

AGENDA

LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT

BOARD OF DIRECTORS

Regular Meeting Scheduled 2:00 p.m. October 13, 2020

1960 Elgin Street, Oroville, CA 95966

Materials related to an item on the open meeting agenda that are provided to the Board of Directors, including those provided to the Board after distribution of the agenda packet, are available on the District website.

During this difficult time, due to the shelter in place orders, we invite you to join today's scheduled meeting via Zoom by using your phone to attend the meeting.

Please call the District office at **(530) 533-2000** for assistance in participating in the teleconference.

Dial in: 1-669-900-9128

Meeting ID: 833 4507 4013

Passcode: 416598

To ensure that our meetings are as orderly as possible, and to enable public participation at the proper times during the meeting, we are asking that everyone take a moment to ensure your line stays muted until public comment is invited. When it comes time for public comment, we will leave enough time for participants to unmute and speak to the entire group and our board.

Because attendees cannot see each other's mute status, we will simply need to be patient as we wait in between comments, and do our best not to speak over each other. Please state your name for the record before sharing comments. We're committed to keeping the public engaged throughout this crisis and appreciate your help in making that happen.

ACTION ITEMS

- 1. SALUTE TO THE FLAG OF THE UNITED STATES OF AMERICA**
The meeting will open with a salute to the flag of the United States of America.
- 2. MOMENT OF SILENCE**
The Board of Directors will observe a moment of silence.
- 3. ROLL CALL AND ACKNOWLEDGMENT OF VISITORS**
Individuals will be provided the opportunity to address the Board regarding matters not scheduled on the agenda. No action will be taken by the Board on these matters; however, the Board may ask questions for clarification and refer to staff or other resources for information and request staff report at a subsequent meeting. Comments on items scheduled on the agenda may be made as they are considered by the Board.

4. CONSENT AGENDA

All items listed under the Consent Agenda are considered routine and will be enacted by one motion unless an item is removed. Consent agenda items will be read by title only. There will be no separate discussion of these items unless members of the Board or person in the audience request specific items to be removed from the Consent Agenda to the Regular Agenda for separate discussion, prior to the time the Board votes on the motion to adopt the Consent Agenda. If any item(s) is removed from the Consent Agenda, the item(s) will be considered immediately following action on the Consent Agenda.

4.1 BOARD MEETING MINUTES- SPECIAL BOARD MEETING OF SEPTEMBER 11, 2020.

4.2 FINANCIAL REPORT-MONTH ENDING SEPTEMBER 30, 2020

4.3 PAYMENT OF WARRANTS-MONTH ENDING SEPTEMBER 30, 2020

5. ITEMS REMOVED FROM CONSENT AGENDA

DISCUSSION WITH POSSIBLE ACTION

6. COVID 19 UPDATE

General Manager McCutcheon will provide an update to the Board on the District's response to the COVID 19 pandemic.

DISCUSSION WITH POSSIBLE ACTION

7. NORTH COMPLEX - WEST ZONE FIRE UPDATE

General Manager McCutcheon will provide an update to the Board on the District's response to the North Complex - West Zone Fire.

DISCUSSION WITH POSSIBLE ACTION

8. REQUEST AUTHORIZATION TO PROCEED WITH BLACK MOUNTAIN SOFTWARE UPGRADE FOR ACCOUNTING AND PAYROLL

The Board will consider authorizing General Manager McCutcheon to proceed with the purchase of the accounting & payroll modules for our current Black Mountain Software.

DISCUSSION WITH POSSIBLE ACTION

9. BUTTE LAFCO SPECIAL DISTRICT REGULAR ENTERPRISE MEMBER NOMINATION

The Board will consider nominating a qualified individual to serve on the LAFCo Commission to fill the "Special District Regular Enterprise Member" seat vacated by J.J. Keily.

DISCUSSION WITH POSSIBLE ACTION

10. REQUEST APPROVAL TO HIRE A PART-TIME UTILITY WORKER

The Board will consider authorizing General Manager McCutcheon to hire a part-time Utility Worker.

DISCUSSION WITH POSSIBLE ACTION

REPORTS AND CONSULTATIONS

11. SC-OR COMMISSIONERS' REPORT

12. BCSDA REPRESENTATIVE & LAFCO COMMISSIONER REPORTS

13. QUARTERLY INVESTMENT SUMMARY AND CASH FLOW ANALYSIS

14. BOARD MEMBERS, MANAGERS AND STAFF COMMENTS

- FIELD OPERATIONS SUPERVISOR REPORT
- FACILITIES TOUR
- NEW HIRES
- PROJECT UPDATES

15. BOARD MEETING ADJOURNMENT



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: October 13, 2020

RE: Item No. 4 – Consent Agenda

Item No. 4.1 **Board Meeting Minutes** - Minutes from the September 2020 special board meeting are included for the Board's review and approval.

Attachment Included

Item No. 4.2 **Financial Reports** - Profit and Loss report through September 2020 is complete and ready for review, comment, and approval.

Attachment Included

Item No. 4.3 **Payment of Warrants** - The pending September 2020 Claims and Warrants are attached for review and Board approval for payment.

Attachment Included

**UNADOPTED
LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS SPEICAL MEETING
SEPTEMBER 11, 2020**

CALL TO ORDER

President Kuehner called the meeting to order at 10:00 A.M. Directors present were Fairbanks, Hosley, Mastelotto and Sharman. Manager McCutcheon, Field Operations Supervisor Sanders, District Engineer Knibb, and Accounts Payable Clerk Hamblin represented the District.

SALUTE TO THE FLAG

President Kuehner led the meeting with the salute to the flag.

MOMENT OF SILENCE

President Kuehner asked the Board to observe a moment of silence.

APPOINTMENT OF KELLY HAMBLIN TO THE POSITION OF CLERK OF THE BOARD/TREASURER OF THE BOARD

President Kuehner stated that with the retirement of Clerk of the Board/Treasurer of the Board the District now has an appointed position open. Director Fairbanks moved that Kelly Hamblin be appointed to the position of Clerk of the Board/Treasurer of the Board replacing the retiring Clerk Quigley. Director Sharman seconded the motion. The motion passed with the following roll call vote:

Ayes: Directors Kuehner, Fairbanks, Mastelotto, Hosley and Sharman.

Director Hosley left the meeting at 10:04 A.M.

CONSENT AGENDA

The Board reviewed the minutes of the Regular Board Meeting of August 11, 2020, the Financial Report and the Warrant List for month ending August 31, 2020. After discussion, it was moved by Director Fairbanks and seconded by Director Sharman that the items on the consent agenda be approved as presented. The motion passed with the following roll call vote:

Ayes: Directors Fairbanks, Kuehner, Mastelotto, and Sharman.

ADOPTION OF RESOLUTION NUMBER 07-2020 RESOLUTION OF APPRECIATION IN RECOGNITION OF SERVICE CINDY M. QUIGLEY

After discussion it was moved by Director Fairbanks and seconded by Director Kuehner to approve Resolution No. 07-2020 Resolution of Appreciation in Recognizing Cindy M. Quigley for twenty-eight and one half years of service to the District. The motion passed with the following roll call vote:

Ayes: Directors Fairbanks, Kuehner, Mastelotto, and Sharman.

Director Hosley rejoined the meeting at 10:09 A.M.

REQUEST AUTHORIZATION TO HIRE AT AN ADVANCE STEP SALARY RANGE

General Manager McCutcheon noted that the District had several positions open and requested authorization to hire at a step range that is greater than the first step in order to fill the current open positions with qualified candidates.

After discussion, it was moved by Director Kuehner and seconded by Director Sharman to authorize the General Manager McCutcheon to hire at a step salary range necessary to obtain qualified applicants. The motion passed with the following vote:

Ayes: Directors Fairbanks, Hosley, Kuehner, Mastelotto, and Sharman.

REQUEST AUTHORIZATION TO ENGAGE JOHN D. CHRISTOFFERSON, INC. FOR PROFESSIONAL SURVEY SERVICES

After discussion, it was moved by Director Mastelotto and seconded by Director Fairbanks to authorize General Manager McCutcheon to engage John D. Christofferson, Inc for Professional Survey Services. The motion passed with the following roll call vote:

Ayes: Directors Fairbanks, Hosley, Kuehner, Mastelotto, and Sharman.

SC-OR COMMISSIONERS' REPORT

Director Kuehner noted that Superintendent Koch (SC-OR) had given his resignation and would be vacating his position effective September 30, 2020. Director Fairbanks noted that former Superintendent Ray Souza is temporarily returning to fill the position vacated by Superintendent Scott Koch until such time as a suitable replacement can be found.

No action was taken.

BCSDA REPRESENTATIVE & LAFCo COMMISSIONER REPORTS

General Manager McCutcheon stated that LAFCo had approved the Ophir Road Annexation with an additional adjoining parcel.

The Board was updated on the election of a Special District Alternate “Enterprise or Non-Enterprise” Member of the LAFCo Commission. The Board will be asked to nominate a candidate to be a Special District “Enterprise” Member to the Commission at the next regular LOAPUD Board Meeting.

No action was taken.

BOARD MEMBERS AND STAFF COMMENTS

Field Operations Supervisor Sanders updated the Board on the status of the pump stations during the evacuations and road closures.

General Manager McCutcheon noted the dates for the Facilities Tour would be forthcoming.

General Manager McCutcheon updated the Board on the River Ranch Project. He also spoke regarding the “LEAP” Grant and the possibility of an opportunity to apply for further grant funding through a “REAP” Grant.

Engineer Knibb spoke regarding the progress of the lateral line and pump designs for the lift station and force main on the Ophir Rd. / Lincoln Blvd. projects.

ADJOURNMENT

There being no further business to come before the Board the meeting was adjourned at 10:34 A.M.

Respectfully submitted,

Kelly Hamblin,
Clerk of the Board

Lake Oroville Area Public Utility District
Profit & Loss Budget Performance
 September 2020

	Sep 20	Budget	Jul - Sep 20	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
41100 · Sewer Service Charge	126,876.04	126,535.00	379,813.00	379,605.00	1,518,420.00
41150 · Pumping Charge	10,700.55	10,674.00	32,045.18	32,022.00	128,088.00
41200 · Kelly Ridge Pumping Chg (Taxes)	0.00	0.00	0.00	0.00	45,000.00
41250 · Permit/Inspection Fees	0.00	0.00	0.00	0.00	0.00
41300 · Connection Fee	0.00	0.00	-496.57	0.00	0.00
41350 · Other Services	0.00	0.00	0.00	0.00	0.00
41400 · Sales	0.00	0.00	10.90	0.00	0.00
Total Income	137,576.59	137,209.00	411,372.51	411,627.00	1,691,508.00
Gross Profit	137,576.59	137,209.00	411,372.51	411,627.00	1,691,508.00
Expense					
60000 · Office Salaries & Wages	20,800.94	21,505.00	87,593.55	76,458.00	272,834.00
61000 · Field Salaries & Wages	21,676.86	28,664.00	69,821.67	85,488.00	343,012.00
62000 · Office Emp Benefits	23,026.92	17,776.50	64,812.27	61,276.50	222,083.00
63000 · Field Emp Benefits	19,748.11	19,833.00	53,297.36	59,489.00	237,135.00
64000 · Professional Services	4,980.17	15,500.00	37,185.07	38,700.00	172,800.00
65000 · Utilities	6,701.42	7,874.00	25,692.07	23,622.00	94,488.00
66000 · Services & Supplies	2,245.09	17,300.00	7,731.74	49,400.00	106,195.00
67000 · Training/Membership/Fees	300.00	2,450.00	7,002.15	15,850.00	82,700.00
68000 · Operations and Maintenance	7,738.38	3,890.00	20,088.91	41,280.00	105,635.00
69000 · Fuel, Oil, Grease & Auto	3,730.16	4,500.00	9,693.45	13,500.00	55,500.00
Total Expense	110,948.05	139,292.50	382,918.24	465,063.50	1,692,382.00
Net Ordinary Income	26,628.54	-2,083.50	28,454.27	-53,436.50	-874.00
Other Income/Expense					
Other Income					
70100 · Capacity Charge	0.00	0.00	0.00	0.00	0.00
70110 · Annexation Fee	0.00	0.00	0.00	0.00	0.00
70150 · Sewer Service Late Fees	0.00	0.00	-10.27	0.00	0.00
70200 · Interest	0.00	6,403.00	874.96	6,403.00	25,498.00
70250 · RD Surcharge	30,262.60	30,179.00	90,586.30	90,537.00	362,148.00
70300 · Other Income	1,044.01	0.00	5,399.65	0.00	0.00
70349 · Taxes (Parent Account for Taxes Received	0.00	0.00	0.00	0.00	245,600.00
75000 · Special Income	0.00	0.00	0.00	0.00	0.00
75100 · Gain/Loss Sale of Fixed Assets	0.00	0.00	0.00	0.00	0.00
Total Other Income	31,306.61	36,582.00	96,850.64	96,940.00	633,246.00

Lake Oroville Area Public Utility District
Profit & Loss Budget Performance
 September 2020

	Sep 20	Budget	Jul - Sep 20	YTD Budget	Annual Budget
Other Expense					
80100 - Capitalized Expenditure	11,485.00	5,000.00	45,073.75	32,090.00	188,893.00
80150 - District Projects CIP	0.00	24,980.00	0.00	104,980.00	457,780.00
80200 - Loan Principal	0.00	0.00	60,000.00	60,000.00	60,000.00
80250 - Loan Interest Expense	0.00	0.00	52,700.00	52,700.00	104,125.00
82000 - SC-OR Excess Flow Surcharges	0.00	0.00	0.00	0.00	0.00
85000 - Special Expense	0.00	0.00	0.00	0.00	0.00
Total Other Expense	11,485.00	29,980.00	157,773.75	249,770.00	810,798.00
Net Other Income	19,821.61	6,602.00	-60,923.11	-152,830.00	-177,552.00
Net Income	46,450.15	4,518.50	-32,468.84	-206,266.50	-178,426.00
64400 - Depreciation	47,000.00	47,000.00	141,000.00	141,000.00	564,000.00
Change in Net Assets	-549.85	-42,481.50	-173,468.84	-347,266.50	-742,426.00

Lake Oroville Area Public Utility District
Warrant List
September 1 - 30, 2020

Date	Num	Name	Memo	Gross	Amount
09/01/2020	21842	HSA Bank	Insurance		\$ 833.32
09/01/2020	21843	Patelco Credit Union (Group)	Insurance		\$ 1,249.98
09/01/2020	21844	Aflac Insurance	Insurance		\$ 467.20
09/01/2020	21845	Quigley, Cindy	Reimbursement		\$ 99.91
09/03/2020	21846	Quadient Leasing USA, Inc	Office Expense		\$ 241.01
09/03/2020	21847	Verizon Wireless	Utilities		\$ 397.15
09/03/2020	21848	Better Deal Exchange	Repairs & Maintenance		\$ 80.24
09/03/2020	21849	Comcast	Utilities		\$ 354.74
09/03/2020	21850	Miry's Cleaning Services	Office Expense		\$ 260.00
09/03/2020	21851	Oroville Cable & Equipment	Repairs & Maintenance		\$ 82.23
09/03/2020	21852	Oroville Power Equipment	Repairs & Maintenance		\$ 50.80
09/03/2020	21853	Pacific Gas & Electric	Utilities		\$ 5,499.46
09/03/2020	21854	Recology Butte Colusa Counties	Utilities		\$ 85.16
09/03/2020	21855	South Feather Water	Utilities		\$ 33.11
09/03/2020	21856	Vista Net, Inc.	Office Expense		\$ 137.50
09/03/2020	21857	DataTree	Office Expense		\$ 99.00
09/03/2020	21858	Iron Mountain	Office Expense		\$ 536.02
09/3/2020	21859	VOID			\$ -
09/03/2020	21860	SMITH, DANIEL L	FINAL		\$ 2,268.10
09/15/2020	21861	BRODERSON, ROBERT L	PPE 9/15/2020	\$ 2,463.00	\$ 1,635.16
09/15/2020	21862	HAMBLIN, KELLY J	PPE 9/15/2020	\$ 2,045.34	\$ 1,378.14
09/15/2020	21863	KAHALEKULU, DARIN K	PPE 9/15/2020	\$ 2,682.33	\$ 1,779.40
09/15/2020	21864	TOMLINSON, LEVI M	PPE 9/15/2020	\$ 3,059.20	\$ 2,184.07
09/18/2020	21865	Alhambra	Office Expense	\$ 3,222.84	\$ 68.72
09/18/2020	21866	ANSWERLINE COMMUNICATIO	Office Expense		\$ 224.20
09/18/2020	21867	Batteries Plus Bulbs	Office Expense		\$ 150.04
09/18/2020	21868	Dan's Electrical Supply	Repairs & Maintenance		\$ 46.70
09/18/2020	21869	Humana	Insurance		\$ 585.75
09/18/2020	21870	Matthews, Hutton & Warren	Accounting Services		\$ 3,460.00
09/18/2020	21871	Minasian Law Firm	Professional Services		\$ 416.00
09/18/2020	21872	NCR Environmental Services, Inc	Professional Services		\$ 7,090.72
09/18/2020	21873	Northern CA Gloves	Safety Supplies		\$ 172.66
09/18/2020	21874	Riebes Auto Parts	Repairs & Maintenance		\$ 236.15
09/18/2020	21875	Streamline	Office Expense		\$ 200.00
09/18/2020	21876	Umpqua Bank	Repairs & Maintenance, Office Supplies		\$ 2,198.55
09/18/2020	21877	Vista Net, Inc.	Office Expense		\$ 185.00
09/23/2020	21878	HAMBLIN, KELLY J	Vision Benefit		\$ 107.98
09/25/2020	21879	AT & T/SBC	Utilities		\$ 689.25
09/25/2020	21880	Blue Shield of CA	Insurance		\$ 7,589.56
09/25/2020	21881	CA Water Service	Utilities		\$ 73.20
09/25/2020	21882	Lakeview Petroleum Co	Fuel		\$ 3,044.11
09/25/2020	21883	Sauers Engineering Inc	Engineering Services		\$ 13,590.92
					\$ 59,881.21

**Lake Oroville Area Public Utility District
Warrant List**

				Gross	Amount
09/25/2020	21884	SingletonAuman	Professional Services		\$ 11,500.00
09/25/2020	21885	South Feather Water	Utilities		\$ 142.80
09/28/2020	21886	KAHALEKULU, DARIN K	Office Supplies		\$ 11.75
09/28/2020	21887	QUIGLEY, CYNTHIA M	Vision Benefit		\$ 67.00
09/30/2020	21888	Postage-Bulk Mailing	Office Expense		\$ 1,686.01
09/30/2020	21889	BRODERSON, ROBERT L	PPE 9/30/2020	\$ 2,752.92	\$ 1,814.10
09/30/2020	21892	HAMBLIN, KELLY J	PPE 9/30/2020	\$ 2,045.33	\$ 1,378.15
09/30/2020	21893	KAHALEKULU, DARIN K	PPE 9/30/2020	\$ 2,682.33	\$ 1,779.40
09/30/2020	21894	TOMLINSON, LEVI M	PPE 9/30/2020	\$ 2,708.24	\$ 1,935.88
09/30/2020	21895	FAIRBANKS (DIRECTOR), DEE	PPE 9/30/2020	\$ 400.00	\$ 365.40
09/30/2020	21896	SHARMAN (DIRECTOR), WILLI	PPE 9/30/2020	\$ 400.00	\$ 365.40
09/30/2020	21897	Aflac Insurance	Insurance		\$ 269.79
09/30/2020	21908	SC-OR	1st Quarter Billing 2020-21		\$ 293,114.05
09/15/2020	DD1069	MCCUTCHEON, SCOTT A	Direct Deposit	\$ 4,093.38	\$ 2,432.31
09/15/2020	DD1070	RACKLEY, ANNELYN A	Direct Deposit	\$ 567.63	\$ 488.11
09/15/2020	DD1071	SANDERS, DAN W	Direct Deposit	\$ 3,735.33	\$ 2,125.11
09/30/2020	DD1072	MCCUTCHEON, SCOTT A	Direct Deposit	\$ 4,093.38	\$ 2,432.31
09/30/2020	DD1073	RACKLEY, ANNELYN A	Direct Deposit	\$ 491.31	\$ 419.92
09/30/2020	DD1074	SANDERS, DAN W	Direct Deposit	\$ 3,735.33	\$ 2,125.11
09/30/2020	DD1075	HOSLEY (DIRECTOR), DON C	Direct Deposit	\$ 400.00	\$ 357.40
09/30/2020	DD1076	KUEHNER (DIRECTOR), LARR	Direct Deposit	\$ 400.00	\$ 365.40
09/30/2020	DD1077	MASTELOTTO (DIRECTOR), AM	Direct Deposit	\$ 400.00	\$ 365.40
09/15/2020	31126150	United States Treasury	94-6000989		\$ 5,044.42
09/15/2020	377599264	EDD	499 0086 3		\$ 946.31
09/15/2020	1001659846	CA Public Employers' Retirement System			\$ 11,207.01
09/15/2020	1001659847	CalPERS 457 Remittance			\$ 1,852.73
09/15/2020	1001659848	CA Public Employers' Retirement	Employer id# 1929, Employer id#1929		\$ 1,781.02
09/15/2020	1001659849	CA Public Employers' Retirement	Employer id# 1929, Employer ID#1929		\$ 1,413.69
09/15/2020	1001659850	CA Public Employers' Retirement System			\$ 300.00
09/15/2020	1001659851	CA Public Employers' Retirement System			\$ 75.04
09/30/2020	54938183	United States Treasury	94-6000989		\$ 4,688.88
09/30/2020	397913376	EDD	499 0086 3		\$ 849.93
09/30/2020	1001669750	CalPERS 457 Remittance			\$ 1,712.54
09/30/2020	1001669751	CA Public Employers' Retirement	Employer id# 1929, Employer id#1929		\$ 1,512.96
09/30/2020	1001669752	CA Public Employers' Retirement	Employer id# 1929, Employer ID#1929		\$ 1,413.66
				Subtotal	\$ 358,338.99
				Subtotal from page 1	\$ 59,881.21
				Total	\$ 418,220.20

Lake Oroville Area Public Utility District

Warrant List

September 1 - 30, 2020

GENERAL CHECKING ACCOUNT FIVE STAR BANK

\$ 418,220.20

THE ABOVE CLAIMS AND WARRANTS WERE APPROVED AT A REGULAR MEETING OF
THE LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT HELD ON:

Tuesday, October 13, 2020

President: _____

Director: _____

Director: _____

Director: _____

Director: _____



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: October 13, 2020

RE: Item No. 5 – Items Removed From Consent Agenda



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: October 13, 2020

RE: Item No. 6 – COVID19-Update

GM McCutcheon will update the board on the District's continuing response to the pandemic.

Recommended Action: None



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: October 13, 2020

RE: Item No. 7 – North Complex-West Zone Wildfire Update

GM McCutcheon will lead a general discussion informing the Board of issues affecting the District in relation to the North Complex-West Zone Wildfire.

Attachment Included

Recommended Action: None



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: October 13, 2020
RE: Item No. 8 – Authorization to Proceed With Black Mountain Software Upgrade

As part of the District's ongoing pursuit to improve operations, the purchase of two 'modules' to upgrade the District's accounting and payroll system from QuickBooks, to Black Mountain Software, the District's current account management software, was approved as part of the FY 2020-21 budget. The purchase and implementation of this software will prove invaluable to District operations, and help manage its data flow better. Staff anticipates that the conversion will begin early in 2021.

Attachment Included

Recommended Action: Authorize the General Manager to purchase the Black Mountain Software upgrades per the current fiscal year budget for \$20,305.00.

Quote

09/10/2020

Lake Oroville Area Public Utility District

Kelly Hamblin
1960 Elgin St
Oroville, CA 95966-6613
kellyh@loapud.com



145 Southlake Crest, Ste 1
Polson, MT 59860

Teresa Van Buren
800.353.8829 Option: 3

Product Description	Purchase Price	Annual Fees	One-Time Conversion	Total
Accounting	7,090.00	1,420.00	1,280.00	9,790.00
Payroll	4,965.00	995.00	895.00	6,855.00
ACH Direct Deposit	1,000.00	100.00		1,100.00
Daily Time Cards	2,130.00	430.00		2,560.00
Subtotals:	\$15,185.00	\$2,945.00	\$2,175.00	
Grand Total:				\$20,305.00

Terms

1. Black Mountain Software (BMS) has made every effort to ensure the information contained within this quote is complete and accurate. However, we reserve the right to correct any error or omission related to price, product description or availability. Please remember that to completely understand this quote, you must consider, in addition to product and prices, the terms and conditions that follow either on this or separate pages.
2. Prices quoted herein do not reflect sale or use taxes imposed by any state or local government, or any unit or subdivision thereof; such taxes are the responsibility of the buyer. Buyer agrees to be responsible for the documentation relating to the payment of such taxes to the maximum extent legally permitted. Black Mountain Software will be responsible for the collection of such taxes and/or the documentation related thereto, only to the extent required by law.
3. Training is included with the installation of each software product. Unless specifically arranged, initial training will be conducted online. After initial training, free online training is always available for you and your staff as part of the annual service and support fee. Advanced scheduling is required. Except for initial training, hourly charges apply for training physically provided onsite (your offices) or in house (our offices).
4. All costs are based on prices in effect for 60 days from the date of this bid.
5. Annual service and support includes software updates and unlimited phone, email and internet support. The service is renewed annually and is non-refundable. Annual fees are subject to change.
6. If travel is required, actual expenses are billed as follows: When flying, charges include airfare, travel time at \$35 per hour per person, meals at \$42 per day, lodging at local rates, and rental car. When driving, charges include mileage at 57.5¢ per mile, travel time at 45¢ per mile per person, meals at \$42 per day, and lodging at local rates. Alaska and North Dakota may have higher rates.
7. Normal billing procedures for new clients or stand alone applications for current clients require a 25% down payment, billed at commitment, and 75% final payment billed upon completion of installation and initial training of the core products, i.e., Accounting, Payroll or Utility Billing. Add on applications for current clients are billed for full purchase price only at commitment and maintenance begins upon completion of installation and/or training. All billing will commence in full for all products after one year from commitment unless other arrangements have been made.
8. All of our software products are multi-user, with an unlimited number of licenses (seats). In addition, 'Read Only' access is available to limit data changes for specified users, while still providing lookup and printing capabilities.



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: October 13, 2020
RE: Item No. 9– Call For Nominations For A Regular 'Enterprise' Member for Butte LAFCO

The Butte Local Agency Formation Commission is calling for nominations to serve on the Commission for **one (1) Special District Regular "Enterprise" Member**. Jack Kiely most recently held the Regular "Enterprise" seat from the Lake Oroville Area Public Utility District. Jack Kiely resigned in May 2020. Therefore, the Regular "Enterprise" seat is vacant mid-term with a remaining term to expire May 31, 2023. At this time, Butte LAFCo is only soliciting a **written nomination letter** that provides:

- The name of the District's nominee; and
- The District Board on which he or she serves; and
- The nomination must be made by an **official action of LOAPUD's Board of Directors and signed by the appropriate Officer of the Board.**

Nominations are due **Monday, November 9, 2020**

Attachment Included

Recommended Action: Submit a nomination for **One (1) Special District Regular 'Enterprise' Member.**



BUTTE LOCAL AGENCY FORMATION COMMISSION

1453 Downer Street, Suite C • Oroville, California 95965-4950
(530)538-7784 • Fax (530)538-2847 • www.buttelafco.org

TO: Butte County Special Districts
Butte County Special District Association

FROM: Jill Broderson, Management Analyst

SUBJECT: Election of a Special District *Regular* "Enterprise" Member

DATE: September 8, 2020

The Butte Local Agency Formation Commission is calling for nominations to serve on the Commission for one (1) Special District *Regular* "Enterprise" Member. The *Regular* "Enterprise" seat was most recently held by Jack Kiely from the Lake Oroville Area Public Utility District who resigned in May 2020. Therefore, the *Regular* "Enterprise" seat is vacant mid-term with a remaining term to expire May 31, 2023.

At this time, a formal ballot is not required. A written nomination letter will be sufficient if it provides the name of your nominee and the District Board on which he or she serves. The nomination must be made by an official action of your Board of Directors and signed by the appropriate Officer of the Board.

Nomination letters must be returned to Stephen Lucas, Executive Officer, Butte Local Agency Formation Commission, 1453 Downer Street, Suite C, Oroville, California 95965 by Monday, November 9, 2020, either by U.S. Mail, e-mail or hand delivered. Postmarks of November 9, 2020 will be accepted. Nomination letters received by LAFCO, or postmarked after the closing date, will not be accepted.

If you do not have a District Board meeting scheduled within this time frame and would like to make a nomination, you will have to schedule a special Board meeting.

Should you have any questions, please feel free to contact me.

Attachments:

1. Enterprise Special Districts Roster
2. Non-Enterprise Special Districts Roster

ENTERPRISE SPECIAL DISTRICTS

Biggs-West Gridley Water District	1713 West Biggs Gridley Highway	Gridley, CA 95948	530-846-3317
Butte Water District	735 Virginia Street	Gridley, CA 95948	530-846-3100
Durham Irrigation District	P.O. Box 98	Durham, CA 95938	530-343-1594
Lake Madrone Water District	12 Star Road	Berry Creek, CA 95916	530-533-2885
Lake Oroville Area Public Utility District	1960 Elgin Street	Oroville, CA 95966	530-533-2000
Paradise Irrigation District	6332 Clark Road	Paradise, CA 95969	530-877-4971
Richvale Irrigation District	P.O. Box 147	Richvale, CA 95974	530-882-4243
Richvale Sanitary District	P.O. Box 1	Richvale, CA 95974	530-882-4286
South Feather Water & Power Agency	2310 Oro-Quincy Highway	Oroville, CA 95966	530-533-4578
Thermalito Water & Sewer District	410 Grand Avenue	Oroville, CA 95965	530-533-0740
Western Canal Water District	P.O. Box 190	Richvale, CA 95974	530-342-5083

NON-ENTERPRISE SPECIAL DISTRICTS

Bangor Cemetery District	5864 La Porte Road	Bangor, CA 95914	530-679-0743
Berry Creek Community Service District	P.O. Box 387	Berry Creek, CA 95916	530-613-4166
Butte County Mosquito & Vector Control District	5117 Larkin Road	Oroville, CA 95965	530-533-6038
Butte County Resource Conservation District	150 Chuck Yeager Way, Suite A	Oroville, CA 95965	530-534-0112
Butte Creek Drainage District	P.O. Box 190	Richvale, CA 95974	530-342-5083
Buzztail Community Services District	P.O. Box 7303	Richvale, CA 95974	972-762-3511
Chico Area Recreation & Park District	545 Vallombrosa Avenue	Chico, CA 95926	530-895-4711
Drainage District #1	1008 Live Oak Boulevard	Yuba City, CA 95991	530-671-1008
Drainage District #2	P.O. Box 190	Richvale, CA 95974	530-342-5083
Drainage District #100	P.O. Box 384	Richvale, CA 95974	530-882-4212
Drainage District #200	P.O. Box 314	Richvale, CA 95974	530-533-2885
Durham Mosquito Abatement District	P.O. Box 386	Durham, CA 95938	530-345-2875
Durham Recreation & Park District	P.O. Box 364	Durham, CA 95938	530-345-1921
El Medio Fire District	3515 Myers Street	Oroville, CA 95966	530-533-4484
Feather River Recreation & Park District	1875 Feather River Boulevard	Oroville, CA 95965	530-533-2011
Gridley-Biggs Cemetery District	P.O. Box 494	Gridley, CA 95948	530-846-2537
Kimshew Cemetery District	P.O. Box 97	Magalia, CA 95954	530-877-1734
Oroville Cemetery District	5646 Lincoln Boulevard	Oroville, CA 95966	530-533-2920
Oroville Mosquito Abatement District	P.O. Box 940	Oroville, CA 95965	530-534-8383
Paradise Cemetery District	980 Elliott Road	Paradise, CA 95969	530-877-4493
Paradise Recreation & Park District	6626 Skyway	Paradise, CA 95969	530-872-6393
Pine Creek Cemetery District	6454 Kelly Lane	Chico, CA 95973	530-894-6532
Reclamation District #833	P.O. Box 247	Gridley, CA 95948	530-846-3303
Richardson Springs Community Services District	15850 Richardson Springs Road	Richardson Springs, CA 95973	530-893-6750
Richvale Recreation & Park District	P.O. Box 432	Richvale, CA 95974	
Rock Creek Reclamation District	5556 Wilson Landing Road	Chico, CA 95926	530-345-3412
Sacramento River Reclamation District	P.O. Box 1679	Oroville, CA 95965	530-533-2885
Thompson Flat Cemetery District	2081 Second Street	Oroville, CA 95965	530-552-3478
Upham Cemetery District	7096 La Porte Road	Bangor, CA 95914	530-713-1163



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: October 13, 2020

RE: Item No. 10 – Approval To Hire a Part-Time Utility Worker

The Board will consider the General Manager's request to hire a Part-Time Utility Worker

.
Attachment Included

Recommended Action: Authorize the General Manager to hire a Part-Time Utility Worker



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: October 13, 2020

RE: Item No. 11 – SC-OR Commissioner's Report

Included in your packet, if available, are Minutes of Regular and Special Meetings of the Sewerage Commission – Oroville Region from the past period. Directors Fairbanks and Kuehner will present the SC-OR report if any information is available for reporting.

Attachment Included

Recommended Action: None

**MINUTES OF THE SPECIAL MEETING
OF THE SEWERAGE COMMISSION - OROVILLE REGION**

(Held at the Commission office on August 31, 2020 at 9:00 a.m.)

1. Call to Order ❖

Chairman Hatley called the meeting to order at 9:00 a.m.

2. Roll Call ❖

Commissioners present were Commissioners Fairbanks and Kuehner from the Lake Oroville Area Public Utility District, Pittman and Reynolds from the City of Oroville, Hatley and Latulippe from the Thermalito Water and Sewer District. Staff present were Manager Scott Koch and SC-OR Attorney Desiree Vance.

3. Salute to the Flag ❖

Chairman Hatley led Commissioners and staff in the salute to the flag.

4. Acknowledgment of Visitors ❖

None

5. Commissioner and Staff Comments ❖

Commissioner Reynolds requested that in closed session he would like to speak to the Board without the Attorney or Manager present.

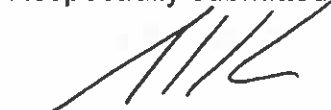
7. Closed Session ❖

The Board adjourned to closed session at 9:01 a.m., and reconvened to open session at 9:22 a.m. Chairman Hatley reported that contract negotiations with the Manager were discussed. They were unable to reach a mutual agreement, and Manager Koch submitted his letter of resignation effective September 30, 2020. His resignation was accepted.

8. Adjournment ❖

There being no further business, the meeting was adjourned at 9:23 a.m. to the regular meeting scheduled on September 23, 2020 at 5:00 p.m.

Respectfully submitted,



SCOTT J. KOCH, CLERK

MINUTES OF THE REGULAR MEETING OF THE SEWERAGE COMMISSION - OROVILLE REGION

(Held at the Commission office on August 26, 2020 at 5:00 p.m.)

1. Call to Order ❖

Chairman Hatley called the meeting to order at 5:00 p.m.

2. Roll Call ❖

Commissioners present were Commissioners Fairbanks and Kuehner from the Lake Oroville Area Public Utility District, Pittman and Reynolds from the City of Oroville, Hatley and Latulippe from the Thermalito Water and Sewer District. Staff present was Manager Scott Koch and SC-OR Attorney Desiree Vance.

3. Salute to the Flag ❖

Chairman Hatley led Commissioners and staff in the salute to the flag.

4. Acknowledgment of Visitors ❖

Ted Couch of Jacobs Engineering, SC-OR staff members Glen Sturdevant and Mikah Salsi

5. Board Meeting Minutes of the Regular Meeting held on July 22, 2020 ❖

Upon motion by Commissioner Kuehner to approve the minutes of the meetings, and second by Vice-Chair Pittman, the minutes of the July 22, 2020 regular meeting were unanimously approved.

6. Authorization of Warrants ❖

Chairman Hatley met with Manager Koch and checked the warrants earlier and having found everything to be in order made a motion to approve warrants 26256-26315 in the total amount of \$824,604.94 from July 23 to August 26, 2020, including Commissioner fees and electronic fund transfers. The motion was seconded by Commissioner Reynolds, and the warrants were unanimously approved and ordered paid.

7. Fiscal Reports ❖

Manager Koch stated there were no fiscal reports this month due to the annual audit.

8. Resolution 07-20 (Adopting a Categorical Exemption for the New Primary Influent Pump Station Project) ❖

Fiscal Officer Koch said that this resolution is a CEQA exemption for the new primary pump station that needs to be adopted and filed with the County as part of the project.

A motion was made by Commissioner Reynolds to adopt Resolution 07-20, Adopting a Categorical Exemption for the New Primary Influent Pump Station Project, and seconded by Commissioner Fairbanks. The motion passed by the following vote: Reynolds – Yes, Latulippe – Yes, Kuehner – Yes.

9. Resolution 08-20 (Adopting the Northern Sacramento Valley Integrated Regional Water Management Plan) ❖

Manager Koch stated that this Resolution adopts the IRWM Program enabling SC-OR to receive grant funds for the primary pump station.

A motion was made by Commissioner Kuehner to adopt Resolution 08-20, Adopting the Northern Sacramento Valley Integrated Regional Water Management Plan. The motion was seconded by Commissioner Reynolds, and passed by the following vote: Reynolds – Yes, Latulippe – Yes, Kuehner – Yes.

10. Attorney's Report ❖

Attorney Vance reported that all is running smoothly at the plant. There is nothing further to report.

Commissioner Pittman asked if anything has changed with the accessory dwelling units. Attorney Vance said she wasn't aware of any changes.

11. Manager's Report ❖

- PFAS Testing: SC-OR was given an order by the Regional Water Quality Control Board that we will need to perform testing on PFA's. This will begin in the fourth quarter of this year and run for a year. PFA's are a family of 5,000+ manmade and mostly unregulated chemicals. The cost range for this testing is anywhere from \$5,000 to \$20,000 that was not budgeted for.

Manager Koch reported that we received the track loader and the Brown Bear. The Brown Bear has not yet been hooked up; we are waiting on the manufacturer who will be at the plant September 1st to do the startup. Commissioner Pittman asked what the use is of this new equipment. Foreman Sturdevant stated it will vastly shorten the drying time of our biosolids. Manager Koch said it will also come in handy when the digester is dewatered and converted to an aeration basin; we will be able to use the track loader to remove the solids. It will also be used on the UV system to move equipment around.

12. Visitor Comments ❖

Ted Couch, the Jacob's Project Manager of our upgrade, gave an update to the Commission on the project. They are working on the 90% design on the upgrade, which will be submitted in October, and the 100% design will be done in February. Funding will be the next step after that. Ted emphasized the importance of having staff with institutional knowledge available during the upgrade project.

Vice-Chair Pittman asked if there are any facilities in our near area who have done this type of upgrade. Ted said that most of the other plants have done the upgrades already since the Clean Water Act was instituted. Glen Sturdevant said that SC-OR is a well-run plant and has not violated its permit, which is why we are at the tail end of upgrades compared to other plants. Plants that have violated their permit were made to do upgrades ten years ago. SC-OR has done a good job of putting out clean water, which is why the Regional Water Board has not pushed us to do the upgrade.

13. Commissioner and Staff Comments ❖

Vice-Chair Pittman said he was glad to see the upgrade happening because City projects are happening at a fast pace.

Manager Koch reported that we have hired a grade III operator who starts on September 1st. We got very lucky in that a grade III was moving from Georgia back to California. He had already submitted his paperwork to the State of California and they gave him a grade III certificate. He was a chief plant operator in Georgia.

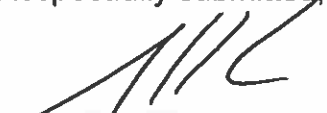
14. Closed Session ❖

The Board adjourned to closed session at 5:26 p.m., and reconvened to open meeting at 6:14 p.m. The Manager's contract was discussed. No action was taken. This will be brought back to a special meeting on Monday, August 31st at 9:00 am.

15. Adjournment ❖

There being no further business, the meeting was adjourned at 6:15 p.m. to the special meeting scheduled for August 31, 2020 at 9:00 a.m.

Respectfully submitted,



SCOTT J. KOCH, CLERK

MINUTES OF THE SPECIAL MEETING OF THE SEWERAGE COMMISSION - OROVILLE REGION

(Held at the Commission office on September 8, 2020 at 9:00 a.m.)

1. Call to Order ❖

Chairman Hatley called the meeting to order at 4:00 p.m.

2. Roll Call ❖

Commissioners present were Commissioners Fairbanks and Kuehner from the Lake Oroville Area Public Utility District, Pittman and Reynolds from the City of Oroville, Hatley from the Thermalito Water and Sewer District. Staff present were Manager Scott Koch and SC-OR Attorney Desiree Vance. Commissioner Latulippe was absent.

3. Salute to the Flag ❖

Chairman Hatley led Commissioners and staff in the salute to the flag.

4. Acknowledgment of Visitors ❖

SC-OR Employees Glen Sturdevant and Mikah Salsi

5. Authorization to Post Job Opening for Plant Manager/ Superintendent❖

Manager Koch stated that the job flyer for the position of Plant Manager/ Superintendent was created for the position as it currently is. If the structure is going to change then the flyer needs to be amended. Chairman Hatley said that they would leave the flyer as is.

Commissioner Reynolds said that he had spoken with the City's Human Resources Director, who provided him with agency names that will search for a candidate for Plant Manager/Superintendent. Commissioner Pittman said that the H/R Director could start this process quickly. Direction was given to give the job flyer to the City of Oroville's H/R Director to contact recruiters and bring it back to the next board meeting.

6. Visitor's Comments ❖

None

7. Commissioner and Staff Comments ❖

Manager Koch recommended that whoever the Commissioner runs the flyer through, that they understand the workings and regulations for wastewater treatment facilities.

8. Closed Session ❖

The Board adjourned to closed session at 4:07 a.m., and reconvened to open session at 4:30 a.m. Direction was given to the City of Oroville Advisory Committee regarding flying the job description through the City of Oroville Human Resources Department to look for a consulting firm to perform a search for a qualified individual to recruit for the open position.

9. Adjournment ❖

There being no further business, the meeting was adjourned at 7:31 p.m. to the regular meeting scheduled on September 23, 2020 at 5:00 p.m.

Respectfully submitted,


SCOTT J. KOCH, CLERK

Approved

MINUTES OF THE REGULAR MEETING OF THE SEWERAGE COMMISSION - OROVILLE REGION

(Held at the Commission office on September 23, 2020 at 5:00 p.m.)

1. Call to Order ❖

Chairman Hatley called the meeting to order at 5:00 p.m.

2. Roll Call ❖

Commissioners present were Commissioners Fairbanks and Kuehner from the Lake Oroville Area Public Utility District, Pittman and Reynolds from the City of Oroville, Hatley and Latulippe from the Thermalito Water and Sewer District. Staff present was Manager Scott Koch and SC-OR Attorney Desiree Vance.

3. Salute to the Flag ❖

Chairman Hatley led Commissioners and staff in the salute to the flag.

4. Acknowledgment of Visitors ❖

SC-OR staff members Glen Sturdevant and Mikah Salsi; Ken Shuey of Provost and Pritchard; Shelly Anderson of Bryce Consulting

5. Board Meeting Minutes of the Regular Meeting held on August 26 and the Special Meetings of August 31 and September 8, 2020❖

Upon motion by Commissioner Reynolds to approve the minutes of the meetings, and second by Commissioner Fairbanks, the minutes of the August 26, 2020 regular meeting and the August 31 and September 8, 2020 special meetings were unanimously approved.

6. Employee Safety Meetings Minutes❖

Upon motion by Commissioner Kuehner to approve the minutes of the meetings, and second by Commissioner Reynolds, the minutes of the September 14, 2020 employee safety meeting were unanimously approved.

7. Authorization of Warrants ❖

Commissioner Fairbanks met with Manager Koch and checked the warrants earlier and having found everything to be in order made a motion to approve warrants 26316-26376 in the total amount of \$262,248.87 from August 27 to September 23, 2020, including Commissioner fees and electronic fund transfers. The motion was seconded by Commissioner Latulippe, and were unanimously approved and ordered paid.

8. Fiscal Reports (July and August 2020) ❖

Manager Koch reported that the fiscal reports for July and August 2020 were in the packet for review. There were no questions regarding them.

9. Possible Date Changes for November and December Meetings ❖

Fiscal Officer Koch said that the November regular board meeting falls on November 25th, the eve of Thanksgiving, which can be changed to November 18th. The December meeting falls on the 23rd, but can be changed to Wednesday the 16th.

A motion was made by Commissioner Kuehner and seconded by Chairman Hatley to move the November regular meeting to November 18, 2020 and the December regular meeting to December 16, 2020. These new dates and times were agreed upon by consensus.

10. Compensation Study Review ❖

Manager Koch said that Shelly Anderson, the representative of Bryce Consulting, was here to give an update on the compensation study.

Shelly said that they had concluded all of the data collection and analysis for the compensation study. She explained how they formed the calculations for the labor market using the median and the mean. They used the organizations that the commissioners directed them to collect data from. In terms of the data collected they included the title of the job classification, and the minimum and maximum of their salary range. Also included is the following information: the employees' portion of retirement that is paid by the employer for classic members; longevity pay; education and/or certification pay; employers' contribution for a cafeteria plan or health, dental and vision plans; paid life insurance; long-term disability insurance; whether they are in a Medicare only or Medicare and FICA; any contributions to a health savings account by the employer; summary tables with cost of living information; retirement plan, retiree health benefit information.

She reviewed the different positions that they did a cost comparison on. She recommended changing the title of Manager to General Manager.

11. Resolution 09-20 (Setting the Regional Facility Charge) ❖

Manager Koch said that there is no change to the Regional Facility Charge recommended. That determination is made based upon the growth rate and the Construction Cost Index. The Construction cost Index has increased, which would normally indicate that the RFC should increase, but it is recommended to keep it the same for now. Once the plant design is complete and the class 1 cost estimated comes out, at that time the RFC should be reviewed.

A motion was made by Vice-Chair Pittman to adopt Resolution 09-20, Setting the Regional Facility Charge at \$6,638.00 per EDU. The motion was seconded by Commissioner Kuehner, and passed by the following vote: Reynolds – Yes, Latulippe – Yes, Kuehner – Yes.

12. Direction on the Funding Application for the Wastewater Treatment Plant Upgrade ❖

Ken Shuey of Provost & Pritchard Consulting Group said they are working on an SRF funding application for the new plant improvements, along with application procedures for the new influent pump station funding. The SRF loan application is about 70% complete. He has been working with Manager Koch on different funding sources available because of the Camp Fire, but nothing has panned out. He has done quite a bit of out-of-scope work looking at other funding sources. SRF has also changed their applications and guidance documents, so he is wading through those. He needs direction from the Commission if they want him to move forward with pursuing the SRF funding. Manager Koch said to keep in mind that because SC-OR does such a good job of cleaning the wastewater, we don't get priority for funding, which means it will take a longer period of time to get through the SRF process.

The Commissioners directed Ken to continue pursuing the SRF funding.

13. General consulting Services Contract Amendment with Provost & Pritchard Consulting Group for an Amount not to Exceed \$25,000 ❖

Ken Shuey said the current budget is \$10,000 for general engineering consultation; \$3,400 of that has been expended, the bulk was for help for the auxiliary pump station upgrade project. He has also done financial analyses. He anticipates with a new General Manager that the level of assistance will increase, so he wanted to suggest that the \$10,000 be increased to \$25,000 to give flexibility for help with rates and budgets, etc., that the new manager may not be familiar with.

Chairman Hatley said he would like to continue this item to the October meeting.

14. Influent Pump Station Construction Management ❖

Ken Shuey had submitted a proposal in July 2019 for 3rd party construction management of the influent pump station to work with the design engineer during construction. The project has been funded, but there has been no movement in getting the money in the bank, going out to bid, and beginning construction. He would like to be prepared if they are needed as the 3rd party construction management. The consensus was that they would be considered when the time comes, as SC-OR will need to have 3rd-party construction manager.

15. Hourly Wage Schedule (Appendix II) ❖

Manager Koch stated that the hourly wage schedule has been adjusted to reflect the cost of living allowance of 1.3% effected September 1, 2020. This new wage schedule needs board approval.

A motion was made by Commissioner Kuehner to adopt the updated wage schedule, Appendix II, with the cost of living adjustment of 1.3%; the motion was seconded by Chairman Hatley, and passed by the following vote: Reynolds – Yes, Latulippe – Yes, Kuehner – Yes.

16. Attorney's Report ❖

Attorney Vance needs clarification on what the temporary position will be so that she can get the correct information from PERS on the legality of the position. It was clarified by Chairman Hatley that the temporary person will assist the interim chief plant operator in their administrative duties, such as agendas, resolutions, etc. Attorney Vance stated that according to PERS a complete job description and wage scale must be approved in open meeting before a job can be created. The pay scale must be based upon the comparable job that the person would be doing. CalPERS is not consultant friendly; the person must truly be a consultant who takes direction from his employer, which means they do not take direction from the Commission, otherwise they must be treated as an employee as far as PERS is concerned, or SC-OR could incur large penalties. PERS is strongly advising against a "consultant", but suggest that we create a new position with an adopted pay scale.

To create a new position that a current employee will fill, the job must be treated as an out-of-class position. The employee can only work in an out-of-class position if the position is in active recruitment, and the job is vacant.

Vice-Chairman Pittman directed Attorney Vance to take the job description for Plant Manager and call it a Temporary Manager and remove all of the plant operating duties from the job description. Attorney Vance recommended creating a new temporary position altogether (i.e. Administrative General Manager) using the administrative portion of the job description agreed upon. Vice-chair Pittman asked about the pay scale for that position. Attorney Vance said that it must be comparable to the job performed, and must be adopted in open session.

17. Manager's Report ❖

Manager Koch had nothing more to report.

18. Visitor Comments ❖

None

19. Commissioner and Staff Comments ❖

Chairman Hatley presented Manager Koch with a plaque for his retirement and 25 years of service.

Chairman Hatley asked about the PFA testing as to what it is and who has to do it. Manager Koch said that water plants, wastewater plants and landfills all have to do it. It was decided by executive order by the State.

Vice-Chair Pittman said that the City has major sewer work planned.

20. Closed Session ❖

The Board adjourned to closed session at 6:16 p.m., and reconvened to open session at 7:01 p.m. Direction was given to legal counsel. Action was taken to make an out-of-class position for Glen Sturdevant, who accepted the position, with a start date of October 1, 2020.

21. Adjournment ❖

There being no further business, the meeting was adjourned at 7:01 p.m. to the regular meeting scheduled for October 28, 2020 at 5:00 p.m.

Respectfully submitted,



SCOTT J. KOCH, CLERK

MINUTES OF THE SPECIAL MEETING OF THE SEWERAGE COMMISSION - OROVILLE REGION

(Held at the Commission office on September 29, 2020 at 5:00 p.m.)

1. Call to Order ❖

Chairman Hatley called the meeting to order at 5:00 p.m.

2. Roll Call ❖

Commissioners present were Commissioners Fairbanks and Kuehner from the Lake Oroville Area Public Utility District, Pittman and Reynolds from the City of Oroville, Hatley and Latulippe from the Thermalito Water and Sewer District. Staff present was outgoing manager Scott Koch, incoming out-of-class manager Glen Sturdevant, and SC-OR Attorney Desiree Vance.

3. Salute to the Flag ❖

Chairman Hatley led Commissioners and staff in the salute to the flag.

4. Acknowledgment of Visitors ❖

Ray Sousa

5. Creation of Duties for the Temporary Assistant to the Manager and Out-of-Class Job Descriptions and Pay Scales❖

Attorney Vance stated that Resolution 10-20 is the resolution defining the job description for the Temporary Assistant to the Manager, and asked if the description was acceptable. Commissioner Kuehner asked why, under *License and Certificates*, that all the requirements listed was as a driver's license. Attorney Vance asked if the Commissioners wanted to require a Grade IV license to be listed. Chairman Hatley said that Ray did not want to work under his Grade IV license, as that has been transferred to Glen Sturdevant. Chairman Hatley said it looked good as is. Ray Sousa said that he wants the Commissioners to understand that this is a short-term position, maybe one or two months, and he will set his own hours on a part-time basis.

Manager Koch stated that the Commission needs to determine what duties the Out-of-Class Manager/Superintendent will have. Chairman Hatley said that the current duties of the Chief Plant Officer are fine and will transfer over to Glen, including the signing of checks.

A motion was made by Commissioner Reynolds to appoint duties and responsibilities of the Manager/Chief Plant Operator position to Glen Sturdevant, in an Out-of-Class position. The motion was seconded by Commissioner Kuehner, and passed by the following vote: Reynolds – Yes, Latulippe – Yes, Kuehner – Yes.

It was agreed upon that Glen will receive a 10% out-of-class pay increase. Pay for the Temporary Assistant to the Manager was set at \$45.00/hour.

6. Resolution 10-20 (A Resolution Creating A Position of Temporary Assistant to the Manager)❖

Upon motion by Commissioner Reynolds to adopt Resolution 10-20, A Resolution Creating A Position of Temporary Assistant to the Manager, which was seconded by Commissioner Latulippe, the motion passed by the following vote: Reynolds – Yes, Latulippe – Yes, Kuehner – Yes.

A motion was made by Chairman Hatley to set the pay for the Temporary Assistant to the Manager at \$45.00/hour. The motion was seconded by Commissioner Fairbanks, and passed by the following vote: Reynolds – Yes, Latulippe – Yes, Kuehner – Yes.

7. Visitor Comments ❖

None

8. Commissioner and Staff Comments ❖

Outgoing manager Koch thanked the commission. The Commissioners said he had done a good job as manager. Incoming manager Sturdevant thanked Scott for the eight years serving under him. He said he learned a lot under him and was very appreciative of that time.

Vice-Chairman Pittman said there was recruitment information set out for the Commissioners to take and review. A line item regarding these will probably be on the next agenda for discussion and possible action.

9. Adjournment ❖

There being no further business, the meeting was adjourned at 5:21 p.m. to the regularly scheduled meeting on October 28, 2020 at 5:00 p.m.

Respectfully submitted,



GLEN E. STURDEVANT, CLERK



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: October 13, 2020

RE: Item No. 12 – BCSDA Representatives and LAFCo Report

12.1 BCSDA

A zoom conference is scheduled for Wednesday, October 14, at 2:00 PM with members of the BCSDA, the CSDA representative-Chris Norden, and representatives from the State Legislature to discuss local and regional challenges and issues. GM McCutcheon would like to invite the Board the opportunity to submit questions or other topics of discussion to present at this event.

12.2 LAFCo

The Butte LAFCO agenda for the October 1, 2020 regular meeting is attached for general information purposes. Included in the attachments is Item 4.2 - City of Oroville – Lincoln Boulevard Annexation No. 1. Also included is Item 6.1 Executive Officer's Report. Item 6.1 covers general business of LAFCo along with new bills that affect LAFCo and other public agencies.

Attachment Included

BUTTE LOCAL AGENCY FORMATION COMMISSION
1453 DOWNER STREET, SUITE C, OROVILLE, CALIFORNIA 95965
TELEPHONE (530) 538-7784 FAX (530) 538-2847

REGULAR MEETING NOTICE OF THE COMMISSION

Location: **Meeting to be held via remote participation.**

Date/Time: **Thursday, October 1, 2020 - 9:00 a.m.**

SPECIAL NOTICE

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic, the Butte LAFCo will be conducting the **October 1, 2020** LAFCo meeting by tele-conference . Each Commissioner and Staff are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present. The Commission meeting can be accessed by the public via telephone as follows:

1. Call **1-800-326-0013** and follow the instructions.
2. When prompted, enter the identification code followed by the # symbol: **8892595#**
3. You will be connected to the call.
4. The moderator (Executive Officer) will call the meeting to order and ask those on the phone to announce their participation. Phone participants will be asked for comment on each agenda item after the LAFCo Staff and Commission comments. **In order to efficiently run the meeting, phone participants are asked to mute their phones until public comments are requested and only comment when prompted by the moderator.**

Comments from the public on the agenda items will also be accepted via email (slucas@buttecounty.net), via phone (530-538-7784) or mail at the above address. All comments received will be conveyed to the Commission for consideration during the meeting. All meetings conducted under these circumstances will be audio recorded and placed on the LAFCo website (www.buttelafo.org) for public access and accountability.

The Commission appreciates the public's adaptation and patience during this crisis and will endeavor to refrain from placing non-essential items, or matters of significant public interest on the agenda until such time greater public participation can be reasonably accommodated.

AGENDA

ALL ITEMS ARE OPEN FOR PUBLIC COMMENT

1. **CALL TO ORDER**
 - 1.1 **Roll Call**
 - 1.2 **Welcome Alternate Special District Member Larry Bradley, Durham RPD**
2. **CONSENT AGENDA**
 - 2.1 **Approval of the Minutes of September 3, 2020.**
3. **NOTICED PUBLIC HEARINGS - None**
4. **REGULAR AGENDA**
 - 4.1 **Items Removed from the Consent Agenda (If any)**

4.2 21-01 – City of Oroville – Lincoln Boulevard Annexation No. 1

The City of Oroville proposes to annex 27 developed parcels totaling approximately 14.2 acres in size, for the provision of municipal services to the subject parcels. The area proposed for annexation is generally located in South Oroville, and is bound by Idora Street to the north, Myers Street to the east, Lincoln Boulevard to the south, and abandoned railroad right-of-way to the west southeast of the City of Oroville south jurisdictional boundaries, in the unincorporated area of south Oroville. The territory is located in Supervisorial District 1. **ACTION REQUESTED:** Adopt Resolution No. 03 2020/21 approving the annexation.

4.3 Rock Creek Reclamation District Update

At the request of the Commission Chair, the Commission will receive an update on issues involving the Rock Creek Reclamation District relating to Municipal Service Review (MSR) factors, primarily governance and administration. **Action Requested:** Receive update and provide any direction to Staff.

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (If any)

6. REPORTS AND COMMUNICATION

6.1 Executive Officer’s Report

6.2 Correspondence - None

7. ADMINISTRATION. The Commission will discuss and provide direction to the Executive Officer on administrative matters relating to the operation of the Commission.

8. ADJOURNMENT Adjourn to **Thursday, November 5, 2020** in the Board of Supervisors Chambers.

TO THOSE WHO PARTICIPATE IN LAFCO PROCEEDINGS: California Government Code Section 84308 requires you to disclose campaign contributions to LAFCO Commissioners if they amount to \$250 or more and were made within the last twelve months. Please announce your applicable campaign contributions when you speak.

** Any disabled person needing special accommodation to participate in the Commission proceeding is requested to contact LAFCo staff at (530) 538-7784 prior to meeting and arrangements will be made to accommodate you.*

** Any person may address the Commission during the "Public Comment." Please see the rules regarding public comments below.*

** Copies of Agenda documents relative to an Agenda item may be obtained from the Clerk of the Commission at a cost of \$.10 per page.*

RULES APPLYING TO PUBLIC COMMENTS

- 1. Members of the public wishing to address the Commission upon any subject within the jurisdiction of Butte LAFCO may do so upon receiving recognition from the Chair at the appropriate time.*
- 2. Comment on items not on the agenda should be made at the time indicated for "Public Comment" on the agenda. The Commission may not act on any matter so raised and will have to put off action until a meeting at which the matter can be put on the agenda.*
- 3. Comment on specific agenda items may be made during the discussion of that agenda item, upon recognition by the Chair.*
- 4. After receiving recognition, please stand and state your name and address before making your presentation, so that the Clerk may take down this information.*
- 5. All documents to be presented to the Commission will be given to the Clerk of the Commission (original and eleven copies) prior to Call of Order of meeting. Such documents will be distributed to the Commission and made available for public inspection.*

This agenda was mailed to those requesting notice and posted 72 hours in advance of the meeting at the following locations: Butte County Administration Building & LAFCo front entrance.

**BUTTE LOCAL AGENCY FORMATION COMMISSION (LAFCO)
EXECUTIVE OFFICER'S REPORT**

TO: Local Agency Formation Commission
FROM: Shannon Costa, Local Government Planning Analyst
SUBJECT: *LAFCo File 21-01 – City of Oroville – Lincoln Boulevard Annexation No. 1 (Public Hearing)*
DATE: September 24, 2020, for the October 1, 2020 LAFCo Meeting

Summary

Proposed is the annexation of 27 parcels and the adjacent road right-of-way, totaling approximately 14.2 acres in size. The wedge-shaped territory is generally located in South Oroville, and is bound by Idora Street to the north, Myers Street to the east, Lincoln Boulevard to the south, and abandoned railroad right-of-way to the west. The proposal is a reorganization because the affected territory will be detached from County Service Area 164 (Butte County Animal Control District) and the Butte County Resource Conservation District. Pursuant to California Government Code Section 25210.7, staff recommends that the Commission retain the affected territory in County Service Area 17 (South Oroville – Las Plumas Park Street Lighting, Zone #2 Alley Maintenance), and the El Medio Fire Protection District. Staff recommends that the Commission adopt Resolution 03 2020/21 (**Exhibit B**) approving the annexation.

Application Submitted: July 2, 2020

Application Deemed Complete: July 29, 2020

100% Landowner Consent: No.

Notice and Hearing Required: Yes

Proponent: City of Oroville, Resolution No. 8871 (as adopted on June 30, 2020)

Landowners: Various

Location: The wedge-shaped territory is generally located in South Oroville, and is bound by Idora Street to the north, Myers Street to the east, Lincoln Boulevard to the south, and abandoned railroad right-of-way to the west (see **Exhibit A**).

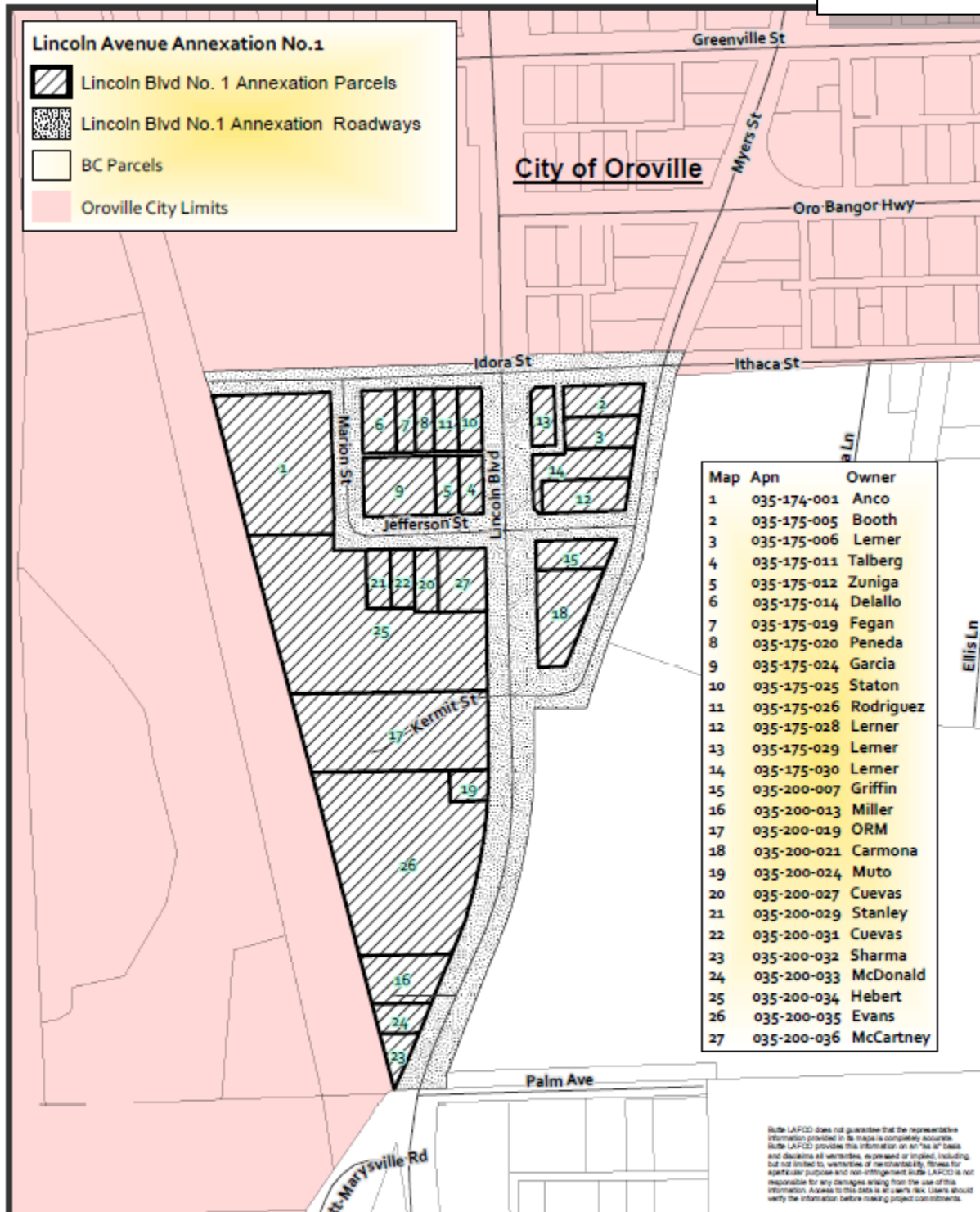
Proposal:

1. Annexation of 27 parcels and adjacent street right-of-ways, totaling approximately 14.2 acres to the City of Oroville; and
2. Detachment of the subject territory from CSA 164 (Butte County Animal Control District) and the Butte County Resource Conservation District

Requested

Action: Adopt Resolution 03 2020/21 (**Exhibit B**) approving the annexation.

Exhibit A



Butte LAFCO does not guarantee that the representative information provided in its maps is completely accurate. Butte LAFCO provides this information on an "as is" basis and disclaims all warranties, expressed or implied, including but not limited to, warranties of merchantability, fitness for a particular purpose and non-infringement. Butte LAFCO is not responsible for any damages arising from the use of this information. Access to this data is at user's risk. Users should verify the information before making project commitments.

Butte Local Agency Formation Commission



Oroville - Lincoln Blvd Annexation No. 1



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City of Oroville Lincoln Boulevard No. 1

Applicant: City of Oroville

Date: October 1, 2020 @ 9:00 a.m.

File: 21-01

Date: LAFCO, Butte County,
 City of Oroville

DISCUSSION AND ANALYSIS

Background

The territory consists of 27 parcels and the adjacent right-of-way portions totaling approximately 14.2 acres in size. The wedge-shaped territory is generally located in south Oroville, and is bound by Idora Street to the north, Myers Street to the east, Lincoln Boulevard to the south, and abandoned railroad right-of-way to the west. The territory is contiguous to the City of Oroville boundaries on two sides resulting in the territory being 63-percent surrounded by incorporated parcels.

Following annexation:

- All of the territory will be detached from CSA No. 164 (Butte County Animal Control), as this service will be provided by the City of Oroville; and
- All of the territory will be detached from the Butte County Resource Conservation District, as this service is confined to unincorporated parcels only.

At its January 28, 2015 meeting, the Commission adopted a resolution annexing a large area directly north of the annexation territory (South Oroville), consisting of 819 parcels and approximately 203 acres.

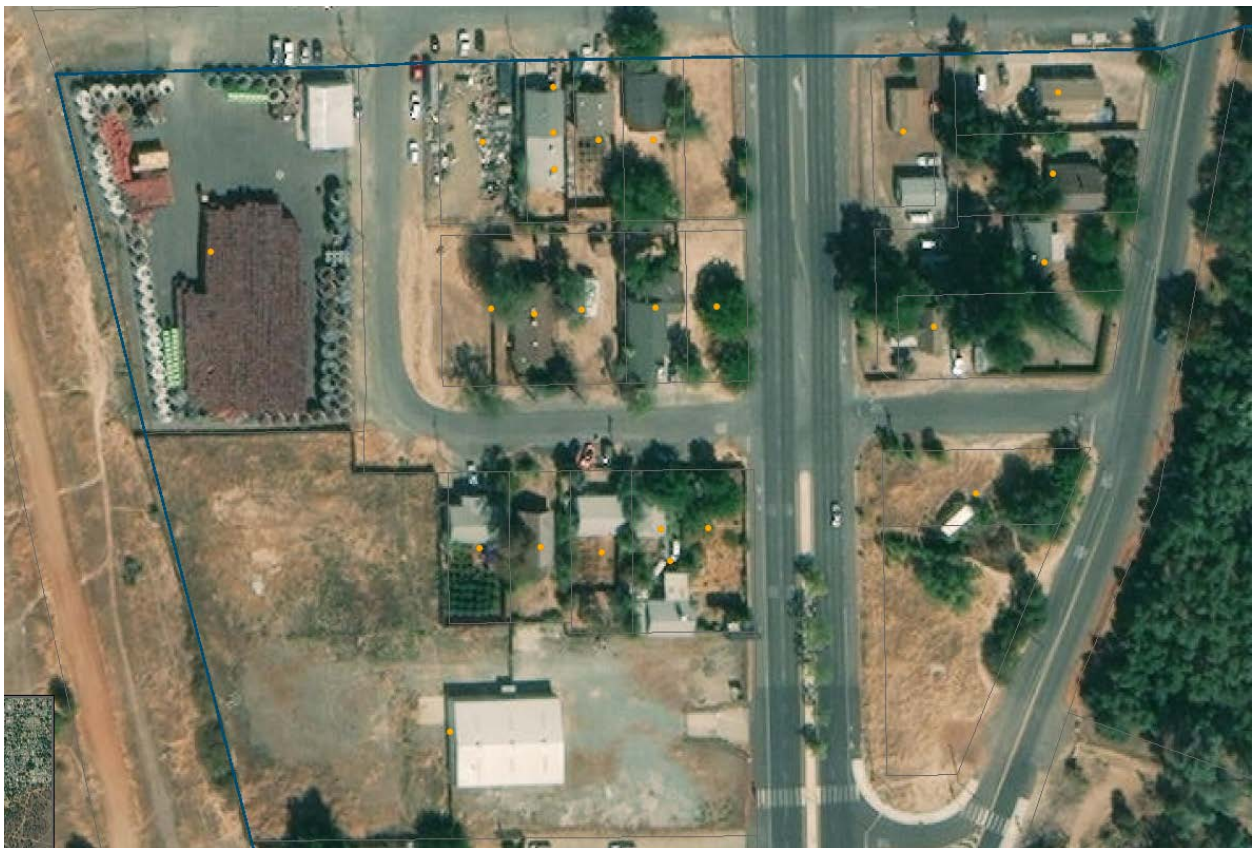
Project Site

The territory is accessed by several smaller roadways, including Myers Street, Marion Street and Jefferson Street, and Lincoln Boulevard which is identified as an arterial roadway in the City of Oroville General Plan. Roadways in the territory are paved, but not improved with curb, gutter and sidewalk.





The parcels in the territory range in size from approximately 0.11 acres (4,790 square feet) to 1.9 acres in size. Parcels are generally substantially developed and the potential for land divisions in the territory is low due to the small size of many of the parcels.



Annexation Territory - North



Annexation Territory - South

The territory is developed with a variety of uses under several Butte County General Plan land use designations. Smaller parcels generally located in the northeast portion of the territory are primarily developed with single-family homes and are identified as MU (Mixed Use 4 – 20 u/ac) by the Butte County General Plan. These parcels (including the storage yard for Delallo-Ehmann Olive Company) have been pre-zoned MXN (Neighborhood Mixed Use) by the City of Oroville, which allows a mixture of neighborhood-serving retail, personal service and residential uses. Larger parcels along the westerly and central portion of the site are developed with various industrial uses, including auto dismantling, sales and tow yard and equipment storage. These parcels are identified as HI (Industrial) in the Butte County General Plan and are pre-zoned CLM (Commercial/Light Manufacturing) by the City of Oroville, allowing for manufacturing uses, fabrication and storage of processed materials. A single parcel located central to the territory is identified as P (Public/Quasi Public) and is pre-zoned PQ (Public or Quasi Public Facilities) which is appropriate for the existing land use: a shelter operated by the Oroville Rescue Mission.

The differences between the allowed land uses/land use densities of Butte County and the allowed land uses/land use densities of the City of Oroville within the territory are minimal. There is limited opportunity for significant development in the annexation territory, as approximately 86-percent of the parcels are fully developed; however, some parcels are underdeveloped, or the existing structure is in disrepair and in need of redevelopment.

Existing Services

Wastewater collection and conveyance services for the territory are provided by the Lake Oroville Area Public Utility District (LOAPUD). All of the territory is within the boundaries of the CalWater – Oroville Region, which provides domestic water services. No changes to the jurisdictional boundaries of LOAPUD or CalWater – Oroville Region will occur because of this annexation. The parcels are within, and will remain in, the bounds of the El Medio Fire Protection District (EMFPD), which provides fire suppression, emergency medical service and public assistance within its jurisdictional boundaries. By retaining the District's boundaries intact, the City's burden of providing fire protection services to the newly annexed territory is removed, aside from mutual aid scenarios. Staff is cognizant of the City's existing concerns related to the ability of the EMFPD to provide adequate fire protection services to its larger service area. This is and will be, a matter of continued discussion with all fire service providers in the area as to the most effective and efficient way to provide fire protection services in the greater Oroville region. At this time, it would be premature to remove this area from the District as local residents have a good relationship with the District who in turn relies on the parcel assessment revenue to stay operational. The fire service providers have a current automatic aid agreement that allows all three agencies to respond if necessary.

Two County Service Areas (CSAs) are found in the territory; CSA 17 and CSA 164. CSA 17 (South Oroville, Las Plumas Park Lighting) provides funding for street lighting and alley maintenance to approximately 1,365 parcels in the South Oroville area. The territory will not be detached from CSA 17 as this district provides a funding mechanism for street lighting services, which eases the burden of the City to provide these services. CSA 164 (Butte County Animal Control) provides funding for animal control services in the unincorporated areas of the County. The territory is proposed to be detached from CSA 164 as the City of Oroville will provide animal control services.

Other special districts for which the territory will remain a part of and continue to receive services from include the Oroville Mosquito Abatement District (via contract with Butte County Mosquito and Vector Control District), Oroville Cemetery District and Feather River Recreation and Parks District.

Previous MSR Findings

The City of Oroville Municipal Service Review and Sphere of Influence Plan Update was adopted by the Commission on December 4, 2014, significantly expanding the City's Sphere of Influence (SOI). The document includes separate chapters to address each topic area required by state law, including; 1) growth and population projections; 2) present and planned capacity of public facilities and infrastructure needs and deficiencies; 3) financial ability of the City to provide services; 4) opportunities for shared facilities; 5) government structure, efficiency and local accountability; and 6) any other matter related to effective or efficient service delivery, as required by commission policy.

Determinations made by the MSR concludes that the City has the capacity to provide public services to its residents, but is financially constrained. The MSR requires that for areas within the newly expanded SOI boundaries, the City shall provide proof of capability to provide adequate municipal services. These findings pre-dated the City's residents approving a one cent sales tax increase in November 2018 that generates approximately \$3.7 million a year in the City's General Fund, to be used for general City operations and services, including police protection, fire suppression, vehicle repair and maintenance, finance department analyst and human resources services. The proposed annexation area has long been included in the City's SOI boundaries and would have negligible impacts to the City's ability to provide sufficient services. Further, the annexation territory will remain within the boundaries of CSA 17, Lake Oroville Public Utility

District and El Medio Fire Protection District, which eases some financial and service burden on the City.

Annexation

Individual Factors for Consideration

Government Code Section 56668 identifies a number of factors that are to be considered by LAFCO in reviewing a proposal. The factors are intended to provide the Commission with information about certain topics that are often relevant to annexations. No single factor is determinative. An evaluation of these factors as it relates to the proposed boundary change follows.

(a) Population; land use; topography; proximity to other populated areas; the likelihood of significant growth in the area.

The territory is developed with single-family dwellings and several commercial, industrial and quasi-public uses. The site and surrounding area are level with no significant natural features that would affect the annexation. Parcels are generally substantially developed and the potential for land divisions or future development in the territory is low due to the small size and current development of many of the parcels.

(b) The need for organized community services; probable effect of the proposed annexation on the cost and adequacy of services and controls in the area and adjacent areas.

The need for organized community services in the territory is to support existing development within the territory. The present cost and adequacy of governmental services and controls in the area are the County's responsibility. If the annexation is approved, the territory would then be served by the City, which is geared primarily toward providing urban level services. The affected territory will be integrated into the City's overall service provision scheme and will increase the City's responsibilities and costs to deliver services. It is acknowledged that this will create an additional burden on the City, however, the adequacy and parity of services delivered within the City is a decision of the City Council when setting service level and delivery priorities.

(c) The effect of the proposed action and of alternative actions.

The area would be removed from the County's unincorporated area and be within the City of Oroville's incorporated service area. The City would be responsible for providing services to the area. The existing residents already contribute to local businesses and to the social and economic interests of the area.

There will be no significant changes to the territory created by annexation.

(d) The conformity of the proposal with the adopted commission policies on providing planned, orderly, efficient patterns of urban development.

The annexation of the subject territory to the City of Oroville is consistent with the planned, orderly, and efficient patterns of urban development within the adopted Sphere of Influence of the City of Oroville. The annexation will result in more effective, efficient, and logical jurisdictional boundaries and will provide more effective and efficient services to the residents of the area.

(e) The effect of the proposal on agricultural lands.

Almost all of the parcels with the territory are developed and no agricultural uses are found in the territory or on the surrounding parcels. The territory is not identified as Prime

Agricultural land. Annexation of the subject territory would not contribute to the loss of agricultural lands.

(f) Boundaries of the territory.

The subject territory is parcel or road specific, with definite and certain boundaries. There are no conflicts with lines of assessment or ownership. The proposed annexation would not result in the creation of islands, corridors, peninsulas or other characteristics that lead to service inefficiencies or potential land use conflicts.

(g) A regional transportation plan adopted pursuant to Section 65080.

The proposed annexation does not conflict with any regional transportation plan.

(h) Consistency with city or county general and specific plans.

The territory is developed with a variety of uses under several Butte County General Plan land use designations. Smaller parcels generally located in the northeast portion of the territory are primarily developed with single-family homes and are identified as MU (Mixed Use 4 – 20 u/ac) by the Butte County General Plan. These parcels (including the storage yard for Delallo-Ehmann Olive Company) have been pre-zoned MXN (Neighborhood Mixed Use) by the City of Oroville, which allows a mixture of neighborhood-serving retail, personal service and residential uses. Larger parcels along the westerly and central portion of the site are developed with various industrial uses, including auto dismantling, sales and tow yard and equipment storage. These parcels are identified as HI (Industrial) in the Butte County General Plan and are pre-zoned CLM (Commercial/Light Manufacturing) by the City of Oroville, allowing for manufacturing uses, fabrication and storage of processed materials. A single parcel located central to the territory is identified as P (Public/Quasi Public) and is pre-zoned PQ (Public or Quasi Public Facilities) which is appropriate for the existing land use: a shelter operated by the Oroville Rescue Mission.

(i) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

The proposed annexation is consistent with the Sphere of Influence for the City of Oroville. The territory is within County Service Area No. 164 (Butte County Animal Control) and the territory will be detached from this district as this service will be provided by the City of Oroville. The territory is within the Butte County Resource Conservation District and the territory will be detached from this district as this service is confined to unincorporated parcels.

Other special districts for which the territory will remain a part of and continue to receive services from include CSA 17 South Oroville – Las Plumas Park Street Lighting and Zone #2 Alley Maintenance, El Medio Fire Protection District, Oroville Mosquito Abatement District (via contract with Butte County Mosquito and Vector Control District), Lake Oroville Public Utility District, Oroville Cemetery District and Feather River Parks and Recreation District.

(j) The comments of any affected local agency.

On August 3, 2020, LAFCo staff circulated the proposal for review and comment from local public agencies. The following table lists the agencies that responded to LAFCo's request for comments and their response.

<i>Butte Co. Assessor's Office</i>	<i>The proposal does not divide assessment parcels. The annexation includes portions of Idora Street, all of Marion Street, all of Jefferson Street, Kermit Street, adjacent portions of Lincoln Blvd and adjacent portions of Myers Street.</i>
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<p><i>Butte Co. Auditor's Office</i></p>	<p><i>A Master Tax Exchange Agreement is in effect for the territory, with the County receiving 42% of the property tax and the City receiving 58%.</i></p> <p><i>Special Districts having jurisdiction within the territory proposed to be annexed include CSA 17 and CSA 164.</i></p>
<p><i>Butte Co. Environmental Health Division</i></p>	<p><i>The annexation parcels would be served by CalWater and LOAPUD. Butte County Environmental Health was able to produce record of a single destroyed septic tank in 2007. No record of existing septic or wells were identified.</i></p>
<p><i>Butte Co. Land Development Division</i></p>	<ol style="list-style-type: none"> <i>1. The territory is within CSA 17. The City of Oroville has contacted Butte County staff to establish a Memorandum of Understanding (MOU) between the City and County that will reimburse for lighting.</i> <i>2. Some parcels are located in an underground utility district subject to Rule 20A.</i> <i>3. The map exhibit appears to show annexation to the centerline of Palm Avenue; the southerly boundary of the annexation should be at a logical location point.</i> <p>Staff Response: <i>With regards to item 1, all of the parcels in the territory that are within CSA 17 are proposed to remain within the CSA as a part of the annexation proposal.</i></p> <p><i>With regards to item 3, Staff concurs that the final map and boundary description should depict a logical southerly boundary not to exceed the intersection of Palm Avenue and Lincoln Boulevard.</i></p>
<p><i>Lake Oroville Area Public Utility District (LOAPUD)</i></p>	<p><i>The District will not have any comments to submit.</i></p>
<p><i>CAL Fire/Butte County Fire</i></p>	<p><i>The project is located within the El Medio Fire Protection District and they are the Authority having jurisdiction. CAL Fire Butte County, Oroville City Fire Department and El Medio Fire Protection District maintain an Automatic Aid Agreement for fire and emergency services.</i></p>
<p><i>Butte County Administration</i></p>	<p><i>Development on this proposed annexation would be served by a public water utility as well as a municipal wastewater treatment district, LOAPUD. The Butte County Environmental Health Division has no comments or objections to the proposed annexation.</i></p>
<p><i>Oroville Mosquito Abatement District</i></p>	<p><i>No comment</i></p>

(k) The ability of the receiving entity to provide the services.

The City of Oroville provides general administration, community development, public works, sewer, police, fire protection, code enforcement, animal control, and other services within its incorporated area. The proposed annexation is not expected to have a significant impact to the City's current service levels. The City of Oroville, through its resolution of

application, attests to its ability to extend municipal services to the parcel proposed by the City for annexation without impact to existing City residents.

(l) Availability of adequate water supplies.

The California Water Service Company (CalWater) already provides domestic water service to the territory and has adequate water sources and infrastructure to provide service to any future development within the territory.

(m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs.

Approximately 86% of the parcels within the territory are developed with a residential use. As most of the parcels within the territory are developed with a residential use, this proposal makes no significant impact on the ability of Butte County or the City of Oroville to meet its regional housing needs determination.

(n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The City of Oroville placed a notice in the Oroville Mercury Register for the City's June 2, 2020 public hearing on initiation of the annexation. Affected landowners and registered voters and those within 300 feet of the territory were notified of this annexation proposal. No comments were received.

(o) Any information relating to existing land use designations.

The City's land use designation and rezoning for the territory are very similar to Butte County's land use designations and zoning for the territory and are consistent with the existing land uses in the territory.

Existing uses within the territory that were legally established under Butte County jurisdiction will be "grandfathered" in and allowed to continue after annexation to the City of Oroville.

(p) The extent to which the proposal will promote environmental justice.

The territory is adjacent to City of Oroville jurisdictional boundaries on two sides and the territory is 63% surrounded by the City of Oroville. Residents in the territory patronize commercial uses (with the City receiving the resident's sales tax dollars) and many residents work at businesses within the city. However, as citizens of the unincorporated area, residents within the territory are not permitted to participate in City of Oroville municipal affairs, such as voting in city elections, and they cannot run for city office or serve on city commissions or boards. Annexation of the territory to the City of Oroville will provide residents the opportunity to participate fully in City of Oroville municipal affairs, have a voice in city affairs, and be a full part of the City of Oroville. This factor cannot be understated and is heavily weighted when evaluating all 21 factors listed. It is often stated by annexation supporters that community participation in elections and obtaining a seat on the City Council is the gateway to obtaining improved services for the area over time, and without such representation, citizens feel changes will never occur.

Based upon the above responses, the proposal appears to be consistent with the listed factors.

Applicable Butte LAFCo Policies

Section 2.0 (*LAFCo General Policies and Standards*) and Section 4.0 (*Annexation and Detachments*) of Butte LAFCo Policies and Procedures provides the Commission with general standards for annexation proposals. The relevant policies for consideration and guidance for this proposal include:

- Consistency of the proposal with the General Plan of the applicable planning jurisdiction. (2.10.1)
- The creation of logical boundaries. (2.11.2)
- Consistency of a proposal with the Sphere of Influence and Municipal Service Review of the affected jurisdiction(s). (4.1.1)
- Contiguity of a proposed annexation area to the jurisdictional boundaries of the annexing city. (4.1.3)
- Determination of the most efficient service provider. (4.2)

The proposal is substantially consistent with the above policies in that it:

- Is more effectively served by the City of Oroville Police Department;
- Is an integral part of the social and economic interests of the City of Oroville as a whole;
- Will result in orderly and logical jurisdictional boundaries and provide for the delivery of more effective and efficient public municipal services;
- Will allow area residents to participate in City of Oroville municipal affairs.

Accordingly, the Proposal is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code 56000 et seq.), and Butte LAFCo Policies and Procedures.

Existing Service Agencies and Proposed Service Changes

The following table shows the services that are currently provided to the territory and the changes in service providers as a result of annexation to the City of Oroville.

Service	Presently Provided By	Proposed Provider
Fire Protection	EI Medio Fire Protection District	City of Oroville/ EI Medio Fire Protection District
Police Protection	County of Butte Sheriff’s Department	City of Oroville
Code Enforcement	County of Butte	City of Oroville
Sewer Service	Septic System/LOAPUD	No change
Domestic Water Service	Cal Water Service Company	No change
Agricultural Water Service	N/A	No change
Animal Control	County of Butte (CSA 164)	City of Oroville
Solid Waste	Private Collector	Private Collector
Road/Street Maintenance	County of Butte Public Works	City of Oroville
Power Infrastructure	PG&E	No Change
Street Lighting	CSA 17	City of Oroville/CSA 17
Planning & Zoning	County of Butte	City of Oroville
Schools	Oroville Union and Oroville City Elementary School Districts	No Change
Resource Conservation	Butte Co. Resource Conservation District	None
Mosquito Abatement	Oroville Mosquito Abatement District	No Change

The territory will be detached from the following districts:

- County Service Area No. 164 (Butte County Animal Control), as this service will be provided by the City of Oroville; and
- The Butte County Resource Conservation District, as this service is restricted to unincorporated parcels only.

ADDITIONAL INFORMATION

Property Tax Agreement

In accordance with provisions of Revenue and Taxation Code § 99, the annexation is subject to the Master Tax Exchange Agreement approved by the City of Oroville (Resolution No. 3514 on February 4, 1980) and by the County of Butte (Resolution No. 80-15 on January 22, 1980). Pursuant to the adopted tax sharing agreement, the City of Oroville will receive 58% of the property tax, while the County of Butte will receive 42%.

Support/Protest

The Oroville City Council conducted a noticed public hearing on June 2, 2020, at which time the annexation proposal was initiated by Resolution No. 8871. The City's hearing on the annexation was publicly noticed in the *Oroville Mercury Register*.

Individual notices for the Commission's October 1, 2020, public hearing on the annexation proposal were mailed to all landowners and registered voters within the area proposed for annexation and to all landowners and registered voters within 300 feet of the boundaries of the territory.

Conducting Authority Proceedings

According to the Butte County Elections Office, there 29 registered voters within the proposal area. Given this information, the proposal area is considered an inhabited annexation and does not have documented 100% landowner support.

Pursuant to California Government Code Section 56663, the Commission notified affected landowners and registered voters that:

1. It intends to waive protest proceedings unless written opposition to the proposal from landowners or registered voters within the affected territory is received before the conclusion of the proceedings on the proposal; and
2. Previously authorized taxes, assessments, charges and fees of the City of Oroville, including the City's Utility Users Tax, could be extended to the properties subject to the proposed annexation.

If one or more written protests are received by the close of the hearing, a protest proceeding will need to be conducted as discussed below. Conducting authority protest proceedings are required to be held by LAFCo pursuant to California Government Code §57000.

Based upon information from the Butte County Assessor's Office and the Butte County Elections Office, the 27 parcels proposed for annexation have a total assessed land value of \$758,484 and contains 29 registered voters. As this annexation area is inhabited (12 or more registered voters) and there is not confirmation of 100% support, the annexation, if approved by LAFCo, will be set for a protest hearing by the Executive Officer. Pursuant to Government Code Section 57075, following the Protest Hearing, the Commission must either:

1. Terminate proceedings if 50% (14) or more of the registered voters residing in the affected territory file a written protest; or

2. Order the annexation subject to the confirmation of the registered voters residing in the affected territory if written protests have been filed by at least 25% (7) of the registered voters or 25% (7) of the landowners who own at least 25% (\$189,621) of the assessed land value in the affected territory; or
3. Order the annexation without an election if written protests have been filed by less than 25% (7) of the registered voters in the affected territory and less than 25% (7) of the landowners who own at least 25% (\$189,621) of the assessed land value in the affected territory.

Based on the apparent lack of opposition comments, it appears that the annexation would not generate sufficient protests to either terminate the process or require a voter confirmation. Historically, a lack of responses to an annexation indicated no opposition and has resulted in successful annexations at the protest hearing stage.

Environmental Analysis

The City of Oroville is the Lead Agency for the proposal under the California Environmental Quality Act (CEQA). The City of Oroville determined that the proposed annexation is exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities) (see **Exhibit D**). This exemption is appropriate for annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

As responsible agency, LAFCo is required to rely on the City's environmental documentation in acting on the proposal, but must prepare and issue its own findings. Staff has reviewed the aforementioned Notice of Exemption and believes that the City has made an adequate determination in that the proposed annexation will not directly result in any substantial impact to the environment.

CONCLUSION

The City of Oroville is capable of providing full municipal services to the territory without impacting service levels provided to current City residents. Annexation of this area represents a logical extension of the City's boundaries and services, and it will have no adverse impacts on any other agency's ability to provide services. The annexation proposal substantially conforms to LAFCo policy and the Executive Officer recommends approval of this proposal.

ALTERNATIVES FOR COMMISSION ACTION

After reviewing this report and any testimony or materials that are presented, staff recommends that the Commission take the actions as listed in Option 1. Staff has provided other options that the Commission may wish to consider.

OPTION 1 – APPROVE the proposal as submitted by the City of Oroville:

- A. Find that the proposed annexation is Categorically Exempt from the California Environmental Quality Act per Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities.

B. Adopt Resolution 03 2020/21 making determinations approving the proposed *City of Oroville – Lincoln Boulevard Annexation No. 1* and either:

1. Pursuant to California Government Code §56663 (Waiver of Protest Proceedings) the Commission provided advance notice of its intent to waive protest proceedings if it receives no written objections from affected landowners or registered voters. The Commission waives protest proceedings for the annexation as no written objections to the proposed annexation were received from any landowner or registered voter within the territory prior to the close of the public hearing on the annexation.

OR

2. Written objections to the proposed annexation have been received from landowners or registered voters within the territory prior to the close of the public hearing on the annexation and the Commission directs the Executive Officer to set the proposal for a protest hearing and give public notice of said hearing pursuant to Butte LAFCo Policy and California Government Code Section 57002.

OPTION 2 – DENY the proposal.

OPTION 3 - CONTINUE this proposal to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 1.

Respectfully submitted,

Shannon Costa

Shannon Costa
Local Government Planning Analyst

Attachments:

- Exhibit A: Annexation Area Map - Page 2
- Exhibit B: Draft LAFCo Resolution No. 03 2020/21
- Exhibit C: City of Oroville Initiating Resolution
- Exhibit D: Notice of Exemption

Exhibit B

RESOLUTION NO. 03 2020/21

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF BUTTE
MAKING DETERMINATIONS AND ORDERING THE ANNEXATION OF
TERRITORY DESIGNATED AS 21-01
CITY OF OROVILLE
LINCOLN BOULEVARD ANNEXATION No. 1**

RESOLVED, by the Local Agency Formation Commission of the County of Butte, State of California, that

WHEREAS, a proposal for the annexation of certain territory to the City of Oroville in the County of Butte was heretofore filed by the City of Oroville and accepted for filing on July 29, 2020, by the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56658, set October 1, 2020, as the hearing date on this proposal and gave the required notice of public hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56665, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, this Commission called for and held a hearing on October 1, 2020, and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, this Commission considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and

NOW, THEREFORE, the Local Agency Formation Commission of the County of Butte **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. Environmental Action:

- A. The Commission concurs with the City of Oroville finding that the proposed annexation is Categorically Exempt from the California Environmental Quality Act per Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities.

Section 2. General Findings and Determinations:

- A. The Commission has considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, Butte LAFCo Policies and Procedures, Sphere of Influence and General Plan consistency, the City of Oroville Municipal Service Review, the Domestic Water and Wastewater Service Providers Municipal Service

Review, and other factors specified in Government Code Section 56668 and as described in the staff report dated September 24, 2020 for the meeting of October 2, 2020.

- B. The annexation area consists of 27 parcels and the adjacent road right-of-way, totaling approximately 14.2 acres in size as submitted by the City of Oroville and as described in Exhibit “A.”
- C. The subject area is found to be inhabited, and is assigned the following short form designation: 21-01 - City of Oroville – Lincoln Boulevard Annexation No. 1.
- D. The exchange of property tax revenues between the County of Butte and the City of Oroville will be performed in accordance with the Master Tax Exchange Agreement approved by the City of Oroville (Resolution No. 3514 on February 4, 1980) and by the County of Butte (Resolution No. 80-15 on January 22, 1980).
- E. The purpose of the annexation is to support orderly jurisdictional boundaries, to provide for logical, efficient, and effective jurisdictional boundaries, and for the provision of City of Oroville municipal services for existing and future development within the territory.
- F. The territory is not considered to be prime agricultural land pursuant to Butte LAFCO Policy 2.13.5.
- G. The parcels proposed for annexation will be detached from the following districts:
 - 1. County Service Area No. 164 (Butte County Animal Control District); and
 - 2. Butte County Resource Conservation District.
- L. Fire protection services for parcels within the territory that are within the jurisdictional boundaries of the El Medio Fire Protection District area will continue to be provided by the El Medio Fire Protection District.
- M. Street lighting services will continue to be provided to the territory by County Service Area 17 (South Oroville – Las Plumas Park Street Lighting and Zone #2 Alley Maintenance).
- N. Sewer collection and conveyance services will continue to be provided to the territory by the Lake Oroville Area Public Utility District

Section 3. Conditions requested by LAFCo:

- A. All LAFCo, County of Butte, and State of California fees must be paid in full prior to filing the Certificate of Completion.
- B. The legal description and map, if amended by action of the Commission, will be revised at the expense of the applicant, prior to filing the Certificate of Completion.
- C. The map and legal description shall comply with the State Board of Equalization requirements and if rejected by the State Board of Equalization, shall be revised at the expense of the applicant.

Section 4. The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved as submitted and are as described in Exhibit “A” attached hereto and by this reference incorporated herein.

Section 5. Protest Proceedings:

- A. Pursuant to California Government Code §56663 (Waiver of Protest Proceedings) the Commission provided advance notice of its intent to waive protest proceedings if it receives no written objections from affected landowners or registered voters. The Commission waives protest proceedings for the annexation as no written objections to the proposed annexation were received from any landowner or registered voter within the territory prior to the close of the public hearing on the annexation.

OR

- B. Written objections to the proposed annexation have been received from landowners or registered voters within the territory prior to the close of the public hearing on the annexation and the Commission directs the Executive Officer to set the proposal for a protest hearing and give public notice of said hearing pursuant to Butte LAFCo Policy and California Government Code Section 57002.

Section 6. The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Section 56882 of the Government Code.

PASSED AND ADOPTED by this Local Agency Formation Commission of the County of Butte, on the 1st day of October 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

Commission Clerk

CARL LEVERENZ, Chair
Butte Local Agency Formation Commission

Exhibit C

**CITY OF OROVILLE
RESOLUTION NO. 8871**

CERTIFIED AS A TRUE COPY
OF Resolution 8871
DATE CERTIFIED June 30, 2020
CITY CLERK, CITY OF OROVILLE
Justin Brown

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE INITIATION OF APPLICATION BY THE CITY OF OROVILLE REQUESTING THE BUTTE COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE ANNEXATION OF PROPERTIES IDENTIFIED AS SOUTH LINCOLN AVENUE AND MYERS STREET.

WHEREAS, the City of Oroville desires to initiate proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with §5600 of the California Government Code, for the annexation; and

WHEREAS, the boundaries of the territory to be annexed are described and depicted in Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, all of the parcels in the proposed annexation area are within County Services area 17 (CSA 17), which provides funds for streetlight maintenance and operations, and funds for alley maintenance;

WHEREAS, the proposed annexation is consistent with the Sphere of Influence of the City of Oroville; and

WHEREAS, the reason for the proposed annexation is to allow municipal safety and social services to be better utilized within the proposed annexation areas; and

WHEREAS, the City of Oroville has pre-zoned the areas to be annexed, and that the pre-zoning is generally consistent with the City's General Plan and with Butte County's zoning designation for the areas; and

WHEREAS, notice of intent to adopt this resolution of application has been given to potentially affected districts and agencies and has been published in a newspaper of general circulation in the affected area; and

WHEREAS, the proposed annexations are determined to be Categorically Exempt from the requirement of the California Environmental Quality Act, as the annexation of fully developed properties and properties suitable for infill development; and

WHEREAS, the City Council certifies that pursuant to Section 99(b) of the Tax and Revenue Code, the City of Oroville has entered into an Agreement with Butte County regarding the negotiated exchange of property tax revenue relating to jurisdictional changes; and

WHEREAS, the City Council certifies that it consents to waiver of the conducting authority proceedings by the Local Agency Formation Commission of Butte County, pursuant to §56837 of the Government Code.

NOW ,THEREFORE, BE.IT RESOLVED by the City Council of Oroville as follows:

1. This Resolution of Application is hereby adopted and approved by the City Council requesting that the Local Agency Formation Commission of Butte County take proceedings for the annexation of territory as depicted and described in Exhibit "A", according to the terms and conditions stated above and in the manner provided by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.
2. Waive the application of the Streets and Highway Code Section 22613, and find that the exclusion of any parcel in this area from CSA 17 would deprive this area of needed services to ensure the health and safety of the residents of the area, and find that a waiver would not affect the ability of the City of Oroville to provide any services.
3. The Mayor is hereby authorized to execute a letter agreement with Butte County to provide a portion of the funds collected through CSA-17 to the City of Oroville in exchange for providing the services of CSA 17 to the parcels within the City limits.
4. The City Council requests the Local Agency Formation Commission to make this change of organization without terms and conditions.
5. The Mayor is hereby authorized and directed to execute all documents related to the proposed annexations.
6. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Oroville on June 2, 2020 by the following vote:

AYES: Hatley, Smith, Pittman, Goodson, Draper, Thomson, Reynolds

NOES: None

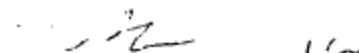
ABSTAIN: None

ABSENT: None



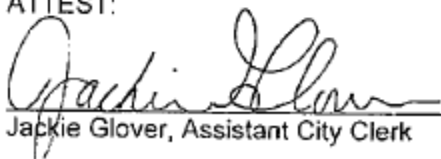
Chuck Reynolds, Mayor

APPROVED AS TO FORM:



Scott L. Huber, City Attorney

ATTEST:



Jackie Glover, Assistant City Clerk

Exhibit D



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Leonardo DePaola
DIRECTOR

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

NOTICE OF EXEMPTION

TO:	Butte County Clerk 25 County Center Drive Oroville, CA 95965	FROM:	City of Oroville 1735 Montgomery Street Oroville, CA 95965
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Project Title: Annexation of properties identified as South Lincoln Avenue and Myers Street

Project Location – Specific: 27 parcels bounded by Idora Street on the north, Myers Street on the east, Baggett Marysville Road on the south, and the existing City limits on the west.

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project consists of the annexation into the City of 27 parcels constituting 14.2 acres at and near the intersection of Lincoln Boulevard and Myers Street in South Oroville.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: City of Oroville

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
 - Annexations of Existing Facilities and Lots for Exempt Facilities; Title 14, CCR, §15319
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

Class 19 consists of annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facility." Thus, this project is exempt from CEQA. *The annexation area has been rezoned by the City, is within its Sphere of Influence, and is already fully developed. No changes in Zoning or development are proposed. Any new development project in the area will require the appropriate CEQA review at that time.*

If filed by applicant: Not applicable

Lead Agency Contact Person: Wes Ervin

Telephone: (530) 538-2408

Signature: W. J. Ervin

Date: 6-3-2020

- Signed by Lead Agency
- Signed by Applicant

M E M O R A N D U M

TO: Local Agency Formation Commission

FROM: Stephen Lucas, Executive Officer

SUBJECT: **Agenda Item 6.1 - Executive Officer's Report**

DATE: September 24, 2020 for the meeting of October 1, 2020

ADMINISTRATION:

1. The Commission has two vacant Special District seats.

A. District Alternate “*Enterprise or Non-Enterprise*” Member seat:

This seat was vacated by Commissioner Al McGreehan (PRPD) who was promoted to the Special District Regular “Non-Enterprise” seat on the Commission in September 2019. The third 60 day election extension closed on September 4, 2020. We are pleased to report we reached a quorum of 22 ballots resulting in the election of **Larry Bradley** from the **Durham Recreation and Park District** who will complete the current term to expire May 2021.

B. Special District Regular *Enterprise* Member seat:

Commissioner Jack Kiely (LOAPUD) resigned midterm in May 2020 vacating this seat with the remaining term to expire May 31, 2023. Staff has requested nominations from each Special District with nominations due back by November 9, 2020.

2. The ongoing Bear/North Complex Fire has caused significant smoke impacts to the LAFCo office over these past two weeks. Conditions inside the non-airtight older office building was barely much different from that outside. We purchased two air scrubbers that have been running 24/7 for a week with modest gains in air quality. Staff has at times worked remotely as the air quality was a significant health risk.
3. These past few months of COVID concerns and fire related evacuations (as well as past flooding concerns and dam failures/evacuations), have led LAFCo operations to be moved from on-site data storage to a virtual private network (VPN) administered by the Butte County Information Services under our current Contractual Agreement with the County. This has allowed staff to now have full access to LAFCo data from anywhere there is internet access which allows greater functionality when working remotely for any reason.

PROJECT/GENERAL NOTES:

The following issues/proposals are at various stages of being reviewed, discussed and/or considered:

- **NEW** Bear/North Complex/West Zone Fire** - It is sad that I must now write about even more fire destruction and impacts to our local agencies. The Bear/North Complex- West Zone fire has decimated approximately 80,000 acres of Butte County including the communities of Berry Creek and Lake Madrone. Both the Lake Madrone Water District and the Berry Creek Community Services District experienced significant damages to their water distribution systems. The LMWD has a mutual aid agreement with the South Feather Water and Power Agency for assistance and may seek other help as well. There is a potential that these two agencies, only a short distance (approx. 1 mile) apart, may need to consider some form of reorganization in order to effectively rebuild their systems. LAFCo staff has connected both the Districts with the Butte County Office of Emergency Management for submitting damage assessments for future funding. Staff will continue to monitor the Districts and offer any assistance possible.
- **NEW** Proposed Tuscan Water District** – On September 2, 2020, Executive Officer circulated a (*NEW*) Notice of Intent to Circulate Petition (**Attachment 1**) submitted by the proponents of the proposed Tuscan Water District formation. This Notice of Intent to Circulate a Petition allows proponents to begin circulating the petition for landowner signatures in accordance with the legal requirements. There is no action for any agency to take at this time. At such time the proponents complete gathering signatures, they will submit the petitions to the Executive Officer for review.
- Miocene Canal** - The destruction of the upper Miocene Canal by the Camp Fire has dewatered the middle and lower Miocene. This caused great disruption to landowners dependent on the water supply for their farms and residences and the environment dependent on canal leakage over the decades to thrive. PG&E initially refused to repair the canal infrastructure, but entered a plea agreement for its criminal actions resulting in PG&E providing up to \$15 million over five years to restore water to the middle canal. Among the long term options for restoring water flow is to install a pump on a floating barge in Lake Oroville and pipe approximately 20 acre/feet a day via pipeline to the canal. The installation of the infrastructure is estimated to be \$1.5 million with annual operating expenses estimated to be \$700,000 a year. Shorter term options involve a connection with the Del Oro Water Company who can provide limited surplus water. The Lake Oroville option would need to have an entity to takeover ongoing maintenance. One possible scenario is to form a special district to finance and manage any future facilities. Staff continues to participate in discussions. Staff met with Ed Cox who represents the Miocene Canal Coalition (MCC) on August 14, 2020, and learned that the MCC has gained a non-profit status, and desires to form a county service area (CSA) that could become the financing vehicle for future maintenance and operations. Staff will assist the MCC in anyway necessary to move towards the universal goal of re-establishing water flow in the Miocene Canal. ****NEW****Staff attended the September 11, 2020 meeting, which focused on the short term option and the technical steps to get there.
- Thermalito Sewer and Water District** - Sphere of Influence Amendment and Annexation of the state owned clay pits recreation area southeast of the Oroville airport along Larkin Road. The State has yet to resolve a conflict between the State Parks Department and Department of Fish and Wildlife who share authority over the affected territory.
- County of Butte** - Expansion of Powers for CSA 164 to add fire protection services. The County has placed this effort on hold.

- **Oroville Region Service Providers MSR** - The State Department of Housing and Community Development (HCD) has awarded a \$100,000 SB2 Planning Grant to Butte County for the development a Municipal Service Review update for backbone service providers in the Oroville region, including the SFWPA, LOAPUD, TWSD and SCOR. This will be a cooperative partnership with the County Department of Development Services to conduct the MSR in support of future housing options that can be provided once core services can be assured. Staff has prepared a draft Request for Proposals seeking a consultant to prepare the studies and is awaiting the County to determine how to disburse the funds before releasing the RFP.
- **City of Oroville MSR Update** – The City of Oroville is starting the process to evaluate its growth goals and has determined that the City needs to update its SOI to accommodate new development goals and at the same time update its MSR to reflect its current service capabilities and financial position. The City has requested LAFCo update its MSR at City expense and executed a Letter Agreement with LAFCo to prepare the MSR update. The City has entered into a contract with Policy Consulting Associates to complete the project under LAFCo supervision. The administrative draft is currently being prepared.
- **Paradise Irrigation District/Camp Fire Recovery Update** - The State Water Resources Control Board (SWRCB) in cooperation with Sacramento State University, Department of Water Programs (CSUS), continues to proceed with the Options Study for the Paradise Irrigation District. The group of stakeholders, including LAFCo, has met three times (April 21, May 6, August 13) on conference calls to discuss the process and the path forward to recovery. These include, the District merging with the Town of Paradise, reorganizing with another public or private water purveyor, expanding the District's customer base (Miocene residents, Butte Valley, Chico), temporary raw water transfers, Chico intertie, new businesses (bottled water, hydro power, fisheries help), partnership with the Town to operate the proposed sewer system, and rate increases. The Study team also individually interviewed the Executive Officer on August 20, 2020, to solicit LAFCo comments and concerns at an early stage. Staff will keep the Commission apprised of this process. ****NEW**** Staff participated in a stakeholder phone conference on September 10, 2020, which was primarily to update the stakeholders on the Scope of Work/RFP process and share the approved Technical Assistance Work Plan which was submitted to the State on June 16, 2020. The RFP is expected to be circulated by December, a consultant hired in March 2021, and a draft final options study projected to be completed by July 2021.
- **El Medio Fire Protection District** - Staff met with the City of Oroville on August 17, 2020, to discuss its very serious concerns about the functionality of the El Medio Fire Protection District (EMFPD). Staff also had similar communications with the Butte County Administrative Office. The issues relate to service capability, which is severely hampered by the District's ongoing fiscal struggles. The City of Oroville has notified the EMFPD of its concerns in its letter of August 19, 2020 and copied LAFCo. ****NEW**** The City provided a letter (**Attachment 2**) dated August 27, 2020, to the Commission describing its concerns about the status of fire protection services in the greater Oroville area and more to the point, assuming the functions of the EMFPD in some manner. The City further requests LAFCo to conduct a review of how fire services are provided in the Oroville Urban area. The resolution of this concern will take considerable effort by all parties to find a reasonable outcome that results in both more effective fire protection services and respects the concerns of the residents of both agencies. With the Commission's concurrence, Staff can

reach out to the EMFPD and prepare a short outline of issues at hand and the options available to all parties and agendize this item for a future meeting.

- **Durham Mosquito Abatement District** - Staff has been working cooperatively with the DMAD Manager to improve their website to meet LAFCo expectations established in the DMAD MSR/SOI Plan. The DMAD was given a probationary SOI boundary while the District made certain improvements, namely, adopting an integrated mosquito/vector management plan (IMMP) and improving their website. As of this date, the IMMP has been adopted and the website is functional and provides much useful information. However, there are still items to be addressed and Staff has provided that feedback to the District Manager as of August 20, 2020. ****NEW**** In consideration of being in the midst of a particularly bad mosquito season in a one man shop, the DMAD Manager stressed his priority is mosquito control and respectfully asked for more time to complete the tasks. Staff will continue to encourage the District to make the appropriate additions to its website and bring this matter back for review when ready for Commission action.

CALAFCO: None

LEGISLATION: None

APPLICATION ACTIVITY:

APPLICATION ACTIVITY								
<i>Project Status As of Sept. 23, 2020</i>								
File	Applicant	Project Name	Date Application Received	Certificate of Filing	LAFCO Hearing Date	Certificate of Completion	SBE Submittal Date	Additional Comments
11-06	Butte County	CSA No. 114 - Expansion of Powers	02/02/11	N/A	pending	N/A	N/A	Incomplete - On Hold
18-09	TWSD	Clay Pit State Recreation Area Annexation						On hold. Incomplete Application
19-10	Durham I.D.	Holland Ave Annexation No. 1	04/03/19	11/12/19	12/05/19	01/22/20	01/22/20	SBOE to refund dues
19-12	County	CSA 158 - Mandville Park Subd. Annex	05/02/19	05/29/19	10/03/19			Approved w/ conditions - 218 Hearing
20-04	Chico	Ext of Services - 216 Centennial Ave	11/8/2019	11/08/19	12/05/19	N/A	N/A	Waiting for fees to be paid
20-05	AGUBC	Tuscan Water District Formation						New Notice of Intent received
20-06	OMAD	Dissolution / Annexation to BCMVCD	01/21/20	02/06/20	08/06/20			Approved w/ condition (CalPERS)- Will not record the annexation until the CalPERS payment is completed.
20-08	Oroville	MSR Update	05/20/20					In progress
20-09	LAFCO	Oroville Region Sewer & Water MSR	N/A					In progress
20-10	LOAPUD	Ophir Road Annexation No. 2	06/22/20	06/27/20	09/03/20			Reconsideration period ends 10/3/20
21-01	Oroville	Lincoln Boulevard Annexation No. 1	07/02/20	07/29/20	10/01/20			In progress

- Attachments: 1. Notice of Intent to Circulate Petition – Proposed Tuscan Water District
 2. City of Oroville Letter to LAFCo dated August 27, 2020 - Fire issues



BUTTE LOCAL AGENCY FORMATION COMMISSION

1453 Downer Street, Suite C • Oroville, California 95965-4950
(530)538-7784 • Fax (530)538-2847 • www.buttelafco.org

September 2, 2020

Affected Local Agencies: **Sent Via Email**

- | | |
|------------------------------|---|
| Pine Creek Cemetery District | Sacramento River Reclamation District |
| Durham Irrigation District | Rock Creek Reclamation District |
| Richvale Irrigation District | Butte County Mosquito & Vector Control District |
| Western Canal Water District | Butte County Resource Conservation District |
| City of Chico | Durham Mosquito Abatement District |
| County of Butte | Butte County Resource Conservation District |

Re: **Notice of Intent to Circulate Petition - Proposed Tuscan Water District**

Affected Local Agencies:

The Butte Local Agency Formation Commission (LAFCo) has received a **Notice of Intent to Circulate Petition** (Attachment A) from Chief Petitioner Richard McGowan for the purpose of forming a California Water District that is proposed to be named the Tuscan Water District.

The LAFCo Executive Officer is required (Government Code Section 56700.4) to notify all affected local agencies of the receipt of the **Notice of Intent to Circulate Petition**.

Following the receipt of the Notice of Intent to Circulate Petition, the proponents can begin circulating a petition to affected landowners seeking support for the proposed district formation. For the Petition to be valid, the proponents will need to collect signatures from the holders of title to a majority in area of land which is capable of using water beneficially for irrigation, domestic, industrial or municipal purposes and which can be serviced from common sources of supply and by the same system of works (Water Code Section 34153).

Should the petition be valid, the proponents are then permitted to make an application with the Butte LAFCo for the proposed District formation.

The purpose of this **Notice of Intent to Circulate Petition** is simply to inform your agency that the proponents intend to circulate a petition, no action is required at this time.

Sincerely,

Steve Lucas

Stephen Lucas
Executive Officer

cc: LAFCO



Butte Local Agency Formation Commission
Petition for Proceedings Pursuant to the Cortese-Knox-Hertzberg Local Government
Reorganization Act of 2000

PART 1: Notice of Intent to Circulate Petition

Proponents are required to file a Notice of Intent to Circulate Petition with the Executive Officer of the Butte Local Agency Formation Commission before a petition to initiate a change of organization or reorganization can be circulated [GC §56700.4(a)]

Date: July 24, 2020

Proponents Name: Richard McGowan (print)

Richard McGowan (signature of proponent or representative)

Address: 30 Independence Circle #300 (Street), Chico (City), CA (State), 95973 (zip)

Contact Information: 530-342-4040 (phone number), rmfrich@hotmail.com (email address)

1. Notice is hereby given to circulate a petition proposing to: Formation of Tuscan Water District (Type of change of organization or reorganization)

2. The reason(s) for proposal are: The Vina and Butte sub-basins are lacking the public infrastructure and a basin wide local agency with the necessary powers and support of groundwater dependent landowners to manage/coordinate development, enhancement and preservation of beneficial use of ground and surface water for agricultural purposes.

Pursuant to Section 56700.4 of the California Government Code, this Notice of Intent to Circulate Petition was filed

with me on 9-2-2020 Date

Stephen Lucas, Executive Officer

Written Statement of Reasons for the Proposal - GC Section 56700.4

NOTICE OF INTENT TO CIRCULATE PETITION—PROPOSED TUSCAN WATER DISTRICT

AFFECTED LOCAL AGENCIES: Pine Creek Cemetery District, Durham Irrigation District, Richvale Water District, Western Canal Water District, Sacramento River Reclamation District, Rock Creek Reclamation District, Butte County Mosquito and Vector Control District, City of Chico, County of Butte.

Notice is hereby given that a petition will be submitted by landowners to initiate proceedings to form the Tuscan Water District (District) and establish a sphere of influence for the District pursuant to California Water District law (Water Code Sections 34000-38501) and Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000---).

TITLE AND ACTIONS: Notice of Intent to form Tuscan Water District, a California Water District in the Vina and a portion of the Butte Sub-basins of Butte County; and, establish a coterminous sphere of influence with proposed District boundaries pursuant to California Water Code and Cortese Knox Hertzberg Local Reorganization Act of 2000.

REQUIRED DISTRIBUTION: Affected agencies—Pine Creek Cemetery District, Durham Irrigation District, Richvale Water District, Western Canal Water District, Sacramento River Reclamation District, Rock Creek Reclamation District, Butte County Mosquito and Vector Control District, City of Chico, County of Butte

ADDITIONAL DISTRIBUTION: Glenn County, Tehama County, Durham Mutual Water Company, Dayton Mutual Water Company, Cal Water, Chico, CSUS, Chico (the Farm).

AUTHORITY: Pursuant to Government Code Section 56700.4, a landowner-voter petition will be circulated to initiate proceedings for the formation of the Tuscan Water District and establish District sphere of influence coterminous with proposed District boundary.

LOCATION AND SERVICE AREA: 57,116.37 acres. On the north, west of Highway 99, stretching from the Tehama county line south to the northern boundary of the Western Canal Water District service area; the eastern boundary is Highway 99 and the City of Chico corporate boundary, the western boundary generally following the Sacramento river, Big Chico Creek, M and T Ranch, Llano Seco Ranch Water District and Reclamation District 2106. The southern boundary is the northern boundary of the Western Canal Water District. The District is proposed to include approximately 152 square miles in the Vina and a portion of the Butte Sub-basins.

OBJECTIVES:

1. Form a new independent, special district, with elected representation of groundwater users to serve all landowners, including groundwater pumpers, domestic well users, and agricultural and other interests in the proposed District service area; and,
2. Cooperate and participate in partnership with Butte county, Butte County Groundwater Sustainability Agencies (GSA's) and other stakeholders to plan for and implement the Sustainable Groundwater Management Act (SGMA); and,

3. To the extent consistent with or required by the applicable Groundwater Sustainability Plan (GSP), acquire, plan, construct, maintain, improve, operate and keep in repair the works for production, storage, transmission and distribution of water, including groundwater recharge; and
4. Preserve and protect groundwater resources in the proposed District for the benefit of all groundwater dependent users, domestic pumpers, and any commercial enterprises dependent on groundwater.
5. Create an organization of all types of groundwater dependent users within the proposed Tuscan Water District to collaborate on sustainable groundwater management and practices to assist in the preservation and protection of agricultural water supplies in Butte County

POWER AND AUTHORITY: Power and authority pursuant to the California Water District statute (Water Code Section 34000 et. seq.), Government Code (CKH Local Government Act of 2000), Public Resource Code (CEQA), Revenue and Taxation, and Election Codes.

ORGANIZATION: Seven directors, elected at-large, serving four- year, staggered terms, to govern and administer the proposed Tuscan Water District.



Signature:

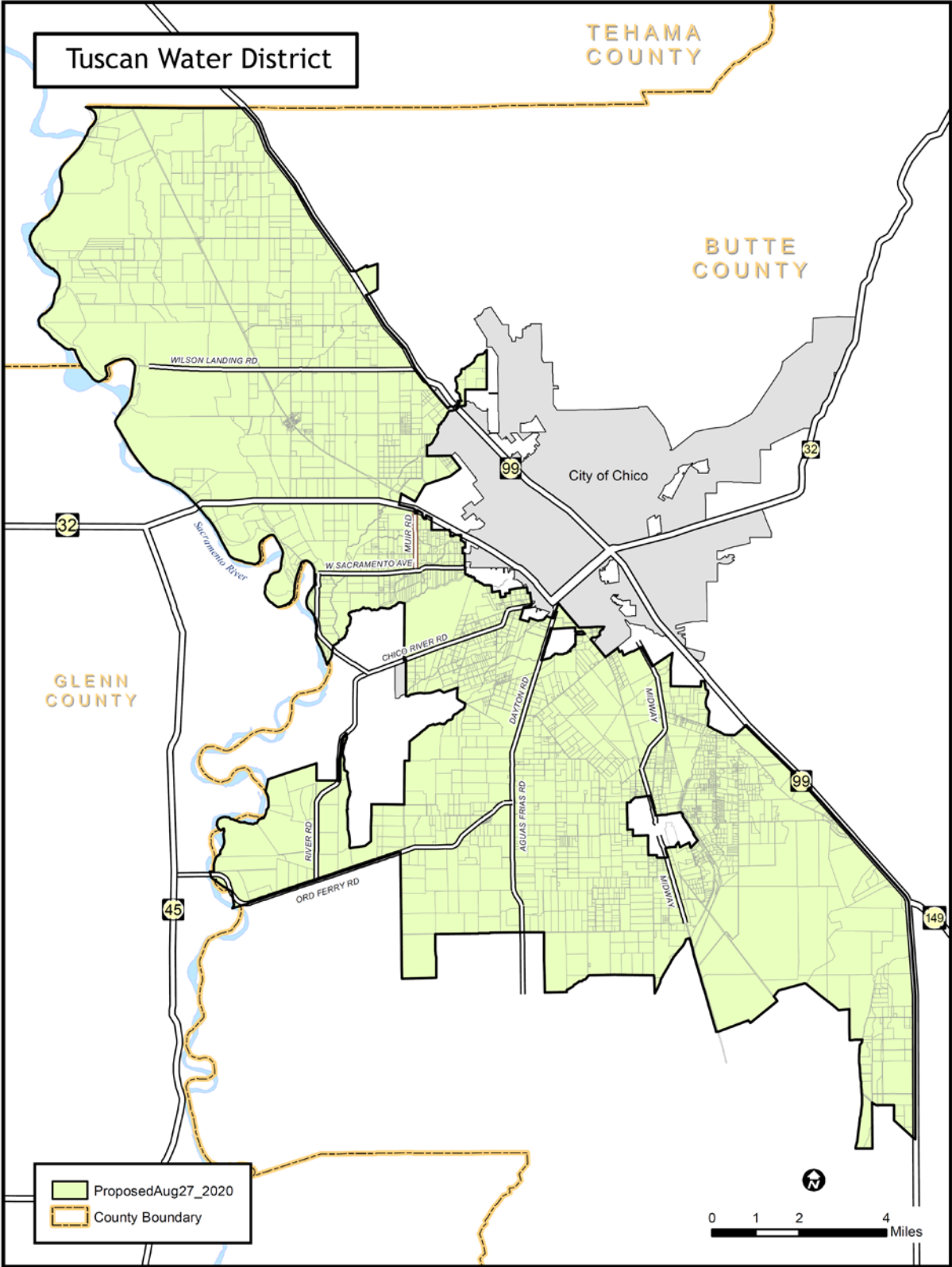
Date: July 24, 2020

Richard McGowan, Chief Petitioner.

30 Independence Court, #300

Chico, CA. 95973

1 530 342 4040





**CITY OF OROVILLE
PUBLIC SAFETY DEPARTMENT**

2055 LINCOLN STREET • OROVILLE, CA 95966-5385



August 27, 2020

Butte Local Agency Formation Commission
1453 Downer Street, Suite C
Oroville, California 95965

Dear Steve,

As part of the City of Oroville Fire Departments current 5-year plan, the department is actively attempting to fulfill its stated Mission:

The mission of the Oroville Fire Department is to provide the highest level of service to our community by protecting and preserving life, property, and the environment. While also providing support, encouragement, and motivation through the professional development of those within the organization. Our Ultimate Goal: Always do what it takes to serve the customer.

The fire department is investigating all methods to accomplish this goal. To that end, the City of Oroville (City) is discussing taking control of the El Medio Fire Protection District (District) fire services and retaining the district fees. The reasoning and justification are to follow.

Background

(The following contains direct and in-part quotes from The City of Oroville Fire Department Growth Plan 2020)

The El Medio Fire Protection District serves an area of approximately two and a half (2.5) square miles, with a population of approximately 6,000-7,000, located on the outskirts of the City of Oroville. The Department responds to approximately 1,700 calls for service per year. Until recently the District also participated in an Automatic Aid Agreement with the City of Oroville Fire Department and Butte County Fire, as well as being part of the State Mutual Aid.

The District has been financially challenged for the last 20 years yet has managed to maintain services until recently. The District is funded by two separate special tax assessments, voted in by the people. The district was formed through legal processes and received 2/3 of the vote from the proposed boundaries. More recently, in 2008, the District proposed a second measure because its fixed price model was unable to keep up with inflation, minimum wage, and the cost of doing business. The voters in 2008 approved the second measure. The second assessment can be increased annually by up to 3%.

For the past 40 years, virtually every consultant hired to evaluate fire services in the City or District has identified the same problem; consolidation, or lack thereof. Consolidation would mitigate the problem of duplicated efforts by having a single administration. This would provide consistent service to both District and City. Consolidation can happen in a variety of ways. Regardless which method is chosen, the objective is to



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combine resources in order to eliminate redundant systems and expenses. But more importantly, it would help alleviate some of the problems the District is currently facing. This would be the most fiscally sound solution, providing consistency under a single administration resulting in overall better service to the Oroville community. Our ultimate goal is to do whatever it takes to serve the customer. In this case, that goal is accomplished by combining resources and establishing a single entity to control those services.

Background Continued

The City of Oroville is 19 square miles, responding to over 5,000 calls for service per year. The City has been annexing various amounts of land over the last few years, including an area within the District boundaries. At the time of that overlapping annex, it was agreed by the City and the District to operate "business as usual" regarding fire response.

The City of Oroville will eventually expand to fulfill its sphere of influence. When the City reaches the point, via annexation, where it covers either 70% of the Fire Districts land mass, or 70% of the voting population, the City can absorb the District and make it a subsidiary district of the City, owned and controlled by the City. Very similar to current Mello-Roos Districts the City has established. In doing this, the District Board could be eliminated, and the City Council would become the Governmental body responsible for controlling of the District resources. Until the above option is possible, a proactive approach would be some form of Joint Powers Agreement (JPA), which is what the City is requesting from LAFCO. The City and the City of Oroville Fire Department are of the opinion that it would be better for all entities to form a JPA as soon as possible.

As will be explained shortly, the current operational capabilities of the District have deteriorated to a point where action needs to be taken. This deterioration bleeds over to the safety of the citizens of the District, City, and County. The City believes an immediate JPA would help increase the safety of the citizens and employees of both the City and the District well *before* absorption would be possible. Furthermore, it would stabilize the firefighting operations in the greater Oroville area with cooperation from Butte County CALFIRE.

The City of Oroville already provides Duty Coverage and Dispatching for El Medio. A full administrative JPA could give the City of Oroville control over those resources, maintain quality control, and be the managerial authority. This could potentially define Oroville as the controlling body if the JPA remains in effect. But also, in doing so, it could correct some now on-going issues within the District.

Current Status

Per the EMFPD Master Plan 2012 – 2032, the District was once capable of staffing 4 firefighters per day in addition to a Chief Officer. The Chief was responsible for all aspects of the department including but not limited to; finances, training, scheduling, staffing, long-term planning, overseeing station/apparatus maintenance, record-keeping, participation and recognition in Countywide administrative groups, and of course Incident Command on multi engine emergency responses.

Due to unknown reasons, the Chief position was ultimately vacated. The District has attempted to operate without a Chief since then. As an agency, this has resulted in a dramatic decrease in administrative oversight which ultimately affects the overall operation of the agency. The decreased agency efficiency of EMFPD eventually bleeds over in many ways to the its neighboring agencies; The City and the County fire departments.



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Responsibility without Authority

The City and District entered into an agreement to provide Duty Coverage to the District shortly after this. (Please see attached MOU) Duty Coverage in this case is defined as: *A Battalion Chief or higher responding to and directing resources at any type of incident which requires multiple resources.* This is a fire service industry standard practice in order to ensure safety, accountability, and operational capability at a higher level than an engine or truck company officer.

This agreement has worked to a certain extent; however, many problems have arisen as a result of the continued issues the District faces.

The Chiefs of the City are responsible for the safety of the District personnel and citizens when responding and commanding incidents. They assume this responsibility without the authority to direct or demand changes within the District. For example, if a District employee operates in an unsafe manner or responds to an incident without proper personal protective equipment, the City Chief has no recourse or counterpoint within the District to remedy the issue. Beyond the personal stress this adds to the Chiefs of Oroville, this adds a high level of liability to the City.

Staffing Levels

The current staffing within the District is one (1) apparatus staffed with two (2) personnel daily. It appears the District currently has 5 total line personnel for engine staffing. The District also employs a part-time administrative assistant. The total weekly hours of this position are unknown. The District has had an administrative Chief in the past working minimal hours, but the status of that position is currently unknown. Due to the low level of the District staffing they have been unable to be part of the State Master Mutual Aid program. This means they are not able to assist (and be reimbursed) on large statewide fires.

Training

On 07/09/20 a letter to the District was drafted by the City and mailed requesting information with regards to the District's current Employees training/certification levels, and a login to the District's E.R.S. system. (Web-based incident reporting software) The request asked for a response by 07/17/2020, no response was received by the City from the District. On 07/23/2020 a second letter was drafted, and hand delivered to an EMFPD Captain. In this second request the District was given until 08/04/2020 to provide the information requested. On 08/04/2020 an EMFPD employee dropped off a file containing certifications for only 2 out of 5 District employees. City personnel were able to find information about all District employees E.M.T. statuses on the California EMS verification website. All Employees were found to be current apart from 1 employee who is currently expired. Fire certifications have not been received regarding the remaining 3 employees. No records of ongoing Company level training were provided.



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Finances

Although we don't have access to the District budget, it appears they consistently operate on a very tight budget. This is even after increasing their budget through ballot measure in 2008. The approximately \$580,000 annual budget seems to always equate to uncertainty at the District. Anecdotally, we have heard from District

personnel that they have had to borrow money from the County to keep operational. In the past, they have indicated on several occasions, that due to budget constraints they would only be able to have one person on an engine, only to seemingly avoid that at the last minute due to unknown funding sources.

As stated above regarding staffing levels, they are currently not able to provide an engine with 3 personnel to out-of-County requests through the California Master Mutual Aid agreement. The District would get reimbursed for this aid and actually make a profit, so this is a missed revenue resource that will only contribute to their future budget issues.

Equipment/ Station condition

Again, without records to the following, we can only provide anecdotal insight to the equipment and station condition of the District.

We are aware however that they currently operate with only one fire engine. Their back-up/reserve engine has been out-of-service for months now and we've been told they don't currently have the funds to repair it. It is not uncommon for fire apparatus to go out-of-service. But without a reserve engine and funds to repair an engine, the continuance of normal operations is unlikely. This will also affect neighboring agencies.

We have also been advised of expired PPE and safety equipment, such as SCBA bottles. These are critical pieces of equipment and the District employees deserve to have safe, up-to-date equipment.

Finally, the condition of Station 3 is out of compliance: No eye wash station, MSDS book. These oversights also warrant action.

Operations

Operationally the lack of the permanent Fire Chief has resulted in no accountability for the line personnel. This has led to a multitude of issues, many of which are State mandated:

- Not investigating of fires
- No prevention: Weed abatement, Business inspections, Plan Checks, Hydrant maintenance, Pre plans etc.
- No consistent incident report writing/recording
- No records or impartial/inconsistent records of training or certs on file
- (All of the above are government regulated and required)
- Per District personnel, they have not had mandated training like Bloodborne Pathogens, sexual harassment etc. in many years



**CITY OF OROVILLE
PUBLIC SAFETY DEPARTMENT**

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Secondly, in recent months there has been an issue of District personnel sleeping through calls. As the primary dispatch agency for the District, the City has recorded 3 separate instances of District personnel missing medical calls. It is the standard operating procedure for the City to dispatch OPD officers to conduct a welfare check of fire personnel if they do not respond to a dispatch for service. On 01/19/20 and 02/01/20 OPD responded to the EMDFPD station due to missed calls. A third instance was also recorded at a later date when a City dispatcher advised an OFD Battalion Chief of the same problem.

The District has also had struggles with turnover of personnel. This is a particularly difficult issue for any department, but the District is affected more intensely with new hires due to lack of issues stated above.

All these issues outlined could be remedied with a JPA with the City of Oroville. With proper agreements in place, the District line personnel would get the administrative oversight that they lack yet deserve.

Conclusion

This request to LAFCO is not an indictment of the personnel at the District, but rather a request to help them get back to a safe, accountable working environment they deserve. The decline in financial and management support needs to be addressed quickly. The merging of the City and District appears inevitable. This request is made in order to initiate that process immediately for the betterment of all involved. The District is certainly in a position that needs assistance, and not just financially. Administratively, they need support and the City can provide that support through a JPA. The City already provides Duty Coverage and Dispatching for the District. A full management JPA is the next logical step and could immediately provide solutions to many of the issues the District is experiencing, as well address the long-term issues they bear.

Sincerely,

A handwritten signature in blue ink that reads "Joseph D. Deal".

Joseph D. Deal
Public Safety Director
Oroville Public Safety Department



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: October 13, 2020

RE: Item No. 13 – Quarterly Investment Schedule and Cash Flow Analysis

Included are the 1st quarter District Investment Schedule Summary and Cash Flow Analysis.

Attachment 1: "LOAPUD Investment Schedule" shows that the District's cash balance increased by \$82,842.89 over the last quarter. No substantial transactions made in October will affect the District's current cash balance.

Attachment 2: "Cash Flow Analysis" shows the movement of money into and out of the District's accounts each month over the last quarter.

Attachment Included

LOAPUD INVESTMENT SCHEDULE
September 30, 2020

Bank	Beginning Balance July 1, 2020	Ending Balance September 30, 2020	Difference	Maturity	*Interest Rate
Five Star General	\$ 232,738.90	\$ 4,071.52	\$ (228,667.38)	CKG	0.00%
Five Star USDA	\$ 66,958.57	\$ 67,007.46	\$ 48.89	CKG	0.00%
Five Star MM	\$ 252,709.92	\$ 554,015.85	\$ 301,305.93	IF	0.82%
LAIF	\$ 2,676,067.88	\$ 2,686,222.93	\$ 10,155.05	IF	0.82%
LAIF Series A Bond Res	\$ 107,048.00	\$ 107,048.00	-	IF	0.82%
Total Investments	\$ 3,335,523.27	\$ 3,418,365.76	\$ 82,842.49		

* Current quarter interest rate

Cash Flow Analysis

INCOME	Jul-20	Aug-20	Sep-20
Operating Income			
Income - Operating	603,959	59,849	30,326
Total Operating Income	\$ 603,959	\$ 59,849	\$ 30,326
Non-Operating Income			
Income - El Medio Fuel	303	425	1,044
Income - Capacity Charge	-	-	
Income - RFC	-	-	
Income - Property Taxes	78,464	-	-
Total Non-Operating Income	\$ 78,767	\$ 425	\$ 1,044
<hr/>			
TOTAL INCOME	\$ 682,726	\$ 60,273	\$ 31,370
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EXPENSES			
Operating Expenses			
Expense - Operating	15,661	125,049	107,556
Total Operating Expenses	\$ 15,661	\$ 125,049	\$ 107,556
Non-Operating Expense			
Expense - SC-OR pass through		-	293,114
Expense - SC-OR RFC pass through	-		
Expense - USDA Payment Transfer	112,700	-	-
Expense - Cap Ex-Master Plan	12,856	9,730	5,463
Expense - Cap Ex-Lift Station Design	9,405	1,598	6,023
Expense - Plan Check Fees	-	1,425	-
Total Non-Operating Expenses	\$ 134,961	\$ 12,753	\$ 304,599
<hr/>			
TOTAL EXPENSES	\$ 150,622	\$ 137,801	\$ 412,155
<hr/>			
NET INCOME	\$ 532,103	\$ (77,528)	\$ (380,785)

SUMMARY OF CASH FLOW

\$ 73,791



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: October 13, 2020

RE: Item No. 14 – Board Members', Manager, and Staff Comments

14.1 Field Operations Supervisor Report

The September 2020 Field Operations Activity Report is included for your review and discussion.

Attachment Included

14.2 Facilities Tour

A reminder that the LOAPUD Facilities Tour is scheduled for October 21, 2020 at 8 AM.

14.3 New Hires

New field staff have been hired.

14.4 Project Updates

The General Manager with input from staff and the District Engineer will give a general update on various District projects in different stages of processing.

Attachment Included

FIELD OPERATIONS ACTIVITY REPORT

SEPT 2020

Safety Meetings and Compliance

- Electrical webinar
- Advanced Construction Safety
- Critical Thinking and Problem Solving
- Conflict Resolution

I & I Related Work

- Checked manhole and resealed.

New Permits and Connections, Estimates, Inquiries or Termination

- Sewer inquiry at 2820 Ithaca.

Lines Cleaned

- 8,706' L.F. Cleaned with Jet Rodder
- 9,500' L.F. Villa Verona Lines Flushed

CCTV Work

- 1,096' L.F. Televised

Point of Sale Lateral Inspection

- Customer requested lateral inspection before purchasing new home. Found a concrete stake drove through the lateral-repaired

GIS Work

- Greenbank, V-6, V-E, Crestridge, Oak Knoll

PSPS Related

- Refueled all generators in preparation for PSPS outages
- All PSPS outages canceled

Fire

- Staging area for the fire is at Loafer Creek being occupied by PG&E and Butte County Search and Rescue. The new bathrooms are not being used yet because the pump controls have not been installed. They are currently using portable toilets and under the contract the waste is being hauled offsite. They also have contracts for Enterprise and Foreman Creek areas.
- All of Kelly Ridge was running on generators during the fire
- Transport portable generator to Heritage pump station

General Maintenance

- Install pictures and blinds in the office
- Rewire trailer brakes
- Cleaned up around shop
- Service F-150
- Fix antifreeze leak on explorer
- Discard e-waste
- Install two new power supplies to work with new standby generator
- Ordered budget items

Field Maintenance, Repairs and Misc.

- Install exhaust fans and vents in generator building
- Install electrical outlets at pump stations to prevent trip hazard
- Checked on open permits
- Replaced upper check valve and suction check valve at L-2
- Cleaned P/S's

Callouts Primary- 4 (3 Last Month)

- 1-Low float alarm at Mooretown-Replaced faulty float
- 1-Power failure in Kelly Ridge
- 1-Power failure at all lower P/S's due to car vs pole
- 1-Main office alarm

V.V. Callouts and Tanks That Needed Serviced- 7(3 Last Month)

- 6-Tanks cleaned, flushed and/or pumped
- 1-Duplex not pumping - rewired splice box

Interactions With Other Municipalities

- Loaned SFW&P section of pipe

Gas Consumption: 207.6 (Last Mo. 200.5)

Diesel Consumption: 711.0 (Last Mo. 698.7)

LOAPUD Gas: 207.6 (Last Mo. 200.5 Diesel: 530.6 (Last Mo. 149.9)

El Medio Fire Dept. Gas: 0.0 (Last Mo. 0.0) Diesel: 180.4 (Last Mo. 548.8)

Field Operations Supervisor
Dan W. Sanders

L.O.A.P.U.D. Daily Flow in MGD

September 2020

Day	L.O.A.P.U.D. COUNTER	L.O.A.P.U.D. GALLONS in MGD	Daily Rain Gauge Reading
1	0	0.877	
2	877	0.475	
3	1352	0.693	
4	2045	0.723	
5	2768	0.684	
6	3452	0.715	
7	4167	0.684	
8	4851	0.687	
9	5538	0.469	KELLY RIDGE EVACUATED
10	6007	0.49	
11	6497	0.614	
12	7111	0.664	
13	7775	0.7	
14	8475	0.687	
15	9162	0.692	
16	9854	0.734	
17	10588	0.664	
18	11252	0.748	
19	12000	0.754	
20	12754	0.69	
21	13444	0.719	
22	14163	0.7	
23	14863	0.7	
24	15563	0.735	
25	16298	0.692	
26	16990	0.752	
27	17742	0.721	
28	18463	0.695	
29	19158	0.729	
30	19887	0.717	
1	20604		
	20.604	0.687	0
Total		Daily Average	Total