

LOCAL AGENCY FORMATION COMMISSION
COLUSA COUNTY
MINUTES OF MEETING
March 1, 2018

PRESENT:

JOHN LOUDON, County Member
ALFRED SELLERS, JR., City Member
TOM REISCHE, City Member
BRANDON ASH, Chair, Public
DENISE CARTER, County Member

ALSO PRESENT:

LORA CECCON, Clerk
JOHN BENOIT, Ex. Officer
P. SCOTT BROWNE, Legal

1. Call to Order/Roll Call

The meeting was called to order at 3:02 p.m. There was a quorum present.

2. Consider Minutes for January 4, 2018

Shelly Murphy, Colusa County Water District, provided a clarification of paragraph 4, page 2, stating that Mr. Grillo pays an assessment because he has pipelines and services available to him. This would give him the opportunity to transfer if he chose to; however, he has never done so.

On motion of J. Loudon, second by A. Sellers Jr., the commission approved the minutes for January 4, 2018 with the clarification noted above, motion carried by roll call vote.

3. Public Comment – None

4. Consent Agenda

On motion of D. Carter, second by J. Loudon, the commission approved claims for the month of January 2018, motion carried by roll call vote.

5. Correspondence: John received a letter from the insurance carrier stating that there will be an increase of 6%.

6. LAFCo File 2017-0001 CCWD Cleanup Reorganization (continued): The Colusa County Water District (CCWD) is requesting an annexation of 1,607.39 acres more or less of territory currently receiving CCWD water and detachment of 4,998.56 acres more or less of territory that has never received CCWD water.

John has prepared a memo that includes three additional terms and conditions to be considered for the revised Resolution. Included with the memo, is a letter of response from David R.E. Aladjem, Attorney for the Colusa County Water District responding to Attorney, Paul Minasian's letter, and a draft agreement

entitled “Agreement of Landowner waiving the benefits of and claims of credits for groundwater recharge and groundwater storage arising from deliveries of and use of reclamation water within Colusa County Water District”.

Shelly Murphy, CCWD, stated that she does not see a need for landowners to sign a document (Agreement of Landowner Waiving Rights). This is simply a clean-up; there is a net zero effect on lands involved. She has documentation of what is owed by some landowners, and a letter ready to mail out. Everyone involved has been notified.

Mr. Minasian, Attorney for Pete Peterson, discussed the need for landowners to sign an agreement waiving benefits. He stated that, if they want to detach from the district, they should waive any benefits to claim re-charge that occurred in the past and will occur in the future to groundwater. If they don’t sign, they don’t detach. He doesn’t believe that you can approve under CEQA without that condition.

More discussion followed.

D. Carter feels that the agreement is too lengthy. There should be a shorter agreement for the landowners to sign. Mr. Minasian suggested having S. Browne modify the agreement, but it needs to be recorded. Scott will work on a one page agreement.

In addition to the revisions as outlined in the Executive Officer’s memo, the following amendments will be made to Resolution 2017-0006;

- The following preface will be added to #19, 20 and 21 of the Resolution, “Prior to filing the Certificate of Completion.”
- 21a will be added to the Resolution and shall read as follows:
Prior to filing the certificate of completion, all owners wishing to detach shall sign and record a brief Notice of Waiver of Benefits and Claims of Credits for Groundwater Recharge and Groundwater Storage Arising from the Deliveries of and Use of Reclamation Water within the Colusa County Water District. The form to be prepared by LAFCo Counsel working with counsel for the Water District.
- Number 16 of the Resolution shall be revised to read as follows: The Commission hereby finds that the Reorganization is exempt from environmental review pursuant to Categorical Exemption 15319 in that all properties involved are fully developed as farms and that there are no unusual circumstances that would prevent the exemption from being utilized. The properties being detached were not receiving district water before that detachment and that will not change after detachment. In addition the impact of the detachment on future groundwater determinations whether under SGMA or by groundwater adjudication are too speculative to allow environmental evaluation at this time.

On motion of D. Carter, second by J. Loudon, the Commission approved Resolution 2017-0006, a resolution making determinations and approving the annexation of 1,607.39 acres more or less to the Colusa County Water District and detachment of 4,998.56 acres more or less from the Colusa County Water District to include revisions as noted above; motion carried by roll call vote. (5-0-0)

7. Colusa Mosquito Abatement District Service Review and Sphere of Influence

John advised the commission that Dave Whitesell could not make today's meeting. He stated that the district is operating well; there are no outstanding issues. The staff recommends adoption of Resolution 2018-0001 and Resolution 2018-0002.

On motion of T. Reische, second by J. Loudon, the Commission approved Resolution 2018-0001, adopting a Municipal Service Review and Resolution 2018-0002, adopting a Sphere of Influence for the Colusa Mosquito Abatement District; motion carried by roll call vote. (5-0-0)

8. Work Program for FY 2018-2019

John reviewed the schedule for the update of MSRs and SOIs. A short discussion followed.

The three priorities for FY 2018-2019 are cemeteries, recreation departments and fire departments.

9. Executive Officer's Report:

- a. GCID Detachment – Willows - ongoing**
- b. Upcoming MSRs: Reclamation Districts**
- c. 700 Forms due April 2, 2018 – file with the County Clerk's Office**

10. Commissioner Reports - Discussion

**11. 4:35 p.m. - Closed Session: Employee Performance Evaluation
March 2017-March 2018
Title: LAFCo Executive Officer**

12. 4:45 p.m. - Report from Closed Session – The Commission conducted an evaluation of the LAFCo Executive Officer.

Adjourn to the next regular meeting in April 5, 2018

The meeting was adjourned at 4:47 p.m.