



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 February 5, 2014 @ 2:00 P.M. BOARD OF SUPERVISORS CHAMBERS COUNTY ADMINISTRATIVE BUILDING 2800 West Burrel Avenue Visalia CA 93291

COMMISSIONERS:
Steve Worthley, Chair
Juliet Allen, V-Chair
Allen Ishida
Rudy Mendoza
Cameron Hamilton

ALTERNATES:
Mike Ennis
Janet Hinesly
Dennis Mederos

EXECUTIVE OFFICER:
Ben Giuliani

- I. Call to Order
- II. Approval of Minutes from December 4, 2013 (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. New Action Items

- 1. Proposed Amended LAFCO Policy A-5 (Commission Meetings and Hearings) (Pages 5-12)
[No Public Hearing].....Recommended Action: Approval

As reviewed at the December meeting, the proposed amendment would adopt Rosenberg's Rules of Order for the conduct of Commission meetings and amend an affirmative vote by the Commission from a majority present to a majority of the full membership.

- 2. Vandalia Water District Request for Fee Reduction (Pages 13-18)
[No Public Hearing].....Recommended Action: Approval

Vandalia Water District has requested a fee reduction from the standard flat fee for changes of organization and Sphere of Influence Amendment. Due to its small size and limited funds the existing fees would put a financial burden on the district. The annexation covers a small area and would require less staff time to process than a typical application.

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.

V. Executive Officer's Report

1. County Island Annexation Policy Update (Pages 19-30)

Included in this report is an inventory of developed County islands. Also included in the report is how varying definitions of substantially surrounded affect the quantity and location of islands. This information is included in case there is city, County or Commission interest in changing the definition of substantially surrounded.

2. Election Process for Public Member (Pages 31-32)

The Commission policy A-4 requires that the Public Member and Alternate Public Member be advertised for applications before the expiration of each 4-year term. The Public Member's term expires on May 5, 2014. Enclosed is the proposed time-line and process for the advertisement and selection of the Public Member for the four year term from May 5, 2014 to May 7, 2018.

3. Tulare County LAFCO 2013 Review (Pages 33-40)

The Commission has requested staff present an overview of LAFCO activity over the course of 2013. Enclosed is a report listing all of the actions taken by the Commission and special reports given to the Commission in 2013.

4. Legislative Update (Pages 41-44)

Enclosed is the draft bill AB 1527(Perea). This bill's goal is to further encourage the consolidation of drinking water systems. The legislative deadline for the introduction of bills is February 21st. An overview of this year's bills should be available for the March 5th Commission meeting.

5. Upcoming Projects (No Page)

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

VI. Correspondence

There are no items.

VII. Other Business

1. Commissioner Report (No Page)

2. CALAFCO Updated Calendar of Events (Page 45)

Please see enclosed CALAFCO 2014 Calendar of Events.

3. Request from LAFCO for items to be set for future agendas (No Page)

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.

VIII. Setting Time and Place of Next Meeting

1. March 5, 2014 @ 2:00 P.M. in the Board of Supervisors Chambers in the County Administration Building.

IX. Adjournment

Agenda Summary

Item No.

- II. Please see enclosed December 4, 2013 meeting minutes.*
- IV.1 Please see enclosed staff report for Proposed Amended LAFCO Policy A-5*
- IV.2 Please see enclosed staff report Vandalia Water District Request for Fee Reduction*
- V.1 Please see enclosed memo for County Island Annexation Policy Update*
- V.2 Please see enclosed memo for Election Process for Public Member*
- V.3 Please see enclosed memo for Tulare County LAFCO 2013 Review*
- V.4 Please see enclosed draft bill AB 1527(Perea)*
- V.5 No enclosure for this item*
- VI. No enclosure for this item*
- VII.1 No enclosure for this item*
- VII.2 See enclosed CALAFCO Updated Calendar of Events*
- VII.3 No enclosure for this item*

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
December 4, 2013

Members Present: Cameron Hamilton, Julie Allen, Rudy Mendoza

Members Absent: Steve Worthley, Allen Ishida

Alternates Present: Janet Hinesly

Alternates Absent: Mike Ennis, Dennis Mederos

Staff Present: Ben Giuliani, Cynthia Echavarria, Carrie Perez

Counsel Present: Lisa Tennebaum

I. Call to Order

Chair Hamilton called the Tulare County Local Agency Formation Commission meeting to order at 2:03 p.m. on December 4, 2013

II. Approval of the June 5, 2013 Minutes:

Upon motion by Commissioner Allen and seconded by Commissioner Mendoza, the Commission unanimously approved the October 9, 2013 minutes.

III. Public Comment Period

There were no public comments.

IV. Consent Calendar Items

1. Porterville Annexation No. 477, LAFCO Case 1501-P-313

Upon motion by Commission Allen and seconded by Commissioner Hamilton, the Commission unanimously approved the Consent Calendar.

V. New Action Items

1. Election of Officers for 2014

Staff Analyst Echavarria proposed to the Commission that County representative Steve Worthley be selected as Chair and Public representative Julie Allen be selected as Vice-Chair. The terms of office for chair and vice-chair shall be one year from January 1st to December 31st.

Member Mendoza asked how the rotation was set up.

Executive Officer Giuliani responded that the rotation is set up per policy so that everyone has a chance to be chair. The rotation is City-County-Public.

Upon motion by Commissioner Mendoza and seconded by Commissioner Hamilton, the Commission unanimously approved the election of Officers, Steve Worthley as Chair and Julie Allen as Vice-Chair beginning January 1, 2014 to December 31, 2014.

2. Cancellation of the January 2014 Commission Meeting

Commissioner Mendoza asked if there are any items that needed to be discussed in January.

Executive Officer Giuliani replied there are no items that are ready to be brought before the Commission in January.

Upon motion by Commissioner Allen and seconded by Commissioner Mendoza, the Commission unanimously approved the cancellation of the January 2014 Commission meeting.

VI. Executive Officer's Report

1. Extraterritorial Service Agreement (ESA) 2013-01 (City of Tulare/Grant) and ESA 2013-02 (City of Tulare/Whitten)

Executive Officer Giuliani reviewed two Extraterritorial Service Agreements between the City of Tulare and private property owners for the provision of domestic water. Both situations involved private wells running dry with the City being in position to extend its water lines to the affected properties.

2. Draft Amended LAFCO Policy A-5 (Commission Meetings and Hearings)

Executive Officer Giuliani reviewed the draft amended Policy A-5 (Commission Meetings and Hearings). The proposed policy would amend an affirmation vote by the Commission from a majority present to a majority of the full membership and would adopt Rosenberg's Rules of Order for the conduct of meetings. The policy would be brought back to the Commission for action in February.

3. Annual LAFCO Map Presentation

Staff Analyst Echavarria presented a series of maps, graphs, and tables, which track changes within several categories under the purview of the Commission.

4. RVLP Effectiveness

Staff Analyst Echavarria reported on the effectiveness of the County's Rural Valley Lands Plan. Staff indicated that more information about the effectiveness of the RVLP will be reported at a later date.

5. Legislative Update

None

6. Upcoming Projects

1. Adoption of Policy A-5; Rosenberg's Rules of Order
2. Porterville's MSR

VII. Correspondence

None

VIII. Other Business

1. Commissioner Report

Commissioner Allen stated she is the designated delegate to the RTP Roundtable. The next meeting is December 11, 2013. At that time, the Roundtable should have a clear idea of what the scenario models will be. All three models meet the SB375 standards.

2. CALAFCO Update

Commissioner Allen gave an update regarding CALAFCO board activities.

3. Request from LAFCO for items to be set for future agendas

Commissioner Mendoza requested a summary of all 2013 activity performed by LAFCO for the February 2014 meeting.

IX. Closed Sessions

None

X. Setting Time and Place of Next Meeting

The next meeting is on Wednesday February 5, 2014 at 2:00 PM. The meeting will be in the Board of Supervisors Chambers in the County Administration Building.

XI. Adjournment

The meeting adjourned at 3:04 P.M.

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ALTERNATES:
Mike Ennis
Dennis Mederos
Janet Hinesly

EXECUTIVE OFFICER:
Ben Giuliani

February 5, 2014

To: LAFCO Commissioners and Alternates
From: Ben Giuliani, Executive Officer
Subject: Proposed Amended LAFCO Policy A-5 (Commission Meetings and Hearings)

Summary

The proposed policy would amend an affirmative vote by the Commission from a majority present to a majority of the full membership and would adopt Rosenberg's Rules of Order for the conduct of meetings.

Discussion

Attached is the draft amendment to LAFCO's Policy A-5 (Commission Meetings and Hearings). There are two proposed amendments to the policy:

1) Under section 5.2(B), the proposal is to amend an affirmative vote by the Commission from a majority present to a majority of the full membership. Essentially, the current wording would allow a successful action with as little as two affirmative votes. The new wording would necessitate a minimum of three affirmative votes.

While State law doesn't require a three member vote for LAFCOs, other State law requires three member votes for five member bodies such as city councils and boards of supervisors. A three member vote would also ensure that representatives from at least two of the groups represented on LAFCO are needed for a successful vote.

2) Under section 5.3(A), the proposal is to adopt Rosenberg's Rules of Order for the conduct of meetings. As presented at the September Commission meeting, it is essentially a simplified version of Roberts' Rules of Orders.

The draft amended Policy A-5 (attached) was circulated to city and county staff for review on November 14th. To date, no comments have been received. The draft policy was presented to the Commission at the December 4th meeting.

Recommendation

Approve the proposed amended Policy A-5.

Attachments

Resolution
Proposed amended Policy A-5

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

In the Matter of the Amendment)
Of Policy and Procedure A-5)
Commission Meetings and Hearings)

RESOLUTION NO. 14-001

Upon motion of Commissioner x, seconded by Commissioner x, Tulare County LAFCO Policy A-5 (Commission Meetings and Hearings) is hereby amended to require affirmative vote by the Commission to be a majority of the full membership and would adopt Rosenberg's Rules of Order for the conduct of meetings, at a regular meeting held on this 5th day of February, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

Policies and Procedures

Tulare County Local Agency Formation Commission

Policy Number: A-5

Effective Date: *March 7, 2007*

Authority: *GC Section 56000 et. Seq., and LAFCO Resolutions: 07-020, 09-015, 10-030*

Title: **Commission Meetings and Hearings**

Policy: The method for setting meetings and conducting hearings shall be equitable, efficient, and clearly articulated.

Purpose: To outline the method for setting meetings and conducting hearings.

Scope: This procedure applies to all Tulare County LAFCO meetings and hearings.

History: This was a new policy adopted on 3/7/07. The procedure was amended on 9/2/09 to add a process for the cancellation and overriding a cancellation of regular meetings (A-5.1.F). The original Policy C-8 (Conduct of Commission Business) contained duplicate information to Policy A-5. Unique information from Policy C-8 was moved to this policy and Policy C-8 was removed on 12/8/10.

Procedure:

5.1. Meetings

- A. By November of each year, the Commission shall adopt a meeting schedule for the following calendar year.
- B. The regular meetings of the Commission shall be held the first Wednesday of each month at 2:00 p.m. at the Board of Supervisors Chambers. However, the Commission may set an alternate day, time and/or location in case of a holiday or other scheduling conflicts.
- C. If, for any reason, the business to be considered at a regular meeting cannot then be completed, the Commission may either continue the unfinished business to the next regular meeting or designate the time for an adjourned meeting. Such action shall serve as adequate notice to members present at such meeting and, with respect to members not present, it shall be the standing order that the Executive Officer shall endeavor to advise absentee members of the determination to hold such adjourned meeting. Such adjourned meeting shall not be later than the date for the next regular meeting.

- D. If a quorum of the Commission is not present, the members present may at such meeting designate the time for an adjourned meeting, or continue all business to the next regular meeting. If no members are present at such regular meeting, the Executive Officer may adjourn the meeting in which case all business on the agenda shall be continued to the next regular meeting. Any adjourned meeting shall not be later than the date for the next regular meeting. Such adjournment of meeting by members present shall serve as sufficient notice thereof to the general public and all members present, and it shall be the duty of the Executive Officer to employ such reasonable means as may be necessary to notify the absentees.
- E. The Chair, or three members, may direct the Executive Officer to send out notices for a special meeting, in accordance with GC §54956. Said notices may be mailed seven business days prior to the date of the meeting, or three days if notice is given by telephone or e-mail. The special meeting agenda and notice shall be posted at the Resource Management Agency Permit Center at least 24 hours prior to the special meeting.
- F. Any regular meeting may be cancelled either by action of the Commission or by direction of the Chair if the Executive Officer advises that there are no public hearings or matters of substance scheduled for that meeting. In such cases the other Commissioners, affected parties and the public shall be given seven days notice about the cancellation. The cancellation may be overridden if a majority of the Commissioners notifies the Executive Officer with their objection to the cancellation at least 72 hours prior to the cancelled meeting.

5.2. Quorum and Voting

- A. A majority (three) of the members and/or eligible voting alternates (see Policy A-4.3) of the Commission shall constitute a quorum for the conduct of routine business.
- B. The affirmative vote of a majority of the ~~members present~~ **full membership** at any qualified meeting shall be sufficient to act on any matter before the Commission. A tie vote shall constitute non-action, except that a subsequent tie vote on the same or an identical motion shall constitute denial without prejudice.
- C. All members of the Commission, both regular and alternate, are encouraged to participate in the discussions of a proposal before the Commission. However, only regular members may vote on an action. Alternates may vote only when sitting in place of a regular member who is absent or is disqualified from a particular action.
- D. The representation by a member or alternate of a city or district shall not disqualify, or be cause for disqualification of, the member or alternate from

acting on a proposal affecting the city or the district, as provided by GC §56336.

- E. The determination by a Commissioner to abstain from voting on any action before the Commission does not indicate, and shall not be counted as, either a “yes” or “no” vote on that count.

5.3. **Conduct of Business**

- A. ~~Roberts' Rules of Order or other accepted procedures such as used by the Tulare County Board of Supervisors~~ ***Rosenberg's Rules of Order*** shall govern the conduct of meetings of the Commission.
- B. The typical order of business of the Commission is:
 - I. Call to Order
 - II. Approval of minutes from previous meeting
 - III. Public Comment Period
 - IV. Consent Calendar
 - V. Continued Action Items
 - VI. New Action Items
 - VII. Executive Officer's Report
 - VIII. Correspondence
 - IX. Other Business
 - X. Setting time and place of next meeting
 - XI. Adjournment

5.4. **Hearings**

- A. Hearings conducted by the Commission shall conform to the provisions of law in the matter of public notice, time, number and reporting.
- B. A formal hearing before the Commission which, for any reason, can not be completed at the time and/or place originally advertised shall be continued to a subsequent regular or adjourned meeting of the Commission, and the announcement of such continuance and the time and place of such continued hearing shall constitute a sufficient notice to all parties concerned.
- C. Any matter coming before the Commission may, if deemed necessary, be referred to staff or a committee of the Commission for additional study and recommendation. Except as herein below provided, any member, or members, designated by the Chair for the purpose, shall be authorized and qualified to preside over and conduct any informal public meeting, provided that the purpose of such meeting shall be confined to the taking and recording of a summary of all pertinent testimony. The member, or members, conducting such meeting shall summarize the testimony introduced and render an opinion thereon to the full Commission. The decision on all matters held at such informal meetings before a member, or members, shall, however, be made only at and by a regular meeting of the Commission.

- D. In the case of hearings which are held on more than one meeting, any Commissioner who was not present at all the hearings on a particular matter and has not heard all of the testimony, shall abstain from voting on the matter subject to the hearing. However, if for any reason it becomes necessary for a Commissioner who has not heard all of the testimony on a particular matter to take an action on the matter, the Commissioner may do so if the Commissioner has listened to the tape recording of the hearing(s) that he/she has missed.

5.5. Brown Act Compliance

- A. At least 72 hours (3 days) before a regular meeting, the Commission's agenda containing a brief general description of each public hearing and item of business to be transacted or discussed, shall be posted on the Commission's website and at the front public counter at the Resource Management Agency Permits Center, Visalia, California, complete with the time and location of the meeting.
- B. Action shall be taken only on those items appearing on the posted agenda except under an emergency situation or special circumstance pursuant to state law regulations.
- C. The agenda shall provide an opportunity for the general public to directly address the Commission on items of interest to the public within the subject matter jurisdiction of the Commission. The comment period shall be limited to five minutes for each individual and thirty minutes overall or as determined by the Commission Chair at the beginning of the public hearing.
- D. Posted notice for special meetings shall be a minimum of twenty-four hours prior to the meeting and as soon as possible for emergency meetings pursuant to state law regulations.
- E. The Commission may hold Closed Sessions during a regular or special meeting as allowed by the Ralph M. Brown Act (GC §54950 et seq.)
- F. The Commission shall observe all other applicable regulations and requirements under the Brown Act.

5.6. Suspension or Change to Rules of Order

Any of these rules not required by law may be suspended or changed by a majority of the members of the Commission.

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EXECUTIVE OFFICER:
Ben Giuliani

February 5, 2014

To: LAFCO Commissioners and Alternates, Executive Officer
From: Cynthia Echavarria, Staff Analyst
Subject: Vandalia Water District Fee Reduction

Background

Vandalia Water District has requested a fee reduction from the standard flat fee for changes of organization and sphere of influence amendments. Due to its small size and limited funds the existing fees would put a financial burden on the District. The annexation covers a small area and would require less staff time to process than a typical application.

Discussion

Pursuant to Government Code (GC) §56383(d), the Commission may reduce or waive a fee if it finds that payment would be detrimental to the public interest. The proposed annexation is a unique situation in which a reduction of fees can be justified for the following reasons:

- Due to the small size of the area to be annexed (two sites equaling approximately 11 acres).
- Vandalia Water District is a very small District with limited resources. The existing fees would put a financial burden on the district.
- The proposed annexation adds land owned by the Vandalia Water District to its current boundary and sphere of Influence.
- The proposal will have 100% landowner consent.
- The proposal is an annexation for land that is “open ground” and will continue to be so. The proposed sites do not need urban services from the District.

Because of the lack of complexity, the processing of the proposed annexation would take minimal staff time to complete. The processing of the proposed annexation would take at most an estimated 15 hours of staff time to complete in addition to the associated costs from review by other departments and public noticing costs. Pursuant to Tulare County LAFCO policy, actual cost reimbursement is tied to the Resource Management Agency's hourly rate which is currently set at \$100/hour.

Existing Fees

- Change of Organization/Reorganization Fee: \$3,476.00
- Sphere of Influence Amendment \$1,500.00 (plus actual costs in excess of \$1,500.00)

Estimated Reduced Cost

- The County Surveyor's fee is \$187.00
- The Assessor/Auditor fee is \$126.00
- Fee for posting public hearing is approximately \$170.00
- Staff time annexation and sphere of influence amendment is estimated at 15 hours at \$100 per hour equaling \$1,500.00.

This cost estimate does not include the fees imposed by the State Board of Equalization which is estimated at \$850.

The District will provide LAFCO with the Notice of Determination and receipt from the County Clerk that the California Fish and Wildlife CEQA environmental document filing fee has been paid. If the proposal is exempt from CEQA, the District must provide a copy of the Notice of Exemption filed with the County Clerk.

Recommendation

Staff is recommending approval of the reduction in fee request for reimbursement of actual costs, which is estimated to be \$1,983.00, a reduction of approximately 60% off the existing fee.

Attachments:
Letter dated 1/23/2014 from Vandalia Water District
Proposal Map
Resolution

VANDALIA WATER DISTRICT

2032 South Hillcrest
Porterville, CA. 93257

January 23, 2014

Tulare County Local Agency Formation Commission
Attn: Benjamin Giuliani
210 No. Church St., Suite B
Visalia, CA. 93291

Sent via Fax to 559.733.6720

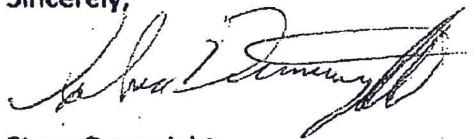
Dear Mr. Giuliani and Commissioners,

The Vandalia Water District currently has two (2) parcels of land that were purchased from the Tulare Valley Railroad. The parcels are not within our sphere of influence but are directly adjacent to the district's boundary. These parcels need to be annexed to officially become lands of the Vandalia Water District. The parcels are currently "open ground" and will continue to be so.

We are requesting a reduction in the fees that are typically charged for this process. We are a very small district with limited funds and the existing fees would put a financial burden on the district.

If you have any questions or need any additional information, please feel free to contact me at the numbers listed below. Thank you for your consideration on this matter.

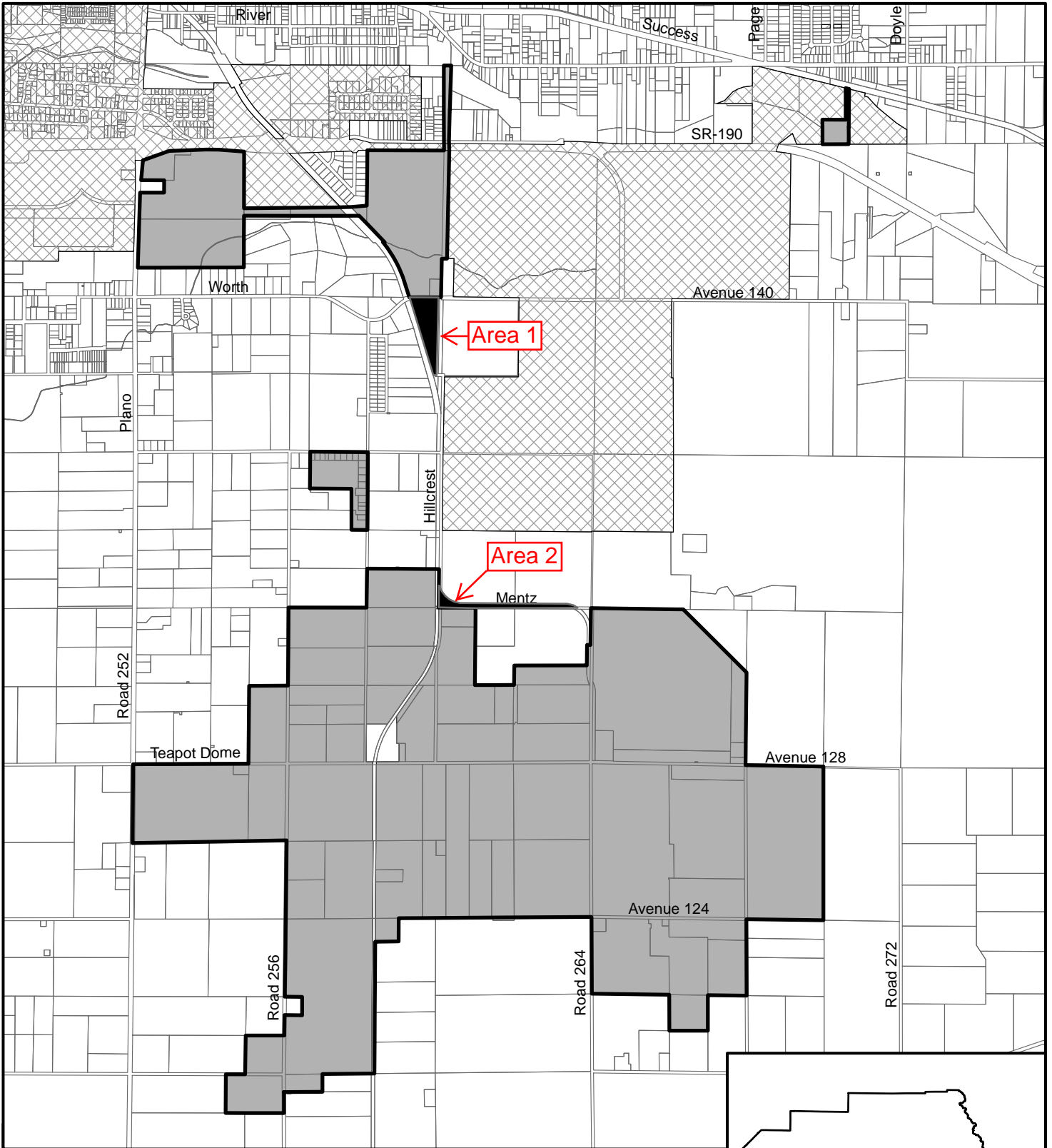
Sincerely,







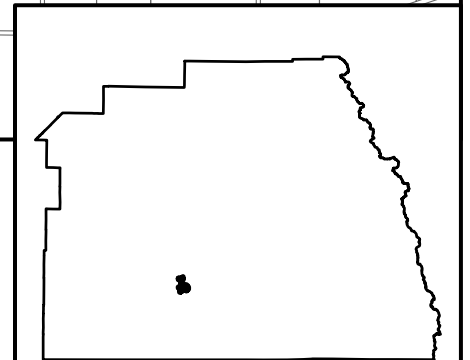
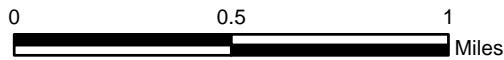
Steve Drumright
General Manager

Office- 559.784.0121
Mobil- 559.783.3045
Fax- 559.784.0414
Email sdrumrightvid@yahoo.com

Vandalia Water District



-  Sphere of Influence
-  City of Porterville
-  Parcels
-  District



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

In the Matter of Reducing the Processing)
Fee for Vandalia Water District Annexation)
And Sphere of Influence Amendment)

RESOLUTION NO. 14-002

WHEREAS, On January 23, 2014 the District requested a reduction in the processing fee for a proposed annexation and sphere of influence amendment from the standard flat fee to an actual cost basis; and

WHEREAS, Due to its small size and limited funds the existing fees would put a financial burden on the District, and

WHEREAS, the Commission may reduce or waive a fee if it finds that payment would be detrimental to the public interest pursuant to GC §56383(d); and

WHEREAS, pursuant to Policy B-2, actual Commission staff costs are tied to the Resource Management Agency's hourly rate for planning services which is currently set at \$100/hour; and

WHEREAS, Commission staff time to process the proposals is estimated to be 15 hours; and

WHEREAS, in addition to Commission staff time, there are additional fixed costs such as review by other departments and public noticing costs.

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

The Commission finds that the payment of the standard fee for the proposed change of organization would be detrimental to the public interest. The fee reduction for Vandalia Water District from the standard flat fee to an actual cost estimated at \$1,983.00 is hereby approved.

The foregoing resolution was adopted upon motion of Member x, and seconded by Member x, at a regular meeting held on this 4th day of February, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer



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EXECUTIVE OFFICER:
Ben Giuliani

February 5, 2014

To: LAFCO Commissioners and Alternates
From: Ben Giuliani, Executive Officer
Subject: County Islands

Summary

With the passage and enrollment of AB 743 (Logue) last year, the sunset date for the expiration of the streamlined island annexation process was removed. In addition, the creation date for qualifying islands was moved from 1/1/2000 to 1/1/2014. The streamlined island annexation process exempts qualifying islands from protest and election procedures. Due to the change in creation date, several new County islands now qualify for these procedures. Included in this report is an inventory of County islands. Also included in the report is how varying definitions of substantially surrounded affect the quantity and location of islands. This information is included in case there is city, County or Commission interest in changing the definition.

Discussion

Certain circumstances are needed for a County island to qualify for the streamlined process such as the following; it must be substantially developed or developing, does not exceed 150 acres, is substantially surrounded and is not prime agricultural land. Currently, Tulare County LAFCO policy defines "substantially surrounded" as 65% surrounded by the annexing city.

LAFCOs across the state have varying definitions of substantially surrounded ranging from as low as 50% to as nebulous as "determined on a case by case basis". Included in the attached listing and maps of County islands are islands ranging from 50% to 100% surrounded. This listing was distributed to city and county staff for review and comment on January 9, 2014. Staff was also requested to respond if there was interest in amending the current 65% surrounded definition of substantially surrounded.

Under the existing definition of substantially surrounded, there are a total of 39 individual islands in the County. These islands contain 4,244 people, 1,238 housing units, 929 acres and 13.9 center lane miles of streets. To put these numbers in perspective with what has already been completed, since 2000, through the outstanding effort of the Cities of Porterville, Visalia and Tulare, 42 islands containing 11,232 people, 3,600 housing units and 1,713 acres have been annexed.

The attached County Island Listing contains the following information:

- 1) Map ID – geographic reference number to the attached County Island Maps
- 2) Island – geographic based name for the island
- 3) City – affected city
- 4) % surrounded – % surrounded by the affected city
- 5) Housing Units – number of housing units based on 2010 Census block info
- 6) People – number of people based on 2010 Census block info
- 7) Road C/L – center lane miles of streets in the island
- 8) Area – size in acreage
- 9) Parcels – the number of assessed parcels in the island
- 10) Assessed Value – the combined assessed value of the parcels in the island
- 11) DUC – shows if the island is a part or includes a part of a disadvantaged unincorporated community

The attached “% Surrounded Comparisons” worksheet shows how the number and characteristics of the islands change per city based on the percentage definition of “substantially surrounded”. Note, the City of Dinuba does not have any qualifying islands under any definition.

To date, no interest has been expressed by city or county staff in changing the definition of substantially surrounded. If comments are provided by city or county staff, they will be brought back to the Commission at a subsequent meeting. If the Commission is interested in changing the definition of substantially surrounded, a draft policy would be sent to city and county staff for review and comment.

Attachments

County Island Listing
County Island % Surrounded Comparisons
County Island Maps

Unincorporated County Islands

| Map ID | Island | City | % Surr. | Housing Units | People | Road C/L (Miles) | Area (Acres) | Assessed Value | Parcels | DUC |
|--------|----------------------|--------------|---------|---------------|--------|------------------|--------------|----------------|---------|-----|
| 50 | Filbert | Exeter | 88% | 10 | 22 | 0.07 | 11.8 | \$1,282,664 | 11 | |
| 51 | SR65-List | Exeter | 59% | 8 | 21 | 0.00 | 7.3 | \$1,650,340 | 5 | |
| 52 | SR198 | Farmersville | 59% | 1 | 3 | 0.08 | 6.5 | \$305,153 | 2 | |
| 44 | Parkside | Lindsay | 100% | 6 | 36 | 0.12 | 2.7 | \$611,446 | 6 | |
| 47 | Lafayette | Lindsay | 100% | 19 | 66 | 0.27 | 5.6 | \$1,053,135 | 19 | X |
| 48 | Paige | Lindsay | 81% | 248 | 942 | 2.52 | 77.0 | \$16,312,232 | 229 | X |
| 49 | Tulare East | Lindsay | 69% | 1 | 4 | 0.02 | 0.6 | \$56,000 | 1 | |
| 46 | Hillcrest | Lindsay | 63% | 6 | 18 | 0.29 | 17.4 | \$1,170,977 | 11 | |
| 45 | Bellah | Lindsay | 55% | 7 | 27 | 0.00 | 2.4 | \$608,387 | 7 | |
| 43 | Freemont | Lindsay | 54% | 9 | 36 | 0.20 | 9.3 | \$850,923 | 11 | |
| 10 | G-Henderson | Porterville | 100% | 3 | 9 | 0.00 | 2.3 | \$272,423 | 3 | |
| 1 | Newcomb-Castle | Porterville | 100% | 5 | 15 | 0.00 | 8.3 | \$844,089 | 6 | |
| 11 | Main 1 | Porterville | 100% | 0 | 0 | 0.00 | 0.1 | \$20,682 | 1 | |
| 9 | Mulberry-Main | Porterville | 100% | 159 | 506 | 2.52 | 115.0 | \$14,841,018 | 169 | X |
| 3 | Cobb | Porterville | 100% | 44 | 117 | 0.23 | 36.4 | \$3,931,314 | 35 | |
| 16 | Pettis-SR190 | Porterville | 98% | 14 | 40 | 0.23 | 8.6 | \$829,719 | 11 | X |
| 5 | North Main | Porterville | 88% | 4 | 13 | 0.15 | 34.2 | \$2,939,583 | 10 | |
| 22 | Prospect-Roby | Porterville | 87% | 176 | 603 | 1.49 | 59.4 | \$11,566,815 | 167 | X |
| 14 | Isham-Leggett | Porterville | 87% | 2 | 11 | 0.12 | 3.6 | \$317,448 | 5 | X |
| 20 | Airport-Newcomb | Porterville | 83% | 2 | 5 | 0.00 | 4.8 | \$130,827 | 1 | |
| 15 | River-Leggett | Porterville | 82% | 208 | 844 | 1.78 | 116.9 | \$10,117,376 | 157 | X |
| 23 | Newcomb-Roby | Porterville | 79% | 61 | 203 | 1.27 | 32.0 | \$5,081,660 | 66 | X |
| 8 | Lime | Porterville | 78% | 13 | 30 | 0.06 | 24.9 | \$2,369,587 | 16 | |
| 13 | Cemetery | Porterville | 78% | 0 | 0 | 0.10 | 11.9 | \$155,597 | 2 | |
| 6 | Highland 1 | Porterville | 76% | 2 | 6 | 0.00 | 1.0 | \$60,435 | 2 | |
| 4 | Johns | Porterville | 73% | 1 | 3 | 0.00 | 2.6 | \$283,572 | 2 | |
| 12 | Olive-Conner | Porterville | 69% | 13 | 48 | 0.24 | 22.8 | \$898,151 | 14 | X |
| 19 | Gibbons-Main | Porterville | 66% | 4 | 10 | 0.20 | 9.6 | \$432,380 | 6 | |
| 2 | Maston-Baker | Porterville | 66% | 66 | 214 | 0.57 | 18.6 | \$4,709,113 | 67 | X |
| 17 | Tract 44 | Porterville | 65% | 33 | 90 | 0.35 | 19.2 | \$2,306,996 | 33 | X |
| 2A | Maston-Baker Exp. | Porterville | 64% | 20 | 102 | 0.08 | 8.2 | \$1,706,235 | 20 | X |
| 24 | Olive-Westwood | Porterville | 63% | 232 | 750 | 1.68 | 85.7 | \$19,322,194 | 188 | X |
| 7 | Highland 2 | Porterville | 61% | 1 | 3 | 0.00 | 1.7 | \$363,321 | 2 | |
| 21 | Tract 41 | Porterville | 58% | 61 | 241 | 0.93 | 32.9 | \$7,472,443 | 52 | X |
| 18 | Gibbons-Plano | Porterville | 50% | 144 | 461 | 1.88 | 112.7 | \$7,883,992 | 117 | X |
| 42 | West-Prosperity | Tulare | 78% | 3 | 9 | 0.00 | 2.4 | \$645,280 | 3 | |
| 40 | Tulare-Cross | Tulare | 59% | 1 | 3 | 0.00 | 16.8 | \$2,787,048 | 5 | |
| 39 | Soults-Lone Oak | Tulare | 57% | 87 | 264 | 1.32 | 53.5 | \$4,820,619 | 84 | X |
| 42A | West-Prosperity Exp. | Tulare | 54% | 29 | 90 | 1.00 | 70.6 | \$7,580,598 | 28 | |
| 41 | Prosperity-Lampe | Tulare | 51% | 12 | 36 | 0.00 | 28.2 | \$3,231,188 | 15 | |
| 29 | Hurley | Visalia | 100% | 3 | 4 | 0.00 | 7.4 | \$572,456 | 4 | |
| 30 | Akers-Linwood | Visalia | 100% | 17 | 54 | 0.00 | 61.2 | \$4,966,422 | 17 | |
| 38 | Akers-Caldwell | Visalia | 100% | 5 | 13 | 0.00 | 7.3 | \$938,913 | 5 | |
| 36 | James | Visalia | 100% | 12 | 39 | 0.12 | 8.9 | \$1,690,461 | 16 | |
| 35 | K | Visalia | 100% | 59 | 166 | 0.53 | 57.2 | \$4,361,206 | 60 | X |
| 33 | Sol | Visalia | 100% | 21 | 61 | 0.56 | 75.8 | \$6,503,732 | 21 | |
| 26 | Nicholas | Visalia | 98% | 0 | 0 | 0.14 | 13.5 | \$7,659,640 | 1 | |
| 31 | Riggin 1 | Visalia | 81% | 1 | 3 | 0.00 | 1.9 | \$274,452 | 1 | |
| 27 | SJVR-Goshen | Visalia | 69% | 0 | 0 | 0.06 | 2.8 | \$1 | 1 | |
| 34 | SR198 East | Visalia | 68% | 7 | 14 | 0.12 | 18.2 | \$1,539,638 | 6 | |
| 25 | Rd 86-SR198 | Visalia | 67% | 5 | 10 | 0.00 | 16.9 | \$1,507,907 | 6 | |
| 32 | Riggin 2 | Visalia | 65% | 1 | 3 | 0.00 | 2.8 | \$521,153 | 2 | |
| 28 | Rd 76-Ave 308 | Visalia | 56% | 21 | 81 | 0.46 | 26.8 | \$1,648,858 | 14 | |
| 37 | Ave 272 | Visalia | 50% | 15 | 38 | 0.25 | 19.8 | \$3,790,197 | 15 | |
| 54 | East Naranjo | Woodlake | 71% | 10 | 31 | 0.00 | 23.1 | \$974,693 | 13 | |
| 53 | Ropes | Woodlake | 55% | 3 | 16 | 0.15 | 12.5 | \$384,906 | 4 | |

% Surrounded Comparisons

| | Islands | Housing Units | People | Road C/L (Miles) | Area (Acres) | Parcels | Assessed Value | |
|-----|--------------|---------------|--------------|------------------|--------------|----------------|----------------|----------------------|
| 50% | Exeter | 2 | 18 | 43 | 0.07 | 19.1 | 16 | \$2,933,004 |
| | Farmersville | 1 | 1 | 3 | 0.08 | 6.5 | 2 | \$305,153 |
| | Lindsay | 7 | 296 | 1,129 | 3.43 | 115.0 | 284 | \$20,663,100 |
| | Porterville | 24 | 1,268 | 4,324 | 13.91 | 773.4 | 1,152 | \$98,856,970 |
| | Tulare | 4 | 132 | 402 | 2.32 | 171.5 | 135 | \$19,064,733 |
| | Visalia | 14 | 167 | 486 | 2.24 | 320.5 | 169 | \$35,975,036 |
| | Woodlake | 2 | 13 | 47 | 0.15 | 35.6 | 17 | \$1,359,599 |
| | TOTAL | 54 | 1,895 | 6,434 | 22.20 | 1,441.6 | 1,775 | \$179,157,595 |

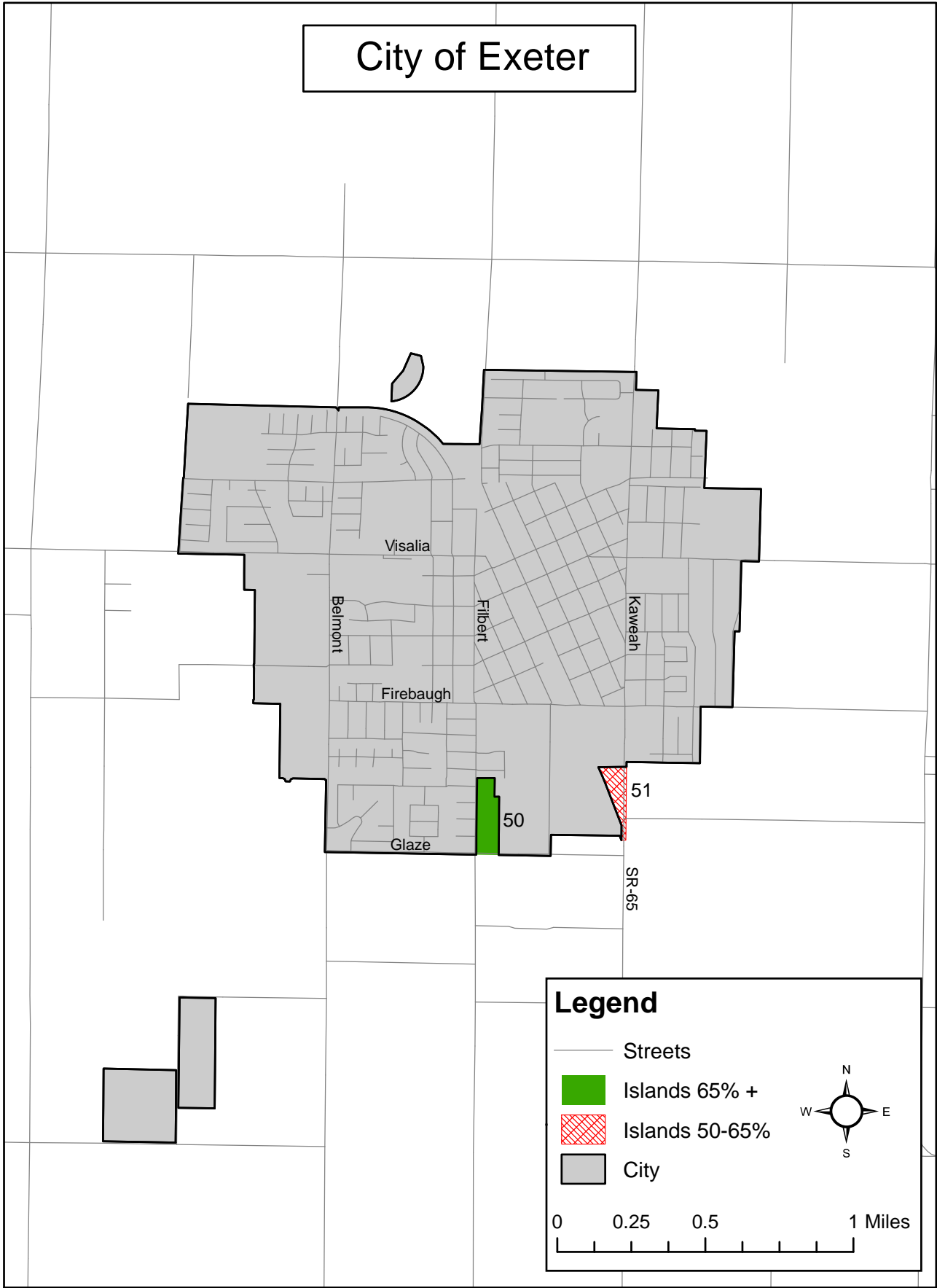
| | Islands | Housing Units | People | Road C/L (Miles) | Area (Acres) | Parcels | Assessed Value | |
|-----|--------------|---------------|--------------|------------------|--------------|----------------|----------------|----------------------|
| 55% | Exeter | 2 | 18 | 43 | 0.07 | 19.1 | 16 | \$2,933,004 |
| | Farmersville | 1 | 1 | 3 | 0.08 | 6.5 | 2 | \$305,153 |
| | Lindsay | 6 | 287 | 1,093 | 3.23 | 105.7 | 273 | \$19,812,177 |
| | Porterville | 23 | 1,124 | 3,863 | 12.02 | 660.7 | 1,035 | \$90,972,978 |
| | Tulare | 3 | 91 | 276 | 1.32 | 72.7 | 92 | \$8,252,947 |
| | Visalia | 13 | 152 | 448 | 1.99 | 300.7 | 154 | \$32,184,839 |
| | Woodlake | 2 | 13 | 47 | 0.15 | 35.6 | 17 | \$1,359,599 |
| | TOTAL | 50 | 1,686 | 5,773 | 18.86 | 1,201.0 | 1,589 | \$155,820,697 |

| | Islands | Housing Units | People | Road C/L (Miles) | Area (Acres) | Parcels | Assessed Value | |
|-----|--------------|---------------|--------------|------------------|--------------|----------------|----------------|----------------------|
| 60% | Exeter | 1 | 10 | 22 | 0.07 | 11.8 | 11 | \$1,282,664 |
| | Farmersville | 0 | 0 | 0 | 0.00 | 0.0 | 0 | \$0 |
| | Lindsay | 5 | 280 | 1,066 | 3.23 | 103.3 | 266 | \$19,203,790 |
| | Porterville | 22 | 1,124 | 3,863 | 12.02 | 660.7 | 1,035 | \$90,972,978 |
| | Tulare | 1 | 3 | 9 | 0.00 | 2.4 | 3 | \$645,280 |
| | Visalia | 12 | 131 | 367 | 1.53 | 273.9 | 140 | \$30,535,981 |
| | Woodlake | 1 | 10 | 31 | 0.00 | 23.1 | 13 | \$974,693 |
| | TOTAL | 42 | 1,558 | 5,358 | 16.86 | 1,075.2 | 1,468 | \$143,615,386 |

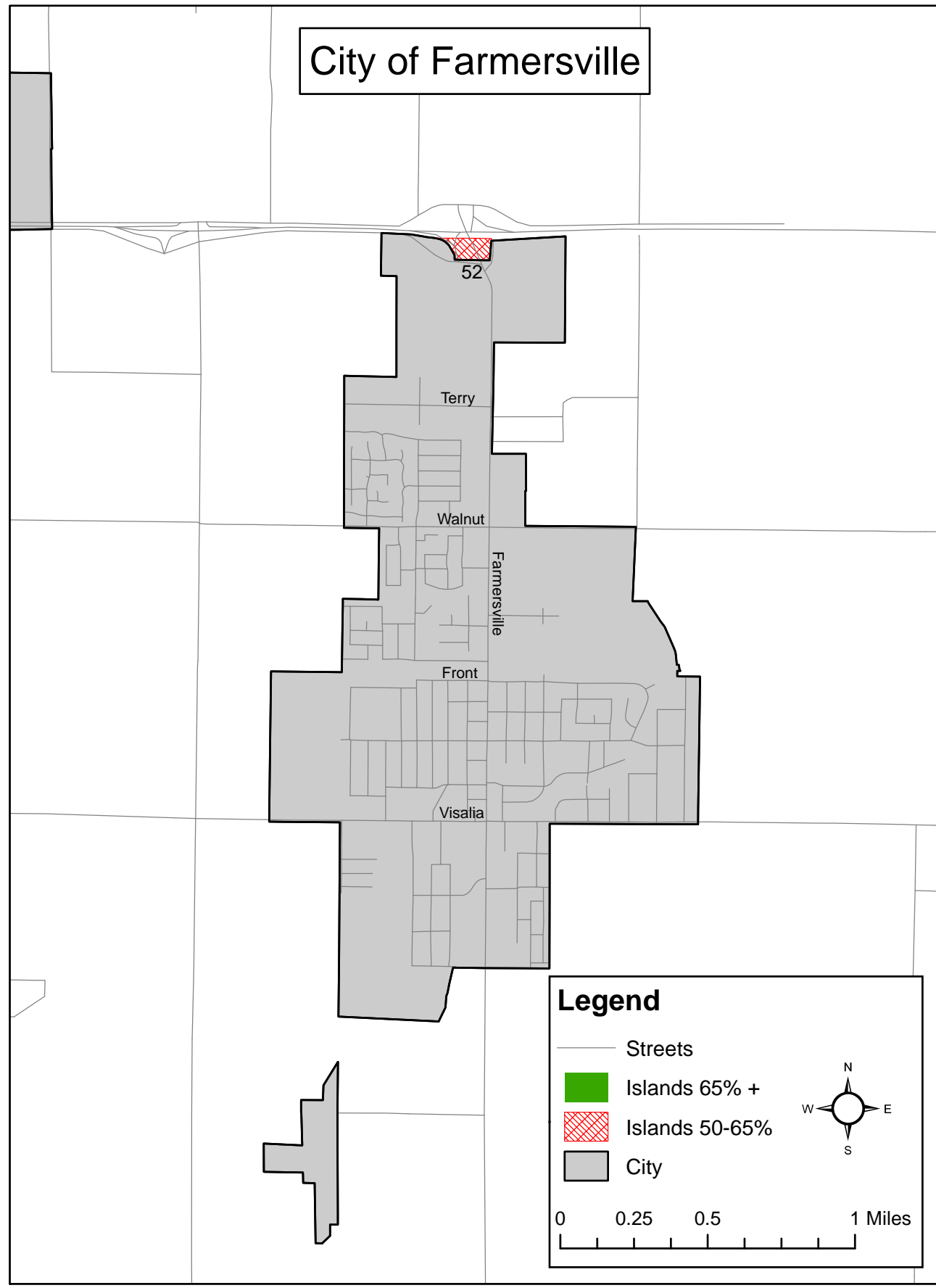
| | Islands | Housing Units | People | Road C/L (Miles) | Area (Acres) | Parcels | Assessed Value | |
|-----|--------------|---------------|--------------|------------------|--------------|--------------|----------------|----------------------|
| 65% | Exeter | 1 | 10 | 22 | 0.07 | 11.8 | 11 | \$1,282,664 |
| | Farmersville | 0 | 0 | 0 | 0.00 | 0.0 | 0 | \$0 |
| | Lindsay | 4 | 274 | 1,048 | 2.94 | 85.9 | 255 | \$18,032,813 |
| | Porterville | 20 | 810 | 2,767 | 9.33 | 532.2 | 773 | \$62,108,785 |
| | Tulare | 1 | 3 | 9 | 0.00 | 2.4 | 3 | \$645,280 |
| | Visalia | 12 | 131 | 367 | 1.53 | 273.9 | 140 | \$30,535,981 |
| | Woodlake | 1 | 10 | 31 | 0.00 | 23.1 | 13 | \$974,693 |
| | TOTAL | 39 | 1,238 | 4,244 | 13.87 | 929.3 | 1,195 | \$113,580,216 |

| | Islands | Housing Units | People | Road C/L (Miles) | Area (Acres) | Parcels | Assessed Value | |
|-----|--------------|---------------|--------------|------------------|--------------|--------------|----------------|----------------------|
| 70% | Exeter | 1 | 10 | 22 | 0.07 | 11.8 | 11 | \$1,282,664 |
| | Farmersville | 0 | 0 | 0 | 0.00 | 0.0 | 0 | \$0 |
| | Lindsay | 3 | 273 | 1,044 | 2.91 | 85.3 | 254 | \$17,976,813 |
| | Porterville | 16 | 694 | 2,405 | 7.96 | 462.0 | 653 | \$53,762,145 |
| | Tulare | 1 | 3 | 9 | 0.00 | 2.4 | 3 | \$645,280 |
| | Visalia | 8 | 118 | 340 | 1.35 | 233.2 | 125 | \$26,967,282 |
| | Woodlake | 1 | 10 | 31 | 0.00 | 23.1 | 13 | \$974,693 |
| | TOTAL | 30 | 1,108 | 3,851 | 12.29 | 817.8 | 1,059 | \$101,608,877 |

City of Exeter



City of Farmersville

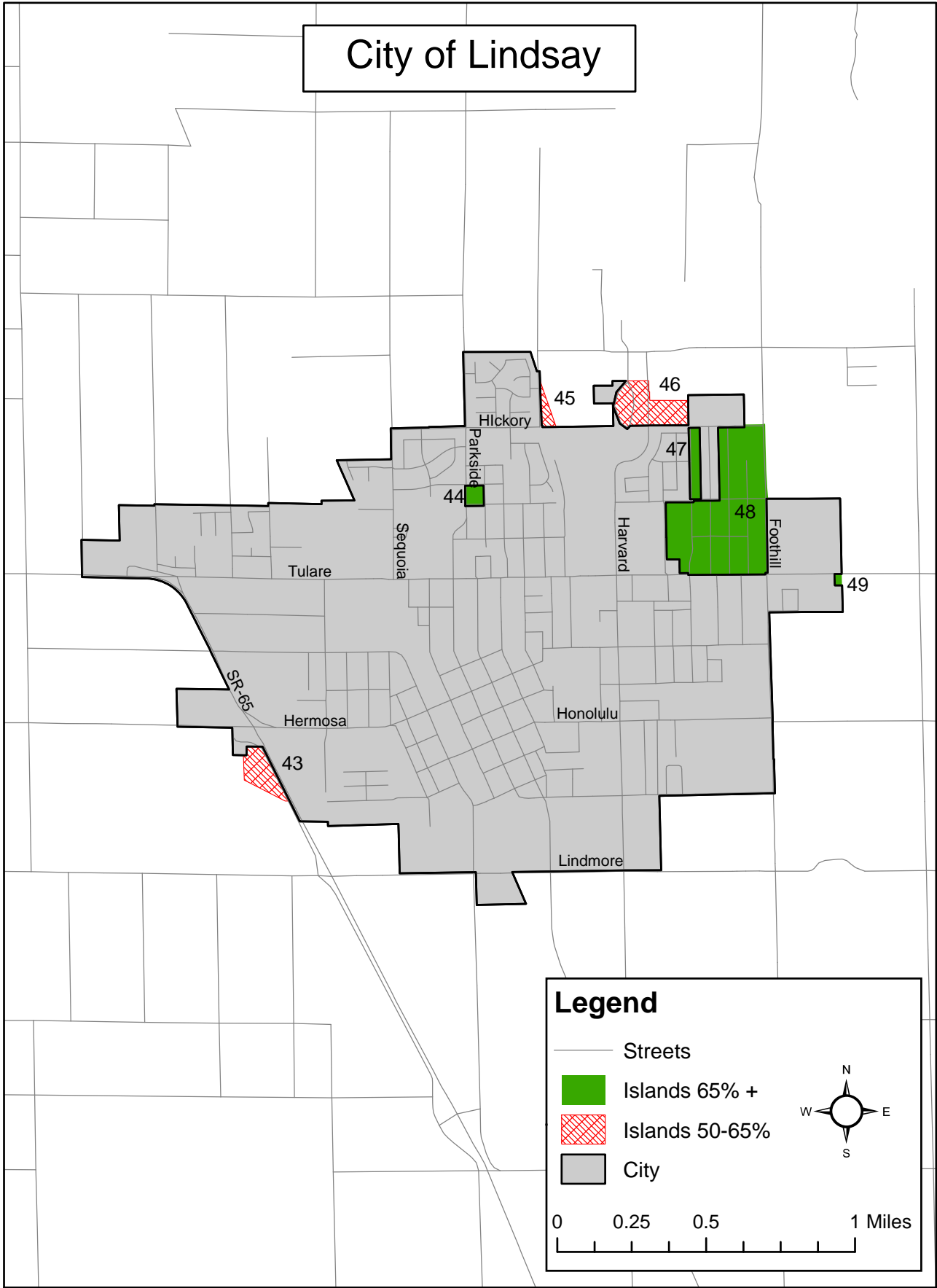


Legend

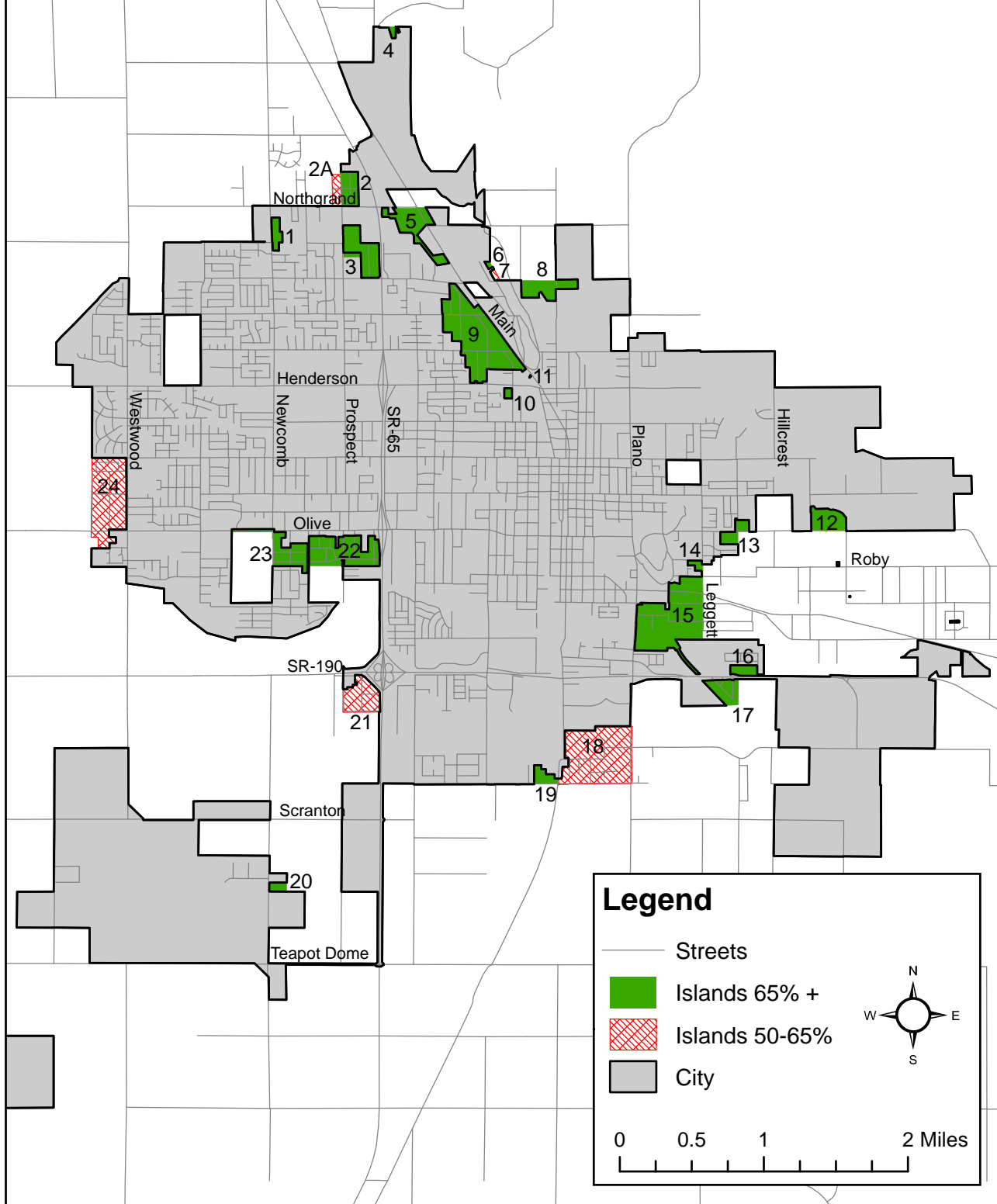
- Streets
- Islands 65% +
- ▨ Islands 50-65%
- City

0 0.25 0.5 1 Miles

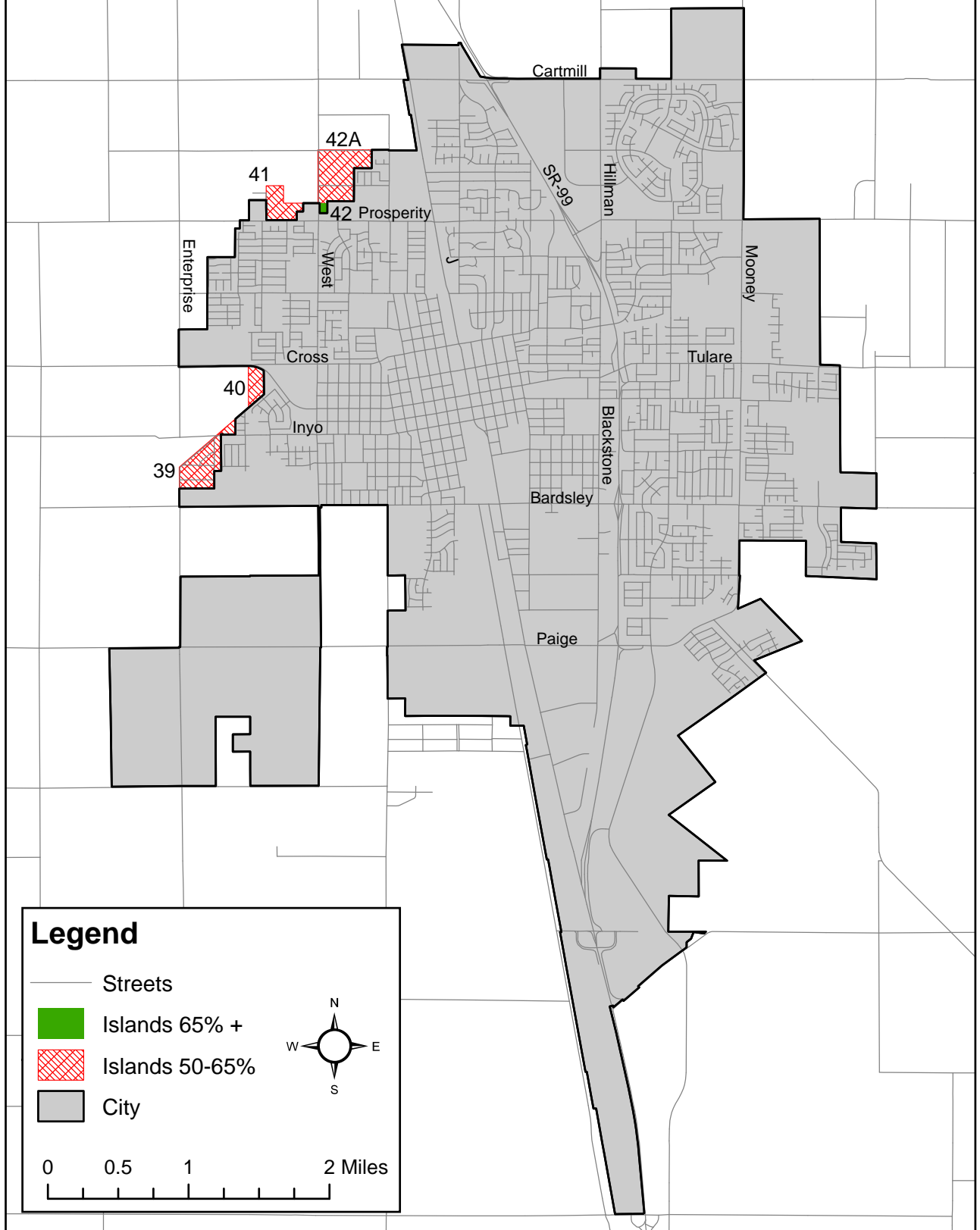
City of Lindsay



City of Porterville

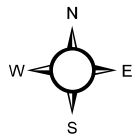


City of Tulare



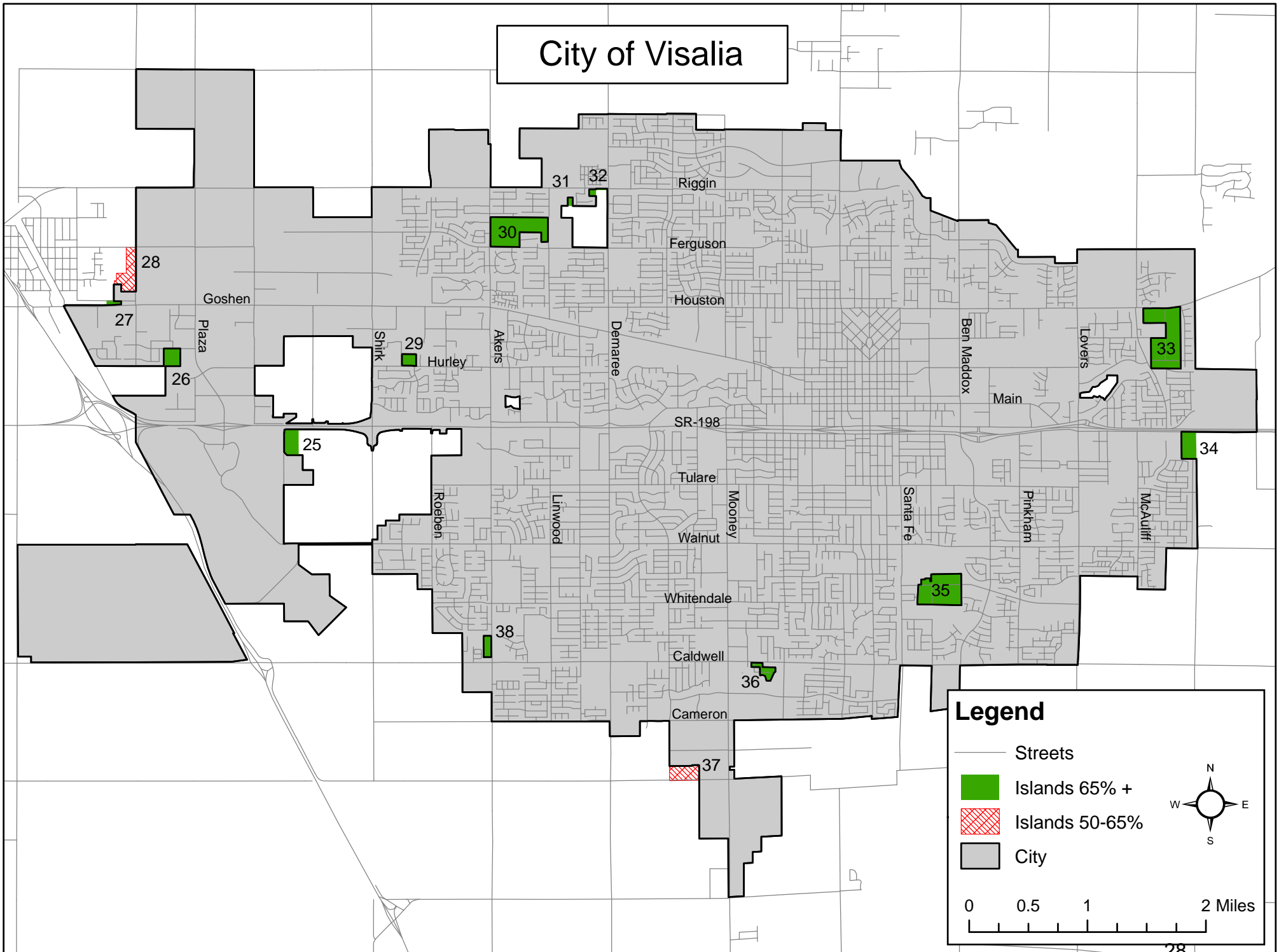
Legend

- Streets
- Islands 65% +
- Islands 50-65%
- City

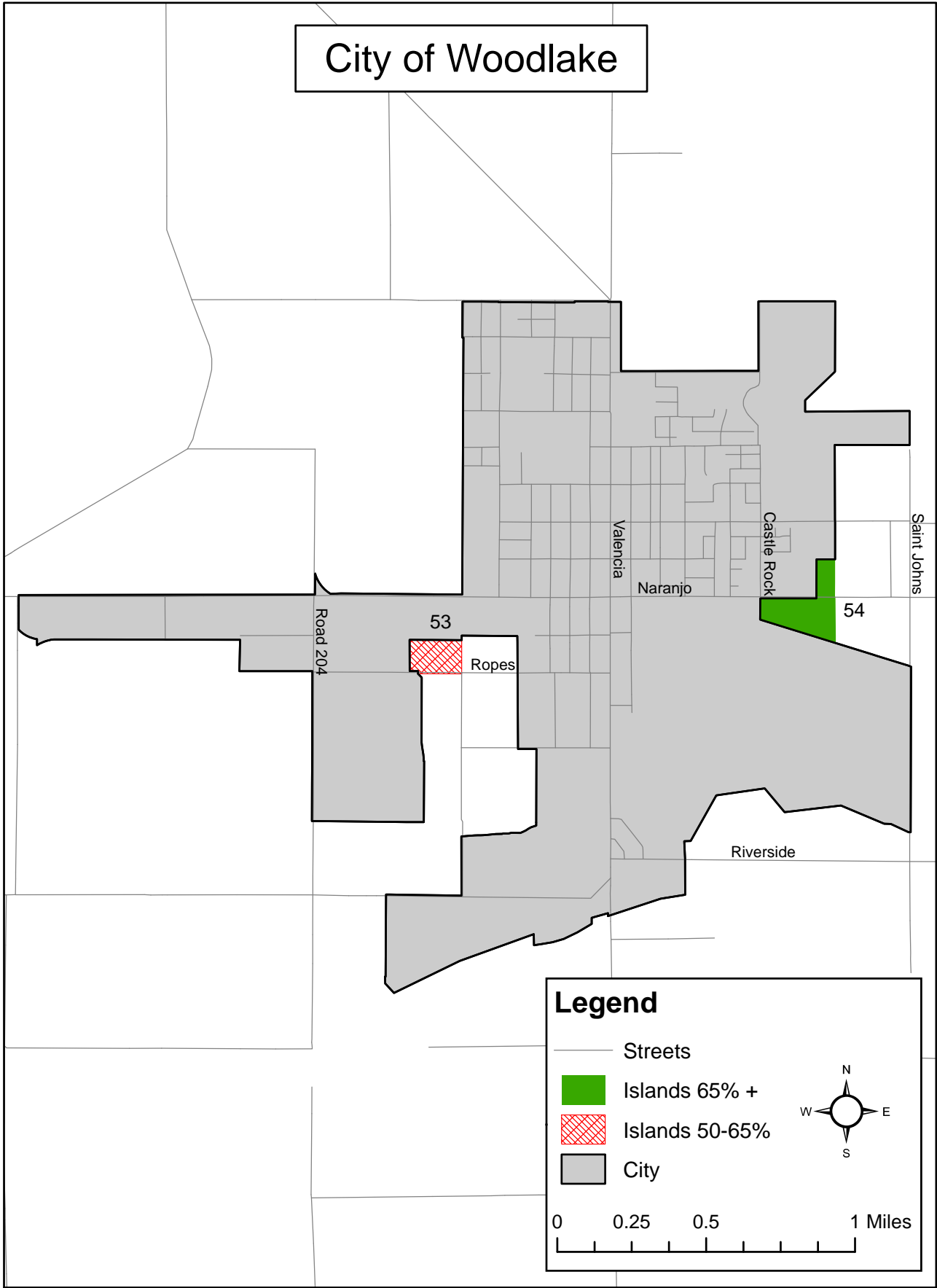


0 0.5 1 2 Miles

City of Visalia



City of Woodlake



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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:
Steve Worthley, Chair
Juliet Allen, V-Chair
Rudy Mendoza
Allen Ishida
Cameron Hamilton

ALTERNATES:
Mike Ennis
Dennis Mederos
Janet Hinesly

EXECUTIVE OFFICER:
Ben Giuliani

February 5, 2014

To: LAFCO Commissioners and Alternates, Executive Officer
From: Cynthia Echavarria, Staff Analyst
Subject: Public Member Selection Process

BACKGROUND

Members of the Commission are appointed to four-year terms of office and may be reappointed. Government Code §56325 states the Commission shall include:

(d) One representing the general public appointed by the other members of the commission. The other members of the commission may also designate one alternate member who shall be appointed and serve pursuant to Section 56331. Selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities. Whenever a vacancy occurs in the public member or alternate public member position, the commission shall cause a notice of vacancy to be posted as provided in Section 56158. A copy of this notice shall be sent to the clerk or secretary of the legislative body of each local agency within the county. Final appointment to fill the vacancy may not be made for at least 21 days after the posting of the notice.

The Tulare County LAFCO Policy A-4 outlines the process for Selection of Members.

4.4 Public Member Selection and Appointment Policy (Resolution 96-06, 4-3-96)

The method for selecting the Public Member and Alternate Public Member should be equitable, efficient and clearly articulated for all concerned.

A. In accordance with GC §56334, the term of office for the Public Member and Alternate Public Member shall be four years to expire on the first Monday in May or upon the qualification of the Commissioner's successor. The terms of office of the Public Member and Alternate Public Member shall be staggered by two years. The first full term for the Alternate Public Member shall begin on the first Monday in May, 1996.

- B. At least two months prior to the expiration of the term of office, the Executive Officer shall seek application to the position from the community at large. Reasonable effort shall be taken to advertise the opening of the broadest selection of candidates possible. Candidates should be encouraged to submit a resume and statement regarding their qualifications and interest in serving on the Commission. This does not preclude the incumbent Public or Alternate Public Member from applying for appointment.
- C. At least one month prior to the expiration of the term of office, the Commission shall appoint a selection committee consisting of one County Member and one City Member. The committee will consider any materials submitted by the applicants and may conduct interviews of the candidates. It is anticipated that the candidates will be asked to present their qualification in an initial statement to be followed by questions from the members of the selection committee. Following this process, the committee will select a candidate to recommend to the commission. The Executive Officer will place the matter of the selection of the Public member or Alternate Public Member on the agenda of a regular meeting of the Commission. The recommendation of the selection committee will be presented to the Commission at the meeting. The Commission will select the successful candidate by a majority vote on a motion to appoint the candidate to the Commission.
- D. The application and selection process as outlined above shall begin immediately following a Commission determination that a Public Member or Alternate Public Member position has become vacant before the expiration of the term.

DISCUSSION

The Commission amended (10/5/11) the Public Member and Alternate Member selection and appointment process to open the positions to the community at large at least two months before the expiration of the Member's term of office. The incumbent member may also reapply for another term. The Public Member's term, currently held by Julie Allen, is expiring on May 5, 2014.

Listed below is the proposed timeline for the selection and appointment of the Public Member for the term from May 5, 2014 to May 7, 2018.

- 2/12/14 to 3/12/14 Advertise the Public Member position to the public.
- 3/5/14 The Commission appoints a selection committee consisting of one County member and one City member.
- 3/13/14 to 3/26/14 The selection committee reviews applications, interviews as necessary and selects a candidate to recommend to the Commission.
- 4/2/14 The Commission takes action to appoint the Public Member.
(Note: the appointment of the Public Member shall be subject to the affirmative vote of at least one County member and one City member.)



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

COMMISSIONERS:
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Juliet Allen, V-Chair
Rudy Mendoza
Allen Ishida
Cameron Hamilton*

ALTERNATES:
*Mike Ennis
Dennis Mederos
Janet Hinesly*

EXECUTIVE OFFICER:
Ben Giuliani

February 5, 2014

TO: LAFCO Commissioners, Alternates, Executive Officer, Counsel
FROM: Cynthia Echavarria, Staff Analyst
SUBJECT: Tulare County LAFCO 2013 Meeting Overview

At the December 4th Commission meeting, it was requested that staff provide a summary of activity by the Commission for the 2013 calendar year. Listed below are all the actions taken by the Commission and the special reports given to the Commission by staff. The January, July, September and November meetings were cancelled.

FEBURARY

ACTIONS

Adoption of the City of Visalia’s Municipal Service Review Action: Adopted

Commission action on the City of Visalia Municipal Service Review (MSR) Update was continued from the August 8, 2012, October 24, 2012 and December 5, 2012 meetings to the February 6, 2013 meeting. Tulare County LAFCO adopted of the City of Visalia’s Municipal Service Review Update at the Feburary meeting. The MSR and its determinations were distributed to the Commission and posted for public review on the LAFCO website. Comments were received from the County of Tulare and the City of Visalia.

Termination of LAFCO Case 1442-D-60, City of Dinuba Reorganization 2007-02 Action: Adopted

Case 1442-D-60 was conditionally approved by the Commission on April 1, 2009 (Res. 09-003) but was never recorded because a condition of approval was not met. The City submitted a letter requesting that the reorganization be withdrawn because the property

no longer wished to be annexed to the City. Case 1442-D-60 by resolution at the February meeting was terminated and the case file is closed.

SPECIAL REPORTS

Proposed Amendment to Policy C-9 (AB 1555 Island Annexation Policy)

The Commission adopted Policy C-9 (AB 1555 Island Annexation Policy) on February 2, 2005 to address county island annexation provisions that were amended into Government Code through AB 1555 (Longville). The Commission received the draft amendment to Policy C-9 which would remove the provision (9.3(A)(2)) that allows for the splitting of islands greater than 150 acres. Staff was directed to bring this policy back to the Commission for action at their March 6th meeting.

MARCH

Proposed Amendment to Policy C-9 (AB 1555 Island Annexation Policy)

Action: Approval

In response to a recent Attorney General opinion, the proposed amendment would amend policy to remove a provision that allows for the arbitrary splitting of County islands greater than 150 acres to take advantage of the stream-lined island annexation process. The amendment to Policy C-9 was approved.

SPECIAL REPORTS

Proposed Draft Amendment to Policy 5.11 (MSRs)

The proposed amendment would align language in policy regarding disadvantaged unincorporated communities with Government Code as amended by SB 244 (Wolk). The proposed amendment also details how the public review period for MSRs are noticed which would result in cost savings to the Commission's budget. The amendment would be brought back to the Commission for action at the April meeting.

City Selection Committee

On February 19th, the City Selection Committee voted for Mayor Janet Hinesly of the City of Dinuba to serve as the Alternate City Member of the Commission for the term from May 2013 to May 2017.

Sequoia Memorial District

At the October 24th meeting, staff provided a report to the Commission regarding special districts in Tulare County. In the report to the Commission, the Sequoia Memorial District was one of the districts which staff recommended further evaluation because of the District's historical problem with achieving a quorum at their board meetings. Commission representatives met with District representatives on February 15th.

APRIL

2013/14 Preliminary Budget and Work Program

Action: Approval

Pursuant to GC 56381, the Commission must adopt a proposed budget and work program for the following fiscal year by May 1st. Staff reviewed the proposed budget and the Commission approved the preliminary budget with the use of \$50,000 from the reserve account to help offset city/county contributions.

Proposed Draft Amendment to Policy 5.11 (MSRs)

Action: Approval

The proposed draft amendment would align language in policy regarding disadvantaged unincorporated communities with Government Code as amended by SB 244 (Wolk). The proposed amendment also detailed how the public review period for MSRs are noticed which would result in cost savings to the Commission's budget. The amendment was approved.

SPECIAL REPORTS

American Farmland Trust

Staff presented a report titled, "Saving Farmland, Growing Cities" from American Farmland Trust. This report reviewed strategies for conserving farmland in the San Joaquin Valley. The Commission discussed the report and directed staff to look further into what Tulare County historically and currently is doing to preserve farmland.

The AFT report indicates that the San Joaquin Valley's best farmland is progressively being consumed by urbanization. It identifies a need for local governments to track conversion of agricultural land, and reviews suggested strategies for conserving farmland in the San Joaquin Valley. It identifies 6 objectives to address the conversion of farmland and offers specific performance measures to minimize or prevent loss of farmland and promote sustainability. The six objectives that address key farmland conservation challenges are: (1) Avoid development of high quality farmland (2) Minimize farmland loss with more efficient development (3) Ensure stability at the urban edge (4) Minimize rural residential development (5) Mitigate the loss of farmland with conservation easements (6) Encourage a favorable agricultural business climate.

MAY

Earlimart PUD Request for Fee Reduction

Action: Approval

Earlimart Public Utility District had requested a fee reduction from the standard flat fee for changes of organization to an actual cost basis for a proposed detachment. The detachment covers the same area of a prior annexation and due to its unique circumstances would require minimal staff time to process.

SPECIAL REPORTS

American Farmland Trust

Staff reviewed Tulare County agricultural policies that help in the effort of preserving agricultural land including General Plan policies, the Rural Valley Lands Plan, the Williamson Act (California Land Conservation Act of 1965), Tulare County Right-to-Farm Ordinance), Tulare County Animal Confinement Facilities Plan, Tulare County LAFCO and future implementation of Tulare County Association of Governments Sustainable Communities Strategy (SCS). Staff presented a check list of policies that address the objectives identified in AFTs report. The table was not an all-inclusive list and specific policies and procedures may overlap objectives.

JUNE

Earlimart PUD Detachment 2013-1

Action: Approval

The detachment covered the same area of a prior annexation. The original annexation was never submitted to the Board of Equalization and the development project never came to fruition. The detachment is adjacent to the northern portion of the development boundary of the existing unincorporated community of Earlimart. The detachment was approved.

Lindmore Irrigation District Reorganization 2011-1

Action: Approval

The project was a reorganization consisting of an annexation of one area and detachment of four areas in the Lindmore Irrigation District. The parcels are located north and south of the City of Lindsay and to the west and south of the existing unincorporated community of Strathmore. A negative declaration was prepared and approved by the Lindmore Irrigation District for use in this proposal.

Adoption of the City of Tulare Municipal Service Review

Action: Approval

The Commission considered the adoption of the City of Tulare MSR update. The MSR and its determinations were posted for public review on May 15, 2013. The complete MSR was posted on the Commission's website. The Commission received comments from City of Tulare asking that the item be continued to August for additional review. In addition, the County of Tulare submitted a comment letter in favor of adoption of the MSR.

2013/14 Final Budget and Work Program

Action: Approval

Pursuant to GC 56381, the Commission must adopt a final budget and work program, for the following fiscal year, by June 15. At the April 3rd meeting, the Commission decided to apply \$50,000 to offset the contribution from the County's eight cities and Tulare County. All expenditures and revenues were itemized on a single spreadsheet and the work program provided further detail on how these expenditures and revenues would be allotted during the fiscal year.

Nomination for 2014 CALAFCO Board of Directors

Action: Nominate Member

Staff informed the Commission that the CALAFCO Recruitment Committee began seeking nominations for CALAFCO Board of Directors election scheduled for August 29, 2013. Commissioner Allen was part of CALAFCO board and her term was expiring. Staff recommended nominating Commissioner Allen for another two-year term. The

Commission unanimously approved the nomination of Commissioner Allen for the 2014 CALAFCO Board of Directors.

**Designation of Voting Delegate and Alternate for the CALAFCO Business Meeting
Action: Designate Delegate and Alternate**

During each CALAFCO Annual Conference, voting delegates appointed by each member LAFCO vote on various CALAFCO policy and procedural matters and vote to elect nominees to the CALAFCO Board of Directors. The Commission designated Commissioner Allen as the voting delegate and Commissioner Worthley as the alternate.

SPECIAL REPORTS

American Farmland Trust

Staff provided an overview of the policies and procedures used by the County to prevent the conversion of prime farm land to other non-agricultural uses, looking at the effectiveness of the policies and procedures in preserving agricultural land and maximizing production. In this report staff reviewed the Farmland Mapping and Monitoring Program (FMMP). FMMP produces maps and a biannual statistical report used to monitor the amount of land converted from agricultural to non-agricultural use. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. Attached is the Farmland Mapping and Monitoring Program biannual report 2008 to 2010. As shown in the report from 2008 to 2010 only 725 acres of important farmlands was converted into urban uses during the most recently reported period.

Jim Sullins of the University of California Cooperative Extension Tulare County spoke in regard to the County's agricultural policies. Mr. Sullins discussed conservation, farmland preservation, and conservation easements.

AUGUST

Adoption of the City of Tulare Municipal Service Review Action: Adoption

The Commission adopted the City of Tulare Municipal Service Review update. The MSR and its determinations were posted for public review on July 17, 2013. The amended Executive Summary of the MSR, included an updated draft of the MSR with the minor updates and corrections, submitted by the City of Tulare prior to the June 5, 2013 meeting. The complete MSR was posted on the Commission's website.

SPECIAL REPORTS

Government Land Ownership

Staff prepared a report regarding government land ownership in Tulare County. The report reviewed the increase in government land ownership from 1998 to 2013 in context with loss of available agricultural land due to annexation.

OCTOBER

Lower Tule River Irrigation District Detachment 2013-7-2, LAFCO Case 1499

Action: Approval

The proposed project was detachments from the Lower Tule River Irrigation District. The detachment sites consisted of 431 acres of urban developed lands within the Tipton, Woodville and Poplar communities within the LTRID service area. The proposal was considered exempt from CEQA review under the California Environmental Quality Act (CEQA) Section 15319.

Pixley Irrigation District Reorganization 2013-7-1, LAFCO Case 1500

Action: Approval

The project was a reorganization consisting of an annexation of 9.5 acres farmland adjacent to the community of Pixley and detachments consisting of 1,195.8 acres of urban developed lands within the Pixley and Teviston communities within the Pixley Irrigation District service area. The proposal was considered exempt from CEQA review under the California Environmental Quality Act (CEQA) Section 15319.

DECEMBER

ACTIONS

Porterville Annexation No.477, LAFCO Case 1501-P-313

Action: Approval

The City of Porterville proposed the annexation of 10.5 acres of land located west of North Main Street and north of West North Grand Avenue, in northeast Porterville. A negative declaration was prepared and approved in compliance with CEQA by the City of Porterville for use in this proposal.

Election of Officers for 2014

Action: Elect Chairman and Vice-Chairman

The Commission selected a new Commission Chair and Vice-Chair. The LAFCO Commission Chair and Vice-Chair are chosen on a rotating basis (County-City-Public) in accordance with LAFCO Policy A-4. County representative Steve Worthley was scheduled to be selected as Chair. Public representative Julie Allen was scheduled to be selected as Vice-Chair. The new officers' terms will commence on January 1, 2014 and end on December 31, 2014.

SPECIAL REPORTS

Extraterritorial Service Agreement (ESA) 2013-01 (City of Tulare/Grant) and ESA 2013-02 (City of Tulare/Whitten)

Pursuant to Policy C-6, the Executive Officer approved two ESAs between the City of Tulare and private property owners for the provision of domestic water. Both situations involved private wells running dry with the City being in position to extend its water lines to the affected properties.

Draft Amended LAFCO Policy A-5 (Commission Meetings and Hearings)

The draft amended Policy A-5 was circulated to city and county staff for review on November 14th. The proposed policy would amend an affirmative vote by the Commission from a majority present to a majority of the full membership and would adopt Rosenberg's Rules of Order for the conduct of meetings. The commission will take formal action on this item in February.

Annual LAFCO Map Presentation

Annually, LAFCO Staff prepares a series of maps and statistical tables that track city and special district annexation activity for both the preceding year as well as annexation activity over the course of LAFCO's existence. The map and table series also illustrates changes – in terms of acreage - in County prime agricultural land, land uses, government owned land, and land under Williamson Act Contract.

RVLP Effectiveness

The report reviewed the Rural Valley Lands Plan and its effectiveness in the County of Tulare. The Rural Valley Lands Plan was adopted in 1975, and has had two amendments that strengthen its agricultural-protective provisions. The RVLP applies to about 773,500 acres of the valley portion of the County, outside County adopted Urban Development Boundaries (CACUDB), City Urban Area Boundaries (UAB) and other adopted community plans areas, and generally below the 600-foot elevation contour line along the foothills of the Sierra Nevada Mountain Range. The purpose of the RVLP is to protect and maintain the agricultural viability of rural valley areas by creating requirements for exclusive agricultural zoning (containing minimum parcel sizes) suitable to sustain agriculture and implementing a policy that utilizes resource information to determine the suitability of rural lands for non-agricultural uses. The RVLP is implemented by using the exclusive agricultural zones and a point evaluation system.

This report was part of a series of reports providing an overview of the policies and procedures used in County to prevent the conversion of prime farm land to other non-agricultural uses, look at the effectiveness of the policies and procedures in preserving agricultural land and maximizing production. Staff will return at a later date with additional historical data on the effectiveness of the RVLP.

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BILL NUMBER: AB 1527

INTRODUCED BY Assembly Member Perea

JANUARY 17, 2014

An act to amend Section 116326 of the Health and Safety Code, and to amend Section 75125 of the Public Resources Code, relating to drinking water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1527, as introduced, Perea. Public water systems: drinking water.

Existing law, known as the California Safe Drinking Water Act, requires the State Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, administer programs to fund improvements and expansion of small community water systems using specified priorities. Existing law requires the department to encourage the consolidation of small community water systems that serve disadvantaged communities in instances where consolidation will help the affected agencies and the state to meet specified goals.

Existing law allows funding of studies regarding the feasibility of consolidating 2 or more community water systems, at least one of which is a small community water system that serves a disadvantaged community and requires the department to give funding priority to construction projects that involve the physical restricting of 2 or more community water systems, as specified, when it is shown that the consolidation would further specified goals.

This bill would require the department, in administering programs to fund improvements and expansions of small community water systems, and other water systems, as specified, to promote service delivery alternatives that improve efficiency and affordability of infrastructure and service delivery, as specified.

This bill also would make technical, conforming changes regarding a reporting duty of the Strategic Growth Council.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature to encourage local area formation commissions to focus on the consolidation, merger, or extension of public water systems, especially those located in disadvantaged communities, by seeking financial assistance in order to perform the necessary service reviews and other appropriate studies.

SEC. 2. Section 116326 of the Health and Safety Code is amended to read:

116326. (a) In administering programs to fund improvements and expansions of small community water systems *and, pursuant to subdivision (b), other water systems*, the department shall do all of the following:

~~—(a)~~

(1) Give priority to funding projects in disadvantaged communities.

~~—(b) Encourage the consolidation of small community water systems that serve disadvantaged communities in instances where consolidation will help the affected agencies service~~

(2) *Promote service delivery alternatives that improve efficiency and afford ability of infrastructure and service delivery, including, but not limited to, the consolidation of*

governmental agencies, consolidation of water systems, and the extension of services, in and to disadvantaged communities, where service delivery options will help affected agencies, communities, and the state to meet all of the following goals:

—(1)

(A) Improvement in the quality of water delivered.

—(2)

(B) Improvement in the reliability of water delivery.

—(3)

(C) Reduction in the cost of drinking water for ratepayers.

~~—(c) Pursuant to subdivision (b), allow funding for feasibility studies performed prior to a construction project to include studies of the feasibility of consolidating two or more community water systems, at least one of which is a small community water system that serves a disadvantaged community.~~

~~—(d) In instances where it is shown that small community water system consolidation will further the goals of subdivision (b), give priority to funding construction projects that involve the physical restructuring of two or more community water systems, at least one of which is a small community water system that serves a disadvantaged community, into a single, consolidated system.~~

(3) Pursuant to paragraph (2) of subdivision (a), require that funding for feasibility studies performed prior to a construction project include studies of service delivery alternatives that improve efficiency and affordability of capital improvements and service delivery, if at least one of the potentially affected agencies serves, or would serve by way of an extraterritorial service extension, a disadvantaged community, unless the department makes a written determination that service delivery alternatives are not feasible under the circumstances. In making this determination, the department shall do all of the following:

(A) Review and consider the determinations and recommendations made by the affected local agency formation commission within the previous five calendar years in any of the following:

(i) A special study conducted pursuant to Section 56378 of the Government Code.

(ii) A sphere of influence study conducted pursuant to Section 56425 of the Government Code.

(iii) A service review conducted pursuant to Section 56430 of the Government Code.

(B) Consult with the executive officer of the affected local agency formation commission to determine whether any circumstances have changed since the studies and review conducted pursuant to subparagraph (A) were completed or if there is any additional information that would assist the department in its determination.

(C) Review and consider the conclusions and recommendations of other local and regional studies designed to develop and identify regional solutions for drinking water delivery.

(4) If it is shown that an alternative service delivery option will further the goals of paragraph (2) of subdivision (a), fund construction projects that include the alternative service delivery option, unless the department makes a written determination that the alternative service delivery option is not feasible under the circumstances.

(b) If an applicant submits an application that includes a service delivery alternative that furthers the goals specified in paragraph (2) of subdivision (a), the applicant need not be a small community water system and the department may increase priority of the application.

SEC. 3. Section 75125 of the Public Resources Code is amended to read:

75125. The council shall do all of the following:

(a) Identify and review activities and funding programs of member state agencies that may be coordinated to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet the goals of the California Global Warming Solutions Act of 2006

(Division 25.5 (commencing with Section 38500) of the Health and

Safety Code), encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner. At a minimum, the council shall review and comment on the five-year infrastructure plan developed pursuant to Article 2 (commencing with Section 13100) of Chapter 2 of Part 3 of Division 3 of the Government Code and the State Environmental Goals and Policy Report developed pursuant to Section 65041 of the Government Code.

(b) Recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate state agencies to encourage the development of sustainable communities, such as those communities that promote equity, strengthen the economy, protect the environment, and promote public health and safety, consistent with subdivisions (a) and (c) of Section 75065.

(c) Provide, fund, and distribute data and information to local governments and regional agencies that will assist in developing and planning sustainable communities.

(d) Manage and award grants and loans to support the planning and development of sustainable communities, pursuant to Sections 75127, 75128, and 75129. To implement this subdivision, the council may do all of the following:

(1) Develop guidelines for awarding financial assistance, including criteria for eligibility and additional consideration.

(2) Develop criteria for determining the amount of financial assistance to be awarded. The council shall award a revolving loan to an applicant for a planning project, unless the council determines that the applicant lacks the fiscal capacity to carry out the project without a grant. The council may establish criteria that would allow the applicant to illustrate an ongoing commitment of financial resources to ensure the completion of the proposed plan or project.

(3) Provide for payments of interest on loans made pursuant to this article. The rate of interest shall not exceed the rate earned by the Pooled Money Investment Board.

(4) Provide for the time period for repaying a loan made pursuant to this article.

(5) Provide for the recovery of funds from an applicant that fails to complete the project for which financial assistance was awarded. The council shall direct the Controller to recover funds by any available means.

(6) Provide technical assistance for application preparation.

(7) Designate a state agency or department to administer technical and financial assistance programs for the disbursing of grants and loans to support the planning and development of sustainable communities, pursuant to Sections 75127, 75128, and 75129.

(e) ~~(1)~~ No later than July 1, ~~2010, and every~~ of each year thereafter, provide a report to the Legislature that shall include, but is not limited to, all of the following:

~~(1)~~

(A) A list of applicants for financial assistance.

~~(2)~~

(B) Identification of which applications were approved.

~~(3)~~

(C) The amounts awarded for each approved application.

~~(4)~~

(D) The remaining balance of available funds.

~~(5)~~

(E) A report on the proposed or ongoing management of each funded project.

~~(6)~~

(F) Any additional minimum requirements and priorities for a project or plan proposed in a grant or loan application developed and adopted by the council pursuant to subdivision (c) of Section 75126.

(2) A report submitted pursuant to paragraph (1) shall be submitted in accordance with Section 9795 of the Government Code.

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2014 Events Calendar

JANUARY

- 15-17 California Association of Sanitation Agencies Conference (Indian Wells)
- 24 **CALAFCO Legislative Committee** (Sacramento)

FEBRUARY

- 7 **CALAFCO Board of Directors Meeting** (Irvine)
- 13 **CALAFCO U – Protest Provisions** (Southern Region)

MARCH

- 5 Association of CA Water Agencies Legislative Symposium (Sacramento)
- 14-16 Local Government Commission Ahwahnee Conference (Yosemite)
- 21 **CALAFCO Legislative Committee** (Ontario)

APRIL

- 10-12 Fire District Association Annual Meeting (Napa)
- 23 League of Cities Legislative Day (Sacramento)
- 23-25 **CALAFCO Staff Workshop** (Berkeley)
- 28-29 California Assn. of Sanitation Agencies Legislative Policy Forum (Sacramento)

MAY

- 2 **CALAFCO Board of Directors Meeting** (Northern Region)
- 6-9 Association of California Water Agencies Conference (Monterey)
- 9 **CALAFCO Legislative Committee** (Sacramento)
- 14-15 California State Assn. of Counties Legislative Conference (Sacramento)
- 20-21 California Special Districts Assn. Legislative Days (Sacramento)

JUNE

- 16 **CALAFCO U – Ag Mitigation** (Sacramento) **LAFCo Best Practices**

JULY

- 11 **CALAFCO Board of Directors Meeting** (Sacramento)
- 25 **CALAFCO Legislative Committee** (Conference Call)

AUGUST

- 11 **CALAFCO U – Ag Mitigation** (Sacramento)
- 20-23 California Association of Sanitation Agencies Annual Conference (Monterey)

SEPTEMBER

- 3-5 League of California Cities Annual Conference (Los Angeles)
- 24-26 Regional Council of Rural Counties Annual Conference (Squaw Valley)
- 29-30 California Special Districts Assn. Annual Conference (Palm Springs)

OCTOBER

- 1-2 California Special Districts Assn. Annual Conference (Palm Springs)
- 15-17 **CALAFCO Annual Conference** (Ontario)
- 17 **CALAFCO Board of Directors Meeting** (Ontario)

NOVEMBER

- 7 **CALAFCO Board of Directors Meeting** (Sacramento)
- 18-21 California State Assn. of Counties Annual Meeting (Anaheim)

DECEMBER

- 2-5 Association of California Water Agencies Conference (San Diego)
- 8 **CALAFCO U – Legal Interpretations of C-K-H** (Sacramento)