

Colusa Local Agency Formation Commission

Regular Meeting Agenda

Thursday – September 7, 2023

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

3:00 PM

Topic: Colusa LAFCo

Time: Sep 7, 2023 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86097978409?pwd=RWUzQzdFSmthQ25STnl2aDAzNWZzQT09>

Meeting ID: 860 9797 8409

Passcode: 106427

One tap mobile

+16699006833,,86097978409#,,, *106427# US (San Jose)

+16694449171,,86097978409#,,, *106427# US

Dial by your location

• +1 669 900 6833 US (San Jose)

Meeting ID: 860 9797 8409

Passcode: 106427

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

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

Kent Boes (Vice-Chair, 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
Paige Henley, Clerk

2. Approval of minutes from the July 6, 2023 meeting

Action:

- a. *Approve minutes from the July 6, 2023 meeting*

3. 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

4. Consent Agenda

Action:

- a. *Payment of claims for the months of July and August 2023.*

5. Correspondence:

6. GCID MSR and SOI discussion

Action:

- a) *Executive Officer's Introduction*
- b) *Review and discuss comments re: the GCID MSR and SOI*
- c) *Receive GCID's responses*
- d) *Provide clear direction to staff*
- e) *Set public hearing to a date and time certain*

OTHER MATTERS

7. Review the Colusa Basin Drainage District (CBDD) Legislation and make determination as to Colusa LAFCo's jurisdiction and obligations.

Action:

- a. *Review the CBDD authorizing legislation Section 127-50. Application of other provisions (Page 4) and determine Colusa LAFCo's Jurisdiction and obligations.*

8. Executive Officer's Report:

- a. *Upcoming Projects*
- b. *Calafco Conference October 17-20, 2023*

9. 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

10. Next Colusa LAFCo meeting: The next LAFCo meeting will take place on October 5th, 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.
- 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

LOCAL AGENCY FORMATION COMMISSION
COLUSA COUNTY
MINUTES OF MEETING
July 6, 2023

PRESENT:

MERCED CORONA, County Member
KATHERINE DUNLAP, City Member
GREG PONCIANO, City Member
JANICE BELL, County Alternate
BRANDO ASH, Public Member

ALSO PRESENT:

JOHN BENOIT, Ex. Officer
SCOTT BROWNE, Legal Counsel
JOHN LOUDON, Public Alt.

1. Call to Order/Roll Call

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

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

Commissioner Ash moved to elect Greg Ponciano as Chair for FY 2023-2024, second by Commissioner Bell, motion carried. 5-0 on a roll call vote

Commissioner Bell moved to elect Kent Boes as Vice Chair for FY 2023-2024, second by Ponciano, motion carried. 5-0 on a roll call vote

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

On motion by J. Bell, second by K. Dunlap, the commission approved the minutes of the June 1, 2023, meeting, motion carried.

4. Public Comment – Ben King asked if the Colusa Basin Drainage District was required to follow the Lafco process. He believes following the Lafco process would be good for the district and its constituents. S. Browne will review the legislation and the issue will be brought back for discussion.

5. Consent Agenda

a. Payment of claims for the month of June 2023

On motion by G. Ponciano, second by K. Dunlap, the commission approved the consent agenda as presented; motion carried.

6. Correspondence

a. Letter from SDRMA – John received a letter regarding insurance, for information only.

7. Continued PUBLIC HEARING for the GCID MSR and SOI

- 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

John advised the commission that several of the letters received regarding the GCI MSR and SOI have not yet been reviewed by legal counsel. There is much information that still needs to be reviewed. Many valid comments have been received. John is not sure Lafco is the forum for review. He explained that these districts (GCID) do not contribute to the cost of Lafco, and it will cost money to review all of the issues. Some of the comments aren't germane to the MSR and SOI. These documents are barebones. Specialists are not hired to complete them. If anything is challenged, the cost to Lafco is unknown.

John reviewed the alternatives:

- 1. Hire a specialist, someone with experience, to complete the MSR and SOI,
- 2. Ask the county and Sustainable Ground Water Committee to address these issues prior to MSR update,
- 3. Request GCID to address all these issues before update,
- 4. Postpone indefinitely – the MSR has been updated once or twice in the past 20 years and these issues were not raised,
- 5. Confer with legal counsel on how to proceed,
- 6. Other alternatives?

John received a letter yesterday requesting that government agency lands be included in the SOI. This is a reasonable request if they are providing water. Comments and backup information are posted on the website.

S. Browne stated that water quality seems to be the main concern of Mr. King and Scott is not sure it's an issue to be addressed by Lafco. The Sacramento Regional Quality Control board is the agency to contact; this is their sole focus. Lafco's focus is much more general. Letters should be sent to GCID asking them to respond to the issues. Hopefully, they will have answers that can be incorporated into the MSR.

Mr. King agreed with Scott's statement. It would be good to receive a response from GCID.

Scott stated that the sphere issue can be addressed, and consideration given to amending the sphere plan to incorporate additional acres. As to the other issues, the hearing should be continued, and letters sent to GCID asking them to respond regarding water quality issues. Comments received from GCID and Mr. King can then be incorporated into the MSR without having to hire experts ourselves. More discussion followed.

S. Browne suggested the commission refer back to staff to a.) explore whether the SOI should be expanded to include Federal Lands and b.) refer the letters we received on the technical water quality issues to the GCID and ask for a response.

B. Ash made the motion to continue this item to a date to be determined, second by G. Ponciano, motion carried. 4-0-1

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

Continued to next Lafco meeting.

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

John advised the commission of the 4.7 % increase of the Employment Cost Index stating that if we don't keep current with our rates, the county and cities could end up covering the costs.

K. Dunlap moved to adopt Resolution 23-05 approving the Annual Employment Cost Index adjustment of 4.7% for LAFCo's Charge Out Rates, second by G. Ponciano, motion carried on a roll call vote of 5-0

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. Ash moved to approve amendment #5 to the Agreement for Executive Officer Services granting a 4.7% cost of living increase, as included in the Lafco budget, second by J. Bell, motion carried on a roll call vote of 5-0

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.

J. Bell moved to approve amendment #4 to the Agreement for Legal Services granting a 4.7% cost of living increase as included in the LAFCo budget, second by K. Dunlap, motion carried on a roll call vote of 5-0

11. Executive Officer's Report:

John stated that he is working on the City of Williams MSR. A workshop will be held at a future meeting.

12. Commissioner Reports – Discussion - None

13. Next Colusa LAFCo meeting: September 7, 2023

Meeting adjourned: 4:05 p.m.

Colusa Local Agency Formation Commission

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CLAIMS

July & August 2023

Authorize payment of the following claims:

FY 2023-2024 EXPENSES:

Claims for July and August 2023:

Sept 1, 2023	Staff Svcs and Exp. –July 2023	\$ 5,608.75
6.16-23-7-15.23	Legal Svcs. P. Scott Browne	\$ 2,229.00
Sept 1, 2023	Staff Svcs and Exp – Aug 2023	\$ 4,972.71
7.16.23-8.15.23	Legal Svcs and Exp – P Scott Browne	\$ 2,229.00
Aug 1, 2023	Calafco Conf registrations	\$ 3,075.00
TOTAL:		\$ 18,114.46

DATED: Sept 7, 2023

APPROVED: Sept 7, 2023

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

Attest:

**John Benoit
Executive Officer**

2023-2024

Acct 520-500

City Expenditure titles Expenditure Category City Coding	Ex Officer Cont Executive Off. Co 7338	Clerical Support Clerical Suppt 7320	Workers Co Workers Com 7016	Contactural Lgl Services 7321	Liability Insurance 7315	Office Exp Office Suppli 7339	Postage and Coples Postage 7322	Coples 7322	Dues-Subs Memberships 7319
	\$53,523.46	\$3,657.00	\$50.00	\$26,761.73	\$2,919.00	\$375.00	\$500.00	\$750.00	\$2,027.00
Calafco Dues 2022-2023 (2022-06)									-\$1,486.00
SDRMA Insurance 22-23 #72123					-\$2,807.81				
Calafco Reg JB,Jb,KD, GP &RC									
Browne Ending 7.15.23				-\$2,229.00					
Staff Svcs July 2023	-\$4,458.00	-\$175.00				-\$32.20	-\$1.39	-\$30.70	
Browne Endingn 8.15.2023				-\$2,229.00					
Staff Svcs August 22023	-\$4,458.00					-\$15.00			

.....

Total Expended In FY 21-22	-\$8,916.00	-\$175.00	\$0.00	-\$4,458.00	-\$2,807.81	-\$47.20	-\$1.39	-\$30.70	-\$1,486.00
Total Remaining in FY 21-22	\$44,607.46	\$3,482.00	\$50.00	\$22,303.73	\$111.19	\$327.80	\$498.61	\$719.30	\$541.00

Colusa Local Agency Formation Commission

July 24, 2023

Thaddeus Bettner, GM
Glenn Colusa Irrigation District
P.O. Box 150
Willows, CA 95988

RE: Comments regarding the Draft GCID MSR and SOI

Dear Mr. Bettner:

The Colusa Local Agency Formation Commission (LAFCo) has asked me to send a letter requesting information regarding two questions during its discussion of the GCID Sphere of Influence. These questions were brought up at the July 5, 2023 LAFCo meeting in reference to the attached letters and emails submitted by Mr. King.

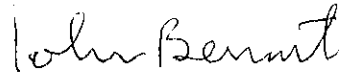
Mr. King's email of July 5th, 2023 contains several comments and requests. Since GCID is the agency providing water to the refuges and easements in the Colusa and Glenn County refuges and there is a weir managed by GCID, does GCID have any issues and concerns regarding LAFCo including these areas, as Mr. King suggests, into the GCID Sphere of Influence?

The second item is several issues, concerns and comments were submitted to LAFCo in the attached letters and emails. The Commission is requesting a response to the concerns addressed in the letters.

Please provide the Commission with a response regarding the two items above. We request you provide us with a response by Monday August 28th so I can include it in the LAFCo meeting packet. In addition, the Commission would like you to attend the next LAFCo meeting on September 7th at 3:00 PM at the Colusa County Board of Supervisor's chambers at 3:00 PM to discuss the above items.

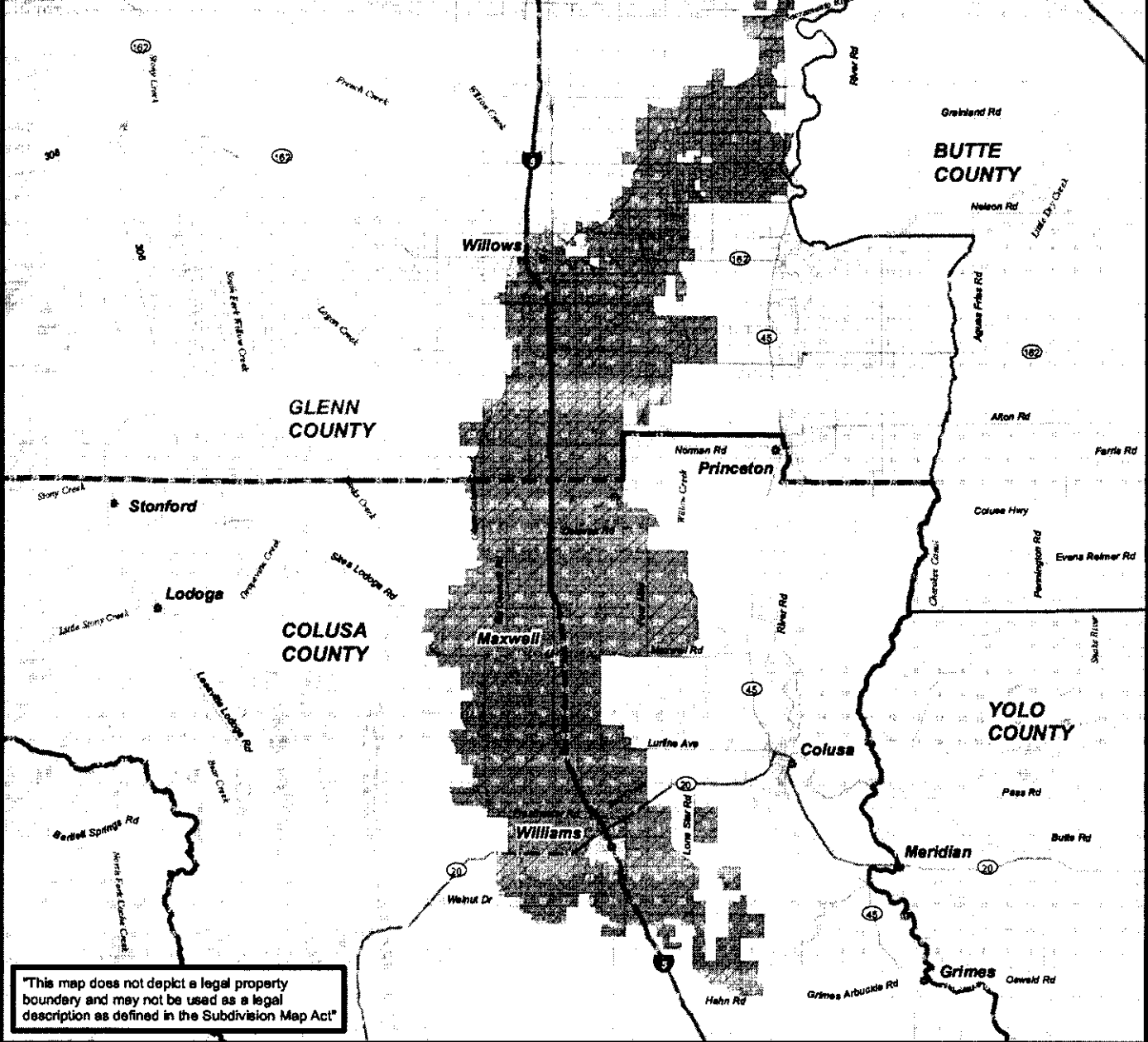
Thank you in advance for your reply.

Sincerely,



John Benoit
Executive Officer

GLENN/COLUSA COUNTY LAFCo IRRIGATION DISTRICT



"This map does not depict a legal property boundary and may not be used as a legal description as defined in the Subdivision Map Act"

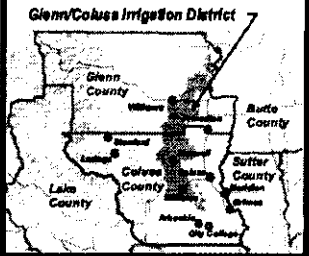
Legend

- ★ Communities
- ▭ Glenn County Boundary
- ▭ Colusa County Boundary
- Highways
- ▭ Parcels
- ▭ Sectional Grid (MDB&M)
- Roads

0 1.5 3 6 Miles

Glenn/Colusa Irrigation District
 Glenn/Colusa Irrigation District Sphere of Influence

Glenn/Colusa Irrigation District
 LAFCo Resolution:
 Adopted:
 Source: Colusa LAFCo Map Created 1/28/2023



Westlaw

Page 1

West's Annotated California Codes Currentness
Water Code Appendix (Refs & Annos)
Chapter 127. Colusa Basin Drainage District (Refs & Annos)
 Part 1. Introductory Provisions
 Chapter 1. Short Title
 → § 127-1. Short title

Section 1. This act shall be known and may be cited as the Colusa Basin Drainage District Act.

§ 127-20. Legislative recognition of problems

Sec. 20. (a) The Colusa Basin Drain lies between the Sacramento River on the east and the Coast Range on the west within Glenn, Colusa, and Yolo Counties. It is bounded on the north by the watershed of Stony Creek and on the south by the watershed of Cache Creek. The basin has no natural outlet at times of high water in the Sacramento River. The two outlets available for floodwaters and drainage are outfall gates at the southerly end of the Colusa Drain near Knights Landing and the Knights Landing Ridge Cut. During times when the Sacramento River is high, the outfall gates near Knights Landing are inoperable and water can escape from the Colusa Basin only through the artificial channel known as the Knights Landing Ridge Cut through which water is discharged into the Yolo Bypass to enter the Sacramento River near Rio Vista. Limited outlet capacity and limited drainage and channel capacity within the basin result in periodic extensive flooding throughout the basin. This problem needs to be studied and addressed.

(b) Irrigation drainage occurs in the basin through a number of natural and artificial channels, all of which ultimately flow into the Colusa Basin Drain, sometimes called Reclamation District 2047 Drain, which discharges water into the Sacramento River through the Knights Landing outfall gates except during times of high water on the Sacramento River when the only outlet is through the Knights Landing Ridge Cut into the Yolo Bypass. The Colusa Basin Drain has been used for the purpose of receiving irrigation water drainage or return flows. As land within the Colusa Basin has been developed and improved, the capacity of this drain for drainage waters has become overtaxed to the point where irrigation water drainage is not available to lands adjacent to the drain at times when it is required for agricultural purposes, and flooding of adjacent lands may occur even during the normal drainage season. This problem needs to be studied and addressed.

(c) Certain areas within the Colusa Basin appear to be experiencing subsidence which may add to the flooding and drainage problems occurring within the basin. This problem needs to be studied and addressed.

§ 127-21. Necessity of special act

Sec. 21. The problems of flooding and winter drainage, irrigation drainage, and subsidence which are occurring within the Colusa Basin are multicounty in scope, but are unique to the Colusa Basin and are not general or statewide. A special act to address these problems is, therefore, necessary.

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§ 127-45. Work; works

Sec. 45. "Work" or "works" includes, but is not limited to, reservoirs, dams, and all conduits and facilities for the control, conservation, diversion, and transmission of water for beneficial uses; drains, levees, and all ditches and facilities for the control and disposal of drainage, storm, and flood waters within the district; associated power facilities for the incidental generation and distribution of hydroelectric power; and all necessary property interests and rights-of-way.

§ 127-46. Zone

Sec. 46. "Zone" means a zone of benefit formed under Part 6 (commencing with Section 600).

§ 127-50. Application of other provisions

Sec. 50. The Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code) does not apply to the formation of the district or the formation or changes in the boundaries of any zone. For all other purposes, the district is a "district" as that term is defined in the Cortese-Knox Local Government Reorganization Act of 1985.

§ 127-51. Judicial actions or proceedings; limitations

Sec. 51. Any judicial action or proceeding to attack, review, set aside, void, annul, or challenge the validity or legality of the formation of a zone, any contract entered into by the district or a zone, any bond or evidence of indebtedness of the district or a zone, or any assessment, rate, or charge of the district or a zone shall be commenced within 60 days of the effective date thereof.

The action or proceeding shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

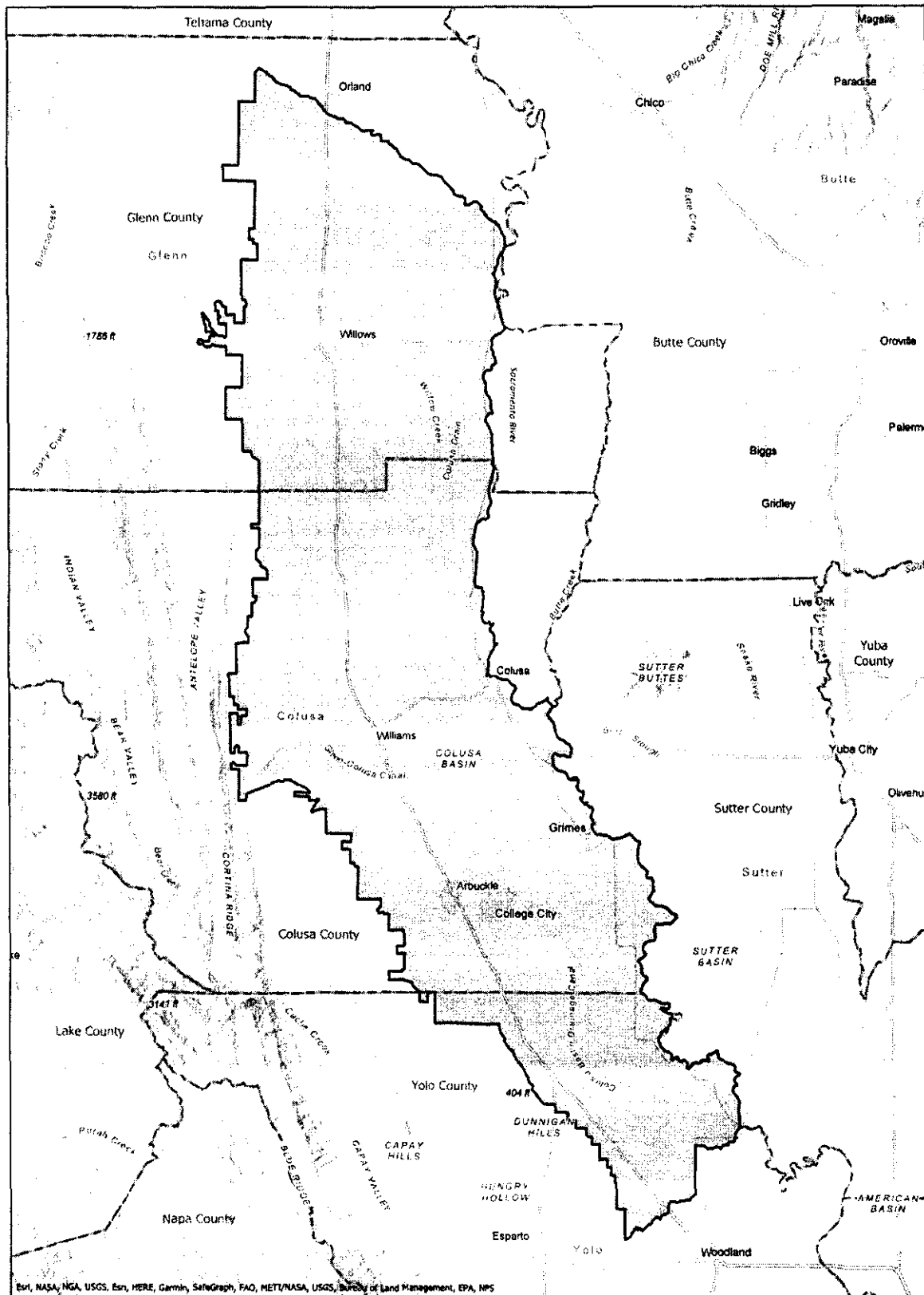
The district may bring an action pursuant to that Chapter 9 to determine the validity of any of the matters referred to in this section.

§ 127-200. Number of directors; selection

Sec. 200. The district shall be governed by a board of directors consisting of nine directors. The nine directors shall be selected as follows:

- (a) Three directors appointed pursuant to Section 201.
- (b) Three directors selected pursuant to Section 202.

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PROVOST & PRITCHARD
 CONSULTING GROUP
 An Employee Owned Company

- District Boundary
- County Boundary
- Division I
- Division II
- Division III

**Colusa Basin
 Drainage District**
Election Areas
 April 2021