

GLENN LOCAL AGENCY FORMATION COMMISSION

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MEETING MINUTES

November 8, 2005

The Glenn Local Agency Formation Commission (LAFCo) meeting was called to order at 9:00 a.m. on Tuesday, November 8, 2005, in the Board of Supervisors Chambers at the County Courthouse in Willows, California, by Chairman Mike Murray. Salute to the Flag.

I. Roll Call:

Commissioners Present:

Commissioners Terry Allen, Denny Bungarz, Tom McGowan, Mike Yalow and Chairman, Mike Murray.

Staff:

Daniel A. Obermeyer, LAFCo Executive Officer and Jackie Billings, LAFCo Clerk.

II. Public Input:

Stating there could be no action taken, Chairman Murray called for items that might be discussed. Steven Barnes addressed 2004/2005 Glenn County Grand Jury Concerns relating to the AB8 Property Tax Dollars and whether the recommendation to agree upon an equitable split had been accomplished by the Cities and County Government. Obermeyer responded that the Cities and County, not LAFCo, were responsible for making a determination on this matter. Both Cities and the County would have to agree on a Master Tax Sharing Agreement. Mike Yalow (as Mayor of Orland) said that Orland was working out the details on the matter. Mike Murray (as a representative of the City of Willows) said that Willows was awaiting Orland's response.

III. Approval of Minutes:

On a motion from Commissioner Allen, second by Commissioner Bungarz, it was unanimously voted to approve the Minutes of the June 14, 2005, LAFCo meeting.

IV. Public Hearings:

1. **LAFCo #2005-02** **HAMILTON CITY CITIZENS IN ACTION/RECLAMATION DISTRICT**

Proposal: Approve the Creation of the Reclamation District.

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Location: In the Hamilton City area generally bounded by State Route 45 and County Road 203 on the west, the Sacramento River on the north and east and line approximately 7,000 feet south of County Road 23 containing 5,508.01 acres.

APN(s): *available upon request*

Purpose: The proposed Reclamation District is necessary to implement, construct, operate and maintain the Hamilton City Flood Damage Reduction and Ecosystem Restoration Project a.k.a. Hamilton City Levee Project.

- A. REVIEW OF ENVIRONMENTAL DETERINATION.
- B. ADOPTION OF A RESOLUTION APPROVING THE CREATION OF THE RECLAMATION DISTRICT.

Representing property owners, organized by the Hamilton City Citizens In Action (CIA): William C. Paris III, O’Laughlin and Paris LLP; LeeAnn Grigsby-Puente, CIA Board President; Jose Puente, CIA Board Member

Obermeyer stated that this is the result of the U.S. Army Corps of Engineers (Army Corps) desire to construct a levee to protect Hamilton City. Part of that process is to set up an organization to handle the operation of maintenance of the levee system once constructed.

Obermeyer further stated that through the application process and with appropriate documentation, next step is the creation of the Reclamation District, followed by an assessment of the district to pay for operations. The assessment must be voted on by the citizens within the assessment district. Depending on how the structure is set up, votes are generally based on property size as are assessed dollar amounts. Should property owners not pass the proposed assessment, LAFCo would have to take action to undo the newly created Reclamation District.

LAFCo in its responsibilities under the code must make a determination on a number of factors. As a single purpose district some of these factors are not applicable to the project. CEQA determination was made using the combined Environmental Impact Statement and Environmental Impact Report (EIR/EIS) done by the Army Corps and others.

Obermeyer stated that the Staff recommendation is to approve the EIR prepared and adopted by the U.S. Army Corps of Engineers and the California Reclamation Board as lead agencies and approve the Reorganization known as LAFCo #2005-04 Hamilton City Levee Project Reclamation District Creation subject to terms and conditions of the Staff Report.

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Obermeyer added that this is the time were protests can be heard. If a substantial protest is lodged, the topic may be carried over to the next meeting.

Chairman Murray opened the Public Hearing.

Jose Puente, CIA member, gave an overview of the “long ride” it took to get to this point in the process and spoke in favor of the creation of the proposed Reclamation District.

Shirley Lewis, property owner, asked who was responsible should the levee fail.

Richard Jenness, Engineer with Laugenour and Meikle, stated that all agencies have stepped in to aid and assist the repair of major breaks but the responsibility is generated towards the local agencies. Funding and responsibilities are not 100% outlined for the future.

Obermeyer said that once a disaster was declared that FEMA and OES would be involved.

Jesus Campos, property owner, stated that he was not challenging the process nor did he want to delay the deadline but voiced concerns about lack of public awareness, the ability and opportunity to voice concerns regarding a proposed assessment, the fear of establishing a Reclamation District and if necessary dissolution of the same.

Obermeyer, responded to the issue of responsibility to maintain the levee, stating that the recommendation, by the CIA, for the creation of a Reclamation District, was the most reasonable choice. Obermeyer, assured that the public would have various opportunities to voice their concerns and become involved.

Commissioner Yalow, stated that the public would have an opportunity during an election process to agree/disagree to any financial assessment.

With no further Public comments, Chairman Murray asked for questions from the Commission.

Commissioner Yalow, recounted the flooding problems and stated that this was a great opportunity to protect the people and infrastructure currently at risk.

Commissioner Allen, stated that this was a big step forward and that with the Army Corps input the citizens of Hamilton City would be very happy to have this proposal passed.

Commissioner McGowan, stated that we are here today because of the inability to maintain the levee.

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Chairman Murray, mirrored the Commissioners' comments, asked for additional comments and with no further discussion, stated the Public Hearing be concluded in the matter decided.

On a motion by Commissioner Bungarz, second by Commissioner Allen, it was unanimously voted to approve the EIR prepared and adopted by the U.S. Army Corps of Engineers and the California Reclamation Board as lead agencies.

On a motion by Commissioner Bungarz, second by Commissioner Allen, it was unanimously voted to approve the reorganization know as LAFCo #2005-04, Hamilton City Levee Project Reclamation District Creation subject to the terms and conditions listed.

V. Correspondence/Discussion:

1. Consideration of a Request from Hamilton City CIA for fee waiver regarding case LAFCo #2005-02.

Stating that it would benefit all citizens, Jose Puente, CIA member, requested that all project fees be waived.

Commissioner Bungarz stated that this could set a precedence and cause a financial problem as Cities and the County help in making up the LAFCo budget. Bungarz added that though he supports the project he did not approve the fee waiver and recommended that fees could be recouped as operational costs.

Commissioners McGowan, Yalow and Allen were in agreement with the comments made by Bungarz.

Obermeyer, addressed Yalow's concerns about actual fees, stating that LAFCo fees estimated \$2,000. in addition to the \$2,000. paid to the Board of Equalization.

Commissioner Bungarz reluctantly motioned to deny the request to waive fees, second by Commissioner Allen, it was unanimously voted to deny the request to waive fees as requested in the Letter from the CIA, dated August 23rd.

2. Review of CALAFCo Annual Conference, Monterey, held September 7-9.

Obermeyer elaborated on the following key topics at the conference:

Water for urban life development.

Various approaches for maintaining agricultural land.

New developments and issues relating to LAFCo vs. Planning.

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3. Report from Executive Officer – Pending Applications.

In closing, Obermeyer reported that the Orland Park Annexation was in the application process, adding that the Tax Agreement issue was pending.

It was noted that the December 13th meeting is contingent upon completion of Orland Park Annexation Application.

Meeting adjourned.

Respectfully submitted,

J.P. “Jackie” Billings
LAFCo Clerk

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