



# **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**  
*May 2, 2012 @ 2:00 P.M.*  
BOARD OF SUPERVISORS CHAMBERS  
COUNTY ADMINISTRATION BUILDING  
2800 West Burrel Avenue  
Visalia, CA. 93291

**COMMISSIONERS:**

*Juliet Allen, Chair  
Cameron Hamilton, V. Chair  
Steve Worthley  
Rudy Mendoza  
Allen Ishida*

**ALTERNATES:**

*Gerald Magoon  
Amy Shuklian  
Mike Ennis*

**EXECUTIVE OFFICER:**

*Ben Giuliani*

**I. Call to Order**

**II. Approval of Minutes from April 4, 2012 (Pages 1-4)**

**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**

There are no items.

**V. Continued Action Items**

There are no items.

**VI. New Action Items**

1. Sphere of Influence Amendments to Lindmore ID and Lindsay-Strathmore ID, LAFCO Cases 1488 and 1489, (Pages 5-16)

*[Public Hearing] .....Recommended Action :Approval*

District maps were provided at a recent pre-annexation meeting for a proposed Lindmore ID reorganization and inconsistencies were found between the Lindmore ID's boundaries and the current Lindmore ID and Lindsay-Strathmore ID Spheres of Influence near Strathmore and the City of Lindsay. The SOIs for these IDs were last updated 7/11/07 (Res. 07-034). It is recommended that the Commission approve the recommended SOI's for Lindmore ID and Lindsay-Strathmore ID.

**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.**

2. AB 2238 (Perea) Public Water Systems (Pages 17-18 )  
*[No Public Hearing].....Recommended Action: Approval*

AB 2238 (Perea) Public Water Systems would require LAFCOs to determine the feasibility of consolidations and other service efficiency options in every MSR that includes domestic water and sewer service. It would also require LAFCOs to determine compliance with the Safe Drinking Water Act. Both are discretionary under current law. CALAFCO has already submitted an opposition letter to this bill noting that the reorganization studies would be another unfunded mandate that would add significant cost to completing MSRs while not adding any benefit to actual provision of services. At the April 4<sup>th</sup> meeting, the Commission requested that an opposition letter be prepared. Enclosed is the proposed letter to be sent to Assembly Member Perea in opposition of the bill.

3. Policy C-1 Appendix– List of Disadvantaged Communities (Page 19-30)  
*.....Recommended Action: Approval*

The recently signed and enrolled SB 244(Wolk) bill regarding disadvantaged communities added a provision in Government Code requiring the annexation of disadvantaged communities (with certain exceptions) when cities annex land of 10 acres or more (or as designated by LAFCO) that is contiguous to the affected disadvantaged community. At the April meeting, the Commission adopted policy regarding the annexation of neighboring disadvantaged unincorporated communities. Enclosed is a list of the existing affected disadvantaged unincorporated communities and the data and methodology used to identify them.

## **VII. Executive Officer's Report**

1. **Alternate Public Member Selection (No Page)**

No qualifying applications have been received for the Alternate Public Member position during the initial application period. The application period has been extended to May 16, 2012.

2. **San Joaquin Valley Greenprint (No Page)**

The Greenprint is a collaborative effort between the eight San Joaquin Valley Regional Planning agencies. The Fresno Council of Governments, which manages the blueprint, will also manage the Greenprint. The Greenprint project will initially inventory, map, and analyze open space and natural resource issues and challenges in the Valley.

3. **Legislative Update (Page 31-32)**

The Executive Officer will provide a status update of proposed legislation that will, or potentially could, impact LAFCO's legislative authority and/or administrative responsibility.

4. **Upcoming Projects (No Page)**

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

## **VIII. Correspondence**

None

***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.***

## **IX. Other Business**

### **1. A Commissioner Report (No Page)**

At this time, any Commissioner may inform the Commission, Staff, or the public of pertinent LAFCO issues not appearing on the agenda.

### **2. Request from LAFCO for items to be set for future agendas (No Page)**

## **X. Closed Sessions**

There are no items.

## **XI. Setting Time and Place of Next Meeting**

June 6, 2012 @ 2:00 P.M. in the Board of Supervisors Chambers in the County Administration Building

## **XII. Adjournment**

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<i>Item No.</i>	<i>Agenda Summary</i>
<i>II.</i>	<i>Please see enclosed April 4, 2012 meeting minutes</i>
<i>VI.1.</i>	<i>Please see enclosed Staff report and Resolution</i>
<i>VI.2.</i>	<i>Please see enclosed letter</i>
<i>VI.3.</i>	<i>Please see enclosed memo and disadvantaged unincorporated community list</i>
<i>VII.1.</i>	<i>There are no enclosures for this item</i>
<i>VII.2.</i>	<i>There are no enclosures for this item</i>
<i>VII.3.</i>	<i>Please see enclosed memo</i>
<i>VII.4.</i>	<i>There are no enclosures for this item</i>
<i>VIII.</i>	<i>There are no enclosures for this item</i>
<i>IX.1.</i>	<i>There are no enclosures for this item.</i>

**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**

**Minutes of the Meeting**

**April 4, 2012**

**Members Present:** Julie Allen, Cameron Hamilton, Allen Ishida, Steve Worthley, Rudy Mendoza

**Members Absent:**

**Alternates Present:** Gerald Magoon

**Alternates Absent:** Mike Ennis, Amy Shuklian

**Staff Present:** Ben Giuliani, Cynthia Echavarria, Jessica Moncada

**Counsel Present:** Nina Dong

**I. Call to Order**

Chair Allen called the Tulare County Local Agency Formation Commission meeting to order at 2:00 p.m. on April 4, 2012

**II. Approval of the March 7, 2011 Minutes:**

Upon motion by Steve Worthley and seconded by Allen Ishida, the Commission unanimously approved the March 7, 2011 minutes.

**III. Public Comment Period**

Chair Allen opened the Public Comment Period

No comments were received; Chair Allen closed the Public Comment Period

**IV. Consent Calendar Items**

There were no Consent Calendar items.

**V. Continued Action Items**

There were no Continued Action Items.

**VI. New Action Item**

1. and 2. Adoption of the City of Dinuba Municipal Service Review Initiate Sphere of Influence Update to City of Dinuba

Executive Officer Giuliani stated that a request was made by the County of Tulare Resource Management Agency for a 60 day continuance for the action on the Dinuba Municipal Service Review to allow the City and County to finalize the amendment to the memorandum of understanding that could potentially affect the Sphere of Influence (SOI) proposal.

Mike Spata, RMA Planning Assistant Director, requested that the matter be continued for at least 60 days to allow the opportunity for the Dinuba City Counsel and the Board of Supervisors to consider a proposed amendment to the existing memorandum of understanding. The County is in general support of the proposal but, before an official letter of support is submitted respectfully request that the continuance occur so that this matter between the City of Dinuba and the County of Tulare can be finalized

Chair Allen opened the public comment period. Hearing none, Chair Allen closed the public comment period.

Upon motion made by Commissioner Ishida and seconded by Commissioner Hamilton the Commission unanimously approved the continuance of the Dinuba MSR and SOI Update initiation to the June 6<sup>th</sup> LAFCO meeting.

### 3. A Proposed Amendment to Policy C-1

EO Giuliani reviewed the changes to the draft policy that were made since the March Commission meeting. In addition, a letter submitted by California Rural Legal Assistance (CRLA) on April 4<sup>th</sup>, 2012 was reviewed with the Commission.

Chair Allen opened the public comment period.

Kara Brodfuehrer, representing California Legal Rural Assistance, thanked the commission for taking on this important issue. Ms. Brodfuehrer spoke to the letter submitted by CRLA and further noted the need regarding additional explanation of the term "annexation" to ensure that people understand what it means.

Chair Allen closed the public comment period.

Commissioner Ishida commented that it would save time and resources if the letters (survey and survey cover letter) were sent out in English and Spanish.

Commissioner Worthley stated that one thing that might help clarify "annexation" would be to add on the 2<sup>nd</sup> paragraph of the letter, "which may now be provided by the County" after where it says "annexation to the city of <> would mean that the city would become responsible for many of the services of your community". By making that statement people maybe this will help people to understand what this transition is regarding.

EO Giuliani reviewed the amendments for motion, as discussed by the Commission, to the proposed policy. This included requiring the annexation survey and survey cover letter to be sent in English and Spanish, adding the clause in the survey cover letter, "which may now be provided by the County" and adding policy regarding a public outreach meeting (tempated from existing policy regarding to public outreach meetings for County islands).

Upon motion made by Commissioner Ishida and seconded by Commissioner Hamilton the Commission unanimously approved the Proposed Amendment to Policy C-1.

### 4. 2012/2013 Preliminary Budget and Work Program

Cynthia Echavarria gave information on the 2012/2013 Preliminary Budget and Work Program. 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 surplus 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 provides further detail on how these expenditures and revenues will be allotted during the fiscal year. This year reserve is estimated to be at \$117,000. The commission needs to make a decision on how much of the reserve should be applied to the budget to off set city and County contributions.

Commissioner Worthley asked how much the reserve was from last year

EO Giuliani stated it was about \$160,000

Cynthia Echavarria stated that a spreadsheet with the scenarios for \$15,000, \$25,000, \$50,000, \$75,000 and \$100,000 to be applied was included in the agenda on pages 50-52. Last year the commission applied \$100,000 to the budget.

EO Giuliani indicated that we do not expect too many applications within the next couple of months to finish out the fiscal year. Therefore, that reserve is actually going to be less than \$117,000 by the end of June 30<sup>th</sup>.

Commissioner Ishida and Commissioner Worthley stated that we cannot spend all of our reserves.

Chair Allen opened the public comment period. Hearing none, Chair Allen closed the public comment period.

Upon motion made by Commissioner Ishida and seconded by Commissioner Hamilton, the Commission unanimously approved the 2012/2013 Preliminary Budget and Work Program, applying \$50,000 of the current \$117,000 in reserves against next year's budget.

## **VII. Executive Officer's Report**

### **1. Alternate Public Member Selection**

Cynthia Echavarria provided information on the Alternate Public Member Selection. In February, staff circulated the vacancy announcement for the Alternate Public Member in accordance with Tulare County LAFCO Policies & Procedure. Tulare County LAFCO staff has not received applications that qualify as the Public Member Alternate Member according to Government Code 56331. The deadline has been extended to April 12, 2012. Notice is reposted at the various agencies throughout the County.

Commissioner Mendoza asked Mrs. Echavarria how this matter has been publicized. Mrs. Echavarria stated that it was reposted at all of the County libraries, an email was sent to the cities and the city planning managers. It was also posted outside of the LAFCO and County building. It was very well circulated.

Commissioner Worthley stated that a press release could be issued that may be picked up by the local papers.

Commissioner Mendoza also recommended the County's Facebook page to publicize the opening.

## **2. Legislative Update**

EO Giuliani stated that the one significant new item on the Legislative update is that CALLAFCO has issued an opposition letter to AB2238 (Perea) regarding adding further mandatory requirements to MSRs.

Commissioner Ishida requested staff to draft an opposition letter for Tulare County LAFCO to submit to Assemblymember Perea.

## **3. Upcoming Projects**

EO Giuliani stated for May we have a letter for the AB2238 Perea Bill. We will soon have Visalia's and soon after Tulare's MSR's. They are going to be a little bit different from Dinuba's in that Dinuba and the County have an agreement in terms of having a joint Sphere of Influence proposal.

## **VIII. Correspondence**

None

## **IX. Other Business**

### **1. Commissioner Report**

Chair Allen stated Randy Rouda called her last week to ask for a letter of recommendation for the Mendocino LAFCO Executive Officer Position.

### **2. Appreciation to Gerald Magoon**

The commissioners expressed their appreciation and thanks to Gerald Magoon for his years of service on the Tulare County Local Agency Formation Commission as a Public Member Alternate.

## **X. Closed Session**

There were no items

## **XI. Setting Time and Place of Next Meeting**

April 2, 2012 @ 2:00 P.M. in the Board of Supervisors Chambers in the County Administration Building.

## **XII. Adjournment**



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Amy Shuklian  
Mike Ennis*

**EXECUTIVE OFFICER:**

*Ben Giuliani*

May 2, 2012

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Cynthia Echavarria, Staff Analyst

SUBJECT: Sphere of Influence Amendments for Lindmore Irrigation District (LID)  
and Lindsay-Strathmore Irrigation District (LSID)

## **Background**

The Lindmore ID and Lindsay-Strathmore ID are located near Strathmore and the City of Lindsay, southeast of Visalia and north and northwest of Porterville. Both districts' SOIs were initially set in 1975. The LSID SOI was updated in 2007 subsequent to a municipal service review. The Lindsay-Strathmore Irrigation District serves a large geographic area generally located east of Highway 65 between the City of Lindsay and the community of Strathmore. The Lindmore ID delivers water to about 500 farmers on over 26,000 acres within the District boundaries and is located to the west of the LSID. Notice for this public hearing was provided in accordance with GC §56427.

## **Discussion**

District maps were provided at a recent pre-annexation meeting for a proposed Lindmore ID reorganization and staff found inconsistencies between the Lindmore ID's boundaries and the current Lindmore ID and Lindsay-Strathmore ID Spheres of Influence near Strathmore and the City of Lindsay. The Spheres of Influence for these IDs were last updated 7/11/07 (Res. 07-034). Inconsistencies are most likely due in part to a recording error. While the District did not request a SOI amendment, the Commission has the authority pursuant to Government Code to initiate SOI amendments. The SOI amendment will correct inconsistencies with districts boundaries and include Lindmore ID's headquarters in their SOI.

## **Environmental Impacts:**

Tulare County LAFCO acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines finds that adopting the Spheres of Influence are exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3).

There is no possibility that this SOI may have a significant effect on the environment because there is no land use changes associated with the document. The updates will make the Spheres of Influence consistent with current district boundaries for both the LID and the LSID. The amendments to the SOI's do not include expansions of territory not already within the bounds or service area of either agency. The affected area is rural in nature and will not affect domestic water service. Expansions serving rural areas (e.g., irrigation water) are typically not considered growth-inducing.

If the Commission adopts the SOI's and determines that the projects are exempt from CEQA, staff will prepare and file a notice of exemption with the County of Tulare, as required by CEQA Regulation section 15062.

### **State Law Requirements**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO to establish Spheres of Influence for cities and special districts. Prior to, or in conjunction with establishing an agency's SOI, LAFCO is required to conduct a Municipal Service Review (MSR) for each agency. A Municipal Service Review was completed for Lindsay-Strathmore ID on March 7, 2007 by Resolution No. 07-018. The MSR was conducted because LSID provides domestic water to a couple of communities within its boundaries. The proposed SOI amendment has no effect on these communities and LSID's provision of domestic water services. No changes have occurred since that would necessitate an update to the MSR prior to amending the District's Sphere of Influence. Pursuant to Tulare County LAFCO Policy C-5, Appendix B, the Lindmore ID is exempt from Municipal Service Reviews.

### **Impact on Prime Agricultural Land, Agriculture and Open Space:**

No urban development or loss of open space and prime agricultural land would result with establishment of this SOI because the proposed SOI will only include land that is already within the Districts.

### **Required Determinations**

GC §56425(e) requires that in determining the Sphere of Influence of each local agency the Commission shall consider and prepare a written statement of its determinations with respect to certain factors prior to making a decision.

- (1) The present and planned land uses in the area, including agricultural and open-space lands.*

The amendments to the SOI's do not include expansions of territory not already within the bounds or service area of either agency. No changes of land use will occur.

*(2) The present and probable need for public facilities and services in the area.*

The site is already fully developed with rural uses. The SOI amendments will require no additional services.

*(3) The present capacity of public facilities and adequacy of public services.*

Lindmore ID and Lindsay ID are currently servicing the site. No change of land use will occur.

*(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.*

The subject territory is immediately adjacent to the jurisdictional boundaries of the communities of Lindsay and Strathmore and the LID and LSID.

The proposed action appears consistent with the relevant social and economic communities of interest.

**Impact on Prime Agricultural Land, Agriculture and Open Space:**

No urban development or loss of open space and prime agricultural land would result with establishment of this SOI because the proposed SOI will only include land that is already within the Districts. However, the Commission may approve this sphere of influence if it finds the following pursuant to GC §56426.5(b) (2):

That the change is not likely to adversely affect the continuation of the contract beyond its current expiration date.

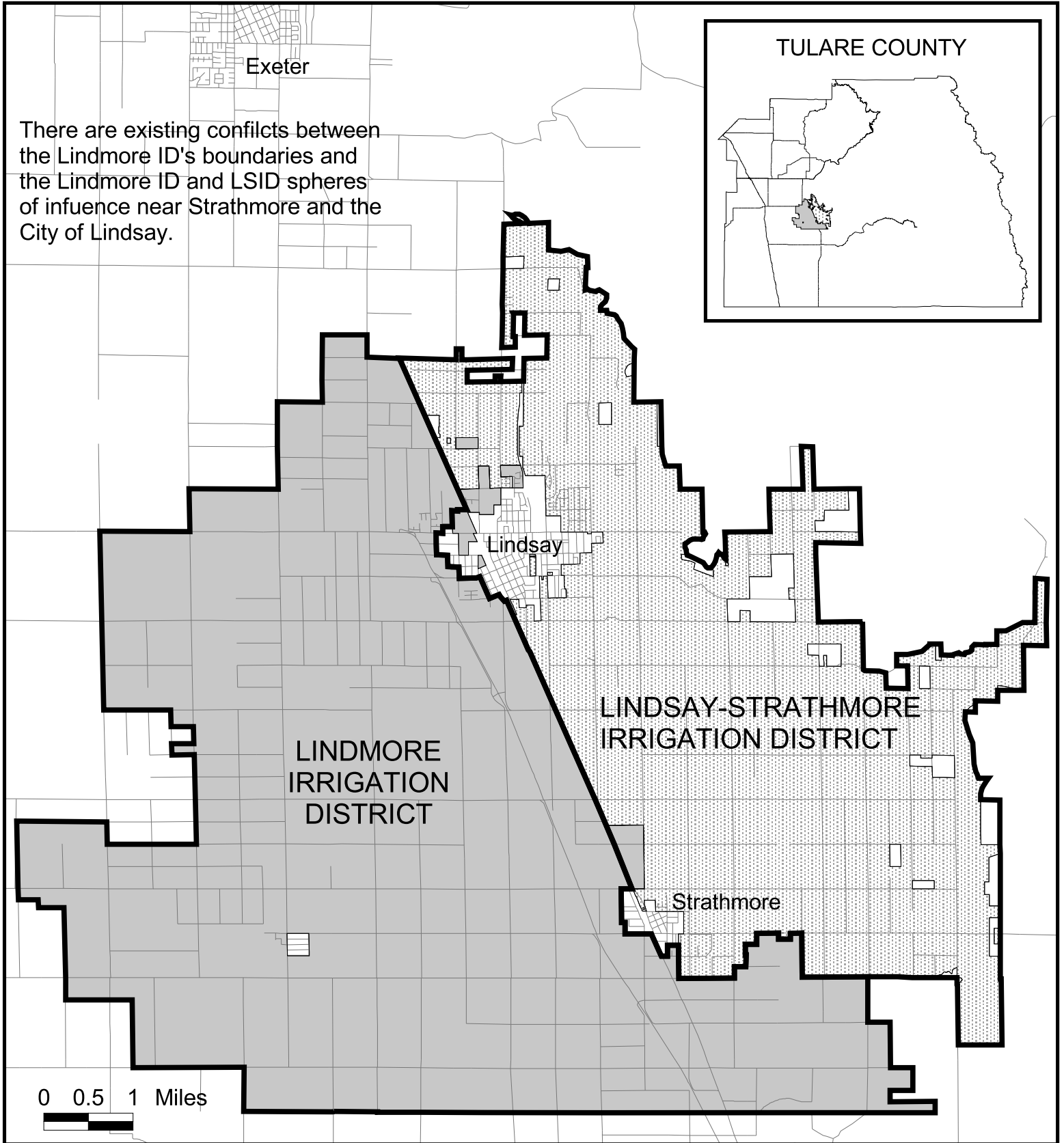
### **Recommendations:**

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

- A. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to adopting the written determinations, the Sphere of Influence determinations under consideration are exempt from the provisions of the California Environmental Quality Act (CEQA) under the categorical exemption 15061(c).
- B. Adopt the written statement of determinations and find that the proposed Lindmore ID and Lindsay-Strathmore ID Spheres of Influence updates comply with the GC Section 56425.
- C. Find that pursuant to GC §56426.5(b) (2), the proposed SOI amendment will not adversely affect the continuation of any Williamson Act contracts beyond their current expiration dates.
- D. Approve the Spheres of Influence as requested to be known as LAFCO Case 1488, Lindmore ID SOI Amendment and 1489, Lindsay-Strathmore ID SOI Amendment, as identified within Figure 1-3.

### **Figures & Exhibits**

Figure 1-3 Site Location Map



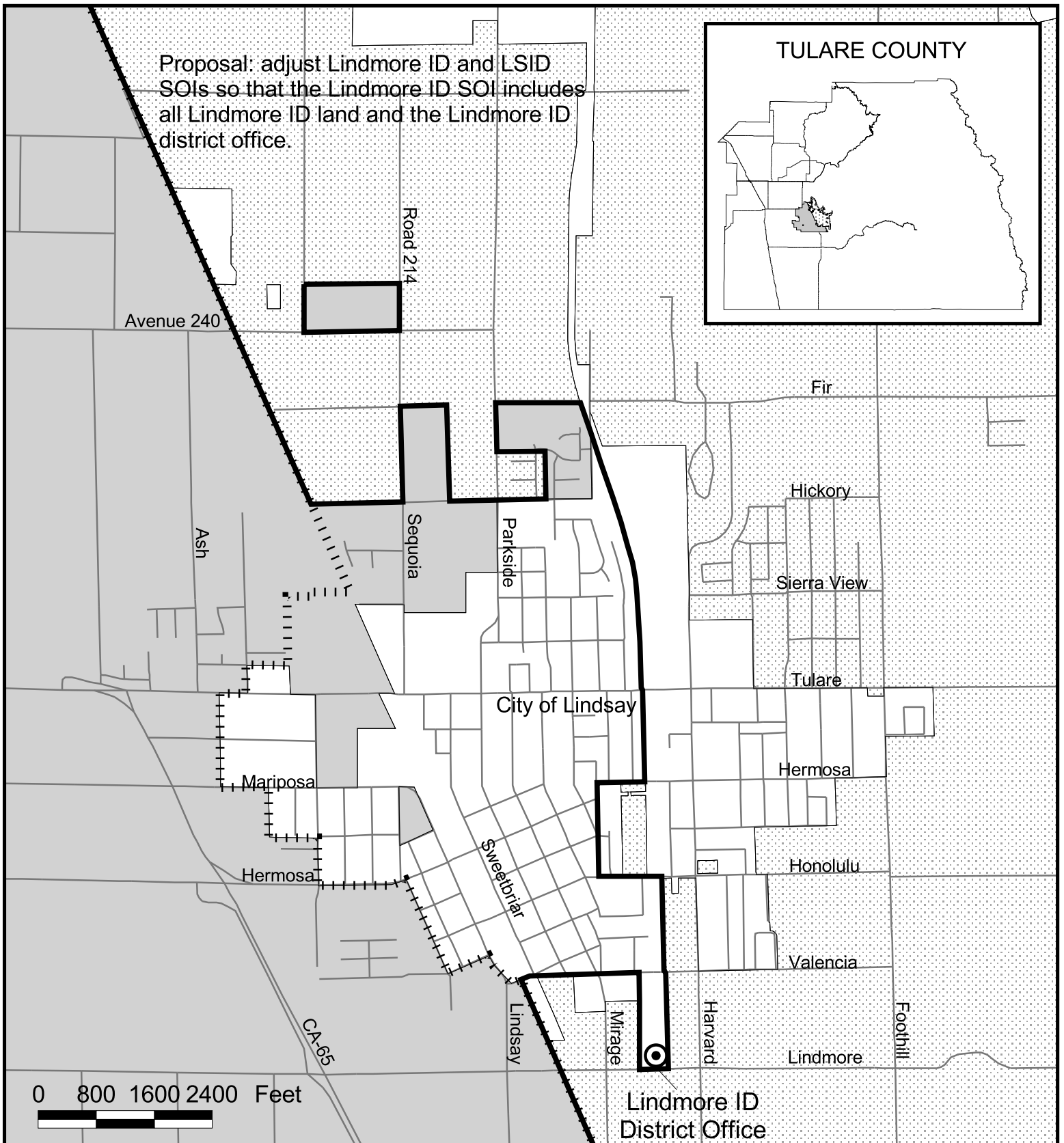
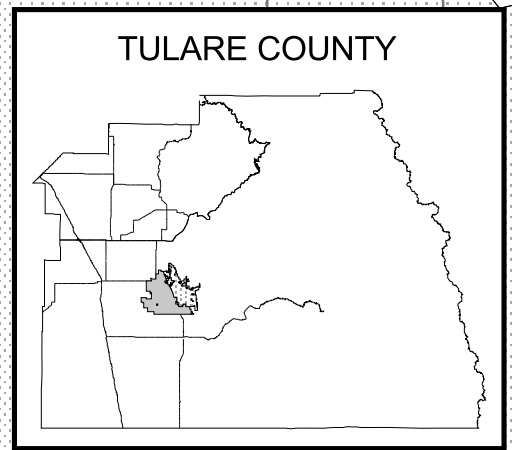
- SOIS
- LINDMORE ID
- L-S ID
- STREETS






LAFCO CASES 1488-1489  
LINDMORE ID  
LINDSAY-STRATHMORE ID  
SOI UPDATE  
EXISTING BOUNDARIES



FIGURE 1

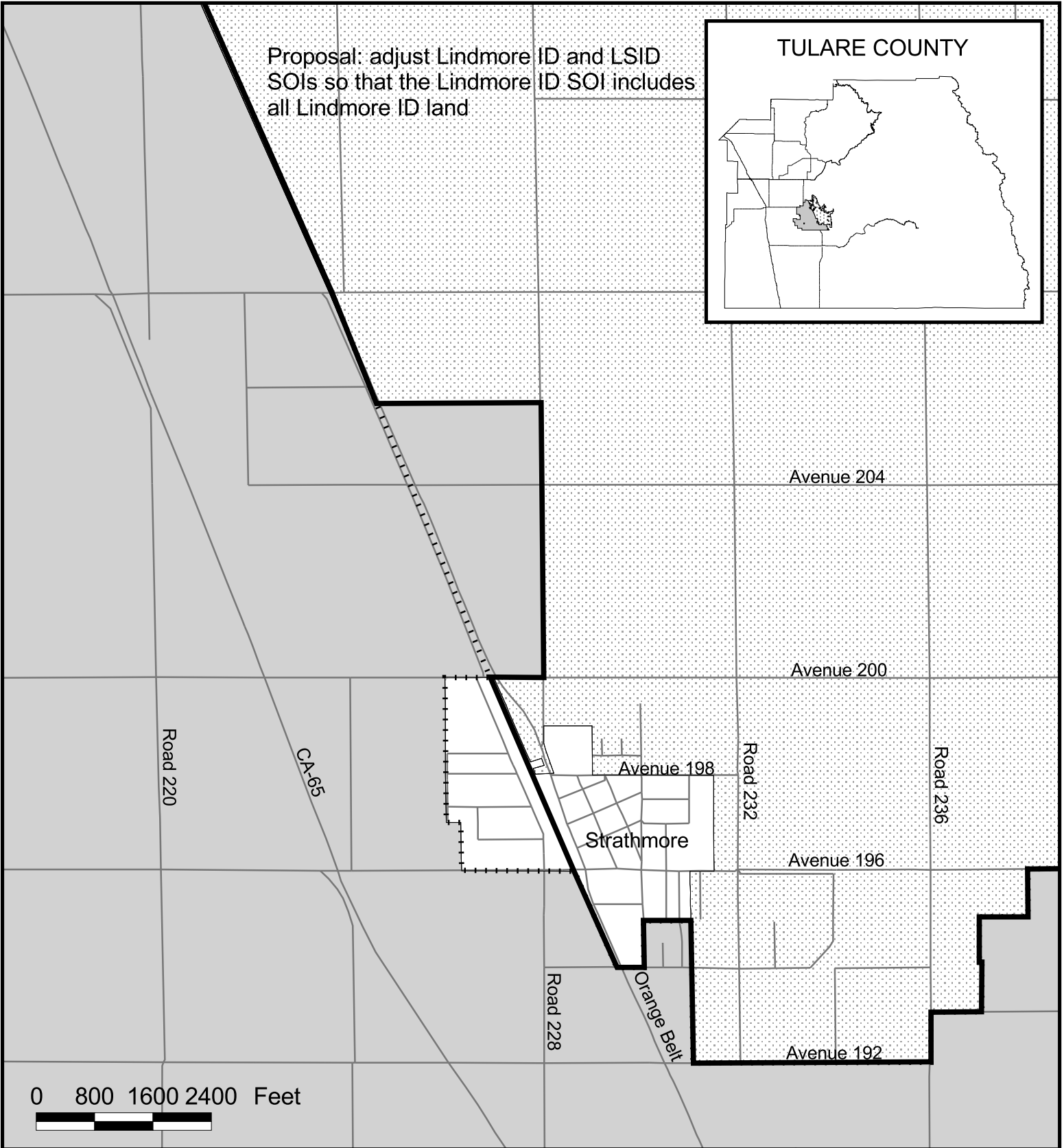
Proposal: adjust Lindmore ID and LSID SOIs so that the Lindmore ID SOI includes all Lindmore ID land and the Lindmore ID district office.








-  PROPOSED SOI
-  CURRENT SOI
-  LINDMORE ID
-  L-S ID
-  STREETS

# LAFCO CASES 1488-1489 LINDMORE ID LINDSAY-STRATHMORE ID SOI UPDATE LINDSAY AREA





-  PROPOSED SOI
-  CURRENT SOI
-  LINDMORE ID
-  L-S ID
-  STREETS

LAFCO CASES 1488-1489  
LINDMORE ID  
LINDSAY-STRATHMORE ID  
SOI UPDATE  
STRATHMORE AREA



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

In the Matter of the Proposed Lindmore    )

And Lindsay-Strathmore Irrigation District)

**RESOLUTION NO. 12-007**

Sphere of Influence Amendments,            )

LAFCO Case No. 1488 and 1489            )

**WHEREAS**, pursuant to Government Code Section 56425, Local Agency Formation Commissions are required to establish, periodically review and revise or amend Sphere of Influence boundaries; and

**WHEREAS**, the Spheres of Influence were last updated 7/11/07 (Res. 07-034) for both Lindmore ID and the Lindsey-Strathmore ID; and

**WHEREAS**, pursuant to GC §56430, a Municipal Service Review was completed for Lindsay-Strathmore ID on March 7, 2007 by Resolution No. 07-018. Pursuant to Tulare County LAFCO Policy C-5, Appendix B, the Lindmore ID is exempt from Municipal Service Reviews; and

**WHEREAS**, district maps were provided at a recent pre-annexation meeting for a proposed Lindmore ID reorganization and staff found inconsistencies between the Lindmore Irrigation District boundaries and the current Lindmore and Lindsay-Strathmore Spheres of Influence; and

**WHEREAS**, on March 7<sup>th</sup>, 2011, the Commission initiated the Sphere of Influence amendment for the Lindmore and Lindsay-Strathmore Irrigation Districts by resolution (No. 12-003); and

**WHEREAS**, the Commission has read and considered the reports and recommendations of the Executive Officer; and

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

1. The boundaries of the Spheres of Influence amendment are definite and certain as shown in Figures 2-3.

2. The information, materials, and facts set forth in the application and the reports of the Executive Officer, including any corrections, have been received and considered in accordance with GC §56427.

3. The Commission has reviewed and considered the information, materials and facts presented by the following persons who appeared at the public hearing and commented on the proposal:

Cynthia Echavarria, Staff Analyst

4. All required notices have been given and all proceedings taken in this matter have been and now are in all respects taken in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended.

5. A Municipal Service Review was completed for Lindsay-Strathmore ID on March 7, 2007 by Resolution No. 07-018. No changes have occurred since this date that would necessitate an amendment to the MSR or require a new MSR prior to determining the District's Sphere of Influence. Pursuant to Tulare County LAFCO Policy C-5, Appendix B, the Lindmore ID is exempt from Municipal Service Reviews.

6. Pursuant to GC §56426.5(b)(2), the Commission finds that the proposed SOI amendments will not adversely effect the continuation of any Williamson Act contracts beyond their current expiration dates.

7. The Commission hereby adopts the attached written determinations required under GC §56425 in support of the proposed Sphere of Influence amendment.

8. The Commission hereby finds that the proposed Spheres of Influence amendment will not have a significant impact on the environment, and adopting the Sphere of Influence amendments for the Lindmore ID and Lindsay-Strathmore ID are exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3).

10. The Commission hereby finds that the proposed amendments to the Spheres of Influence for the Lindmore ID and Lindsay-Strathmore ID are in compliance with the Cortese-Knox-Hertzberg Act, GC §§56425:56430 and 56377, and Tulare County LAFCO Policy and Procedure section C-5, Spheres of Influence.

11. The Spheres of Influence for the Lindmore ID and Lindsay-Strathmore ID are hereby amended as shown in Figures 2-3.

The foregoing resolution was adopted upon motion of Commissioner XXXX seconded by Commissioner XXXX, at a regular meeting held on this 7th day of March 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

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Ben Giuliani, Executive Officer

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## **TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**

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May 2, 2012

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Mike Ennis*

**EXECUTIVE OFFICER:**

*Ben Giuliani*

The Honorable Henry T. Perea  
California State Assembly  
State Capitol, Room 4112  
Sacramento, CA 95814

RE: AB 2238 (Perea) – LAFCo MSR Studies -- OPPOSE

Dear Assembly Member Perea:

On behalf of the Tulare County Local Agency Formation Commission (LAFCo), I write to respectfully express our opposition to your bill, AB 2238, which would add significant and unfunded research responsibilities to our LAFCo. While we continue to support efforts to improve service delivery to disadvantaged unincorporated communities, the LAFCo-related elements of this bill will result in the expenditure of significant unfunded resources and is not likely to improve services for any disadvantaged community which could not be achieved under existing law.

We appreciate the recent amendments which limit the scope for LAFCo; however they still include an unfunded and new research mandate to LAFCo that is unlikely to result in any improvement in service. The large majority of Municipal Service Reviews conducted by our LAFCo include water or wastewater agencies. Tulare County LAFCo does not have the resources or expertise to study reorganizations in all of these cases and would require the retention of consultants. There is no funding for these studies and therefore the costs would be passed on to Tulare County and our eight incorporated cities. More importantly, since LAFCo is powerless to implement any study, our experience is that the affected agencies may resist any reorganization suggestion. Allowing a LAFCo to make a determination to not conduct a study opens the LAFCo to legal action by those wishing a reorganization. In either case very limited local resources are expended over a study that has little likelihood of implementation.

LAFCo works best when it is able to collaboratively interact with affected agencies in finding mutually agreeable reorganization solutions. Current law allows LAFCo to include such a review and recommendation when it is likely such recommendation will be implemented. We believe current law is sufficient to meet the desired goals of this bill.

In Tulare County, significant work has already and is continuing to be accomplished in regards to

service provision to, and in many cases annexation of, disadvantaged unincorporated communities. For example, from 2003 to 2006, the Cities of Visalia, Tulare and Porterville annexed a combined 42 unincorporated County islands (almost all of which were disadvantaged) that comprised 1,683 acres of land with 3,525 housing units and 10,883 people. Currently, Tulare County is taking the lead in administering a \$2 million state planning grant to address the drinking and wastewater needs for disadvantaged communities in the Tulare Lake Basin, which includes Fresno, Kern, Kings, and Tulare counties. In addition, there are already numerous projects and grant applications underway that involve extending city or district services to disadvantaged unincorporated communities across the County. Several of which involve annexations or extraterritorial service agreements to cities and districts.

Because AB 2238 creates an unfunded and unproductive requirement for studies, we must regrettably oppose this legislation. Were the provision to require LAFCo to conduct these studies amended out of the bill, and other wording changes considered, we could remove our opposition. Thank you for your consideration of our comments.

Yours sincerely,

JULIET ALLEN, CHAIR  
TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

cc:

Chair Cameron Smyth, Assembly Local Government Committee  
Assemblymember Connie Conway  
Assemblymember David Valadao  
Senator Jean Fuller  
Senator Michael Rubio



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EXECUTIVE OFFICER:  
*Ben Giuliani*

May 2, 2012

TO: LAFCO Commissioners and Alternates

FROM: Ben Giuliani

SUBJECT: Identification of Disadvantaged Unincorporated Communities

### **Background**

The recently signed and enrolled SB 244(Wolk) regarding disadvantaged unincorporated communities (DUCs) added a provision in Government Code (section 56375(a)(8)) requiring the annexation of disadvantaged communities (with certain exceptions) when cities annex land of 10 acres or more (or as designated by LAFCO) that is contiguous to the affected disadvantaged community. The Commission adopted policy regarding these provisions at the April 4<sup>th</sup> meeting.

The last remaining item to be addressed from SB 244, is the identification of the DUCs. State law has determined that a DUC is an area that has a median household income less than 80% of the State's median household income. SB 244 allowed LAFCOs to further define what is a DUC. The Commission adopted policy in April, 2011 that defines a DUC as a disadvantaged unincorporated community that contains at least 20 dwelling units at a density not less than one unit per acre (in addition to the State's 80% MHI requirement). At the March 7<sup>th</sup> meeting, the Commission directed staff to bring back a list of DUCs with data used as the basis for the list.

### **Discussion**

Unincorporated communities were identified using parcel data and aerial photography in ArcView GIS. Areas within or adjacent to the cities' spheres of influence (SOIs) that met the 20 unit minimum and density requirement were identified. In addition, there were some communities that were identified that are currently outside and not adjacent to a city SOI. For example, Tract 92 is outside and not adjacent to Visalia's current SOI but is inside the City's current Urban Development Boundary (UDB). Since this community may be placed within the City's SOI in the next SOI update, the community was included in this analysis. Another example is East Tulare Villa outside of Tulare. This community is not within or adjacent to the City's current SOI or UDB. However, it borders the College of Sequoias (COS) Tulare Campus that is proposed for annexation into the City. The

annexation would make East Tulare Villa contiguous to the City's SOI so this community was also included in this analysis. A total of 36 communities were identified.

After the unincorporated communities were mapped in GIS, data was collected to determine whether or not the communities are disadvantaged. Listed below is the data and other information used in the development of the list (summarized in the attached unincorporated community list).

#### *Median Household Income*

MHI data is sampled and released down to the block group level by the US Census. However, Census block groups are typically much larger than the individual unincorporated communities that have been identified. For this reason, MHI data at the block group level is unreliable in determining the disadvantaged status of almost all of these communities. The US Census's American Community Survey (ACS) also samples MHI data for Census Designated Places (CDPs). Three of the identified communities (East Porterville, Goshen and East Tulare Villa) are CDPs and have MHI data from ACS. In addition, Self Help Enterprises also conducts MHI surveys for many of the communities that they work with. There are two communities (Soult's Tract and Beverly Grand) that had recent surveys completed. Because of the lack of reliable MHI data for most of the communities, other data was needed to help determine their economic status.

#### *Median Assessed Parcel Value*

The primary common attribute that can be compared between almost all of the communities is median assessed parcel value. To determine the median assessed parcel value for the individual communities, parcels with residential uses and dwelling units were identified. The assessed values of each of the parcels were listed in ranked order from which the median value was then determined for each of the communities.

There are five communities (four mobile home parks and a labor camp) that are composed of a single parcel. For this reason, these communities were not included in this comparative analysis. In addition, it would be very difficult to argue that mobile home parks and labor camps are not DUCs.

#### *Owner Occupancy*

Another comparable factor that is an indicator of economic status is owner occupancy. From the County Assessor data, physical addresses were compared to mailing addresses for each of the developed residential parcels. As seen in the attached comparison list, there is a correlation between higher owner occupancy and higher assessed values.

#### *Physical Characteristics*

The size and physical characteristics of the housing stock and visible infrastructure (road conditions, presence of curb/gutter, street lighting) were observed and compared for each of the communities.

#### *Self Help Enterprises*

Because of their experience and in-depth involvement with DUCs, Self Help Enterprises was requested to give their opinion regarding the economic status of the identified unincorporated communities. Their determinations are shown on the attached list.

### Disadvantaged Determination

From the information as summarized above, the list of disadvantaged communities, as shown below, was developed. There was a significant gap in assessed values between Tracts 288/413 and Grandview Gardens in Porterville. This also corresponded with the observed characteristics of the communities and Self Help Enterprises determinations. The one exception was Tract 111, north of Visalia. The median assessed value of the community is close to that of Grandview Gardens which is a disadvantaged community. However, Tract 111 wasn't included on the list because the characteristics and condition of the housing stock was more similar to Tract 288/413 than to Grandview Gardens.

### **Disadvantaged Unincorporated Communities**

El Monte Mobile Village	Dinuba
Cameron Creek Colony	Farmersville
Linnell Camp	Farmersville
El Rancho	Lindsay
Page-Moore Tract	Lindsay
A&A Mobile Home Park	Porterville
Beverly Grand	Porterville
East Porterville	Porterville
Grandview Gardens	Porterville
Mulberry Island	Porterville
Porterville Trailer Park	Porterville
Roby Island	Porterville
Shady Grove MHP	Porterville
South Porterville	Porterville

Tracts 24, 41	Porterville
Tracts 66, 90, 127	Porterville
Tract 77	Porterville
East Tulare Villa	Tulare
Lone Oak Tract	Tulare
Matheny Tract	Tulare
Soults Tract	Tulare
Goshen	Visalia
K Street Island	Visalia
Patterson Tract	Visalia
Tract 92	Visalia
Tract 359	Visalia
Wells Tract	Woodlake

### **Recommendation**

Adopt the list of Disadvantaged Unincorporated Communities as an appendix to Policy C-1. (This list is subject to further Commission review based on new information or the growth of SOIs that could include additional DUCs.)

Attachments:  
Unincorporated Communities Overview  
City Maps

**Unincorporated Communities - Inside or adjacent to City SOIs**

Community	City	Parcels	Assessed Median Value	Owner Occ.	Units	Average Parcel Size(ft2)	Average Parcel Size(ac)	House Size	Road Cond.	Curb/ Gutter	Street Light.	ACS Median Income	ACS Margin of Error	Self Help Survey	Self Help Disadv.	Disadv.
Oak Ranch	Visalia	268	\$188,829	90%	268	18,324	0.42	L	F-G	Y	S				N	N
Chelsea Glen	Porterville	37	\$180,000	84%	37	13,594	0.31	L	VG	Y	Y				N	N
Tract 557	Porterville	50	\$166,746	96%	50	12,910	0.30	M-L	G	Y	Y				N	N
Sierra View	Visalia	30	\$150,604	80%	30	11,374	0.26	M	F	Y	N				N	N
Tract 103	Tulare	21	\$123,740	86%	22	27,491	0.63	M-L	VP-G	N	N				N	N
Ave 320 & 322 area	Visalia	72	\$105,228	79%	72	39,826	0.91	S-L	P-G	N	N				N	N
Tract 396	Tulare	55	\$103,000	82%	57	11,333	0.26	S-M	P-F	Y	S				N	N
Tract 288,413	Porterville	34	\$95,577	79%	34	9,094	0.21	S-M	F-G	Y	N				N	N
Tract 111	Visalia	38	\$77,504	79%	39	19,026	0.44	S-M	P-F	N	N				N?	N
Grandview Gardens	Porterville	83	\$76,000	75%	86	10,246	0.24	S	F-G	Y	S				Y	Y
Souls Tract	Tulare	35	\$76,000	71%	35	18,492	0.42	S-M	G	Y	N			\$41,000	Y	Y
Page-Moore Tract	Lindsay	243	\$73,294	77%	252	10,965	0.25	S	F-G	S	N				Y	Y
East Tulare Villa	Tulare	178	\$71,500	63%	178	9,002	0.21	S	P-G	Y	S	\$39,539	\$8,787		Y	Y
Roby Island	Porterville	217	\$67,830	66%	233	12,749	0.29	S	P-G	S	N				?	Y
Mulberry Island	Porterville	143	\$66,332	64%	165	22,994	0.53	S	P-G	S	S				Y	Y
Tract 77	Porterville	34	\$66,000	68%	38	22,603	0.52	S	F	N	N				Y	Y
Goshen	Visalia	710	\$65,000		764	10,928	0.25	S	VP-VG	S	S	\$34,653	\$8,955		Y	Y
Tract 92	Visalia	92	\$63,976	55%	107	29,483	0.68	S	P-F	N	Y				Y	Y
Tract 359	Visalia	25	\$61,018	64%	25	9,380	0.22	S	F	Y	N				Y?	Y
Tracts 24,41	Porterville	108	\$60,000	67%	150	24,673	0.57	S	F-G	S	N				Y	Y
Patterson Tract	Visalia	120	\$59,000	53%	153	21,505	0.49	S	P	N	S				Y	Y
East Porterville	Porterville	1247	\$59,000		1543	31,810	0.73	S	VP-VG	S	N	\$27,765	\$2,761		Y	Y
Beverly Grand	Porterville	46	\$58,035	57%	53	16,218	0.37	S	F	N	N			\$29,000	Y	Y
Tracts 66,90,127	Porterville	113	\$56,000	61%	140	18,261	0.42	S	P-G	N	S				Y	Y
K Street Island	Visalia	49	\$56,000	49%	62	31,812	0.73	S	VP-P	N	N				Y?	Y
South Porterville	Porterville	80	\$55,000	53%	91	17,780	0.41	S	P-G	S	N				Y	Y
El Rancho	Lindsay	25	\$54,054	68%	28	10,417	0.24	S	P	N	N				Y	Y
Cameron Creek	Farmersville	81	\$52,440	64%	106	21,946	0.50	S	P-F	N	Y				Y	Y
Wells Tract	Woodlake	54	\$51,809	52%	60	32,526	0.75	S	P	N	N				Y	Y
Matheny Tract	Tulare	266	\$42,113	56%	295	22,297	0.51	S	VP-G	S	S	\$33,309	\$9,419		Y	Y
Lone Oak Tract	Tulare	37	\$38,857	57%	40	18,424	0.42	S	P-F	N	S				Y	Y

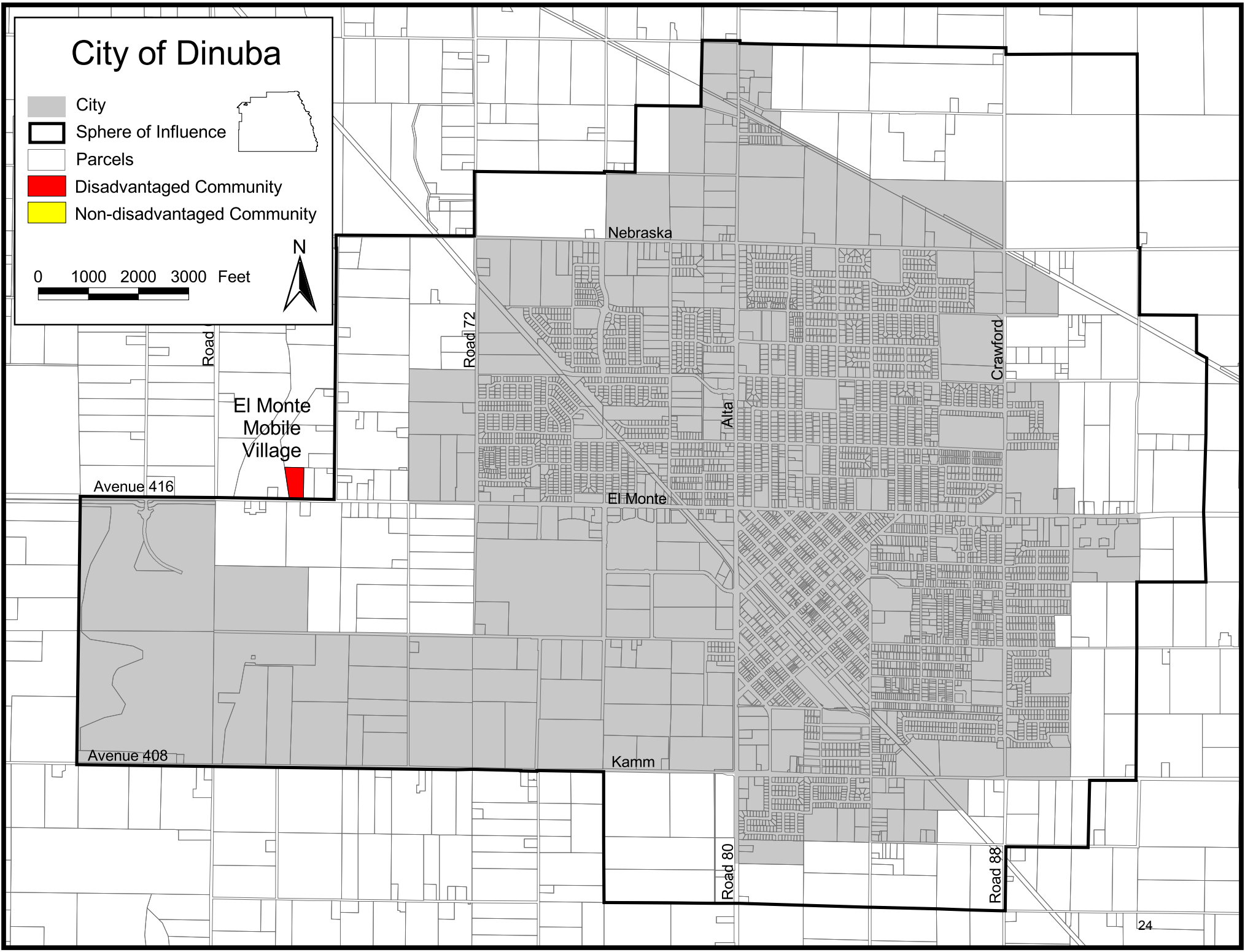
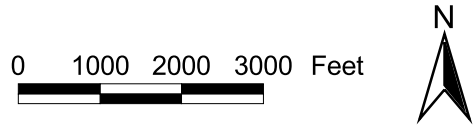
Unincorporated communities that are disadvantaged but not included in the analysis due to being located on single parcels: El Monte Mobile Village (Dinuba), Linnell Camp (Farmersville), Porterville Trailor Park, A&A MHP (Porterville), Shady Grove MHP (Porterville)

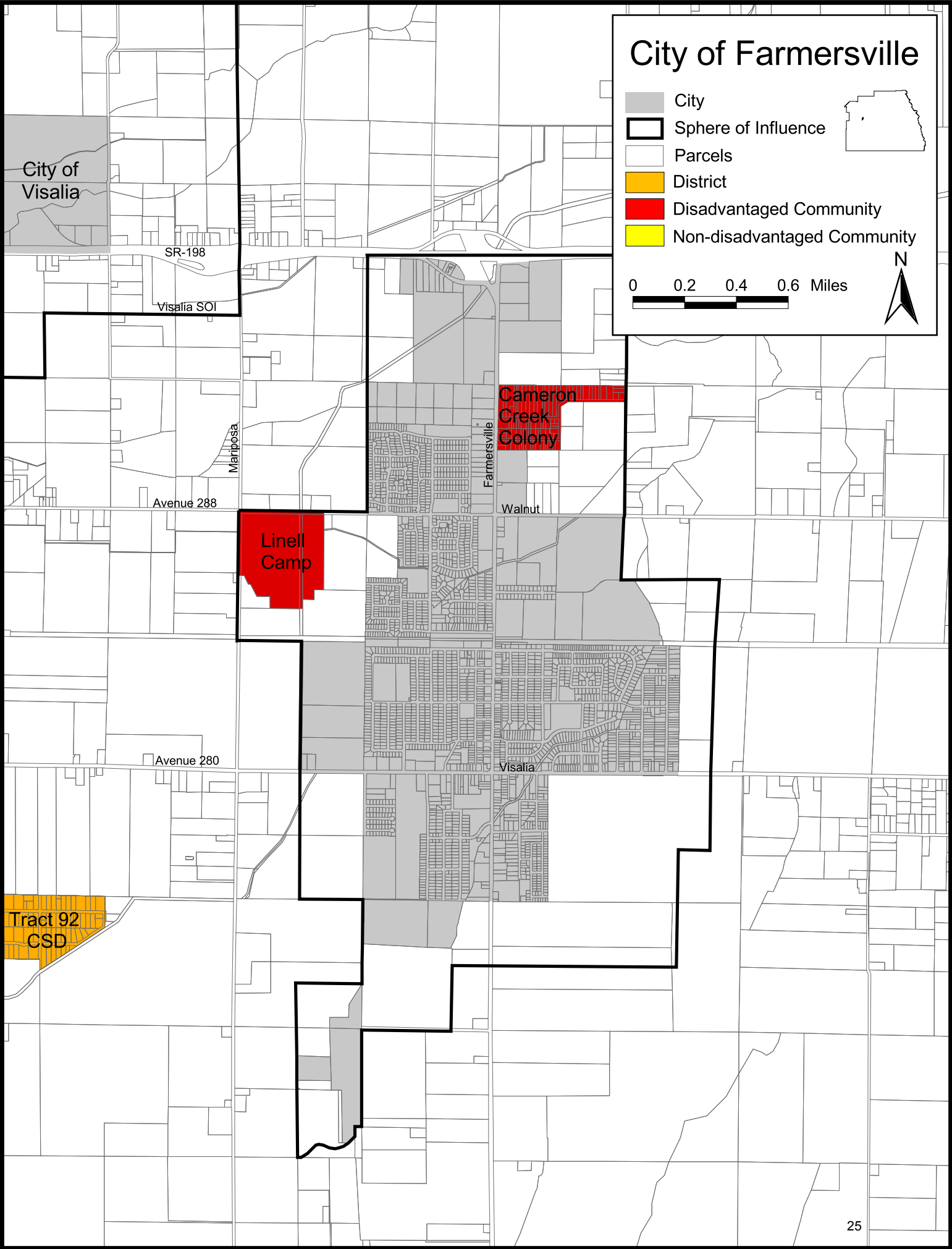
# Key

LAFCO definition of unincorporated community - 20+ housing units at no less than one unit per acre density
Disadvantaged definition - less than 80% of the State median income
Parcels - number of developed residential parcels within the community
Assessed Median Value - median assessed value of residential parcels with existing housing units
Owner Occupied - based from matching property owner information to physical parcel address
Units - total housing units based on Assessor's land use codes
Average Parcel Size ft2 - average size of developed residential parcels in square feet
Average Parcel Size ac - average size of developed residential parcels in acres
Housing Size - based on my observations, not finite data (S - Small, M - Medium, L-Large)
Road Conditions - based on my observations, not finite data (VP-Very Poor, P-Poor, F-Fair, G-Good, VG-Very Good)
Curb/Gutter - presence of curbs and gutters (N-None, S-Some, Y-Most to All)
Street Lighting - presence of street lighting (N-None, S-At some intersections, Y-At most to all intersections)
ACS Median Income - 2010 American Community Survey from the US Census for Census Designated Places. Most communities are not CDPs so figures are not given. The State MHI is \$60,883 +/- \$150. This puts the 80% disadvantaged threshold at \$48,666. Note: I am not relying on Census block group and tract income MHI because the areas covered are much larger than the communities which makes the data not very useful.
Margin of Error - 90% confidence threshold margin of error for ACS median household income data
Self Help Disadvantaged - Self Help Enterprise's opinion based on their observations
Disadvantaged - my opinion based on valuations, owner occupancy, housing characteristics, infrastructure, ACS data and Self Help

# City of Dinuba

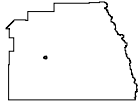
- City
- Sphere of Influence
- Parcels
- Disadvantaged Community
- Non-disadvantaged Community



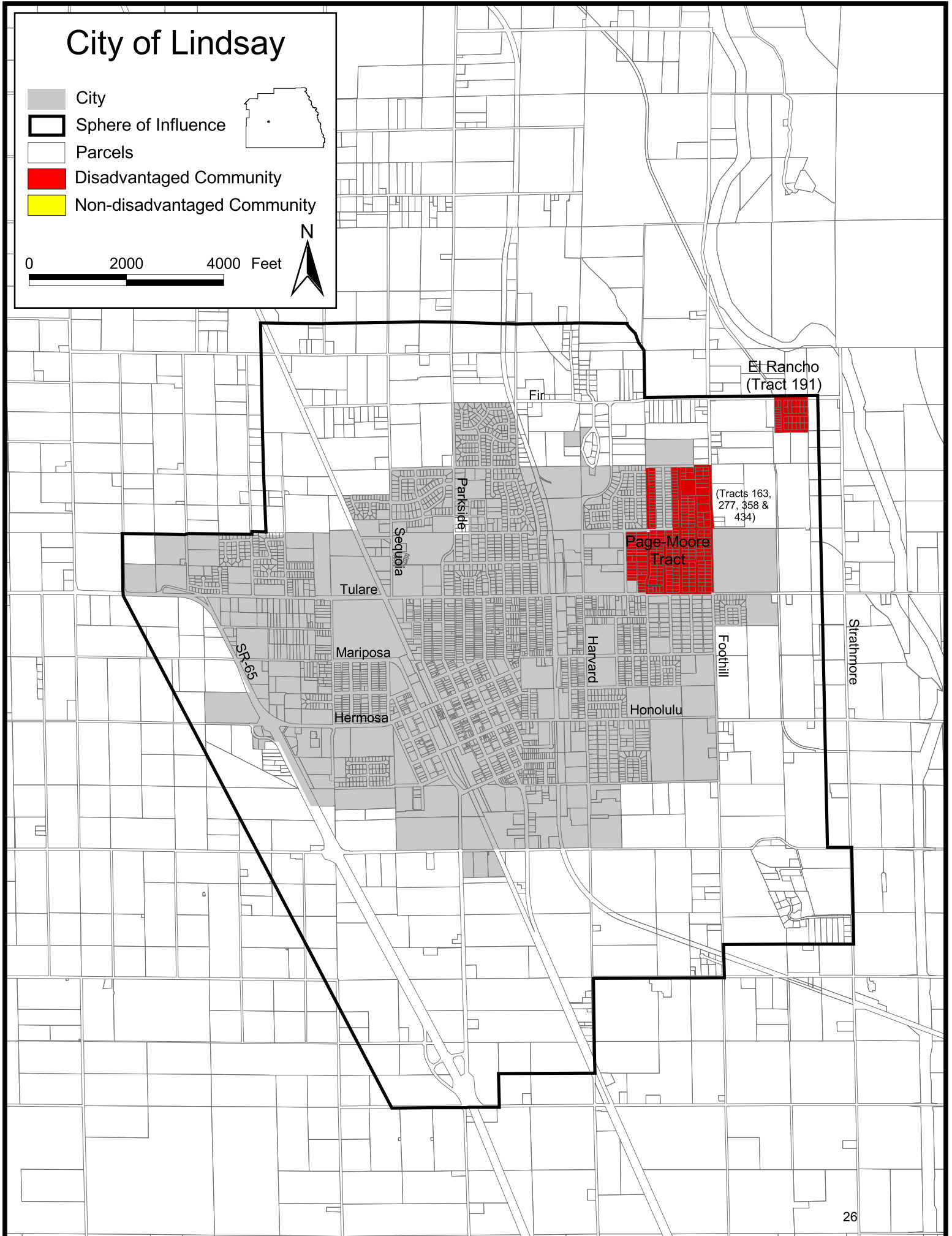


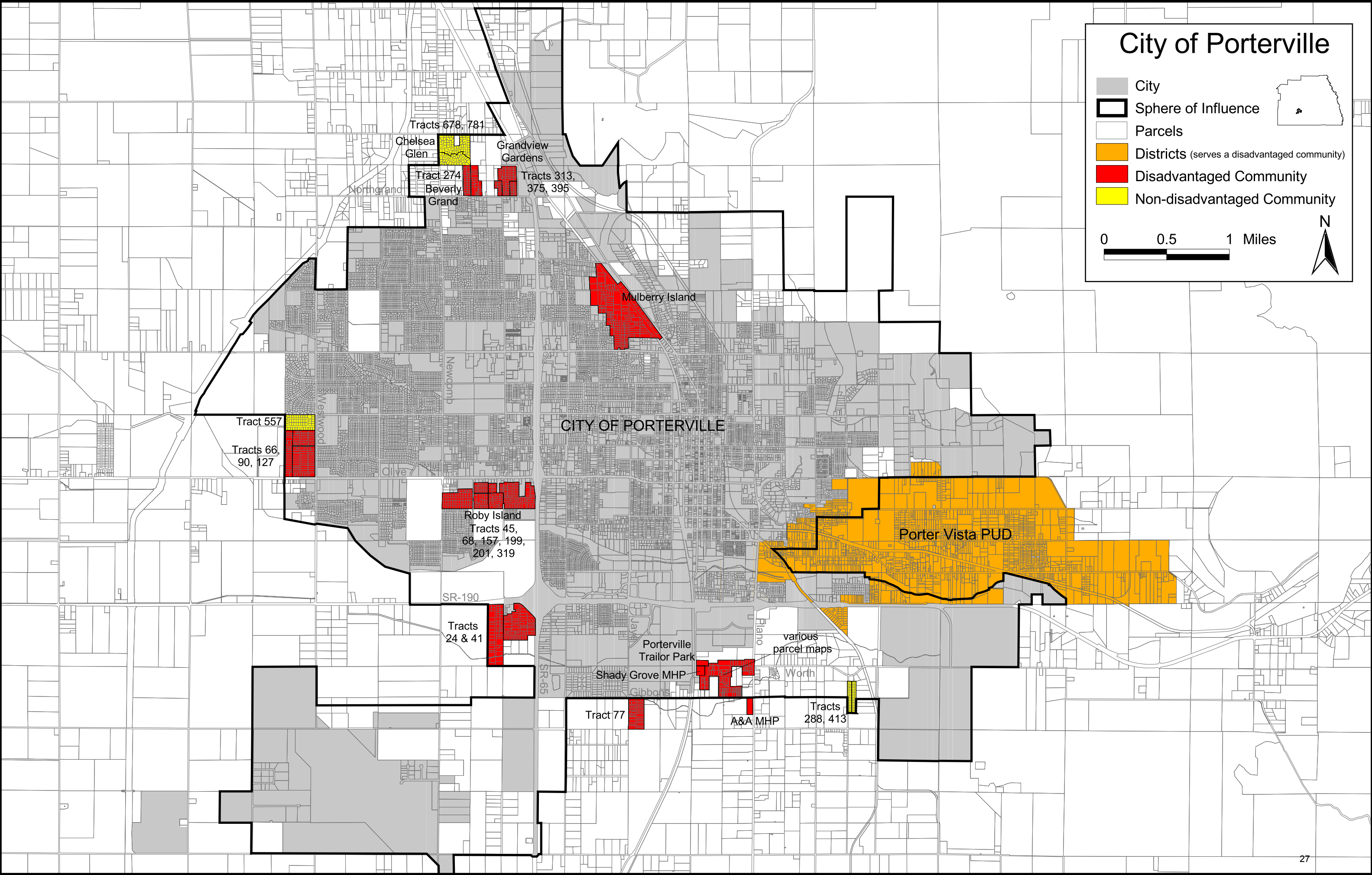
# City of Lindsay

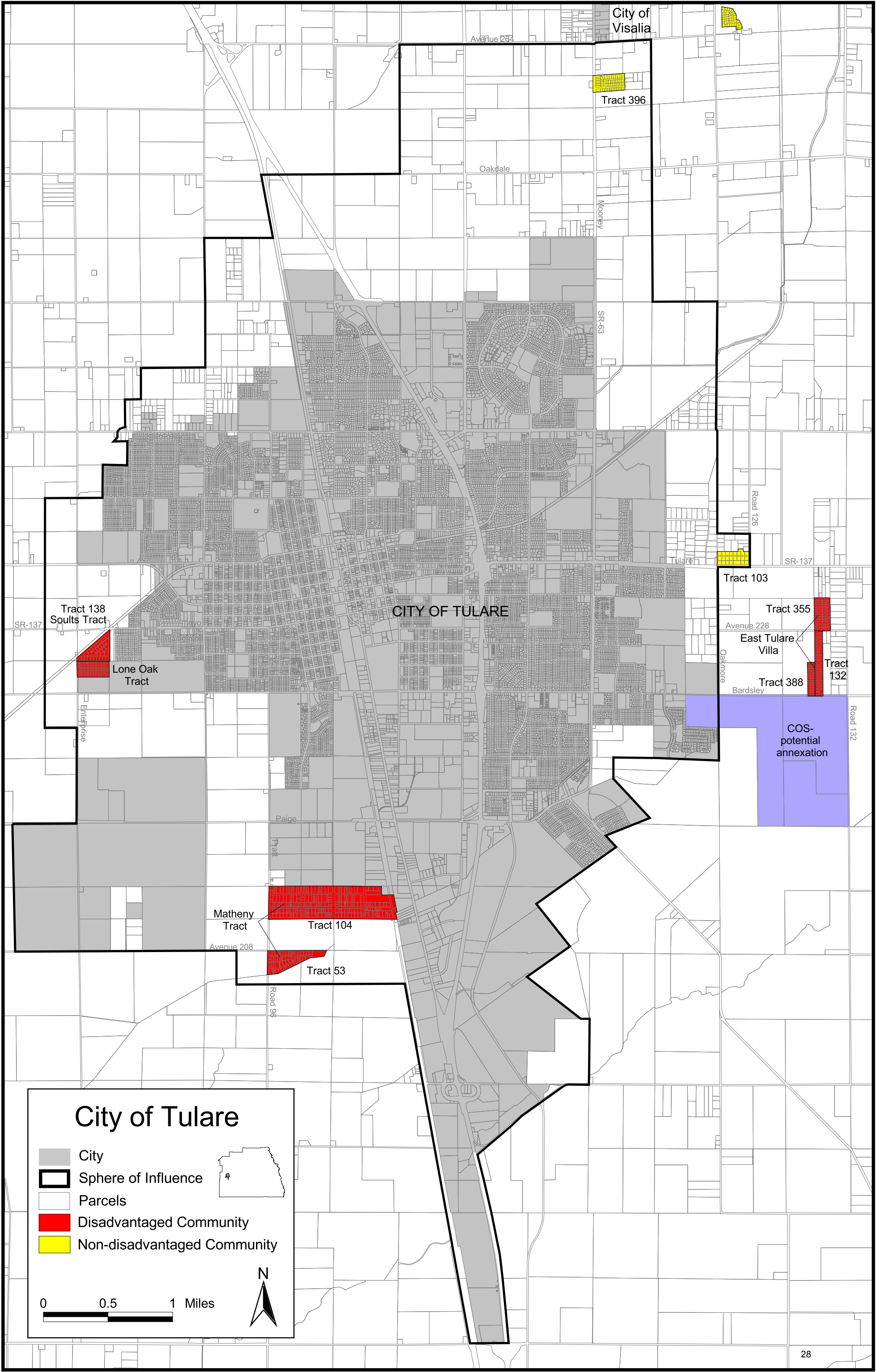
- City
- Sphere of Influence
- Parcels
- Disadvantaged Community
- Non-disadvantaged Community

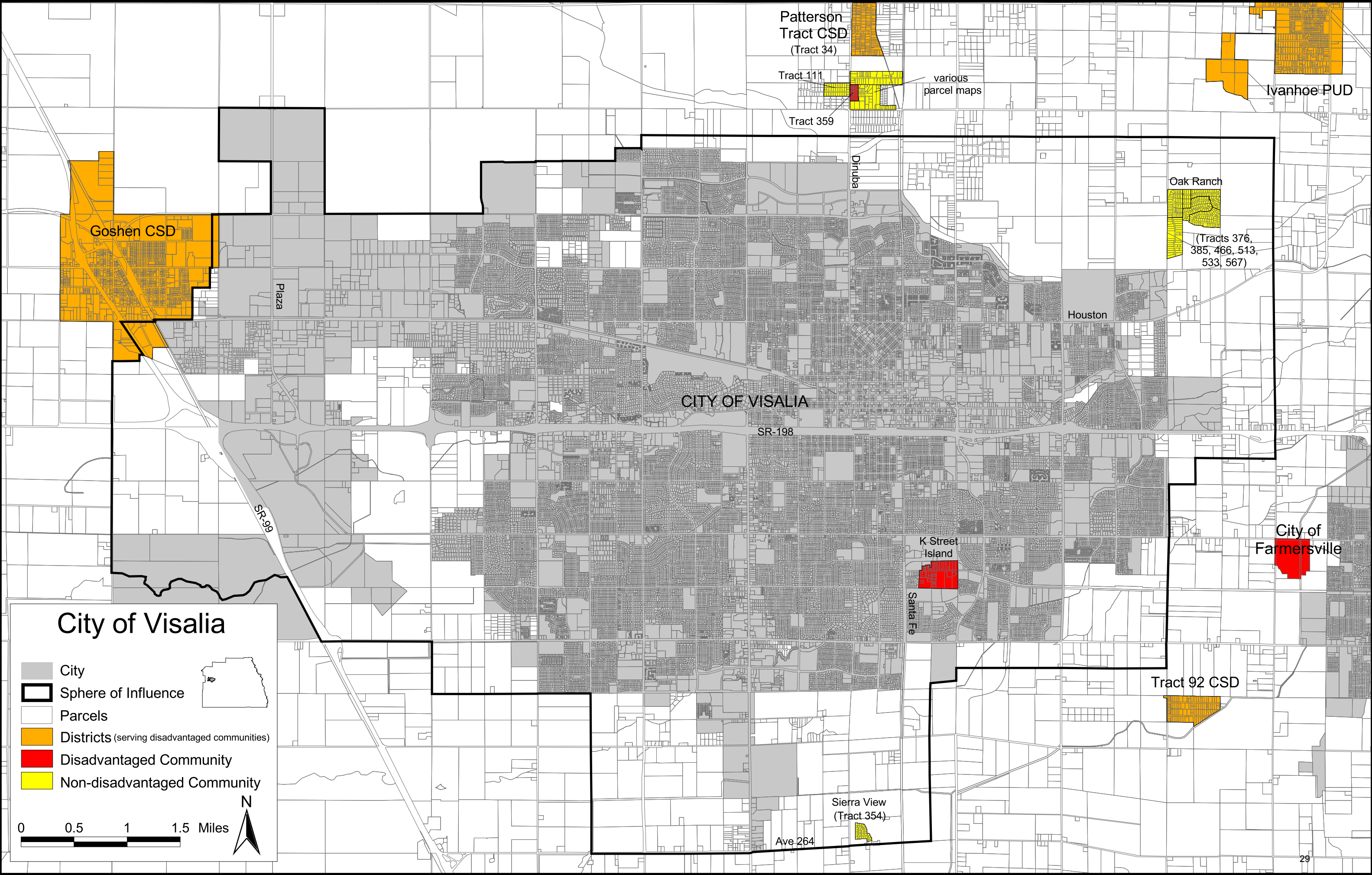


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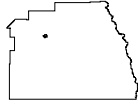






# City of Woodlake

- City
- Sphere of Influence
- Parcels
- District (serves a disadvantaged community)
- Disadvantaged Community
- Non-disadvantaged Community



0 2000 4000 Feet



Avenue 352

Lakeview

CSA #2  
(Wells Tract)

Naranjo

Road 196

Road 204

Avenue 336

Valencia

Saint Johns



## **TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**

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**EXECUTIVE OFFICER:**

*Ben Giuliani*

May 2, 2012

TO: LAFCO Commissioners and Alternates

FROM: Ben Giuliani

SUBJECT: CALAFCO Legislative Update

Listed below is some of the current legislation that CALAFCO is tracking:

**AB 2238 (Perera) - LAFCo review of Water and Wastewater Agencies (OPPOSE)**

This bill is sponsored by CRLA with a goal of improving water and wastewater services to disadvantaged unincorporated communities (DUCs). CALAFCO registered early opposition to this bill and it was amended on April 11th to remove some of the issues. However, CALAFCO is still strongly opposed. In its current form it will require LAFCo to "...comprehensively assess various alternatives for improving efficiency and affordability if infrastructure and service delivery for drinking and wastewater." In other words every MSR that includes water or wastewater service would be required to include a study on alternatives to the current system (i.e. reorganizations, consolidations, mergers, etc.). CALAFCO estimates that would involve nearly half of all MSRs and likely a cumulative spending of millions of dollars on useless studies.

**AB 2624 (Smyth) - LAFCo Eligibility for Strategic Growth Council Grants (SPONSOR)**

This bill will make LAFCos eligible to apply directly for Strategic Growth Council grants. Currently there is only one more cycle funded, however several LAFCos have indicated an interest in applying to fund more comprehensive MSRs that will be used in Sustainable Community Strategy community plans.

**AB 2698 (Assembly Local Government Committee) - CKH Omnibus Bill (SPONSOR)**

This is CALAFCO's annual omnibus bill. It contains a number of technical fixes to CKH. The bill is scheduled to be heard in Committee on May 9th.

**SB 1498 (Emmerson) - DUC Annexations (WATCH)**

This bill was initially sponsored by the League of Cities to try and eliminate the DUC annexation requirements of SB 244 (Wolk). The bill also included CALAFCO's proposed 56133 out-of-agency service authority. According to CALAFCO, it looks like this bill will be taken over by Senator Wolk and will be gutted and amended due to a lack of support of the existing language.

**SB 1566 (Negrete McLeod) - VLF Restoration for Incorporations and Inhabited Annexations (SUPPORT)**

This bi-partisan bill would restore the VLF funding for developed annexations and incorporations since 2004 and into the future. That funding was removed by the budget bill SB 89 last year and put a number of newly incorporated cities in jeopardy. The bill was recently heard by the Senate Governance & Finance Committee today and passed unanimously. The only opposition is coming from CSAC who has concerns this will affect realignment dollars. Fixes are being worked out so their opposition may be removed.