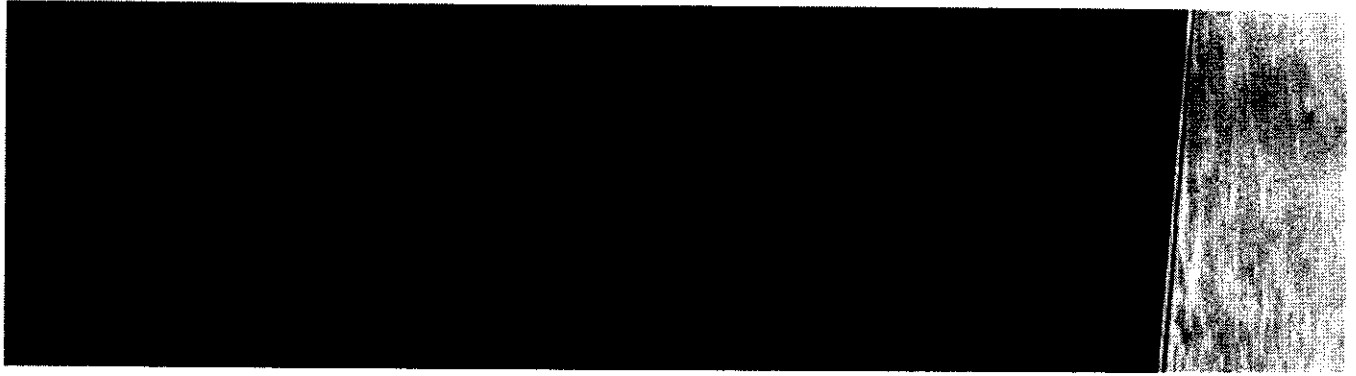


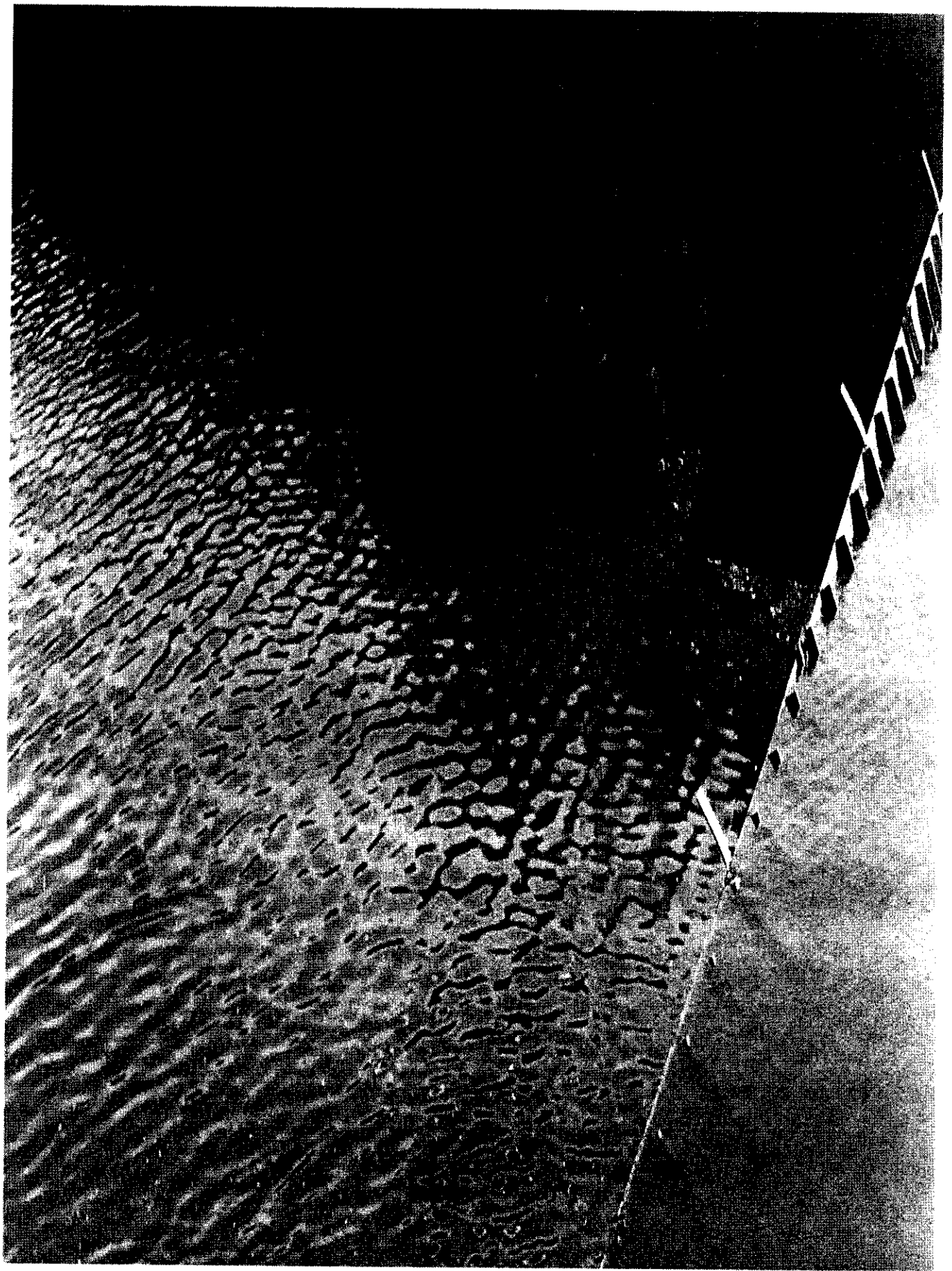


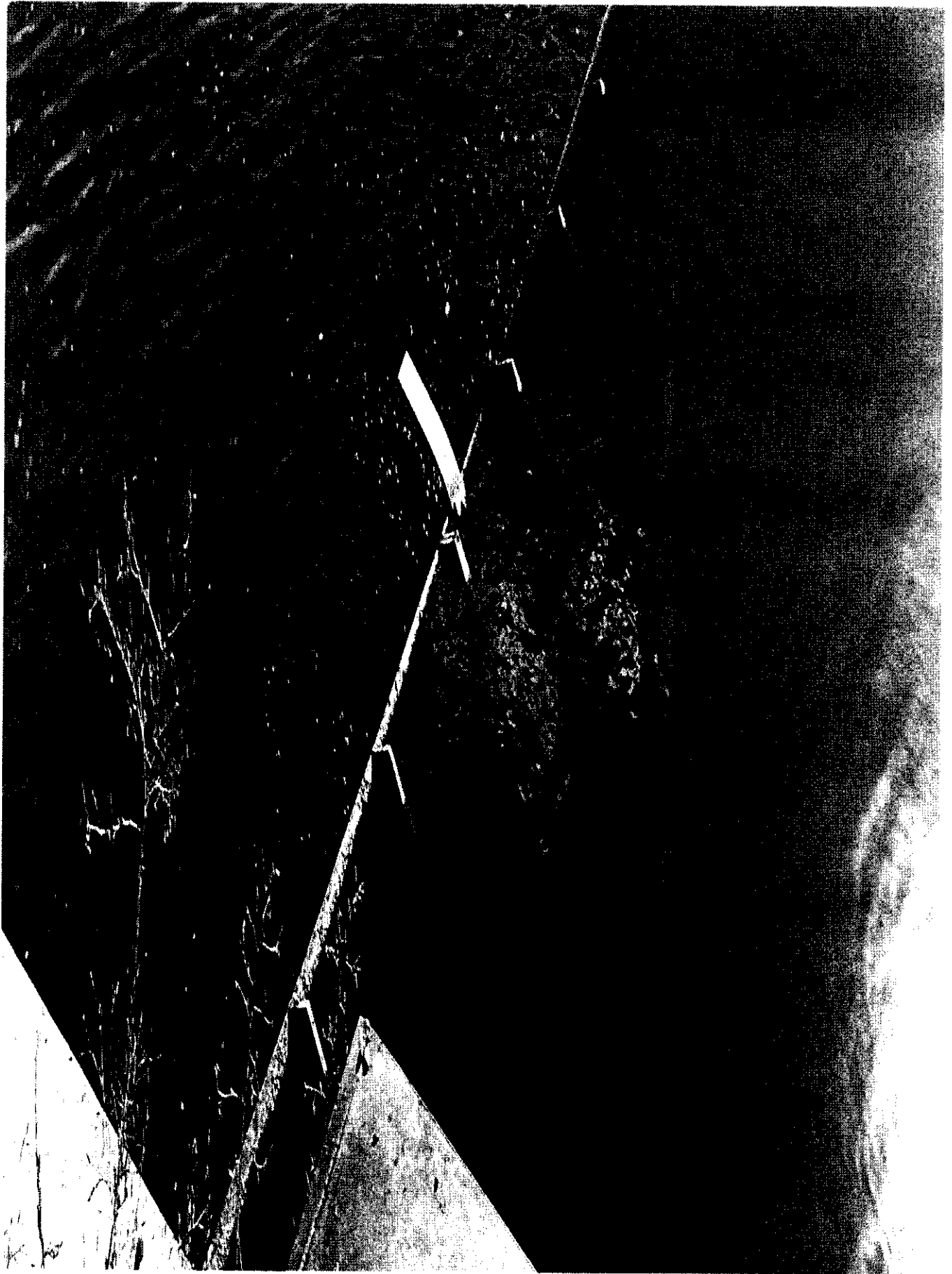


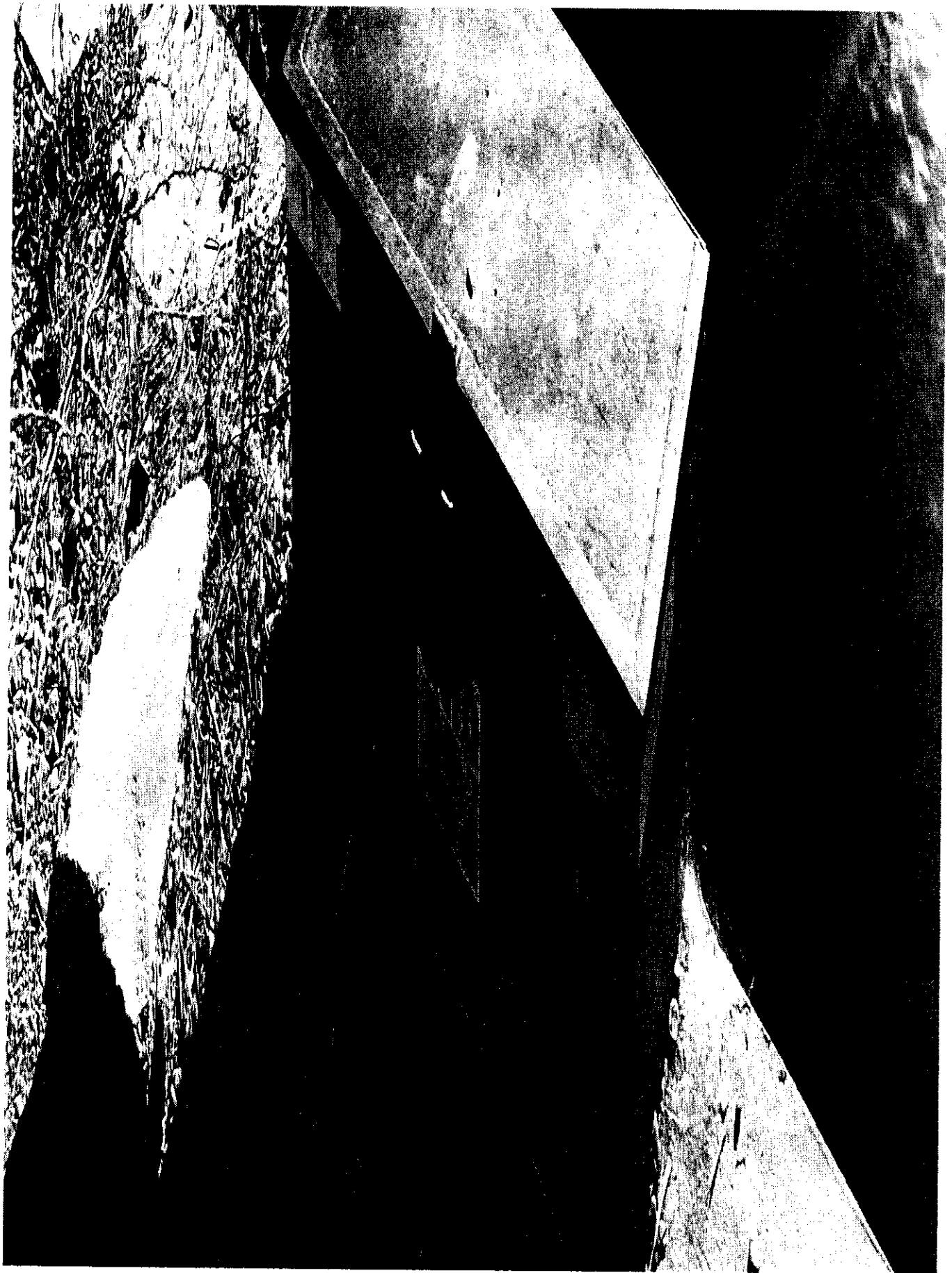






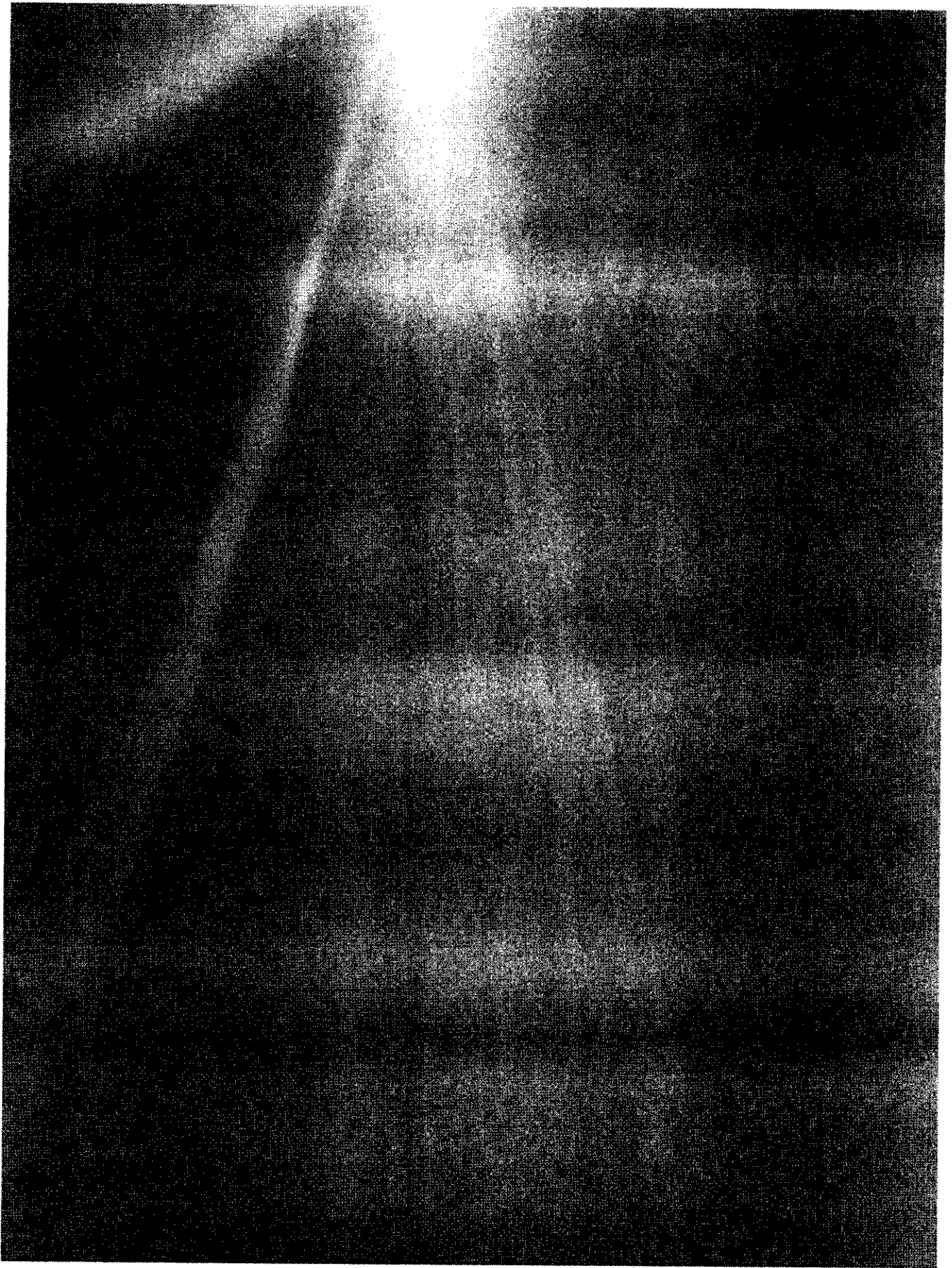




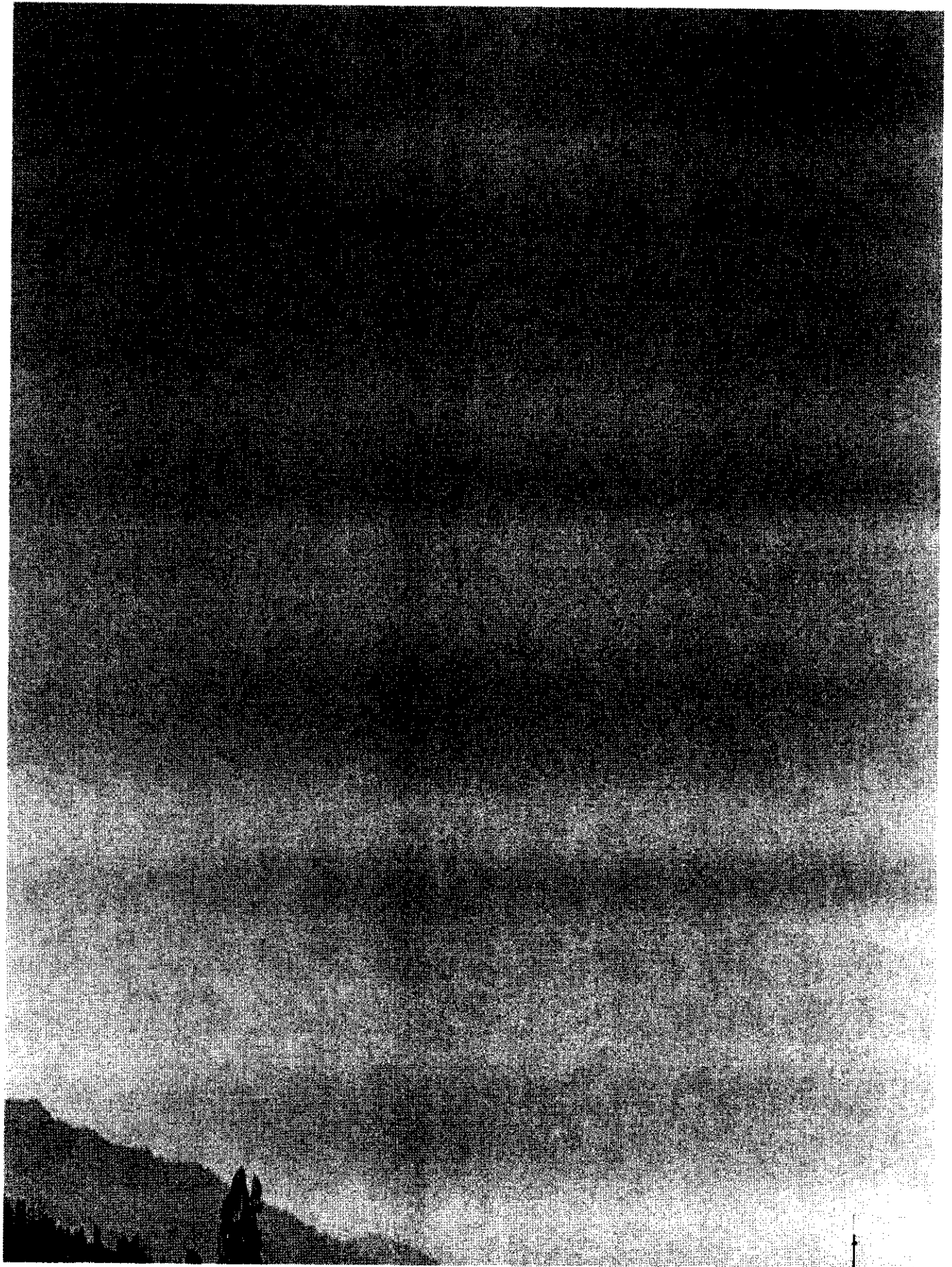


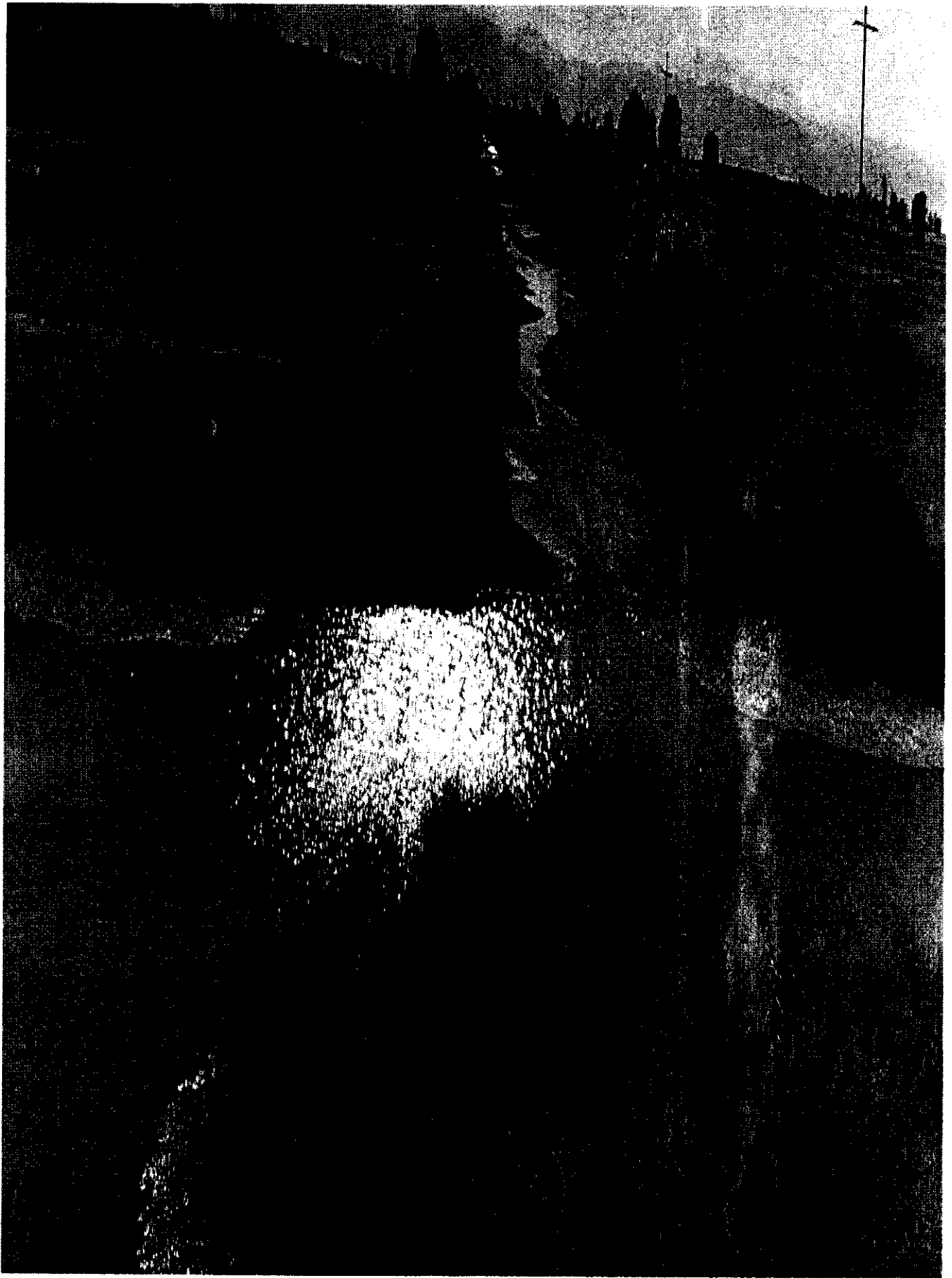


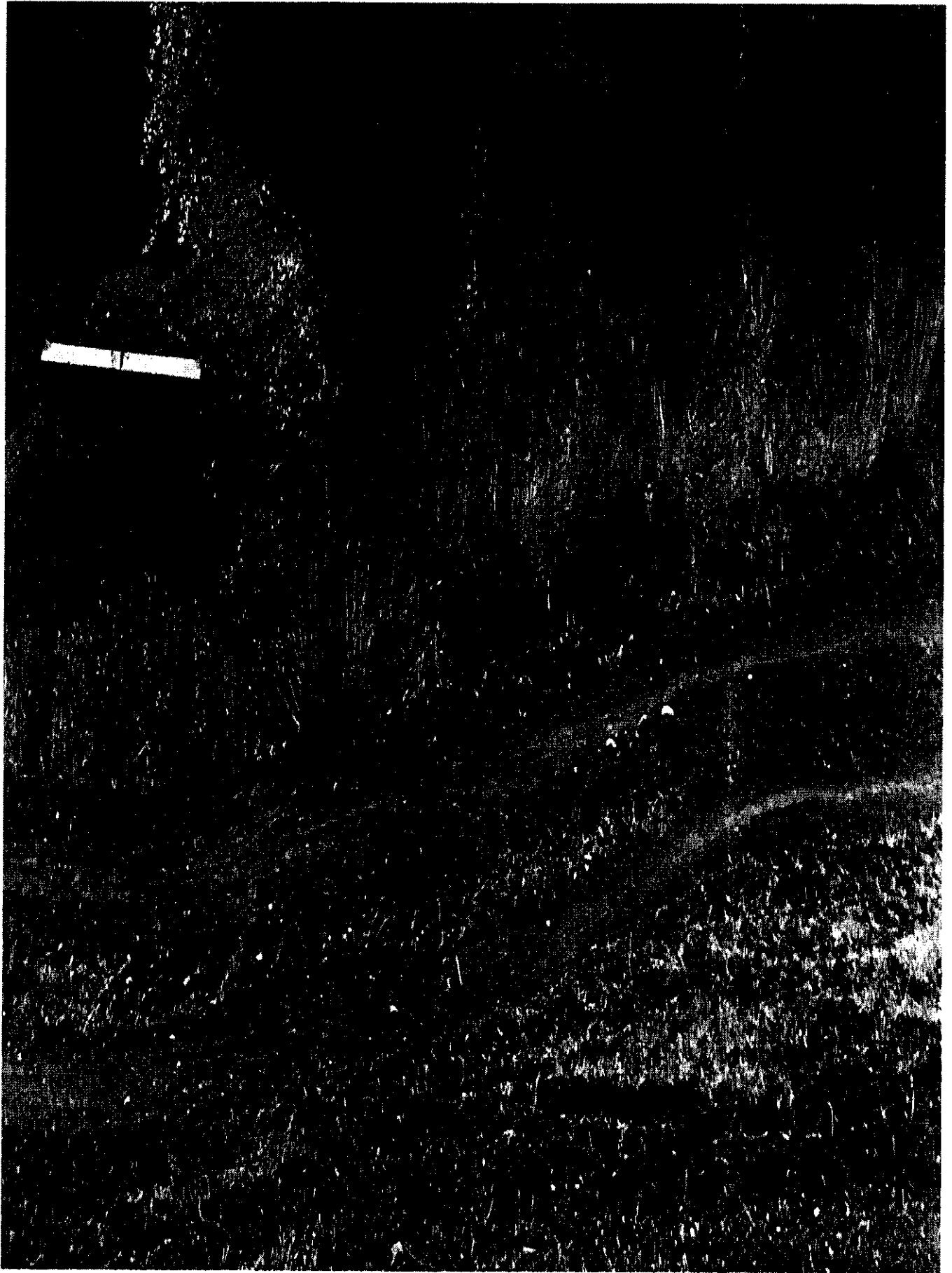














Sent from my iPhone

Parcel Maps For  
387.68...09.pdf

**From:** Ben King bking@pacgoldag.com  
**Subject:** April 6 2023 Public Agenda Packet For GCID SOI/MSR Hearing  
**Date:** April 3, 2023 at 8:58 AM  
**To:** jcorona@countyofcolusa.com, j.benoit4@icloud.com  
**Cc:** jbell@countyofcolusa.com, gponciano@cityofcolusa.com

Good Morning Chair Corona and Executive Director Benoit,

I received the Agenda Packet for the April 6, 2023 Hearing on Friday and after reviewing the Agenda Packet I have the following requests:

1. Please include all the Attachments to my comments for the public record. I believe the attachments are material and are in the public interest and also my family's property right interest.  
Some of the attachments are Maps and Excerpts from the History of Will S Green and Justus Rogers and illustrate the historical and ecological setting much of the Sphere of Influence of GCID. Also included was documentation of the ecological stress and destruction from the operation of the Dam at the south eastern portion of the Colusa National Wildlife Refuge.
2. I am also asking you to include the two attachments to my comments which include the August 12, 1920 Deed granting the easement to did the channel of the Colusa Basin Drain across the natural water way of the Colusa Trough which historically flowed across my family's property. The County of Colusa and State of California made specific covenants as consideration to dig the channel and I intent to take what actions that may be necessary to protect our family's property rights in these covenants that were granted in consideration of the Easement. Please take public notice that we are in the process of selling the impacted property and all of our family's property adjacent to the Easement and had the property listed for sale for approximately \$ 14.5 million in April 2021. We are still in this sale process and the outcome of the resolution relating to the operation of the Dam relate to and are material to the worth of our property. I ask that Supervisor Corona consult with County Counsel regarding the County's action on the GCID SOI/MSR and the operation of the Dam since it directly related to our property interest and the damages that we may suffer.
3. I ask that any comments of GCID be made part of the Public Record and be included in the Agenda Packet. I have attached a letter from the State Water Resources Control Board to me regarding a CalEPA Complaint I made last summer. I have never seen this letter before Friday when it was included in the Agenda Packet. I have asked Mr. Benoit about the custodia chain of the Letter on Friday and perhaps he can let us know where it was obtained from and by who. I have received an email notice from the State Water Resources Control Board saying that my complaint was closed but I did not know on what basis as it is stated in the Letter. You will see that I have a 30 day period to respond to the determination but there is NO DATE on the Letter. I would also ask that the signature be made public since it has been blacked out. Since the signatory is signing the Letter on behalf of the State I do not see any reasonable reason why the authorized person who signed the Letter does not have his signature made public in this LAFCo Hearing.
4. Finally, I believe that the Resolutions in the Agenda Packet make false statements of

Fact. I am assuming that GCID is operation the Dam it is my understanding the portion of the Dam in the channel and on the east side of the Dam is not owned by GCID nor within the boundary of GCID. The reservoir behind the dam is owned by the United States of America. I also question if the boundaries of GCID on the south side of the Colusa National Wildlife have materially changed since the last MSR/SOI was accepted by the Commission. I hope to have some more information of these changes in property ownership by tomorrow.

FYI – I have copied Mayor Ponciano as Vice Chair and Supervisor Bell as an officer of the County of Colusa.

Thank you for your time and consideration

Sincerely,

Ben King



**From:** Ben King bking@pacgoldag.com  
**Subject:** Native Tribal Community History References  
**Date:** March 27, 2023 at 11:16 AM  
**To:** John Benoit j.benoit4@icloud.com  
**Cc:** Ben King bking@pacgoldag.com

Good Morning Mr. Benoit,

I reviewed the draft GCID document again and I am working on my comments.

I do think you may want to reconsider your historical references of the local tribal communities and reflect the historical fact that GCID and Colusa and Glenn Counties are located on the native lands of three bands of Wintun Tribes. I believe you have referenced the Grindstone Community but I don't think you have mentioned the Cachil Dehe Band of Wintun which is located at the Colusa Rancheria nor the Cortina Band Kletsel Dehe located on the Cortina Rancheria.

I am not sure if your history about the naming of Colusa is correct or if is appropriate. Perhaps you should acknowledge the presence of the Colusa tribe on the Site at the time of the arrival of European trappers and explorers up the Sacramento River and at the time Will S. Green landed in Colusa. I am not sure why the document makes unnecessary references to tribal history especially assuming that Colusa had a Patwin genesis rather than a Wintun genesis.

I am attaching excerpts from the Will S. Green History from 1880 and an autobiography of John Bidwell which was included in the Justus Rogers History of 1891. The John Bidwell autobiography is really interesting but details the brutality of the time against native tribal people.

At you probably are aware the Waterboard has adopted an anti-racism and diversity equity and inclusion resolution and it probably would not serve GCID well to refer to tribal history incorrectly or ignore tribal history within the boundaries of GCID.

I will send you a couple more emails but I wanted to confirm what documents of overlapping and adjacent Mutual Water Companies/Agencies have filed LAFCO documents:

Has RD 2047 filed any LAFCO Documents?

Has Sycamore Mutual Water Company filed any LAFCO Documents – do they need to since they are not a public Agency?

Has Colusa Drain Mutual Water Company filed any LAFCO Documents?

Has the Colusa Basin Drainage District filed any LAFCO Documents?

Has RD 479 any LAFCO Documents?


Thanks again for your time

Best Regards,

Ben King

Autobiography Will S Green  
of Gen...91.pdf 1880 E...ies.pdf



**From:** Ben King bking@pacgoldag.com   
**Subject:** GCID MSR/SOI Update Hearing Comments Relating To Dam in Colusa Basin Drain On South Border of Colusa National Refuge  
**Date:** March 29, 2023 at 7:16 PM  
**To:** jcorona@countyofcolusa.com, jbell@countyofcolusa.com  
**Cc:** John Benoit j.benoit4@icloud.com, Ben King bking@pacgoldag.com, Luke Steidlmayer luke@steidlmayerlaw.com, Ben King bking@pacgoldag.com

March 29, 2023

Supervisor Merced Corona  
Chairman  
Colusa County LAFCO  
Flood/FEMA Ad-Hoc Committee

Supervisor Janice Bell  
Colusa County LAFCO

Dear Supervisors Corona and Bell,

I am submitting these comments for your consideration at the upcoming LAFCo Hearing on April 6, 2023 regarding the update of the MSR and SOI for GCID and as Supervisor Corona's role as a Member of the Flood/FEMA Ad-Hoc Committee.

There is a dam located at the south east corner of the Colusa National Wildlife Refuge within the channel of the Colusa Basin Drain. This dam creates a reservoir of water that spreads north in the channel of the Colusa Basin Drain and spreads over a significant area to the east and west of the channel.

As Supervisor Corona may remember I raised the issue that this dam was restricting needed environmental flows at the Board of Supervisors Meeting on June 21, 2023. I have attached photos from the riparian habitat and dry channel as of August 5, 2023 attached to an email to the California Department of Fish and Wildlife. There is also a photo of the dam site on that date showing how much water is held back by the dam.

There are three general issues that I asked you to consider in your deliberations regarding the approval of the proposed MSR/SOI for GCID:

1. What public trust and environmental issues are relevant for your consideration. As you can see from the August 5, 2023 photos there was no viable water available for aquatic life in the channel and the wildlife and riparian habitat was in high stress conditions. What are the minimum in-stream requirements for the channel below the dam?
2. The channel of the Colusa Basin Drain was dug in the natural waterway of the Colusa Trough and should be considered from a public trust perspective as a natural waterway with minimum in-stream requirements. I have attached excerpt from page 57 of the 1881 History of Colusa County – please refer to the marked text about the ridge separating the Upper Basin and the Lower Basin and the narrow water way – this is our property and the place where my great grandparents settled in 1860. To the north is what was called the Upper Basin and later the Davis Tule before Davis Ranches constructed a level and drained

most of the Upper Basin which left the Colusa National Refuge as the remaining permanent wetlands. To the south was what was known as the Lower Basin and this tule area was reclaimed by RD 108 starting in 1871. Our historical property starts just north of the RD 108 and ends just south of the Hahn Road crossing at the Colusa Basin Drain. The attached Map from the 1891 History of Justus Rogers also highlights the natural hydrological and topographical setting below the dam.

3. Our family has substantial property rights and public interest advocacy rights to demand that the County of Colusa and the State of California uphold the covenants granted my grandfather in 1920. This easement allowed for the drainage of the Upper Basin and enabled most of the Davis tule to be drained and the levee on the Davis property to be moved west to reclaim a substantial portion of the Davis Tule. Please refer to the Deed for the Easement dated August 12, 1920 where the covenants between my family and the County of Colusa and State of California are set forth. Please also refer to the second page of the Deed where the two covenants are marked: ( 1) not to stop the natural drainage and leave openings for the natural drainage and ( 2) not to prevent our family from full use of the natural water from sources north of our property.
4. Is the GCID MSR/SOI consistent with the historical understanding of stakeholder rights and the transparency provided by the RD 2047 SOI. The RD2047 SOI mentions that it was the understanding that none of the adjacent landowners could obstruct the channel of the channel of Colusa Basin Drain which is consistent with the legal rights my family retains in our Deed. Additionally, the RD 2047 has substantial disclosure about the 5 Party Agreement which was amended to be a 6 Party Agreement. There is no mention of this Agreement as Amended in the GCID document . Furthermore there was mentioned in a footnote that the 5(6) Party Agreement was going to be amended again to include the Colusa Drain Mutual Water Company pursuant to an action or disclosure item relating to the April 24, 2018 Board of Supervisors Meeting. Was this agreement with CDMWC ever consummated?
5. Whether of not this dam was constructed in compliance of Chapters 9 and 33 of the Colusa County Ordinances and/or complies with FEMA requirements. Was a permit obtain under Chapter 9 of the Colusa County Code? Does this dam comply with the prohibition against an encroachment of alteration of watercourse as set out in Chapter 33 which was recently revised pursuant to Ordinance 822. Does this dam comply with FEMA?
6. If GCID is in fact the operator of this Dam – does it own, lease or license the site of the dam and the reservoir? Does it need a permit from the State to construct or operate the dam? Does GCID need a permit or license to store the water in the reservoir? Does GCID own or lease the site where the water in the reservoir behind the dam is held?
7. Is the transparency and disclosure in the GCID regarding its material contact sufficient to meet LAFCo requirements. I have sent a separate email setting out the material public agency and contractual relationships that are not in the MSR/SOI which Mr. Benoit mentioned he would provide to you.

Thank you for your time and consideration

Best Regards,

Ben King  
Manager  
T&M King Farms, LLC

Mail Attachment	Except From Will S....rty.pdf	Map From 1891 Colusa....rty.pdf	August 1920 Easem....nia.pdf	Covenant of Colusa....ter.pdf
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From: Ben King bking@pacgoldag.com  
Subject: Excerpts From SOI For RD 2047  
Date: March 30, 2023 at 10:23 AM  
To: John Benoit j.benoit4@icloud.com  
Cc: jcorona@countyofcolusa.com, jbell@countyofcolusa.com, Luke Steidlmayer luke@steidlmayerlaw.com, Ben King bking@pacgoldag.com

Dear Mr. Benoit,

This will be my final comments before the April 6<sup>th</sup> Hearing. I am copying Chair Corona and Supervisor Bell on this email since it relates to the email I sent last night regarding the County Code and the dam at the south eastern edge of the Colusa National Wildlife Refuge. I did not have access to the SOI for RD 2047 until I received it from you yesterday so my apologies for this addendum comment.

Here is an excerpt from Page 48 of the RD 2047 Excerpt:

"Even though no specific mention of water use was included in the right-of-way agreements, the consensus within the District was that the landowners had the right to use any water crossing their property **but that no obstruction could be allowed in the channel.** In order to accomplish the drainage plan described above, it was necessary that the District obtain the rights to use certain improvements and works of various districts located between the southern end of Reclamation District 2047 and Knights Landing."

I would like to point out that the covenants in my Deed correspond with the historical consensus " **that no obstruction could be allowed in the channel.**" My question is how has this use of the channel changed from " no obstruction" to a dam that destroys aquatic and wildlife habitat in addition to violating covenants given in exchange for an easement. The GCID SOI should have this disclosure and provide an explanation for the existence and operation of the dam.

Another historical fact is that RD2047 was to include all of the area from Willow Creek to the top of RD108's facilities. Right now the area south of the dam is without any public agency jurisdiction but only includes the jurisdiction of Colusa Drain Mutual Water Company which can not provide for delivery of water south of the dam without the operator of the dam releasing such water. Even last year the CDMWC should have been able to deliver 9 pct of its contractual rights with the USBR but was not able to due to the dam.

Regarding the "Five Party Agreement" – as I mentioned before none of the history or the existence of the Agreement is referenced in the GCID MSR/SOI. On Page 49 or the RD 2047 SOI there is reference to a plan to extend the Five Party Agreement to include Willow Creek Mutual Water Company and CDMWC – has that happened?

There is also a footnote 69 referencing:

69 COUNTY OF COLUSA BOARD OF SUPERVISORS, Melissa Kitts Deputy Clerk to the Board, 547 Market Street, Ste. 102, Colusa, CA 95932, (530) 458-0735, [mkitts@countyofcolusa.com](mailto:mkitts@countyofcolusa.com). April 24, 2018.

- . . . . .

Do you know what this footnote is intended to reference? I don't believe that April 24<sup>th</sup> was a BOS Meeting Date and could not see anything on the Agendas for the Meetings before or after?

Finally in Footnote 68 there is reference to : **Reclamation District No. 2047, "Brief History and Responsibilities," May 31, 1996** Can you send me a copy of this document as soon as possible or provide any information about where I can obtain the Brief History and Responsibilities for RD 2047?

Thank you very much for your time and consideration

Best Regards,

Ben King

**From:** Ben King bking@pacgoldag.com  
**Subject:** Request for CEQA and NEPA Review For Dam and Reservoir on Colusa Basin Drain  
**Date:** April 5, 2023 at 10:48 PM  
**To:** jcorona@countyofcolusa.com, gponciano@cityofcolusa.com  
**Cc:** jbell@countyofcolusa.com, j.benoit4@icloud.com, Luke Steidlmayer luke@steidlmayerlaw.com

April 5, 2023

Dear Supervisor Corona and Vice Chair Ponciano ,

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.

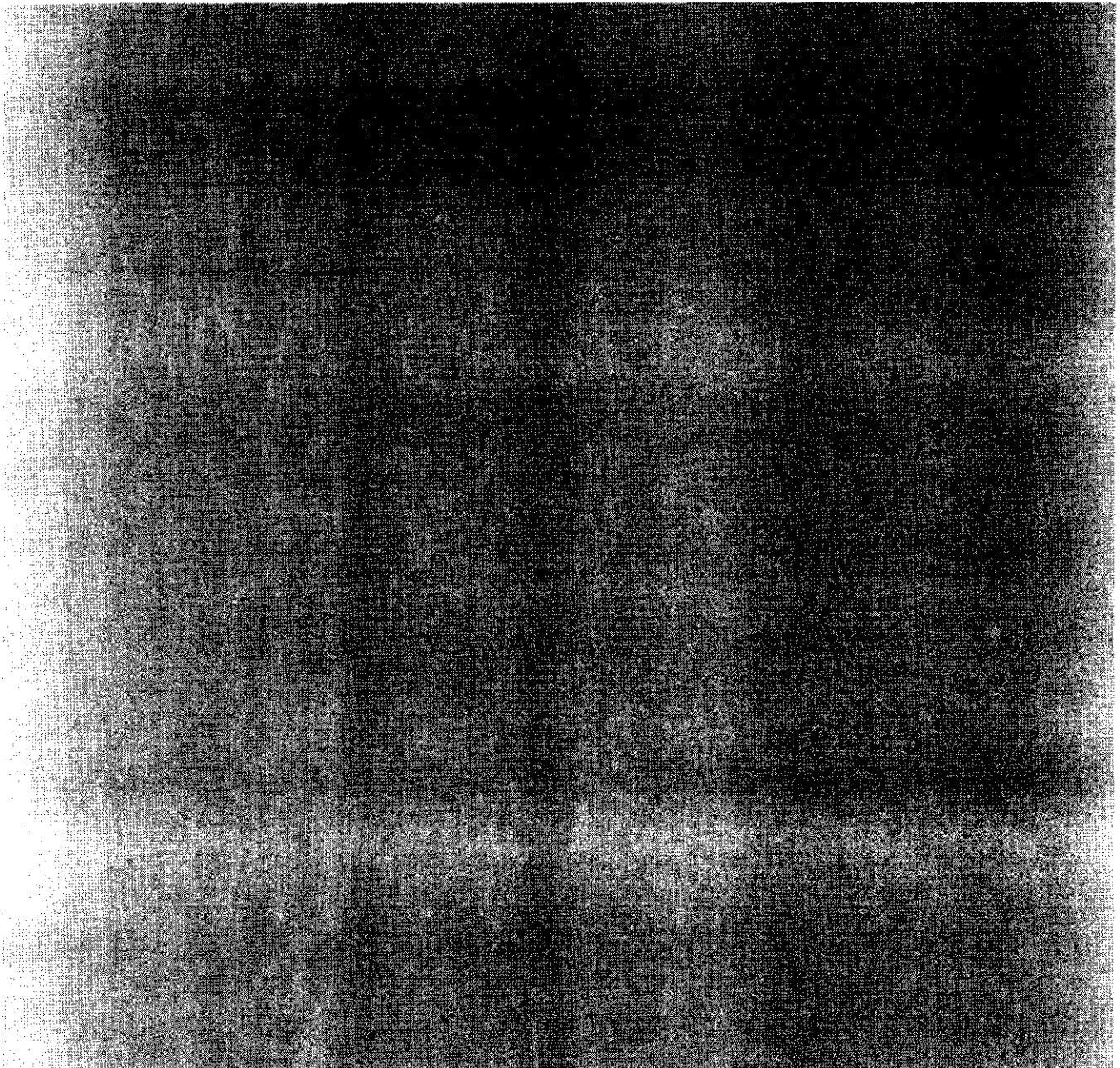
**The Sacramento Valley Water Quality Commission Annual Monitoring Report** details the monitoring sites on Figure 1 page 10 and you will see that there are no monitoring sites near the reservoir location and are generally rather sparse. There were two pesticide toxicity exceedances at the Freshwater 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 for your time and consideration

Ben King  
T&M King Farms, LLC





From: Ben King <bking@pacgoldag.com>  
Subject: Brown Act Questions Regarding Agenda Packet Required and Accurate Public Disclosure and Notice  
Date: April 6, 2023 at 9:02:37 AM PDT  
To: "scott@scottbrowne.com"  
<scott@scottbrowne.com>, "j.benoit4@icloud.com"  
<j.benoit4@icloud.com>  
Cc: "jcorona@countyofcolusa.com"  
<jcorona@countyofcolusa.com>,  
"gponciano@cityofcolusa.com"  
<gponciano@cityofcolusa.com>,  
"jbell@countyofcolusa.com"  
<jbell@countyofcolusa.com>, Ben King  
<bking@pacgoldag.com>

Good Morning Mr. Browne and Executive Director Benoit,

I have reviewed the public notice for today's Hearing on April 6, 2023 Regarding the GCID MSR & SOI and want to thank you for posting my comments.

I would ask that the email that was sent to Chair Corona and Vice Chair Ponciano on April 5, 2023 be included in the Public Record as my Written Statement which I will supplement with oral comments during today's meeting. I believe this is appropriate based off the disclosure in the Agenda setting out the guidelines for oral comments at a Public Hearing.

Based on my review of the Agenda Packet and the Comments posted I have a couple concerns about whether the transparency and due process procedural requirements in and implied in the Brown Act have been complied with.

First – as I have previously requested by email to Chair Corona and to Executive Director Benoit, I have asked that the Exhibits to my Comment Letters be included in the public record and most importantly be provided to all the LAFCo Commissioners before the vote. My exhibits are referenced in my Comment Letters as posted and are material to the points raised but they have been left out and not available to the Public nor the Commissioners. At this point it is not reasonable to conclude that the Commissioners could have adequately understand the points raised in the Comment Letters since the Exhibits have been left out of the Agenda Packet submitted for their review and judgement. Unfortunately, I believe that the Public Hearing that is scheduled today will not comply with the Brown Act and that it is impossible for the Commission to make a reasonable judgement about the issues I have raised.

Second – as I have previously requested to Executive Director Benoit, there must be public transparency about how Executive Director Benoit came into custody of the attached Letter purportedly from Mr. Robert Cervantes of the SWRCB which has been included in the Agenda Packet. As I have previously mentioned in my email there is NO SIGNATURE AND NO DATE on the Letter. I have never seen this Letter before seeing it the first time in the Agenda Packet – I did receive an email from some one other than Mr. Cervantes stating that the case opened by the CalEPA was closed. I was unaware of any notice and unaware that I had 30 days to respond to a Notice. Obviously, I have not had the opportunity to respond because I never received Mr. Cervantes Letter and would not know what the deadline would be to respond because the Letter HAS NO DATE. Since Executive Director Benoit included the Letter **to me** in the Agenda Packet without out any context about how this Letter came into his custody, I am challenging this Hearing as a violation of the Brown Act because the Letter may not be authentic and it was included for some reason which I am assuming a materially relevant reason in the deliberations of the LAFCo Commissioners. It is odd that a Letter was included which is addressed solely to a public stakeholder with NO DATE and with the SIGNATURE BLOTTED OUT. WHERE DID THIS LETTER COME FROM AND WHY IS THE

SIGNATURE BLOTTED OUT?.

Thank you for your time and consideration.

Sincerely

Ben King  
Manager  
T&M King Farms LLC

From: Ben King <bking@pacgoldag.com>  
Subject: GCID SOI Comments.  
Date: March 27, 2023 at 1:10:00 PM PDT  
To: John Benoit <j.benoit4@icloud.com>  
Cc: Ben King <bking@pacgoldag.com>

Dear Mr. Benoit,

Here are my comments regarding the SOI document:

1. GCID was formed March 2, 1920 and comprised a large portion of the area that comprised RD 2047. RD 2047 was formed December 16, 1919 ( see page 212 of Bulletin No. 37 of the 1930 DWR Publication.) A map and description for the GCID is on Page 58 of Bulletin No. 37

[https://archive.org/details/financialgeneral37bontrich/\\_page/n1/mode/2up?view=theater](https://archive.org/details/financialgeneral37bontrich/_page/n1/mode/2up?view=theater)

It is my opinion that the historical relationship between GCID and RD 2047 must be included in the SOI since it has been material since the inception of GCID and its material relationships with 6 other Public agency irrigation districts within the boundaries of RD 2047.

2. On June 2, 1953 , GCID and 5 other public agency irrigation districts entered into a 6 party agreement modifying the original plans for the flow of water down the Colusa Trough as proposed to the RD 2047 Board on June 17, 1921 by Charles D. St. Maurice. Mr. St. Maurice represented the County of Colusa and RD 2047 at the time. On July 16, 1954 the Six Party Agreement was expanded to include one mor public agency irrigation district. See the two agreements as attached.

It is important to note that the hydrological setting that RD 2047 and GCID was formed in. On Page 212 of DWR Bulletin No. 37 it is noted:

“Reclamation has been accomplished mainly by the construction of a

canal through the natural trough of the Colusa Drain to a connection with the back levee borrow pit of District No. 108 , thence to the Sacramento River at a point near Knights Landing ....”

3. The current Board for GCID includes Logan Dennis and Don Bransford is no longer President. John Amaro is the current President of GCID. I believe Don Bransford is still a member of the Board.

4. GCID has a material contractual relationship with the Tehama Colusa Canal Authority and may conduct water transfers with the TCCA. There is no discussion of this contractual relationship or how water transfers are approved by the Bureau of Reclamation. There is a reference to revenues on line 26 of the Budget that are derived from this contractual relationship but no background.

5. GCID states that it delivers water to the Colusa and Delevan Refuges but does not refer to any contractual relationship. Revenue is referenced on line 4 of the Budget

6. GCID refers to a contractual relationship with the Colusa Drain Mutual Water Company but does not reference any contractual relationship. Revenue from CDMWC is referenced on line 10 of the Budget – pages 20 and 21.

7. GCID is located within the boundaries of two Subbasins – the Colusa Subbasin and Corning Subbasin. It is a signatory to a Joint Powers Agreement with both the Glenn Groundwater Authority and Colusa Groundwater Authority. It is in a Cooperation Agreement with one other irrigation district and Glenn and Tehama Counties to the best of my knowledge regarding the Corning Subbasin.

8. GCID sometimes conducts out of basin water transfers which are subject to Glenn County and Colusa County ordinances restricting out of basin water transfers. GCID’s requirements of compliance with these ordinances should be noted in the SOI. Water Transfer Revenue is on line 10 of the Budget on Page 20.

9. The Groundwater Sustainability Plans for the Colusa Subbasin and Corning Subbasin have Measurable Objectives and Minimum Thresholds for the 5 Sustainability Indications. The GSP should address how GCID will be responsible for meeting the Minimum Thresholds for Surface Water Quality and Groundwater Quality. It is not clear to me that the surface water quality threshold mentioned in the SOI meets the GSP requirements for the two Subbasins.

10. GCID mentions that it purchases water in its Budget but there is no reference to contractual relationships for the purchase of water in the SOI.

11. GCID appears to operate a dam at the southeast corner of the Colusa Refuge but it does not appear that the dam is within the boundaries of GCID ( See Maps in Sycamore Mutual Water Company attachment) The dam appears to be located within the jurisdiction of the Sycamore Mutual Water Company and potentially land within the boundary of the Colusa National Wildlife Refuge. This dam also acts as storage reservoir. There is no mention of the operation of this dam or storage reservoir in the SOI. There is no mention of a lease, license or other real property contractual relationship concerning this dam and reservoir. There is no mention of any permit for the construction and operation of the dam or reservoir. There is no mention about how this dam complies with Colusa County Ordinances regarding the obstruction of natural drainage. There is no mention about how this dam impacts downstream appropriative, riparian, or contractual rights to the water and natural water in the Colusa Trough. There is no mention about how this dam complies with FEMA regulations.

Thank you again for your time. I plan to send one more email to Chair Corona and Supervisor Bell regarding the covenant between T&M King Farms LLC and the County of Colusa not to obstruct natural flows of the Colusa Trough since they are Board Members for Colusa County. I will have some more historical maps and context in that email.

# GCID



GLENN-COLUSA IRRIGATION DISTRICT

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**BOARD OF DIRECTORS**

---

John Amaro, President      Logan Dennis, Vice President  
Donald R. Bransford      Peter Knight      Blake Vann

---

**GENERAL MANAGER**

---

Thaddeus L. Bettner, P.E.

April 6, 2023

Mr. John Benoit  
Colusa LAFCo  
Post Office Box 2694  
Granite Bay, California 95746

Subject: GCID Staff Comments on the MSR-SOI

Dear Mr. Benoit:

Glenn-Colusa Irrigation District (GCID/ District) staff have reviewed the Colusa Local Agency Formation Commission (LAFCo) Draft GCID Municipal Service Review and Sphere of Influence (MSR-SOI). District staff found it to be comprehensive and the core recommendation of this periodic update to be historically consistent, in which, *"The recommendation for the Glenn-Colusa Irrigation District Sphere of Influence is that it remain the same as the District boundary."* [Section 5.1 of the MSR-SOI] GCID recommends that Colusa LAFCo approve this MSR-SOI.

District staff are in recent receipt of the series of Ben King's extensive comments and supplemental information that have been addressed to Colusa LAFCo as part of the MSR-SOI public comment period. Upon cursory review, GCID staff do not find the comments germane to or of effect to this MSR-SOI process. In fact, Mr. King's primary comment pertains to infrastructure located outside of the GCID service area, for which GCID holds a water right, property/right-of-way, and is operated in accordance with all appropriate environmental permitting and compliance points. Similar concerns and assertions were made by Mr. King in the fall of 2022 to the State Water Resources Control Board (State Board), without any initial outreach to or inquiry of the District. GCID promptly coordinated and upon further evaluation by the State Board, the investigation was closed.

GCID invites Mr. King to relay his suite of inquiries and statements directly to GCID, which has not yet occurred. GCID will be responsive to any request for information. In this instance, Colusa LAFCo is not the proper forum to address these comments.

Please feel free to contact me at (530) 934-8881, if you have any comments or questions.

Sincerely,

A handwritten signature in blue ink that reads "Zachary W. Dickens". The signature is written in a cursive style.

Zachary W. Dickens, P.E.  
District Engineer

cc: Thaddeus L. Bettner, P.E.

Protecting agriculture and wildlife in the  
Sacramento Valley for more than a century

# MEMORANDUM

TO: Local Agency Formation Commission

FROM: John Benoit, Executive Officer

SUBJECT: Amendment to LAFCo's Fee Schedule: Hourly Charge-out Rates Based Upon the Employment Cost Index

DATE: July 6, 2023

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## Summary

After the Budget Hearings for FY 2022-2023, the Commission after a public hearing approved a revision to the current fee schedule and the hourly staff charge-out rates established for LAFCo based on the federal employment cost index. Resolution 2023-0001 calls for an annual adjustment to be effective on July 1<sup>st</sup> of each year.

The current hourly charge-out rates are:

LAFCo Clerk Analyst           \$ 137.00/hr.  
 Executive Officer               \$ 290.00/hour  
 LAFCo Counsel                 \$ 436.00/hr.

In passing Resolution 2023-0001 the Commission implemented application of an annual cost escalator ensuring that the hourly charge-out rates shown above and be continuously adjusted for inflation or deflation on July 1st of each calendar year based on the latest released data from the Employment Cost Index for the first quarter of each year as published by the U.S. Department of Labor, Bureau of Labor Statistics.

On Friday, April 29, 2023, the latest data from the Employment Cost Index (ECI) (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor, Bureau of Labor Statistics was released and is as follows:

Employment Cost Index U.S. Department of Labor, Bureau of Statistics (Data Released on April 29, 2023)		
Year	First Quarter (March 2023)	% Increase
2022	140.0	4.7

In pursuing the Commission's direction, staff has determined based on the Employment Cost Index that the Index' percentage between the First Quarter of 2022 and the First Quarter of 2023 resulted in an annual 4.7% increase. The ECI is indexed into a 2005 base you which equals 100.00 points. The table below reflects LAFCo's current hourly charge-out rates, along with a calculated percentage increase of 4.7% (rounded to the nearest dollar), as reflected within the Employment Cost Index.



Current Hourly Rate	2022/23 (First Quarter)	
	Percentage	Adjusted Rate
Clerk/Analyst \$137.00	4.7	143.00
Executive Officer \$ 436.00	4.7	304.00
Counsel \$436.00	4.7	456.00

**ACTION REQUESTED:**

Adopt Resolution No. 2023-0005 approving an amendment to the current hourly charge-out rates as noted above and authorizing the annual increase based on the Employment Cost Index for the first quarter (ending on March 31<sup>st</sup>, 2023) to take effect.

Attachment: Resolution No. 2023-0005

RESOLUTION # 2023-0005

A RESOLUTION OF THE COLUSA LOCAL AGENCY FORMATION  
COMMISSION IMPLEMENTING AN ANNUAL ADJUSTMENT  
TO LAFCO STAFF HOURLY CHARGE-OUT RATES  
BASED UPON THE EMPLOYMENT COST INDEX

RESOLVED, by the Colusa Local Agency Formation Commission, that

WHEREAS, the Colusa Local Agency Formation Commission is an independent agency under the provisions of Government Code §56000 et seq.; and

WHEREAS, the Colusa Local Agency Formation Commission, pursuant to Government Code §56383 and Government Code §66016 adopted Resolution 2023-01 establishing hourly charge-out rates consistent with an approved Hourly Fee Study; and

WHEREAS, the Colusa Local Agency Formation Commission determined at their meeting of January 5, 2023, that LAFCO staff hourly charge-out rates should be adjusted annually in July of each year to keep pace with inflationary movements of the economy; and

WHEREAS, the Colusa Local Agency Formation Commission at their meeting of January 5, 2023 desired to implement an annual adjustment beginning each fiscal year to the staff hourly charge-out rate based on the latest released data from the Employment Cost Index (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics: and.

WHEREAS, the Colusa Local Agency Formation Commission desires to implement an annual adjustment to be applied 60 days from July 6, 2023 based on the latest released data from the Employment Cost Index for the previous March (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics; and

WHEREAS, the increase in the flat hourly charge-out rates do not exceed the estimated reasonable costs of providing the services in accordance with Government Code §66013 and 66014; and

WHEREAS, the proposed increase in the flat hourly charge-out rates do not constitute a project as defined by §15378(b)(4) of the California Environmental Quality Act Guidelines; and

WHEREAS, the Commission considered written and verbal comments from the public and made amendments to the fee schedule on January 5, 2023 as it deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Colusa Local Agency Formation Commission, amend the flat hourly charge-out rates based on latest released data from the Employment Cost Index (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics.

BE IT FURTHER RESOLVED, that the LAFCO staff hourly charge-out rates be rounded to the nearest dollar and become effective sixty (60) days from the date of adoption of this Resolution:

Current Hourly Rate	2022/23 (First Quarter)	
	Percentage	Adjusted Rate
Clerk/Analyst \$137.00	4.7	143.00
Executive Officer \$ 290.00	4.7	304.00
Counsel \$436.00	4.7	456.00

**PASSED AND ADOPTED** at a regular meeting of the Colusa Local Agency Formation Commission, on the 6th day of July 2023 by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

\_\_\_\_\_

MERCED CORONA, CHAIR

COLUSA LOCAL AGENCY

FORMATION COMMISSION

ATTEST: JOHN BENOIT

EXECUTIVE OFFICER

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_

P. SCOTT BROWNE

LAFCO COUNSEL

**COLUSA LAFCO  
FIFTH AMENDMENT TO AGREEMENT FOR  
THE PROVISION OF LAFCO STAFF SERVICES**

This is the Fifth Amendment to the Agreement for the Provision of LAFCo Staff Services between the Colusa Local Agency Formation Commission, a public agency, and John Benoit, Contractor, dated March 6<sup>th</sup>, 2003, first amended on July 5<sup>th</sup>, 2007 and second amended on July 1, 2017, third amended on July 1, 2021 and Fifth Amendment on September 1, 2023.

Article 2, Section 2.1.1 is amended to read in its entirety as follows:

2.1.1 LAFCo shall pay Contractor the monthly amount of \$4,456.00 for general services effective July 1, 2023. Funding for this Agreement is included in the adopted 23-24 LAFCo Budget and payment shall be made upon monthly submission of an invoice. General services do not include the items specified as special projects or office expenses as set forth in Section 2.1.2 nor monthly hosting costs and other out of pocket costs, if any, of maintaining the LAFCo website effective July 1, 2023.

Exhibit "A", which references Contractor's hourly rate for special projects is amended to read effective July 1, 2022:

Exhibit "A"

Hourly rate for special projects

John Benoit	Hourly Rate \$122.54
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Except as specifically set forth herein, all remaining terms and conditions of the Agreement for Executive Officer Services dated March 6<sup>th</sup>, 2003, and the hereinabove referenced amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on July 6, 2023.

LAFCo

CONTRACTOR

\_\_\_\_\_  
Merced Corona, Chair

\_\_\_\_\_  
John Benoit, Contractor

APPROVED AS TO FORM:

\_\_\_\_\_  
P. Scott Browne, LAFCO Counsel

COLUSA LAFCO  
FOURTH AMENDMENT TO AGREEMENT FOR  
LEGAL SERVICES

This is the Fourth Amendment to the Agreement for Legal Services between the COLUSA Local Agency Formation Commission, a public agency, and P. Scott Browne, Attorney at Law, dated JULY 3<sup>RD</sup>, 2003, amended on JULY 5<sup>th</sup> 2007, July 1, 2017, and September 1, 2022.

Section II – Paragraphs A and B are amended to read in their entirety as follows:

A. Compensation

LAFCo shall pay Contractor Two-Thousand Two Hundred and Twenty Eight dollars per month (\$2,228.00) effective July 1, 2023 for legal services rendered pursuant to this Agreement. Funding for the Agreement is included in the LAFCo budget and payment shall be made upon monthly submission of an itemized statement effective July 1, 2023.

B. Compensation for Litigation

Contractor shall be paid at a rate of Two Hundred Seventy Eight Dollars (\$278.00) per hour for litigation, effective July 1, 2023.

Except as specifically set forth herein, all remaining terms and conditions of the agreement for Professional Services dated July 3<sup>rd</sup>, 2003, and the hereinabove referenced amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on July 6, 2023.

LAFCo

CONTRACTOR

\_\_\_\_\_  
Merced Corona, Chair

\_\_\_\_\_  
P. Scott Browne, Contractor

\_\_\_\_\_  
APPROVED AS TO FORM:  
P. Scott Browne, LAFCO Counsel