

AGENDA

LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT

BOARD OF DIRECTORS

Special Meeting Scheduled 10:00 a.m. September 11, 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: 838 0120 6852
Meeting Password: 603473

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

The Board will consider appointing Kelly Hamblin to the position of Clerk of the Board/Treasurer of the Board as of September 11, 2020 replacing the retiring Clerk of the Board/Treasurer of the Board, Cindy Quigley.

5. 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.

- 5.1 BOARD MEETING MINUTES- REGULAR BOARD MEETING OF AUGUST 11, 2020.**
- 5.2 FINANCIAL REPORT-MONTH ENDING AUGUST 31, 2020**
- 5.3 PAYMENT OF WARRANTS-MONTH ENDING AUGUST 31, 2020**

6. ITEMS REMOVED FROM CONSENT AGENDA

DISCUSSION WITH POSSIBLE ACTION

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

The Board will review and consider approving Resolution No. 07-2020 Resolution of Appreciation in Recognizing Cindy M. Quigley for twenty-eight and one half years of service to the District.

DISCUSSION WITH POSSIBLE ACTION

8. REQUEST AUTHORIZATION TO HIRE AT AN ADVANCED STEP SALARY RANGE

The Board will consider authorizing the General Manager to hire at an advanced step salary range as per Policy 2150.

DISCUSSION WITH POSSIBLE ACTION

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

The Board will consider authorizing the General Manager to engage John Christofferson for Professional Survey Services.

DISCUSSION WITH POSSIBLE ACTION

REPORTS AND CONSULTATIONS

- 10. SC-OR COMMISSIONERS' REPORT**
- 11. BCSDA REPRESENTATIVE & LAFCo COMMISSIONER REPORTS**
- 12. BOARD MEMBERS, MANAGERS AND STAFF COMMENTS**
 - **FIELD OPERATIONS SUPERVISOR REPORT**
- 13. BOARD MEETING ADJOURNMENT**



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: September 11, 2020

RE: Item No. 1 – Salute To The Flag Of The United States



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: September 11, 2020

RE: Item No. 2 – Moment Of Silence



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: September 11, 2020

RE: Item No. 3 – Roll Call And Acknowledgment Of Visitors



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: September 11, 2020

RE: Item No. 4 – Appointment of Kelly Hamblin to Clerk of the Board/Treasurer of the Board

Cindy Quigley has retired effective August 31, 2020; Kelly Hamblin will assume her position as Clerk of the Board/Treasurer of the Board.

The Clerk of the Board and Treasurer of the Board will need to be appointed by the Board of Directors by motion, stating that Kelly Hamblin is appointed to replace Cindy Quigley as Clerk of the Board and Treasurer of the Board, effective September 11, 2020.

Recommended Action: Appoint Kelly Hamblin as the Clerk of the Board/Treasurer of the Board.



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: September 11, 2020

RE: Item No. 5 – Consent Agenda

Item No. 5.1 **Board Meeting Minutes** - Minutes from the August 2020 regular board meeting are included for the Board's review, comment, and approval.

Attachment Included

Item No. 5.2 **Financial Reports** - Profit and Loss report through August 2020 is complete and ready for review, comment, and approval.

Attachment Included

Item No. 5.3 **Payment of Warrants** - The pending August 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 REGULAR MEETING
AUGUST 11, 2020**

CALL TO ORDER

President Kuehner called the meeting to order at 2:00 P.M. Directors present were Fairbanks, Hosley, Mastelotto and Sharman. Manager McCutcheon, Field Operations Supervisor Sanders, District Engineer Knibb, Accounts Payable Clerk Hamblin, and Clerk of the Board Quigley 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.

CONSENT AGENDA

The Board reviewed the minutes of the Regular Board Meeting of July 14, 2020, the Financial Report and the Warrant List for month ending July 31, 2020. After discussion, it was moved by Director Fairbanks and seconded by Director Hosley that the items on the consent agenda be approved as presented. The motion passed with the following roll call vote:

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

RIVER RANCH PROJECT UPDATE

General Manager McCutcheon and Engineer Knibb updated the board on the progress of the River Ranch Project.

No action was taken.

CLOSED SESSION – GOVERNMENT CODE §54957

President Kuehner moved the meeting into closed session at 2:10 P.M.

President Kuehner returned the meeting to open session at 2:20 P.M., stating that no action was taken during the closed session.

REQUEST FOR REIMBURSEMENT OF EDUCATIONAL EXPENSES – BOARD POLICY #2120

General Manager McCutcheon requested reimbursement of educational expenses as per Board Policy #2120. After discussion, a motion was made by Director Mastelotto and seconded by Director Fairbanks to approve the request for reimbursement of educational expenses as per Board Policy #2120. The motion passed with the following vote:

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

CITY OF OROVILLE – LINCOLN AVENUE ANNEXIATION

General Manager McCutcheon and the Board reviewed the documents submitted by the City of Oroville for the annexation of Lincoln Avenue. It was noted that LOAPUD will remain the service provider for sanitary sewer service.

No action was taken.

COVID19 PANDEMIC UPDATE

General Manager McCutcheon updated the Board on the District's status for the COVID19 Pandemic.

No action was taken.

REQUEST AUTHORIZATION TO HIRE AT AN ADVANCE STEP SALARY RANGE

General Manager McCutcheon noted the District would soon be advertising for a Field Operator Technician (FOT). He requested authorization to hire a FOT at a step range that is greater than the first step in order to fill the position with a qualified candidate.

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

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

SC-OR COMMISSIONERS' REPORT

Director Kuehner and Director Fairbanks noted that the minutes from the SC-OR meeting were in the Board Packet.

No action was taken.

BCSDA REPRESENTATIVE & LAFCO COMMISSIONER REPORTS

General Manager McCutcheon updated the Board on the upcoming LAFCo election.

No action was taken.

BOARD MEMBERS AND STAFF COMMENTS

Field Operations Supervisor Sanders updated the Board on the status of the new camera van and the Field Operations Activity Report for July 2020.

General Manager McCutcheon updated the Board on possible dates for the Facilities Tour.

General Manager McCutcheon noted that this would be Clerk of the Board, Cindy Quigley's last Board meeting.

ADJOURNMENT

There being no further business to come before the Board the meeting was adjourned at 2:43 P.M.

Respectfully submitted,

Cindy Quigley,
Clerk of the Board

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

	Aug 20	Budget	Jul - Aug 20	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
41100 · Sewer Service Charge	126,538.13	126,535.00	252,936.96	253,070.00	1,518,420.00
41150 · Pumping Charge	10,674.00	10,674.00	21,344.63	21,348.00	128,088.00
41200 · Kelly Ridge Pumping Chg (Taxes)	0.00	0.00	4,083.75	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	137,212.13	137,209.00	277,879.67	274,418.00	1,691,508.00
Gross Profit	137,212.13	137,209.00	277,879.67	274,418.00	1,691,508.00
Expense					
60000 · Office Salaries & Wages	38,803.24	27,419.00	66,892.52	54,953.00	272,834.00
61000 · Field Salaries & Wages	25,372.56	27,634.00	48,144.81	56,824.00	343,012.00
62000 · Office Emp Benefits	22,032.96	21,658.50	41,785.35	43,500.00	222,083.00
63000 · Field Emp Benefits	16,140.91	19,551.00	33,549.25	39,656.00	237,135.00
64000 · Professional Services	6,387.42	8,700.00	16,592.40	23,200.00	172,800.00
65000 · Utilities	1,536.70	7,874.00	12,945.94	15,748.00	94,488.00
66000 · Services & Supplies	1,279.82	13,800.00	3,337.86	32,100.00	106,195.00
67000 · Training/Membership/Fees	546.08	4,450.00	6,702.15	13,400.00	82,700.00
68000 · Operations and Maintenance	2,216.07	23,390.00	11,719.52	37,390.00	105,635.00
69000 · Fuel, Oil, Grease & Auto	569.24	4,500.00	5,963.29	9,000.00	55,500.00
Total Expense	114,885.00	158,976.50	247,633.09	325,771.00	1,692,382.00
Net Ordinary Income	22,327.13	-21,767.50	30,246.58	-51,353.00	-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	0.00	433.32	0.00	25,498.00
70250 · RD Surcharge	30,179.00	30,179.00	60,323.70	60,358.00	362,148.00
70300 · Other Income	3,989.80	0.00	4,355.64	0.00	0.00
70349 · Taxes (Parent Account for Taxes Received)	0.00	0.00	15,635.21	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	34,168.80	30,179.00	80,737.60	60,358.00	633,246.00

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

	Aug 20	Budget	Jul - Aug 20	YTD Budget	Annual Budget
Other Expense					
80100 - Capitalized Expenditure	11,327.50	0.00	33,588.75	7,090.00	88,893.00
80150 - District Projects CIP	0.00	50,000.00	0.00	100,000.00	557,780.00
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	11,327.50	50,000.00	146,288.75	219,790.00	810,798.00
Net Other Income	22,841.30	-19,821.00	-65,551.15	-159,432.00	-177,552.00
Net Income	45,168.43	-41,588.50	-35,304.57	-210,785.00	-178,426.00
64400 - Depreciation	47,000.00	47,000.00	94,000.00	94,000.00	564,000.00
Change in Net Assets	-1,831.57	-88,588.50	-129,304.57	-304,785.00	-742,426.00

Lake Oroville Area Public Utility District
Warrant List
August 1 through August 31, 2020

Date	Num	Name	Memo	Gross	Amount	
08/05/2020	21789	Lake Oroville Area PUD	Amounts Due Villa Verona		\$ 705.54	
08/07/2020	21790	Better Deal Exchange	Repairs & Maintenance		\$ 29.20	
08/07/2020	21791	Comcast	Utilities		\$ 354.69	
08/07/2020	21792	Lakeview Petroleum Co	Fuel		\$ 3,247.91	
08/07/2020	21793	Les Schwab Tire Center	Repairs & Maintenance		\$ 528.11	
08/07/2020	21794	Miry's Cleaning Services	Cleaning services		\$ 260.00	
08/07/2020	21795	Pacific Gas & Electric	Utilities		\$ 4,785.95	
08/07/2020	21796	Quadient Leasing USA, Inc	Office Expense		\$ 344.31	
08/07/2020	21797	Recology Butte Colusa Counties	Utilities		\$ 85.16	
08/07/2020	21798	South Feather Water	Utilities		\$ 33.11	
08/07/2020	21799	Tractors Supply	Repairs & Maintenance		\$ 35.71	
08/07/2020	21800	U S Postal Service Meter	Office Expense		\$ 200.00	
08/07/2020	21801	Verizon Wireless	Utilities		\$ 456.65	
08/07/2020	21802	Cindy M. Quigley	Vision Benefit		\$ 236.00	
08/13/2020	21803	Alhambra	Office Expense		\$ 68.72	
08/13/2020	21804	Englund Chiropractic	DMV Physicals		\$ 95.00	
08/13/2020	21805	Jimmy's Trophies	Office Expense		\$ 12.99	
08/13/2020	21806	Sauers Engineering Inc	Engineering Services		\$ 14,586.25	
08/13/2020	21807	Umpqua Bank	Repairs & Maintenance, Office Expense		\$ 4,203.38	
08/13/2020	21808	Vista Net, Inc.	Computer Services		\$ 185.00	
08/13/2020	21809	TOMLINSON, LEVI M	Vision Benefit		\$ 288.00	
08/14/2020	21810	BRODERSON, ROBERT L	PPE 08/15/2020	\$ 2,368.60	\$ 1,585.44	
08/14/2020	21811	HAMBLIN, KELLY J	PPE 08/15/2020	\$ 1,946.53	\$ 1,274.87	
08/14/2020	21812	KAHALEKULU, DARIN K	PPE 08/15/2020	\$ 2,682.33	\$ 1,779.39	
08/14/2020	21813	TOMLINSON, LEVI M	PPE 08/15/2020	\$ 2,006.40	\$ 1,428.74	
08/14/2020	21814	Aflac Insurance	Insurance		\$ 544.29	
08/14/2020	21815	Sharman, Bill	replacement check		\$ 365.40	
08/20/2020	21816	Answerline Communications	Utilities		\$ 223.85	
08/20/2020	21817	Humana	Insurance		\$ 776.80	
08/20/2020	21818	Minasian Law Firm	Legal Services		\$ 2,877.62	
08/20/2020	21819	MME	Repairs & Maintenance		\$ 634.07	
08/20/2020	21820	O'Reilly Automotive, Inc	Repairs & Maintenance		\$ 97.89	
08/20/2020	21821	Oroville Cable & Equipment	Repairs & Maintenance		\$ 101.68	
08/20/2020	21822	Paramex	DMV screening		\$ 275.00	
08/20/2020	21823	Riebes Auto Parts	Repairs & Maintenance		\$ 78.31	
08/20/2020	21824	Streamline	Office Expense		\$ 200.00	
08/20/2020	21825	Underground Service Alert of No	Office Expense		\$ 546.08	
08/26/2020	21826	AT & T/SBC	Utilities		\$ 691.14	
08/26/2020	21827	Blue Shield of CA	Insurance		\$ 10,997.18	
08/26/2020	21828	CA Water Service	Utilities		\$ 69.30	
08/26/2020	21829	Oroville Ford Lincoln Mercury	Repairs & Maintenance		\$ 222.46	
08/26/2020	21830	Paygov.us	Office Expense		\$ 2,157.34	
					Subtotal	\$ 57,668.53

Lake Oroville Area Public Utility District Warrant List

Date	Num	Name	Memo	Gross	Amount
08/26/2020	21831	Riebes Auto Parts	Repairs & Maintenance		\$ 55.20
08/26/2020	21832	South Feather Water	Utilities		\$ 24.42
08/26/2020	21833	Xerox Corporation	Office Expense		\$ 176.06
08/28/2020	21834	Ann Baker	Refund of overpayment		\$ 45.00
08/31/2020	21835	BRODERSON, ROBERT L	PPE 08/31/2020	\$ 2,101.44	\$ 1,413.83
08/31/2020	21836	HAMBLIN, KELLY J	PPE 08/31/2020	\$ 1,946.53	\$ 1,274.88
08/31/2020	21837	KAHALEKULU, DARIN K	PPE 08/31/2020	\$ 2,682.33	\$ 1,779.41
08/31/2020	21838	TOMLINSON, LEVI M	PPE 08/31/2020	\$ 3,673.26	\$ 2,635.96
08/31/2020	21839	FAIRBANKS (DIRECTOR), DEE	PPE 08/31/2020	\$ 400.00	\$ 365.40
08/31/2020	21840	SHARMAN (DIRECTOR), WILLI	PPE 08/31/2020	\$ 400.00	\$ 365.40
08/31/2020	21841	Dee Fairbanks	Vision Benefit		\$ 38.00
08/14/2020	DD1055	MCCUTCHEON, SCOTT A	PPE 08/15/2020	\$ 4,093.38	\$ 2,432.32
08/14/2020	DD1056	QUIGLEY, CYNTHIA M	PPE 08/15/2020	\$ 2,985.67	\$ 1,824.67
08/14/2020	DD1057	RACKLEY, ANNELYN A	PPE 08/15/2020	\$ 536.63	\$ 460.43
08/14/2020	DD1058	SANDERS, DAN W	PPE 08/15/2020	\$ 5,804.13	\$ 3,302.16
08/14/2020	DD1059	SMITH, DANIEL L	PPE 08/15/2020	\$ 2,965.96	\$ 2,078.80
08/31/2020	DD1060	MCCUTCHEON, SCOTT A	PPE 08/31/2020	\$ 4,093.38	\$ 2,432.32
08/31/2020	DD1061	QUIGLEY, CYNTHIA M	PPE 08/31/2020	\$ 15,206.82	\$ 7,513.17
08/31/2020	DD1062	RACKLEY, ANNELYN A	PPE 08/31/2020	\$ 629.64	\$ 543.52
08/31/2020	DD1063	SANDERS, DAN W	PPE 08/31/2020	\$ 3,735.33	\$ 2,125.08
08/31/2020	DD1064	SMITH, DANIEL L	PPE 08/31/2020	\$ 2,717.44	\$ 1,901.05
08/31/2020	DD1065	HOSLEY (DIRECTOR), DON C	PPE 08/31/2020	\$ 400.00	\$ 357.40
08/31/2020	DD1066	KUEHNER (DIRECTOR), LARR	PPE 08/31/2020	\$ 400.00	\$ 365.40
08/31/2020	DD1067	MASTELOTTO (DIRECTOR), AN	PPE 08/31/2020	\$ 400.00	\$ 365.40
08/14/2020	657201440	United States Treasury			\$ 6,198.70
08/14/2020	1001631605	CA Public Employers' Retirement System			\$ 11,207.01
08/14/2020	1001631606	CA Public Employers' Retirement System			\$ 2,170.88
08/14/2020	1001631607	CA Public Employers' Retirement System			\$ 1,832.27
08/14/2020	1001631608	CA Public Employers' Retirement System			\$ 75.04
08/14/2020	1001631610	CalPERS 457 Remittance			\$ 2,042.06
08/17/2020	5158538	EDD			\$ 1,222.66
08/31/2020	60184877	United States Treasury			\$ 11,277.32
08/31/2020	179012896	EDD			\$ 2,390.31
08/31/2020	1001643505	CA Public Employers' Retirement System			\$ 3,775.23
08/31/2020	1001643506	CalPERS 457 Remittance			\$ 2,503.30
08/31/2020	1001643507	CA Public Employers' Retirement System			\$ 1,888.42
08/31/2020	1001643595	CA Public Employers' Retirement System			\$ 700.00
Subtotal					\$ 81,158.48
Subtotal from page 1					\$ 57,668.53
Total					\$ 138,827.01

Lake Oroville Area Public Utility District
Warrant List
August 1 through August 31, 2020

GENERAL CHECKING ACCOUNT FIVE STAR BANK

\$ 138,827.01

THE ABOVE CLAIMS AND WARRANTS WERE APPROVED AT A REGULAR MEETING OF
THE LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT HELD ON:
Friday, September 11, 2020

President: _____

Director: _____

Director: _____

Director: _____

Director: _____



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: September 11, 2020

RE: Item No. 6 – Items Removed From Consent Agenda



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: September 11, 2020

RE: Item No. 7 – Resolution Number 07-2020: “Resolution of Appreciation in Recognition of Service Cindy M. Quigley”

A resolution of appreciation has been prepared for Board Secretary/Bookkeeper Cindy Quigley in recognition of her many years of service to the Lake Oroville Area Public Utility District.

Attachment Included

Recommended Action: Adopt Resolution No. 07-2020: “Resolution of Appreciation in Recognition of Service Cindy M. Quigley”

Finish Resolution with Roll Call

RESOLUTION NO. 07-2020
LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT

**RESOLUTION OF APPRECIATION
IN RECOGNITION OF SERVICE
CINDY M. QUIGLEY**

WHEREAS, Cindy M. Quigley came to work for the District, originally called North Burbank Public Utility District, as a part time employee to assist with data entry and miscellaneous office tasks in December 1991. Working in a variety of positions, including time spent as a Utility Worker, she was moved to a full time position as an administrative aide in February of 1992. She has advanced within the District to her current position, Bookkeeper/Clerk of the Board, and

WHEREAS, Cindy has served Lake Oroville Area Public Utility District for over twenty-eight with the utmost proficiency, versatility and professionalism in dealing with all District matters, and

WHEREAS, Cindy has been instrumental in facilitating the evolution of all aspects of the Districts Information Technology System. Her attention to detail and ability to anticipate the future needs of the District has been of great benefit to the success and growth of the District.

WHEREAS, Cindy has met all challenges presented to her by the Board of Directors and the Managers of the District in an effective and confident manner throughout her twenty-eight years. She has been an integral part of maintaining the historical data and the integrity of the District. Her compassion and concerns for the citizens of the Lake Oroville Area Public Utility District have been an invaluable asset.

WHEREAS, the Directors of Lake Oroville Area Public Utility District wish to acknowledge her efforts and service as a matter of public record;

NOW, THEREFORE, BE IT RESOLVED that the Lake Oroville Area Public Utility District hereby expresses its heartfelt thanks and appreciation of Cindy M. Quigley for her service and contribution to the community and the Lake Oroville Area Public Utility District.

PASSED AND ADOPTED this 11th day of September, 2020 at Oroville, California, after being moved by Director _____ and seconded by Director _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT

By _____
Larry E. Kuehner, President

ATTEST:

Kelly Hamblin, Clerk of the Board



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: September 11, 2020
RE: Item No. 8– Request Authorization to Hire at Advanced Step Salary Range

The District is in the process of filling vacant field staff positions.

Board Policy No. 2150 requires that the General Manager request the Board of Director's authorization to hire an employee at a step salary range that is something other than the first step of the salary range.

In accordance with Policy No. 2150, the General Manager is requesting authorization to hire an open and/or advertised position at a step range that is greater than the first step in the applicable salary range, when necessary, in order to fill the position with a qualified applicant.

Attachment Included

Recommended Action: Consider the General Manager's request for authorization to hire an open and/or advertised position at a step salary range necessary to obtain a qualified applicant.

BOARD POLICY
Lake Oroville Area Public Utility District

TITLE: EMPLOYEE COMPENSATION
ADOPTION DATE: July 8, 1987

NUMBER: 2150
AMENDED DATE: July 12, 2016

2150.1 This policy shall apply to all employees, with the exception of the General Manager.

2150.2 COMPENSATION AT HIRING

2150.2.1 New Employees: All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided herein.

2150.2.2 Advanced Step Hiring: If the General Manager finds that qualified applicants cannot be successfully recruited at the first step of the salary range, he/she may request the Board of Directors to authorize an appointment at an advanced step of the salary range. Whenever advanced step hiring is approved, an employee being paid at a lower salary step in the same range may be advanced to the step at which the new employee is appointed.

2150.2.3 Former Employees: A person who previously held a permanent position from which the person was separated in good standing may, when re-employed in a position with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination, or the nearest lower applicable step for the range to which the person is appointed provided such re-employment occurs within twelve (12) months from the date of said termination.

2150.3 MERIT ADVANCEMENT WITHIN RANGE

2150.3.1 Performance Evaluation Required: The General Manager shall authorize a merit advancement within the salary range only after evaluating the employee's performance and determining that it is satisfactory. This determination shall be noted on a performance evaluation form to be placed in the employee's file, with a copy given to the employee.

2150.3.2 Period of Employment Required for Merit Advancement: Unless otherwise specified herein in addition to receiving a satisfactory performance evaluation, each employee shall, complete the following required time of employment to be eligible to receive a merit increase:



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: September 11, 2020

RE: Item No. 9 –Authorization to Engage John D. Christofferson, Inc. for Professional Survey Services

John Christofferson has been performing survey services for the District for many years through his former company, GDA. John's services are needed from time to time and his knowledge and expertise are highly regarded. The General Manager requests that the Board authorize the selection of John D. Christofferson, Inc. as a consultant to the District for Professional Survey Services as needed per Board Policy 3035 and the attached proposal.

Attachment Included

Recommended Action: Authorize the General Manager to engage John D. Christofferson Inc., for Professional Survey Services as per Board Policy 3035, and the attached proposal.

BOARD POLICY
Lake Oroville Area Public Utility District

TITLE: EMPLOYMENT OF OUTSIDE CONTRACTORS NUMBER: 3035
AND CONSULTANTS
ADOPTION DATE: March 13, 1985 AMENDED DATE: June 14, 2005

3035.1 The District employs outside contractors or consultants for construction or engineering projects, legal matters, or for auditing purposes. The District's procedure is as follows:

3035.1.1 Construction projects will be advertised for bid in newspapers and the Contractors Exchange. The bid opening is open to the public and will be specified in the bid documents.

3035.2 Consultants will be selected by the Board of Directors. The Board of Directors will make their selection based on the consultant's experience and qualifications. The consultant will also be required to make a cost estimate for his/her services that will be used in his/her evaluation in the selection process.

JOHN D. CHRISTOFFERSON, INC.

1804 6th Street, Oroville, CA 95965

Survey Consulting

(530) 518-3054

TRANSMITTAL

TO:	LAKE OROVILLE PUBLIC UTILITY DISTRICT	DATE:	9/2/2020	JOB NO	20-006
	1960 ELGIN STREET				
	OROVILLE, CA 95966	PROJECT:	AS ASSIGNED		
		FOR:	APN:		
ATTN:	SCOTT MC CUTCHEON	APN:	SEE ABOVE		


ENCLOSED FIND THE FOLLOWING:

COPIES	DATED	DESCRIPTION
1	3/31/2020	CONTRACT FOR CONSULTING SERVICES

FOR:	<input type="checkbox"/>	CHECKING	<input checked="" type="checkbox"/>	YOUR INFORMATION	<input checked="" type="checkbox"/>	YOUR FILES
	<input type="checkbox"/>	RECORDING	<input checked="" type="checkbox"/>	YOUR APPROVAL	<input type="checkbox"/>	REVISION
	<input checked="" type="checkbox"/>	SIGNATURE	<input type="checkbox"/>	PER YOUR REQUEST	<input checked="" type="checkbox"/>	FOLLOW UP

REMARKS: SCOTT: THE GOVERNMENT CODE REQUIRES A PROFESSIONAL SURVEYOR TO HAVE A CONTRACT WITH HIS CLIENTS. WHILE THERE ARE A FEW EXCEPTIONS TO THAT RULE, I FIND IT BEST TO HAVE THINGS IN WRITING. INCLUDED HERewith IS A CONTRACT FOR SERVICES AS MAY BE ASSIGNED BY THE DISTRICT. PLEASE SIGN THE GRAY COPY AND RETURN IT TO MY OFFICE. THE YELLOW COPY IS FOR YOUR FILES.

PLEASE CALL ME AT 518-3054 IF YOU HAVE ANY QUESTIONS.

COPY TO:	<input checked="" type="checkbox"/> ENCLOSURES	SINCERELY,
		
		BY: JOHN D. CHRISTOFFERSON, P.L.S.

JOHN D. CHRISTOFFERSON, INC.

1804 6th Street, Oroville, CA 95965
Survey Consulting
(530) 518-3054

STANDARD FORM OF AGREEMENT BETWEEN CLIENT AND CONSULTANT

THIS AGREEMENT, entered into at OROVILLE, CALIFORNIA on the 2 ND day of SEPT. 2020,
by and between LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT
1960 ELGIN STREET
OROVILLE, CA 95966 533-2000

hereinafter called "CLIENT," and JOHN D. CHRISTOFFERSON, INC. hereinafter called "CONSULTANT," is as follows:
The client intends to HAVE JOHN D. CHRISTOFFERSON INC. PROVIDE CERTAIN PROFESSIONAL SURVEY SERVICES
AS HEREIN DEFINED:

hereinafter called the "PROJECT." The present record owner is:
Name: SAME AS CLIENT
Address: _____

The client and consultant for mutual consideration hereinafter set forth, agree as follows:

A. Consultant agrees to perform the following services.

- 1) PROVIDE PROFESSIONAL SURVEY CONSULTING SERVICES AS DIRECTED BY THE DISTRICT AS MAY BE NEEDED FROM TIME TO TIME.
- 2) CONSULTANT HAS THE RIGHT TO REFUSE ANY ASSIGNMENT REQUESTED BY THE DISTRICT IF IT IS BEYOND THE CONSULTANT'S ABILITY TO DELIVER ANY WORK PRODUCT ON A TIMELY BASIS OR IF IT IS BEYOND CONSULTANT'S PROFESSIONAL EXPERTISE.
- 3) NOTHING FOLLOWS.

B. Client agrees to compensate consultant for such services as follows:

- 1) ITEM NUMBER 1 ABOVE.....TO BE BILLED BY THE HOUR IN ACCORDANCE WITH "STANDARD CHARGE OUT RATES".... ATTACHED HERETO AS EXHIBIT "A".....
- 2) CHARGES FOR CONSULTING WORK PERFORMED FOR THE DISTRICT AND AT THE REQUEST OF JOHN D. CHRISTOFFERSON, INC.. WILL BE BILLED DIRECTLY TO THE DISTRICT AND WITH NO MARK-UP IN PRICE.
- 3) NOTHING FOLLOWS.

[Note] - Under provisions of this agreement, a late payment FINANCE CHARGE will be computed at the periodic rate of 1.5% per month which is an ANNUAL PERCENTAGE RATE of 18%, and will be applied to any unpaid balance commencing 30 days after the date of the original invoice.

[Note] - Under provisions of this agreement, client agrees to limit the liability of consultant in accordance with §28 of the Standard Provisions set forth upon the reverse side.

C. The standard provisions set forth upon the reverse side are incorporated herein and made a part of this agreement.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this agreement upon the terms, conditions, and provisions above stated and on the reverse side hereof, the day and year first above written.

* CONSULTANT

By 
(Signature)

Name JOHN D. CHRISTOFFERSON, P.L.S.
(Print)

Title OWNER / CONSULTANT

CLIENT:

By _____
(Signature)

Name SCOTT MC CUTCHEON
(Print)

Title DISTRICT MANAGER

* CONSULTANT IS A LICENSED PROFESSIONAL LAND SURVEYOR - CA NO. 4208 EXP. 6/30/2022

STANDARD PROVISIONS OF AGREEMENT

The Client and Consultant agree that the following provisions shall be a part of their agreement:

1. The Client binds himself, his partners, successors, executors, administrators, and assigns to the Consultant to this agreement in respect to all of the terms and conditions of this agreement.
2. Neither the Client nor Consultant shall assign his interest in this agreement without the written consent of the other.
3. No conditions or representations, altering, detracting from, nor adding to the terms hereof shall be valid unless printed or written hereon or evidenced in writing by either party to this agreement and accepted in writing by the other.
4. One or more waivers of any term, condition or covenant by the Consultant shall not be construed by the Client as a waiver of a subsequent breach of the same or any other term, condition or covenant.
5. In the event any provision of this agreement shall be held to be invalid and unenforceable, the other provisions of this agreement shall be valid and binding on the parties hereto.
6. The Consultant is not responsible for delay, nor shall Consultant be responsible for damages or be in default or deemed to be in default by reason of strikes, lockouts, accidents, or acts of God; or the failure of Client to furnish timely information or to approve or disapprove Consultant's work promptly; or delay or faulty performance by Client, other contractors, or governmental agencies; or any other delays beyond Consultants reasonable control.
7. Consultant shall not be liable for damages resulting from the actions or inactions of governmental agencies including, but not limited to permit processing, environmental impact reports, dedications, general plans and amendments thereto zoning matters, annexations or consolidations, use or conditional use permits, and building permits; and Consultant shall only act as an adviser in all governmental relations.
8. In the event of litigation on this agreement, the interpretation thereof, and all disputes or controversies arising hereunder shall be governed by the laws of the state of California.
9. In the event that Client institutes a suit against Consultant because of any failure or alleged failure to perform, error, omission, or negligence, and if such suit is not successfully prosecuted, or if it is dismissed, or if a verdict is rendered for Consultant, Client agrees to pay Consultant any and all costs of defense, including attorneys' fees, expert witnesses' fees, and court costs and any and all other expenses of defense which may be needful, immediately following dismissal of the case or immediately upon judgment being rendered in behalf of Consultant.
10. In the event that litigation be instituted under the terms and conditions of this agreement, the same is to be brought and tried in judicial jurisdiction of the court of the county in which the Consultant's principal place of business is located and Client waives the right to have the suit brought, or tried in, or removed to any other county or judicial jurisdiction.
11. Should litigation be necessary to enforce any term or provision of this agreement, or to collect any portion of the amount payable under this agreement, then all litigation and collection expenses, witness fees and court costs, and attorneys' fees shall be paid to the prevailing party.
12. There are no understandings or agreements except as herein expressly stated.
13. All original papers and documents, and copies thereof, produced as a result of this contract, except documents which are required to be filed with public agencies, shall remain the property of the Consultant and may be used by Consultant without the consent of Client.
14. Services provided within this agreement are for the exclusive use of the Client for the project only.
15. Client and Consultant agree to cooperate with each other in any and every way or manner on the project.
16. Upon written request, each of the parties hereto shall execute and deliver, or cause to be executed and delivered, such additional instruments and documents which may be necessary and proper to carry out the terms of this agreement.
17. The terms and provisions of this agreement shall not be construed to alter, waive, or affect any lien or stop notice rights, which the Consultant may have for the performance of services under this agreement.
18. The Consultant makes no representation concerning the estimated quantities and cost figures made in connection with maps, plans, specifications, or drawings other than that all such figures are estimates only and the Consultant shall not be responsible for fluctuations in cost factors.
19. Consultant does not guarantee the completion or quality of performance of contract or the completion or quality of performance of contractors by the construction contractor or contractors, or other third parties, nor is he responsible for their acts or omissions.
20. Consultant makes no warranty, either express or implied, as to his findings, recommendations, specifications, or professional advice except that the work was performed pursuant to generally accepted standards of practice in effect at the time of performance.
21. Consultant makes no representations concerning soil conditions unless specifically included in writing in this agreement, and he is not responsible for any liability that may arise out of the making or failure to make soil surveys, or sub-surface soil tests, or general soil testing.
22. Estimate of areas provided under this agreement are not to be considered precise unless Consultant specifically agrees to provide the precise determination of such areas.
23. In the event that any changes are made in the plans and specifications by the Client or persons other than the Consultant, which affects the Consultant's work any and all liability arising out of such changes is waived as against the Consultant and the Client assumes full responsibility for such changes unless Client has given Consultant prior notice and has received from Consultant written consent for such changes.
24. The Consultant is not responsible, and liability is waived by Client as against Consultant, for use by Client or any other person of any plans or drawings not signed by Consultant.
25. Consultant has a right to complete all services agreed to be rendered pursuant to this contract. In the event this agreement is terminated before the completion of all services, unless Consultant is responsible for such early termination, Client agrees to release Consultant from all liability for work performed.

26. Client agrees that Consultant will not perform on-site construction review for this project unless specifically provided for in this agreement, that such services will be performed by others, and that the Client will defend, indemnify, and hold Consultant harmless from any and all liability arising from or resulting from the performance of construction review by other persons.

27. The Client agrees that in accordance with generally accepted construction practices, the construction contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property; that this requirement shall be made to apply continuously and not be limited to normal working hours; and the Client further agrees to defend, indemnify and hold the Consultant harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting liability arising from the sole negligence of the Consultant.

29. All fees and other charges will be billed monthly and shall be due at the time of billing unless otherwise specified in this agreement.

30. Client hereby agrees that the balance as stated on the billing from the Consultant to Client is correct, conclusive and binding on the Client unless Client within ten (10) days from the date of the making of the billing notifies Consultant in writing of the particular item that is alleged to be incorrect.

31. A late payment FINANCE CHARGE will be computed at the periodic rate of 1.5% per month, which is an ANNUAL PERCENTAGE RATE of 18% and will be applied to any unpaid balance commencing 30 days after the date of the original invoice.

32. In the event that the plans, specifications, and/or field work covered by this contract are those required by various governmental agencies and in the event that due to change of policy of said agencies after the date of this agreement, additional office or field work is required, the said additional work shall be paid for by Client as extra work.

33. In the event of any increase of costs due to the granting of wage increases and/or other employee benefits to field or office employees due to the terms of any labor agreement, or rise in the cost of living, during the lifetime of this agreement, such percentage increase shall be applied to all remaining compensation.

34. In the event that any staking is destroyed by an act of God or parties other than Consultant, the cost of re-staking shall be paid for by Client as extra work.

35. The Client shall pay the costs of checking and inspection fees, zoning and annexation application fees, assessment fees, soils engineering fees, soils testing fees, aerial topography fees, and all other fees, permits, bond premiums, title company charges, blueprints and reproductions, postage, shipping, and all other charges not specifically covered by the terms of this agreement.

CONTRACT TERMINATION:

36. In the event that the Client wishes, for any reason, to terminate all or any portion of the work requested by Client and agreed to by Consultant as set forth in this contract, Client shall give consultant written notice requesting said termination and specifying those portions of the contract the Client wishes to have terminated. Consultant may or may not terminate said contract at his sole discretion. Consultant will, within 10 days of the receipt of Client request, give written notice to Client stating what portions of the contract, if any, will be canceled by Consultant.

37. In the event all or any portion of the work prepared or partially prepared by the Consultant be suspended, abandoned, or terminated by Client, Client shall pay the Consultant for all fees, charges, and services provided for the project, not to exceed any contract limit specified herein.

Work on a project may include, but is not limited to research, consultation, coordination between client, consultant and/or subcontractors, calculations, resolution, field work, and/or professional work products ordered from photogrammetrists, title companies, engineers, surveyors, etc. Certain professional services require additional maps, certificates, records and fees to be filed and/or paid to certain outside agencies pursuant to the California Government Code. If any of these additional items are required, it will be the responsibility of the Client to pay Consultant for the preparation of said documents to the satisfaction of the Consultant and the reviewing government official and pay the required government fees although the contract may be terminated.

38. This contract is based upon current costs for labor, materials, and availability of Consultant to perform the work stated herein. If contract is not signed and received, along with required deposit(s) within 30 days from the date of contract, said contract is void. GDA reserves the right to submit a new contract.

39. In the event of any litigation, Client agrees to pay to Consultant interest on all past due balances at the rate of 18% per annum.

OUR NOTICE TO YOU:

40. In the event Client fails to pay Consultant within thirty (30) days after invoices are rendered, Client agrees that Consultant shall have the right to consider a said default and total breach of the agreement and, upon written notice, the duties, obligations and responsibilities of the Consultant under this agreement are terminated. In such events, Client shall then promptly pay the Consultant for all of the fees, charges, and services provided by Consultant. Mailing notice to Client at the mailing address stated in this contract will be sufficient to prove notice to Client.

DELIVERY OF CADD FILES:

41. In accepting and utilizing any drawings, reports and data on any form of electronic media generated and provided by the Consultant, the Client covenants and agrees that all such electronic files are instruments of service of the Consultant, who shall be deemed the author, and shall retain all common law, statutory law and other rights, including copyrights.

42. The Client agrees not to reuse these electronic files, in whole or in part, for any purpose or project other than the project that is the subject of this Agreement. The Client agrees not to transfer these electronic files to others without the prior written consent of the Consultant. The Client further agrees to waive all claims against the Consultant resulting in any way from any unauthorized changes or reuse of the electronic files for any other project by anyone other than the Consultant.

43. The Client and the Consultant agree that any electronic files prepared by either party shall conform to the software and hardware specifications listed for Autodesk CADD Release 13, 14, Land Development Desktop or files compatible therewith. Any changes to the CADD specifications by either the Client or the Consultant is subject to review and acceptance by the other party. Additional efforts by the Consultant made necessary by a change to the CADD or other software specifications shall be compensated for as Additional Services.

44. The electronic files submitted by the Consultant to the Client are submitted for an acceptance period of ten (10) days. Any defects the Client discovers during this period will be reported to the Consultant and will be corrected as part of the Consultant's Basic Scope of Services. Correction of defects detected and reported after the acceptance period will be compensated for as Additional Services.

45. The Client is aware that significant differences may exist between the electronic files delivered and the respective construction documents due to addenda, change orders or other revisions. In the event of a conflict between the signed construction documents prepared by the Consultant and electronic files, the signed construction documents shall govern.

46. In addition, the Client agrees, to the fullest extent permitted by law, to indemnify and hold the Consultant harmless from any damage, liability or cost, including reasonable attorneys' fees and costs of defense, arising from any changes made by anyone other than the Consultant or from any reuse of the electronic files without the prior written consent of the Consultant.

47. Under no circumstances shall delivery of the electronic files for use by the Client be deemed a sale by the Consultant, and the Consultant makes no warranties, either express or implied, of merchantability and fitness for any particular purpose. In no event shall the Consultant be liable for any loss of profit or any consequential damages.

48. Upon request of the Client, Consultant will prepare and deliver electronic files to the Client for delivery to a third party. Electronic files will be delivered on 3-1/4" diskette or CD-ROM. Electronic files will not be transmitted over the Internet. Consultant reserves the right to delete all company logos, seals & electronic signatures from the electronic files. Unless otherwise specified in the contract, Consultant will bill Client for time & materials spent in preparing and transmitting electronic files.

CONSULTANT'S INITIALS 

CLIENT'S INITIALS _____

EXHIBIT "A"
JOHN D. CHRISTOFFERSON, INC.
1804 6th STREET
OROVILLE, CA 95965

EXHIBIT "A"

STANDARD RATE SCHEDULE

Compensation for labor and expenses shall be made in accordance with the following.

A) A fee based on the actual time engaged in the work in accordance with the following rates:

CLASSIFICATION

Professional Land Surveyor.....	\$180.00 / Hour
Clerical.....	\$75.00 / Hour
Court - Preparation.....Depositions & Court Appearance.....	* \$500.00 / Hour
Global Positioning System (GPS).....	** \$400.00 / Day

B) Compensation for special expenditures associated with a client's job:

1. Fees advanced on behalf of the client.....Actual cost plus 10%
2. Special materials & equipmentnot generally applicable to normal overhead.....Actual cost plus 10%.
3. All direct expenses for subsistence and lodging.....Actual cost plus 10%
4. Postage and shipping.....Actual Cost
5. Subcontracting expenses.....Actual cost plus 10%
6. Extra Prints furnished at the request of client.....\$10.00ea

* 4-hour minimum charge for depositions and court appearances.

** In addition to labor charge-out rates.

CONSULTANT'S INITIALS _____

CLIENT'S INITIALS _____



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: September 11, 2020

RE: Item No. 10 –SC-OR Commissioner's Report

Included in your packet are the August 26, 2020 Minutes of the Regular Meeting and the August 31, 2020 Minutes of the Special Meeting of the Sewerage Commission – Oroville Region. Directors Fairbanks and Kuehner will present the SC-OR report if any information is available for reporting.

Attachments Included

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 of 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.

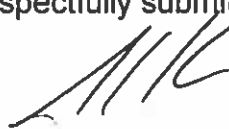
14. Closed Session ❖

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 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.

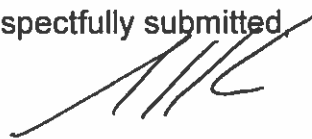
7. Closed Session ❖

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



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: September 11, 2020

RE: Item No. 11 – BCSDA Representatives and LAFCo Commissioners Report

BCSDA

No report at this time.

LAFCo

The Butte LAFCO agenda for the September 3, 2020 regular meeting is attached for general information purposes. Included in the attachments is Item 4.2- Lake Oroville Area Public Utility District - Ophir Road Annexation No. 2. 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, September 3, 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 **September 3, 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.buttelafco.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**
2. **CONSENT AGENDA**
 - 2.1 **Approval of the Minutes of August 6, 2020.**
3. **NOTICED PUBLIC HEARINGS - None**
4. **REGULAR AGENDA**
 - 4.1 **Items Removed from the Consent Agenda (If any)**
 - 4.2 **20-10 – Lake Oroville Area Public Utility District – Ophir Road Annexation No. 2**

The Lake Oroville Area Public Utility District proposes to annex a single developed parcel totaling approximately 7.82 acres in size, for the provision of public sanitary sewer services to the subject parcel. The area proposed for annexation is located southwest of the Lincoln Boulevard/Ophir Road intersection, in the unincorporated area of south Oroville. The subject parcel is identified as Assessor's Parcel Number 078-090-053. The territory is located in Supervisorial District 1. **ACTION REQUESTED:** Adopt Resolution No. 02 2020/21 approving the annexation.

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, October 1, 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 20-10 – Lake Oroville Area Public Utility District – Ophir Road Annexation No. 2*

DATE: August 27, 2020 for the September 4, 2020 LAFCo Meeting

Summary

The Lake Oroville Public Utility District (LOAPUD) is proposing the annexation of a single parcel to the LOAPUD service area. Upon request of an adjacent property owner, staff recommends that the annexation include an additional single parcel and adjacent road right-of-way located directly south-adjacent to the territory (see **Exhibit A**). The territory is located at the southwest corner of the intersection of Ophir Road and Lincoln Boulevard, south of the City of Oroville. As modified, the overall territory would be 12.65 acres in size. This uninhabited annexation (12 or less registered voters) would allow the Lake Oroville Area Public Utility District (LOAPUD) to provide sanitary sewer service to the existing development within the territory; future development within the territory would have to conform to the zoning and general plan regulations administered by Butte County. The proposal substantially conforms to LAFCo policy and the Executive Officer recommends approval of this proposal.

General Information

Application Submitted: June 22, 2020

Application Deemed Complete: July 22, 2020

100% Landowner Consent: Yes

Notice and Hearing Required: No

Proponent: Lake Oroville Area Public Utility District Board, by Resolution 05-2020

Landowner: Lazzareschi Investment Co. Partnership, c/o Michael Lazzareschi (Parcel 1)
Thomas Butler and Scott Perkins (Parcel 2)

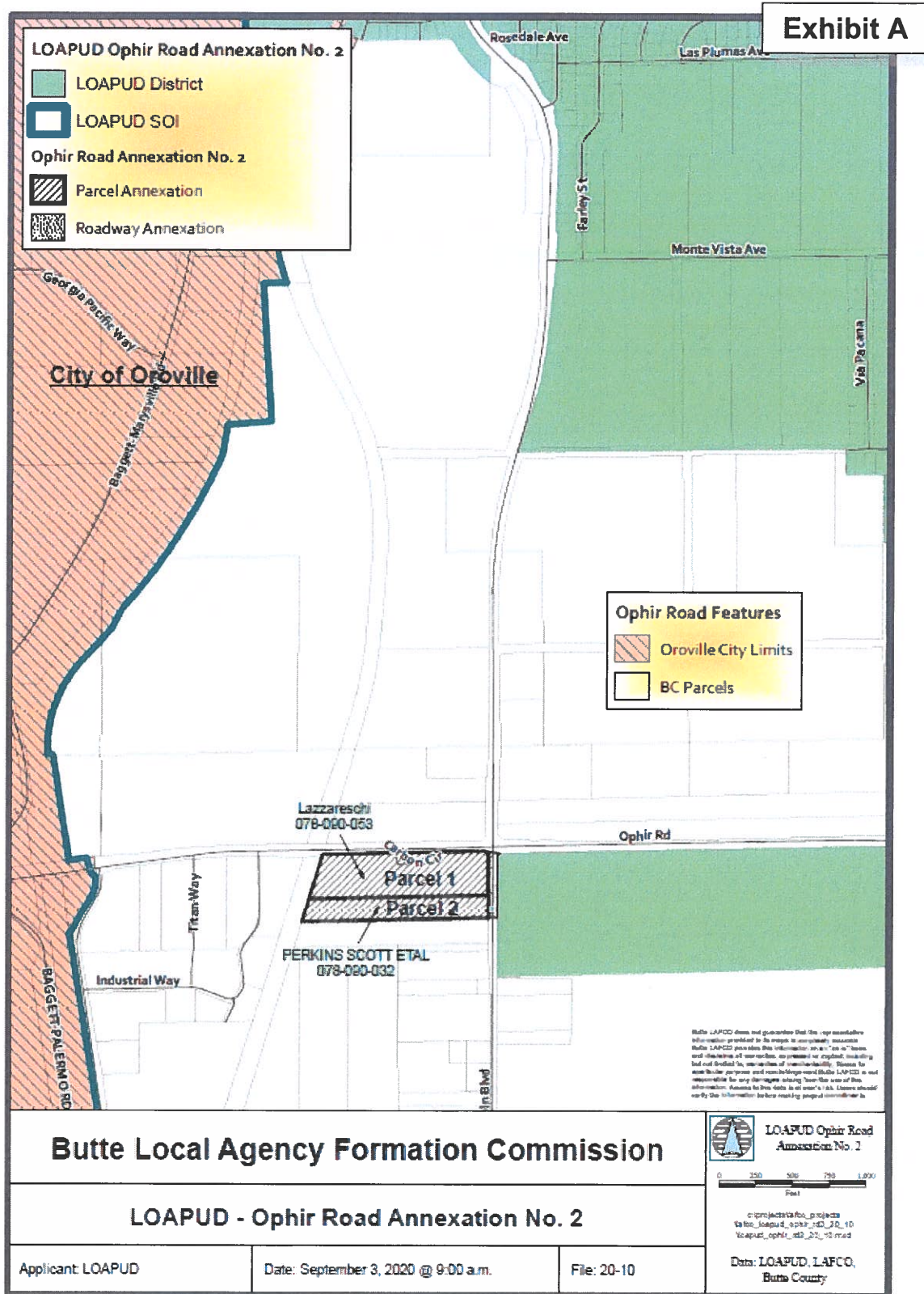
Location: The territory is located on the southwest corner of the intersection of Ophir Road and Lincoln Boulevard, south of the City of Oroville. The territory is located in Supervisorial District 1.

Proposal:

1. Proposed annexation of a single substantially developed parcel (APN 078-090-053) approximately 7.82 acres in size and adjacent road right-of-way to the LOAPUD; and
2. Amended by Staff to include an additional partially-developed parcel (APN 078-090-032) and road right-of-way, totaling approximately 4.83 acres in size to the LOAPUD.

Requested

Action: Adopt Resolution 02 2020/21 (**Exhibit B**) approving the annexation.



BACKGROUND

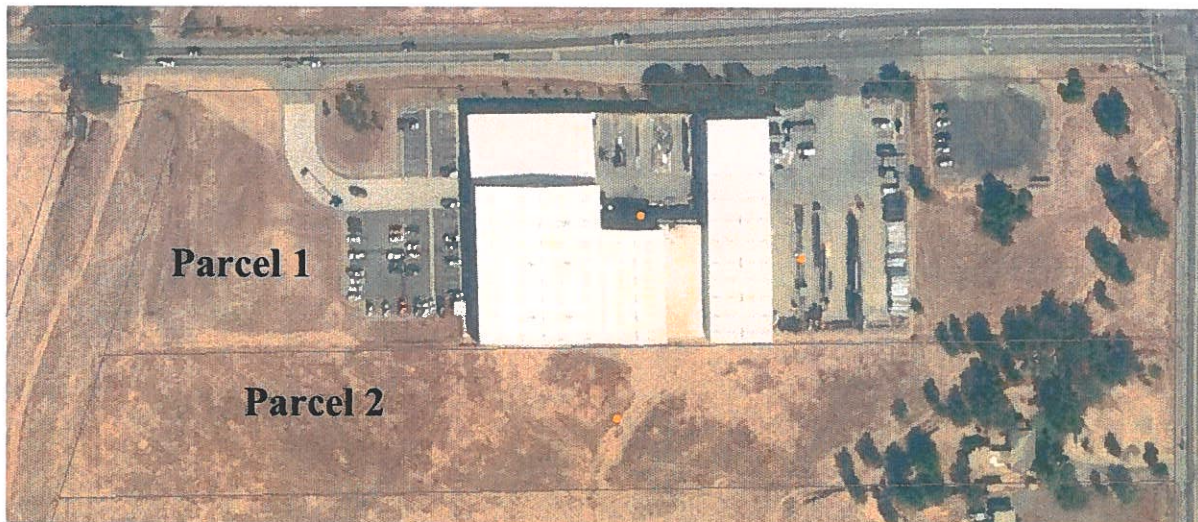
Proposal

LOAPUD and the affected property owner of Parcel 1 initiated the annexation by resolution of application (see **Exhibit C**). The proposal included the annexation of a single parcel located on the southwest corner of the intersection of Ophir Road and Lincoln Boulevard to the Lake Oroville Public Utility District (LOAPUD) for the purpose of providing sanitary sewer services to the existing commercial/industrial use at the territory (All Metals, Inc.). Upon request of the adjacent property owner (see **Exhibit D**), staff is recommending one additional parcel and adjacent road right-of-way to be added to the annexation proposal for the purpose of providing sanitary sewer service to the existing single-family home, and to support a more efficient provision of services. The territory is within the Sphere of Influence for LOAPUD and the nearest boundary of the LOAPUD district is immediately to the east, on the southeast corner of the intersection of Lincoln Boulevard and Ophir Road.

Existing Conditions

The territory is located at the southwest corner of the intersection of Lincoln Boulevard and Ophir Road in unincorporated Butte County, south of the City of Oroville. Parcel 1 is substantially developed with an approximately 67,700 square foot building which has historically been used for the fabrication and distribution of metal and industrial hardware (All Metals Supply Inc.), surrounding parking and landscaping. The 7.82-acre parcel is zoned GI (General Industrial) and is identified as I (Industrial) in the Butte County General Plan.

Parcel 2 is developed with a single-family home and surrounding residential landscaping. The parcel is 4.83 acres in size, zoned MU-1 (Mixed Use, 1 acre minimum) and is identified as MU (Mixed Use, 4 – 20 units per acre) in the Butte County General Plan. While no further development of the parcel is proposed or known this time, the zoning and General Plan Land Use designation (MU) would allow for a variety of residential and commercial uses under the authority of the Butte County Department Development Services. Further analysis of potential environmental impacts related to any additional development would be considered by Butte County and evaluated when proposed. Additionally, LOAPUD will require any new development to complete a Capacity Study by the Sewerage Commission – Oroville Region (SC-OR).



Ability to Serve

LOAPUD provides sewer collection and conveyance services in the unincorporated areas of Butte County generally to the south and east of the City of Oroville. Sewerage treatment is provided by Sewerage Commission – Oroville Region (SC-OR), a regional wastewater treatment plant. In 2009, SC-OR adopted a policy that requires all proposed developments of twenty or more residential units, or commercial/industrial developments with equivalent wastewater flows, to prepare a site specific “Capacity Impact Study” to assess the impact of the proposed development on SC-OR’s capacity. The study would also determine whether any necessary expansion or other modification or improvement of capacity in SC-OR’s Regional Facilities are required as a result of the development’s impacts. The developer would be required to enter into an agreement with SC-OR to construct or finance any capacity improvements needed to SC-OR facilities as a result of the development. For Parcel 1, LOAPUD has already provided a Sewer Availability Letter, confirming that no impact study or mitigation would be required. Prior to connection to service, LOAPUD would require confirmation from SC-OR that no impact study or mitigation is necessary for Parcel 2.

Currently there is no LOAPUD infrastructure in the vicinity of the annexation territory and as a matter of policy, LOAPUD requires infrastructure installation to be sited and sized to serve all parcels within a natural watershed. To serve the annexation territory, a mainline extension, regional pump station, and force main facilities with the capacity to serve a much larger basin would need to be installed. At its August 25, 2020 meeting, the Butte County Board of Supervisors approved a resolution authorizing an application to the Local Early Action Planning (LEAP) Grants Program, seeking funding to improve infrastructure in the South Oroville/Las Plumas area. Funding would support the preparation of plans and environmental review for the Las Plumas Area Gravity Sewer Interceptor to facilitate housing in the area, including the annexation territory. The South Oroville/Las Plumas area is identified for growth (2,500 new dwelling units) in the Butte County General Plan as well as the LOAPUD Municipal Service Review and Sphere of Influence Plan, and is assumed in the respective Environmental Impact Reports (EIR).

At its October 3, 2019 meeting, Butte LAFCO approved a request for annexation to the LOAPUD to support the mixed-use development of two parcels located directly east of the annexation territory (APNs 078-090-043 and -044). Development of that site would include 118 single-family dwellings, 28 multi-family units on 14 duplex lots and 4 lots (40,000 sq. ft.) of commercial space on the property. This project is delayed until the regional sewer solution is implemented as discussed above.

DISCUSSION AND ANALYSIS

Pursuant to Government Code Section 6400 – 6830 (Health and Safety Code), the boundaries of a sanitary district may include incorporated or unincorporated territory and contiguous or noncontiguous territory. The proposal was initiated by LOAPUD and the affected property owner to allow the extension of LOAPUD sanitary sewer services to the territory. According to the Butte County Elections Office, there is one registered voters within the proposal area. Given this information, the proposal area is considered an uninhabited annexation (12 or fewer registered voters). The annexation has 100% landowner support.

Individual Factors for Consideration

Government Code §56668 provides a list of factors to be considered in the review of a proposal. The Commission’s review shall include, but is not limited to, consideration of these factors:

- a) **Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; and the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years:**

The territory is within the unincorporated area of Butte County, south of the City of Oroville. The topography of the area is flat to slightly rolling. Parcel 1 is 7.82-acres in size, is zoned GI (General Industrial) and is identified as I (Industrial) in the Butte County General Plan. The parcel is substantially developed with an approximately 67,700 square foot building which has historically been used for the fabrication and distribution of metal and industrial hardware (All Metals Supply Inc.), surrounding parking and landscaping. Parcel 2, located directly south-adjacent to Parcel 1, is 4.83 acres in size, zoned MU-1 (Mixed Use, 1 acre minimum) and is identified as MU (Mixed Use 4 – 20 units per acre) in the Butte County General Plan.

Surrounding land uses include vacant land to the north, east and west that is zoned for Mixed-Use development (4 to 20 u/ac) by the Butte County General Plan and other existing light industrial use to the south. At its October 3, 2019 meeting, Butte LAFCO approved a similar request for annexation to the LOAPUD to support the development of two parcels located east of the annexation territory. Development of that site would include 118 single-family dwellings, 28 multi-family units on 14 duplex lots and 4 lots (40,000 sq.ft.) of commercial space on the property. The South Oroville/Las Plumas area is identified for growth (2,500 new dwelling units) in the Butte County General Plan, and is assumed in the Environmental Impact Report (EIR).

- b) **The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

The need for organized community services in the annexation area is to support the continued use and future expansion of the existing industrial/commercial use of Parcel 1 and continued single-family residential use of Parcel 2, consistent with the Butte County General Plan. A detailed review of the adequacy and capacity of LOAPUD's sewer services was analyzed in in the 2013 Municipal Service Review and Sphere of Influence Plan. The municipal service review indicates the District will have the capacity to provide sanitary sewer service to areas within the District's SOI. Infrastructure improvements needed as a result of the annexation will be privately funded.

- c) **The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.**

The proposed annexation will support the existing commercial/industrial use and further development of Parcel 1 and continued single-family residential use of Parcel 2, consistent with land use designations identified in the Butte County General Plan. The alternative action to include the additional parcel and road right-of-way will promote efficient delivery of services. No impact to local government structure is anticipated.

- d) **The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities regarding open-space land conversion.**

The proposal involves the annexation of the territory to the LOAPUD for the purpose of providing sanitary sewer services to the existing commercial/industrial and single-family residential uses within the territory. This proposal is consistent with Butte LAFCO policies that encourage consistency with Spheres and Municipal Services Reviews (4.1.1),

determining the services provider with the optimum combination for service cost and service level (4.2.1) and consideration of the agency's ability to deliver adequate, reliable services without the potential to diminish the level of service to the agency's current jurisdiction (2.7). Policies and priorities regarding open-space land conversion do not apply to the proposed annexation, as areas surrounding the territory are not identified as open space, resources conservation or for agricultural uses in the Butte County General Plan.

e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands.

No agricultural uses are found in the territory or on the surrounding parcels. Annexation of the subject territory would not contribute to the loss of agricultural lands.

f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The subject territory is parcel specific, with definite and certain boundaries. There are no conflicts with lines of assessment or ownership. The subject territory is legally uninhabited. The only changes to existing jurisdictional boundaries will be to the Lake Oroville Area Public Utility District.

g) A regional transportation plan

The Butte County 2016 Regional Transportation Plan/Sustainable Communities Strategy was adopted December 8, 2016. The proposed annexation does not conflict with any projects, policies or programs identified in the Plan.

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

The territory is within the unincorporated area of Butte County, south of the City of Oroville. Parcel 1 is 7.82-acres in size, is zoned GI (General Industrial) and is identified as I (Industrial) in the Butte County General Plan. The parcel is substantially developed with an approximately 67,700 square foot building which has historically been used for the fabrication and distribution of metal and industrial hardware (All Metals Supply Inc.), surrounding parking and landscaping. Parcel 2, located directly south-adjacent to Parcel 1, is 4.83 acres in size, zoned MU-1 (Mixed Use, 1 acre minimum) and is identified as MU (Mixed Use) in the Butte County General Plan. While no further development of the parcel is proposed this time, the zoning and General Plan Land Use designation (MU) would allow for a variety of residential and commercial uses under the authority of the Butte County Development Service Department. The South Oroville/Las Plumas area is identified for growth (2,500 new dwelling units) in the Butte County General Plan, and is assumed in the Environmental Impact Report (EIR). Further analysis of potential environmental impacts and a Capacity Study by the Sewerage Commission – Oroville Region (SC-OR) could be required prior to development.

The proposed annexation would support the continued use of the commercial/industrial and single-family residential use of the territory, consistent with land use designations identified by the Butte County General Plan.

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

The territory is within the Sphere of Influence for the City of Oroville and the Lake Oroville Area Public Utility District. The City of Oroville provides wastewater collection services to parcels within its jurisdictional boundaries. In the case of the proposed Ophir Road

annexation, LOAPUD is the most logical wastewater collection service provider for the territory as annexation to the City of Oroville for municipal services is not desired or feasible at this time. The annexation proposal does not conflict with the Sphere of Influence of any agency.

j) The comments of any affected local agency.

On July 30, 2020 LAFCo staff circulated copies of the application materials for review and comment from local public agencies. Comments were provided by the Butte County Assessor's Office, Butte County Auditor's Office, Butte County Elections Office, Sewerage Commission – Oroville Region (SC-OR), and South Feather Water and Power. Comments were ministerial in nature; no substantive comments related to the project were received.

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

LOAPUD, through its resolution of application, attests to its ability to extend sanitary sewer services to Parcel 1 for annexation without impact to existing LOAPUD customers. Upon annexation and prior to connection to LOAPUD services, Parcel 2 would be required to obtain a Sewer Availability Letter from LOAPUD, addressing treatment plant mitigations.

Sewerage treatment is provided by Sewerage Commission-Oroville Region (SC-OR), a regional wastewater treatment plant. SC-OR, in a letter to LOAPUD, did indicate that a capacity impact study will not be required for Parcel 1; it is anticipated that further development of Parcel 2 would require a capacity study and treatment plant mitigations. LAFCo adopted the LOAPUD Municipal Service Review (MSR) and Sphere of Influence Update Plan (SUI) in 2013, which indicates that the District has adequate resources to provide sanitary sewer services to the territory.

l) Availability of adequate water supplies.

The South Feather Water and Power Agency (SFWPA) already provides domestic water service to 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.

Parcel 1 is developed with an existing commercial/industrial use (All Metals, Inc.) and Parcel 2 is partially developed with a single-family home; no further development of the site is proposed. The South Oroville/Las Plumas area is identified for growth (2,500 new dwelling units) in the Butte County General Plan, and is assumed in the Environmental Impact Report (EIR).

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

No information or comments were offered aside from the parcel 2 request to be added

o) Any information relating to existing land use designations.

Parcel 1 is zoned GI (General Industrial) and is identified as I (Industrial) in the Butte County General Plan. The parcel is substantially developed with an approximately 67,700 square foot building which has historically been used for the fabrication and distribution of metal and industrial hardware (All Metals Supply Inc.), surrounding parking and

landscaping. Parcel 2, located directly south-adjacent to Parcel 1, is 4.83 acres in size, zoned MU-1 (Mixed Use, 1 acre minimum) and is identified as MU (Mixed Use 4 – 20 units per acre) in the Butte County General Plan. The proposed annexation would support the continued use the commercial/industrial and single-family residential use of the territory consistent with the Butte County General Plan.

While no further development of the parcel is proposed or known at this time, the zoning and General Plan Land Use designation (MU) would allow for a variety of residential and commercial uses under the authority of the Butte County Development Service Department. The South Oroville/Las Plumas area is identified for growth (2,500 new dwelling units) in the Butte County General Plan, and is assumed in the Environmental Impact Report (EIR).

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

The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps.

The proposed annexation will not affect hazards identified in the Butte County Local Hazard Mitigation Plan 2019, the Health and Safety Element of the Butte County General Plan or Safety Element for the City of Oroville General Plan.

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:

- The ability of the agency to deliver adequate, reliable and sustainable services (2.7)
- Consistency with General Plan of the applicable planning jurisdiction (2.10.1)
- Consistency of a proposal with the Sphere of Influence and Municipal Service Review of the affected jurisdiction(s) (4.1.1)
- Determination of the most efficient service provider (4.2)

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

- It would facilitate further development of the territory and the continued use of the site for commercial/industrial and single-family residential use allowed by the Butte County General Plan;
- As identified in the LOAPUD section of the Wastewater Service Providers-Oroville Region Municipal Service Review, LOAPUD and SC-OR facilities have the capacity to provide service to the territory; and
- LOAPUD is the most logical, efficient and only sanitary sewer service provider in the area.

State law and Butte LAFCo Policies allow the Commission to add or remove parcels from an annexation proposal to ensure the creation of logical, efficient, and effective jurisdictional boundaries. Additionally, Butte LAFCo Policy 4.1.4 states that LAFCO will modify small, piece-meal annexations, to include additional territory in order to promote orderly annexation and logical boundaries, while maintaining a viable proposal.

ADDITIONAL INFORMATION

Property Tax Agreement

In accordance with provisions of Revenue and Taxation Code Section 99, a Master Property Tax Exchange Agreement exists between the Lake Oroville Area Public Utility District and the County of Butte, which was signed on April 26, 2005. In accordance with the Master Property Tax Exchange Agreement, the proposed change of organization will be revenue neutral to all affected agencies.

Support/Protest

The Lake Oroville Area Public Utility District Board of Directors conducted a public hearing on June 9, 2020, and adopted Resolution No. 05-2020 (see **Exhibit C**), initiating the annexation proposal and received no objections or opposition. On August 21, 2020, staff received a requested from the adjacent property owner(s) (see **Exhibit D**) to include their parcel as part of the annexation proposal. The annexation has the support of the three landowners involved. Pursuant to Government Code §56046, the annexation is considered uninhabited territory as there are less than 12 persons registered to vote within the territory.

As this proposal has 100% consent of the affected landowners, pursuant to Government Code §56663, the Commission may waive the protest proceedings if the following conditions are met: the subject area is uninhabited; all owners have given their consent; and no affected agencies have submitted written opposition to a waiver of protest proceedings. This annexation proposal meets the above conditions for a waiver of the protest proceedings, and therefore, approval by this Commission will be the final action required for annexation.

Conducting Authority Proceedings

The proposed annexation has 100% consent of the property owners and the subject territory is uninhabited. No subject agency has provided written opposition to a waiver of protest proceedings. Accordingly, conducting authority proceedings may be, are recommended to be, waived pursuant to California Government Code §56663(c) if the Commission approves the annexation.

ENVIRONMENTAL ANALYSIS

The Lake Oroville Area Public Utility District is the lead agency for the proposal under the California Environmental Quality Act (CEQA). LOAPUD determined that annexation of the single parcel (Parcel 1) under the original proposal is exempt from further environmental review pursuant to Section 15319(a) (Annexation of Existing Facilities and Lots for Exempt Facilities) of the California Environmental Quality Act (see **Exhibit E**). Staff has reviewed the aforementioned Notice of Exemption and believes that LOAPUD has made an adequate determination in that the proposed annexation will not directly result in any substantial impact to the environment.

As responsible agency, LAFCo is required to rely on LOAPUD's environmental documentation in acting on the proposal, but must prepare and issue its own findings. The annexation of APN 078-

090-032 (Parcel 2) was not considered in the above-referenced Notice of Exemption because it was not a part of LOAPUD's annexation proposal. Staff recommends that the Commission find that the annexation of Parcel 2 is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) – General Rule Exemption. This exemption is appropriate for projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The General Rule exemption is appropriate for the annexation of APN 078-090-032 because: 1) the subject parcel is developed with an existing, permitted single-family home and no proposal for further development is known or proposed at this time; 2) any future land development of the site must undergo environmental analysis pursuant to CEQA and meet all Butte County development standards; and 3) the EIR for the Butte County General Plan 2030 (SCH # 2008092062) assumes the residential build-out of 2,500 dwelling units for the South Oroville/Las Plumas Study Areas.

CONCLUSION

The Lake Oroville Area Public Utility District is capable of providing sanitary sewer services to the territory without impacting service levels provided to current District customers. Annexation of this area represents a logical extension of the District'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, the Commission can take one of the following actions:

OPTION 1 – APPROVE the *amended* proposal and adopt Resolution 02 2020/21 approving the uninhabited annexation consisting of two parcels totaling 12.65 acres in size and adjacent road right-of-way to the Lake Oroville Public Utility District, and waive the conducting authority proceedings, finding that:

- 1) The subject territory is uninhabited;
- 2) The affected landowners have given written consent to the annexation;
- 3) The annexing agency has given written consent to the waiver of conducting authority proceedings; and
- 4) Affirm the LOAPUDs determination that the proposed annexation is exempt from further environmental review pursuant to Section 15319(a) of the California Environmental Quality Act (Annexation of Existing Facilities and Lots for Exempt Facilities). Additionally, find that the annexation of APN 078-090-032 is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – General Rule Exemption.

OPTION 2 – APPROVE the *original* proposal and direct staff to amend Resolution 02 2020/21 to include a single parcel totaling 7.82 acres in size and adjacent road right-of-way to the Lake Oroville Public Utilities District and waive the conducting authority proceedings, finding that:

- 1) The subject territory is uninhabited;
- 2) The affected landowner has given written consent to the annexation;
- 3) The annexing agency has given written consent to the waiver of conducting authority proceedings; and

- 4) Affirm the LOAPUDs determination that the proposed annexation is exempt from further environmental review pursuant to Section 15319(a) of the California Environmental Quality Act (Annexation of Existing Facilities and Lots for Exempt Facilities).

OPTION 3 - DENY the proposal.

OPTION 4 - CONTINUE this proposal to a future meeting for additional information.

OPTION 5 – IDENTIFY and ADD additional parcels to the annexation proposal and CONTINUE this proposal to a future meeting to allow for notices to be sent to the owners and registered voters of the parcels to be added.

ACTION REQUESTED:

Approve OPTION 1.

Respectfully submitted,

Shannon Costa

Shannon Costa
Local Government Planning Analyst

Attachments:

- Exhibit A: Annexation Area Map
- Exhibit B: Draft LAFCo Resolution No. 02 2020/21
- Exhibit C: LOAPUD Resolution No. 05-2020
- Exhibit D: Property Owner Request to Add
- Exhibit E: Notice of Exemption

Exhibit B

RESOLUTION NO. 02 2020/21

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF BUTTE
MAKING DETERMINATIONS AND ORDERING THE ANNEXATION OF
TERRITORY DESIGNATED AS 20-10
LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT
OPHIR ROAD ANNEXATION NO. 2**

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 Lake Oroville Area Public Utility District in the County of Butte was heretofore filed by the Lake Oroville Area Public Utility District and accepted for filing on July 22, 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 September 3, 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 September 3, 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 Findings:

- A. The Commission affirms the LOAPUDs determination that the proposed annexation is exempt from further environmental review pursuant to Section 15319(a) of the California Environmental Quality Act (Annexation of Existing Facilities and Lots for Exempt Facilities). Additionally, find that the annexation of APN 078-090-032 is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – General Rule Exemption.

Section 2. General Findings and Determinations:

- A. The Commission finds that the proposal has 100% support of the affected property owner and orders the annexation complete without a protest hearing pursuant to Government Code Section 56663.

- B. The annexation area shall consist of a two parcels identified as Assessor's Parcel Numbers 078-090-053 and 078-090-032, and the adjacent portions of the Ophir Road and Lincoln Boulevard right-of-ways, as described in Exhibit "A."
- C. The subject area is found to be uninhabited, and is assigned the following short form designation: 20-10 – LOAPUD – Ophir Road Annexation No. 2.
- D. The purpose of the annexation to the Lake Oroville Area Public Utility District is to allow for the provision of sanitary sewer service for the continued use of the existing commercial/industrial and single-family residential use at the territory.
- E. The proposal is consistent with the Lake Oroville Area Public Utility District Sphere of Influence.
- F. Pursuant to Butte LAFCO Policy 2.13.1, the Commission determines that agricultural and/or open space lands will not be adversely affected by this proposal as the territory is contiguous to lands that have been developed with urban uses and the and the territory does not contain any agricultural uses and is not considered to be "prime agricultural land" as defined in California Government Code §56064. Therefore, no conversion of designated agricultural or open space lands will occur as a result of the proposed annexation.
- H. A Master Property Tax Exchange Agreement between the Lake Oroville Area Public Utility District and the Butte County Board of Supervisors was executed on April 26, 2005.

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 requirement and if rejected by the State Board of Equalization, will 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. Further protest proceedings are waived and the Commission orders the annexation, pursuant to Part 4 commencing with Section 57000.

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 3rd day of September 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

Clerk of the Commission

CARL LEVERENZ, Chair
Butte Local Agency Formation Commission

DRAFT

Exhibit i

Exhibit C

Resolution No: 05-2020

**A Resolution of Application of the
Lake Oroville Area Public Utility District
Requesting the Local Agency Formation Commission to
take proceedings for the annexation of Territory of the District
Lands of Lazzareschi Investment Co. Partnership
AP # 078-090-053
(±7.82 acres located at 600 Ophir Rd.)**

Resolved, by the Board of Directors of Lake Oroville Area Public Utility District, that

Whereas, the Lake Oroville Area Public Utility District desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with §56000 of the California Government Code, for the annexation; and

Whereas, notice of intent to adopt this resolution of application has been given to each interested and subject agency; and

Whereas, the territory proposed to be annexed is an existing commercial business property, and a description of the boundaries of the territory is set forth in Exhibit 3 attached hereto and by this reference incorporated herein; and

Whereas, this proposed annexation is consistent with the sphere of influence of the Lake Oroville Area Public Utility District; and

Whereas, the project proposed to be facilitated by this change of organization is consistent with the county of Butte General Plan applicable to this property; and

Whereas, the reason for the proposed annexation is to provide sanitary sewer service and to comply as required by LAFCo Guidelines; and

Whereas, the proposed annexation has 100% landowner consent, the Lake Oroville Area Public Utility District requests that the LAFCo and Conducting Authority public hearings be waived; and

Whereas, the Board of Directors certifies that pursuant to Section 99(b) of the Tax and Revenue Code, the Master Property Tax Exchange Agreement that exists between the Lake Oroville Area Public Utility District and the County of Butte applies to this proposed annexation; and

Whereas, this Board finds that, in accordance with said Master Property Tax Exchange Agreement with Butte County, this change of organization will be revenue neutral to all affected agencies; and

Whereas, the Board of Directors notes that the annexation of this property is exempt from environmental review as the annexation of an individual parcel with existing facilities that would have a capacity to serve only the existing facility; and

Exhibit I

Whereas, the Board certifies that, pursuant to §56837 (c) of the Government Code: that the subject territory has fewer than twelve (12) residents, that all owners consent in writing to the annexation, and that Lake Oroville Area Public Utility District, being the only affected agency gaining territory as a result of the annexation, hereby waives the final Conducting Authority hearing,

Now, therefore be it resolved, this Resolution of Application is hereby adopted and approved by the Board of Directors of Lake Oroville Area Public Utility District, and the Local Agency Formation Commission of Butte County is hereby requested to take proceedings for the annexation of territory as described in Exhibit 3, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Be it further resolved, that in proposing the annexation of the aforesaid property to the LOAPUD, this Board of Directors has determined that pursuant to the California Environmental Quality Act, the proposal will not have a significant effect on the environment.

Be it further resolved, that the Local Agency Formation Commission be requested to make this change of organization subject to the Petition for Proceedings executed by the owners of the subject territory, attached hereto.

Passed and adopted by the Board of Directors of the Lake Oroville Area Public Utility District at its regular meeting on the 9th day of June 2020 by the following vote:

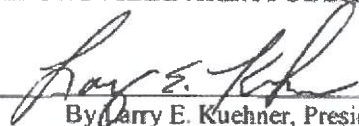
AYES: Directors Fairbanks, Kuehner, Mastelotto, Sharman

NOES:

ABSTENTIONS:

ABSENT:

LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT


By Larry E. Kuehner, President

ATTEST:


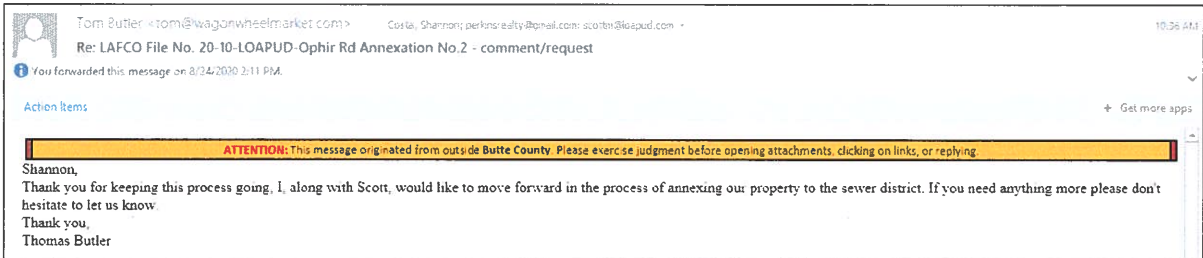
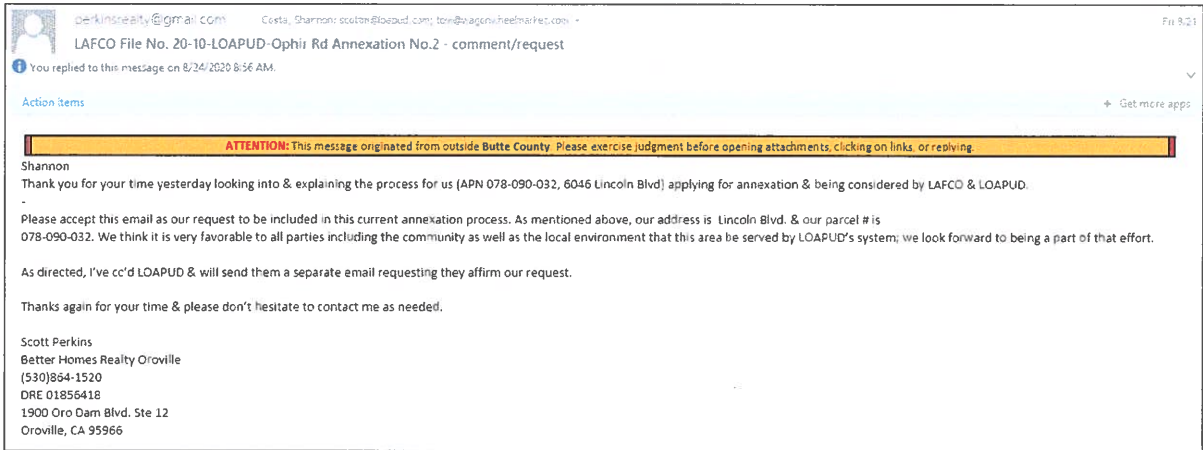

Cindy Quigley, Secretary

Exhibit D



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: August 27, 2020 for the meeting of September 3, 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. Therefore, the Alternate seat was vacated mid-term with a remaining term to expire May 31, 2021. Staff issued a first Call for Nominations on Thursday, January 9, 2020 with ballots initially due on March 10, 2020, and then extended to July 1, 2020 and again to September 4, 2020. As of the date of this report, we have reached a quorum of 22 ballots; however, we cannot announce the winner until the voting period officially closes on September 4, 2020.

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 will conduct a separate election for this seat following the successful conclusion of the current election discussed in item "A" above.

PROJECT/GENERAL NOTES:

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

- ***Tuscan Water District*** – The Petitioners for the proposed formation of the Tuscan Water District submitted a landowner petition to the Butte Local Agency Formation Commission (LAFCo) on March 27, 2020, initiating the formation process. The Butte LAFCo Executive Officer issued a Certificate of Sufficiency (COS) on May 8, 2020. The Proponents subsequently submitted a Butte LAFCo Application for the proposed formation of the Tuscan Water District on June 5, 2020. On July 9, 2020, the Rock Creek Reclamation District (RCRD) Board of Directors authorized its legal counsel to litigate the validity of the petition. On July 10, 2020, the RCRD submitted a letter to LAFCo challenging the validity of the landowner petition and requests the petition to be deemed insufficient and the application processing to cease. The primary reason related to the legal authority of individual landowners to sign for parcels not individually owned, but rather owned by trusts or corporations. After consultation with the LAFCo Chair and legal counsel, the Proponents of the petition and the RCRD special

legal counsel, the Executive Officer has determined the petitions are defective and the petition does not comply with the law. Therefore, the Executive Officer has rescinded the Certificate of Sufficiency and by this action, the Proponents associated application for formation of the Tuscan Water District has been dismissed. The Proponents may re-start this formation process by submitting a new Notice of Intent to Circulate a Petition and circulate new petitions in accordance with the legal requirements.

- **Miocene Canal** - With the destruction of the upper Miocene Canal by the Camp Fire, water flowing down the middle and lower Miocene has stopped. This has caused great disruption to the landowners dependent on the water supply for their farms and residences as well as the environment depending on canal leakage over the decades to thrive. While PG&E had initially refused to repair the canal infrastructure, the recent plea agreement related to its criminal actions resulted in PG&E providing up to \$15 million over the next five years to restore water to the middle canal that still exists. The most discussed option 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. After the initial five-year period, there will be a need to have an entity 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. ****NEW****...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.
- **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 Recreation and Park District** - Staff received a letter on March 6, 2020 from the Upper Ridge Coordinating Council and the Magalia Park Board requesting LAFCo update the Paradise Recreation and Park District Municipal Service Review. Staff shared the letter with the PRPD Manager and requested a response to the concerns identified the letter. ****NEW**** The PRPD responded to the LAFCo request with its very thorough and informational letter of July 15, 2020 (**Attachment A**). Staff has shared the PRPD response with the representatives of the Upper Ridge Coordinating Council and the Magalia Park Board and seek to meet with these community members to discuss the letter and any future actions they may seek.
- **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 twice (April 21, May 6) on conference calls to discuss the process and the menu of possible options for 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. ****NEW**** Staff participated in a stakeholder phone conference on August 13, 2020, which was primarily to update the stakeholders on the RFP process and share the approved Technical Assistance Work Plan which was submitted to the State on June 16, 2020. The Work Plan guides the drafting of the Scope of Work/RFP, which is projected to be completed by October 1, 2020 with the draft final options study projected to be completed by March 30, 2021. 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** 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 (**Attachment B**) and copied LAFCo. The City is expected to request LAFCo to conduct a review of how fire services are provided in the Oroville Urban area. This item will placed on a future agenda once more facts are known.
- ****NEW** 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 to be addressed and Staff has provided that feedback to the District Manager as of August 20, 2020. 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 in October.

CALAFCO:

1. CALAFCO has provided a Memorandum dated August 11, 2020 (**Attachment C**) that provides updates on the following issues:
 - Annual Conference cancelled
 - Other virtual education options (individual webinars) are also proposed and include:
 1. Tackling pension and OPEB obligations – how should agencies be handling them
 2. The “new normal” – recession outlooks and impacts
 3. LAFCo in a proactive role – working with agencies as a local government champion for solutions and rebuilding communities in crisis
 - Board Elections will be held by all email balloting
 - Annual achievement awards are suspended and a new format will be considered
 - Both the regional roundtables and the Annual Business meeting will be on-line events
2. During the COVID 19 pandemic, CALAFCO University expanded to provide more educational opportunities remotely (webinars) for its members that might otherwise occurred in person. The first three classes offered were:
 - Navigating the Basics and Beyond - LAFCo 101 for LAFCo Staff, Thursday, **August 6, 2020**
 - The Magical World of LAFCo Clerking – A Look at Processes and Supporting Your Commissioners from a Clerk and Analyst Perspective, Thursday, **August 13, 2020**
 - Being a LAFCo Commissioner – What Does it Really Mean?, Friday, **August 21, 2020**

CALAFCO has placed these webinars in new section on the CALAFCO website specifically to house our on-demand webinars for there is no charge to CALAFCO members only. Interested Commissioners can request Staff to secure access to the website.

LEGISLATION:

1. The legislative process has been highly modified this year in response to the COVID pandemic. Few bills affecting LAFCo will be considered this term as can be seen on the CALAFCO Daily Legislative Report (**Attachment D**).

One bill of particular interest is **SB414** (Caballero), which would create the Small System Water Authority Act of 2019 allowing the State Water Resources Control Board to authorize the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. There are currently proposed pending amendments not yet in print being negotiated by the author and sponsors with Assembly Appropriations that remove LAFCo authority in the formation of the new water have any authority in the dissolution of a public water supplier as part of the formation of the new authority, and all LAFCo funding for what is required to be done by LAFCo is being eliminated. There are numerous other issues with the pending amendments, all of which are detailed in our opposition letter. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non-contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency. This bill represents yet another effort by the State legislature to circumvent the local LAFCo process and transfer all decision-making away from the locals and to the

SWRCB. ***NEW*** The Bill did not pass out of Assembly Appropriations on August 20 and is dead for this year, but is expected to be re-introduced next year.

APPLICATION ACTIVITY:

APPLICATION ACTIVITY								
Project Status As of Aug 27, 2020								
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
15-17	Chico	Chapman Annexation No. 1	04/17/15	05/17/15	07/02/15	07/01/20		Waiting for SBE acknowledgement
15-18	Chico	Mulberry Annexation No. 1	04/17/15	05/17/15	07/02/15	07/01/20		Waiting for SBE acknowledgement
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						Petition disqualified. New petition req.
20-06	OMAD	Dissolution / Annexation to BCMVCD	01/21/20	02/06/20	08/06/20			Approved w/ condition (CalPERS)
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			In progress
21-01	Oroville	Lincoln Boulevard Annexation No. 1	07/02/20	07/29/20	10/01/20			In progress

- Attachments: A. PRPD Response letter of July 15, 2020
 B. City of Oroville letter of August 19, 2020
 C. CALAFCO Memorandum of August 11, 2020
 D. CALAFCO Legislative Bill Tracker - SB414



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: September 11, 2020

RE: Item No. 12 – Board Members', Manager and Staff
Comments

12.1 Field Operations Supervisor Report

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

Attachment Included

12.2 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

- Hand tool safety
- PLC training
- Purchased new traffic signs

General Meetings

- Video conference call with River Ranch Development
- Conference call with John Starr regarding Loma Vista lot

I & I Related Work

- I & I CCTV work

New Permits and Connections, Estimates, Inquiries or Termination

- Complete lateral install-disconnected common lateral

Lines Cleaned

- 7,376 L.F. Cleaned with Jet Rodder

CCTV Work

- 6,201 L.F. Televised

GIS Work

- Crestridge, Oak Knoll, Becky Ln, Cindy Ct
- Southside

PSPS Related

- PG&E disconnected power to shop so Dan Smith could wire in our own disconnect
- Cummins West replaced solenoid on new generator (warranty item)

General Maintenance

- Fabricated hook for new camera
- Replaced board and computer in new CCTV van (warranty item)
- SCADA remote access not working-Tesco fixed
- Changed steering column bearings in fuel truck
- Serviced Explorer
- Finish painting office
- Replaced leaf spring bushing on fuel truck
- Serviced office A/C filters and air purifier filters
- Asphalt pot not starting-Replaced coil
- 4wd service truck not starting-Replaced coil, module and battery cable

Field Maintenance, Repairs and Misc.

- Replaced battery in Hanging Tree P/S generator and adjusted voltage on charger
- Repaired hole in Villa Verona tank
- Installed new building over generator with vents and exhaust fans
- Pothole utilities for River Ranch design work
- Installed electrical outlets at H/T and L-2 P/S's

Callouts Primary- 3 (2 Last Month)

- 1-Lateral Plugged-Non-District problem
- Power failure in Kelly Ridge
- Power failure at all lower P/S's due to car wreck

V.V. Callouts and Tanks That Needed Serviced- 3 (6 Last Month)

- 3-Tanks cleaned, flushed and/or pumped

Interactions with Other Municipalities

- TWSD used their vac truck to pothole utilities for us

Gas Consumption: 200.5 (Last Mo. 194.0)

Diesel Consumption: 698.7 (Last Mo. 368.7)

LOAPUD Gas: 200.5 (Last Mo. 194.0) Diesel: 149.9 (Last Mo. 145.4)

El Medio Fire Dept. Gas: 0.0 (Last Mo. 0.0) Diesel: 548.8 (Last Mo. 223.3)

Field Operations Supervisor
Dan W. Sanders



Clerk of the Board

Shari McCracken
Chief Administrative Officer and Clerk of the Board

25 County Center Drive, Suite 200
Oroville, California 95965

T: 530.552.3300
F: 530.538.7120

buttecounty.net/administration

Members of the Board

Bill Connelly | Debra Lucero | Tami Ritter | Steve Lambert | Doug Teeter

August 25, 2020

Board of Supervisors Meeting Results

The meeting results detailed below are intended to be a general overview of the actions of the Board of Supervisors during the meeting, and are not to be considered the official minutes of the Board of Supervisors. Please contact the Clerk of the Board via email at ClerkoftheBoard@ButteCounty.net for specific item-related questions.

Consent Agenda: With the exception of Item 3.19, Item 3.21, and Item 3.22, the consent agenda was unanimously approved.

Regular Agenda:

- Item 4.01.A.1 – Appointment to the Butte County Fish and Game Commission
Appointed Greg Kostick, with a term ending January 4, 2021.
(Vote: 4-0-1; Ayes: Supervisors Connelly, Lucero, Teeter, and Chair Lambert; Nays: None; Abstained: Supervisor Ritter)
- Item 4.01.A.2 – Appointments to the Housing Authority of the County of Butte (HACB)
The Board continued this item to the September 15, 2020 Agenda to request a recommendation from the HACB.
- Item 4.03 – Employment Contract – Chief Administrative Officer
Unanimously approved employment contract.
- Item 4.04 – Resolution Authorizing an Application to the Local Early Action Planning (LEAP) Grants Program
Unanimously approved.
- Item 4.05 – Successor Memorandum of Understanding (MOU) for the Probation Peace Officers Association-General Unit (PPOA-General)
Unanimously adopted Successor MOU.
- Item 4.06 - Items Removed from the Consent Agenda for Board Consideration and Action
 - Item 3.19 – Contract with Placeworks to Complete the Upper Ridge Community Plan
Unanimously approved.
 - Item 3.21 - Revenue Agreement Amendment with the City of Biggs for Building Services
Unanimously approved.
 - Item 3.22 - Revenue Agreement Amendment with the City of Gridley for Building Services
Unanimously approved.

4.03 Employment Contract - Chief Administrative Officer – The Board of Supervisors is requested to approve the Employment Contract with Máximo A. (Andy) Pickett, Chief Administrative Officer. The salary of the position is \$232,887. The position will also receive all benefits as contained in the most current "Resolution of the County of Butte Regarding Salary and Benefits of Butte County Appointed Department Heads." The term of the contract is October 1, 2020 through September 30, 2023 – action requested – APPROVE THE CONTRACT AND AUTHORIZE THE CHAIR TO SIGN. (County Administration)



4.04 Resolution Authorizing an Application to the Local Early Action Planning (LEAP) Grants Program The State of California established numerous grant programs to address the State's housing shortage. Butte County is eligible for \$300,000 in noncompetitive grant funding through LEAP to accelerate housing production. Lack of infrastructure is one of the key barriers to new housing in the County areas designated for growth. To address this need, the Department of Development Services submitted a LEAP grant application for the Las Plumas Area Gravity Sewer Interceptor Project to the State Department of Housing and Community Development on June 30, 2020. The partnership with the Lake Oroville Area Public Utility District (LOAPUD) will improve the available infrastructure in the south Oroville area. The project includes the preparation of plans and environmental review for the Las Plumas Area Gravity Sewer Interceptor to facilitate housing production in Butte County. The Department and LOAPUD executed a Letter Agreement which outlines the process and responsibilities of each agency. The LEAP Grants Program requires the Board of Supervisors adopt a resolution authorizing the application, authorizing the Department Director to execute grant documents, and accepting the funds once awarded. Typically, the Department would draft the resolution for Board consideration prior to the submission of the application. The Department submitted the application in order to meet the grant deadline, and is able to submit the resolution to support the grant submission – action requested – ADOPT RESOLUTION AND AUTHORIZE THE CHAIR TO SIGN. (Development Services)

4.05 Successor Memorandum of Understanding (MOU) for the Probation Peace Officers Association-General Unit (PPOA-General) – Over the past several months, the County and the bargaining team for PPOA-General have met and conferred over a successor MOU. PPOA-General has ratified the terms of the County's offer for a successor MOU that will supersede and replace the current MOU that expired on February 7, 2020. Consistent with Board of Supervisor direction, the agreed upon changes contained in the MOU are: 1) a one year term; 2) conduct a classification and compensation study at an appropriate and feasible time; 3) a one-time Christmas Eve Holiday on December 24, 2020; and 4) an increase in the Compensated Time Off (CTO) cap from 80 hours to 100 hours. This successor MOU is based on the MOU that expired on February 7, 2020 and the only changes to the expiring agreement are those changes agreed to above. The term of the MOU is from Board adoption through June 30, 2021 – action requested – ADOPT THE SUCCESSOR MOU AND AUTHORIZE THE CHAIR TO SIGN. (Human Resources)

4.06 Items Removed from the Consent Agenda for Board Consideration and Action