



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church Street, Suite B, Visalia 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

LAFCO MEETING AGENDA April 5, 2023 @ 2:00 P.M. BOARD OF SUPERVISORS CHAMBERS COUNTY ADMINISTRATIVE BUILDING 2800 West Burrel Avenue Visalia, CA 93291

COMMISSIONERS:
Dennis Townsend, Chair
Richard Feder, V. Chair
Liz Wynn
Pete Vander Poel
Rudy Mendoza

ALTERNATES:
Larry Micari
Fred Sheriff
Steve Harrell

EXECUTIVE OFFICER:
Ben Giuliani

Virtual Attendance for Members of the Public:
Toll-free call-in: 888-475-4499 | Meeting ID: 876 2737 6776 | Passcode: 399803

- I. **Call to Order**
- II. **Approval of Minutes from March 1, 2022** (Pages 01 – 02)
- III. **Public Comment Period**

At this time, members of the public may comment on any item not appearing on the agenda and that is within the scope of matters considered by the Commission. Under state law, matters presented under this item cannot be discussed or acted upon by the LAFCO Commission at this time. So that all interested parties have an opportunity to speak, any person addressing the Commission may be limited at the discretion of the chair. At all times, please use the microphone and state your name and address for the record.

IV. **Consent Calendar**

None

V. **Action Items and Presentations**

- 1. **Presentation by Tulare County RMA** (No page)
Status of the East Orosi CSD/Orosi PUD water system consolidation.
- 2. **Annexation to the City of Porterville and Detachment from Tulare County Service Area #1, Case 1571-P-325, Annexation 488 (Sierra Meadows Annexation)** (Pages 03 – 20)
[Public Hearing] Recommended Action: Approve

The City of Porterville has submitted a request for an annexation of approximately 20.23 acres of land located at the southwest corner of W. Gibbons Avenue and S. Jaye Street in southern Porterville. The proposal is intended to facilitate the development of a residential subdivision of up to 80 single-family residential units. A Mitigated Negative Declaration has been prepared in compliance with CEQA by the City of Porterville.

NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking.
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact LAFCO Staff at 559-623-0450. Documents related to the items on this Agenda submitted to the Board after distribution of the Agenda packet are available for public inspection at 210 N Church Ste. B Visalia CA 93291

3. Commissioner Stipends (Pages 21 – 24)
[No Public Hearing] Recommended Action: Approve or No Action

Enclosed is updated information on commissioner stipends that includes data from a recent CALAFCO survey. The Commission may take action regarding stipends that would be added to LAFCO policy and the 23/24 budget.

4. 2023/2024 Preliminary Budget and Work Program (Pages 25 - 46)
[Public Hearing]..... Recommended Action: Approve

Pursuant to GC 56381, the Commission must adopt a proposed budget and work program for the following fiscal year by May 1. The Commission must also decide the amount of reserve funds, if any, it would like to apply in order to offset the contribution from the County's eight cities and Tulare County. All expenditures and revenues are itemized on a single spreadsheet and the work program.

5. Amendment to LAFCO Policy C-5 (Sphere of Influence) (Pages 47 – 48)
[No Public Hearing] Recommended Action: Approve

Enclosed is the proposed amendment to LAFCO C-5 which would modify the definitions of SOI Amendments and Updates.

6. Cancellation of the May 3, 2023 Meeting (No Page)
[No Public Hearing] Recommended Action: Approve

There are no action items scheduled for the May 3, 2023 meeting if none are continued from the April meeting. If the Commission elects to cancel the May meeting, the next regularly scheduled meeting is June 7, 2023.

VI. Executive Officer's Report

1. Extraterritorial Service Agreement (Pages 49 - 50)

Enclosed is the approval letter and map for an ESA for the City of Kingsburg to provide domestic water to an existing residence in Tulare County.

2. Legislative Update (Pages 51 - 62)

Enclosed is the CALAFCO legislative report and the CALAFCO adopted legislative platform. No changes were made from last year's platform.

3. Upcoming Projects (No Page)

The Executive Officer will provide a summary and tentative schedule of upcoming LAFCO projects.

VII. Correspondence

None

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VII. Other Business

1. Commissioner Report (No Page)
2. Request from LAFCO for items to be set for future agendas (No Page)

VIII. Setting Time and Place of Next Meeting

1. May 3 or June 7, 2023 @ 2:00 P.M. in the Board of Supervisors Chambers in the County Administration Building, 2800 W. Burrell Ave., Visalia, CA 93291.

IX. Adjournment

NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking.
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**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
2500 W. Burrel Avenue, Visalia, CA 93291
Tulare County Human Resources and Development
March 1, 2023 – Meeting Minutes**

Members Present: Vander Poel, Wynn, Townsend
Members Absent: Feder, Mendoza
Alternates Present:
Alternates Absent: Micari, Sheriff, Harrell
Staff Present: Giuliani, Kane, and Gallo recording.
Counsel Present: Matt Pierce

I. Call to Order

Chair Townsend called the meeting to order at 2:05 p.m.

II. Approval of the January 18, 2022 Meeting Minutes

Upon motion by Commissioner Vander Poel and seconded by Commissioner Wynn, the Commissioner unanimously approved the LAFCO minutes.

III. Public Comment Period

Chair Townsend opened/closed the Public Comment Period at 2:06 p.m. No public comments received.

IV. Consent Calendar:

None

V. Action Items:

1. Annexation to the City of Visalia and Detachment from Tulare County Service Area #1, Case 150-V-458, Annexation 2022-01 (Victory Oaks Annexation)

Staff Analyst Kane reported that the City of Visalia is requesting an annexation of approximately 23.7 acres of land located at the north side of Ferguson Avenue approximately 800 feet west of Demaree Street. The proposal is intended to facilitate the development of a residential subdivision of 117 residential lots. Staff Analyst Kane discussed the impacts on agriculture, the environment, and services in the area. Analyst Kane noted that the staff report was amended to state that the Williamson Act contract had not been cancelled by the county. The City of Visalia's recordation of a Certificate of Contract Termination with the County Recorder was a condition of approval of the annexation.

Chair Townsend opened the Public Hearing at 2:14 p.m. Paul Bernal, Community Development Director at City of Visalia, spoke in favor of the proposed annexation and was in agreement with the condition of approval.

Upon motion by Commissioner Wynn and seconded by Commissioner Vander Poel, the Commission unanimously approved the annexation to the City of Tulare and Detachment from County Service Area #1 with the recommended conditions.

Executive Officer's Report

1. Commissioner Stipends

Because CALAFCO was still conducting its biennial survey, which included information regarding commissioner stipends, discussion was again postponed until the survey results had been compiled.

2. Draft Amendment to Policy C-5 (Sphere of Influence)

EO Giuliani discussed a draft amendment to LAFCO Policy C-5, which clarified that SOI modifications resulting in a net reduction in the size of the SOI would be designated as SOI Amendments.

3. Legislative Update

EO Giuliani provided a brief overview of legislation.

4. Upcoming Projects

EO Giuliani stated that the following projects would be presented at the April meeting: a Porterville annexation, an SOI Policy amendment, and the LAFCO draft budget and work program.

VII. Correspondence:

EO Giuliani provided correspondence from the California State Water Resources Board regarding the Orosi Public Utility District and Community Services District consolidation order.

VIII. Other Business:

1. Commissioner Report:

None

2. Request from LAFCO for items to be set for future agendas:

None

IX. Setting Time and Place of Next Meeting:

The next Local Agency Formation Commission (LAFCO) meeting is scheduled for **April 5, 2023, at 2:00 p.m.** in the Board of Supervisors Chambers in the County Administration Building, 2800 W. Burrel Ave., Visalia, CA 93291.

X. Adjournment: The Tulare County LAFCO meeting adjourned at 2:24 p.m.

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT**

April 5, 2023

**LAFCO Case Number 1571-P-325
City of Porterville Annexation No. 488 – Villas at Sierra Meadows 4 & 5**

PROPOSAL: Annexation to the City of Porterville and detachment from CSA #1.

PROPONENT: The City of Porterville by resolution of its City Council.

SIZE: Approximately 20.23 acres

LOCATION: The project site is located at the southwest corner of West Gibbons Avenue and South Jaye Street in southern Porterville **(Figure 1)**

NOTICE: Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.

SUMMARY: The proposal is intended to facilitate the development of 80 single family residential units with a neighborhood pocket park.

APNs: 269-060-020

GENERAL ANALYSIS

1. Land Use:

A. Site Information

	Existing (County)	Proposed (City)
Zoning Designation	City: RS-2 (Low Density Residential) County: AE-20	RS-2 (Low Density Residential)
General Plan Designation	Low Density Residential, Public Institutional	Low Density Residential
Uses	Agriculture Trees	Residential

B. Surrounding Land Uses and Zoning and General Plan Designations:

	Zoning Designation	General Plan Designation	Existing Use
North	RS-1 Very Low Density Residential	Very Low Density Residential	Single family residential
South	RS-2 Low Density Residential	Low Density Residential	Single family residential
East	RR Rural Residential	Rural Residential	Single family residential
West	RS-2, PS Low Density Residential, Public and Semi-Public	Low Density Residential	Single family residential

C. Topography, Natural Features and Drainage

The site is generally flat with no major natural features.

D. Conformity with General Plans and Spheres of Influence:

The site is within the planning area for the City's General Plan and is within the City's Sphere of Influence.

2. Impact on Prime Agricultural Land, Agriculture and Open Space:

The parcel within the site is not under a Williamson Act or Farmland Security Zone contract. The Board of Supervisors approved the cancellation of the Williamson Act contract on 11/29/22. Attached is the recorded Certificate of Contract Termination.

3. Population:

The estimated population of the proposal area is 0. The County Elections Division has indicated that there are fewer than 12 registered voters in the proposal area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

4. Services and Controls - Need, Cost, Adequacy and Availability:

Agency Providing Services:

Service	Now	After	Method of finance
Street Lighting	No streetlights present	SCE/ City of Porterville	Capital Improvement Program
Street Maintenance	County maintained	City of Porterville	Capital Improvement Program
Planning/Zoning	County of Tulare – RMA	City of Porterville	Applicant/developer fees
Garbage Disposal	Western Waste Management	City of Porterville. Residents may continue to use Western Waste Management for up to five years after annexation	User Fees
Code Enforcement / Weed Abatement	County of Tulare – RMA	City of Porterville – Fire Department	General fund / citation fees when applicable
Building Permits	County of Tulare – RMA	City of Porterville, Public Works Department, Building Division	Applicant/Developer fees
Business Licenses	County of Tulare- Tax Collector	City of Porterville, Public Works Department, Building Division	Applicant/ Developer fees
Police Protection	Tulare County Sheriff Office	Porterville Police Department	Utility Users Tax will offset some costs of additional personnel needed
Fire Protection	Automatic Aid- City assists City with 1 engine + manning	Automatic Aid- County assists City with 1 engine + manning	General Fund, within existing budget
Water Supply	City water, private wells, private water companies	Same. Connections to City Water will be available upon request	Applicant / developer fees
Sewage Disposal	Individual septic systems, some City connections	Same. Connections to City sewer will be available upon request	Applicant/developer fees

The City can provide urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services

Public utilities infrastructure within the subdivision adjacent to the proposal area does not presently serve the undeveloped area. The proposed project site is located within the service territory of the Porterville Wastewater treatment plant which has a capacity of 8 million gallons per day (mgd).

In conjunction with the development of the residential lots and park components of the site the City's water system would be extended to the proposal area. The city's system-wide water capacity is 18.9/mgd. The City's annual water use is 8.7 mgd average daily demand. The annexation would add an estimated .08 mgd average daily demand.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain and conform to the lines of assessment and ownership. A map sufficient for filing with the State Board of Equalization has not yet been received.

6. Assess Value, Tax Rates and Indebtedness:

Upon completion of this annexation the area will be assigned to a new tax rate area. The total assessed valuation of the proposal area is as follows:

Land: \$21,656

Improvements: \$172,629

7. Environmental Impacts:

The City of Porterville is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents a Mitigated Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials.

8. Landowner Consent:

The subject territory presently contains no residential units. A consolidation agreement with property owners of the subject site has been executed but a signed consent to annex was not provided. However, if no protests are received by the end of the public hearing, the Commission may waive the protest hearing. Notice was mailed to all landowners and registered voters within 300 feet of the reorganization area. If protests are received by the end of the public hearing, a protest hearing will be held following the 30-day reconsideration period if the reorganization is approved.

9. Regional Housing Needs Assessment (RHNA):

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments. 80 residential units are proposed for development that are intended to serve the “Moderate” and “Above Moderate” category. A tentative subdivision map has been filed with the City of Porterville. The table below shows the current RHNA cycle allocation.

5th Cycle City of Porterville RHNA allocation

Very Low	Low	Moderate	Above Moderate	Total
623	576	566	1,431	3,196

During the 5th Cycle, the City of Porterville has made the following progress towards providing its fair share of regional housing.

Very Low	Low	Moderate	Above Moderate	Total
73	61	261	234	629

The table below shows the total remaining fair share of regional housing for the City of Porterville.

Very Low	Low	Moderate	Above Moderate	Total
550	515	305	1,197	1,567

With under a year left in the current RHNA cycle, the City of Porterville remains far behind in achieving its fair share of regional housing. If approved, this proposal would assist the city in achieving its fair share of regional housing needs for the moderate and above moderate income groups.

10. Discussion:

Residential Land Supply and Development

The City currently has approximately a 7.6 year supply of residential land. This assumes the remaining 854 acres of undeveloped residential land within the City develops at the current City population density of 14.2 person per acre of developed residential land at a growth rate of 2.3% per year which is the growth rate for the City from 2000 to 2020. With the annexation, the City will have an estimated land supply of 7.8 years. This is well under the 10-year maximum land supply guideline that is used in LAFCO policy.

RECOMMENDED ACTIONS:

It is recommended that this proposal be approved and that the Commission take the following actions:

1. Certify that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Porterville for this project and determine that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures that have been made by or agreed to by the project proponent.
2. Find that the proposed reorganization of the City of Porterville complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, determine that:
 - a. The boundaries of the proposed reorganization are definite and certain.
 - b. The proposed annexation is compatible with the city's General Plan.
 - c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
 - d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
 - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
 - f. All urban services and infrastructure can be provided for by the city.
4. Find that the territory proposed for this reorganization is uninhabited.
5. Approve the proposed reorganization, to be known as LAFCO Case Number 1571-P-325, City of Porterville Annexation 488 – Villas at Sierra Meadows 4 & 5 subject to the following conditions:
 - a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
 - b. The applicant must provide an updated map and legal description prior to the recording of the Certificate of Completion.

- c. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
6. Waive the protest hearing for this proposal in accordance with Government Code §56662 and order the reorganization without an election.
7. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

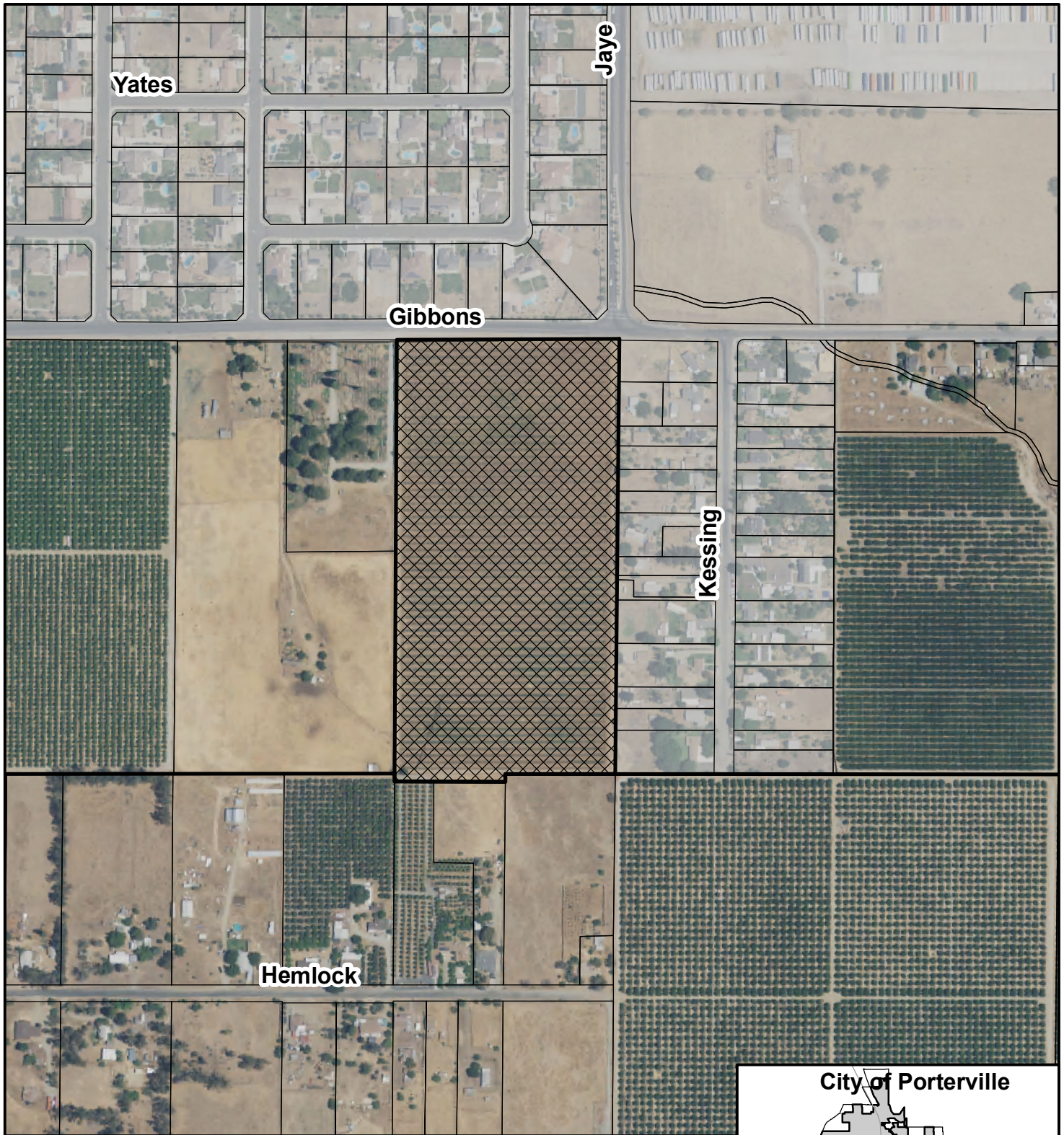
Figures:

- | | |
|----------|---|
| Figure 1 | Site Location Map |
| Figure 2 | Site Aerial Map |
| Figure 3 | Tentative Subdivision Map |
| Figure 4 | Recorded Williamson Act Contract Cancellation |
| Figure 5 | Resolution |

LAFCO Case 1571-P-325



LAFCO Case 1571-P-325



Site Location 1571-P-325



City of Porterville



Parcels



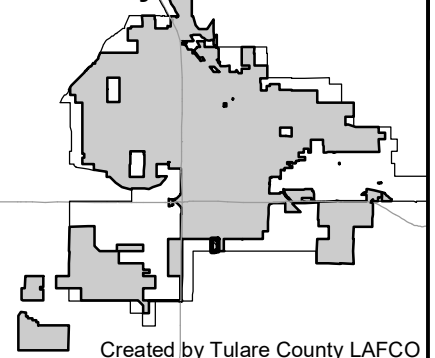
Porterville Sphere of Influence



0 165 330 660 Feet

11
Boundaries as of 2/23/23

City of Porterville



ANNEXATION No. _____

ANNEXATION TO THE CITY OF PORTERVILLE AND A DETACHMENT FROM COUNTY SERVICE AREA #.

CITY OF PORTERVILLE

A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 27 EAST, M.D.B.&M., IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

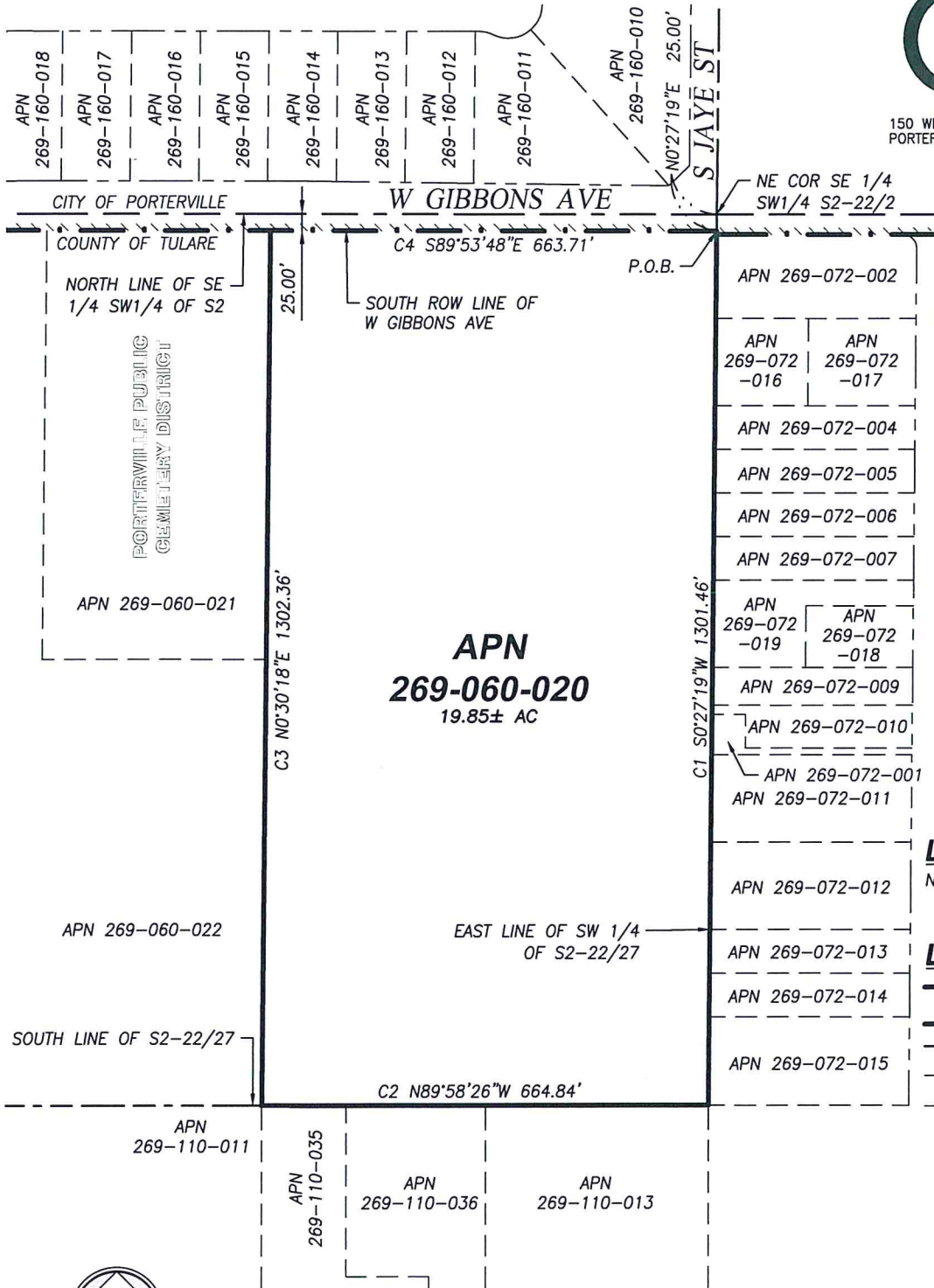
AREA: 19.85± ACRES

BY:

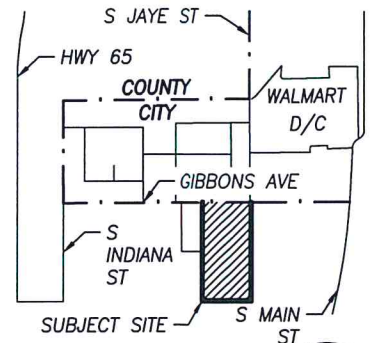


150 WEST MORTON AVENUE
PORTERVILLE, CA 93257

TEL: (559) 781-2700
WWW.QKINC.COM



10/05/2021



LOCATION MAP

NOT TO SCALE



LEGEND

- PROPOSED CITY LIMITS
- EXISTING CITY LIMIT
- SECTION LINE
- RIGHT OF WAY LINE
- ADJACENT PARCEL LINE
- APN ASSESSORS PARCEL NUMBER
- C# COURSE NUMBER
- P.O.B. POINT OF BEGINNING
- ROW RIGHT OF WAY



0' 250'
SCALE: 1" = 250'

**2022-0073862**

Recording requested by, and
when recorded, return to:

Tulare County Resource
Management Agency
Planning Division
5961 S. Mooney Boulevard
Visalia, CA 93277-9394

Recorded	REC FEE	0.00
Official Records		
County of		
Tulare		
TARA FREITAS, CPA		
CLERK RECORDER		
	CS	
03:23PM 06-Dec-2022	Page 1 of 4	

Space above this line for Recorder's use only

CERTIFICATE OF PARTIAL TENTATIVE CANCELLATION OF LAND CONSERVATION CONTRACT

(Case No. WAC 21-002, Kenneth A. Turner c/o Smee Homes, Inc)

The Clerk of the Board of Supervisors of the County of Tulare does hereby certify that a Certificate of Cancellation of Land Conservation Contract No. 10335 will be issued and recorded pursuant to the Williamson Act (California Code Section 51200 et seq) at such time as the specified conditions and contingencies set forth in this certificate are satisfied.

Kenneth A. Turner c/o Smee Homes, Inc, being the owner of the real property described as Tulare County Assessor's Parcel Number 269-060-020 (20 acres), have requested that the Board of Supervisors of the County of Tulare approve a cancellation of a 20-acres of Land Conservation Contract No. 13294, which was recorded in the official records of the Tulare County Recorder on February 21, 1984, as Document No. 1984-0008939. The portion to be cancelled is described in "Exhibit A."

The Board of Supervisors of the County of Tulare has determined and agreed that a Certificate of Cancellation of the above contract as requested will be issued and recorded at such time as the following conditions and contingencies have been satisfied:

1. Payment in full to the County Treasurer for the amount of the cancellation fee, which is \$162,000, computed pursuant to the provisions of the California Government Code (GC) Section 51283, with such notices and statements as are required to be included by the provisions of California GC Section 51283.4. If the cancellation fee is not paid, or a certificate of cancellation of contract is not issued within one (1) year of the date of the recording of the certificate of tentative cancellation, such fee shall be recomputed as of the date of notice described in GC Section 51283.4(c).
2. Filing an application for Cancellation of the Agricultural Preserve (No. 3933) for the subject property


3. Securing all applicable County permits necessary for the alternative use.
4. Payment in full to the County Resource Management Agency of any outstanding balance due for the cancellation application processing and report preparation costs.

The landowners shall notify the Board of Supervisors when they have satisfied the conditions and contingencies enumerated above. Within 30 days of receipt of such notice, and upon a determination that the conditions and contingencies have been satisfied, the Chairman of the Board of Supervisors shall execute a Certificate of Cancellation and cause the same to be recorded, so that the real property described in attached "Exhibit A" shall be free from the Land Conservation contractual restrictions.

If the landowners have been unable to satisfy the conditions and contingencies enumerated hereinabove, the landowners shall notify the Board of Supervisors of the particular conditions or contingencies they are unable to satisfy. Within 30 days of receipt of said notice, and upon a determination that the landowners are unable to satisfy the conditions and contingencies listed, the Board of Supervisors shall execute a certificate of withdrawal of tentative approval of cancellation of contract and cause the same to be recorded.

I certify the foregoing approval and the issuance of this Certificate of Tentative Cancellation were authorized by action duly taken by the Tulare County Board of Supervisors in regular session held on November 29, 2022.

By order of the Tulare County Board of Supervisors

By: 
Chairman, Board of Supervisors
EDUARDO VALERO

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

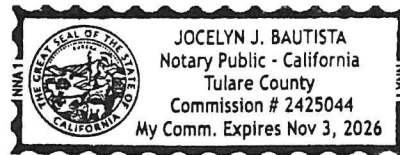
State of California
County of Tulare)

On November 29, 2022 before me, Jocelyn J. Bautista, Notary Public
(insert name and title of the officer)

personally appeared Edwardo Valero, Chair Tulare County Board of Supervisors,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.



Signature Jocelyn J. Bautista (Seal)

EXHIBIT A

Portion to be Canceled:

The East half of the Southeast quarter of the Southwest quarter of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof.

BEFORE THE LOCAL AGENCY FORMATION COMMISSION
OF THE
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of the Proposed Annexation)
To the City of Porterville and Detachment) RESOLUTION NO. **23-XXX**
from CSA #1. LAFCO Case 1571-P-325,)
City of Porterville Annexation 488)
(Villas at Sierra Meadows 4 & 5))

WHEREAS, application has been made to this Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) for approval of a proposal to annex certain territories described in attached Exhibit “A” made a part hereof; and

WHEREAS, this Commission has read and considered the Resolution of Application and application materials, the report of the County Assessor and the Executive Officers report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

WHEREAS, on April 5, 2023 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

1. The information, material and facts set forth in the application, the report of the County Assessor, and the report and recommendations of the Executive Officer

(including any corrections), have been received and considered in accordance with Government Code Section 56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Porterville, as Lead Agency, prepared an initial study/environmental checklist and based on that study and other planning documents a Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA) was approved for use of this project. And finds that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Porterville for this project and find although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures that have been made by or agreed to by the project proponent.

3. The Commission has reviewed and considered, in accordance with Government Code Section 56668, the information, material and facts presented by the following persons who appeared at the meeting and commented on the proposal:

XXXXXXX
XXXXXXX

4. All notices required by law have been given and all proceedings heretofore and now taken in this matter have been and now are in all respects as required by law.

5. Based upon the evidence and information on the record before it, the Commission makes the following findings of fact:

- a. Fewer than 12 registered voters reside in the affected territory, which is considered uninhabited.

- b. The subject territory is within the Sphere of Influence of the City of Porterville.
- c. The subject territory is not subject to any Williamson Act contracts.

6. Based upon the evidence and information on the record before it and the findings of fact made above, the Commission makes the following determinations:

- a. The boundaries of the proposed reorganization are definite and certain.
- b. The proposed annexation is compatible with the city's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
- f. All urban services and infrastructure can be provided for by the city.

7. The Commission hereby waives the protest hearing proceedings in accordance with GC §56662 and orders the annexation without an election.

8. The Commission hereby approves the proposed reorganization of the territory described in Exhibit "A," attached hereto, subject to the following conditions:

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstance that necessitate a departure from the designation or zoning.
- b. The applicant must provide an updated map and legal description prior to the recording of the Certificate of Completion

- c. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.

9. The following short form designation shall be used throughout these proceedings:

LAFCO Case No. 1571-P-325, City of Porterville Annexation 488 (Villas at Sierra Meadow 4 & 5)

10. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as required by law.

11. The Executive Officer to hereby authorized to sign and file a Notice of Determination with the Tulare County Clerk.

The foregoing resolution was adopted upon motion of Commissioner_____, seconded by Commissioner _____, at a regular meeting held on this 5th day of April, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

COMMISSIONERS:

*Dennis Townsend, Chair
Rick Feder, Vice-Chair
Liz Wynn
Pete Vander Poel
Rudy Mendoza*

ALTERNATES:

*Larry Micari
Fred Sheriff
Steve Harrell*

EXECUTIVE OFFICER:

Ben Giuliani

April 5, 2023

TO: LAFCO Commissioners and Alternates

FROM: Ben Giuliani, Executive Officer

SUBJECT: Commissioner Stipends

BACKGROUND

At the December meeting, the Commission requested information regarding how other LAFCOs in the State treat stipends for commissioners. Currently, Tulare County LAFCO does not have stipends for commissioners. There is mileage reimbursement that has been consistently set aside in the annual budget for public members attendance to commission meetings. However, this reimbursement is not included in existing Tulare County LAFCO policy.

DISCUSSION

Attached are the results of a stipend survey that was conducted at the beginning of 2019 and updated with the recent results of a CALAFCO survey. Included in the combined results are 55 of the 58 California counties. Shown below is a chart showing the stipend amounts for the counties. There are 17 counties that don't pay any stipends. Of the 38 counties that do pay stipends, most (18) are set at \$100.



Within the 38 counties that pay stipends, there are many variations. For example, less than half include mileage reimbursement to meetings. Also, some LAFCOs do not issue stipends to all of the commissioners such as Placer does not give stipends to County members and Napa does not give stipends to alternate members unless they vote. There are also many variations regarding subcommittee meetings and CALAFCO functions.

In Tulare County, there are three associated groups that currently receive stipends; the Grand Jury (\$25), Planning Commission (\$100) and Assessment Appeals Board (\$150). The Board of Supervisors do not receive stipends and other associated boards such as the Workforce Investment Board and TCAG do not receive stipends.

RECOMMENDATION

The Commission may enact a policy change regarding stipends or take no further action regarding stipends.

If the Commission wishes to enact a policy regarding stipends, the following must be determined:

- The amount of the stipend
As shown above, LAFCOs that do pay stipends range from \$20 to \$200 per meeting.
- Who receives the stipend
Should all or a subset of member types receive stipends (County, City, Public)?
Should all attendees or just attendees who vote receive stipends?
- Whether or not mileage continues to be reimbursed for public members
If public members receive stipends, should the availability of mileage reimbursement be continued?
- Do subcommittees or ad hoc committees receive stipends?
Tulare LAFCO has had very few subcommittees or ad hoc committees in the past but if these arise, should commissioners who attend these meetings receive a stipend?
- Do commissioners who attend CALAFCO functions receive stipends?
Currently, commissioners who attend CALAFCO functions receive expense reimbursement which includes a daily per diem for meals and mileage reimbursement.
Should commissioners also receive a stipend for attending CALAFCO events?

Attachment: Commissioner Stipend Matrix

LAFCo	Compensation, stipend, or reimbursement for Commission meeting	Compensation, stipend, or reimbursement for standing or ad hoc committee meetings	Compensation, stipend, or reimbursement for other meetings, including CALAFCO functions	Limits on paid meetings per month
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Note: "R&N" means "reimbursed for reasonable and necessary expenses."

Alameda	\$150			
Alpine	\$50			
Amador	\$50	None		None
Butte	\$0		R&N	
Calaveras	\$100		R&N	
Colusa	\$0			
Contra Costa	\$150	\$150	\$150	Max 5
Del Norte	\$0			
El Dorado	\$0 + R&N	R&N	R&N	None
Fresno	\$100 + mileage	mileage only	R&N	None
Glenn	\$50 + mileage			
Humboldt	\$20 + mileage			
Imperial	\$100			
Kings	\$20			
Lake	\$100			
Lassen	\$0			
Los Angeles	\$150 + round trip mileage			None
Madera	\$100	None	mileage	None
Marin	\$150	\$150	\$150	Max 5
Mariposa	\$0 + mileage			
Mendocino	\$50 + mileage	R&N	R&N	
Merced	\$100	\$100	R&N	None
Modoc	\$100			
Mono	\$25	R&N	R&N	
Monterey	\$0			
Napa	\$150			
Nevada	\$100 per diem + mileage	See note	R&N	
Orange	\$100 + mileage	R&N, no stipend	R&N, no stipend	Max 2
Placer	\$150	\$150	\$150	
Plumas	\$100			
Riverside	\$200 + mileage	See note	see note	
Sacramento	\$100			
San Benito	\$0	None	None	None
San Bernardino	\$200			
San Diego	\$200/day	See note		
San Joaquin	\$100			
San Luis Obispo	\$50			
San Mateo	\$100			
Santa Barbara	\$200			
Santa Clara	\$100			
Santa Cruz	\$50			
Shasta	\$0			
Sierra	\$0			
Siskiyou	\$0			
Solano	\$100			Max 2

Sonoma	\$100	See note		Max 2
Stanislaus	\$100			
Sutter	\$100			
Tehama	\$0			
Trinity	\$0			
Tulare	\$0, see note		R&N	n/a
Tuolumne	\$0			
Ventura	\$50 + mileage	R&N See note	R&N See note	Max 2
Yolo	\$0			
Yuba	\$0			

LAFCo	NOTES
Marin	No staff meetings paid. Mileage \$0.545/mile ONLY IF per diem not paid. Conference mileage not
Mariposa	Rate is for any meeting.
Merced	No ad hoc or meetings with staff are reimbursed.
Napa	Alternates receive stipends only when voting.
Nevada	When budgetary funding permits, members appointed to committees shall receive a stipend for
Orange	W-2 issued.
Placer	Supervisors on LAFCo are not compensated.
Riverside	Standing meeting: \$60 + mileage. Ad hoc: mileage + expenses. CALAFCO Board \$200 + R&N, Conference
Santa Barbara	Stipends processed as taxable income -Commissioners issued W-2s
Sonoma	When scheduled for two meetings a day, paid only once; no payment to attend CALAFCO conference
San Diego	Commissioners and Alternates shall be reimbursed for reasonable and necessary expenses incurred in
Tulare	Mileage for Public Members by request
Ventura	"No stipend shall be paid for conferences, classes, training sessions, etc. or other functions or gatherings

Missing counties: Inyo, Kern, San Francisco



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Ben Giuliani

April 5, 2023

TO: LAFCO Commissioners, Alternates, Counsel,
and Executive Officer

FROM: Amie Kane, LAFCO Staff Analyst

SUBJECT: FY 2023/24 Preliminary Budget and Work Program

Enclosed for your review are the Fiscal Year 2023/24 Preliminary Budget and Work Program. LAFCO is required to adopt its preliminary budget by May 1st and its final budget by June 15th of each year.

BUDGET 794

REVENUES

5801 Income from Other Agencies - \$279,140 is the amount estimated for FY 2022/23 as income from eight cities and the County as required by Government Code Section 56381. For 2022/23, \$92,000 of reserve funds was used to help offset the contribution amount from the cities and the County. It is estimated that there will be approximately \$280,000 in available reserve funds at the end of FY 2022/23.

The Commission may wish to again use the reserve funds to offset some of the cost to the cities and County in FY 2023/24. Attached is a spreadsheet showing different contribution scenarios utilizing different amounts of surplus funds. The \$75,000 scenario would leave contribution levels comparable to FY 2022/23 yet still maintain an adequate reserve amount.

5421 Planning and Engineering Services – Staff anticipates one to two new cases to be submitted by the end of this fiscal year (June 15). The total estimated revenue for FY2022/23 is \$31,554. For fiscal year 2022/23, based on feedback from city and district staff, staff has estimated a total estimated revenue of \$48,664.

EXPENDITURES- Services and Supplies

6008 Director's Fees - \$1,000 is budgeted for reimbursing the public member and alternate public member for expenses incurred as a result of attending monthly LAFCO meetings. For FY 2022/23, no expense claims have been submitted yet.

Estimated expenditure for current FY - \$1,000.

7027 Memberships – The CALAFCO membership fees are set by the CALAFCO board. \$8,750 is budgeted for FY 2023/24.

Estimated expenditure for current FY - \$7,704

7036 Office Expenses - \$832 was allocated for office supplies and other office equipment expenses in FY 2022/23. \$857 is budgeted for FY 2023/24.

Estimated expenditure for current FY - \$832

7043 Professional and Specialized Services – \$200 is budgeted for FY 2023/24. These are funds used to contract with outside vendors, such as professional services (County Auditor) or consultants. The need for consultant services is likely to remain low in FY 2023/24.. The MSR updates for urban service providing special districts are using State funding through the County.

Estimated expenditure for current FY - \$200

7059 Publications and Notices – Public meetings are advertised in the Foothills Sun Gazette. \$3,850 is budgeted for FY 2023/24. This is a bit of an increase from the previous FY however, overall inflation as well as the higher number of cases anticipated for FY 23/24 are the reasoning behind this increase.

Estimated expenditure for current FY - \$2,040

7073 Staff and Commission Member Training – Training costs of \$4,200 are proposed for FY 2023/24 to cover registration expenses for attending the annual CALAFCO Conference, Executive Officers Workshop and Staff Conference, and other conferences and workshops. The estimated expenditures will include the possible attendance of 2 staff persons and 2 Commissioners for the LAFCO conference and 3 staff members for the LAFCO workshop. This proposed amount also takes into consideration an 8.27% increase that was announced by CALAFCO.

Estimated expenditure for current FY - \$6,655. This amount included sending an additional Commissioner and Staff to the CALAFCO Conference.

7074 Staff and Commission Transportation / Travel – Transportation/Travel costs of \$6,040 are proposed for FY 2023/24 to accommodate travel by staff and Commission members to and from the various LAFCO related conferences and workshops. The funds in this budget line are used for lodging, meal, and mileage costs incurred by attending the various events.

Estimated expenditure for current FY - \$5,857

Expenditures – Other Charges

7043 Worker's Compensation – \$0 is proposed for FY 2022/23 to cover expenses for worker's compensation.

Estimated expenditure for current FY - \$0

7043 Property – \$0 is proposed for FY 2022/23.

Estimated expenditure for current FY - \$0

7043 Liability Insurance – A total of \$2,819 has been budgeted for FY 2023/24 to cover expenses for general liability insurance.

Estimated expenditure for current FY - \$3,403

7036 ADP Payroll – A total of \$271 has been budgeted for FY 2023/24.

Estimated expenditure for current FY - \$271

7036 Rent – A total of \$13,654 has been budgeted for FY 2022/23.

Estimated expenditure for current FY - \$13,654

7036 Alarm Services – A total of \$100 has been budgeted for FY 2023/24.

Estimated expenditure for current FY - \$21

7036 Telecomm – A total of \$1000 has been budgeted for FY 2023/24 to cover expenses for telephone service.

Estimated expenditure for current FY - \$1000

7036 Utilities - \$1,950 is budgeted for utility expenses for FY 2023/24.

Estimated expenditure for current FY - \$1,989

7043 Custodial- \$1,000 is budgeted for custodial services during FY 2023/24.

Estimated expenditure for current FY - \$816

7036 Printing Services – \$250 is budgeted for FY 2023/24. This covers costs associated with printing LAFCO documents such as the special district inventory, policy and procedure manual, and assistance with public hearing notice mailouts.

Estimated expenditure for current FY - \$500

7036 Mail Services - \$900 is budgeted for FY 2023/24. This covers costs for processing mail for LAFCO public hearing notices and other correspondence.

Estimated expenditure for current FY - \$900

Expenditures – Agency Charges

7043 LAFCO Legal Counsel- AB 2838 establishes LAFCO as an independent agency which means it will be charged an hourly rate for the services of County Counsel to act as LAFCO legal counsel. \$4,080 is proposed for FY 2023/24.

Estimated expenditure for current FY - \$4,080

7066 Services from Other Departments- This charge includes services provided by other County departments such as TCAG, the County Auditor, Surveyor, Elections, IT, etc. The charges largely stem from review of LAFCO proposals by County departments. \$8,858 has been allotted for FY 2023/2024.

Estimated expenditure for current FY - \$8,858

7066 COWCAP Charges - The amount budgeted for FY 2023/24 is \$10,000. The COWCAP charges have historically fluctuated from year to year. In FY 2022-2023, \$-12,569 was credited to LAFCO. FY 2021/22 \$722 was charged to LAFCO. In FY 2020/21 \$29,757 was charged to LAFCO. In FY 2019/20 \$7,607 was charged to LAFCO. In FY 2018/19 \$22,577 was charged to LAFCO. In FY 2017/18, \$7,722 was charged to LAFCO. In FY 2016/17, \$17,306 was charged to LAFCO. In FY 2014/15 \$14,481 was refunded to LAFCO due to COWCAP overcharges in previous years.

Estimated expenditure for current FY- \$10,000

7043 G.I.S. Services – The cost for GIS services provided to LAFCO had previously been rolled into “7066 Service from Other Departments”. It is now being pulled out as a separate line item. The budgeted amount for 2023/2024 is \$6,000.

Estimated expenditure for current FY - \$5,000

7066 Intra Agency Services Received (Salaries) - This item reflects Staff salaries. Staffing services are provided by the Tulare County Association of Governments. \$199,566 in salaries is estimated for FY 2023/24. This includes a half-time Executive Officer, a 25% Clerk, and a 75% Staff Analyst.

Estimated expenditure for current FY – \$175,000

CONTINGENCY/CARRYOVER

7432 Contingency - A contingency of 10% of the expenses is proposed for 2023/24 in order to provide a “cushion” to offset any unforeseen expenditures or failure to receive anticipated fee revenue. It is not anticipated that contingency funds will be used in the current fiscal year. The contingency for FY 2022/23 is \$28,125. The contingency proposed for FY 2023/24 is \$27,535.

Budget Reserve – Carryover – The budget reserve is accounted for in the LAFCO’s 794 cash account. The revenue and expenses lines in the actual spreadsheet will only show transactions for the current FY which means that we still do not have the most up-to-date reserve numbers. For FY 2022/23, \$92,000 was used to offset the cities and County contribution. Staff estimates that LAFCO will have a reserve of approximately \$280,000 at the end of FY 2022/23. This reserve was generated through Planning and Engineering Services and charges to funding agencies from previous years. The Commission may again consider applying a specified amount of this reserve for the coming year. Attached is a spreadsheet showing different contribution amounts based on differing amounts of reserve funds being used. Also attached, is a table showing city and County contributions and applied reserve from FY01/02 to the present.

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
BUDGET ORG 794**

	Object No.	Adopted Budget FY 22/23	As of 03/15/23	Projected Expenses FY 22/23	Proposed Budget FY 23/24
EXPENDITURES					
Services and Supplies					
Board Director's Fees	6008	\$1,000	\$0	\$1,000	\$1,000
Memberships	7027	\$8,081	\$7,704	\$7,704	\$8,750
Office Expenses	7036	\$832	\$497	\$832	\$857
Professional and Specialized	7043	\$200	\$200	\$200	\$200
Publication - Public Hearing Notices	7059	\$2,040	\$1,532	\$2,040	\$3,850
Training	7073	\$3,355	\$5,215	\$1,440	\$4,200
Transportation and Travel	7074	\$5,865	\$3,857	\$2,000	\$6,040
Total Services and Supplies		\$21,373	\$19,005	\$15,216	\$24,897
Other Charges					
I/F Workers Compensation	7043	\$0	\$0	\$0	\$0
I/F Expenses - Property	7043	\$0	\$0	\$0	\$0
I/F Expenses - Special Liability Insurance	7043	\$3,417	\$3,403	\$3,403	\$2,819
I/F ADP Payroll	7036	\$276	\$0	\$276	\$271
Rent	7036	\$13,654	\$9,002	\$13,654	\$13,654
Alarm Services	7036	\$100	\$21	\$100	\$100
Telecom	7036	\$1,000	\$382	\$1,000	\$1,000
Utilities	7036	\$1,989	\$876	\$1,989	\$1,950
Custodial Services	7043	\$816	\$655	\$1,200	\$1,000
I/F RMA - Printing	7036	\$250	\$299	\$500	\$250
I/F RMA - Mail	7036	\$900	\$369	\$900	\$900
Total Other Charges		\$22,402	\$15,008	\$23,022	\$21,944
Agency Charges					
County Counsel Charges	7043	\$4,080	\$907	\$4,080	\$4,080
Services from Other Dpts.	7066	\$8,858	\$4,736	\$8,858	\$8,858
COWCAP Charges	7066	\$10,000	-\$12,569	-\$12,569	\$10,000
GIS Services	7043	\$5,000	\$0	\$5,000	\$6,000
Salaries	7066	\$209,538	\$73,809	\$175,000	\$199,566
Total Agency Charges		\$237,476	\$66,883	\$180,369	\$228,504
Contingencies					
	7432	\$28,125	\$0	\$0	\$27,535
TOTAL EXPENDITURES					
		\$309,376	\$100,896	\$218,607	\$302,880
REVENUES					
Other - Government Agency Contributions	5801	\$179,140	\$179,140	\$179,140	\$254,216
Planning and Engineering Services	5421	\$38,236	\$21,126	\$31,554	\$48,664
Prior Year Revenue Accruals Adjustment	5999				
TOTAL REVENUES		\$217,376	\$200,266	\$210,694	\$302,880
NET COST					
		\$92,000	-\$99,370	\$7,913	\$0

AGENCY CONTRIBUTIONS
CARRYOVER SCENARIOS

Contribution Scenerios

Carryover applied: \$0

	POPULATION (DOF 1/1/2022)	PERCENT OF POPULATION	PROPOSED 23/24 CONTRIBUTION	22/23 CONTRIBUTION	DIFFERENCE
CITY OF DINUBA	25,127	5.29%	\$13,456	\$9,861	\$3,595
CITY OF EXETER	10,257	2.16%	\$5,493	\$4,089	\$1,404
CITY OF FAMERSVILLE	10,239	2.16%	\$5,483	\$4,212	\$1,271
CITY OF LINDSAY	12,566	2.65%	\$6,729	\$4,868	\$1,861
CITY OF PORTERVILLE	62,345	13.12%	\$33,387	\$22,152	\$11,235
CITY OF TULARE	69,462	14.62%	\$37,199	\$25,750	\$11,449
CITY OF VISALIA	142,091	29.91%	\$76,093	\$51,784	\$24,309
CITY OF WOODLAKE	7,648	1.61%	\$4,096	\$2,995	\$1,101
COUNTY OF TULARE	135,279	28.48%	\$72,445	\$53,429	\$19,016
TOTAL	475,014	100.00%	\$254,381	\$179,140	\$75,241

(794) LINE 5801 \$254,381 + \$200.00 billing fee to County Auditor

Carryover applied: \$25000

	POPULATION (DOF 1/1/2022)	PERCENT OF POPULATION	PROPOSED 23/24 CONTRIBUTION	22/23 CONTRIBUTION	DIFFERENCE
CITY OF DINUBA	25,127	5.29%	\$12,134	\$9,861	\$2,273
CITY OF EXETER	10,257	2.16%	\$4,953	\$4,089	\$864
CITY OF FAMERSVILLE	10,239	2.16%	\$4,944	\$4,212	\$732
CITY OF LINDSAY	12,566	2.65%	\$6,068	\$4,868	\$1,200
CITY OF PORTERVILLE	62,345	13.12%	\$30,106	\$22,152	\$7,954
CITY OF TULARE	69,462	14.62%	\$33,543	\$25,750	\$7,793
CITY OF VISALIA	142,091	29.91%	\$68,615	\$51,784	\$16,831
CITY OF WOODLAKE	7,648	1.61%	\$3,693	\$2,995	\$698
COUNTY OF TULARE	135,279	28.48%	\$65,325	\$53,429	\$11,896
TOTAL	475,014	100.00%	\$229,381	\$179,140	\$50,241

(794) LINE 5801 \$229,381 + \$200.00 billing fee to County Auditor

Carryover applied FY : \$50000

	POPULATION (DOF 1/1/2022)	PERCENT OF POPULATION	PROPOSED 23/24 CONTRIBUTION	22/23 CONTRIBUTION	DIFFERENCE
CITY OF DINUBA	25,127	5.29%	\$10,811	\$9,861	\$950
CITY OF EXETER	10,257	2.16%	\$4,413	\$4,089	\$324
CITY OF FAMERSVILLE	10,239	2.16%	\$4,405	\$4,212	\$193
CITY OF LINDSAY	12,566	2.65%	\$5,407	\$4,868	\$539
CITY OF PORTERVILLE	62,345	13.12%	\$26,825	\$22,152	\$4,673
CITY OF TULARE	69,462	14.62%	\$29,887	\$25,750	\$4,137
CITY OF VISALIA	142,091	29.91%	\$61,137	\$51,784	\$9,353
CITY OF WOODLAKE	7,648	1.61%	\$3,291	\$2,995	\$296
COUNTY OF TULARE	135,279	28.48%	\$58,206	\$53,429	\$4,777
TOTAL	475,014	100.00%	\$204,381	\$179,140	\$25,241

(794) LINE 5801 \$204,381 + \$200.00 billing fee to County Auditor

AGENCY CONTRIBUTIONS
CARRYOVER SCENARIOS

Carryover applied: \$75000

	POPULATION (DOF 1/1/2022)	PERCENT OF POPULATION	PROPOSED 23/24 CONTRIBUTION	22/23 CONTRIBUTION	DIFFERENCE
CITY OF DINUBA	25,127	5.29%	\$9,489	\$9,861	-\$372
CITY OF EXETER	10,257	2.16%	\$3,873	\$4,089	-\$216
CITY OF FAMERSVILLE	10,239	2.16%	\$3,867	\$4,212	-\$345
CITY OF LINDSAY	12,566	2.65%	\$4,745	\$4,868	-\$123
CITY OF PORTERVILLE	62,345	13.12%	\$23,544	\$22,152	\$1,392
CITY OF TULARE	69,462	14.62%	\$26,231	\$25,750	\$481
CITY OF VISALIA	142,091	29.91%	\$53,658	\$51,784	\$1,874
CITY OF WOODLAKE	7,648	1.61%	\$2,888	\$2,995	-\$107
COUNTY OF TULARE	135,279	28.48%	\$51,086	\$53,429	-\$2,343
TOTAL	475,014	100.00%	\$179,381	\$179,140	\$241

(794) LINE 5801

\$179,381

+ \$200.00 billing fee to County Auditor

Carryover applied: \$100000

	POPULATION (DOF 1/1/2022)	PERCENT OF POPULATION	PROPOSED 23/24 CONTRIBUTION	22/23 CONTRIBUTION	DIFFERENCE
CITY OF DINUBA	25,127	5.29%	\$8,166	\$9,861	-\$1,695
CITY OF EXETER	10,257	2.16%	\$3,334	\$4,089	-\$755
CITY OF FAMERSVILLE	10,239	2.16%	\$3,328	\$4,212	-\$884
CITY OF LINDSAY	12,566	2.65%	\$4,084	\$4,868	-\$784
CITY OF PORTERVILLE	62,345	13.12%	\$20,262	\$22,152	-\$1,890
CITY OF TULARE	69,462	14.62%	\$22,575	\$25,750	-\$3,175
CITY OF VISALIA	142,091	29.91%	\$46,180	\$51,784	-\$5,604
CITY OF WOODLAKE	7,648	1.61%	\$2,486	\$2,995	-\$509
COUNTY OF TULARE	135,279	28.48%	\$43,966	\$53,429	-\$9,463
TOTAL	475,014	100.00%	\$154,381	\$181,442	-\$27,061

(794) LINE 5801

\$154,381

+ \$200.00 billing fee to County Auditor

Contribution History

	FY 2001/02	FY 2002/03	FY 2003/04	FY 2004/05	FY 2005/06	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
DINUBA	\$9,838	\$6,716	\$4,325	\$3,455	\$0	\$6,584	\$8,929	\$6,904	\$6,068	\$5,235	\$4,764
EXETER	\$5,404	\$3,627	\$2,336	\$1,873	\$0	\$3,534	\$4,850	\$3,704	\$2,788	\$2,629	\$2,295
FAMERSVILLE	\$4,827	\$3,467	\$2,229	\$1,802	\$0	\$3,494	\$4,751	\$3,613	\$2,747	\$2,655	\$2,351
LINDSAY	\$5,681	\$4,064	\$2,566	\$2,052	\$0	\$3,764	\$5,101	\$3,857	\$3,071	\$2,880	\$2,613
PORTERVILLE	\$23,626	\$15,675	\$10,133	\$8,177	\$0	\$15,181	\$20,624	\$17,765	\$15,790	\$12,833	\$12,028
TULARE	\$26,235	\$17,408	\$11,192	\$9,020	\$0	\$16,881	\$23,478	\$19,308	\$17,610	\$14,423	\$13,164
VISALIA	\$60,715	\$36,375	\$23,674	\$19,274	\$0	\$36,694	\$50,702	\$40,643	\$37,780	\$30,487	\$27,635
WOODLAKE	\$4,042	\$2,666	\$1,691	\$1,350	\$0	\$2,453	\$3,332	\$2,552	\$1,785	\$1,915	\$1,616
COUNTY	\$90,577	\$55,677	\$35,561	\$28,291	\$0	\$51,257	\$70,071	\$49,113	\$43,361	\$35,779	\$31,728

TOTAL \$230,945 \$145,675 \$93,707 \$75,294 \$0 \$139,841 \$191,838 \$147,459 \$131,000 \$108,834 \$98,195

Reserve Applied \$0 \$0 \$100,000 \$150,000 \$150,000 \$30,000 \$40,000 \$60,000 \$70,000 \$100,000 \$100,000

	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
DINUBA	\$8,855	\$8,606	\$8,687	\$11,370	\$9,369	\$9,644	\$9,562	\$9,630	\$9,759	\$9,700	\$9,861
EXETER	\$4,193	\$3,910	\$3,998	\$5,166	\$4,257	\$4,261	\$4,225	\$4,324	\$4,182	\$4,116	\$4,089
FAMERSVILLE	\$4,355	\$4,059	\$4,153	\$5,362	\$4,419	\$4,363	\$4,326	\$4,430	\$4,329	\$4,254	\$4,212
LINDSAY	\$4,849	\$4,164	\$4,707	\$6,170	\$5,084	\$5,037	\$4,994	\$5,096	\$4,996	\$4,909	\$4,868
PORTERVILLE	\$22,124	\$20,688	\$21,148	\$27,334	\$22,524	\$23,239	\$23,043	\$23,538	\$22,599	\$22,262	\$22,152
TULARE	\$24,175	\$22,816	\$23,276	\$30,146	\$24,841	\$25,083	\$24,871	\$25,545	\$25,245	\$25,314	\$25,750
VISALIA	\$50,736	\$47,887	\$48,698	\$63,269	\$52,135	\$51,650	\$51,215	\$52,748	\$52,307	\$51,741	\$51,784
WOODLAKE	\$2,957	\$2,858	\$2,838	\$3,776	\$3,112	\$2,967	\$2,942	\$3,014	\$2,922	\$2,901	\$2,995
COUNTY	\$58,012	\$54,421	\$55,551	\$71,901	\$59,248	\$56,742	\$56,263	\$55,896	\$54,705	\$53,920	\$53,429

TOTAL \$180,257 \$169,409 \$173,057 \$224,494 \$184,989 \$182,985 \$181,442 \$184,222 \$181,044 \$179,118 \$179,140

Reserve Applied \$50,000 \$50,000 \$50,000 \$50,000 \$50,000 \$50,000 \$50,000 \$50,000 \$60,000 \$80,000 \$92,000

2023/24 LAFCO WORK PROGRAM

Prepared by: Amie Kane
Tulare County LAFCO
210 N. Church St., Suite B
Visalia, CA 93277
Phone: (559) 623-0450
Fax: (559) 733-6720

TABLE OF CONTENTS

INTRODUCTION	PAGE
Overview of LAFCO	1
Description of Region.....	1
Organization of LAFCO.....	2
LAFCO Abbreviations and Acronyms	2
 WORK ELEMENTS	
100.01 LAFCO Administration	3
100.02 Office Expenses / Fixed Assets	4
100.03 Training and Travel.....	5
101.02 Municipal Service Reviews	6
101.03 Cities & Special District Inventory Update	7
101.04 Sphere of Influence Updates & Amendments	8
101.06 Special Projects.....	9
102.01 LAFCO Case Processing	10
 LAFCO WORK PROGRAM SUMMARY	11

Introduction

Overview of LAFCO

The Tulare County Local Agency Formation Commission (LAFCO) is responsible for coordinating logical and timely changes in local government boundaries, for conducting special studies which review ways to reorganize, simplify and streamline governmental structure, and for preparing Municipal Service Reviews and Spheres of Influence for each city and special district within Tulare County. The Commission's efforts are directed to seeing that services are provided efficiently and economically while agricultural and open-space lands are protected. LAFCO is independent of the government of Tulare County or any of the cities; however, funding to operate the agency is required to be provided by the county and the cities.

State law first established LAFCOs in each county in 1963. LAFCOs were given regulatory authority over local boundary changes. The agencies currently function under the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Government Code Section 56375 sets forth the powers and duties of the commission. It gives LAFCO the authority to "review and approve or disapprove with or without amendment, wholly, partially, or conditionally" proposals concerning the formation of cities and special districts, annexation or detachment of territory to cities and special districts, and other changes in jurisdiction or organization of local governmental agencies. In reviewing proposals, LAFCO is required to consider certain factors such as the conformity with city or county plans, current levels and need for future services, the social, physical and economic effects on the community, the effect on existing agricultural lands and open space, the timely availability of adequate water supplies, and the extent to which each proposal will assist the receiving city and the County in achieving its fair share of the regional housing needs.

LAFCO must consider the effect that any proposal will produce on existing agricultural lands. By guiding development towards vacant urban land and away from agricultural preserves, LAFCO assists with the preservation of Tulare County's valuable agricultural resources. LAFCO also works to discourage urban sprawl, a pattern of development characterized by inefficient delivery of important urban services and unnecessary loss of agricultural land. By discouraging sprawl, LAFCO discourages the misuse of land resources and promotes a more efficient system of local government agencies.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires each LAFCO to adopt an annual budget. The 2023/24 Work Program for the Tulare County LAFCO outlines the anticipated work to be accomplished by LAFCO during the fiscal year and is prepared to accompany the annual budget.

Description of Region

Tulare County, comprised of 12,595 km², is located in the southern portion of the San Joaquin Valley. The Valley is bounded on the west by the Coast Range and on the east by the Sierra Nevada Mountains. The Valley extends from Sacramento to the north, to the Tehachapi Mountains on the south. The San Joaquin Valley is the richest farmland in the world.

Tulare County has approximately one third of its land area in the Valley. The remaining portion is in the Sierra Nevada Mountains. This offers an abundance of scenic and recreational opportunities for residents and visitors. The land in the Valley produces a wide variety of agricultural products. Tulare County ranks as one of the largest agricultural producing counties in the nation. The population of Tulare County is concentrated in the Valley area. There are eight incorporated cities, which account for 71% of the total county approximate population of 475,014 (DOF – 1/1/22). The eight cities are: Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake. There are also numerous special districts in the county, including various Community

Service Districts, Irrigation Districts, Hospital Districts, Cemetery Districts, Public Utility Districts, and Resource Conservation Districts.

Organization of LAFCO

The Tulare County Local Agency Formation Commission is composed of two county supervisors selected by the Board of Supervisors, two city council representatives selected by the mayors in the county, and one public member selected by the other four members. Commission members serve four-year terms. There is an alternate member for each category – city, county, and public. Tulare County LAFCO does not have special district members; however, the law does provide for the addition of two special district members and one alternate if the Commission so orders or the special districts petition for such representation.

LAFCO Commissioners

Dennis Townsend, Chair	County representative
Richard Feder, V-Chair	Public representative
Liz Wynn	City representative
Pete Vander Poel	County representative
Rudy Mendoza, Chair	City representative
Larry Micari	Alternate, County representative
Fred Sheriff	Alternate, Public representative
Steve Harrell	Alternate, City representative

LAFCO Staff

Ben Giuliani, Executive Officer
Amie Kane, Staff Analyst
Holly Gallo, LAFCO Clerk
Matthew Pierce, LAFCO Counsel

LAFCO Abbreviations and Acronyms

CALAFCO	<i>California Association of Local Agency Formation Commissions</i>
C-K-H	<i>Cortese-Knox-Hertzberg Local Government Reorganization Act Of 2000</i>
CSD	<i>Community Services District</i>
GC	<i>Government Code</i>
LAFCO	<i>Local Agency Formation Commission</i>
MSR	<i>Municipal Service Review</i>
PUD	<i>Public Utility District</i>
SOI	<i>Sphere of Influence</i>

LAFCO Work Program Elements

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.01 LAFCO Administration**

PURPOSE: To manage and coordinate LAFCO staff work in Tulare County, including development and implementation of the budget, work program, and Policies and Procedures Manual.

PREVIOUS WORK: This is an ongoing function of LAFCO.

PRODUCTS:

1. Administration and support of LAFCO work functions.
2. Representation at statewide and local planning meetings.
3. Development of LAFCO Policies and Procedures Manual.
4. Maintain LAFCO files and records.
5. Prepare LAFCO meeting agendas, schedules and minutes.
6. Prepare annual budget and work program.
7. Maintain membership in CALAFCO.

DISCUSSION:

The administration program provides direction and management of the various routine functions that comprise the LAFCO Work Program. This includes: project scheduling, budget preparation and monitoring, personnel recruitment and training, records maintenance, review of legislation affecting LAFCOs and development of LAFCO Policies and Procedures consistent with C-K-H requirements and Commission directives.

LAFCO staff also maintains membership in the California Association of Local Agency Formation Commissions (CALAFCO), which provides statewide coordination of LAFCO activities, representation before the State Legislature and other bodies, training opportunities for member LAFCOs, and a structure for sharing information among LAFCOs and other governmental agencies throughout the State.

BUDGET:

Estimated staff costs:	\$55,435	(5.0 Staff Person Months)
Memberships:	\$8,750	
Publications and Notices	\$3,850	
County Counsel:	\$4,080	
COWCAP Charges:	\$10,000	
Board Directors fees:	\$1,000	
Rent	\$13,654	
Insurance	\$2,819	
Prof. & Specialized:	\$200	
Service from Other Dept.	\$8,858	
Total:	\$108,646	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$108,646	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.02 Office Expenses/Fixed Assets**

PURPOSE: To procure and manage the assets of LAFCO.

PREVIOUS WORK: Purchase supplies and equipment.
Purchase Liability Insurance.
Maintenance of LAFCO website.
Publish public notices.

PRODUCTS:

1. Procurement of supplies and equipment.
2. Maintenance of existing equipment.
3. Inventory of LAFCO assets.
4. Continuation of Internet service.
5. Payment of rent, telephone, mail, printing, data processing and other overhead services.
6. Ongoing maintenance of LAFCO website.

DISCUSSION:

LAFCO is required by GC Section 56300(f)(1) to establish and maintain, or otherwise provide access to notices and other commission information for the public through an internet website.

The address for the Tulare County LAFCO website is www.co.tulare.ca.us/lafco/. The site provides general information regarding LAFCO, Tulare County LAFCO commissioners and staff, meeting and application deadline schedules, and allows access to agendas and minutes. The site will also be used to post notices, agendas, minutes, and disclosures as required by Sections 56100.1, 56150, 56300, and 56661.

Because LAFCO is an independent agency, LAFCO maintains a general liability insurance policy. LAFCO reimburses the County for office space and other operational expenses as part of the work program.

BUDGET:

Office Expense:	\$857
Telecomm	\$1000
ADP Payroll/Personnel:	\$271
Utilities:	\$1,950
Custodial Services:	\$1,000
Property	\$0
Mail	\$900
Printing	\$250
Alarm	\$100
GIS	\$6,000
Worker's Compensation	\$0
Total	\$12,328

(Reserve Funds)
\$12,328 (County & Cities Contribution)

(Planning & Engineering Fees)

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.03 Training and Travel**

PURPOSE: Travel to various local, regional and statewide meetings as required.
Training for staff related to the operations of LAFCO and legislative activity affecting LAFCOs.

PREVIOUS WORK: This is an ongoing work element.

PRODUCTS:

1. Representation at statewide and local LAFCO meetings.
2. Staff training and educational seminars.
3. Commissioner training and education seminars.

BUDGET:

Training (Commissioners & Staff):	\$4,200
Transportation/Travel (Commissioners & Staff)	\$6,040
Total:	\$10,240

Revenue (source):		(Reserve Funds)
Revenue (source):	\$10,240	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.02 Municipal Service Reviews**

PURPOSE: To prepare Municipal Service Reviews (MSR's) pursuant to GC §56430.

PREVIOUS WORK: Group 1 MSRs adopted March 2006
Group 2 MSRs adopted May 2006
Group 3 MSRs adopted March 2007
Group 4 MSRs adopted October 2011
City of Dinuba MSR updated June 2012
City of Visalia MSR updated February 2013
City of Tulare MSR updated October 2013
City of Porterville MSR updated October 2014
City of Exeter MSR update April 2016
City of Woodlake MSR update August 2016
Goshen CSD MSR update December 2018
Lindsay LHD MSR update December 2020
Alta HD MSR update January 2021

PRODUCTS: MSRs for urban service providing districts

DISCUSSION:

In accordance with GC §56430, in order to prepare and update spheres of influence, LAFCOs are required to conduct a review of the municipal services provided in the county or other appropriate area designated by the Commission. To address this requirement, a program for conducting municipal service reviews (MSR's) was initiated by LAFCO during the 2003/04 fiscal year.

Tulare County's eight cities and 19 of the special districts were reviewed and MSRs were adopted in 3 groups in 2006 and 2007. Group 4, consisting of 21 special districts was approved in October 2011. The scope of MSRs has since been expanded to include service needs of disadvantaged unincorporated communities within and adjacent to the subject agency's current SOI. MSR updates have been completed for the cities of Dinuba, Visalia, Tulare, Porterville, Exeter and Woodlake. By policy, future MSR updates will be completed on an as needed basis following County Community Plan and City General Plan Updates. The County of Tulare received State funding that will allow for MSRs to be updated for urban service providing districts during FY 23/24.

BUDGET:

Estimated staff costs:	\$66,522	(6.0 Staff Person Month)
Total:	\$66,522	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$66,522	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.03 Cities and Special District Inventory Update**

PURPOSE: To maintain the LAFCO Cities and Special District Inventory.

PREVIOUS WORK: LAFCO Cities and Special District Inventory (October 1975)
 LAFCO Cities and Special District Inventory (Revised January 1981)
 LAFCO Cities and Special District Inventory (Revised June 1998)
 LAFCO Cities and Special District Inventory (Revised April 2007)
 LAFCO Cities and Special District Inventory (Revised April 2013)
 LAFCO Cities and Special District Inventory (Revised January 2023)

PRODUCTS: Continuous update of the LAFCO Cities and Special District Inventory.

DISCUSSION: The Tulare County LAFCO Cities and Special District Inventory is a listing of the various agencies in Tulare County and provides information about each agency, including: date formed, address, phone number, contact person, functions performed, and method of financing. The Inventory also includes a brief description of each type of agency and a map depicting the agency's sphere of influence. For Community Service Districts and County Service Areas the inventory also describes the latent powers each district was authorized to perform, but had not performed as of January 1, 2006 and January 1, 2009 (respectively). The full-published revision has been completed. The last major revision took place in FY 22/23. However, this Work Program allocation is intended for the continual updating of contact and map information in the Inventory.

BUDGET:

Estimated staff costs:	\$11,087	(1.0 Staff Person Months)
Total:	\$11,087	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$11,087	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.04 Sphere of Influence Updates & Amendments**

PURPOSE: To prepare updates to agencies' Spheres of Influence and provide an efficient method to review and amend the Spheres of Influence for all agencies within Tulare County LAFCO's jurisdiction.

PREVIOUS WORK: In 2011; Alpine Village-Sequoia Crest CSD, Ducor CSD, East Orosi CSD, Patterson Tract CSD, Ponderosa CSD, Three Rivers CSD, Tract 92 CSD, Porter Vista PUD, CSA #1, Strathmore FPD and Woodlake FPD. Lindmore ID (2011) Lindsay-Strathmore ID (2011) Sultana (2011) Ivanhoe (2011) City of Dinuba (2012) Lindmore Irrigation District (2012) Lindsay-Strathmore Irrigation (2012) Allensworth CSD (2012) Sultana CSD (2012) Three Rivers CSD (2012) City of Lindsay (2014) City of Porterville (2014) City of Exeter (2016) City of Woodlake (2016) City of Tulare (2017) City of Visalia (2018), Goshen CSD (2018), City of Woodlake (2020).

PRODUCTS:

1. SOI Reviews (and updates as needed) for Tulare County principal districts and cities

DISCUSSION:

Pursuant to GC Section 56425(g), all Spheres of Influence must be reviewed and updated, as necessary, on or before January 1, 2008 and every five years thereafter, as needed.

Tulare County LAFCO Resolution 96-02 provides that, whenever possible, the Sphere of Influence of each city and those Special Districts that provide urban services to unincorporated communities within the County should reflect a twenty-year growth area with additional areas for communities of interest (Section 56425 (a) (4)). This boundary shall be reviewed and, if necessary, updated no more than once every five years. The updates should be sufficient to accommodate projected growth for twenty years from the date of adoption. SOI Amendments typically occur in conjunction with an annexation and per LAFCO policy does not require a MSR.

The MSR schedule in Work Element 101.02 will guide the update of agencies' spheres of influence.

BUDGET:

Estimated staff costs:	\$22,174	(2 Staff Person Months)
Total:	\$22,174	

Revenue (source):		(Reserve Funds)
Revenue (source):	\$6,771	(County & Cities Contribution)
Revenue (source):	\$15,403	(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.06 Special Projects**

PURPOSE: To fulfill LAFCO's obligation to perform special governmental organization studies pursuant to GC 56375.

PREVIOUS WORK: Agricultural Land Updates
Public Cemetery District Report
Memorial District Report

PRODUCTS: This is an on-going work element. Products could include district consolidation and formation studies.

DISCUSSION:

In accordance with GC §56375, LAFCO has the authority to conduct a variety of studies related to effective and efficient provision of public services. This includes special district formation and consolidation studies. As a result of LAFCO Policy Amendments, a Financial Impact Study is now required to be prepared for the activation of latent powers, in certain instances.

The work element accounts for staff and consultant resources required to respond to the need for such special studies as may be authorized by LAFCO during the fiscal year. There is no anticipated need for consultant services in FY 22/23.

BUDGET:

Estimated staff costs:	\$11,087	(1.0 Staff Person Month)
Total:	\$11,087	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$11,087	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 102 CASE PROCESSING

WORK ELEMENT: **102.01 LAFCO Case Processing**

PURPOSE: To process applications submitted by LAFCO.

PREVIOUS WORK: In FY 2023/24 as of this date, staff has processed 9 cases (annexations, detachments, sphere of influence amendments, activation of latent powers and extension of services agreements). In prior years, a separate work element (101.05 Island Annexation Program) was dedicated to the island annexation program which is now incorporated in this element

PRODUCTS: This is an ongoing work element. Staff will continue to process case applications as they are submitted. For fiscal year 2023/24, based on feedback from local agencies, staff are estimating processing 14 cases.

BUDGET:

Estimated staff costs:	\$33,261	(3 Staff Person Months)
Total:	\$33,261	
		(Reserve Funds)
Revenue (source):		(County & Cities Contribution)
Revenue (source):	\$33,261	(Planning & Engineering Fees)

LAFCO Work Program Summary

Activity Description	Work Element Number	Revenue Source and Amount				Expenditures
		Reserve Funds	Income from Other Agencies	Planning & Engineering Services	Fees Paid by County for Incorporation	
LAFCO Administration	100.01	\$0	\$108,646	\$0	\$0	\$108,646
Office Expenses / Fixed Assets	100.02	\$0	\$12,328	\$0	\$0	\$12,328
Training and Travel	100.03	\$0	\$10,240	\$0	\$0	\$10,240
Municipal Service Reviews	101.02	\$0	\$66,522	\$0	\$0	\$66,522
Cities & Special District Inventory Update	101.03	\$0	\$11,087	\$0	\$0	\$11,087
Sphere of Influence Updates & Amendments	101.04	\$0	\$6,771	\$15,403	\$0	\$22,174
Special Projects	101.06	\$0	\$11,087	\$0	\$0	\$11,087
LAFCO Case Processing	102.01	\$0	\$0	\$33,261	\$0	\$33,261
Subtotals	NA	\$0	\$226,681	\$48,664	\$0	\$275,345
Contingency	NA	\$0	\$27,535	\$0	\$0	\$27,535
TOTALS		\$0	\$254,216	\$48,664	\$0	\$302,880

Total Staff Person Months = 18.0

(Executive Director – 6.0; Staff Analyst – 9; Clerk - 3)

TULARE CO. LAFCO- 6-YEAR STRATEGIC WORK PROGRAM

<i>FY</i>	<i>MSR</i>	<i>SOI UPDATE</i>	<i>SPECIAL PROJECTS</i>	<i>Pending Proposals, Possible Future Projects, Annual Work Elements</i>
2023/24	Urban Service providing Districts	As needed based on MSR results		<i>Possible Future Projects</i> <ul style="list-style-type: none"> • District dissolutions • District formations • Incorporation studies • Policy updates • Implementation of MSRs <i>Annual Work Elements</i> <ul style="list-style-type: none"> • Case Processing • SOI Amendments • City-Special Districts Inventory • Special Projects
2024/25	Future MSRs and SOI updates will be completed based on County Community Plan Updates and City General Plan Updates.			
2025/26				
2026/27				
2027/28				
2028/29				



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

April 5, 2023

TO: LAFCO Commissioners and Alternates
FROM: Ben Giuliani, Executive Officer
SUBJECT: Amendment to Policy C-5 (Sphere of Influence)

COMMISSIONERS:
Dennis Townsend, Chair
Rick Feder, Vice-Chair
Liz Wynn
Pete Vander Poel
Rudy Mendoza

ALTERNATES:
Larry Micari
Fred Sheriff
Steve Harrell

EXECUTIVE OFFICER:
Ben Giuliani

BACKGROUND

Currently, State law requires Municipal Service Reviews (MSRs) for “SOI Updates” but does not require MSRs for “SOI Amendments”. The State definitions of SOI Updates vs SOI Amendments are a little vague so we have existing local policy that the definitions as follows:

SOI Amendment: a modification to a SOI that is associated with a concurrent proposal for a change of organization or an out of agency service agreement.

SOI Update: a comprehensive review and modification of a SOI that is not associated with a concurrent proposal for a change of organization or an out of agency service agreement.

DISCUSSION

The above SOI definitions are proposed to be modified due to an upcoming general plan update by the City of Dinuba. Basically, the City is redirecting growth to areas around their new high school from other areas around the City (map attached). The proposed modifications to the SOI would actually result in a net reduction of 53 acres. Because the SOI modifications would result in the net reduction of the SOI footprint, there doesn't appear to be a need to go through the time and expense of updating the MSR. The proposal to amend LAFCO policy is as follows:

*SOI Amendment: a modification to a SOI that is associated with a concurrent proposal for a change of organization or an out of agency service agreement **or a modification that results in a net reduction of the size of the SOI.***

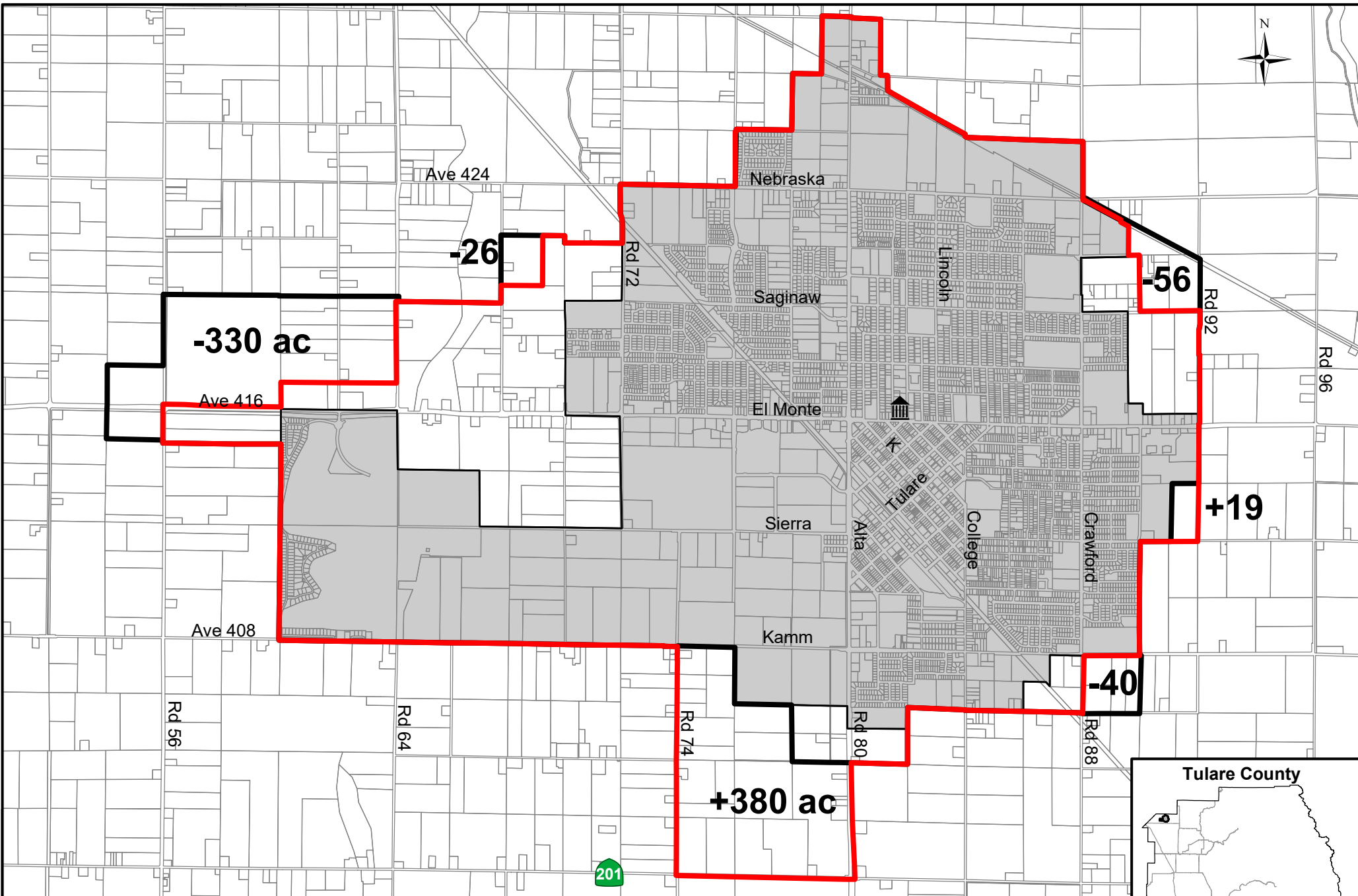
*SOI Update: a comprehensive review and modification of a SOI that is not associated with a concurrent proposal for a change of organization or an out of agency service agreement **and results in the net increase of the size of the SOI.***

RECOMMENDATION

Approve the SOI Policy Amendment

Attachment: Draft Dinuba SOI Map

City of Dinuba



City of Dinuba



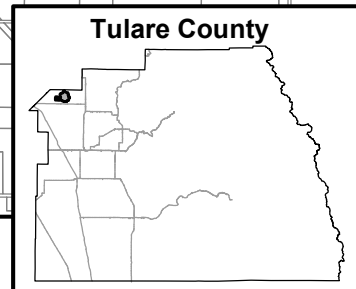
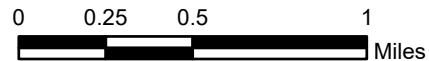
Existing SOI

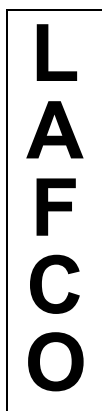


Proposed SOI



48 Parcels





TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

COMMISSIONERS:

*Dennis Townsend, Chair
Rick Feder, Vice Chair
Liz Wynn
Pete Vander Poel
Rudy Mendoza*

ALTERNATES:

*Larry Micari
Fred Sheriff
Stephen Harrell*

EXECUTIVE OFFICER:

Ben Giuliani

March 14, 2023

City of Kingsburg
1401 Draper St
Kingsburg, CA 93631

Re: Extraterritorial Service Agreement Nos. 2023-01 (City of Kingsburg/Sweeney)

This is to inform you that your request for an Extraterritorial Service Agreement, submitted to the Tulare County Local Agency Formation Commission (LAFCO) on March 28th, 2023, (ESA No. 2022-07), is hereby approved by the Executive Officer. Approval of this agreement is in accordance with Government Code Section 56133 and Tulare County LAFCO Policy C-6. The agreement permits the City of Kingsburg to provide domestic water service to existing development on APN 028-110-027 (39802 Road 16).

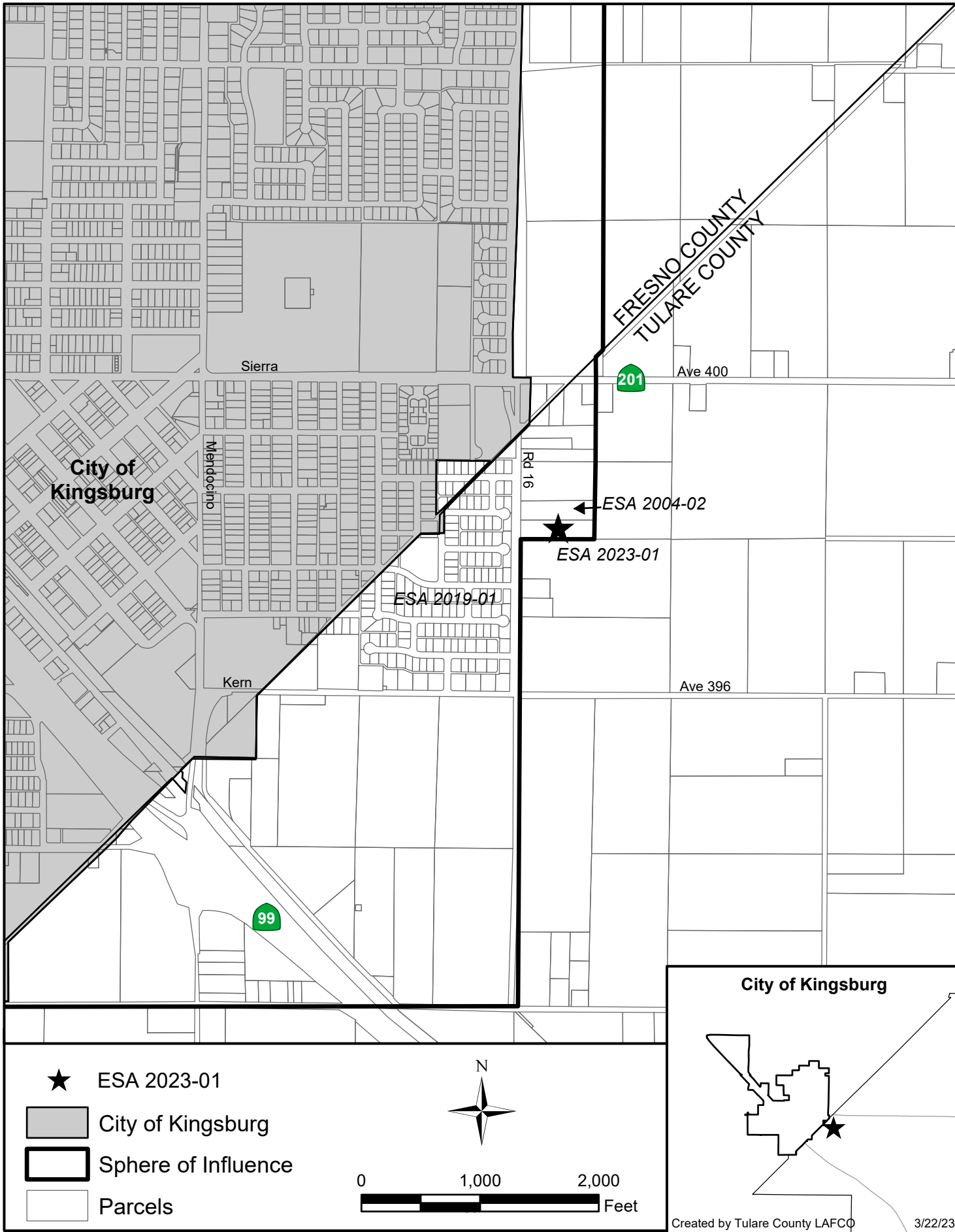
Should you have any questions, please contact me at 623-0450 or bgiuliani@tularecounty.ca.gov.

Sincerely,

Benjamin Giuliani, Executive Officer
Tulare County LAFCO

Cc:
Michael Sweeney

Extraterritorial Service Agreement 2023-01



CALAFCO Daily Legislative Report as of Thursday, March 30, 2023

[AB 828](#) ([Connolly D](#)) Sustainable groundwater management: managed wetlands.

Current Text: Amended: 3/2/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/2/2023

Summary:

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the term "managed wetland."

Subject: Water

CALAFCO Comments: Adds definitions for Managed Wetlands, and Small community water system to Water Code Section 10721.

[AB 930](#) ([Friedman D](#)) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.

Current Text: Introduced: 2/14/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Status: 3/2/2023-Referred to Coms. on L. GOV. and J., E.D., & E.

Summary:

Would authorize the legislative bodies of 2 or more local governments, defined to include a city, county, special district, or transit agency, to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would require the Office of Planning and Research (OPR) to develop standards for the formation of RISE districts no later than November 30, 2025. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.

Position: Neutral

Subject: Special District Principle Acts

CALAFCO Comments: This bill has a similar overtone to SB 852 Dodd in 2022 regarding the formation of climate resilience districts outside of the LAFCo process. As introduced, this bill (AB 930) is focused on the generation of funding and the governance of the expenditure of those funds. However, it should be carefully tracked in case that mission is expanded.

[AB 1460](#) ([Bennett D](#)) Local government.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

Summary:

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make a nonsubstantive change to the provision naming the act.

Position: Neutral

Subject: CKH General Procedures, Other

CALAFCO Comments: As introduced, this bill makes only a minor nonsubstantive change to CKH in that it would merely add commas to Section 56000 so that it would read: "This division shall be known, and may be cited, as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000."

3/24/2023: No change since introduction.

SB 440 (Skinner D) Regional Housing Finance Authorities.

Current Text: Amended: 3/20/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/20/2023

Status: 3/29/2023-Re-referred to Coms. on HOUSING and GOV. & F.

Summary:

Current law provides for the establishment of various special districts that may support and finance housing development, including affordable housing special beneficiary districts that are authorized to promote affordable housing development with certain property tax revenues that a city or county would otherwise be entitled to receive. Current law, the San Francisco Bay Area Regional Housing Finance Act, establishes the Bay Area Housing Finance Agency to raise, administer, and allocate funding for affordable housing in the San Francisco Bay area, as defined, and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production. Current law, the Los Angeles County Regional Housing Finance Act, similarly establishes the Los Angeles County Affordable Housing Solutions Agency to increase the supply of affordable housing in Los Angeles County, as specified. This bill, the Regional Housing Finance Act, would authorize 2 or more local governments to establish a regional housing finance authority to raise, administer, and allocate funding for affordable housing in the jurisdiction of the authority, as defined, and provide technical assistance at a regional level for affordable housing development, including new construction and the preservation of existing housing to serve a range of incomes and housing types. The bill would require an authority to be governed by a board composed of at least 3 directors who are elected or appointed officials representing the local governments that are members of the authority.

CALAFCO Comments: As introduced, the bill sought to address the Williamson Act and would have changed only a deadline.

3/20/24: The bill was gutted and amended and would authorize 2 or more local governments to establish a regional housing finance authority to raise, administer, and allocate funding for affordable housing in the jurisdiction of the authority, and would establish the funding mechanisms and parameters.

SB 768 (Caballero D) California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.

Current Text: Amended: 3/22/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 3/22/2023

Status: 3/29/2023-Re-referred to Coms. on E.Q. and HOUSING.

Summary:

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prohibits a public agency from approving or carrying out a project for which a certified EIR has identified one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency finds either (1) changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment, (2) those changes or alterations are within the jurisdiction of another public agency and have been, or can and should be, adopted by the other agency, or (3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR and the public agency finds that those specific considerations outweigh the significant effects on the environment, commonly known as a statement of overriding consideration. This bill would provide that a public agency, in approving or carrying out a housing development project, as defined, a commercial project, or an industrial project, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled or similar metrics if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project..

Position: Neutral

Subject: CEQA

CALAFCO Comments: Introduced as a spotholder bill that noted an intent to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of the California Environmental Quality Act.

3/22/2023: The bill was amended and would add language into the Public Resource Code to provide that a public agency, in approving or carrying out certain types of projects, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

[SB 865](#) ([Laird D](#)) Municipal water districts: automatic exclusion of cities.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/27/2023-April 12 hearing postponed by committee.

Summary:

Current law authorizes a governing body of a municipal water district to adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, if the territory is annexed prior to the effective date of the formation of the municipal water district. Current law requires the Secretary of State to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water district within 10 days of receiving a certified copy of the ordinance. This bill would extend the number of days the Secretary of State has to issue a certificate to 14 days.

Position: Neutral

Subject: Annexation Proceedings

CALAFCO Comments: Existing law authorizes a governing body of a municipal water district may adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, providing that the territory is annexed prior to the effective date of the formation of the municipal water district. If that happens, the Secretary of State must, within 10 days of receiving a certified copy, issue a certificate reciting the passage of the ordinance that excludes the area from the municipal water district. This bill would extend the Secretary of State's window to issue that certificate from 10 to 14 days.

[AB 68](#) ([Ward D](#)) Land use: streamlined housing approvals: density, subdivision, and utility approvals.

Current Text: Amended: 3/16/2023 [html](#) [pdf](#)

Introduced: 12/8/2022

Last Amended: 3/16/2023

Status: 3/20/2023-Re-referred to Com. on H. & C.D.

Summary: Would require a local government to approve a proposed housing development pursuant to a streamlined, ministerial approval process if the development meets certain objective planning standards, including, but not limited to, a requirement that the proposed parcel for the development be a climate-smart parcel, as described, or be included in the applicable region's sustainable communities strategy as a priority development area. The bill would set forth procedures for approving these developments and would set forth various limitations for these developments. The bill would authorize the Department of Housing and Community Development to review, adopt, amend, and repeal guidelines, rules, and regulations to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth by this process.

Position: Watch

Subject: Planning

CALAFCO Comments: This bill was introduced as a spot holder in December, 2022, then was gutted and amended on March 16, 2023.

It now seeks to set up ministerial approvals for developments and certain water and sewer service extensions for developments that meet certain parameters. Parameters include that the parcel must be in a high or moderate resource area as categorized by the opportunity maps maintained by the California Tax Credit Allocation Committee, be located within one-mile of transit but be in a very low vehicle travel area, and within one mile of assorted restaurants, bars, coffee shops, etc. Additionally, types of locations that do not qualify are also enumerated. Those include farmlands, wetlands, high fire hazard severity zones (as determined by Cal Fire), in proximity to a hazardous waste site, within a delineated earthquake fault zone, within a special flood hazard area or within a regulatory floodway, lands identified for conservation, protected habitat, and lands under a conservation easement.

Under the procedure that would be established by this bill, a minimum of 30 days notice to LAFCo would be required for the public hearing should a county seek to amend its general plan to increase the planned density on climate resilient lands.

[AB 918](#) ([Garcia D](#)) Health care district: County of Imperial.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 3/23/2023

Status: 3/27/2023-Re-referred to Com. on L. GOV.

Summary:

Would rename the Pioneer Memorial Healthcare District to the Imperial County Healthcare District. The bill would authorize the expansion of the district to include all of Imperial County by requiring the district to submit a resolution of application to the Imperial County Local Agency Formation Commission to initiate proceedings to expand the district. The bill would require the commission to order the expansion of the district subject to a vote of the registered voters residing within the territory to be annexed at an election following the completion of those proceedings. The bill would require the Board of Supervisors of the County of Imperial, upon direction by the commission, to place approval of district expansion on the ballot at the next countywide election following the completion of commission proceedings, including a public hearing. The bill would provide for expansion of the district upon voter approval, if a funding source sufficient to support the operations of the expanded district is, if required, approved, as specified. The bill would require the district to pay for election costs, as specified. By imposing new duties on the County of Imperial, the bill would impose a state-mandated local program.

Position: Watch

Subject: Other

CALAFCO Comments: As introduced, this bill was merely a spotholder that stated an intent to create a countywide healthcare district in Imperial County.

March 23, 2023, the bill was amended with specifics. It now seeks to rename the Pioneer Memorial Healthcare District to the Imperial County Healthcare District (ICHHD) and then sets up what, in essence, is a ministerial process for the countywide expansion of the ICHHD. The expansion process is first initiated by the ICHHD Resolution of Application, which is required to be filed with LAFCo no later than January 5, 2024. The LAFCo then has 150 days to complete the entire process, including the vote. Protest proceedings for that expansion would be waived under this bill. The bill also does not allow the LAFCo to deny the application. The bill also notes that future changes of organization or reorganization of the resulting districts would need to follow the normal provisions of CKH.

[SB 360](#) ([Blakespear D](#)) California Coastal Commission: member voting.

Current Text: Introduced: 2/8/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Status: 3/29/2023-Set for hearing April 11.

Calendar:

4/11/2023 9 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

Summary:

The California Coastal Act of 1976 establishes the California Coastal Commission and prescribes the membership and duties of the commission. The act provides that its provisions do not preclude or prevent any member or employee of the commission who is also an employee of another public agency, a county supervisor or city councilperson, or a member of specified associations or organizations, and who has in that designated capacity voted or acted upon a particular matter, from voting or otherwise acting upon that matter as a member or employee of the commission. This bill would apply the latter provision to members of a joint powers authority and members of the local agency formation commission.

Position: Watch

Subject: Other

CALAFCO Comments: PRC 30318 currently holds a provision that allows members or employees of certain entities to sit on the California Coastal Commission. This bill would add members or employees of JPAs and LAFCOs into that list.

3/24/2023: No change since introduction.

[AB 557](#) (Hart D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/8/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Status: 2/17/2023-Referred to Com. on L. GOV.

Summary: Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. Current law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Current law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely.

Position: Neutral

Subject: Brown Act

CALAFCO Comments: Similar in scope to SB 411, this bill is follow-on legislation to AB 361 (2022) and seeks to return some of the pandemic-era teleconferencing provisions to the Brown Act and would change the timeline for legislative bodies to reaffirm an emergency from the current 30 days to 45 days. This bill is sponsored by CSDA.

[AB 817](#) (Pacheco D) Open meetings: teleconferencing: subsidiary body.

Current Text: Amended: 3/16/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/16/2023

Status: 3/20/2023-Re-referred to Com. on L. GOV.

Summary: Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

Position: Neutral

Subject: Brown Act

CALAFCO Comments: This bill appears to be a spot holder in that it currently only makes minor grammatical changes. The lack of substance raises concern regarding future changes to this bill.

3/16/2023: The bill was amended to speak specifically to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an agenda at the location of the subsidiary body member who was participating from off site- providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

[AB 1379](#) (Papan D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 3/23/2023

Status: 3/27/2023-Re-referred to Com. on L. GOV.

Summary:

The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

Position: None at this time

Subject: Brown Act

CALAFCO Comments: Originally introduced as a spotholder to address "Local agencies: financial affairs", this bill was gutted and amended on March 23, 2023, and now seeks amendment of the Brown Act's teleconferencing provisions. If successful, GC Section 54953 (b)(3) would be amended to remove the requirement to post agendas for teleconferenced meetings at all locations, and would instead limit the posting to a newly defined "singular designated physical meeting location", which is required to have either two-way audiovisual capabilities, or two-way telephone service for the public to remotely hear and address the body. Additionally, the body would have to hold at least two meetings in person each year.

[AB 1753](#) (Committee on Local Government) Local government: reorganization.

Current Text: Introduced: 3/2/2023 [html](#) [pdf](#)

Introduced: 3/2/2023

Status: 3/16/2023-Referred to Com. on L. GOV.

Calendar:

4/19/2023 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, CECILIA, Chair

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. The act requires a petitioner or legislative body desiring to initiate proceedings for a change of organization or reorganization to submit an application to the executive officer of the principal county. The act specifies when an application is complete and acceptable for filing, and requires the executive officer to immediately issue a certificate of filing when an application is accepted for filing, as specified. Upon the filing of an application or a resolution pursuant to the act, but prior to the issuance of a certificate of filing, current law requires the executive officer to give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdiction change is located, as specified. Current law prohibits the executive officer from issuing a certificate pursuant to the provisions described above until resolutions are adopted by specified counties and cities in which they agree to accept the exchange of property tax revenues. Current law authorizes a county and any local agency within the county to develop and adopt a master property tax transfer agreement, as specified. This bill would, if applicable, prohibit the executive officer from accepting for filing an application for change or organization or reorganization and issuing a certificate of filing pursuant to the provisions described above, and would provide that an application is not deemed accepted for filing pursuant to the provisions described above, if an agreement for the exchange of property tax revenues has not been adopted pursuant to the provisions described above.

Attachments: [AB 1753 CALAFCO Letter of Support, 03-28-23](#)

Position: Support

Subject: CKH General Procedures

CALAFCO Comments: This is CALAFCO's Omnibus bill. It seeks to add two new provisions to CKH. The first, would add section (d)(1) to Government Code Section 56658 and would note that R&T Section 99(d)(b)(6) requires an property tax agreement for an application to be considered complete. The second adds language to GC Sec. 56882 allowing transmission of commission determination by email, providing that the executive officer confirms receipt through an electronic read receipt of other means.

SB 411 (Portantino D) Open meetings: teleconferences: bodies with appointed membership.

Current Text: Introduced: 2/9/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Status: 2/22/2023-Referred to Coms. on GOV. & F. and JUD.

Summary: Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would alternatively define "legislative body" for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the Ralph M. Brown Act.

Position: Neutral

Subject: Brown Act

CALAFCO Comments: This bill would permanently add back provisions to Section 54953.4 of the Brown Act that had been temporarily enacted during the COVID-19 pandemic. The amendment would allow a legislative body to use teleconferencing provisions, and would define the proper procedure for conducting such a meeting, would require the legislative body to take no further action in the event of a broadcasting disruption within the local agency's control until the broadcast can be resumed, would require time public comment periods to remain open until the public comment time has elapsed, and would not only prevent requiring comments in advance but would also require that the public be afforded the chance to comment in real time.

SB 537 (Becker D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 3/22/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 3/22/2023

Status: 3/29/2023-Re-referred to Coms. on GOV. & F. and JUD.

Summary: Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would authorize certain legislative bodies to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would also require a legislative body to provide a record of attendance on its internet website within 7 days after a teleconference meeting, as specified. The bill

would define “legislative body” for this purpose to mean a board, commission, or advisory body of a multijurisdictional cross county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the act. The bill would also define “multijurisdictional” to mean a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity.

Position: Neutral

Subject: Brown Act

CALAFCO Comments: This is a spotholder bill that states an intent to expand local government’s access to hold public meetings through teleconferencing and remote access.

3/22/2023: was amended and fleshed out to add teleconferencing provisions to allow legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity. The bill is sponsored by Peninsula Clean Energy, a community choice aggregator with a board comprised of local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

[SB 878](#) (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/29/2023-From committee: Do pass. Ordered to consent calendar. (Ayes 8. Noes 0.) (March 29).

Calendar: 3/30/2023 #12 SENATE SENATE BILLS - SECOND READING FILE

Summary: Would enact the First Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Attachments: [-NO NAME GIVEN-](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is the first of three annual validating acts.

[SB 879](#) (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/29/2023-From committee: Do pass. Ordered to consent calendar. (Ayes 8. Noes 0.) (March 29).

Calendar: 3/30/2023 #13 SENATE SENATE BILLS - SECOND READING FILE

Summary: Would enact the Second Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Attachments: [-NO NAME GIVEN-](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

[SB 880](#) (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/29/2023-From committee: Do pass. Ordered to consent calendar. (Ayes 8. Noes 0.) (March 29).

Calendar: 3/30/2023 #14 SENATE SENATE BILLS - SECOND READING FILE

Summary: Would enact the Third Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments: [-NO NAME GIVEN-](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.



CALAFCO 2023 Legislative Policies

As adopted by the Board of Directors on February 17, 2023

1. LAFCo Purpose and Authority

- 1.1. Support legislation that enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq. Oppose legislation that diminishes LAFCo authority.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions. Oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities that require expansion of current local funding sources. Oppose unrelated responsibilities that dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies that may have overlapping responsibilities in orderly growth, agricultural and open space preservation, and municipal service delivery. Oppose legislation or policies that create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

2. LAFCo Organization

- 2.1. Support LAFCo independence from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.
- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond an individual LAFCo's boundaries.

3. Agricultural and Open Space Protection

- 3.1. Support legislation that clarifies LAFCo authority to identify, encourage and ensure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies that encourage cities, counties and special districts to discourage development on all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.4. Support policies and tools that protect all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a planning tool pertaining to growth and development, and the preservation of agricultural and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the sphere of influence and boundaries of agencies.
- 4.4. Support communication among cities, counties, special districts, stakeholders and affected parties through a collaborative process that resolves service, infrastructure, housing, land use, and fiscal issues, prior to application to LAFCo.
- 4.5. Support cooperation between counties and cities on decisions related to development within a city's designated sphere of influence.
- 4.6. Support cooperation between cities and special districts on decisions related to development within city and district spheres of influence that overlap.
- 4.7. Support the recognition of extreme natural disasters and disaster preparedness when considering growth and service delivery issues.

5. Service Delivery and Local Agency Effectiveness

- 5.1. Support the use of LAFCo resources to review Regional Transportation Plans, with a focus on sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and conformity with LAFCo's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCos and regional planning agencies.
- 5.2. Support LAFCo authority as the preferred method of local governance. Support the availability of LAFCo tools that provide options for local governance and efficient service delivery, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support a deliberative and open process for the creation or reorganization of local governments that evaluates the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- 5.5. Support legislation and collaborative efforts among agencies and LAFCos that encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost-effective services.

2022 Legislative Priorities

Primary Issues

Authority of LAFCo

Support legislation that maintains or enhances LAFCo's authority to condition proposals in order to address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, and to enact recommendations related to the delivery of services and the agencies providing them, including changes of organization and reorganizations.

Agriculture and Open Space Protection

Support policies, programs and legislation that recognize LAFCo's mission to protect and mitigate the loss of all types of agricultural lands, including prime agricultural lands and open space lands and that encourage other agencies to coordinate with local LAFCOs on land preservation and orderly growth. Support efforts that encourage the creation of habitat conservation plans.

Water Availability

Support policies, programs and legislation that promote an integrated approach to water availability and management. Promote adequate water supplies and infrastructure planning for current and planned growth and disadvantaged communities, and that support the sustainability of all types of agricultural lands, including prime agricultural lands and open space lands. Support policies that assist LAFCo in obtaining accurate and reliable water supply information in order to evaluate current and cumulative water demands for service expansions and boundary changes. Such policies should include the impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

Viability of Local Services

Support policies, programs and legislation that maintain or enhance LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation that provides LAFCo and local communities with options for local governance that ensures efficient, effective, and quality service delivery. Support efforts that provide tools to local agencies to address aging infrastructure, fiscal challenges, declining levels of services, and inadequate services to disadvantaged communities.

Issues of Interest

Housing

Provision of territory and services to support housing plans consistent with State affordable housing mandates, regional land use plans and local LAFCo policies.

Transportation

Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

Flood Control

The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory, and the impact to public safety of proposed annexation to urban areas of uninhabited territory at risk of flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair and maintenance. Support efforts that encourage the creation of habitat conservation plans.

Adequate Municipal Services In Inhabited Territory

Consistency of expedited processes for inhabited annexations with LAFCo law that include fiscal viability. Promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Support policies, programs, and legislation that would provide adequate municipal services to disadvantaged communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of municipal services through periodic updates and reviews of Municipal Service Reviews, Spheres of Influence, and related studies prepared by LAFCOs.

Climate Adaptation

The ability and effectiveness of local agencies to proactively and effectively address issues that impact municipal service infrastructure and service delivery that include sea level rise, sand erosion, and levee protection. Adequate resources for local agencies to prepare for and appropriately respond to extreme disasters related to climate change. Ensure local agencies are considering climate resiliency when considering future development.