



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

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

ALTERNATES:
Pete Vander Poel
Craig Vejvoda
Dennis Mederos

EXECUTIVE OFFICER:
Ben Giuliani

LAFCO MEETING AGENDA
April 6, 2016 @ 2:00 P.M.
BOARD OF SUPERVISORS CHAMBERS
COUNTY ADMINISTRATIVE BUILDING
2800 West Burrel Avenue
Visalia CA 93291

- I. **Call to Order**
- II. **Approval of Minutes from March 2, 2016 (Pages 1-2)**
- 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. **LAFCO Case# 1522b Deer Creek SWD Annexation Reconsideration (Pages 3-90)**
[Public Hearing].....Recommended Action: See Options

Two reconsideration requests were received regarding the inclusion of the Homeland Canal and some adjoining properties from Kings County Canal Co. and J.G. Boswell Co. The reconsideration requests will be heard and, the Commission may approve with or without amendment, wholly, partially, or conditionally, or disapprove the request.

- 2. **LAFCO Case# 1522b Reorganization of the Deer Creek SWD Protest (Pages 91-94)**
[No Public Hearing].....Recommended Action: Approval or Continuance

On January 20th, 2016, Tulare County LAFCO approved the annexation of certain territory to the Deer Creek Storm Water District. As a result of written protests being received during the public comment period, a protest hearing was held on February 24, 2016. Additionally, during the 30 day reconsideration period two letters of reconsideration were received. As a result the protest proceeding results could not be finalized until the reconsideration requests are heard and acted upon by the Commission.

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.

3. Alternate Public Member Appointment (Pages 95-98)
[No Public Hearing]Recommended Action: Select Alternate Member

At least one month prior to the expiration of the term of office of the Public or Alternate Public Member, the Commission shall appoint an alternate public member. The Selection Committee shall give the Commission their recommendation. The term of office of the Alternate Public Member representing the general public on the Tulare County Local Agency Formation Commission expires on May 2, 2016.

4. Adoption of the City of Exeter Municipal Service Review Update (Pages 99-114)
[No Public Hearing].....Recommended Action: Adoption

The Commission will consider the adoption of the City of Exeter MSR Update. The MSR and its determinations were posted for public review on March 16, 2016. The Executive Summary is enclosed. The complete MSR is posted on the Commission's website at: <http://lafco.co.tulare.ca.us/lafco/index.cfm/msr/city-of-exeter-msr/>. This item is exempt from the California Environmental Quality Act: Section 15061(b)(3) and 15303.

5. City of Exeter Sphere of Influence (SOI) Update (Pages 115-122)
[Public Hearing].....Recommended Action: Approval

The Commission will consider the proposed Sphere of Influence update for the City of Exeter. LAFCO has reviewed and considered the information contained in the EIR prepared for the 2020 General Plan Update and Southwest Specific Plan Supplemental EIR certified by the City of Exeter.

6. 2016/2017 Preliminary Budget and Work Program (Pages 123-148)
[Public Hearing].....Recommended Action: Approval

Pursuant to GC 56381, the Commission must adopt a proposed budget and work program, for the following fiscal year, by May 1. The Commission must also decide the amount of reserve funds; if any, it would like to apply in order to offset the contribution from the County's eight cities and Tulare County. All expenditures and revenues are itemized on a single spreadsheet and the work program provides further detail on how these expenditures and revenues will be allotted during the fiscal year. A spreadsheet illustrating different contribution scenarios is also included.

7. Cancel or Move May 4th Meeting (No Page)
[No Public Hearing].....Recommended Action: Approval

The Commission may wish to cancel or move the May 4th dependent upon prior actions.

V. Executive Officer's Report

1. ESA 2016-01 (Porterville) (Pages 149-150)

Pursuant to Policy C-6, the Executive Officer approved one ESA between the City of Porterville and single parcel owner for the provision of domestic water.

2. Legislative Update (Pages 151-162)

Enclosed is information on the various state bills that are being tracked by CALAFCO.

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.

3. Upcoming Projects (No Page)

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

VI. Correspondence

1. CALAFCO Quarterly Report (Pages 163-166)

VII. Other Business

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

VIII. Setting Time and Place of Next Meeting

1. May 4, 2016, May 11, 2016 or June 1, 2016 @ 2:00 P.M. in the Board of Supervisors Chambers in the County Administration Building.

IX. Adjournment

NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking.

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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
Summary Minutes of the Meeting
March 2, 2016

Members Present: Allen, Worthley (after Item IV.2)

Members Absent: Hamilton, Ishida, Mendoza

Alternates Present: Mederos, Vander Poel, Vejvoda

Alternates Absent: None

Staff Present: Giuliani, Echavarria, Blythe

Counsel Present: Tennenbaum

I. Call to Order

Member Allen was selected as the Chair Pro Tem and called the Tulare County Local Agency Formation Commission meeting to order at 2:01 p.m.

II. Approval of the January 20, 2016 Meeting Minutes:

Upon motion by Commissioner Vander Poel and seconded by Commissioner Vejvoda, the Commission unanimously approved the minutes of January 20, 2016.

III. Public Comment Period

Member Allen opened and closed the Public Comment Session at 2:02 p.m. There were no public comments.

IV. New Action Items

1. City of Visalia Reorganization LAFCO Case 1521-V-447 Protest

Staff Analyst Echavarria stated the City of Visalia Reorganization Protest Hearing was held on February 24, 2016 and protests were received from landowners representing 43.3% of the land value within the protest area. SA Echavarria recommended that Commission adopt the attached resolution and approve the reorganization without an election.

Upon motion by Commissioner Vejvoda and seconded by Commissioner Vander Poel, the Commissioners unanimously approved the City of Visalia Reorganization LAFCO Case 1521-V-447 Protest.

2. LAFCO Case #1522b Reorganization of the Deer Creek SWD Protest

Staff Analyst Echavarria stated the Deer Creek Storm Water District Annexation Protest Hearing was held on February 24, 2016 and protests were received from landowners representing .22% of the land value within the annexation area. SA Echavarria stated two requests for reconsideration have been filed for the annexation and recommended that Commission continue the item to the April 6th meeting after the reconsideration requests have been heard and acted upon by the Commission.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Vejvoda, the Commissioners unanimously approved that LAFCO Case #1522b Reorganization of the Deer Creek SWD Protest be continued.

3. Alternate Public Member Selection Committee
Commissioner Vander Poel motioned for Commissioner Hamilton and Commissioner Worthley to serve on the committee for the Alternate Member Selection Committee.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Vejvoda, the Commissioners unanimously approved the Alternate Public Member Selection Committee.

V. Executive Officer's Report

1. Conflict of Interest Code - Form 700
LAFCO Clerk Ms. Blythe stated it is required yearly for LAFCO Commissioners to submit a Form 700 and the deadline to submit is April 1, 2016.
2. Reconsideration Requests for the Deer Creek SWD Annexation
EO Giuliani presented the two reconsideration requests received for Deer Creek Storm Water District Annexation and stated there is a 21 day notice and hearing for the consideration of the requests.
3. Legislative Update
EO Giuliani stated a copy of the CALAFCO daily legislative report was e-mailed to Commissioners. EO Giuliani highlighted SB 1318 for disadvantaged communities, as the bill will have a direct impact on specific situations in Tulare County.
4. Upcoming Projects
EO Giuliani stated that at the April meeting the following would be presented: reconsiderations for Deer Creek, draft budget for the next fiscal year, and the City of Exeter MSR and Sphere of Influence Update.

VI. Correspondence

EO Giuliani stated that enclosed in the packets is a notice of the Draft Groundwater Sustainability Plan Emergency Regulations Public Comment Meetings, one of which will be held in Visalia on March 21, 2016 at 6 p.m.

VI. Setting Time and Place of Next Meeting

The next meeting will be held April 6, 2016 in the Board of Supervisors Chambers in the County Administration Building.

VI. Adjournment

The meeting was adjourned at 2:21 p.m.

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

April 6th, 2016

**Reconsideration of LAFCO Resolution 16-003
Case #1522b
Deer Creek Storm Water District Annexation**

Background

On January 20, 2016, the Tulare County LAFCO approved Resolution 16-003 setting forth the terms and conditions for the Deer Creek Storm Water District (SWD) Annexation, LAFCO Case 1522b [Figure 1]. The annexation includes 5 areas of nearly 36,000 acres roughly bounded by Kern County to the south, Kings County to the west, Road 128 (the westerly boundary of the Delano-Earlimart Irrigation District) to the east and Avenues 56 and 120 to the north. On February 19, 2016 two written reconsideration requests were filed requesting amendments to the approved annexation. The area requested for reconsideration involves properties owned by the Kings County Canal Company and areas covered by the Homeland and Lakeland Canals which are operated by the Kings County Canal Co. and J.G. Boswell Co. [Figure 2].

Discussion

The Cortese-Knox-Hertzberg (CKH) Local Government Reorganization Act sets a very high standard for the evaluation of reconsideration requests in Government Code (GC) §56895(a):

The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration.

This report will first review the requests in regards to the standard set in GC §56895(a):

Are there any new or different facts that could not have been presented previously?

Secondly, this report will review the merits of any new or different facts that could not have been previously presented in regards to the request of amending the resolution to remove property from the annexation:

Does amending the annexation boundaries make sense based on the new information?

Reconsideration Request submitted by J.G. Boswell Co. [Figure 3]

J.G. Boswell Co. has requested that the Lakeland Canal (APN 291-040-005) be removed from the annexation. (Note: ownership of the property in question is addressed later in this report in the section regarding the letter submitted by Deer Creek SWD.) Two issues are raised in the letter in regards to potential new or different information that could not have been presented previously.

1) Written notice was not received for the public hearing held on January 20th, 2016.

J.G. Boswell Co. was on the distribution list for notices mailed for this annexation. Notice for this public hearing was provided in accordance with GC §56156 and §56157. In addition GC §56160 states the following:

The failure of any person or entity to receive notice given pursuant to this division shall not constitute grounds for any court to invalidate any action taken for which the notice was given.

Also, the Kings County Canal Co. is owned by J.G. Boswell Co. with both companies sharing the same address. A Kings County Canal Co. representative was present at the public hearing and there was opportunity for the inclusion/exclusion of the J.G. Boswell portion of the canal to be addressed at that time.

Conclusion:

The claim of lack of notice does not constitute new or different information that could not have been presented previously.

2) The exclusion of the J.G. Boswell Co. portion of the canal does not create an island.

The exclusion of the portion of the canal through section 34 (APN 291-040-005) would create a 95% surrounded island. Figure 4 shows the Deer Creek SWD boundaries if all of the requested properties (both J.G. Boswell Co. and Kings County Canal Co.) were removed from the annexation.

Conclusion:

The claim of not creating an island is inaccurate and does not constitute new or different information that could not have been presented previously.

Reconsideration Request submitted by Kings County Canal Co. [Figure 5]

Kings County Canal Co. (KCCC) has requested that land owned by the company (APNs 311-070-002, -036 and -029), the Homeland Canal and Laterals A and B be removed from the annexation. (Note: ownership of the property in question is addressed later in this report in the section regarding the letter submitted by Deer Creek SWD.) Two issues are raised in the letter in regards to potential new or different information that could not have been presented previously.

1) The exclusion of the KCCC property and canals would not create an island.

The exclusion of the KCCC properties and canals would create several 90%+ surrounded islands for most of the areas in question [Figure 4]. The exclusion of some of the Homeland Canal (in section 3 and part of section 10 as shown in Figure 2) would not currently create an island. However, there was opportunity to address this at the January 20th meeting.

Conclusion:

The claim of not creating an island is inaccurate does not constitute new or different information that could not have been presented previously.

2) The Tulare Lake Basin Water Storage District (TLBWSD) has requested a subbasin boundary modification.

The TLBWSD filed a notification of intent to request a subbasin boundary modification for the Tulare Lake Subbasin with the Department of Water Resources (DWR) on February 19th, 2016. This notification occurred within the 30 day reconsideration period (January 20th to February 19th, 2016). Subsequently, the actual request to modify the boundary was filed on March 24th, 2016. The current Tulare Lake Subbasin boundary within Tulare County is shown on Figure 6. The subbasin boundaries were adopted by the State in 1980 in Bulletin 118-80 (Ground Water Basins in California). The requested modification would move the portion of the Homeland Canal south of Deer Creek and the intervening parcels to the west of the Homeland Canal from the Tule Subbasin into the Tulare Lake Subbasin.

KCCC states that the annexation of the KCCC properties and Homeland Canal (south of Deer Creek) into Deer Creek SWD would not be needed for the purpose of being Groundwater Storage Agency (GSA). However, the boundary modification request is subject to discretionary approval by DWR. In addition, any draft approvals will not be known until late July 2016 and final draft approvals until September 2016 [Figure 7].

Conclusion:

While the ultimate outcome is not yet known, the action made by TLBWSD does appear to be new information that couldn't have been presented by KCCC at the January 20th meeting regarding the KCCC properties and Homeland Canal south of Deer Creek.

Additional Information Provided by KCCC [Figure 8]

KCCC provided a letter dated March 17th, 2016 which contains supplemental information to their reconsideration request. The supplemental information primarily includes additional evidence regarding the subbasin boundary modification request. The letter also states that not all of the parcels owned by KCCC were identified at the January 20th hearing. However, KCCC did have the opportunity to identify all of the parcels at the public hearing.

The letter also identifies precedent where the exclusion of railroad properties split district boundaries. There are examples where districts are split by railroad properties [Figure 9]. In the case of Lower Tule River Irrigation District, the district is split by the BN&SF Railroad (along SR-43) and the Union Pacific Railroad (along SR-99). A difference between this railroad example and this situation is that railroads have no relation with the provision of irrigation services while there is a relationship between canals and storm water control.

Information Provided by Deer Creek SWD [Figure 10]

Deer Creek SWD provided a letter dated March 22nd, 2016 which contains information regarding ownership and easements involving Lateral A and the Homeland/Lakeland Canal north of Deer Creek as shown in Figure 2. Based only on the information provided by Deer Creek SWD, it appears that much of the canals are easements held by KCCC and J.G. Boswell while the underlying ownership is held by Sandridge Partners, a consenting property owner to the annexation. With KCCC and J.G. Boswell potentially being easement holders rather than having fee title ownership of the land, Deer Creek

SWD has questioned their standing in the requests for reconsideration. KCCC and J.G. Boswell do have standing because reconsideration requests can be filed by anyone, not just property owners.

However, this does lead to a conflict where the underlying property has consented to the annexation (Sandridge) versus a perpetual easement holder desires to be excluded (KCCC/J.G. Boswell). The existence of the canals predate the easement documentation from 1981. It is possible that there is other documentation showing that KCCC and J.G. Boswell are also underlying property owners. However, this documentation has not been provided. The existence of an APN does not mean that the parcel is a lot of legal record.

Deer Creek SWD also outlined how the Homeland Canal and Lateral A are already used for flood conveyance from Deer Creek and are important to flood control planning which provides a nexus between Deer Creek SWD's mission of storm water control and the properties in question. In addition, the letter notes that the subbasin boundary adjustment is subject to discretionary approval outside of KCCC's control.

Other Information

Deer Creek SWD may be able to perform storm water control without the canals in question being included in the SWD. For example, if the Deer Creek SWD wanted to move storm water from the existing district under or over the Homeland Canal to the annexed areas on the west side of the canal, absent a cooperative agreement with KCCC, Deer Creek SWD would still have the ability to condemn land. Code of Civil Procedure §1240.125 states the following:

Except as otherwise expressly provided by statute and subject to any limitations imposed by statute, a local public entity may acquire property by eminent domain outside its territorial limits for water, gas, or electric supply purposes or for airports, drainage or sewer purposes if it is authorized to acquire property by eminent domain for the purposes for which the property is to be acquired.

Option A – Disapproval of the Reconsideration Requests

The Commission may disapprove of the reconsideration requests based on the following information:

- There is no compelling new information provided in the reconsideration requests to merit any changes in the annexation boundaries.
- There is a nexus between Deer Creek storm water control and the Homeland Canal and Lateral A.
- The exclusion of the canals and associated properties would create substantially surrounded islands and illogical boundaries.
- The Commission may determine that the desire of the underlying property owner for Lateral A and the Homeland Canal north of Deer Creek to be included in the annexation outweighs the desire of the easement holder to be excluded from the annexation. [Note: ownership of the underlying property hasn't been definitively proven.]

Effects of disapproving the reconsideration requests

There would be no change to the approving resolution and the protest results can be acted upon. The annexation could then be recorded with no additional delay.

Options B1 and B2 – Approval of the Reconsideration Requests

Option B1 [Figure 11]

If the Commission concurs with the analysis that the only new information is the submittal of the subbasin modification request by TLBWSD the Commission may choose to approve the KCCC reconsideration request based on the following information:

- The exclusion of the KCCC parcels and Homeland Canal south of Deer Creek may not negatively impact Deer Creek SWD's ability to provide storm water control.
- KCCC's desire to not be included in the annexation outweighs the creation of a substantially surrounded island.
- The Commission may determine that the desire of the underlying property owner for Lateral A and the Homeland Canal north of Deer Creek to be included in the annexation outweighs the desire of the easement holder to be excluded from the annexation. [Note: ownership of the underlying property hasn't been definitively proven.]

Option B2 [Figure 12]

If the Commission determines that the new information regarding the subbasin boundary would've have affected the treatment of the entire canal system or if the Commission decides there is additional new information that couldn't have been previously presented the Commission may choose to approve the KCCC reconsideration request based on the following information:

- KCCC's and J.G. Boswell Co.'s desire to not be included in the annexation outweighs the creation of a substantially surrounded island.
- Excluding canal right of way is similar to excluding railroad right of way.
- The exclusion of the Homeland Canal and Laterals A and B may not negatively impact Deer Creek SWD's ability to provide storm water control.
- The Commission may determine that the desire of the easement holder to be excluded from the annexation for Lateral A and the Homeland Canal north of Deer Creek outweighs the desire of the underlying property owner to be included in the annexation. [Note: ownership of the underlying property hasn't been definitively proven.]

Effects of approving the reconsideration requests

The approving resolution would need to be modified to reflect the change in the annexation area and the action on the protest results would need to be delayed. This would trigger an additional 30 day reconsideration period. If there are no further

reconsideration requests, the protest results would be approved at the June 1st meeting. The May 4th meeting would fall within the 30 day reconsideration period or the May 4th meeting could be moved to May 11th. The annexation could be recorded following action on the protest results on May 11th or June 1st. If there is an additional reconsideration request, a 21 day public hearing notice would need to be given and the hearing would take place at the June 1st meeting. If there are no further changes then the protest results could be acted upon at the June 1st meeting and the annexation could be recorded. If there are further changes, then there is another 30 day reconsideration period.

Attachments:

- Figure 1 – Resolution 16-003 (approval of the Deer Creek SWD Annexation)
- Figure 2 – Map of the Reconsideration Area
- Figure 3 – Reconsideration Request from J.G. Boswell Co.
- Figure 4 – Map if all of the subject territory were removed
- Figure 5 – Reconsideration Request from Kings County Canal Co.
- Figure 6 – Map of the Tulare Lake Subbasin in Tulare County
- Figure 7 – Basin Boundary Modification Timeline
- Figure 8 – Additional information from KCCC
- Figure 9 – Map of Lower Tule ID
- Figure 10 – Letter from Deer Creek SWD
- Figure 11 – Map of Option B1
- Figure 12 – Map of Option B2
- Figure 13 – Resolution

considered in accordance with GC §56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The Deer Creek Storm Water District, as Lead Agency, filed a Notice of Exemption in compliance with the California Environmental Quality Act (CEQA). And finds that the proposed Detachment will not have a significant impact on the environment. Under the California Environmental Quality Act (CEQA) Section 15004(b)(2)(A), 15301, 15304, 15306, 15307, 15308, 15325, 15262, and 15061(b)(3), the proposal is considered exempt from CEQA review.

3. The Commission has reviewed and considered, in accordance with GC §56668, the information, materials and facts presented by the following persons who appeared at the public hearing and commented on the proposal:

Dennis Keller, Earlimart PUD
Carlo Wilcox, Property Owner
Aubrey Mauritsen, Kings County Canal Company
Steve Etchagaray, Property Owner
Dale Brogan, Delano Earlimart District
Matt Hurley, Deer Creek Storm Water District
Michael Nordstrom, Tulare Lake Basin Water Storage District
Greg Manston, Property Owner
Cynthia Echavarria
Ben Giuliani

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

5. Based upon the evidence and information on the record before it, the

Commission makes the following findings of fact:

a. This proposal is for the annexation of territory consisting of nearly 43,000 acres of land.

- b. The boundaries of the proposed annexation are definite and certain and conform to lines of assessment.
- c. More than 12 registered voters reside in the affected territory and 100% landowner consent was not received.
- d. No change in services will result from this annexation other than storm water control.
- e. An annexation into a storm water district is not mutually exclusive to an annexation into an irrigation district.

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

- a. The area bounded by Annexation Areas A, B and C (about 5,650 acres) shall be added to the annexation.
- b. The area proposed to be annexed to Delano-Earlimart Irrigation District (DEID) less the State and Federal owned land shall be removed from the annexation (about 7,350 acres).
- c. Several non-consenting areas within Annexation Areas A and B shall be removed from the annexation (about 5,520 acres).
- d. The proposed annexation is compatible with the County's General Plan.
- e. There is a demonstrated need for storm water control services and the District has the capability of meeting this need.
- f. The proposed annexation represents a logical and reasonable expansion of the annexing district.
- g. The proposal is consistent with the findings and declarations of GC §56001.

7. Authorize the Executive Officer to conduct a protest hearing subsequent to these proceedings and to report to the Commission the results of that hearing for action in accordance with GC §§57000-57120.

8. Approve the annexation as proposed by Deer Creek Storm Water District, to be known as LAFCO Case Number 1522b, Deer Creek Storm Water District, with the following conditions:

a. The Certificate of Completion shall not be recorded until corrections are completed to the map and legal description that include the added area to the annexation and exclude the removed areas from the annexation.

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

LAFCO Case No. 1522b, Deer Creek Storm Water District Annexation.

10. Determines, in accordance with CEQA, as a Responsible Agency, that it has considered the Notice of Exemption prepared by Deer Creek Storm Water District:

The foregoing resolution was adopted upon motion of Commissioner Worthley, seconded by Commissioner Allen, at a regular meeting held on this 20th day of January, 2016 by the following vote:

AYES: Worthley, Allen, Mendoza, Hamilton, Vander Poel (A)

NOES: None

ABSTAIN: None

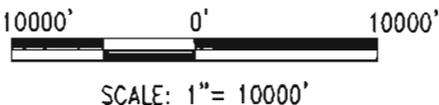
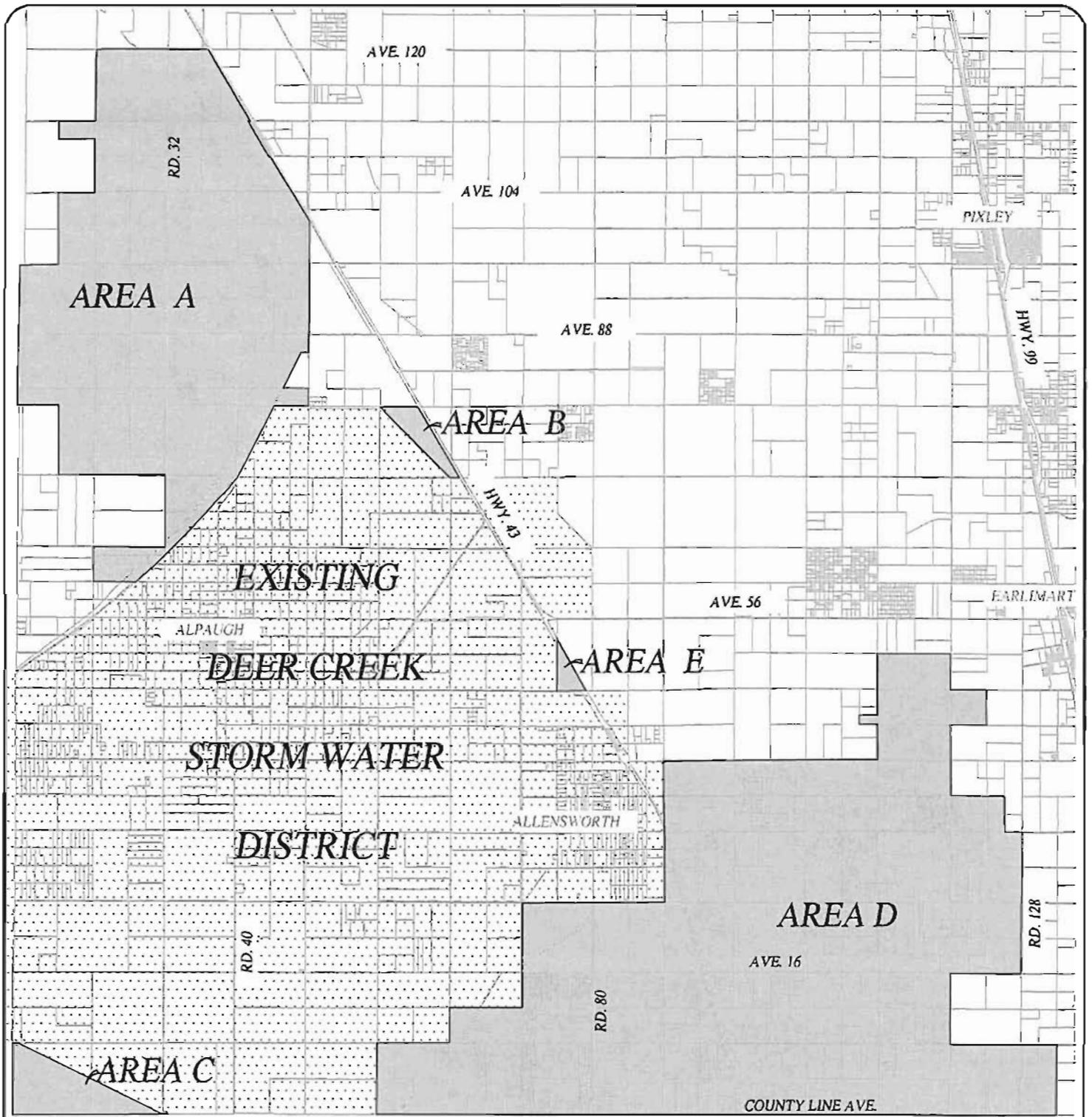
PRESENT: Mederos (A)

ABSENT: Ishida, Vejvoda (A)



Ben Giuliani, Executive Officer

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PLOT DATE:	2/29/2016
JOB NO.:	150363
DWG. NAME:	150363-ANNEXATION EXHIBIT
SCALE:	1" = 10000'
SHEET NO.:	1 OF 1

ANNEXATION EXHIBIT

DEER CREEK STORM WATER DISTRICT

PREPARED BY:



Quad Knopf

901 E MAIN STREET
P.O. BOX 3698
VIBALIA, CA 93278
TEL: (562) 733-0440
FAX: (562) 733-7821

DRW BY: JLC CHK BY: DCK

Exhibit "A"
Legal Description

Area A

Sections 20, 28, 29, 32, 33, and portions of Sections 21, 22, 27, 30, 31, and 34, all in Township 22 South, Range 23 East, Mount Diablo Base and Meridian, and Sections 3, 4, 5, 6, 7, 8, 9, 16, 17, and portions of Sections 10, 15, 18, 21, and 29, all in Township 23 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, and all being more particularly described as follows;

Beginning at the Northwest Corner of said Section 20, T.22S., R.23E., said point also being on the South boundary line of the Lower Tule River Irrigation District:

Course 1. Easterly, along the North line of said Section 20 and 21, and also along said South boundary line of the Lower Tule Irrigation District boundary, a distance of 1.57 miles. more or less, to the Westerly right of way line of the B.N. & S.F. railroad, said line being parallel with and distant 50 feet Southwesterly, measured at right angles from the centerline of said railroad, thence, leaving said Lower Tule River Irrigation District boundary line,

Course 2. Southeasterly, along said Westerly right of way line, a distance of 4,681 feet. more or less, to the West line of said Section 22, T.22S., R.23E., said point also being on the Easterly boundary line of the Angiola Water District boundary line, thence,

Course 3. Southeasterly, continuing along said Westerly right of way line, and also along said Angiola Water District boundary, a distance of 1,405 feet. more or less, to the North line of said Section 27, T.22S., R.23E., thence

Course 4. Westerly, along said North line of said Section 27, and continuing along said Easterly boundary line, a distance of 130 feet. more or less, to the Westerly right of way line of said railroad, said line being parallel with and distant 160 feet Southwesterly, measured at right angles from the centerline of said railroad, thence,

Course 5. Southeasterly, along last said Westerly right of way line, and continuing along said Easterly boundary line, 3,055 feet. more or less, to the South line of the Northwest quarter of said Section 27, thence,

Course 6. Easterly, along said South line of the Northwest quarter, and continuing along said Easterly boundary line, a distance of 130 feet. more or less, to the Westerly right of way line of said railroad, said line being parallel with and distant 50 feet Southwesterly, measured at right angles from the centerline of said railroad, thence,

Course 7. Southeasterly, along last said Westerly right of way line, and continuing along said Easterly boundary line, a distance of 5,598 feet. more or less, to the East line of said Section 34, T.22S., R.23E., thence,

Course 8. Southerly, along said East line of Section 34, and continuing along said Easterly boundary line, a distance of 3,160 feet. more or less, to the Southeast corner of said Section 34, said point also being the Northeast corner of said Section 3, T.23S., R.23E., thence,

Course 9. Southerly, along the East line of said Section 3 and the East line of said Section 10, T.23S., R.23E., and continuing along said Easterly boundary line, a distance of 1.25 miles. more or less, to the Southeast corner of the North half of the Northeast quarter of said Section 10, thence,

Course 10. Westerly, along the South line of said North half of the Northeast quarter, and continuing along said Easterly boundary line, a distance of 600 feet. more or less, to a point of intersection with the Southeasterly bank of the Kings County Canal Company's Homeland Canal, thence, leaving said Easterly boundary line,

Course 11. Southwesterly, along said Southeasterly bank, a distance of 2,937 feet. more or less, to a point of intersection with the North line of the South half of the Southeast quarter of said Section 10, T.23S., R.23E., said point also being on the Easterly boundary line of the Angiola Water District, thence, leaving said Southeasterly bank,

Course 12. Easterly, along last said North line, and also continuing along said Easterly boundary line, a distance of 1,888 feet. more or less, to the East line of said Section 10, thence,

Course 13. Southerly, along said East line of Section 10, and continuing along said Easterly boundary line, a distance of 0.25 miles. more or less, to the Southeast corner of said Section 10, said point also being on the Northerly boundary line of the Deer Creek Storm Water District of Tulare and Kings Counties, thence,

Course 14. Westerly, along the South line of said Section 10, and also along said Northerly boundary line, and continuing along said Easterly boundary line, a distance of 0.5 miles. more or less, to the point of intersection with the Southeasterly bank of the Kings County Canal Company's Homeland Canal and the North Line of said Section 15, T.23S., R.23E., thence, leaving said Easterly boundary line of the Angiola Water District,

Course 15. In a general Southwesterly direction, along said Southeasterly bank, and also along said Northerly boundary line, through said Sections 15, 22, 21, 28, and 29, all in T.23S., R.23E., a distance of 3.2 miles. more or less, to the point where said Southeasterly bank intersects the South line of the North half of said Section 29, thence, leaving said Southeasterly bank, and also leaving said Deer Creek Storm Water District boundary,

Course 16. Westerly, along said South line of the North half, a distance of 0.6 miles. more or less, to the West line of said Section 29, thence,

Course 17. Northerly, along said West line, a distance of 0.5 miles. more or less, to the point where the Southerly bank of the Kings County Canal Company's canal intersects said West line, thence,

Course 18. Easterly, along said Southerly bank, a distance of 1 mile. more or less, to the point where said Southerly bank intersects the East line of said Section 29, thence,

Course 19, Northerly, along the East line of said Section 29, and along the West line of said Section 21, T.23S., R.23E., a distance of 1 mile, more or less, to the Northwest corner of said Section 21, said point also being the Southeast corner of Section 17, T.23S., R.23E., thence,

Course 20, Westerly, along the South line of said Section 17, a distance of 1.0 mile, more or less, to the Southeast corner of said Section 18, T.23S., R.23E., said point also being on the Southerly boundary line of Angiola Water District, thence

Course 21, Westerly, along the South line of said Section 18, and also along said Southerly boundary line, a distance of 0.5 miles, more or less, to the Southwest corner of the East half of said Section 18, thence, leaving said Southerly boundary line,

Course 22, Northerly, along the West line of said East half, a distance of 1 mile, more or less, to the Northwest corner of said East half, said point also being on the South line of said Section 7, T.23S., R.23E., thence,

Course 23, Westerly, along said South line of Section 7, a distance of 0.57 miles, more or less, to the Southwest corner of Government Lot 7 in said Section 7, said point also being the Southwest corner of said Section 7, thence,

Course 24, Northerly, along the West lines of said Sections 7, and 6, T.23S., R.23E., a distance of 2 miles, more or less to the Northwest corner Government Lot 5 in said Section 6, said point also being the Northwest corner of said Section 6, thence,

Course 25, Easterly, along the North line of said Section 6, a distance of 452 feet, more or less, to the Southwest corner of Sec. 31, T.22S., R.23E., said point also being on the Northerly boundary line of the Angiola Water District, thence,

Course 26, Easterly, along the North line of said Section 6, and also along the Northerly boundary line of Angiola Water District, a distance of 2.509 feet, more or less, to the Southwest corner of the East half of said Section 31, T.22 S., R.23E., thence,

Course 27, Northerly, along the West line of said East half, and also continuing along said Northerly boundary line, a distance of 1 mile, more or less, to the Northwest corner of said East half, thence,

Course 28, Easterly, along the North line of said East half of Section 31, and also continuing along said Northerly boundary line, a distance of 0.5 miles, more or less, to the Northeast corner of said Section 31, said point also being the Southeast corner of Section 30, T.22S., R.23E., thence, leaving said Northerly boundary line,

Course 29, Northerly, along the East line of said Section 30, a distance of 0.75 miles, more or less, to the Southeast corner of the North half of the Northeast quarter of said Section 30, thence

Course 30, Westerly, along the South line of said North half, a distance of 0.5 miles, more or less, to the Southwest corner of said North half, thence,

Course 31, Northerly, along the West line of said North half, a distance of 0.25 miles, more or less, to the Northwest corner of said North half, thence,

Course 32. Easterly, along the North line of said North half, a distance of 0.5 miles, more or less, to the Northeast corner of said Section 30, said point also being the Southwest corner of Section 20, T.22S., R.23E., and also on said Westerly boundary line of Angiola Water District, thence,

Course 33. Northerly, along the West line of said Section 20, and also along said Westerly boundary line, a distance of 1 mile, more or less, to the Northwest corner of said Section 20, said point being on the South boundary line of the Lower Tule River Irrigation District, and the Point of Beginning.

Containing 12,613 acres, more or less

Area B

Those portions of Section 13, Township 23 South, Range 23 East, Mount Diablo Base and Meridian, and Section 18, Township 23 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, more particularly described as follows;

Beginning at the Northwest corner of said Section 13, T.23S., R.23E., said point being situated on the Northerly boundary line of Deer Creek Storm Water District of Tulare and Kings Counties:

Course 1. Easterly, leaving said Northerly boundary line of Deer Creek Storm Water District, along the North line of said Section 13, a distance of 0.6 miles, more or less, to the Westerly right of way line of the B.N. & S.F. railroad, said line being parallel with and distant 50 feet Southwesterly, measured at right angles from the centerline of said railroad, thence,

Course 2. Southeasterly, along said Westerly right of way line, a distance of 4.839, more or less, to the East line of said Section 13, T.23S., R.23E., thence,

Course 3. Southeasterly, along last said Westerly right of way line, a distance of 1.304 feet, more or less, to the South line of said Section 18, T.23S., R.24E., said point also being on the Northerly boundary line of the Deer Creek Storm Water District of Tulare and Kings Counties, thence,

Course 4. Westerly, along last said South line of Section 18, and also along said Northerly boundary line, a distance of 671 feet, more or less, to the Southwest corner of said Section 18, thence,

Course 5. Northwesterly, continuing along said Northerly boundary line, a distance of 7,472 feet, more or less, to the Northwest corner of said Section 13, and the Point of Beginning.

Containing 212 acres, more or less

Area C

Those portions of Sections 31 and 32, Township 24 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, more particularly described as follows;

Beginning at the Northwest Corner of said Section 31:

Course 1. Easterly, along the North line of said Section 31, a distance of 490 feet. more or less, to a point on the Southwesterly line of the existing boundary of the Deer Creek Storm Water District of Tulare and Kings Counties, said line runs Northwesterly from the Southwest corner of Section 33, T.24S., R.23E., to the Southwest corner of Section 23, T.24S., R.22E., thence,

Course 2. Southeasterly, along said Southwesterly boundary of Deer Creek Storm Water District, a distance of 2.25 miles. more or less, to the Southeast corner of said Section 32, thence, leaving said Deer Creek Storm Water District boundary line,

Course 3. Westerly, along the South line of said Sections 32 and 31, a distance of 2 miles. more or less, to the Southwest corner of said Section 31, thence,

Course 4. Northerly, along the West line of said Section 31, a distance of 1 mile. more or less, to the Northwest corner of said Section 31, said point also being on the Southwesterly boundary of the Deer Creek Storm Water District, and the Point of Beginning.

Containing 711 acres, more or less

Area D

The South half Section 31 in Township 23 South, Range 25 East; Section 36, Township 24 South, Range 23 East; Sections 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, and portions of Section 1, and 30, all in Township 24 South, Range 24 East; Sections 6, 7, 17, 18, 19, 20, 30, 31, 32, and portions of Sections 5, 8, and 33, all in Township 24 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, more particularly described as follows;

Beginning at the Northwest Corner of said South half of Section 31, T.23S., R.25E:

Course 1. Easterly, along the North line of said South half, a distance of 1 mile. more or less, to the Northeast corner of said South half, thence,

Course 2. Southerly, along the East line of said South half of Section 31, a distance of 0.5 miles. more or less, to the Southeast corner of said Section 31, said point also being the Northwest corner of Section 5, T.24S., R.25E., thence,

Course 3. Easterly, along the North line of said Section 5, a distance of 0.5 miles. more or less, to the Northeast corner of the Northwest quarter of said Section 5, thence,

Course 4. Southerly, along the East line of said Northwest quarter, a distance of 0.5 miles, more or less, to the Southeast corner of said Northwest quarter, thence,

Course 5. Westerly, along the South line of said Northwest quarter, a distance of 0.5 miles, more or less, to the Southwest corner of said Northwest quarter, said point also being the East quarter corner of Section 6, T.24S., R.25E., thence,

Course 6. Southerly, along the East line of the Southeast quarter of said Section 6, and the East line of the Northeast quarter of said Section 7, T.24S., R.25E., a distance of 1 mile, more or less, to the East quarter corner of said Section 7, said point is also the West quarter corner of Section 8, T.24S., R.25E., thence,

Course 7. Easterly, along the North line of the South half of said Section 8, a distance of 0.75 miles, more or less, to the Northeast corner of the West half of the Southeast quarter of said Section 8, said point also being on the Westerly boundary line of Delano-Earlimart Irrigation District, thence,

Course 8. Southerly, along the East line of said West half of the Southeast quarter, and also along said Westerly boundary line, a distance of 0.5 miles, more or less, to the Southeast corner of said West half; said point also being situated on the North line of Section 17, T.24S., R.25E., thence,

Course 9. Easterly, along the North line of the Northeast quarter of the Northeast quarter of said Section 17, and continuing along said Westerly boundary line, a distance of 0.25 miles, more or less, to the Northeast corner of said Section 17, thence,

Course 10. Southerly, along the East lines of said Sections 17, and 20, T.24S., R.25E., and continuing along said Westerly boundary line, a distance of 2 miles, more or less, to the Southeast corner of said Section 20, thence, leaving said Westerly boundary line,

Course 11. Westerly, along the South line of said Section 20, a distance of 1 mile, more or less, to the Northeast corner of Section 30 T.24S.R.25E., thence,

Course 12. Southerly, along the East line of said Section 30, a distance of 1 mile, more or less, to the Northwest corner of Section 32, T.24S. R25E., thence,

Course 13. Easterly, along the North lines of said Sections 32, and the Northwest quarter of Section 33 T.24S., R.25E., a distance of 1.0 mile, more or less, to the Northwest corner of said Section 33, said point is also on the Westerly boundary line of Delano-Earlimart Irrigation District, thence,

Course 14. Easterly, along the North line of said Section 33, and also along said Westerly boundary line, a distance of 0.5 miles, more or less, to the North quarter corner of said Section 33, thence,

Course 15. Southerly, along the East line of the West half of said Section 33, and continuing along said Westerly boundary line, a distance of 1 mile, more or less, to the South quarter corner of said Section 33, thence, leaving said Delano-Earlimart Irrigation District boundary,

Course 16. Westerly, along the South lines of said Sections 33, 32, and 31 T.24S., R.25E., a distance of 2.5 miles, more or less, to the Southwest corner of said Section 31, said point also being the Southeast corner of said Section 36, T.24S., R.24E., thence,

Course 17. Westerly, along the South lines of said Sections 36, 35, 34, 33, 32, and 31 T.24S., R.24E., a distance of 6 miles, more or less, to the Southwest corner of said Section 31, said point also being the Southeast corner of said Section 36, T.24S., R.23E., thence,

Course 18. Westerly, along the South line of said Section 36, a distance of 1 mile, more or less, to the Southwest corner of said Section 36, said point also being on the Easterly boundary line of Deer Creek Storm Water District of Tulare and Kings Counties, thence,

Course 19. Northerly, along the West line of said Section 36, and along said Easterly boundary line, a distance of 1 mile, more or less, to the Northwest corner said Section 36, thence,

Course 20. Easterly, along the North line of said Section 36, and continuing along said Easterly boundary line, a distance of 1 mile, more or less, to the Northeast corner of said Section 36, said point is also the Southwest corner of said Section 30, T.24S., R.24E., thence,

Course 21. Northerly, along the West line of the Southwest quarter of said Section 30, and continuing along said Easterly boundary line, a distance of 0.5 miles, more or less, to the Northwest corner of the South half of said Section 30, thence,

Course 22. Easterly, along the North line of said South half of Section 30, and continuing along said Easterly boundary line, a distance of 1 mile, more or less, to the Northeast corner of said South half of Section 30, thence,

Course 23. Northerly, along the West lines of said Sections 29, and Section 20, T.24S., R.24E., and continuing along said Easterly boundary line, a distance of 1.5 miles, more or less, to the Northwest corner of said Section 20, thence,

Course 24. Easterly, along the North lines of said Sections 20, and 21, T.24S., R.24E., and continuing along said Easterly boundary line, a distance of 2 miles, more or less, to the Northeast corner of said Section 21, said point also being the Southwest corner of said Section 15, T.24S., R.24E., thence,

Course 25. Northerly, along the West lines of said Sections 15, and 10, T.24S., R.24E., and continuing along said Easterly boundary line, a distance of 2 miles, more or less, to the Northwest corner of said Section 10, thence, leaving said Easterly boundary line,

Course 26. Easterly, along the North lines of said Sections 10, 11, and 12, T.24S., R.24E., a distance of 3 miles, more or less, to the Northeast corner of said Section 12, said point is also the Southeast corner of Section 1, T.24S. R.24E., thence,

Course 27. Northerly, along the East line of said Section 1, a distance of 0.5 miles, more or less, to the Southeast corner of the Northeast quarter of said Section 1, thence,

Course 28. Westerly, along the South line of said Northeast quarter, a distance of 0.25 miles, more or less, to the Southwest corner of the South half of the Southeast quarter of said Northeast quarter, thence,

Course 29. Northerly, along the West line of said South half, a distance of 660 feet, more or less, to the Northwest corner of said South half, thence,

Course 30, Easterly, along the North line of said South half, a distance of 0.25 miles, more or less, to the Northeast corner of said South half, said point also being on the West line of Section 6, T.24S., R.25E., thence,

Course 31, Northerly, along the West line of said Section 6, a distance of 0.38 miles, more or less, to the Northwest corner of said Section 6, said point also being the Southwest corner of Section 31, T.23S., R.25E., thence,

Course 32, Northerly, along the West line of said Section 31, a distance of 0.5 miles, more or less, to the Northwest corner of the South half of said Section 31, and the Point of Beginning.

Containing 21,918 acres, more or less

Area E

All that portion of the East half of Section 32, Township 23 South, Range 24 East, Mount Diablo Base and Meridian, lying Southwesterly of the Northeasterly right of way line of State Route 43, in the County of Tulare, State of California, according to the official plat thereof, more particularly described as follows;

Beginning at the point where said Northeasterly right of way line intersects the West line of said East half of Section 32, said point being situated on the Easterly boundary line of Deer Creek Storm Water District of Tulare and Kings Counties:

Course 1. Southeasterly, leaving said Easterly boundary line of Deer Creek Storm Water district, along said Northeasterly right of way line, a distance of 0.85 miles, more or less, to the point where said right of way line intersects the South line of said Section 32, said point also being on said Easterly boundary line of Deer Creek Storm Water District, thence,

Course 2. Westerly, along the South line of said Section 32, and along said Easterly boundary line, a distance of 0.4 miles, more or less, to the Southwest corner of the East half of said Section 32, thence,

Course 3. Northerly, along the West line of said East half of Section 32, and continuing along said Westerly boundary line, a distance of 0.75 miles, more or less, to the Point of Beginning.

Containing 100 acres, more or less

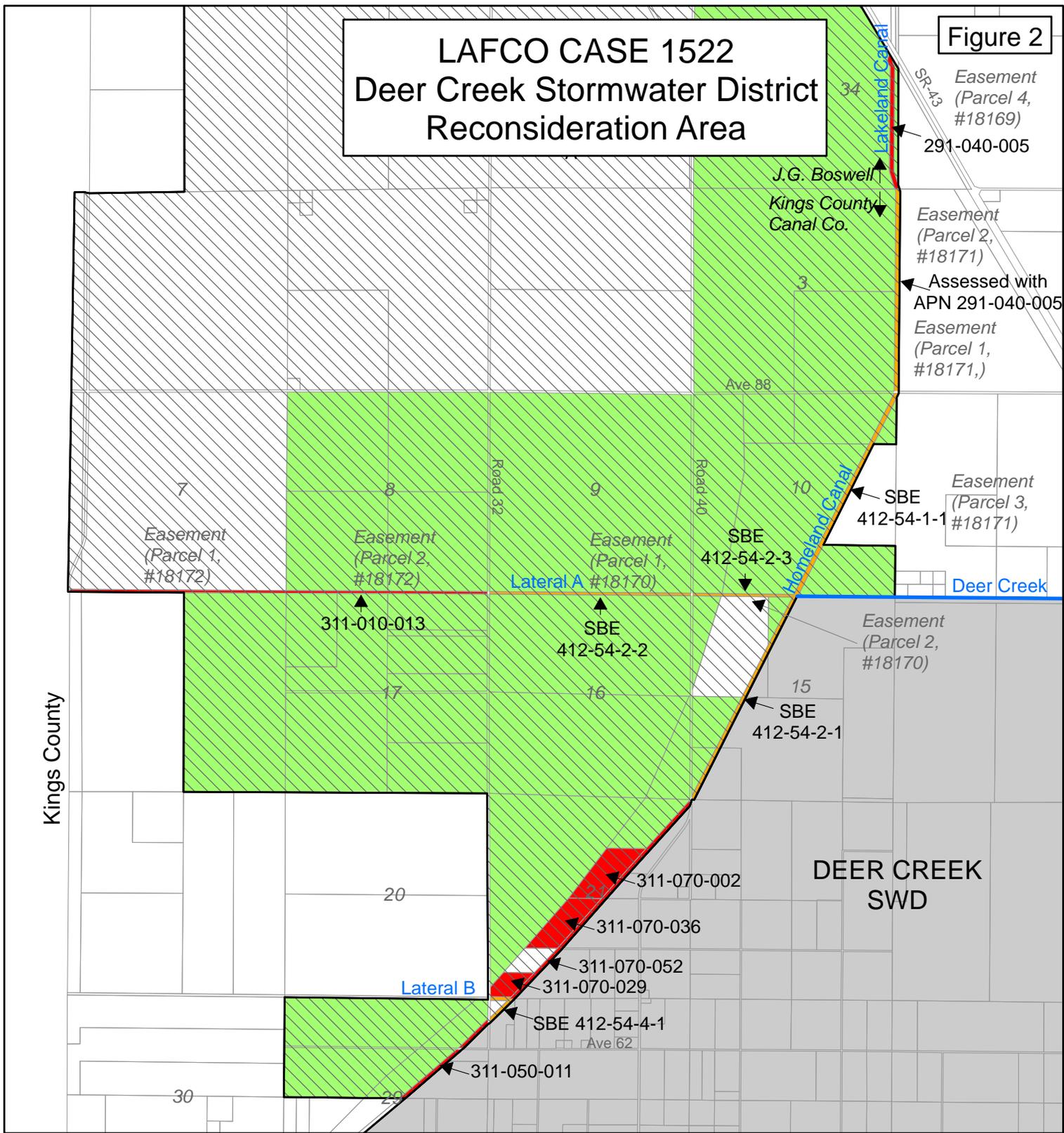
Area A: Containing 12,613 acres, more or less
Area B: Containing 212 acres, more or less
Area C: Containing 711 acres, more or less
Area D: Containing 21,918 acres, more or less
Area E: Containing 100 acres, more or less
Total Area: Containing 35,554 acres, more or less



2-29-2016

LAFCO CASE 1522 Deer Creek Stormwater District Reconsideration Area

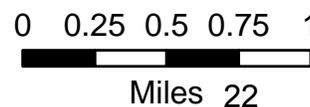
Figure 2



Legend

- Canal (APN)
- Canal (No APN)
- Consent
- Approved Annexation
- Deer Creek SWD
- Parcels

Kings County Canal Co.
J.G. Boswell Co.
Reconsideration





J. G. BOSWELL COMPANY

California Operations

Corcoran Ranch

February 19, 2016

Ben Giuliani, Executive Officer
Tulare County Local Agency Formation Commission
210 North Church Street, Suite B
Visalia, CA 93291

Re: LAFCO Case#1522b, Deer Creek Storm Water District Annexation
Request for Reconsideration (Government Code Section 56895)
Resolution No. 16-003

Dear Mr. Giuliani:

Pursuant to Government Code Section 56895, J.G. Boswell requests reconsideration of Resolution No. 16-003 in the matter of the Deer Creek Storm Water District (DCSWD), LAFCO Case No. 1522b. Specifically, J.G. Boswell requests reconsideration of Sections 6(a) and (c) of the Resolution which states: *Based upon the evidence and information on the record before it and the findings of fact made above, the Commission makes the following determinations: (a) The area bounded by Annexation Areas A, B and C (about 5,650 acres) shall be added to the annexation... (c) Several non-consenting areas within Annexation Areas A and B shall be removed from the annexation (about 5,520).*

J.G. Boswell owns the Lakeland Canal, identified as "Bayou Vista" on the County Assessor's maps and assessed with APN 291-040-005. The canal parcels owned by J.G. Boswell appear to be annexed into the DCSWD. However, J.G. Boswell did not and has not received written notice of the annexation of its properties.

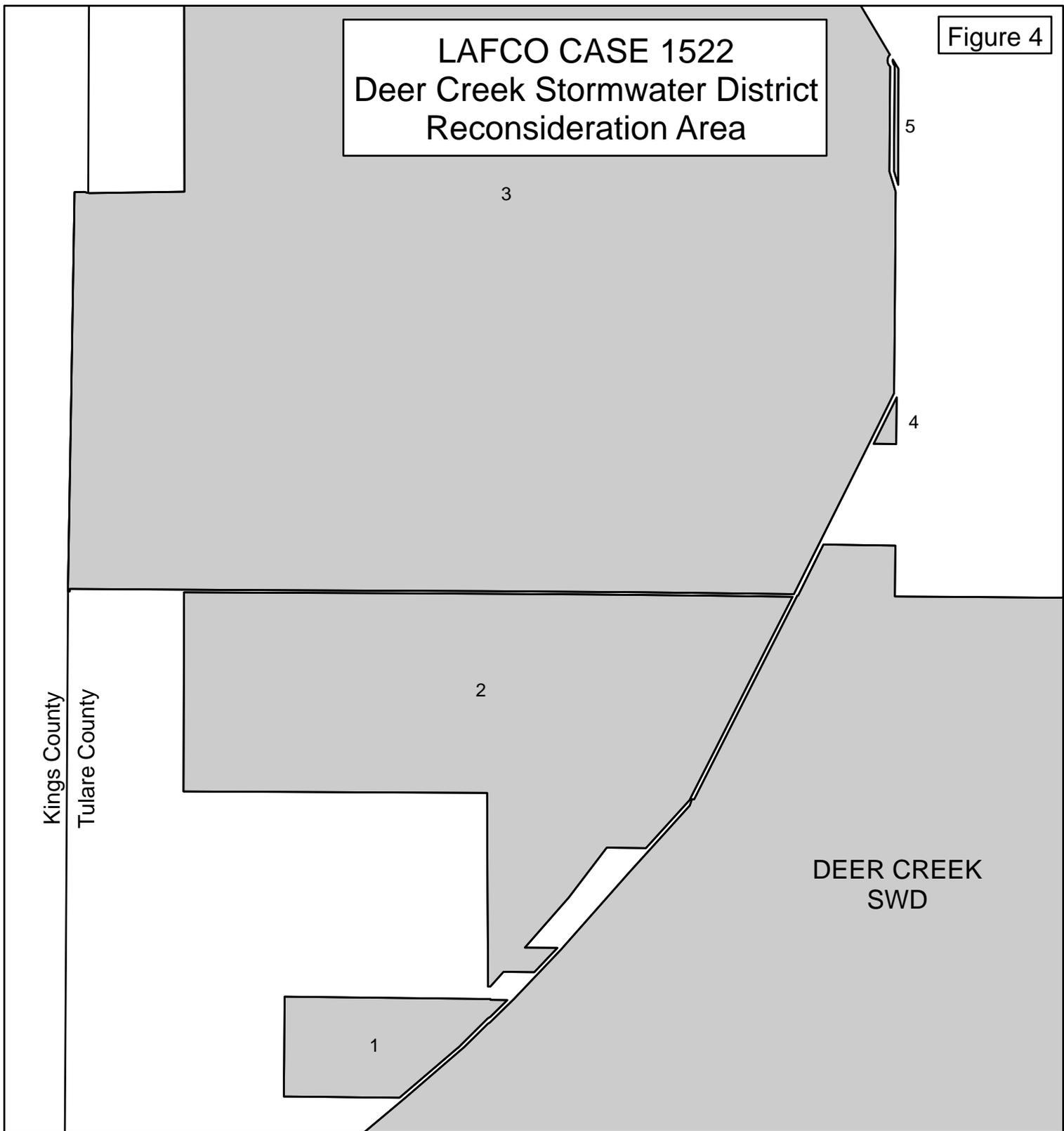
J.G. Boswell seeks to exclude its properties from the annexation area. The exclusion of its properties do not create an island. It appears based on facts J.G. Boswell has learned since the January 20, 2016, hearing, excluding the J.G. Boswell owned parcels would create an island in the original annexation area. However, the removal of the properties at this time, due to the change in the annexation area, would no longer create an island.

J.G. Boswell received no notice of the January 20, 2016, hearing. The exclusion of its properties would not create an island due to the change in the annexation area at the conclusion of the January 20, 2016, hearing. As a result, J.G. Boswell respectfully requests a reconsideration hearing.

Sincerely,

Walter Bricker

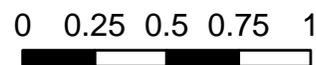
Figure 4



Legend

-  District
-  County
- 5  Isolated Areas

**Deer Creek SWD
Boundaries if
Canal Parcels Removed**



Miles 24

Kings County Canal Company
P.O. Box 877
Corcoran, CA 93212

February 19, 2016

Ben Giuliani, Executive Officer
Tulare County Local Agency Formation Commission
210 North Church Street, Suite B
Visalia, CA 93291

Re: LAFCO Case#1522b, Deer Creek Storm Water District Annexation
Request for Reconsideration (Government Code Section 56895)
Resolution No. 16-003

Dear Mr. Giuliani:

Pursuant to Government Code Section 56895, Kings County Canal Company (KCCC) requests reconsideration of Resolution No. 16-003 in the matter of the Deer Creek Storm Water District (DCSWD), LAFCO Case No. 1522b. Specifically, KCCC requests reconsideration of Sections 6(a) and (c) of the Resolution which states: *Based upon the evidence and information on the record before it and the findings of fact made above, the Commission makes the following determinations: (a) The area bounded by Annexation Areas A, B and C (about 5,650 acres) shall be added to the annexation... (c) Several non-consenting areas within Annexation Areas A and B shall be removed from the annexation (about 5,520).*

At the January 20, 2016, LAFCO hearing, staff did not recommend removing several KCCC properties from the annexation area because to do so would create islands. It is true that removing the KCCC parcels from the original annexation area would result in islands. At the conclusion of the LAFCO hearing and as evidenced by Resolution No. 16-003, several non-consenting landowners were removed from the annexation area. Specifically, after discussion by the Commissioners, APNs 311-360-008 and 311-360-009 were removed from the annexation area. Due to this removal, the exclusion of several KCCC parcels would no longer create an island because they are contiguous to the non-consenting landowner parcels. The Commission's ultimate decision was not known prior to the public comment period. Only after the Commission's decision to remove specific parcels was it clear that removal of the KCCC parcels would not create an island.

In addition, in making its determinations, the Commission relied on testimony from individuals which stated certain non-consenting landowners should be excluded because those areas were within the jurisdiction of the Tulare Lake Storage Water District (TLSWD), an eligible public agency with the ability to form a Groundwater Sustainability Agency (GSA), within the Tulare Lake Subbasin. At the time of the hearing, the KCCC properties were located outside the Tulare Lake Subbasin and thus unable to be included in a GSA formed by the TLSWD. Since the hearing, a request for a basin boundary modification has occurred to include the KCCC properties in the Tulare Lake Subbasin. Therefore, the KCCC properties do not need to be annexed into the DCSWD solely for the purpose of GSA coverage.

The Commission's direction and ultimate decision at the January 20, 2016, hearing very much sought to accommodate non-consenting landowners in the annexation process. The Commission did not

exclude the KCCC parcels from annexation because to do so would create islands and excluding the parcels would leave the property without an eligible public agency, other than the County of Tulare, to form a GSA. Due to the ultimate decision by LAFCO and as stated in the Resolution, the removal of the KCCC properties would no longer create an island. Further, a basin boundary modification request has been filed since the hearing to ensure the KCCC properties will be included in the Tulare Lake Subbasin. Based on these new facts, KCCC respectfully requests a reconsideration hearing so that the Commission may hear and act on the exclusion of KCCC properties from the annexation.

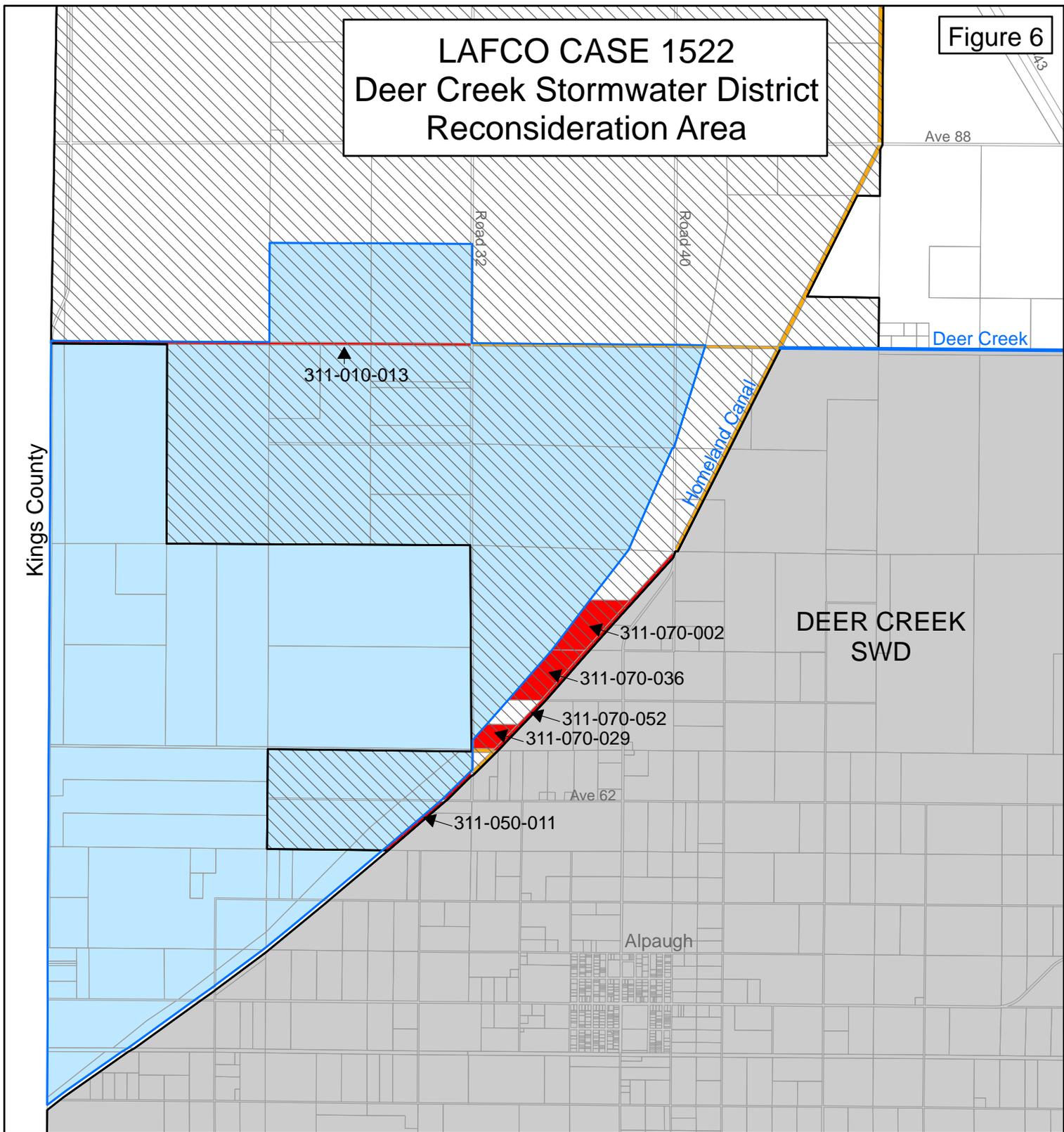
Sincerely,



Mark Unruh
President

Figure 6

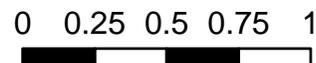
LAFCO CASE 1522 Deer Creek Stormwater District Reconsideration Area



Legend

- Tulare Lake Subbasin*
- Approved Annexation
- Parcels
- Canal (No APN)
- Canal (APN)
- Deer Creek SWD

Tulare Lake Subbasin Tule Subbasin



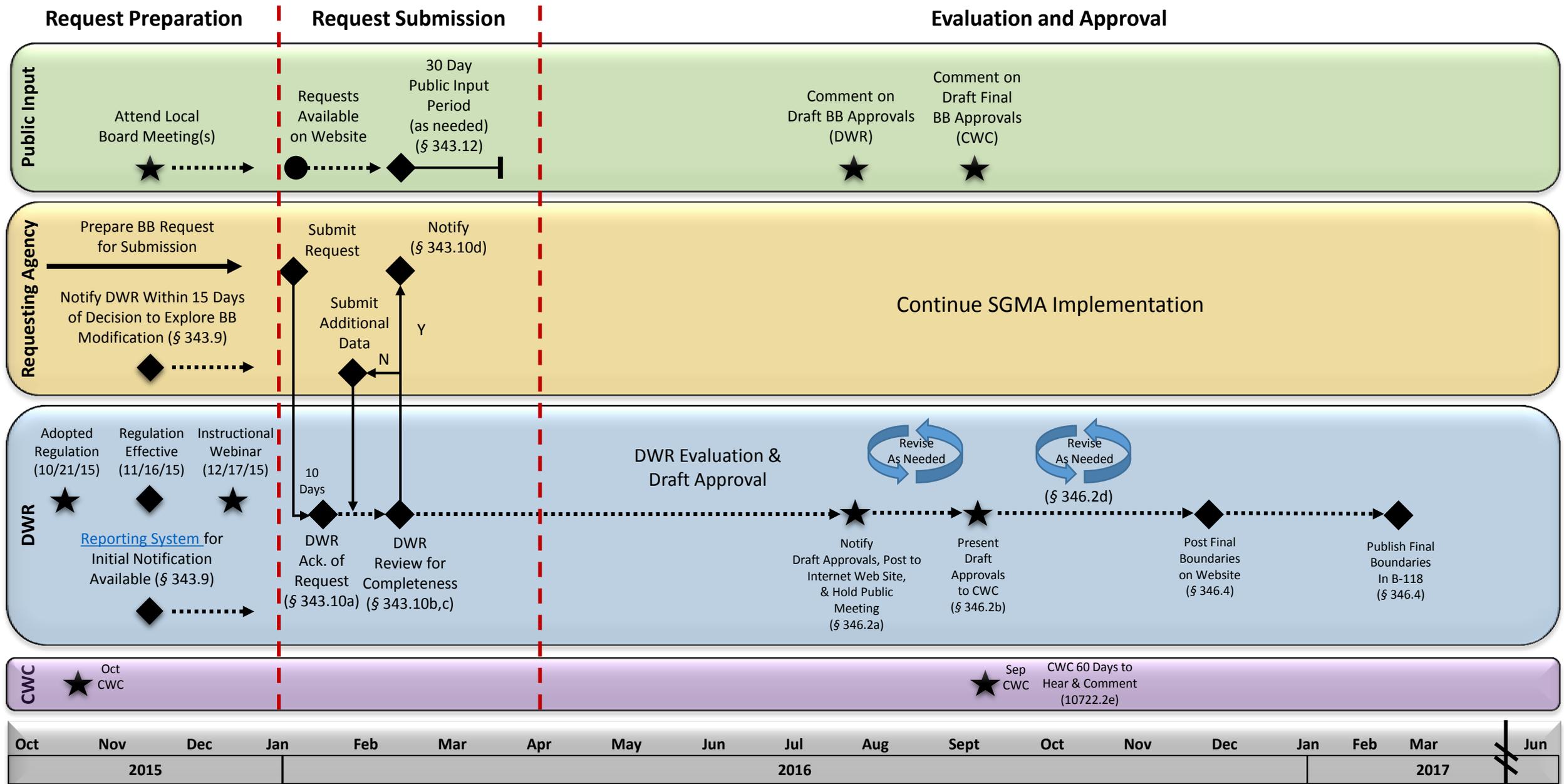
Miles 27

*Remainder of map area is in the Tule Subbasin

Figure 7

Basin Boundary Modification Process

http://www.water.ca.gov/groundwater/sgm/basin_boundaries.cfm



- ★ Public Meetings
- ◆ Action Item
- Informational Item
- BB Basin Boundary

★ DWR Begins Accepting BB Requests (1/1/16)

★ Deadline to Submit Revision Request (3/31/16)

★ Deadline to Submit Alternative Plan (1/1/17)

★ GSA Formation 6/30/17

Based on [Adopted Basin Boundary Regulations](#), Dates Subject to Change

Kings County Canal Company
P.O. Box 877
Corcoran, CA 93212

March 17, 2016

Ben Giuliani, Executive Officer
Tulare County Local Agency Formation Commission
210 North Church Street, Suite B
Visalia, CA 93291

Re: LAFCO Case#1522h, Deer Creek Storm Water District Annexation
Request for Reconsideration (Government Code Section 56895)
Resolution No. 16-003

Dear Mr. Giuliani:

Please consider this correspondence as additional information clarifying and supporting KCCC's previous request for reconsideration dated February 19, 2016. In such request, KCCC identified new facts in support of reconsideration and specifically identified a basin boundary modification request pursuant to the Sustainable Groundwater Management Act (SGMA) that would allow the Homeland Canal and KCCC properties to be covered in the Tulare Lake Subbasin.

Government Code Section 56895(a) provides in relevant part: "The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration." Tulare County LAFCO's Reconsideration Policy Section 12.3.D provides: "The Executive Officer's report shall address the requirements as listed in section 12.2.B above with particular attention to whether the facts cited in the request are new or had been previously considered by the commission and whether substantial evidence exists to support the facts claimed. Argument, speculation, conjecture, unsubstantiated opinion or narrative does not constitute substantial evidence."

The narrative description of the Department of Water Resources (DWR) Bulletin 118 excludes a strip of land between the Homeland Canal and the Tulare Lake Subbasin boundary line. On February 19, 2016, the Tulare Lake Basin Water Storage District (TLBWSD) submitted an initial notification with DWR to modify the Tulare Lake Subbasin boundary line to follow, and include, the Homeland Canal. Enclosed is a copy of the initial notification submitted by the TLBWSD (attached hereto as Exhibit A) and evidence of the date submitted (attached hereto as Exhibit B). A request for basin boundary modification is currently underway with DWR and will be submitted prior to March 31, 2016, the deadline for submitting basin boundary modification requests (draft attached hereto as Exhibit C and available for public review through DWR's website). Also, enclosed is a map prepared by LAFCO staff showing the current Tulare Lake Subbasin and Tule Subbasin boundary as it relates to the KCCC properties (attached hereto as Exhibit D). The boundary modification is supported by the Tule Subbasin and no known opposition exists (attached hereto as Exhibit E is the Tule Subbasin support letter).

As the Tulare Lake Subbasin and Tule Subbasin are currently drawn, much of the Homeland Canal and KCCC properties were "white areas" located within the Tule Subbasin and thus in the need of GSA coverage. As stated in KCCC's request for reconsideration, the Commission in making its January

20, 2016, Resolution and findings of Sections 6(a) and (c), relied on testimony from non-consenting landowners that removal from the annexation was proper because such land would be covered by the TLBWS and other entities in the Tulare Lake Subbasin. At the time of the January 20, 2016, hearing, much of the Homeland Canal and KCCC properties were not located in the Tulare Lake Subbasin. With the basin boundary modification request now underway with DWR, the KCCC properties can be covered in the Tulare Lake Subbasin and thus should be excluded from the annexation as were other objecting landowners in a similar position.

Evidence of a basin boundary modification could not have been presented at the January 20, 2016, hearing because the initial notification was not filed until February 19, 2016. Thus, the basin boundary modification request could not have been considered by the Commission at the January 20, 2016, hearing because such request did not exist at that time. KCCC respectfully requests a reconsideration of the January 20, 2016, Resolution and respectfully requests the Commission exclude KCCC parcels from annexation.

KCCC understands the removal of all of its properties may create an island in some areas and may potentially split the DCSWD. However, as previously described to KCCC by Tulare County LAFCO staff, there is precedence for the removal of utility properties, such as railroad properties and canal properties from an annexation area, regardless of the potential splitting of districts. As previously indicated at the January 20, 2016, hearing, there is no need for DCSWD services in the affected area. KCCC respectfully requests the KCCC properties be removed from the annexation area.

Lastly, at the January 20, 2016, hearing, a map was presented to the LAFCO commissioners identifying the dissenting parcels, including parcels owned by KCCC. The areas marked in red on such map did not depict the total all of KCCC dissenting parcels. A copy of such map is enclosed hereto as Exhibit F. Only three parcels owned by KCCC were identified. A comprehensive list of all parcels owned by KCCC is attached hereto as Exhibit G, and was previously submitted to LAFCO in its protest letter.

On March 16, 2016, KCCC received notification of the Reconsideration Hearing, with a map depicting the affected parcels (attached hereto as Exhibit H). Again, the map does not depict all affected parcels owned by KCCC. Some confusion may exist as several KCCC parcels do not have an assigned APN, but instead are referenced by "SBE" numbers as described in Exhibit G. Nonetheless, the entire area is not clearly depicted. KCCC is objecting to the inclusion of the entire Homeland Canal in the annexation area and respectfully requests such parcels be removed from annexation.

Sincerely,



Mark Unruh
President



Department of Water Resources
Basin Boundary Modification Request System

Initial Notification of Potential Basin Boundary Modification Request Print View of Individual Request

1. Local agency information

Name	Tulare Lake Basin Water Storage District	Zip	93212
Address	1001 Chase Avenue	Phone(Cell)	
City	Corcoran	Fax	(559) 992-3891
Phone(Work)	(559) 992-4127		
Email	sskvortsov@lbwsd.com		

2. Local agency Point of Contact information

Name	Svetlana Skvortsov	Zip	93212
Address	1001 Chase Avenue	Phone(Cell)	
City	Corcoran	Fax	(559) 992-3891
Phone(Work)	(559) 992-4127		
Email	sskvortsov@lbwsd.com		

3. Link(s) to local agency's Internet Web Site where general information regarding potential basin boundary modification process is posted or will be posted

<http://NoWebPage>

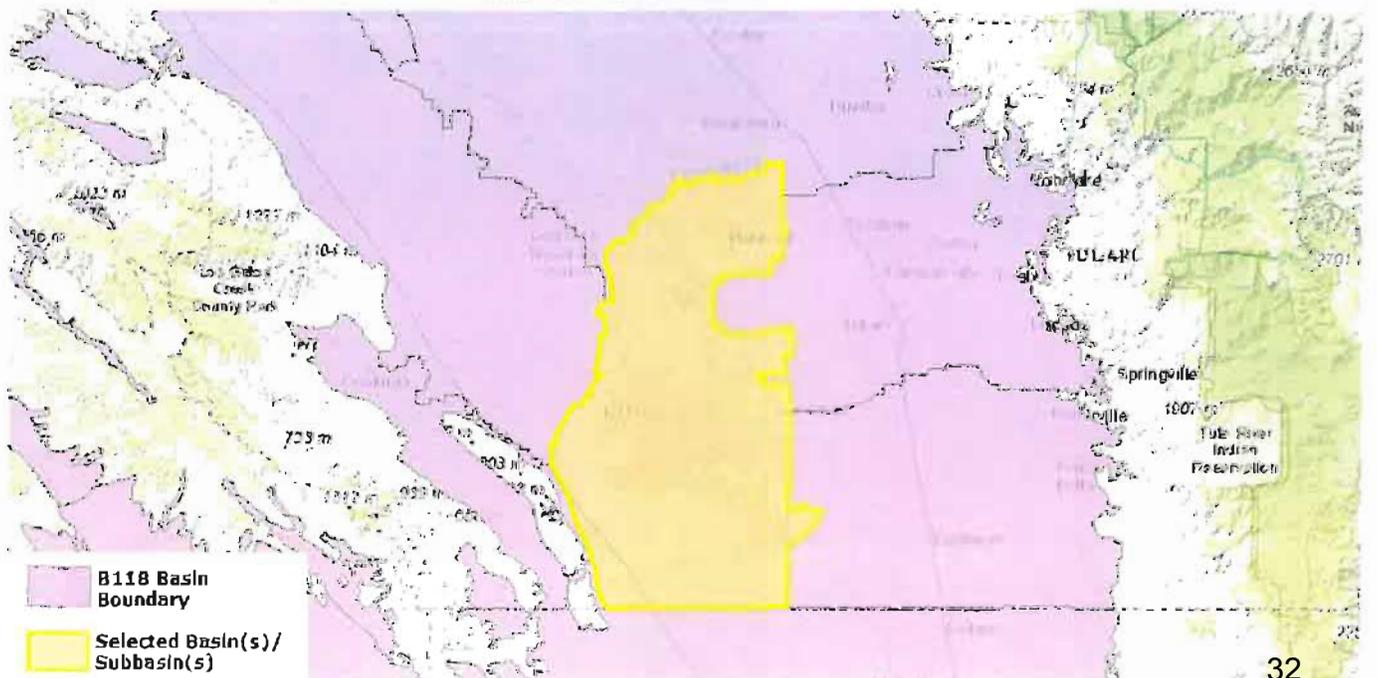
4. Brief description of potential basin boundary modification request

Clarifying narrative description of the Tulare Lake Subbasin in Tulare County as it relates to the Homeland Canal and the Tulare Lake Basin Water Storage District boundary.

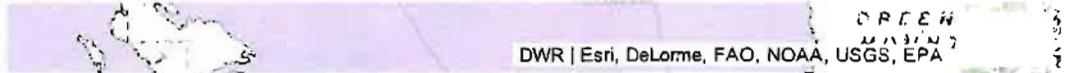
5. Potential Basin(s)/Subbasin(s)

5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE

6. Map or document of potential basin boundary modification



 Proposed Basin Boundary



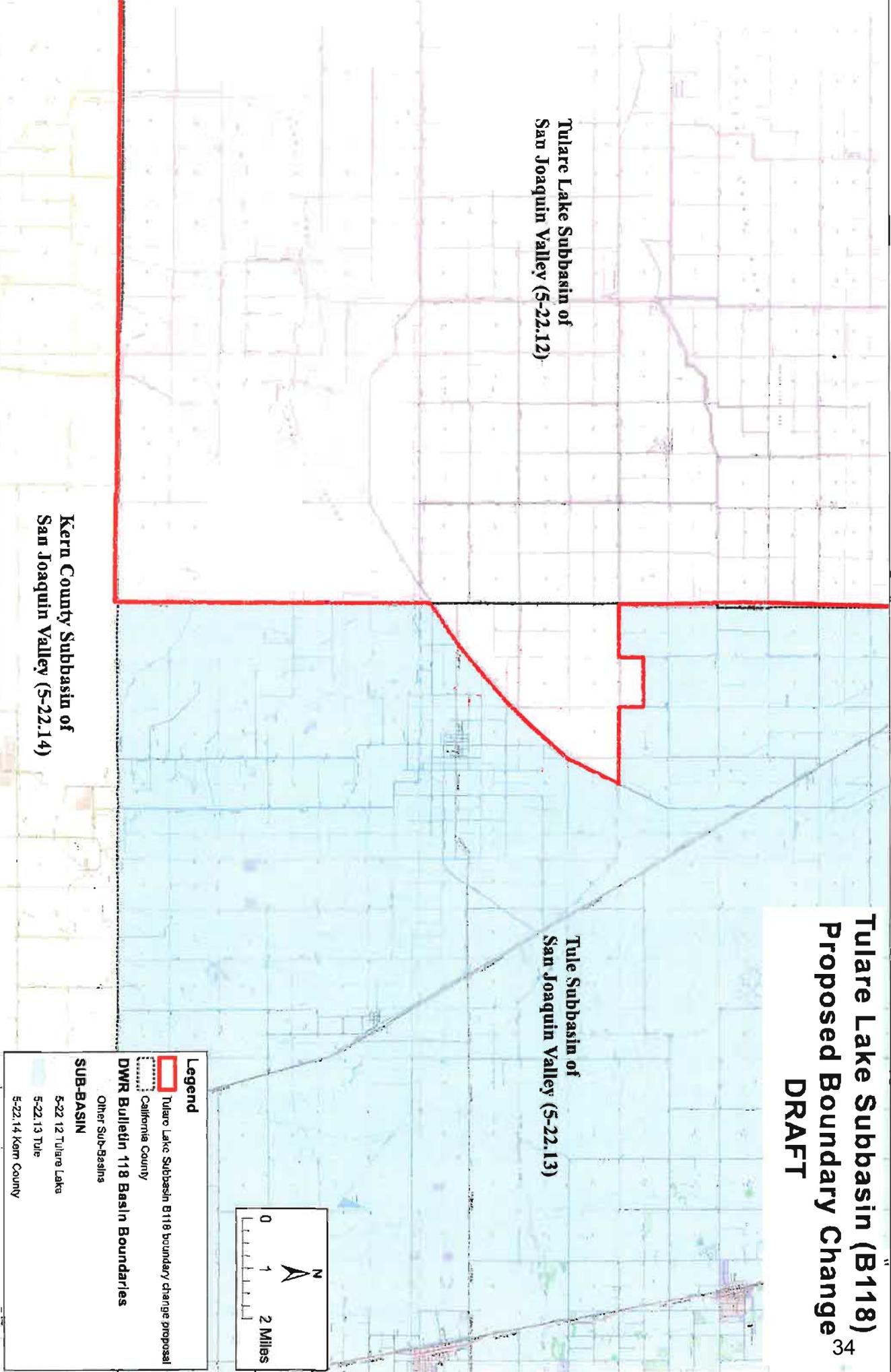
Uploaded document: [B118 Boundary Change Tulare Lake Subbasin - East.pdf](#)

Created on 02/19/2016 at 11:01AM, last modified on 03/10/2016 at 11:57AM and page generated on 03/10/2016 at 12:10PM



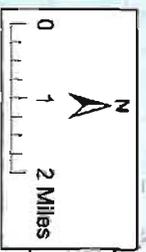
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Tulare Lake Subbasin (B118) Proposed Boundary Change DRAFT



Legend

- Tulare Lake Subbasin B118 boundary change proposal
- California County
- DWR Bulletin 118 Basin Boundaries**
- Other Sub-Basins
- SUB-BASIN**
- 5-22.12 Tulare Lake
- 5-22.13 Tule
- 5-22.14 Kern County





Department of Water Resources
Basin Boundary Modification Request System

List of Initial Notification of Potential Basin Boundary Modification Request

(Total Number of Records = 53, List Generated on 03/10/2016) Map Viewer

LOCAL AGENCY NAME	POTENTIAL BASIN(S)/SUBBASIN(S)	LOCAL AGENCY POINT OF CONTACT	DATE SUBMITTED
Alameda County Water District	2-9.01 SANTA CLARA VALLEY - NILES CONE	Michelle Myers	02/24/2016
Aliso Water District	5-22.07 SAN JOAQUIN VALLEY - DELTA-MENDOTA 5-22.06 SAN JOAQUIN VALLEY - MADERA	Joe Mendes	12/24/2015
Borrego Water District	7-24 BORREGO VALLEY	Jerry Rowling	12/21/2015
Brentwood City Of	5-22.15 SAN JOAQUIN VALLEY - TRACY	Chris Ehlers	02/18/2016
Butte County	5-21.57 SACRAMENTO VALLEY - VINA 5-21.58 SACRAMENTO VALLEY - WEST BUTTE 5-21.59 SACRAMENTO VALLEY - EAST BUTTE 5-21.60 SACRAMENTO VALLEY - NORTH YUBA	Paul Gosselin	01/04/2016
Carpinteria Valley Water District	3-18 CARPINTERIA	Robert McDonald	12/16/2015
Castaic Lake Water Agency	4-4.07 SANTA CLARA RIVER VALLEY - SANTA CLARA RIVER VALLEY EAST	Rick Viergutz, CEG	03/08/2016
Chowchilla Water District	5-22.05 SAN JOAQUIN VALLEY - CHOWCHILLA	Douglas Welch	02/04/2016
Corcoran Irrigation District	5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE	GENE KILGORE	02/23/2016
Corona City Of	8-04 ELSINORE	Tom Maody	02/09/2016
Delano-Earlimart Irrigation District	5-22.13 SAN JOAQUIN VALLEY - TULE 5-22.14 SAN JOAQUIN VALLEY - KERN COUNTY	Dale Brogan	11/24/2015
Devils Den Water District	5-22.14 SAN JOAQUIN VALLEY - KERN COUNTY 5-22.10 SAN JOAQUIN VALLEY - PLEASANT VALLEY	Rick Viergutz, CEG	03/08/2016
Eastern Municipal Water District	8-05 SAN JACINTO	Michael D. Nusser	03/08/2016
Eastern San Joaquin County Groundwater Basin Authority	5-22.16 SAN JOAQUIN VALLEY - COSUMNES 5-22.01 SAN JOAQUIN VALLEY - EASTERN SAN JOAQUIN	Michael Callahan	12/23/2015
Elsinore Valley Municipal Water District	8-04 ELSINORE	Ganesh Krishnamurthy	02/18/2016
Fox Canyon (GMA)	4-4.02 SANTA CLARA RIVER VALLEY - OXNARD 4-08 LAS POSAS VALLEY 4-06 PLEASANT VALLEY	Kathleen Riedel	02/02/2016
Fox Canyon (GMA)	4-06 PLEASANT VALLEY 4-08 LAS POSAS VALLEY 4-4.02 SANTA CLARA RIVER VALLEY - OXNARD	Kathleen Riedel	02/25/2016
Heritage Ranch Community Service District	3-04.06 SALINAS VALLEY - PASO ROBLES AREA	John D'Omellas	02/12/2016
Inland Empire Utilities Agency	8-02.01 UPPER SANTA ANA VALLEY - CHINO	Andy Malone	02/19/2016

Inyo County Water Department	6-12 OWENS VALLEY	Bob Harrington	11/30/2015
Kern-Tulare Water District	5-22.14 SAN JOAQUIN VALLEY - KERN COUNTY 5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE	Steve Dalke	12/14/2015
Kings River Conservation District	5-22.08 SAN JOAQUIN VALLEY - WESTSIDE 5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE 5-22.08 SAN JOAQUIN VALLEY - KINGS 5-22.07 SAN JOAQUIN VALLEY - DELTA-MENDOTA	Eric Osterling	12/21/2015
Kings River Conservation District	5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE 5-22.10 SAN JOAQUIN VALLEY - PLEASANT VALLEY 5-22.14 SAN JOAQUIN VALLEY - KERN COUNTY	Eric Osterling	12/21/2015
La Habra City Of	8-01 COASTAL PLAIN OF ORANGE COUNTY	Elias Saykali	01/12/2016
Monterey Peninsula Water Management District	3-04.10 SALINAS VALLEY - CORRAL DE TIERRA AREA 3-04.08 SALINAS VALLEY - SEASIDE AREA	Joseph Oliver	02/12/2016
New Stone Water District	5-22.06 SAN JOAQUIN VALLEY - MADERA 5-22.05 SAN JOAQUIN VALLEY - CHOWCHILLA	Roger Skinner	03/01/2016
Ojai Basin Groundwater Management Agency	4-02 OJAI VALLEY	Cece Van der Meer	02/05/2016
Olcese Water District	5-22.14 SAN JOAQUIN VALLEY - KERN COUNTY	Jeff Siemens	03/01/2016
Omochumne-Hartnell Water District	5-21.65 SACRAMENTO VALLEY - SOUTH AMERICAN 5-22.16 SAN JOAQUIN VALLEY - COSUMNES	Michael Wackman	01/27/2016
Orange County Water District	8-01 COASTAL PLAIN OF ORANGE COUNTY	Adam Hutchinson	01/21/2016
Pajaro Valley Water Management Agency	3-02 PAJARO VALLEY	Brian Lockwood	03/07/2016
Placer County	5-21.64 SACRAMENTO VALLEY - NORTH AMERICAN 5-21.61 SACRAMENTO VALLEY - SOUTH YUBA	Christina Hanson	02/03/2016
Pleasant Valley Water District	5-22.10 SAN JOAQUIN VALLEY - PLEASANT VALLEY 5-22.09 SAN JOAQUIN VALLEY - WESTSIDE	Brian Ehlers	01/04/2016
San Luis & Delta-Mendota Water Authority	5-22.07 SAN JOAQUIN VALLEY - DELTA-MENDOTA 5-22.06 SAN JOAQUIN VALLEY - MADERA	Andrew J. Garcia	12/23/2015
San Luis & Delta-Mendota Water Authority	5-22.07 SAN JOAQUIN VALLEY - DELTA-MENDOTA 5-22.09 SAN JOAQUIN VALLEY - WESTSIDE	Andrew J. Garcia	12/23/2015
San Luis & Delta-Mendota Water Authority	5-22.07 SAN JOAQUIN VALLEY - DELTA-MENDOTA 5-22.15 SAN JOAQUIN VALLEY - TRACY	Andrew J. Garcia	01/04/2016
San Bernardino Valley Municipal Water District	8-02.04 UPPER SANTA ANA VALLEY - RIALTO-COLTON 8-02.03 UPPER SANTA ANA VALLEY - RIVERSIDE-ARLINGTON 8-02.06 UPPER SANTA ANA VALLEY - BUNKER HILL 8-02.07 UPPER SANTA ANA VALLEY - YUCAIPA	Bob Tincher	12/22/2015
San Luis Obispo County	3-08 LOS OSOS VALLEY	Catherine Marlin	01/12/2016
Santa Barbara City Of	3-53 FOOTHILL	Dana Hoffenberg	02/16/2016
Santa Barbara County Water Agency	3-13 CUYAMA VALLEY	Matt Naftaly	11/20/2015

Santa Barbara County Water Agency	3-14 SAN ANTONIO CREEK VALLEY	Matt Naftaly	11/30/2015
Santa Clara Valley Water District	3-03.01 GILROY-HOLLISTER VALLEY - LLAGAS AREA	George Cook	02/24/2016
Scotts Valley Water District	3-27 SCOTTS VALLEY	Piret Harmon	11/25/2015
Sloughhouse Resource Conservation District	5-21.85 SACRAMENTO VALLEY - SOUTH AMERICAN 5-22.16 SAN JOAQUIN VALLEY - COSUMNES	Hanspeter Walter	02/08/2016
Soquel-Aptos Groundwater Management Committee	3-28 WEST SANTA CRUZ TERRACE 3-21 SANTA CRUZ PURISIMA FORMATION 3-02 PAJARO VALLEY 3-01 SOQUEL VALLEY	Matt Orbach	11/30/2015
Tehama County Flood Control & Water Conservation District	5-21.52 SACRAMENTO VALLEY - COLUSA 5-21.51 SACRAMENTO VALLEY - CORNING	Ryan Teubert	02/18/2016
Tehama County Flood Control & Water Conservation District	5-06.02 REDDING AREA - ROSEWOOD 5-06.01 REDDING AREA - BOWMAN 5-06.06 REDDING AREA - SOUTH BATTLE CREEK 5-21.53 SACRAMENTO VALLEY - BEND 5-21.54 SACRAMENTO VALLEY - ANTELOPE 5-21.55 SACRAMENTO VALLEY - DYE CREEK 5-21.56 SACRAMENTO VALLEY - LOS MOLINOS 5-21.57 SACRAMENTO VALLEY - VINA 5-21.51 SACRAMENTO VALLEY - CORNING 5-21.52 SACRAMENTO VALLEY - COLUSA 5-21.50 SACRAMENTO VALLEY - RED BLUFF	Ryan Teubert	03/08/2016
Tejon-Castac Water District	5-22.14 SAN JOAQUIN VALLEY - KERN COUNTY	Dennis Atkinson	01/21/2016
Templeton Community Services District	3-04.06 SALINAS VALLEY - PASO ROBLES AREA	Jeff Britz	01/31/2016
Tulare Lake Basin Water Storage District	5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE	Svetlana Skvortsov	02/19/2016
Tulelake Irrigation District	1-02.01 KLAMATH RIVER VALLEY - TULELAKE	Bradley Kirby	02/23/2016
Ventura River Water District	4-3.01 VENTURA RIVER VALLEY - UPPER VENTURA RIVER	Bert J. Repp	01/19/2018
Westlands Water District	5-22.09 SAN JOAQUIN VALLEY - WESTSIDE	Katarina Buelna Campbell	01/04/2016





Department of Water Resources
Basin Boundary Modification Request System

Tulare Lake Basin Water Storage District - 5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE

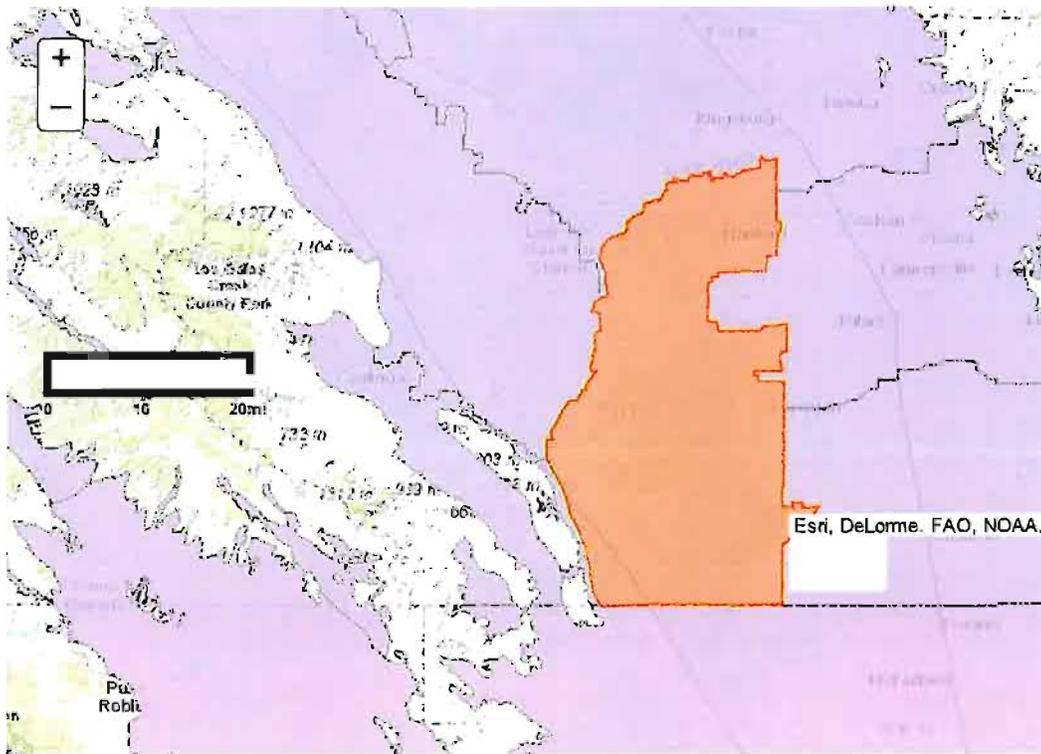
A. Applicant Information

Requesting Agency Information

Agency Name: Tulare Lake Basin Water Storage District
 Address: 1001 Chase Avenue
 City: Corcoran Zip: 93212
 Work Phone: (559) 992-4127 Cell Phone:
 Email: askvortsov@tlbwed.com Fax: (559) 992-3891

Revision Request Manager Information

Person Name: Svetlana Skvortsov
 Address: 1001 Chase Avenue
 City: Corcoran Zip: 93212
 Work Phone: (559) 992-4127 Cell Phone:
 Email: askvortsov@tlbwed.com Fax: (559) 992-3891



B. Description of Proposed Boundary Modification

1. Short Description

Clarify the narrative description of the Tulare Lake Subbasin boundary

2. Type of basin boundary revision

Jurisdiction Internal

3. Provide a narrative overview of the boundary modification request and how the resulting modification would affect likelihood of sustainable

management.

The Tulare Lake Basin Water Storage District (District) is located in the Tulare Lake Subbasin of the San Joaquin Valley Groundwater Basin (5-22.12) per California Department of Water Resources (DWR) Bulletin 118 (last updated in 2003 (B118-03)). When the eastern boundary of the Tulare Lake Subbasin was established, it was DWR's understanding that the District's boundary was the Homeland Canal believing that it was the meander line. This misunderstanding resulted in a small strip of land being omitted from the Tulare Lake Subbasin. The District is proposing to modify the narrative description of the east side of the Tulare Lake Subbasin which currently reads "the westerly boundary of the Tule Groundwater Subbasin." The B118-03 description of the western boundary of the Tule Subbasin is "the Tulare County line, excluding those portions of the Tulare Lake Basin Water Storage District and Sections 29 and 30 of Township 23 South, Range 23 East, that are west of the Homeland Canal." The District is proposing to change the narrative description, starting from the southeast corner of the Tulare Lake Subbasin going north, to say "The western boundary of the Tule Subbasin follows the Kings-Tulare County line to the east bank of the Homeland Canal to the north line of Section 15, T23S, R23E, then runs west to the Tulare Lake Basin Water Storage District boundary and then continues westerly along the Tulare Lake Basin Water Storage District boundary to the Kings-Tulare County line." The resulting narrative description modification will clarify the boundary line between the Tulare Lake and Tule Subbasins that could then be used for SGMA purposes.

Attachment(s):

4. List the existing basin(s)/subbasin(s) to be modified by this request

5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE

5. Provide the proposed name for the new basin(s) or subbasin(s)

N/A

C. Initial Notification and Coordination of Requests

1. Was an initial notification submitted to the Department?

Yes

List of submitted initial notification for the selected basin(s)/subbasin(s)

Local Agency	Potential Basin(s)/Subbasin(s)
Kern-Tulare Water District	5-22.14 SAN JOAQUIN VALLEY - KERN COUNTY , 5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE
Kings River Conservation District	5-22.09 SAN JOAQUIN VALLEY - WESTSIDE , 5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE , 5-22.08 SAN JOAQUIN VALLEY - KINGS , 5-22.07 SAN JOAQUIN VALLEY - DELTA-MENDOTA
Kings River Conservation District	5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE , 5-22.10 SAN JOAQUIN VALLEY - PLEASANT VALLEY , 5-22.14 SAN JOAQUIN VALLEY - KERN COUNTY
Corcoran Irrigation District	5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE
Tulare Lake Basin Water Storage District	5-22.12 SAN JOAQUIN VALLEY - TULARE LAKE

2. Does this application include a combination of requests?

No

D. Required Documentation for All Modifications

1. A copy of the statutory or other legal authority under which the requesting agency was created with specific citations to the provisions setting forth the duties and responsibilities of the agency.

Attachment(s):

TLBWSD as Political Subdivision.pdf (484.5kB) Uploaded on 03/04/2016 at 09:27AM

2. A copy of the signed resolution adopted by the requesting agency formally initiating the boundary modification request process.

Attachment(s):

TLBWSD Regulation No. 7816-07.pdf (638.3kB) Uploaded on 03/04/2016 at 09:28AM

3. A map of adequate scale (no greater than 1:24,000; e.g., 1:10,000 is not acceptable) showing the proposed modified basin boundary in relation to the existing Bulletin-118 basin boundary, and the local agencies that are within or bordering the existing and proposed basin

4. A GIS shapefile of the proposed modified groundwater basin boundaries. [Download Existing B 118 basin shape file](#) | [DWR Spatial Data Standards](#)

Attachment(s):

TulareLakeSubbasin_Proposed_B118_Modification_-_TLBWSO.zip (9.5KB) Uploaded on 03/08/2016 at 02:14PM

5. A GIS shapefile of the political boundaries of any affected or adjacent local agency. [Download water agency shape file](#)

6. Any information, if necessary, to enable DWR to satisfy the requirements of a responsible agency pursuant to the California Environmental Quality Act.

Not a qualified project under CEQA

E. General Information:

1. Describe the lateral boundaries of the alluvial aquifer or aquifers that form the groundwater basin and the definable bottom of the basin. The description must be in terms that are clear, definite, and sufficiently detailed to allow an authoritative map of the proposed basin boundaries to be plotted using the given description.

F. Notice and Consultation

1. List all local agencies and public water systems affected by the basin(s) modification request.
- Kings River Conservation District, Alpaugh Irrigation District, Angiola Water District, Deer Creek Storm Water District
2. Explain the methods used to identify interested local agencies and public water systems in the affected basin(s):
3. Provide information regarding the nature of consultations with affected or interested agencies. Attach and cite any copies of correspondences with local agencies and public water systems and/or any other persons or entities consulted.
4. Provide a summary of all public meetings at which the proposed boundary modification was discussed or considered by the requesting agency. Attach and cite any copies of agendas and notices published.
5. Attach a copy of all comments regarding the proposed boundary modification received by the requesting agency and a summary of any responses made by the requesting agency.

G. General Existing Groundwater Management

All requests for jurisdictional modification pursuant to Section 342.4 MUST include responses to the following questions.

1. Explain how sustainable groundwater management exists or could likely be achieved in the basin:
2. Explain how the proposed boundary modification would affect the ability of adjacent groundwater basins to sustainably manage groundwater in those groundwater basins.
3. Provide a historical summary of the sustainable management of groundwater levels in the proposed basin(s) or subbasin(s).
4. Discuss potential impacts to state programs resulting from the proposed boundary modification, including, but not limited to, the California Statewide Groundwater Elevation Monitoring (CASGEM), Groundwater Management Plans developed pursuant to AB 3030, Groundwater Sustainability Plans developed pursuant to the Sustainable Groundwater Management Act, any applicable state or regional board plans, and other water management and land use programs.

H. Local Support

All requests for boundary modification must include the following

1. Provide any evidence that sufficient information was provided to affected agencies and systems regarding the proposed boundary modification.

The local agencies were contacted by either email and/or phone to notify about the intent to propose clarification to the narrative description to the Tulare Lake Subbasin. Letters to agencies are attached.

Attachment(s):

Local Support Request Letters.pdf (4.5MB) Uploaded on 03/08/2016 at 02:07PM

2. Provide a list of all affected agencies and affected systems that submitted comments and/or documents in support or opposition to the proposed boundary. The agency submitting their support or opposition for a boundary modification must provide a copy of a resolution formally adopted by the decision-making body of the affected agency or system and a letter signed by an executive officer or other official with appropriate delegated authority who represents the agency or system. Attach copies of the resolution and/or signed letter detailing the support or opposition submitted.

Support letters from local agencies have been provided (attached).

Attachment(s):

2016 0307 Tulare River Association - Support letter.pdf (297.3kB) Uploaded on 03/08/2016 at 01:58PM

3. Provide any evidence that rebuts any opposition to the proposed boundary modification.

No oppositions to the proposed boundary modifications at this time.

I. Hydrogeologic Conceptual Model

Requests for boundary modification, must include a document or text to a clearly defined hydrogeologic conceptual model demonstrating each of the following:

1. Principal aquifer units within requested basin.
2. Lateral boundaries of the proposed basin, including:
 - A. Geologic features that significantly impede or impact groundwater flow.
 - B. Aquifer characteristics that significantly impede or impact groundwater flow.
 - C. Significant geologic and hydrologic features and conditions of the principle aquifer units, as appropriate, including information regarding the confined or unconfined nature of the aquifer, facies changes, truncation of units, the presence of faults or folds that impede groundwater flow, or other groundwater flow restricting features.
 - D. Key surface water bodies, groundwater divides and significant recharge sources.
3. Recharge and discharge areas within the basin
4. Definable bottom of the basin or subbasin.

The department may waive this requirement for an internal boundary modification if the requesting agency is able to demonstrate that the proposed boundary modification is unlikely to affect sustainable groundwater management.

TLBWSD requests a waiver of the hydrogeologic conceptual model requirement for this internal boundary modification. Clarifying the narrative description of the Tulare Lake Subbasin will not have an impact to the sustainable groundwater management.

L. Technical Studies for All Jurisdictional Modifications

Requests for a jurisdictional boundary must attach or provide a URL or upload a file for the following:

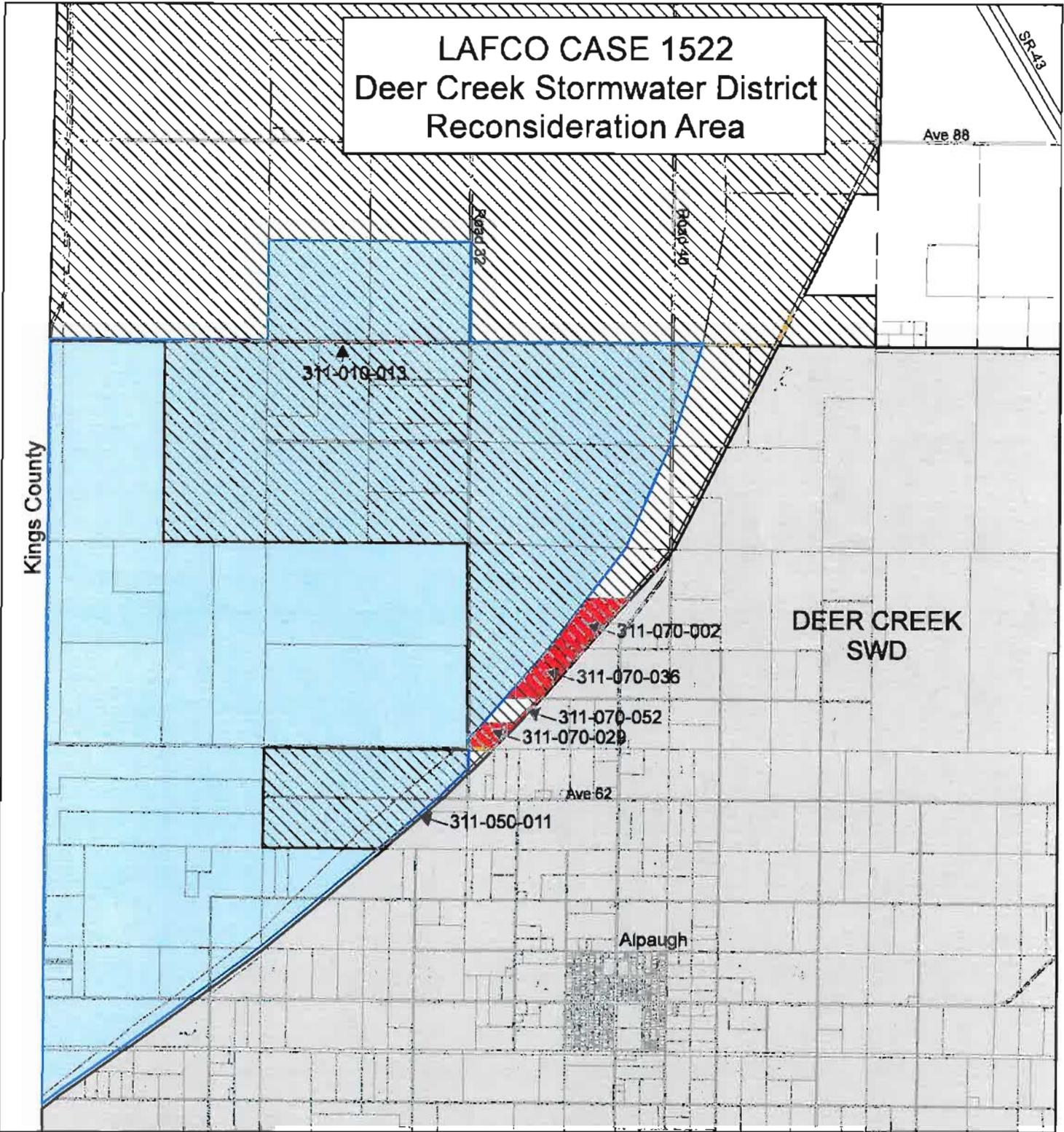
1. A water management plan that covers or is in the immediate vicinity of the proposed basin or portion of the proposed basin and satisfies the requirement of Water Code sections 10753.7(a) or 10727 by attaching one of the following:
 - A. An adopted groundwater management plan, a basin wide management plan, or other integrated regional water management program or plan.
 - B. Management pursuant to an adjudication action
 - C. One or more technical studies that cover the relevant portion of a basin or subbasin and adjacent areas.

URL: http://www.water.ca.gov/groundwater/docs/GWMP/TL-23_TulareLakeBedCoordinated_GWMP_2012.pdf,
<http://www.water.ca.gov/wateruseefficiency/sb7/docs/2015/plans/2015%20AWMP%20-%20Tulare%20Lake%20Basin%20CA%20.pdf>

2. A statement of the existing and planned coordination of sustainable groundwater management activities and responsibilities where required.

Tulare Lake Bed local agencies and landowners are continuing to meet to determine options for formation of a GSA.

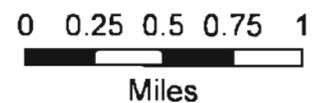
LAFCO CASE 1522 Deer Creek Stormwater District Reconsideration Area



Legend

-  Tulare Lake Subbasin*
-  Approved Annexation
-  Parcels
-  Canal (No APN)
-  Canal (APN)
-  Deer Creek SWD

Tulare Lake Subbasin Tule Subbasin



*Remainder of map area is in the Tule Subbasin



SECRETARY-WATERMASTER:
RICHARD L. SCHAFER
ASSISTANT WATERMASTER:
DAVID DE GROOT
MEMBER AGENCIES:
PIONEER WATER COMPANY
VANDALIA WATER DISTRICT
PORTERVILLE IRRIGATION DISTRICT
LOWER TULE RIVER IRRIGATION DISTRICT
DOWNSTREAM KAWEAH & TULE RIVERS ASSOCIATION

March 7, 2016

Tulare Lake Basin Water Storage district
1001 Chase Avenue
Corcoran, CA 93212

Attn: Mr. Jacob J. Westra

Re: Tule Subbasin Boundary Legal Description

Dear Mr. Westra:

Acting as the coordinator of the Sustainable Groundwater Management Act (SGMA) for the Tule Subbasin, the Tule Subbasin has no objection to a minor change in the Bulletin 118 legal description of the western boundary of the Tule Subbasin to accommodate the request of the Tulare Lake Subbasin. We have prepared a proposed revised boundary description (revisions underlined) for the Tule Basin as set forth in Bulletin 118-80 as follows:

Tule Basin. The Tule Basin is generally bounded on the West by the Tulare County line, excluding that portion of Tulare Lake Basin Water Storage District, along with those lands westerly and northwesterly of the easterly and southeasterly right-of-way of the Homeland Canal within Sections 15, 16, 21, 28, 29, 30 and 31 all situated in T23S, R23E, MDB&M. The northern boundary of the basin follows the northern boundaries of Lower Tule River Irrigation District and Porterville Irrigation District and the southern boundary of Lindmore Irrigation District, the eastern boundary is at the edge of the alluvium, and the southern boundary is the Tulare-Kern County line.

Should you desire additional assistance or support, please advise.

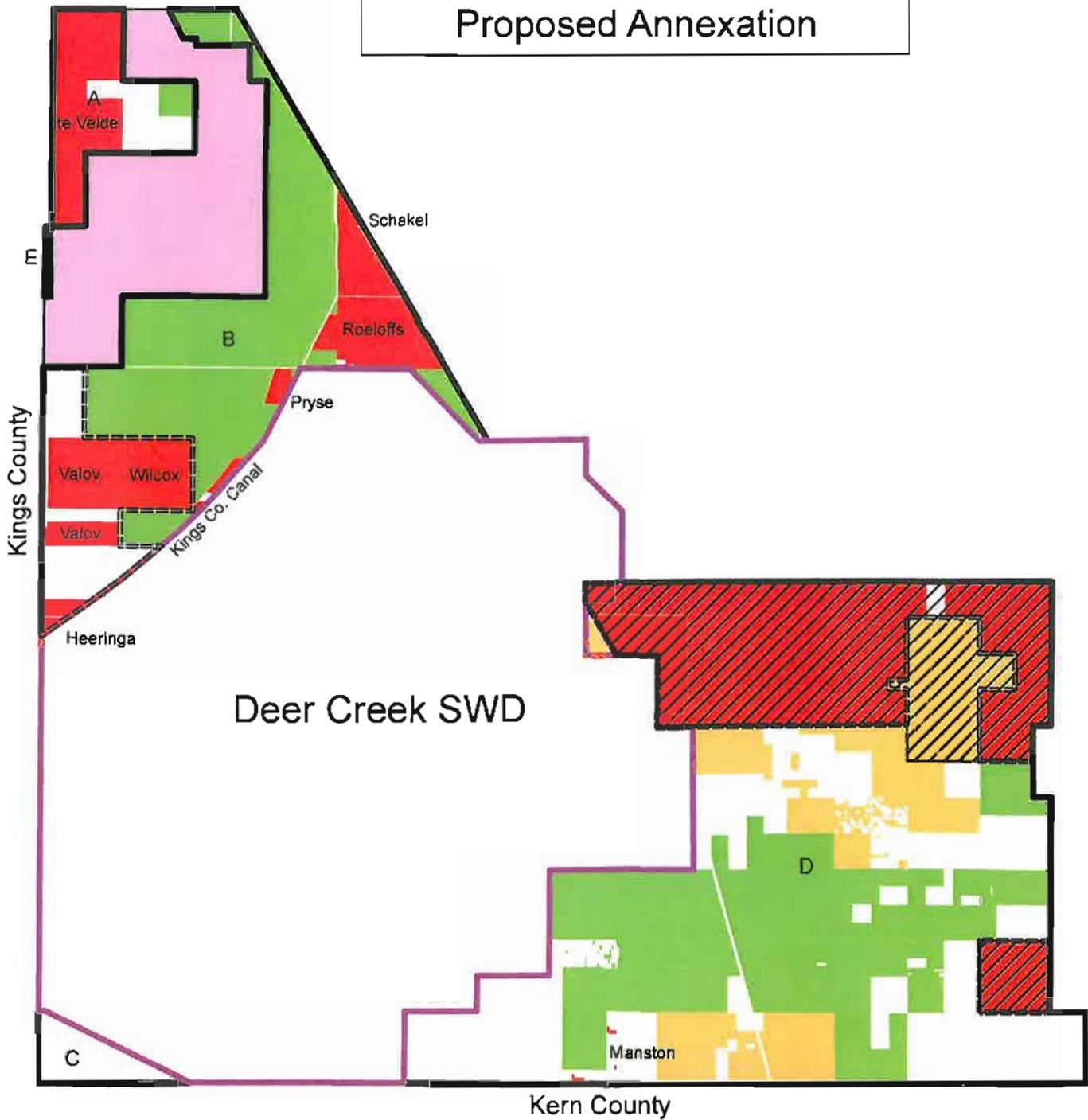
Very truly yours,

A handwritten signature in black ink, appearing to read "R. L. Schafer", written over a horizontal line.

R. L. Schafer
RLS/mep

cc: Michael Nordstrom

LAFCO CASE 1522 Deer Creek Stormwater District Proposed Annexation



Legend

- Deer Creek SWD
- Proposed Annexation
- Consent
- Dissent
- State & Federal Land

Written Consent/Dissent Land Owners

- Possible Removal from Annexation
- Possible Addition to Annexation
- Possible DEID Annexation



Kings County Canal Company
P.O. Box 877
Corcoran, CA 93212

February 16, 2016

Ben Giuliani, Executive Officer
Tulare County Local Agency Formation Commission
210 North Church Street, Suite B
Visalia, CA 93291

Re: LAFCO Case#1522b, Deer Creek Storm Water District Annexation
Written Protest

Dear Mr. Giuliani:

In accordance with Part 4, Division 3, Title 5 of the California Government Code (commencing with Section 57000 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), Kings County Canal Company hereby protests the Deer Creek Storm Water District change of organization or reorganization, Case #1522b. Kings County Canal Company is a landowner of the following parcels affected by the annexation as identified by APN and/or SBE numbers:

APN	SBE
311-300-002	412-54-11-1
311-300-006	412-54-11-2
	412-54-8-1
311-310-027	412-54-14-1
	412-54-7-3
	412-54-7-2
	412-54-7-1
311-340-015	412-54-13-1
	412-54-6-2
	412-54-6-1
311-350-011	412-54-5-1
311-350-010	412-54-10-1
311-010-013	412-54-9-3
	412-54-9-2
	412-54-9-1
311-070-029	412-54-11-1
311-070-036	412-54-12-1
311-070-002	412-54-12-1
311-070-052	412-54-3-1
311-060-xxx	

	412-54-2-1
	412-51-2-3
	412-54-2-2

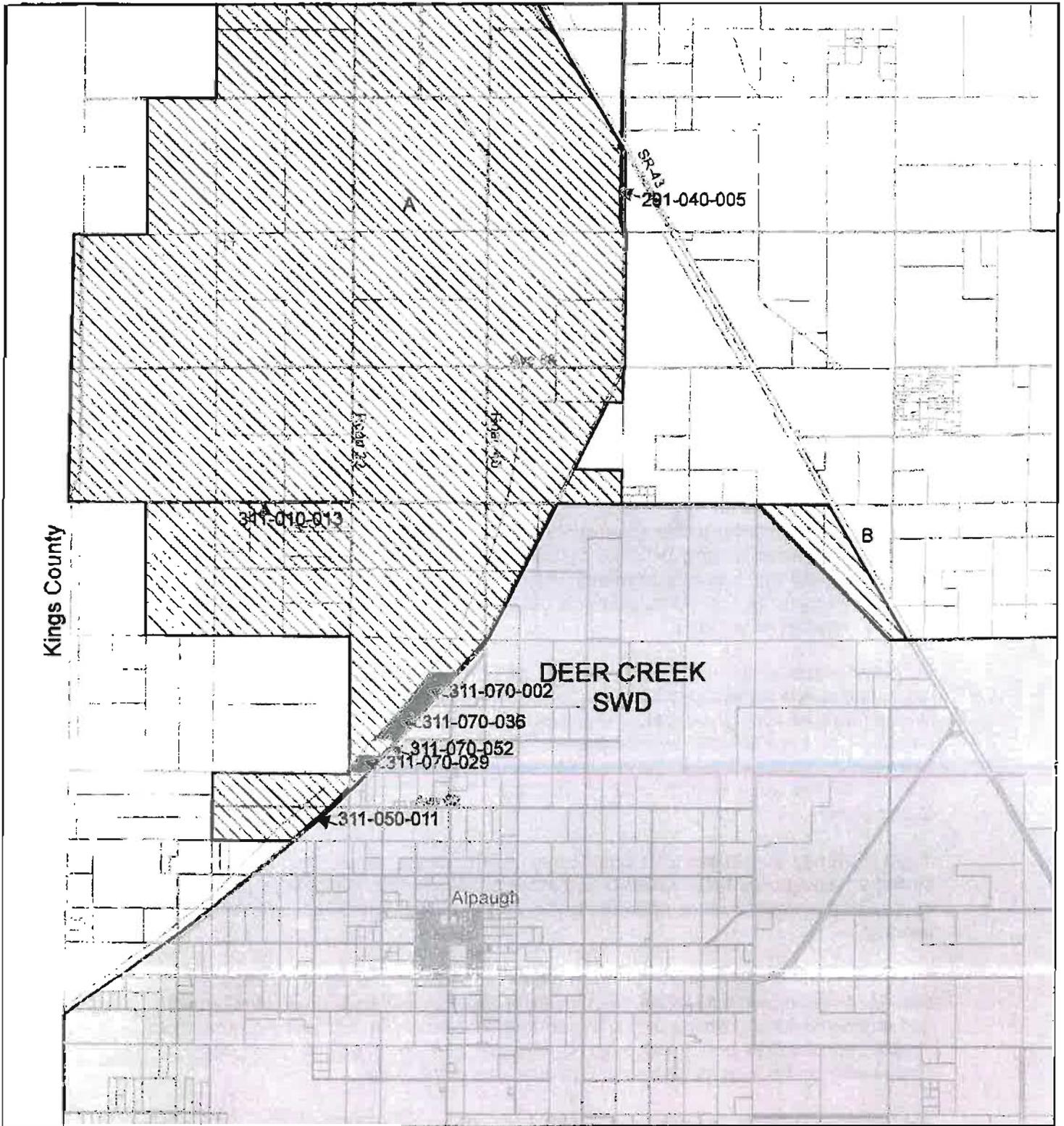
Sincerely,



Mark Unruh
President, Kings County Canal Company

2-23-2016

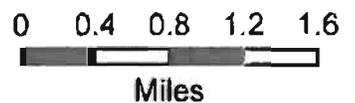
Date of signature



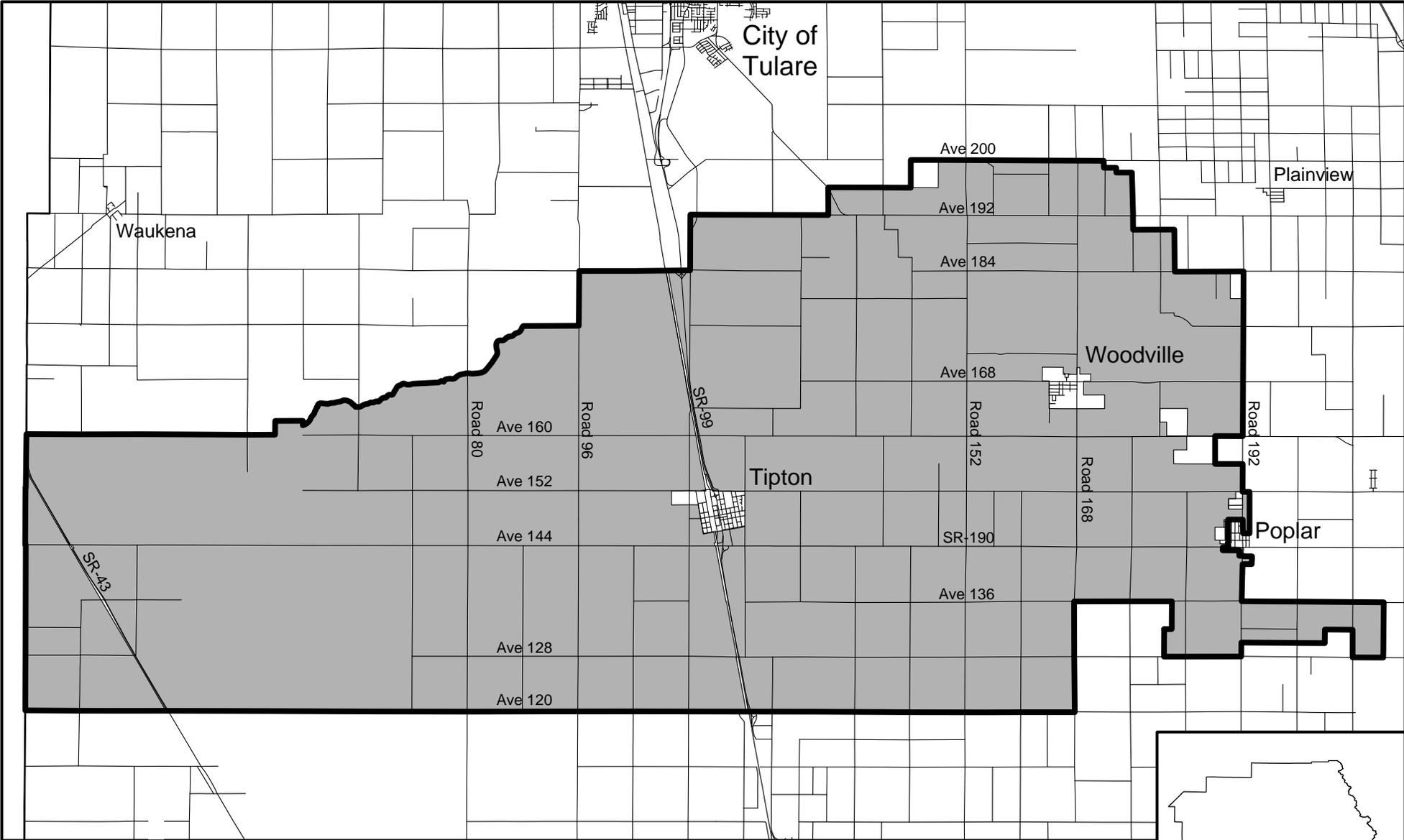
Legend

-  Affected Parcels
-  Approved Annexation
-  Deer Creek SWD
Parcels

**LAFCO CASE 1522
Deer Creek Stormwater District
Reconsideration Area**

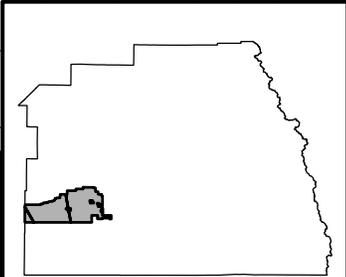


Lower Tule River Irrigation District



Boundaries as of 1/1/15

Streets
 Sphere of Influence
 District





DEER CREEK STORM WATER DISTRICT

944 Whitley Avenue, Suite D
Corcoran, CA 93212

559-762-7274

March 22, 2016

Tulare County Local Agency Formation Commission
210 North Church Street, Suite B
Visalia, CA 93291

Attn: Mr. Ben Giuliani
Executive Officer

Re: LAFCO Case # 1522b, Deer Creek Storm Water District Annexation
Request for Consideration

Dear Mr. Giuliani and Commission:

This letter is written in response to the request for reconsideration submitted on behalf of the Kings County Canal Company (KCCC) as it relates to the Annexation by Deer Creek Storm Water District which was adopted by resolution of the Commission on January 20, 2016. Deer Creek Storm Water District respectfully requests that the Commission make findings of no new information, deny the request, and thereafter certify the Annexation consistent with its action of January 20, 2016 without further review.

KCCC properly cites Government Code section 56895(a) as the appropriate reference for review in this instance. The conclusion, however, that a change of circumstances has occurred meeting the threshold anticipated in said Government Code section because the Tulare Lake Basin Water Storage District, a public agency not a party to this consideration, has, subsequent to the hearing date, notified the Department of Water Resources of its intention to file an application for a Basin Boundary Adjustment to DWR Bulletin 118 as the same applies to the boundary between the Tulare Lake sub-basin and the Tule sub-basin, is a conclusion that even the most hopeful of requesting parties knows fails to pass the straight face test.

The Annexation sought by Deer Creek Storm Water District was for, not surprisingly, storm water (flood) management purposes. The inclusion of the total number of properties in the annexation application was to provide the greatest possible storm water management capabilities going forward. The fact that Deer Creek Storm Water District is also a participating member of a Joint Powers Authority participating with other agencies in the Tule sub-basin in coordinating agencies and plans under the Sustainable Groundwater Management Act is a secondary consideration.

A review of the history of the management of the flows of the Deer Creek, an ephemeral stream, shows its relative terminus to be the very Homeland Canal and its Lateral A which make up part of the area included in the reconsideration request. The Boswell Company and Angiola Water District are the two licensed water rights holders for the flows of the Deer Creek, each with their diversion point at the crossing of the Deer Creek and the Homeland Canal. In heavy precipitation years, the heavier than useable flows have either been directed further west in Lateral A or dumped into the Homeland Canal and moved to the southwest to storage areas, both critical flood control evolutions. I have attached photos showing the levee cut at the intersection of the Deer Creek and the Homeland showing the current winter status which supports that practice without deviation from historical norms.

To have the Commission cut this critical flood control conveyance out of the storm water planning for Deer Creek Storm Water District would seriously impede the ability of the District to carry out its responsibilities. The Homeland Canal and Lateral A are both vital to the future of management for the area. In addition, subsidence has begun to seriously impact this same area, leaving all possible means of storm water conveyance in high demand. To cut this Canal out of the District makes no logical or hydrological sense, and no water management basis has been submitted by KCCC to attempt to convince anyone that to change these circumstances makes sense.

That being said, there is reasonable doubt that the KCCC has the necessary standing to make the request for reconsideration for all of the parcels (or designated areas) specified in its request. Much of the land area KCCC is asking to have removed from the District appears from the record to be easement rights, not fee ownership rights. The underlying landowner(s) on much of the area being requested to be removed by KCCC has already been listed as voluntarily agreeing to the annexation or, at very least, not objecting thereto. The burden would need to be upon the requesting party to prove their actual ownership of the property proposed to be removed at minimum. I have supplied several easement documents which support my position that a large portion of the affected area is, in fact, the subject of non-exclusive canal easement, not fee.

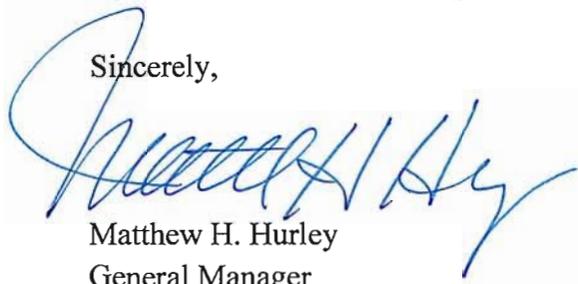
The KCCC has acknowledged in their reconsideration request that the removal of the parcels in question (if they are in fact subject to the jurisdiction of the Commission) will result in the creation of islands and, will, not may, result in the complete separation of the Deer Creek Storm Water District by this 100-200 foot wide “cut.” That result would be in direct contravention of the Know-Hertzberg legislation that the Commission is duty bound to carry out. KCCC has forwarded no relevant reason as to why they believe their request would not adversely affect the operations of Deer Creek Storm Water District as a storm water district. That is because they know better.

Instead, they have made their entire request on the grounds that there may be an opportunity that may present itself at some point in the future, all subject to review and approval of a State Agency entirely outside of their control, for them to include their affected property in a different DWR Bulletin 118 sub-basin, none of which affects the management of flood and storm water, which is the principal charge of the District. I submit to the Commission that the two are apples and oranges. There will clearly be portions of the Deer Creek Storm Water District that will be part of the Tulare Lake sub-basin in the future. There will even be portions of the Deer Creek Storm Water District which will lie within the boundaries of other potential GSA entities as they develop. None of these considerations alters the one most important consideration. Deer Creek Storm Water District needs the area for storm water control purposes first, groundwater management second.

As a final anecdotal side note, the three other parties lying in the area designated “area A” in the District’s January annexation application, which the Commission granted exclusion to, have subsequently approached the District and requested to be included in the District voluntarily as part of the next phase of annexation requests anticipated to be before the Commission in the very near future, thus eliminating the remaining “white areas” which were created by the Commission’s January 20 decision. Bottom line, if the reconsideration is granted, the only property not in the District, will be the serious operational cut the KCCC is requesting.

We hope the Commission will do what is consistent with all logic in this regard; namely reject the reconsideration request.

Sincerely,

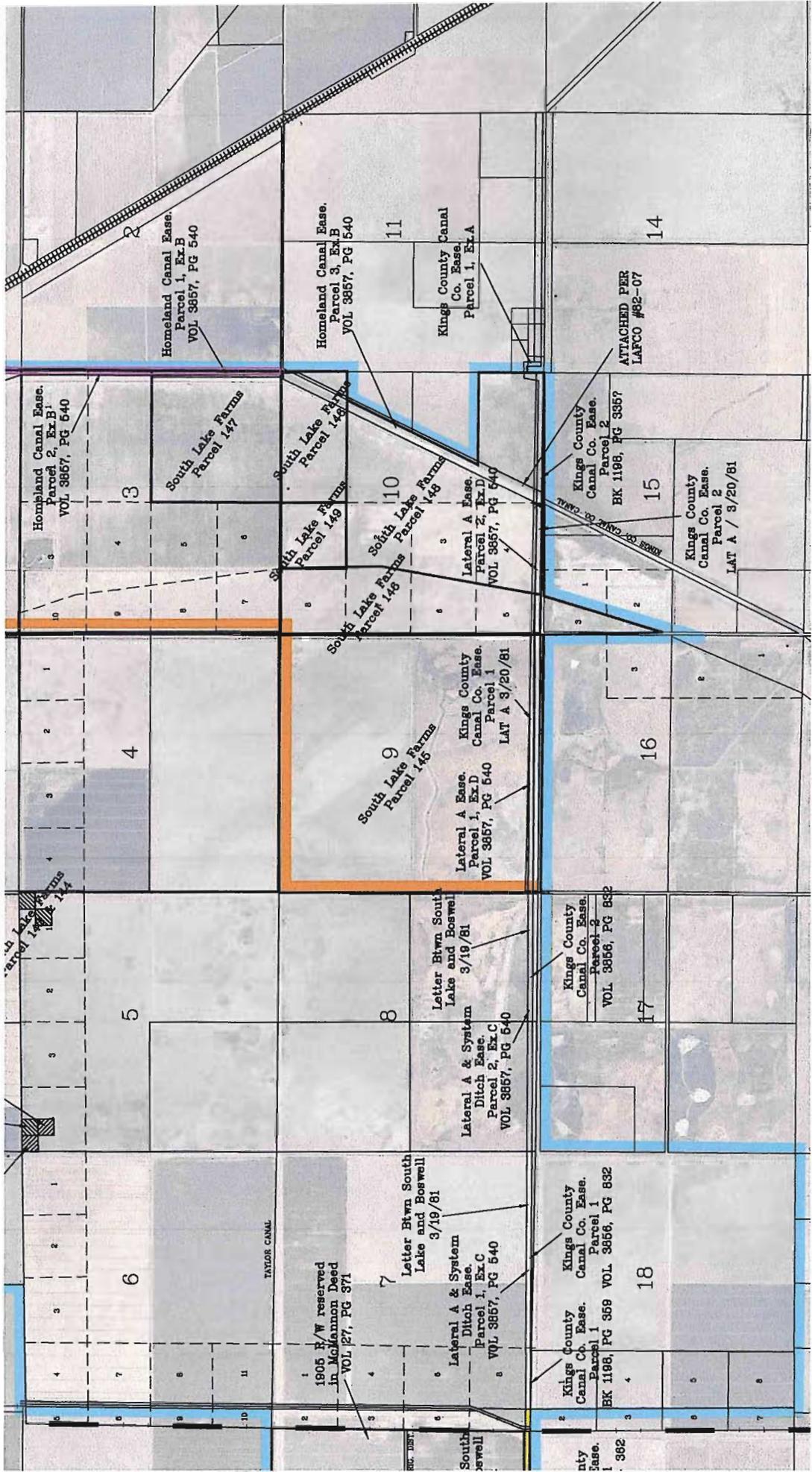
A handwritten signature in blue ink, appearing to read "Matthew H. Hurley", is written over the typed name and title.

Matthew H. Hurley
General Manager

enclosures



Levee cut to accommodate Deer Creek flows during heavier than average years. Deer Creek is in the background, Homeland Canal in the foreground.



When recorded, mail to:
South Lake Farms
P.O. Box 1832
Fresno, CA 93717

18169

Handwritten

RECORDED AT REQUEST OF
TITLE INS. & TRUST CO.
ME 3 PM FEE *let*
APR 10 1931 PD
OFFICIAL RECORDS
TULARE COUNTY, CALIFORNIA
JAY C. BAYLESS, RECORDER

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SOUTH LAKE FARMS, a California corporation, (GRANTOR) as to the portion of the hereinafter described land which it owns or in which it has an interest, does hereby grant to J. G. BOSWELL COMPANY, a California corporation, its successors and assigns, (GRANTEE) and J. G. BOSWELL COMPANY, a California corporation, for itself and its successors and assigns, hereby accepts, subject to the covenants and conditions herein contained, perpetual easements and rights of way for the purpose of enlarging, improving, operating and maintaining an existing canal (commonly known as the Homeland canal and/or the Bayou Vista Eastside Ditch), together with diversion structures, culverts, bridges, drop structures, fences, roadways and other appurtenances thereto, within, over and across the following described real property situated in the County of Tulare, State of California:

(Description of property rider attached)

GRANTEE, its successors and assigns, may improve, enlarge, operate and maintain said canal at its sole cost and expense, and shall perform said work of construction and enlargement in a good and workmanlike manner following the highest standards of canal or ditch construction in the Tulare Lake Basin area.

Also, GRANTEE, its successors and assigns, shall preserve, replace or relocate all improvements at the sole cost and expense of GRANTEE, its successors and assigns.

01

GRANTEE, its successors and assigns, shall place excavated material on or near the canal banks; but, to the extent that such excavated material may be in excess of that which is needed to maintain the canal section, canal banks or roadways, it may be removed and sold or disposed of as GRANTEE, its successors and assigns, may determine.

The easements granted herein for the conveyance of water are exclusive to GRANTEE but GRANTOR, its successors and assigns shall have the right to make any other use of the easement area as long as such use does not interfere with or impede the uses provided for in this grant.

The covenants and agreements herein contained shall run with the land herein described and shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

Dated: March 20, 1981

J. G. Boswell Company, a California Corporation

South Lake Farms. a California Corporation

By: James B. Fisher, Pres
By: John C. Sterling, Sec.
Grantee

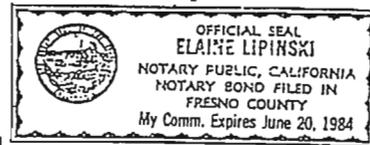
By: William J. Stinner, Pres
By: [Signature] SECRETARY
Grantor

STATE OF CALIFORNIA

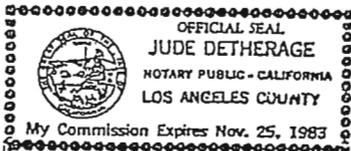
County of Fresno ss.

On March 20, 1981, before me, the undersigned a Notary Public, in and for said State, personally appeared G. R. Brewer and Robert G. Veaco known to me to be the President and the Secretary of the corporation that executed the within instrument, and also known to me to be the persons who executed it on behalf of such corporation, and acknowledged to me that such corporation executed the same, and further acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

My commission expires _____ Elaine Lipinski
Notary Public



STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES



ON March 23, 1981, before me, the undersigned, a Notary Public in and for said State, personally appeared James B. Fisher known to me to be the President, and John C. Sterling known to me to be the Secretary of the J. G. Boswell Company the Corporation that executed the within instrument, known to me to be the persons who executed the within instrument, on behalf of the Corporation herein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.
WITNESS my hand and official seal.

Jude Detherage
Notary Public, in and for said State.

Description of property rider attached to and forming a part of that certain Grant of Easement dated March 20, 1981 executed by SOUTH LAKE FARMS, a California corporation, as GRANTOR and J. G. BOSWELL COMPANY, a California corporation, as GRANTEE.

Parcel 1: The West 67.00 feet of the Southwest Quarter of the Southwest Quarter of Section 23, Township 22 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California.

Parcel 2: The West 67.00 feet of the Southwest Quarter of the Northwest Quarter of Section 26, Township 22 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California.

Parcel 3: All that portion of Section 27, Township 22 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows: Beginning at the Southeast Corner of said Section, thence South 89 degrees 46 minutes 32 seconds West along the South Line of said Section a distance of 139.15 feet; thence North 0 degrees 41 minutes 11 seconds East a distance of 2,646.90 feet to a point on the North Line of the Southeast Quarter of said Section; thence North 89 degrees 37 minutes 11 seconds East a distance of 24.13 feet; thence North 0 degrees 41 minutes 11 seconds East a distance of 1,323.57 feet to a point on the North Line of the South Half of the Northeast Quarter of said Section; thence North 89 degrees 35 minutes 08 seconds East along said line a distance of 115.02 feet to the Northeast Corner of said South Half; thence South 0 degrees 41 minutes 11 seconds West along the East Line of said Section a distance of 3,970.92 feet to the point of beginning.

Parcel 4: That portion of Section 34, Township 22 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows: Beginning at the Southeast

Corner of said Section, thence North 0 degrees 19 minutes 09 seconds West along the East Line of said Section a distance of 5,299.69 feet to the Northeast Corner of said Section; thence South 89 degrees 50 minutes 33 seconds West along the North Line of said Section a distance of 139.15 feet; thence South 0 degrees 45 minutes 37 seconds West a distance of 1,509.57 feet; thence South 29 degrees 54 minutes 59 seconds East a distance of 102.17 feet; thence South 49 degrees 13 minutes 34 seconds West a distance of 449.90 feet; thence South 29 degrees 54 minutes 59 seconds East a distance of 462.47 feet; thence South 0 degrees 45 minutes 01 seconds West a distance of 2,482.65 feet; thence South 19 degrees 00 minutes 13 seconds East a distance of 526.09 feet; thence South 0 degrees 19 minutes 49 seconds East a distance of 27.01 feet to a point on the South Line of said Section; thence North 89 degrees 50 minutes 46 seconds East a distance of 108.85 feet to the point of beginning. Excepting therefrom any portion thereof lying within the Rights-of-way of the A. T. & S. F. Railroad and State Highway 43.

When recorded, mail to
South Lake Farms
P.O. Box 1832
Fresno, CA 93717

18170
Lateral A
9-
(27/23)

RECORDS DEPARTMENT OF TITLE INS. & TRUST CO. E 3PM FEE 541 APR 10 1981 RB OFFICIAL RECORDS TULARE COUNTY, CALIFORNIA J. Y. C. DAYLESS, RECORDER

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SOUTH LAKE FARMS, a California corporation, (GRANTOR) as to the portion of the hereinafter described land which it owns or in which it has an interest, does hereby grant to KINGS COUNTY CANAL COMPANY, a California corporation, its successors and assigns, (GRANTEE) and KINGS COUNTY CANAL COMPANY, a California corporation, for itself and its successors and assigns, hereby accepts, subject to the covenants and conditions herein contained, perpetual easements and rights of way for the purpose of enlarging, improving, operating and maintaining an existing canal, (commonly known as Lateral A of Kings County Canal Company), together with diversion structures, ^{pumping facilities,} culverts, bridges, drop structures, fences, roadways and other appurtenances thereto, within, over and across the following described real property situated in the County of Tulare, State of California:

(Description of Property Rider Attached)

GRANTEE, its successors and assigns, may improve, enlarge and construct said canal at its sole cost and expense, and shall perform said work of construction and enlargement in a good and workmanlike manner following the highest standards of canal or ditch construction in the Tulare Lake Basin area to the end that the danger of seepage and bank failure will be minimized to the greatest extent possible.

Also, GRANTEE, its successors and assigns, shall preserve, replace or relocate all improvements at the sole cost and expense of GRANTEE, its successors and assigns.

All costs of operation and maintenance of said canal shall be borne by GRANTEE, its successors and assigns.

The easements granted herein are nonexclusive and GRANTOR, its successors and assigns, shall have the right to make any use of the easement area as long as such use does not interfere with or impede the uses provided for in this grant.

U7

The covenants and agreements herein contained shall run with the land herein described and shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

Dated: March 20, 1981.

KINGS COUNTY CANAL COMPANY,
a California corporation

SOUTH LAKE FARMS,
a California corporation

By Stanley M. Barnes Pres.

By John C. Sterling Sec.

By John C. Sterling, Sec.
Grantee

By Robert G. Veaco SECRETARY
Grantor

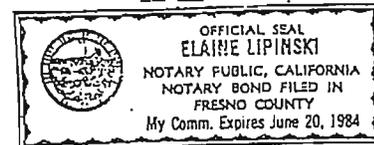
STATE OF CALIFORNIA

County of Fresno

On March 20, 1981 before me, the undersigned a Notary Public, in and for said State, personally appeared G. B. Brewer and Robert G. Veaco known to me to be the President and the Secretary of the corporation that executed the within instrument, and also known to me to be the persons who executed it on behalf of such corporation, and acknowledged to me that such corporation executed the same, and further acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

My commission expires _____

Elaine Lipinski
Notary Public



STATE OF CALIFORNIA,

COUNTY OF KINGS

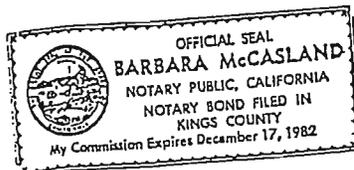
ON MARCH 23, 1981

before me, the undersigned, a Notary Public in and for said State, personally appeared Stanley M. Barnes and John C. Sterling, known to me to be the President and Secretary

of the KINGS COUNTY CANAL COMPANY the Corporation that executed the within instrument, known to me to be the person who executed the within instrument, on behalf of the Corporation, therein named, and acknowledged to me that such Corporation executed the same.

WITNESS my hand and official seal.

Barbara McCasland
Notary Public in and for said State.



ACKNOWLEDGMENT—Corporation—Notarize Form 222—Rev. 3-44

Description of property rider attached to and forming a part of that certain Grant of Easement dated March 20, 1981, executed by South Lake Farms, a California corporation, as Grantor Kings County Canal Company, a California corporation, as Grantee.

Parcel 1:

All that portion of Section 9, Township 23 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows: Beginning at the Southwest Corner of said Section 9, thence North along the West Line of said Section a distance of 100.00 feet; thence Easterly to a point on the East Line of said Section, said point being 125.00 feet North of the Southeast Corner of said Section; thence South 125.00 feet to the Southeast Corner of said Section; thence West to the point of beginning.

Parcel 2:

All that portion of Section 10, Township 23 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows: Beginning at the Southwest Corner of said Section, thence North 0 degrees 01 minutes 08 seconds East along the West Line of said Section a distance of 125.00 feet; thence South 89 degrees 43 minutes 58 seconds East a distance of 2,514.70 feet; thence North 42 degrees 00 minutes 59 seconds East a distance of 67.38 feet; thence North 56 degrees 00 minutes 59 seconds East a distance of 65.00 feet; thence North 70 degrees 00 minutes 59 seconds East a distance of 45.00 feet; thence South 26 degrees 09 minutes 04 seconds West a distance of 225.00 feet to a point on the South Line of said Section; thence South 89 degrees 42 minutes 25 seconds West a distance of 2,556.87 feet to the point of beginning.

When recorded, mail to:
South Lake Farms
P.O. Box 1832
Fresno, CA 93717

13171

Homeland
(1981)

RECORDED	DATE
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APR 16 1981 20	
OFFICIAL RECORDS TULARE COUNTY, CALIFORNIA J. Y. C. BYLLES, RECORDER	

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SOUTH LAKE FARMS, a California corporation, (GRANTOR) as to the portion of the hereinafter described land which it owns or in which it has an interest, does hereby grant to KINGS COUNTY CANAL COMPANY a California corporation, its successors and assigns, (GRANTEE) and KINGS COUNTY CANAL COMPANY a California corporation, for itself and its successors and assigns, hereby accepts, subject to the covenants and conditions herein contained, perpetual easements and rights of way for the purpose of enlarging, improving, operating and maintaining an existing canal (commonly known as the Homeland canal and/or the Kings County Canal Company canal), together with diversion structures, culverts, bridges, drop structures, fences, roadways and other appurtenances thereto, within, over and across the following described real property situated in the County of Tulare, State of California:

(Description of property rider attached)

GRANTEE, its successors and assigns, may improve, enlarge, operate and maintain said canal at its sole cost and expense, and shall perform said work of construction and enlargement in a good and workmanlike manner following the highest standards of canal or ditch construction in the Tulare Lake Basin area.

Also, GRANTEE, its successors and assigns, shall preserve, replace or relocate all improvements at the sole cost and expense of GRANTEE, its successors and assigns.

GRANTEE, its successors and assigns, shall place excavated material on or near the canal banks; but, to the extent that such excavated material may be in excess of that which is needed to maintain the canal section, canal banks or roadways, it may be removed and sold or disposed of as GRANTEE, its successors and assigns, may determine.

The easements granted herein for the conveyance of water are exclusive to GRANTEE but GRANTOR, its successors and assigns shall have the right to make any other use of the easement area as long as such use does not interfere with or impede the uses provided for in this grant.

The covenants and agreements herein contained shall run with the land herein described and shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

Dated: March 20, 1981

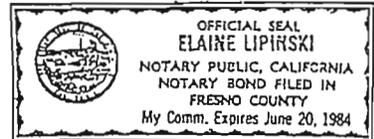
Kings County Canal Company, a California Corporation

South Lake Farms, a California Corporation

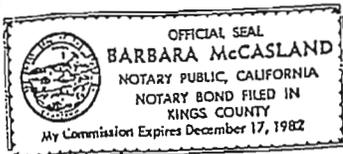
By: Stanley M. Barnes, Pres.
By: John C. Sterling, Sec.
Grantee

By: Elaine Lipinski, P.
By: Robert G. Veaco SECRETARY
Grantor

STATE OF CALIFORNIA
County of Fresno ss.
On March 20, 1981, before me, the undersigned a Notary Public, in and for said State, personally appeared G. H. Brewer and Robert G. Veaco known to me to be the President and the Secretary of the corporation that executed the within instrument, and also known to me to be the persons who executed it on behalf of such corporation, and acknowledged to me that such corporation executed the same, and further acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.
My commission expires _____
Elaine Lipinski
Notary Public



STATE OF CALIFORNIA, ss.
COUNTY OF KINGS
ON MARCH 23, 1981, before me, the undersigned, a Notary Public in and for said State, personally appeared Stanley M. Barnes and John C. Sterling, known to me to be the President and Secretary of the KINGS COUNTY CANAL COMPANY the Corporation that executed the within instrument, known to me to be the person who executed the within instrument, on behalf of the Corporation, therein named, and acknowledged to me that such Corporation executed the same.
WITNESS my hand and official seal,
Barbara McCasland
Notary Public in and for said State.
ACKNOWLEDGMENT—Corporation—Weicerts Form 222—Rev. 3-66



Description of property rider attached to and forming a part of that certain Grant of Easement dated March 20, 1981 executed by SOUTH LAKE FARMS, a California corporation, as GRANTOR and KINGS COUNTY CANAL COMPANY, a California corporation, as GRANTEE.

Parcel 1: That portion of the Southeast Quarter of Section 3, Township 23 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows: Beginning at the Southeast Corner of said Section, thence North 0 degrees 12 minutes 36 seconds West a distance of 2,653.00 feet, more or less, to the Northeast Corner of said Southeast Quarter; thence South 89 degrees 47 minutes 05 seconds West along the North Line of said Quarter a distance of 107.63 feet; thence South 0 degrees 02 minutes 07 seconds West a distance of 2,648.05 feet; thence South 26 degrees 33 minutes 28 seconds West a distance of 5.85 feet to a point on the South Line of said Section thence North 89 degrees 43 minutes 24 seconds East along said South Line a distance of 122.09 feet to the point of beginning. Excepting therefrom the East 66.00 feet thereof. .

Parcel 2: That portion of the Northeast Quarter of Section 3, Township 23 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows: Beginning at the Northeast Corner of said Section, thence South 89 degrees 50 minutes 46 seconds West along the North Line of said Section a distance of 103.85 feet; thence South 0 degrees 14 minutes 22 seconds East a distance of 2,522.09 feet; thence South 0 degrees 02 minutes 07 seconds West a distance of 130.91 feet, more or less, to a point on the South Line of said Quarter; thence North 89 degrees 47 minutes 05 seconds East along said South Line a distance of 107.63 feet to the Southeast Corner of said Quarter; thence North 0 degrees 12 minutes 36 seconds West a distance of

2,653.00 feet to the point of beginning.

Parcel 3: All of that portion of Section 10, Township 23 South Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows: Beginning at a point on the South Line of said Section, South 89 degrees 42 minutes 25 seconds West a distance of 2,460.53 feet from the Southeast Corner of said Section; thence North 26 degrees 09 minutes 04 seconds West a distance of 2,871.03 feet; thence North 26 degrees 18 minutes 39 seconds East a distance of 1,475.44 feet; thence North 26 degrees 23 minutes 57 seconds East a distance of 1,218.52 feet to a point on the East Line of said Section; thence North 0 degrees 00 minutes 25 seconds East along said East Line a distance of 316.99 feet to the Northeast Corner of said Section; thence South 89 degrees 43 minutes 24 seconds West along the North Line of said Section a distance of 122.09 feet; thence South 26 degrees 23 minutes 57 seconds West a distance of 1,448.60 feet; thence South 26 degrees 18 minutes 39 seconds West a distance of 1,475.44 feet; thence South 26 degrees 09 minutes 04 seconds West a distance of 2,995.51 feet to a point on the South Line of said Section; thence North 89 degrees 42 minutes 25 seconds East along said South Line a distance of 279.22 feet to the point of beginning. Excepting therefrom any portion of the above described parcel within the South Half of the Northeast Quarter of said Section and also within the North Half of the Southeast Quarter of said Section lying Easterly of the present Right-of-way of the Homeland Canal.

When recorded, mail o:
South Lake Farms
P.O. Box 1832
Fresno, CA 93717

18172

GRANT OF EASEMENT

VOL 3856 PAGE 832

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SOUTH LAKE FARMS, a California corporation (GRANTOR) as to the portion of the hereinafter described land which it owns or in which it has an interest, does hereby grant to KINGS COUNTY CANAL COMPANY, a California corporation, its successors and assigns, (GRANTEE) and KINGS COUNTY CANAL COMPANY, for itself and its successors and assigns, hereby accepts, subject to the covenants and conditions herein contained, perpetual easements and rights of way for the purpose of enlarging, improving, operating and maintaining an existing canal (~~commonly known as Lateral A of the KINGS COUNTY CANAL COMPANY~~), together with diversion structures, pumping facilities, culverts, bridges, drop structures, fences, roadways and other appurtenances thereto, within, over and across the following described real property situated in the County of Tulare, State of California.

(Description of Property Rider Attached)

GRANTOR, for itself and its successors and assigns, reserves and shall at all times have the right of joint use of said easement for the purpose of operating and maintaining an existing canal (commonly known as the System Ditch), together with diversion structures, ^{pumping facilities,} culverts, bridges, drop structures, fences, roadways and other appurtenances thereto. If the improvement and enlargement of said Lateral A and the improvement and rectification of the common bank and roadway between said Lateral A and GRANTOR'S System Ditch require the alteration or relocation of said System Ditch and the interceptor ditch to the north thereof, such facilities shall be altered or relocated by GRANTEE, its successors and assigns, provided such facilities are substantially equivalent to those presently existing and the capacity thereof has not been diminished.

GRANTEE, its successors and assigns, shall perform said work of construction and improvement in a good and workmanlike manner following the highest standards of canal or ditch construction in the Tulare Lake Basin area to the end that the danger of seepage and bank failure will be minimized to the greatest extent possible.

The cost and expense of any enlargement and improvement of said Lateral A to a bottom dimension of 30 feet and a bank slope of 1.5 feet horizontal to 1.0 foot vertical and the cost of improvement and rectification of the common bank and roadway between said Lateral A and said System Ditch and any alteration or relocation of said System Ditch and the interceptor ditch to the north thereof shall be borne 75% by GRANTEE and 25% by GRANTOR.

GRANTOR and GRANTEE shall each have the right to use the common bank and roadway between said Lateral A and said System Ditch and shall share equally the costs of maintenance thereof.

The easements granted herein are nonexclusive and GRANTOR, its successors and assigns, shall have the right to make any use of the easement area as long as such use does not interfere with or impede the uses provided for in this grant.

The covenants and agreements herein contained shall run with the land herein described and shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

Dated: March 20, 1981

KINGS COUNTY CANAL COMPANY,
a California corporation

By G. R. Brewer, Pres.

By John C. Stulig, Sec.
Grantee

SOUTH LAKE FARMS,
a California corporation

By [Signature]

By [Signature] SECRETARY
Grantor

STATE OF CALIFORNIA

County of Fresno ss.

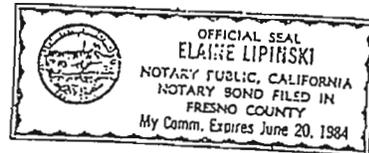
On March 20, 1981, before me, the undersigned

a Notary Public, in and for said State, personally appeared G. R. Brewer

and Robert G. Veaco known to me

to be the President and the Secretary of the corporation that executed the within instrument, and also known to me to be the persons who executed it on behalf of such corporation, and acknowledged to me that such corporation executed the same, and further acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

My commission expires [Signature]
Notary Public



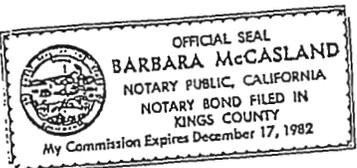
Description of property rider attached to and forming a part of that certain Grant of Easement dated March 20, 1981, executed by South Lake Farms, a California corporation, as Grantor and Kings County Canal Company, a California corporation, as Grantee.

Parcel 1:

The South 100.00 feet of Section 7, Township 23 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California.

Parcel 2:

The South 100.00 feet of Section 8, Township 23 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California.

STATE OF CALIFORNIA,	}	ss.	ON	MARCH 23	19 81
COUNTY OF <u>KINGS</u>					
			before me, the undersigned, a Notary Public in and for said State, personally appeared		
			<u>Stanley M. Barnes and</u>		
			<u>John C. Sterling</u> , known to me to be the		
			<u>President and Secretary</u>		
			of the <u>KINGS COUNTY CANAL COMPANY</u>		
			the Corporation that executed the within Instrument, known to me to be the person who		
			executed the within Instrument, on behalf of the Corporation, therein named, and acknowledged		
			to me that such Corporation executed the same.		
			WITNESS my hand and official seal.		
			 Notary Public in and for said State.		
			ACKNOWLEDGMENT—Corporation—Notarized Form 222—Rev. 3-64		

RECORDED AT REQUEST OF
 TITLE INS. & TRUST CO.
 TIME 3 PM FEE 5.11
 APR 16 1981 RD
 OFFICIAL RECORDS
 TULARE COUNTY, CALIFORNIA
 JAY C. BAYLESS, RECORDER

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SOUTH LAKE FARMS, a California corporation (GRANTOR) as to the portion of the hereinafter described land which it owns or in which it has an interest, does hereby grant to KINGS COUNTY CANAL COMPANY, a California corporation, its successors and assigns, (GRANTEE) and KINGS COUNTY CANAL COMPANY, for itself and its successors and assigns, hereby accepts, subject to the covenants and conditions herein contained, perpetual easements and rights of way for the purpose of enlarging, improving, operating and maintaining an existing canal (commonly known as Lateral A of the KINGS COUNTY CANAL COMPANY), together with diversion structures, pumping facilities, culverts, bridges, drop structures, fences, roadways and other appurtenances thereto, within, over and across the following described real property situated in the County of Kings, State of California.

(Description of Property Rider Attached)

GRANTOR, for itself and its successors and assigns, reserves and shall at all times have the right of joint use of said easement for the purpose of operating and maintaining an existing canal (commonly known as the System Ditch), together with diversion structures, ^{pumping facilities,} culverts, bridges, drop structures, fences, roadways and other appurtenances thereto. If the improvement and enlargement of said Lateral A and the improvement and rectification of the common bank and roadway between said Lateral A and GRANTOR'S System Ditch require the alteration or relocation of said System Ditch and the interceptor ditch to the north thereof, such facilities shall be altered or relocated by GRANTEE, its successors and assigns, provided such facilities are substantially equivalent to those presently existing and the capacity thereof has not been diminished.

GRANTEE, its successors and assigns, shall perform said work of construction and improvement in a good and workmanlike manner following the highest standards of canal or ditch construction in the Tulare Lake Basin area to the end that the danger of seepage and bank failure will be minimized to the greatest extent possible.

4465

The cost and expense of any enlargement and improvement of said Lateral A to a bottom dimension of 30 feet and a bank slope of 1.5 feet horizontal to 1.0 foot vertical and the cost of improvement and rectification of the common bank and roadway between said Lateral A and said System Ditch and any alteration or relocation of said System Ditch and the interceptor ditch to the north thereof shall be borne 75% by GRANTEE and 25% by GRANTOR.

GRANTOR and GRANTEE shall each have the right to use the common bank and roadway between said Lateral A and said System Ditch and shall share equally the costs of maintenance thereof.

The easements granted herein are nonexclusive and GRANTOR, its successors and assigns, shall have the right to make any use of the easement area as long as such use does not interfere with or impede the uses provided for in this grant.

The covenants and agreements herein contained shall run with the land herein described and shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

Dated: March 20, 1981.

KINGS COUNTY CANAL COMPANY,
a California corporation

SOUTH LAKE FARMS,
a California corporation

By Stanley H. Brewer, Pres.

By W. S. Brewer, Pres.

By John C. Stulig, Sec.
Grantee

By Stanley H. Brewer SECRETARY
Grantor

STATE OF CALIFORNIA

County of Eresno) ss.

On March 20, 1981 before me, the undersigned

a Notary Public, in and for said State, personally appeared

G. B. Brewer and Robert G. Veaco known to me

to be the President and the Secretary of the corporation that executed the within instrument, and also known to me to be the persons who executed it on behalf of such corporation, and acknowledged to me that such corporation executed the same, and further acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors

My commission expires June 20, 1984
Edmund Lepinski
Notary Public



Description of property rider attached to and forming a part of that certain Grant of Easement dated March 20, 1981, executed by South Lake Farms, a California corporation, as Grantor and Kings County Canal Company, a California corporation, as Grantee.

Parcel 1: ~~100000~~

The South 100.00 feet of Section 12, Township 23 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Kings, State of California, as measured from the monumented line shown on a Record of Survey, recorded in Book 7 at Page 61 of Licensed Surveyors Plats, Kings County Records.

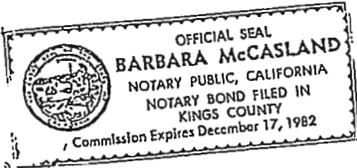
STATE OF CALIFORNIA,
COUNTY OF KINGS

ss.
ON MARCH 23, 1981;
before me, the undersigned, a Notary Public in and for said State, personally appeared
Stanley M. Barnes and
John C. Sterling, known to me to be the
President and Secretary
of the KINGS COUNTY CANAL COMPANY
the Corporation that executed the within Instrument, known to me to be the person who
executed the within Instrument, on behalf of the Corporation, therein named, and acknowledged
to me that such Corporation executed the same.

WITNESS my hand and official seal.

Barbara McCasland
Notary Public in and for said State.

ACKNOWLEDGMENT—Corporation—Wolcotts Form 222—Rev. 3-64



RECORDED IN OFFICIAL RECORDS OF
KINGS COUNTY, CALIFORNIA
AT 30 MIN PAST 3P JA
HANFORD TITLE CO.
APR 16 1981

JOAN L. BULLOCK *SW*
County Clerk and Recorder

FEE
60

AGREEMENT FOR EXCHANGE OF EASEMENTS AND OTHER RIGHTS AND
RELATING TO STORAGE USE OF SOUTH WILBUR AREA

This Agreement is made this 10th day of December, 1980, by and between J. G. Boswell Company (Boswell), a California corporation, and South Lake Farms (South Lake), a California corporation.

Recitals:

1. Boswell owns certain real property in Kings County, California, in which South Lake desires to obtain certain easements and rights.
2. Boswell in cooperation with others is planning a flood control project including the enlargement of certain canals and ditches and the storage of water in facilities located in the area south of South Lake's south levee.
3. South Lake and Boswell, together with Salyer Land Company, have heretofore entered into that certain Agreement For Construction of Interceptor Ditch dated September 8, 1976.
4. South Lake owns certain real property in Kings and Tulare Counties, California, in which Boswell and/or Boswell's nominees desire to obtain certain easements and rights in furtherance of said flood control project.
5. Boswell and South Lake are willing to grant, each to the other, the following described easements and rights upon the terms and conditions and in exchange for the considerations herein specified.

Agreement:

1. Boswell shall grant to South Lake, for the purpose of constructing and maintaining an existing irrigation ditch

thereon, an easement over and across the following described real property:

A strip of land fifty (50) feet in width, lying north of, adjacent to and parallel with an existing sixty (60) foot right-of-way along the South line of Sections 9, 10 and 11, Township 23 South, Range 22 East, M.D.B. & M., County of Kings, State of California.

All construction costs, operation and maintenance expenses of said ditch shall be the sole responsibility of South Lake, which at present, and for many years past, has operated and maintained said ditch as a segment of its Systems Ditch under an agreement between South Lake and Crockett and Gambogy (Boswell) dated February 25, 1957.

2. The parties agree to cooperate in the joint improvement, repair and rectification of the common bank and roadway thereon between the Systems Ditch of South Lake and Lateral A of Kings County Canal Company (Boswell) where such ditches run east and west parallel to each other and north of the south line of Sections 7, 8, 9, 10, 11, and 12, Township 23 South, Range 22 East, and Sections 7 and 8, Township 23 South, Range 23 East, Kings and Tulare Counties, California. The cost of such improvement, repair and rectification shall be shared equally by the parties; and if additional easements are required for such work, each party agrees to provide such easements as may be required over the parcels of real property which each of them owns.

If such work requires the relocation of portions of South Lake's Systems Ditch, Boswell will share the cost of such relocation equally with South Lake.

South Lake further agrees to grant to Boswell an easement up to fifty (50) feet in width for the purpose of enlarging and

improving Lateral A through Sections 9 and 10, Township 23 South, Range 23 East, Tulare County, California; and Boswell shall pay South Lake or its successors or assigns the sum of Five Hundred Dollars (\$500.00) per acre for each and every acre used for such enlargement and improvement.

3. South Lake shall grant, or cause to be granted, to Boswell and/or its nominee the right to increase the height of and enlarge that certain levee commonly known as the South Levee of the Wilbur Reclamation District #825, which levee runs in a generally east-west direction along the south side of Sections 31, 32, 33, 34, 35, and 36, Township 23 South, Range 21 East.

The height of said levee shall not exceed elevation 205 and Boswell and/or its nominee shall have the right to store water against said levee in the area to the south thereof, provided that at no time shall the surface of the water stored exceed elevation 200 and further provided that at all times there shall be approximately five feet of free board above said water surface.

In performing the work contemplated hereunder, Boswell and/or its nominee will extend the southerly slope of said levee and otherwise perform such work in such a manner as to maintain the integrity of said levee and reduce the possibility of seepage by undercutting in sandy areas and backfilling with impervious material.

The cost and expense of such work shall be borne by Boswell and after the completion of said work the continuing cost of operation and maintenance of said levee shall be borne two-thirds by Boswell and one-third by South Lake.

Damage Claims
Boswell shall and does hereby agree to indemnify and hold South Lake harmless of and from all loss or damage suffered by South Lake and of and from liability to or claims by third parties resulting from or occasioned by the escape or release of

waters stored by Boswell in the South Wilbur area. Such indemnity shall not extend to loss or damage caused solely by uncontrolled flood flows.

4. South Lake shall grant to Boswell or its nominee easements for the purpose of enlarging, improving and maintaining those certain canals or ditches sometimes referred to as the West Homeland Canal, and the Kings County Canal Company, Homeland Canal.

Such easements shall be over and across the following described real property:

(Homeland Canal)

A strip of land up to one hundred feet (100') in width, lying westerly of and adjacent to an existing canal commonly known as the Kings County Canal Company's Homeland Canal, running in a general southerly-direction along the west side of Section 23 and the east side of Section 34, Township 22 South, Range 23 East, and the east side of Sections 3 and 10, Township 23 South, Range 23 East, M.D.B. & M., County of Tulare, State of California.

(West Homeland Canal)

A strip of land up to one hundred feet (100') in width, lying west of and adjacent to that certain existing canal right-of-way along the west side of Sections 7, 18, 19, 30, and 31, Township 23 South, Range 22 East, County of Kings, State of California.

The cost and expense of such enlargement and improvement, including relocation of fences, damage, if any, to well installations, and preservation of road and canal crossings,

each and every acre used in such enlargement and improvement.

South Lake shall have the right to use the West Homeland Canal for the transportation of irrigation water in cooperation with Boswell and/or its nominee and shall share the cost of operation and maintenance of said canal equally with Boswell and/or its nominee.

5. South Lake shall grant to Boswell and/or its nominee the right to enlarge that certain canal or ditch commonly known as the Wilbur Ditch, up to a capacity of 750 cubic feet per second. Subject to existing uses South Lake shall further grant to Boswell and/or its nominee the right to use said canal to convey irrigation or excess flood waters at all times that South Lake is not utilizing said canal for the conveyance of water.

Such work or enlargement shall be at the sole cost and expense of Boswell and/or its nominee; and Boswell and/or its nominee shall pay South Lake or its successors or assigns the sum of Five Hundred Dollars (\$500.00) per acre for each and every acre used in such enlargement. Such work shall be performed in a good and workmanlike manner following the usual standards of canal or ditch construction in the Tulare Lake Basin area, to the end that the danger of seepage and bank failure will be minimized to the greatest extent possible.

All facilities of South Lake, including interceptor ditches, shall be preserved or replaced.

South Lake at all times shall have the right to use and shall have first priority on the first 400 cubic feet per second of capacity in said canal; and any use of said canal by

Boswell and/or its nominee shall at all times be subject and subordinate to South Lake's use of said canal and shall not in any manner interfere with South Lake's use thereof or the operation of South Lake's total system for the irrigation of its lands.

All costs of operation and maintenance of said canal, together with the banks and roads thereon, shall be borne equally by Boswell and/or its nominee and South Lake.

6. If South Lake, at the request of Boswell, assists in the transportation to and storage of water upon lands owned by Boswell lying south of the South Levee of the Wilbur Reclamation District #825, South Lake shall have the right to use a portion of said stored water for irrigation on its land. Such portion shall be that percentage of the total water transported to and stored upon said land which is directly attributable to the assistance given Boswell by South Lake, and shall be subject to its proportionate share of any losses due to evaporation or other causes.

7. This agreement is not intended to and shall not in any manner alter, reduce or impair the water rights of either party, whether riparian, appropriative, prescriptive, or otherwise.

8. South Lake and Boswell, or its nominee, hereby agree that all easements herein agreed to be granted each to the other shall be evidenced by a duly recorded deed of easement, which documents shall incorporate therein the agreements contained in the foregoing paragraphs.

9. This agreement shall inure to the benefit of, and be binding upon, the successors or assigns of the parties hereto.

In WITNESS WHEREOF, the parties hereto have executed

this agreement as of the day and date first above written.

J. G. BOSWELL COMPANY

By _____ *Chairman of the Board*

By *John C. Hilling Secretary*

SOUTH LAKE FARMS

By _____

By _____

LAFCO CASE 1522
Deer Creek Stormwater District
Reconsideration Area

Kings County
Tulare County

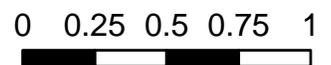
DEER CREEK
SWD

1

Legend

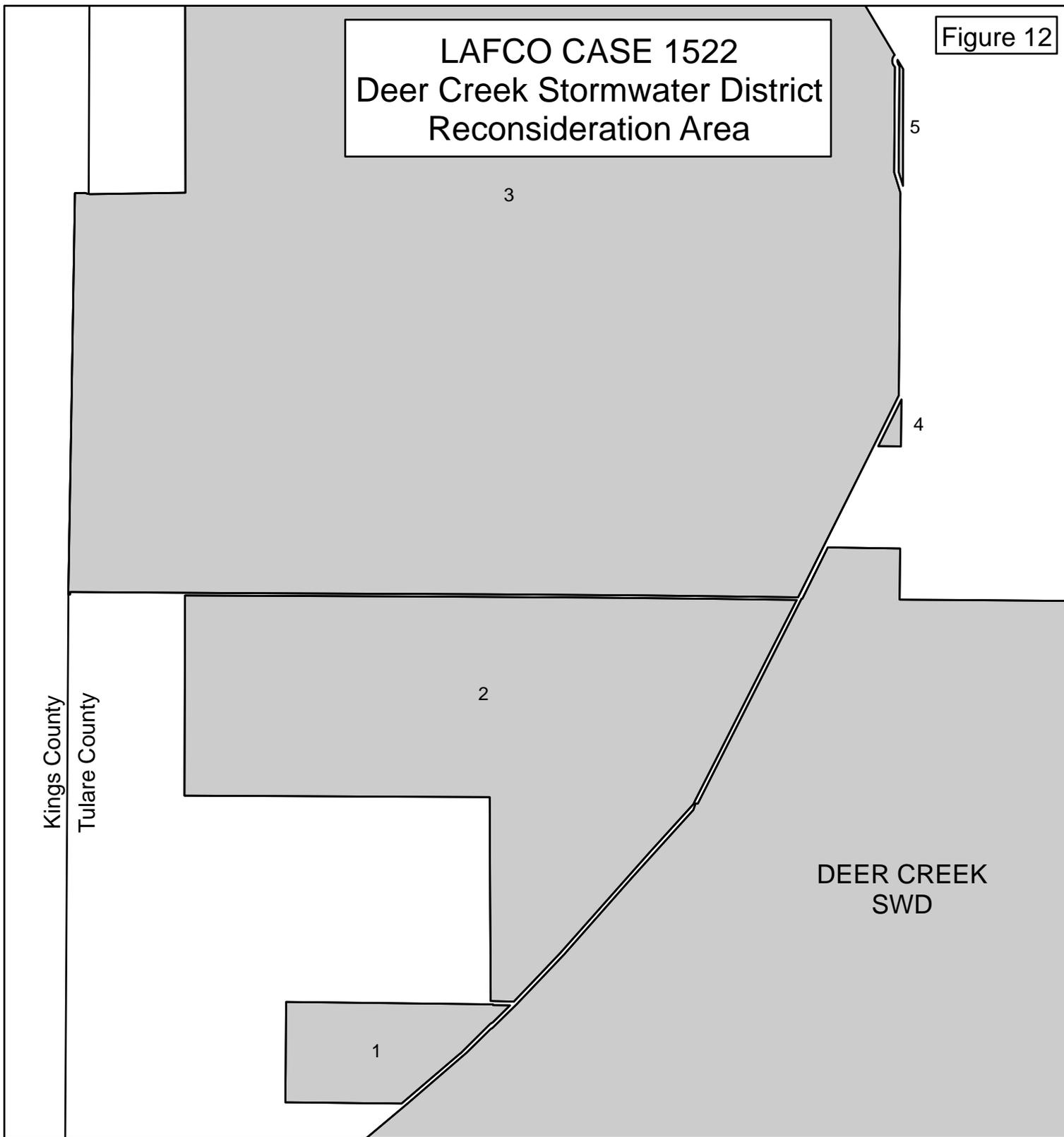
-  District
-  County
-  Isolated Areas

Deer Creek SWD
Boundaries if
Canal Parcels Removed
Option B1



Miles 86

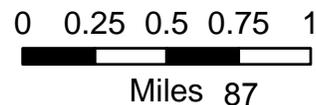
Figure 12



Legend

-  union - Copy (2)
-  District
-  County
- 5  Isolated Areas

Deer Creek SWD
Boundaries if
Canal Parcels Removed
Option B2



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

In the Matter of Written Requests)
For Reconsideration of Annexation to)
The Deer Creek Storm Water District)
LAFCO Resolution Nos. 16-003)

RESOLUTION NO. 16-00X

WHEREAS, on January 20, 2016 the Tulare County Local Agency Formation Commission adopted Resolution Nos. 16-003 making determinations on LAFCO Case 1522b, Annexation to the Deer Creek Storm Water District; and

WHEREAS, pursuant to GC 56895 on February 19, 2016, J.G. Boswell Co. and Kings County Canal Company filed written requests with the LAFCO Executive Officer requesting reconsideration of Resolution Nos. 16-003; and

WHEREAS, the Executive Officer scheduled the request for public hearing by the Commission hearing on the April 6, 2016; and

WHEREAS, on April 6, 2016 the Commission considered and heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

1. The information, material and facts set forth in the reconsideration request, and the report of the Executive Officer have been received and considered in

accordance with GC §56895. All of said information; materials, facts, reports and other evidence are incorporated by reference herein.

2. The Commission has reviewed and considered, in accordance with GC §56895, the information, materials and facts presented by the following persons who appeared at the meeting and commented on the proposal:

XXXXXXXXXXXXX

3. Based upon the evidence and information on the record before it the Commission hereby disapproves of the reconsideration requests and makes no amendment to LAFCO Resolution 16-003. {Option A}

3. Based upon the evidence and information on the record before it the Commission hereby approves of the reconsideration requests and amends Resolution 16-003 to remove <property description>. {Option B}

The forgoing resolution was adopted upon motion of Commissioner_____, seconded by_____, at a regular meeting held on this 6th day of April, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

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**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
PROTEST HEARING REPORT**

April 6, 2016

LAFCO Case # 1522b, Deer Creek Storm Water District Annexation

- PROPOSAL:** The Commission approved a request submitted by Deer Creek Storm Water District to annex certain territory to the Deer Creek SWD on January 20th, 2016 (Resolution 16-003 – attached). The boundaries were amended by the Commission.
- LOCATION:** Roughly bounded by Kern County to the south, Kings County to the west, Road 128 (the westerly boundary of Delano-Earlimart Irrigation District) to the east and the Avenue 40 alignment, SR-43 and Avenue 120 to the north. *(Figure 1)*
- DESCRIPTION:** The annexation consists of about 35,600 acres in 5 areas to the southwest, southeast, northeast and north of the existing district. The purpose of the annexation is primarily for expanding storm water services and secondarily for including uncovered land into a potential Groundwater Sustainability Agency (GSA).
- STATUS:** Protests were received before and during the protest hearing on February 24th, 2016. Additionally, during the 30 day reconsideration period two requests for reconsideration were filed. Due to the filing of the reconsideration requests the protest results could not be acted upon until after the Commission acts upon the reconsideration requests at the April 6th, 2016 meeting.
- CONSENT:** The reorganization was determined to be inhabited and consent was not received from all property owners and registered voters. Therefore, the protest rules set forth in Government Code Sections 57075(a) and 57078(b) shall apply.
- RESULTS:** A protest hearing was held before the Executive Officer on February 24th, 2016. Protests were received from landowners representing 0.22% of the land value within the annexation area. No protests were received from registered voters.
- In accordance with GC §57075(a)(2), the Commission must adopt a resolution making a finding regarding the value of written protests filed and not withdrawn for an inhabited change of organization and take the following action:
- 1) Order the change of organization or reorganization if written protest is filed and not withdrawn by less than 25% of registered

voters and 25% of owners of land who own less than 25% of the total assessed value of land within the annexation area.

RECOMMENDATION:

That your Commission adopt the attached resolution, which finds that written protest were filed and not withdrawn by less than 25% of registered voters and less than 25% of owners of land who own less than 25% of the assessed value of land within the annexation area and order the change of organization without an election.

ATTACHMENTS:

Resolution
Figure 1 – Annexation Map

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

In the Matter of the Protest Hearing for)
LAFCO Case # 1522b Deer Creek)
Storm Water District Annexation)

RESOLUTION NO. 16-00X

WHEREAS, this action is being taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

WHEREAS, the Local Agency Formation Commission of County of Tulare adopted Resolution No. 16-003 on January 20, 2016, making determinations and approving the proposed annexation described in Exhibit “A” attached hereto and by this reference incorporated herein; and

WHEREAS, the reorganization was determined to be inhabited, meaning that there are 12 registered voters or more residing in the territory to be annexed. Therefore, the protest rules set forth in Government Code Sections 57075(a) and 57078(b) shall apply; and

WHEREAS, a public hearing on this annexation was called for and held by the Executive Officer of this Commission on February 24, 2016 at the time and place for which notice was given;

WHEREAS, written protests were filed and not withdrawn by land owners representing 0.22% of the total assessed value of land within the annexation area and

no protests were received from registered voters residing within the annexation area;
and

WHEREAS, pursuant to Government Code section 57075(a)(3), if written protests have been filed and not withdrawn by owners of land who own less than 25% of the total assessed value of land within the affected territory and less than 25% of the registered voters residing within the annexation area, the Commission shall order the change of organization or reorganization.

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

1. The change of organization referred to as LAFCO Case #1522b, Deer Creek Storm Water District Annexation, is hereby ordered without an election.

The foregoing resolution was adopted upon motion of Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on this 6th day of April, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Benjamin Giuliani, Executive Officer

ce



**TULARE COUNTY
LOCAL AGENCY FORMATION COMMISSION**

210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 623-0450 FAX: (559) 737-4246

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

ALTERNATES:
*Peter Vander Poel
Craig Vejvoda
Dennis A. Mederos*

EXECUTIVE OFFICER:
*Ben Giuliani
Ben Giuliani*

April 6, 2016

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Cynthia Echavarria, Staff Analyst

SUBJECT: Alternate Public Member Selection

BACKGROUND

Members of the Commission are appointed to four-year terms of office and may be reappointed. The current term for the alternate public member expires on May 2, 2016. Pursuant to Commission Policy, staff circulated an announcement for applications for the appointment for the public member position. At the March 2nd Commission meeting, Member Worthley and Member Hamilton were appointed to a selection committee to review applications and to determine a recommendation for the April 6th Commission meeting.

DISCUSSION

One application was forwarded to the selection committee for review. The application was initially screened by staff to ensure consistency with Government Code section 56331:

No person appointed as a public member or alternate public member pursuant to this chapter shall be an officer or employee of the county or any city or special district with territory in the county.

The public member is to be selected by the county and city members and must have at least one affirmative vote from a county and a city member pursuant to GC section 56325(d):

Selection of the public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities.

RECOMMENDATION

Appoint a public member for the term of May 3, 2016 to May 4, 2020.

Attachment:
Resolution

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

In the Matter of the Appointment of _____)
An Alternate Public Member to serve on _____)
LAFCO _____)

RESOLUTION NO. 16-00X

WHEREAS, the term of office of the Alternate Commissioner representing the general public on the Tulare County Local Agency Formation Commission expires on May 2, 2016; and

WHEREAS, the new term of the public member begins May 3, 2016 and ends May 4, 2020; and

WHEREAS, Government Code Section 56325 (d) provides that the Alternate Public Member of the Commission shall be appointed by the other members of the Commission; and

WHEREAS, a selection committee was appointed by the Commission on March 2, 2016 to review applications and to make a recommendation to the Commission.

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

_____ is hereby appointed to the Local Agency Formation Commission of Tulare County to serve as the Alternate Commissioner representing the general public. Said appointment shall run from May 3, 2016 to May 4, 2020.

The forgoing resolution was adopted upon motion of Commissioner _____,
seconded by Commissioner _____, at a regular meeting held on this 6th day
of April 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

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**TULARE COUNTY
LOCAL AGENCY FORMATION COMMISSION**

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

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

ALTERNATES:
*Dennis Mederos
Pete Vander Poel
Craig Vejvoda*

EXECUTIVE OFFICER:
Ben Giuliani

April 6, 2016

TO: LAFCO Commissioners, Alternates, Counsel
FROM: Cynthia Echavarria, Staff Analyst
SUBJECT: City of Exeter Municipal Service Review Update

Background

The first Municipal Service Review (MSR) for the City of Exeter was adopted as part of the Group 3 MSRs by the Commission at the March 2007 meeting. The existing Sphere of Influence (SOI) for Exeter was last comprehensively reviewed by the Commission in 1999 followed by minor SOI amendments. Before the Commission can approve a major amendment or a comprehensive update of the SOI, the updated MSR determinations need to be adopted. In accordance with Tulare County LAFCO policy C-5.11(E) the draft was available for review 21 days prior to the adoption of the MSR.

Discussion

Since the Exeter MSR was first developed in March of 2007, Government Code was modified that combined twelve topic areas into six. Recently, a seventh was added into law relating to disadvantaged unincorporated communities. The Commission is required to prepare a written statement of determinations for the following:

- Growth and population projections for the affected area.
- The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
- Present and planned capacity of public facilities, adequacy of public services and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
- Financial ability for agencies to provide services.

- Status of, and opportunities for, shared facilities.
- Accountability for community service needs, including governmental structure and operational efficiencies.
- Any other matter related to effective or efficient service delivery, as required by commission policy.

Technical data was updated based on new supporting documents such as the City of Exeter 2020 General Plan Update (2000), City of Exeter Annual Budget Reports (2015-2016), California's Groundwater Bulletin 118, (2006), City of Exeter website, Water Quality Control Plan for the Tulare Lake Basin, California Department of Finance: Demographic Unit (May 1, 2015), Tulare County General Plan Update 2030, 2010 Census and correspondence with City staff.

The proposed MSR update does not involve, authorize or permit the siting or construction of any facilities. The MSR is categorically exempt from the preparation of environmental documentation under a classification related to information gathering (Class 6- Regulation Section 15306), which states: "Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded." CEQA Regulation Section 15061(b)(3) states "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." There are no land use changes or environmental impacts created or recommended by the MSR update.

Attached is the Executive Summary with determinations for the updated City of Exeter MSR. The full version of the updated Draft was also posted for public review on LAFCO's website: <http://lafco.co.tulare.ca.us/lafco/index.cfm/maps/cities/city-of-exeter/>. No comments have yet been received during the public review period.

Recommendation

Adopt the Municipal Service Review and statement of determinations for the City of Exeter.

Attachments:
 City of Exeter MSR Written Determinations
 Tulare MSR Update (Disc)
 Resolution of Adoption

Written Determinations

1) Growth and Population

Population Trends and Projections

1. California Department of Finance (DOF) data indicates that as of January 1, 2015, Exeter had a population of 10,572, corresponding to an annual average growth rate of approximately 0.95% between 2000 and 2015.
2. 2015 DOF data also indicates that the average dwelling unit occupancy rate for the City is 3.07 persons per household, which is significantly lower than the County average of 3.4 persons per household.
3. Based upon *Census 2010* data, Exeter had an incorporated land area of approximately 2.46 square miles, a population of 10,334, and 3,600 housing units.
4. The *Exeter General Plan Update* estimates a build-out population of between 13,306 and 16,177, corresponding to an annual average growth rate of between 1.88% and 2.88%, estimated to occur by year 2020.
5. While the estimated 2020 population build out in the City's General Plan appears to be too high when applied to the Urban Development Boundary's (UDB) horizon year of 2020, the build out estimate falls within range of other population projections when applied to the Sphere of Influence's (SOI) horizon year of 2035.

Growth Planning

6. A City's SOI should generally be coterminous to a City's UDB. Communities of interest may be identified that would extend the SOI beyond the UDB.
7. The Tulare County General Plan contains an Urban Boundaries Element which sets forth policy regarding development within municipal fringe areas surrounding incorporated cities. According to adopted plans, urban development is to occur only within the incorporated City Limits, with certain exceptions. Within the 20-year UDB, development proposals are referred to the City for annexation. If the City cannot, or will not, annex, Tulare County considers the proposal on its merits.
8. The City's *General Plan Update* provides an excellent tool for guiding future growth in Exeter. The plan provides a detailed evaluation of current land use, projected residential, commercial/office, industrial, parks and school land demands to accommodate growth through the year 2020.
9. The *General Plan Update* concludes that there is more than enough land within the UDB to accommodate growth to the year 2020.

Land Use

10. The Land Use Element of the Exeter General Plan provides an excellent foundation for the logical growth and development of the City. The Land Use Element addresses several issues including land use and population; population and land use projections; land use designations and population densities; planning issues and land use goals; land use policies and actions

(implementation measures); and land use designation/zoning district matrix.

11. The “infill” process has proven to be beneficial for the City in that it better utilizes existing City infrastructure; it maintains a tight service area for police, fire and solid waste services; and it encourages residential development near existing parks and schools.
12. The Land Use Element from the 2020 General Plan, the 2025 Southwest Specific Plan and other planning documents indicate that there are only 60 acres of undeveloped land inside the 10-year annexation line. The developable area within the adopted urban development boundary, approximately 425 acres, can accommodate growth for another ten years. With limitations still persistent with respect to agricultural preserves, the location of development within the urban area boundary line is difficult to predict.

Annexations & County Islands

13. Since 2000, the City has annexed approximately 145.2 acres of land with the last annexation taking place in 2007.
14. The City of Exeter has two small substantially surrounded County islands that qualify for the simplified annexation process. One is an 11.8 acre area containing residential parcels along the east side of Filbert Ave on the southern edge of the City. The other is a 6.7 acre area containing residential and commercial parcels between the SJVR and SR-65 (Kaweah Ave) also on the southern edge of the City.

2) Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies

Planning Documents

1. The City plans for future growth through the implementation of policies and standards set forth in General Plan Elements. Exeter’s General Plan is a long-range guide for attaining the City’s goals within its ultimate service area and accommodating its population growth to the year 2020.
2. The City also plans for future growth through the preparation and implementation of specific plans and master plans. The City also master plans public infrastructure systems including water, sewer, and storm drain systems.

Domestic Water

3. The City currently has four wells in production, down from a previous six. These wells draw from depths that range from 296 feet to 430 feet. The City of Exeter’s water system which consists of six wells, chlorination treatment facilities at each of the active wells, one elevated storage tank with a capacity of 100,000 gallons, and a loop distribution system. A loop distribution system is a system with a complete loop of arterial mains around the area being served. This design minimizes dead ends.
4. The City utilizes an underground water system. Exeter's water distribution system consists of a network of pipelines installed under the streets and alleys of the community. No surface water is used by the water system. The City utilizes groundwater for its sole source

of domestic water.

5. One well was abandoned due to high bacterial counts, and another was abandoned due to DBCP contamination.
6. As of 2015, there are 3,200 connections to the City's water system, it is estimated that the City's water system supports approximately 3,050 connections. The City's water system is 100% metered, which promotes water conservation and recently updated across the system with radio-read automated meters that allows precise monitoring with multiple data points collected every day.
7. Currently the City of Exeter is in the middle of the process to update fees for water, sewer, and solid waste. This process will establish rate and fee adjustments for the coming 5-year period.
8. The City's water supply and distribution system was last studied in 1975 as a part of the 1975 Water Master Plan. City staff indicated that Quad Knopf, Inc. is in the process of updating the City's Water System Master Plan. It is recommended that the Water Master Plan Update include a study area that, at a minimum, encompasses all areas within the City's UDB and SOI. The Water Systems Master Plan has not been updated since the last MSR cycle.
9. Provided the City continues to implement policies and actions set forth by its General Plan, and recommendations contained within infrastructure master plans, the City will be in a position to provide domestic water service within its SOI and UDB.
10. The City's municipal code contains provisions for water usage, which establishes policies to minimize the wasting of water, including assessing penalties for violations.
11. The California Water Code Directs the Department of Water Resources (DWR) to report to the legislature once every five years on the status of submitted plans. The DWR reviewed and received the 2010 Urban Water Management Plan (UWMP) from the City of Exeter a letter dated June 12, 2014 was sent to the City. The DWR's determined in its review that some requirements were not addressed in accordance with the water code including; demand management measures were not addressed, water storage contingency planning section did not describe consumption reduction methods to be implements with each stage of water shortage, the plan did not provide a supply and demand comparison for multiple dry years over the next 20 years in 5 year increments, In order to meet the requirements of the Water Code and to be eligible for state water grants and loans, the City should consider revising its 2010 UWMP to address the issues mentioned above.¹
12. The City's budget contains a fund set up for the planning and construction of capital water system improvements. The City budgets for capital expenditures as a part of its annual budget process. The City did not provide an adopted five year capital improvement plan for this review. During fiscal year 2015/16, the City budgeted for \$290,000 a capital project: smart meter installation.

Wastewater Collection, Treatment and Disposal

13. The City owns and operates a WWTF located approximately one mile southwest of the City

¹ (Department of Water Resources, personal communication, June 12,2014)

near the southeast quadrant of the W. Meyer Avenue/Road 184 intersection. The WWTF receives domestic sewage from residential, commercial, and industrial sources. Currently, the city's system serves developed areas within the city limits, as well as some development on the fringe of the city. Upon annexation, the city's sewer system will serve the planning area. The waste water division operates and maintains the sanitary sewer system, which consists of collector lines ranging in size from 4" to 36", and 9 lift stations. The city's wastewater treatment plant receives and treats 980,000 gallons of sewage per day from residential and commercial waste. Some of the treated water is used for local agricultural irrigation.

14. The current design and layout of Exeter's sewage collection system was planned through the City's Sewer Master Plan, prepared in 1974 and updated in 1999 by John Corollo Engineers, Facilities Plan for Wastewater Treatment Plant Expansion . The updated Master Plan was designed to expand the plant's treatment capacity from 1.07 million gallons per day to 2.14 million gallons per day. Most of the improvements detailed in the 1999 Plan have been completed.
15. The City's budget contains a fund set up for the planning and construction of capital sewer system improvements. The City budgets for capital expenditures as a part of its annual budget process. The City did not provide an adopted five year capital improvement plan for this review. During fiscal year 2015/16, the City budgeted for over \$726,675 in capital sewer system improvements including lining of sludge bed lining, Sewer lift station upgrades and equipment replacement.
16. The City's General Plan establishes policies to minimize impacts to public infrastructure including attracting industries that are complementary to the existing work force, that do not adversely affect air quality, the City's wastewater treatment plant or the City's water system and do not have a negative impact on the health and safety of the neighborhood or on the community as a whole. The City Engineer reviews each industry that wishes to locate in Exeter to insure that the project will not have an adverse impact on Exeter's sewer or water systems. Should the City Engineer make such a finding, the City requires a mitigated negative declaration or an environmental impact report to be prepared on the proposed industry.
17. The WWTF operates under provisions outlined in *Waste Discharge Requirements (WDR) Order No. 2006-0003-DWQ*, issued by the RWQCB. The order prescribes permitted capacities based upon the satisfaction of specific provisions. Assuming that written certification regarding the WWTF effluent disposal capacity has been provided to the RWQCB, the WWTF has a current capacity of 1.30 MGD. Available data indicates that the average dry weather flow is approximately 1.05 MGD, indicating that the plant is operating approximately 81% of its capacity.
18. Provided the City continues to implement policies and actions set forth by its General Plan, and recommendations contained within infrastructure master plans, the City will be in a position to provide wastewater service within its SOI and UDB.

Streets and Traffic Circulation

19. The City constructs transportation improvements through the implementation of goals and policies set forth in the City's General Plan Circulation Element, and other plans, including

- the Tulare County Regional Transportation Plan, which is updated every three years.
20. The City constructs street improvement primarily through the use of gas tax revenues, transportation development act (TDA) funds, transportation impact fees charged to new development projects, and redevelopment funds.
 21. The City insures that streets will continue to operate at acceptable levels of service through the planning period through the implementation of goals and policies set forth in the City's General Plan Circulation Element. The City's Circulation Element provides an excellent policy base for the future development of the City's transportation network.
 22. It is recommended that the City take the lead in planning for transportation and circulation improvements within the boundary of its UDB and SOI. Streets within this area should be constructed to City standards, since it is likely that the area will ultimately be incorporated into and become a part of the City of Exeter.

Public Safety Services

23. Fire protection in the planning area is provided by the Tulare County Fire Department. The Fire Department operates a station located adjacent to Exeter City Hall on "F" Street in downtown Exeter (figure X-X). The station is staffed by two full time firefighters augmented by twenty volunteers. The station is equipped with one 1,250 gallon per minute (GPM) engine, a 1,000 gpm engine, a 1,000 gpm ladder truck and a 135 gpm light engine.
 24. The Fire Department serving the Exeter area has an insurance service office (ISO) rating of six (6). Areas outside of the City Limits (not connected to the City water system) are rated eight (8) by the ISO.
 25. The urbanized portion of the planning area is within a five minute response time of the fire station. In addition, secondary fire protection coverage is provided by the Tulare County Fire Department's Lovers Lane/Walnut Avenue station, located about eight miles west of the planning, and the City of Farmersville, about five miles west of Exeter.
 26. The Exeter General Plan contains policies and actions that will facilitate an effective and responsive fire protection system. Provided the City continues to implement policies and actions set forth by its General Plan, the City, in cooperation with the Tulare County Fire Department, will be in a position to provide fire protection service within its SOI and UDB.
 27. The fire department reviews proposed development projects to insure adequate fire protection will be provided including installation of fire hydrants, extension of water lines, installation of fire sprinklers, and requiring vehicular access for fire engines. The Exeter General Plan contains policies and actions that will facilitate an effective and responsive fire protection system, as summarized below.
 28. Law enforcement services for the City of Exeter are provided by the City of Exeter Police Department, headquartered at 100 C Street in downtown Exeter. Lands outside of the City Limits are patrolled both by the Exeter Police Department and the Tulare County Sheriff's Department through a mutual aid agreement.
 29. The Exeter Police Department is currently staffed by 18 full time Police Officers, 10 Reserve
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Police Officers and 2 civilian employees. In addition to the above mentioned staff, the department has a Police Chaplains Program and our Explorer Post. The current sworn officer to population ratio for Exeter is approximately 1.9 per 1000 residents, which is excellent compared to other cities throughout the region.

30. In order to maintain the same ratio of officers to residents as presently exists, 8 to 9 additional officers would need to be hired by the year 2025.
31. The City should consider the adoption of a public safety impact fee (charged to new development) to supplement general fund revenues for the purchase of capital equipment that will improve the operations of the Police Department.
32. Provided the City continues to implement policies and actions set forth by its General Plan, the City will be in a position to provide police protection services within its SOI and UDB.

3) Financial Ability to Provide Services

Annual Budget

1. The City prepares a comprehensive annual budget that sets forth the financial priorities of the City for the upcoming fiscal year within available funding constraints. The City has several different funds, including enterprise and non-enterprise funds, set up for the individual operations of the City.
2. According to the City's fiscal year 2015/16 budget, the City's general fund was unbalanced by approximately \$671,082 with transfers. In addition to the estimated general fund revenue balance of 870,000 has been carried over from fiscal year 2014/15. A remaining general fund balance of \$198,918 is estimated, a decrease of 77.1% from the previous fiscal year. The Government of Finance Officers Association recommends at a minimum that general purpose governments regardless of size maintain unreserved fund balance in their general fund of no less than 5-15% of regular general fund operating revenues, or of no less than one to two months of regular general fund operating expenditures. The City's general fund balance at the end of the 2015/16 fiscal year represents approximately 4.2% of general fund operating revenue, and under a month of general fund operating expenditures.
3. The City's adopted budget for 2015/16 anticipates General Fund Revenues of \$4,882,810 and expenditures of \$4,683,892. The estimated June 2016 ending balance for the General Fund is \$198,918 the City These reserves were built up over the years, and are designed to assist the City to balance its General Fund budget during years when actions beyond its control (State funding reductions, economic conditions) cause expenditures to outpace revenues.
4. The City's projected expenditures exceeded anticipated revenues by \$1,158,757 for fiscal year 2015/16. This can be attributed to spending capital sanitation and sewer reserve funds, which have been generating a steady revenue source for several years, with spending occurring only as capital improvements are needed and the general fund. A beginning fund balance as of July 1, 2015 of 3,558,600 was carried over to the 2015/16 fiscal year. It is estimated that 2,399,843 will be the ending balance for fiscal year 2016.
5. The City's General Plan addresses the fiscal conditions of Exeter by encouraging a strong sales tax base. The General Plan establishes goals to reverse the leakage of sales tax dollars

to surrounding communities. It is important that Exeter continue to attract new retail establishments to the community in order to minimize the leakage of local sales tax dollars, and remain competitive in local and regional markets.

6. The City could potentially generate additional revenue through an increase in its UUT for general government purposes. Exeter's UUT is the lowest at 5%. The City could potentially generate additional revenue through an increase in its UUT for general government purposes. The City's UUT could also be expanded to include services not covered by the existing UUT, i.e. water, sewer, and/or garbage. A two thirds voter approval is required for any new or increased special tax. A general tax requires majority voter approval. Currently, all City UUT levies in California are general taxes, and therefore require majority voter approval.

4) Status of, and Opportunities for, Cost Avoidance and Shared Facilities

Cost Avoidance

1. The City avoids unnecessary costs through the implementation of infrastructure Master Plans and the General Plan, which assist in eliminating overlapping or duplicative services. Planning out to ultimate service area boundaries helps identify any impacts that future planned infrastructure may have on current infrastructure in place, and mitigations that would alleviate such impacts. The City's water and sewer master plans are from 1975 and 1974, respectively, and need updating.
2. The City avoids unnecessary costs by assessing development impact fees for the purpose of financing public infrastructure, including water, sewer, storm drain, and transportation improvements. The City's development impact fee program helps offset the financial responsibility of the City to install and maintain the infrastructure necessary to serve new developments.
3. A multiyear capital improvement plan is critical to providing efficient public services. It identifies and prioritizes expected needs based on a community's strategic plan, establishes project scope and costs, details estimated amounts of funding from various sources, and projects future operating and maintenance costs. Exeter's capital plan has not been provided for this review. Exeter's capital plan has not been provided for this review. It is not known if a capital plan has been updated since the 2007 MSR.
4. The City has opportunities to increase its cost effectiveness and revenue raising efforts by including the use of assessment districts, tracking savings and interest on reserves, maintaining a balanced budget including maintaining a General Fund budget that grows each year, and emphasizing performance measurement practices.
5. The City can avoid unnecessary costs associated with the operation and maintenance of the street lighting system by researching and implementing funding options as it relates to Proposition 218 limitations.
6. The City's adopted annexation policy and 10-year annexation line have helped the City avoid unnecessary costs by better utilizing existing City infrastructure; maintaining a tight service area for police, fire, and solid waste services; and encouraging residential development near existing parks and schools.

Fee Structure

7. Rates The City's budget process includes an annual review and update of user rates charged for public services. As set forth by the City's municipal code, water rates charged by the City have been incrementally increased since 2006. All connections to the City's water system are metered, but the base rate of \$20.65 per month covers usage to 1,500 cubic feet of water after that water is 1.29 per every 100 cubic feet. As set forth by the City's municipal code, sewer rates charged by the City have been incrementally increased by \$4.00 since the last MSR resulting in the current monthly fee of \$20.00 per month for standard residential sewer service.
8. The City has a sound fee structure in place which allows the City to continue to provide cost effective services to its residents while continuing to maintain and improve the current infrastructure.
9. The City's user fees for water, sewer and refuse service are average compared to other cities in Tulare County. Exeter's development impact for connection to the City sewer system is above average compared to other Tulare County cities.
10. There is no evidence suggesting that the City would not be able to provide services to the SOI areas for fees consistent with citywide fees for such services.

Shared Facilities

11. Some examples of the City's interagency cooperation efforts include the establishment of automatic mutual aid agreements with the Tulare County Sheriff's Department to collaborate public safety efforts, and an agreement with the Tulare County Fire Department for provision of fire protection and prevention services.
12. The City has worked with Tulare County Association of Governments and Tulare County Resource Management Agency on regional planning issues including transportation, solid waste, and coordinating applications to request State and/or Federal funding for joint projects.
13. The City also established a partnership with the City of Visalia in which Visalia City Coach is provides bus service to the Exeter area.
14. Currently the City of Exeter contracts with the Tulare County Sheriff's Office for police dispatch services; contracts with the City of Tulare for animal control "sheltering services" (Exeter provides animal control, just not the sheltering); and with the City of Visalia for hazardous materials incident response from the Visalia Fire Department. Also, the City of Exeter has a long-term, ongoing relationship with the Exeter Unified School District and shares recreational facilities - including ball fields, gymnasiums, and swimming pools.
15. The City should continue to work with the County on efforts to preserve prime agricultural land, and discourage development that would result in the loss of such lands. The City can accomplish this through smart growth planning and continuing to implement its annexation policy that includes a 10-year annexation line.
16. The City's General Plan identifies several opportunities to work with other jurisdictions to complete joint use projects for the benefit of the community and taxpayers including forming partnership with Exeter Schools to complete the following projects: Dobson Field Recreation Building, a Joint Corporation Yard, and the Dobson Field Recreation Complex.

5) Accountability for Community Service Needs, Including Government Structure and Operational Efficiencies

Government Structure

1. Since development of properties within the SOI generally relies on Master Planned infrastructure available from the City, it is logical for the City to assume the lead in planning for these sites.
2. The City has a sound governmental structure that provides necessary resources to provide public services and infrastructure improvements within the SOI area. The City's comprehensive annexation policy ensures orderly development of the City, and discourages urban sprawl.
3. Coordinated infrastructure plans for development within the SOI area that are submitted with specific annexation requests would create a checks and balance system for incorporating lands into the City while promoting improvements to impacted adjacent County land.
4. Tulare County LAFCO has adopted specific policies for reviewing proposals for a change in organization, reorganization, incorporations, dissolution and other proposals processed by Tulare County LAFCO, including annexations, and SOI amendment proposals. SOI amendments and other changes in organization shall be processed in accordance with the policies and procedures set forth by Tulare County LAFCO.
5. There are no foreseeable boundary conflicts with surrounding Cities or special districts that would affect the current governmental structure of Exeter.

Management Efficiencies

6. The City of Exeter, which operates under the council-manager form of government, became a "Charter City" in June of 1998. The City Council shall encourage the organization of and communication with representative neighborhood groups throughout the City to encourage citizen participation, to seek advice and input and to provide information to the public relative to City matters and affairs.
7. There is no evidence indicating that the City's current management structure would not be able to assume services within the SOI area, and/or continue to assist other agencies through mutual aid agreements.
8. At some point in the future, the City should consider providing services which are currently provided on a contractual basis in house. These services include planning, engineering, fire protection and prevention, and refuse collection.
9. The City has a sound organizational structure that should be able to continue to provide quality service to current residents, and accommodate future growth within the City and surrounding urban development areas.

Local Accountability and Governance

10. The governing body of Exeter is the City Council, which is elected in compliance with California Election Laws. The City complies with the Brown Act Open-Meeting Law and

provides the public with opportunities to get information about City issues, including phone access, and bill inserts.

11. Since the prior MSR the City of Exeter has developed a website. Current Web technology allows government agencies to provide the public with an easy to navigate and functional website. The City when feasible should enhance the website where citizens and agencies can easily view and download information from various departments.
12. Regular City Council meetings are held on the second Tuesday at 5:30 p.m. and the fourth Tuesday at 6:30 p.m. in City Hall Council Chambers located at 137 N. F Street, Exeter.

6) Any Other Matter Related to Effective or Efficient Service Delivery, as Required by the Commission

Disadvantaged and Other Developed Unincorporated Communities

1. There are no unincorporated or disadvantaged unincorporated communities within or adjacent to the City's UDB or SOI.

Conflicting Growth Boundaries

2. LAFCO shall determine the SOI for the City of Exeter pursuant to State law and Tulare County LAFCO Policy C-5.
3. The updated SOI is recommended to be conterminous with the City's UDB. This will result in an increase of 102 acres for the SOI.

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

In the Matter of the Adoption of the)
Municipal Service Review Update)
For the City of Exeter)

RESOLUTION NO. 16-00X

WHEREAS, the Commission is authorized by Government Code Section 56430 to conduct a service review of the municipal services provided in the county or other appropriate area designated by the Commission and prepare a written statement of its determinations; and

WHEREAS, Government Code Section 56425(g) requires the commission to review and update all spheres of influence (SOI), as necessary, every five years; and

WHEREAS, a service review must be completed before the Commission can consider an update to a SOI for a city or a district which provides municipal services as defined by Commission policy; and

WHEREAS, in March 2007, the Commission adopted the first Municipal Service Review (MSR) and statement of determinations for the City of Exeter (Resolution 07-018); and

WHEREAS, the City of Exeter MSR and its determinations have been updated to allow for the Commission's consideration of a comprehensive update to the City's SOI; and

WHEREAS, on April 6, 2016 this Commission heard, received, and considered testimony, comment, recommendations and reports from all persons present and desiring to be heard in this matter.

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

1. The information, material and facts set forth in the report of the Executive Officer and updated MSR Report for the City of Exeter including any corrections have been received and considered.

2. The Commission has reviewed and considered the information, material and facts presented.

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

4. The Commission hereby finds the updated Exeter MSR:

(a) Includes a subregion of the county appropriate for an analysis of the services to be reviewed;

(b) Contains a written statement of the Commissions' determination of the subjects required to be analyzed in an MSR, and

(c) Reviews all of the agencies that provide the service or services within the designated geographic area as set forth in LAFCO policy C-5.

5. The Municipal Service Review Report, including statement of determinations, for the City of Exeter is hereby adopted.

The foregoing resolution was adopted upon motion of Commissioner x and seconded by Commissioner x, at a regular meeting held on this 6 day of April 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

ce

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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

April 6, 2016

TO: LAFCO Commissioners, Alternates, Counsel
FROM: Cynthia Echavarria, Staff Analyst
SUBJECT: City of Exeter Sphere of Influence Update (LAFCO Case #1507)

Background

The Sphere of Influence (SOI) update for the City of Exeter is proposed to be adopted following the update of the Municipal Service Review (MSR). The existing SOI for the City of Exeter was last comprehensively reviewed by the Commission in 1999 Res. 99-001 followed by some SOI amendments. The last SOI amendment for the City was adopted by the Commission on March 10, 2007. Before the Commission can approve a major amendment or a comprehensive update of the SOI, the updated MSR determinations need to be adopted. The adoption of a MSR is not subject to a public hearing (GC §56430). However, it is subject to a 21 day public review period and notice of the public review period was posted at the Clerk of the Board of Supervisors Office and was sent to the subject agency for requested posting in their jurisdiction.

Discussion

Since the adoption of the last SOI amendment in 2007, the City has not updated its General Plan. The next General Plan Update will be in 2020 just prior to the next Municipal Service Review (MSR) update.

A community meeting was conducted at the July 28, 2016 City Council meeting. The meeting consisted of a SOI and MSR informational presentation provided by LAFCO Staff and a question and answer session. Comments provided at the meeting were considered in the development of the MSR.

There is little difference between the City UDB, County UDB and existing SOI. The only difference between the City and County UDBs is that the City UDB includes all of the Southwest Specific Plan area of the City and an area to the north of Dobson Field. This makes the City UDB 127 acres larger than the County UDB. The existing SOI has three areas of difference with the City and County UDBs. The SOI currently doesn't include 81 acres of the Southwest Specific Plan, includes 6 additional acres southeast of Spruce and Rocky Hill and doesn't include 27 acres to the north of Dobson Field. To be consistent with the City's UDB and the City's Southwest Specific Plan, it is recommended that the SOI be updated to match the City UDB. This would result in a net increase of 102 acres for the SOI.

Environmental Impacts

The Commission hereby finds that the proposed Sphere of Influence amendment will have significant impacts on the environment, and certifies that the Commission has independently reviewed and considered the information contained in the 2020 General Plan Update Program Environmental Impact Report and Southwest Specific Plan Supplemental EIR approved by the City of Exeter for the proposed update in compliance with the California Environmental Quality Act of 1970. The Commission hereby adopts by reference the City's Statement of Overriding Considerations regarding the impacts to the environment, as set forth in the City's EIR. Accordingly, said EIRs are hereby incorporated by reference.

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 MSR update prepared for the City of Exeter is being adopted concurrently.

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.*

Most of the land in the proposed SOI area currently contains agricultural land uses. The General Plan designates the area for future residential, industrial, commercial, public and other land uses. The General Plan Land Use Element of the Exeter General Plan provides an excellent foundation for the logical growth and development of the City. The *General Plan Update* concludes that there is more than enough land within the UDB to accommodate growth to the year 2020.

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

The City's *General Plan Update* provides an excellent tool for guiding future growth in Exeter. The plan provides a detailed evaluation of current land use, projected residential, commercial/office, industrial, parks and school land demands to accommodate growth through the year 2020.

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

The City plans for future growth through the implementation of policies and standards set forth in General Plan Elements. Exeter's General Plan is a long-range guide for attaining the City's goals within its ultimate service area and accommodating its population growth to the year 2020. The City also plans for future growth through the preparation and implementation of specific plans and master plans. The City also master plans public infrastructure systems including water, sewer, and storm drain systems.

(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.

Communities of interest may be identified that would extend the SOI beyond the UDB.

(5) The present and probable need for public facilities or services related to sewers, municipal and industrial water, or structural fire protection of any disadvantaged unincorporated communities within the existing sphere of influence.

There are no unincorporated or disadvantaged unincorporated communities within or adjacent to the City's UDB or SOI.

Municipal Service Reviews

Municipal Service Reviews provide a comprehensive review of the services provided by a city or district and present recommendations with regard to the condition and adequacy of these services and whether or not any modifications to a city or district's SOI are necessary. MSR's can be used as informational tools by LAFCO and local agencies in evaluating the efficiencies of current district operations and may suggest changes in order to better serve the public.

The City of Exeter MSR was prepared pursuant to Section 56430. The MSR begins by providing background information and then summarizes data collected and analyzed for the purpose of supporting written statements of determination with respect to each of the following:

- Growth and population projections for the affected area.
- The location and characteristics of any disadvantaged unincorporated communities

- within or contiguous to the sphere of influence.
- Present and planned capacity of public facilities, adequacy of public services and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the SOI.
 - Financial ability for agencies to provide services.
 - Status of, and opportunities for, shared facilities.
 - Accountability for community service needs, including governmental structure and operational efficiencies.
 - Any other matter related to effective or efficient service delivery, as required by commission policy.

The City of Exeter MSR update is proposed to be adopted consecutively with this SOI update at the April 6, 2016 meeting. Many of the determinations from the MSR were used in the SOI determinations listed in this report. The MSR is available for review at the Commission's website: <http://co.tulare.ca.us/lafco/documents/>

Recommendations:

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

- A. The Commission hereby finds that the proposed Sphere of Influence amendment will have significant impacts on the environment, and certifies that the Commission has independently reviewed and considered the information contained in the 2030 General Plan Update Program EIR and Southwest Specific Plan EIR and adopts by reference the City's Findings and Statement of Overriding Considerations regarding the impacts to the environment.
- B. Adopt the written statement of determinations and find that the proposed Exeter Sphere of Influence update is in compliance 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 Sphere of Influence as requested to be known as LAFCO Case 1507, Exeter SOI Update, as identified within Figure 1.

Attachments:

1. Resolution of Adoption
2. Site Location Map

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

In the Matter of the City of Exeter)

Sphere of Influence Update)

RESOLUTION NO. 16-XXX

LAFCO Case No. 1523)

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, this Commission has adopted a Sphere of Influence Policy which requires that wherever possible, the Spheres of Influence for each of the incorporated cities and various special districts which provide urban services to unincorporated communities in the County reflect a twenty year growth area; and

WHEREAS, the Commission conducted a municipal service review adopted concurrently on April 6, 2016 (LAFCO Resolution 16-XXX); and

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

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

1. The boundaries of the Sphere of Influence amendment are definite and certain as shown in Figure 1.

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:

XXXXXX XXXXXXXX

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. Pursuant to GC §56430, the Municipal Service Review for the City of Exeter was approved on April 6, 2016, by Resolution No. 16-00X.

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

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

8. The Commission hereby finds that the proposed Sphere of Influence amendment will have significant impacts on the environment, and certifies that the Commission has independently reviewed and considered the information contained in the 2020 General Plan Update Program EIR and Southwest Specific Plan SEIR approved by the City of Exeter for the proposed amendment in compliance with the California Environmental Quality Act of 1970. The Commission hereby adopts by

reference the City's Findings and Statement of Overriding Considerations regarding the impacts to the environment, as set forth in the City's Program EIR. Accordingly, said EIRs are hereby incorporated by reference.

9. The Commission hereby finds that the proposed City of Exeter Sphere of Influence is 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.

10. The Sphere of Influence for the City of Exeter is hereby adopted as shown in Exhibit A.

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

The foregoing resolution was adopted upon the motion by Commissioner X, and seconded by Commissioner X, at a regular meeting held this 6 day of April, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

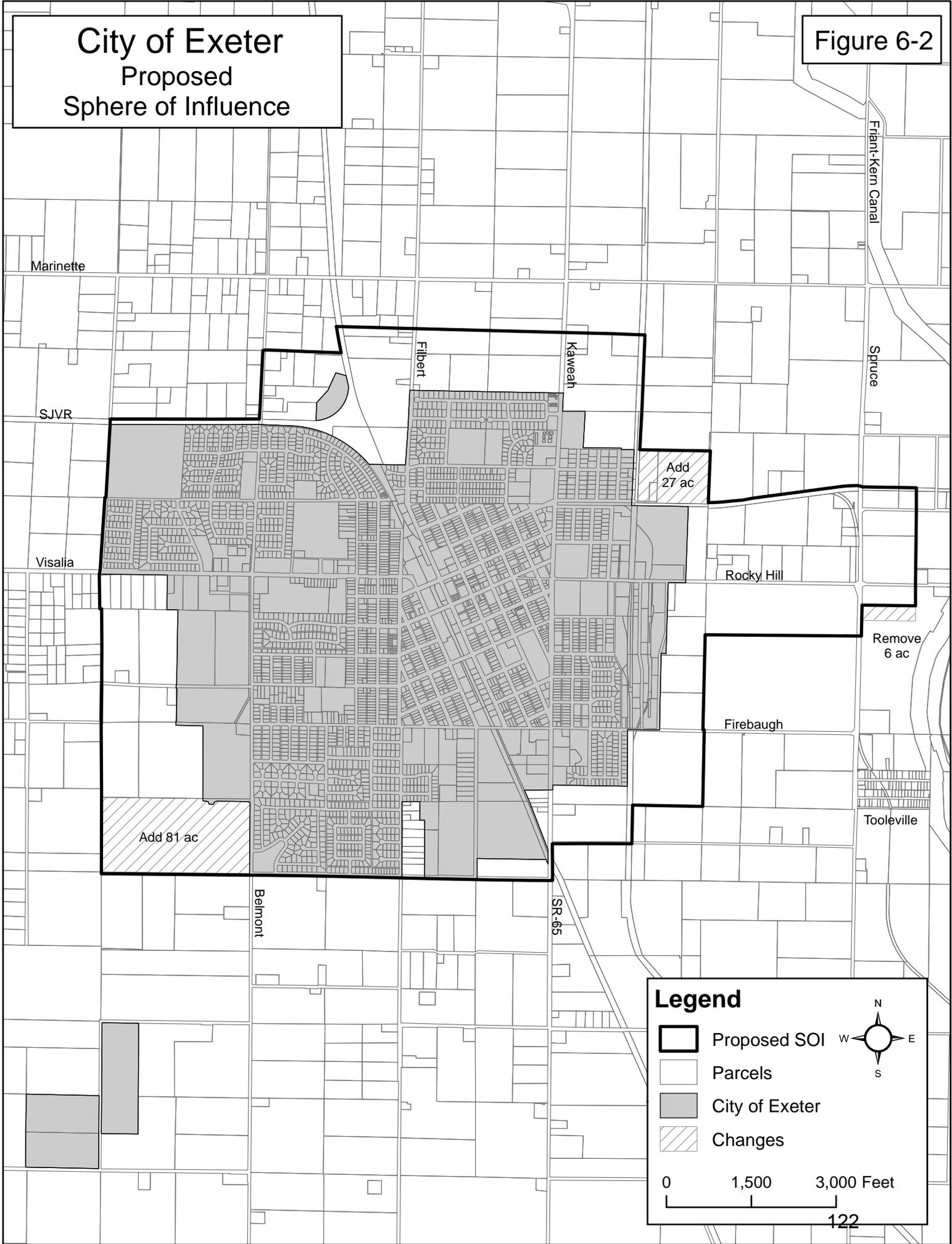
ABSENT:

Ben Giuliani, Executive Officer

ce

Figure 6-2

City of Exeter Proposed Sphere of Influence



Legend

-  Proposed SOI
-  Parcels
-  City of Exeter
-  Changes

0 1,500 3,000 Feet

122



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 623-0450 FAX: (559) 737-4246

COMMISSIONERS:

*Rudy Mendoza, Chair
Allen Ishida V-Chair
Cameron Hamilton
Steve Worthley
Julie Allen*

ALTERNATES:

*Dennis Mederos
Craig Vejvoda*

EXECUTIVE OFFICER:
Ben Giuliani

April 6, 2016

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

FROM: Cynthia Echavarria, LAFCO Staff Analyst

SUBJECT: FY 2016/17 Preliminary Budget and Work Program

Enclosed for your review are the Fiscal Year 2016/17 Preliminary Budget and Work Program. LAFCO is required to adopt its preliminary budget by May 1st and its final budget by June 15th of each year.

BUDGET 794

REVENUES

5801 Income from Other Agencies - \$234,988 is the amount estimated for FY 2016/17 as income from eight cities and the County as required by Government Code Section 56381. For 2015/16, \$50,000 of reserve funds was used to help offset the contribution amount from the cities and the County. It is estimated that there is currently \$94,345.00 in available reserve funds.

The Commission may wish to again use the reserve funds to offset some of the cost to the cities and County in FY 2016/17. Attached is a spreadsheet showing different contribution scenarios utilizing different amounts of surplus funds. The \$50,000 scenario would increase contribution levels from FY 2015/16 by about 6%.

5421 Planning and Engineering Services – As of this date, staff has processed 14 cases (annexations, detachments, sphere of influence amendments and extension of services agreements) and anticipates two new cases to be submitted by the end of this fiscal year (June 15). The total estimated revenue is \$13,176. For fiscal year 2016/17, based on feedback from city staff, staff has estimated processing 11 cases for a total estimated revenue of \$17,849.

EXPENDITURES- Services and Supplies

6008 Director's Fees - \$1,000 is budgeted for reimbursing the public member and alternate public member for expenses incurred as a result of attending monthly LAFCO meetings. For FY 2015/16, \$948 in expense claims have been submitted.

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

7027 Memberships – The 2015/16 CALAFCO membership fee for suburban counties is estimated to be \$3,323. In 2016/17, CALAFCO increased membership fees for 2016/2017 by 2%.

Estimated expenditure for current FY - \$3,106

7036 Office Expenses - \$1,500 was allocated for office supplies and other office equipment expenses in FY 15/16. \$1,500 is budgeted for FY 16/17.

Estimated expenditure for current FY - \$1,500

7043 Professional and Specialized Services – \$400 is budgeted for FY 2016/17. These are funds used to contract with outside vendors, such as professional services or consultants. The need for consultant services is likely to remain low in FY 16/17 as the reduced projected workload is expected to continue.

Estimated expenditure for current FY - \$400

7059 Publications and Notices - Staff estimates spending \$1,500 of the budgeted amount for FY 2016/17. The caseload is expected to remain the same in FY 2016/17.

Estimated expenditure for current FY - \$1,000

7073 Staff and Commission Member Training – Training costs of \$3,100 are proposed for FY 2016/17 to cover registration expenses for attending the annual CALAFCO Conference, Executive Officers Workshop and Staff Conference, and other conferences and workshops. The estimated expenditures will include the possible attendance of 2 staff persons and 2 Commissioners for the LAFCO conference and 4 staff members for the LAFCO workshop and other conferences and workshops commissioners and/or staff may attend.

Estimated expenditure for current FY - \$3,000

7074 Staff and Commission Transportation / Travel – Transportation/Travel costs of \$5,750 are proposed for FY 2016/17 to accommodate travel by staff and Commission members to and from the various LAFCO related conferences and workshops. The funds in this budget line are used for lodging, meal, and mileage costs incurred by attending the various events. The item also takes into account Commissioner Allen's travel expenses associated with her membership on the CALAFCO Board of Directors. To date approximately \$3,569 has been spent on transportation and travel. In April three staff members will attend the CALAFCO staff workshop.

Estimated expenditure for current FY - \$5,750

Expenditures – Other Charges

9315 Worker's Compensation – A total of \$1,761 has been budgeted for FY 2016/17 to cover expenses for worker's compensation.

Estimated expenditure for current FY - \$1,326

9302 Property – \$83 is proposed for FY 2016/17.

Estimated expenditure for current FY - \$81

9303 Liability Insurance – A total of \$2,213 has been budgeted for FY 2016/17 to cover expenses for general liability insurance.

Estimated expenditure for current FY - \$2,169

7062 Rent – A total of \$16,130 has been budgeted for FY 2016/17 this includes a 2% increase from FY 2015/16.

Estimated expenditure for current FY - \$15,810

ADP Payroll – A total of \$150

Estimated expenditure for current FY - \$150

9312 Telecomm – A total of \$452 has been budgeted for FY 2016/17 to cover expenses for telephone service. Service charges are expected to increase in FY 2016/2017.

Estimated expenditure for current FY - \$443

9312 Utilities -\$2,101 is budgeted for utility expenses for FY 2016/17.

Estimated expenditure for current FY - \$2,060

9313 Custodial- \$1,590 is budgeted for custodial services during FY 2016/17

Estimated expenditure for current FY - \$1,590

7036 RMA Printing Services – \$500 is budgeted for FY 2016/17. This covers costs associated with duplication of LAFCO documents such as the special district inventory, policy and procedure manual, and assistance with public hearing notice mail outs.

Estimated expenditure for current FY - \$500

7036 RMA Mail Services - \$1,030 is budgeted for FY 2016/17. This covers costs for processing mail for LAFCO public hearing notices and other correspondence.

Estimated expenditure for current FY - \$1,030

Expenditures – Agency Charges

9315 LAFCO Legal Counsel- AB 2838 establishes LAFCO as an independent agency which means it will be charged an hourly rate for the services of County Counsel to act as LAFCO legal counsel. \$5,253 is proposed for FY 2016/2017.

Estimated expenditure for current FY - \$5,150

9316 Services from Other Departments- This charge includes services provided by other County departments such as TCAG, the County Auditor, Surveyor, Elections, etc. The charges predominately stem from review of LAFCO proposals by County departments. \$2,575 has been allotted for FY 2016/2017.

Estimated expenditure for current FY - \$2,575

9317 COWCAP Charges - The amount budgeted for FY 2016/2017 is \$5,000. In FY 2014/15 \$14,481 was refunded to LAFCO due to COWCAP overcharges in previous years.

Estimated expenditure for current FY- \$5,000

9324 G.I.S.-Arcview Services - The budgeted amount for 2016/2017 is \$1,000.

Estimated expenditure for current FY - \$1,000

3795 Intra Agency Services Received- This item reflects Staff salaries. Staffing services are provided by the Tulare County Association of Governments. \$173,000 in salaries is estimated for FY 2016/2017. This includes a half-time Executive Officer, a 25% Clerk, and a 75% Staff Analyst

Estimated expenditure for current FY – \$137,000

CONTINGENCY/CARRYOVER

8508 Contingency - A contingency of 10% of the expenses is proposed for 2016/17 in order to provide a “cushion” to offset any unforeseen expenditures or failure to receive anticipated fee revenue. It is not anticipated that contingency funds will be used in the current fiscal year. The contingency for FY 2015/16 is \$21,967. The contingency proposed for FY 2016/17 is \$22,985.

Budget Reserve – Carryover – The budget reserve is accounted for in the LAFCO’s 794 cash account. The revenue and expenses lines in the actual spreadsheet will only show transactions for the current FY which means that we still do not have the most up to date reserve numbers. For FY 2015/16, \$50,000 was used to offset the cities and County contribution. Staff estimates that LAFCO will have a reserve of approximately \$94,000.00 at the end of FY 2015/16. This reserve was generated through Planning and Engineering Services and charges to funding agencies from previous years. The Commission may again consider applying a specified amount of this reserve for the coming year. Attached is a spreadsheet showing different contribution amounts based on differing amounts of reserve funds being used. Also attached, is a table showing city and County contributions and applied reserve from FY01/02 to present.

In considering this matter the Commission may also wish to provide policy direction as to the appropriate amount to retain as a reserve on a year-to-year basis. In making this decision the Commission should be aware that under GC Section 56381(c), the Board of Supervisors is authorized to loan the Commission funds if during the fiscal year the Commission is without funds to operate. The Commission must then appropriate sufficient funds in its budget for the subsequent year to repay the loan.

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

	Object No.	Adopted Budget FY 15/16	AS of3/18/16	Projected Expenses FY 15/16	Proposed Budget FY 16/17
EXPENDITURES					
Services and Supplies					
Board Director's Fees	6008	\$1,000	\$948	\$1,000	\$1,000
Memberships	7027	\$3,106	\$3,045	\$3,045	\$3,323
Office Expenses	7036	\$1,500	\$1,069	\$1,500	\$1,530
Professional and Specialized	7043	\$400	\$0	\$400	\$400
Publication - Public Hearing Notices	7059	\$1,000	\$347	\$1,000	\$1,500
Training	7073	\$3,000	\$3,062	\$3,062	\$3,100
Transportation and Travel	7074	\$5,750	\$3,569	\$5,750	\$5,750
Total Services and Supplies		\$15,756	\$12,041	\$15,757	\$16,603
Other Charges					
I/F Workers Compensation	9300	\$1,326	\$0	\$1,326	\$1,761
I/F Expenses - Property	9302	\$81	\$0	\$81	\$83
I/F Expenses - Special Liability Insurance	9303	\$2,169	\$2,052	\$2,169	\$2,213
I/F ADP Payroll	9310	\$150	\$144	\$150	\$150
Rent	7062	\$15,810	\$6,714	\$15,810	\$16,130
Alarm Services	7036	\$30	\$154	\$30	\$160
Telecom	9312	\$443	\$360	\$443	\$452
Utilities	9312	\$2,060	\$901	\$2,060	\$2,101
Custodial Services	9313	\$1,590	\$417	\$1,590	\$1,590
I/F RMA - Printing	7036	\$500	\$129	\$500	\$500
I/F RMA - Mail	7036	\$1,030	\$521	\$1,030	\$1,030
Total Other Charges		\$25,189	\$11,392	\$25,189	\$26,170
Agency Charges					
County Counsel Charges	9315	\$5,150	\$685	\$5,000	\$5,253
Services from Other Dpts.	9316	\$2,575	\$2,897	\$2,500	\$2,575
COWCAP Charges	9317	\$5,000	-\$6,970	\$5,000	\$5,000
GIS Services	9324	\$1,000	\$37	\$1,000	\$1,000
Salaries	9333	\$165,000	\$102,000	\$137,000	\$173,250
Total Agency Charges		\$178,725	\$98,649	\$150,500	\$187,078
Contingencies	7432	\$21,967	\$21,967	\$21,967	\$22,985
TOTAL EXPENDITURES		\$241,637	\$144,049	\$213,413	\$252,837
REVENUES					
Other - Government Agency Contributions	5801	\$174,495	\$174,495	\$172,857	\$234,988
Planning and Engineering Services	5421	\$17,142	\$12,455	\$16,104	\$17,849
Prior Year Revenue Accurals Adjustment	5999				
TOTAL REVENUES		\$191,637	\$186,950	\$188,961	\$252,837
NET COST		\$50,000	-\$42,901	\$24,452	\$0

AGENCY CONTRIBUTIONS
CARRYOVER SCENARIOS

Contribution Scenerios

Carryover applied: \$0

	POPULATION (DOF 1/1/2015)	PERCENT OF POPULATION	PROPOSED		DIFFERENCE
			16/17 CONTRIBUTION	15/16 CONTRIBUTION	
CITY OF DINUBA	23,966	5.19%	\$12,185	\$8,837	\$3,348
CITY OF EXETER	10,572	2.29%	\$5,375	\$4,016	\$1,359
CITY OF FAMERSVILLE	10,908	2.36%	\$5,546	\$4,168	\$1,378
CITY OF LINDSAY	12,678	2.74%	\$6,446	\$4,796	\$1,650
CITY OF PORTERVILLE	55,852	12.08%	\$28,396	\$21,246	\$7,150
CITY OF TULARE	62,363	13.49%	\$31,707	\$23,432	\$8,275
CITY OF VISALIA	130,753	28.29%	\$66,478	\$49,178	\$17,300
CITY OF WOODLAKE	7,702	1.67%	\$3,916	\$2,935	\$981
COUNTY OF TULARE	147,395	31.89%	\$74,939	\$55,887	\$19,052
TOTAL	462,189	100.00%	\$234,988	\$174,495	\$60,493

+ \$200.00 billing fee to County Auditor

(794) LINE 5900 | \$234,988

Tulare	459,446
Dinuba	23,966
Exeter	10,572
Farmersville	10,909
Lindsay	12,678
Porterville	55,852
Tulare	62,363
Visalia	130,753
Woodlake	7,702
Balance of County	147,395

Carryover applied: \$15000

	POPULATION (DOF 1/1/2015)	PERCENT OF POPULATION	PROPOSED		DIFFERENCE
			16/17 CONTRIBUTION	15/16 CONTRIBUTION	
CITY OF DINUBA	23,096	5.06%	\$11,141	\$8,837	\$2,304
CITY OF EXETER	10,495	2.30%	\$5,063	\$4,016	\$1,047
CITY OF FAMERSVILLE	10,893	2.39%	\$5,255	\$4,168	\$1,087
CITY OF LINDSAY	12,533	2.75%	\$6,046	\$4,796	\$1,250
CITY OF PORTERVILLE	55,526	12.18%	\$26,785	\$21,246	\$5,539
CITY OF TULARE	61,238	13.43%	\$29,541	\$23,432	\$6,109
CITY OF VISALIA	128,525	28.18%	\$61,999	\$49,178	\$12,821
CITY OF WOODLAKE	7,671	1.68%	\$3,700	\$2,935	\$765
COUNTY OF TULARE	146,060	32.03%	\$70,458	\$55,887	\$14,571
TOTAL	456,037	100.00%	\$219,988	\$174,495	\$45,493

+ \$200.00 billing fee to County Auditor

(794) LINE 5900 \$219,988

Carryover applied FY : \$25000

	POPULATION (DOF 1/1/2015)	PERCENT OF POPULATION	PROPOSED		DIFFERENCE
			16/17 CONTRIBUTION	15/16 CONTRIBUTION	
CITY OF DINUBA	23,096	5.06%	\$10,635	\$8,837	\$1,798
CITY OF EXETER	10,495	2.30%	\$4,833	\$4,016	\$817
CITY OF FAMERSVILLE	10,893	2.39%	\$5,016	\$4,168	\$848

AGENCY CONTRIBUTIONS
CARRYOVER SCENARIOS

CITY OF LINDSAY	12,533	2.75%	\$5,771	\$4,796	\$975
CITY OF PORTERVILLE	55,526	12.18%	\$25,568	\$21,246	\$4,322
CITY OF TULARE	61,238	13.43%	\$28,198	\$23,432	\$4,766
CITY OF VISALIA	128,525	28.18%	\$59,181	\$49,178	\$10,003
CITY OF WOODLAKE	7,671	1.68%	\$3,532	\$2,935	\$597
COUNTY OF TULARE	146,060	32.03%	\$67,255	\$55,887	\$11,368

TOTAL 456,037 100.00% \$209,988 \$174,495 \$35,493

+ \$200.00 billing fee to County Auditor

(794) LINE 5900 \$209,988

Carryover applied: \$50000

	POPULATION (DOF 1/1/2015)	PERCENT OF POPULATION	PROPOSED		DIFFERENCE
			16/17 CONTRIBUTION	15/16 CONTRIBUTION	
CITY OF DINUBA	23,096	5.06%	\$9,369	\$8,837	\$532
CITY OF EXETER	10,495	2.30%	\$4,257	\$4,016	\$241
CITY OF FAMERSVILLE	10,893	2.39%	\$4,419	\$4,168	\$251
CITY OF LINDSAY	12,533	2.75%	\$5,084	\$4,796	\$288
CITY OF PORTERVILLE	55,526	12.18%	\$22,524	\$21,246	\$1,278
CITY OF TULARE	61,238	13.43%	\$24,841	\$23,432	\$1,409
CITY OF VISALIA	128,525	28.18%	\$52,135	\$49,178	\$2,957
CITY OF WOODLAKE	7,671	1.68%	\$3,112	\$2,935	\$177
COUNTY OF TULARE	146,060	32.03%	\$59,248	\$55,887	\$3,361

TOTAL 456,037 100.00% \$184,988 \$174,495 \$10,493

+ \$200.00 billing fee to County Auditor

(794) LINE 5900 \$184,988

Carryover applied: \$75000

	POPULATION (DOF 1/1/2015)	PERCENT OF POPULATION	PROPOSED		DIFFERENCE
			16/17 CONTRIBUTION	15/16 CONTRIBUTION	
CITY OF DINUBA	23,096	5.06%	\$8,103	\$8,837	-\$734
CITY OF EXETER	10,495	2.30%	\$3,682	\$4,016	-\$334
CITY OF FAMERSVILLE	10,893	2.39%	\$3,822	\$4,168	-\$346
CITY OF LINDSAY	12,533	2.75%	\$4,397	\$4,796	-\$399
CITY OF PORTERVILLE	55,526	12.18%	\$19,480	\$21,246	-\$1,766
CITY OF TULARE	61,238	13.43%	\$21,484	\$23,432	-\$1,948
CITY OF VISALIA	128,525	28.18%	\$45,089	\$49,178	-\$4,089
CITY OF WOODLAKE	7,671	1.68%	\$2,691	\$2,935	-\$244
COUNTY OF TULARE	146,060	32.03%	\$51,241	\$55,887	-\$4,646

TOTAL 456,037 100.00% \$159,988 \$174,495 -\$14,507

+ \$200.00 billing fee to County Auditor

(794) LINE 5900 \$159,988

AGENCY CONTRIBUTIONS
CARRYOVER SCENARIOS

Contribution History

	FY															
	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2015/16
CITY OF DINUBA	\$9,838	\$6,716	\$4,325	\$3,455	\$0	\$6,584	\$8,929	\$6,904	\$6,068	\$5,235	\$4,764	\$8,855	\$8,606	\$8,687	\$8,837	\$8,837
CITY OF EXETER	\$5,404	\$3,627	\$2,336	\$1,873	\$0	\$3,534	\$4,850	\$3,704	\$2,788	\$2,629	\$2,295	\$4,193	\$3,910	\$3,998	\$4,016	\$4,016
CITY OF FAMERSVILLE	\$4,827	\$3,467	\$2,229	\$1,802	\$0	\$3,494	\$4,751	\$3,613	\$2,747	\$2,655	\$2,351	\$4,355	\$4,059	\$4,153	\$4,168	\$4,168
CITY OF LINDSAY	\$5,681	\$4,064	\$2,566	\$2,052	\$0	\$3,764	\$5,101	\$3,857	\$3,071	\$2,880	\$2,613	\$4,849	\$4,164	\$4,707	\$4,796	\$4,796
CITY OF PORTERVILLE	\$23,626	\$15,675	\$10,133	\$8,177	\$0	\$15,181	\$20,624	\$17,765	\$15,790	\$12,833	\$12,028	\$22,124	\$20,688	\$21,148	\$21,246	\$21,246
CITY OF TULARE	\$26,235	\$17,408	\$11,192	\$9,020	\$0	\$16,881	\$23,478	\$19,308	\$17,610	\$14,423	\$13,164	\$24,175	\$22,816	\$23,276	\$23,432	\$23,432
CITY OF VISALIA	\$60,715	\$36,375	\$23,674	\$19,274	\$0	\$36,694	\$50,702	\$40,643	\$37,780	\$30,487	\$27,635	\$50,736	\$47,887	\$48,698	\$49,178	\$49,178
CITY OF WOODLAKE	\$4,042	\$2,666	\$1,691	\$1,350	\$0	\$2,453	\$3,332	\$2,552	\$1,785	\$1,915	\$1,616	\$2,957	\$2,858	\$2,838	\$2,935	\$2,935
COUNTY OF TULARE	\$90,577	\$55,677	\$35,561	\$28,291	\$0	\$51,257	\$70,071	\$49,113	\$43,361	\$35,779	\$31,728	\$58,012	\$54,421	\$55,551	\$55,887	\$55,887
TOTAL	\$230,945	\$145,675	\$93,707	\$75,294	\$0	\$139,841	\$191,838	\$147,459	\$131,000	\$108,834	\$98,195	\$180,257	\$169,409	\$173,057	\$174,495	\$174,495
Reserves Applied	\$0	\$0	\$100,000	\$150,000	\$150,000	\$30,000	\$40,000	\$60,000	\$70,000	\$100,000	\$100,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000

2016/17
LAFCO
WORK PROGRAM

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

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Introduction

Overview of LAFCO

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

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

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

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires each LAFCO to adopt an annual budget. The 2015/16 Work Program for the Tulare County LAFCO outlines the anticipated work to be accomplished by LAFCO during the fiscal year and is prepared to accompany the annual budget.

Description of Region

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

Tulare County has approximately one third of its land area in the Valley. The remaining portion is in the Sierra Nevada Mountains. This offers an abundance of scenic and recreational opportunities for residents and visitors. The land in the Valley produces a wide variety of agricultural products. Tulare County ranks as one of the largest agricultural producing counties in the nation. The population of Tulare County is concentrated in the Valley area. There are eight incorporated cities, which account for 68% of the total county approximate population of 462,189 (DOF – 5/1/15). The eight cities are: Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia and Woodlake. There are also numerous special districts in the county, including various Community

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

Organization of LAFCO

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

LAFCO Commissioners

Rudy Mendoza, Chair	City representative
Allen Ishida, Vice Chair	County representative
Cameron Hamilton	City representative
Steve Worthley	County representative
Juliet Allen	Public representative
Pete Vander Poel	Alternate, County representative
Craig Vejvoda	Alternate, City representative
Dennis Mederos	Alternate, Public representative

LAFCO Executive Officer

Ben Giuliani

LAFCO Staff

Cynthia Echavarria, Staff Analyst
Doreen Alvez, LAFCO Clerk
Alyssa Blythe, LAFCO Clerk
Lisa Tennenbaum, LAFCO Counsel

LAFCO Abbreviations and Acronyms

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

LAFCO Work Program Elements

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.01 LAFCO**
Administration

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

PREVIOUS WORK: This is an ongoing function of LAFCO.

PRODUCTS:

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

DISCUSSION:

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

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

BUDGET:

Estimated staff costs:	\$57,750	(6.0 Staff Person Months)
Memberships:	\$3,323	
Publications and Notices	\$1,500	
County Counsel:	\$5,253	
COWCAP Charged:	\$5,000	
Board Directors fees:	\$1,000	
Rent	\$16,130	
Insurance	\$2,213	
Prof. & Specialized:	\$400	
Service from Other Dept.	\$2,575	
Total:	\$95,144	
Revenue (source):	\$	(Reserve Funds)
Revenue (source):	\$95,144	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 100 ADMINISTRATION
 WORK ELEMENT: **100.02 Office Expenses/Fixed Assets**
 PURPOSE: To procure and manage the assets of LAFCO.

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

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

DISCUSSION:

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

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

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

BUDGET:

Office Expense:	\$1,530
Telecomm	\$452
ADP Payroll/Personnel:	\$150
Utilities:	\$2,101
Custodial Services:	\$1,590
Property	\$83
Mail	\$1,030
Printing	\$500
Alarm	\$160
GIS	\$1,000
Worker's Compensation	\$1,761
Total	\$10,357

(Reserve Funds)
 \$10,357 (County & Cities Contribution)

(Planning & Engineering Fees)

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.03 Training and Travel**

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

PREVIOUS WORK: This is an ongoing work element.

PRODUCTS:

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

BUDGET:

Training (Commissioners & Staff):	\$3,100
Transportation/Travel (Commissioners & Staff)	\$5,750
Total:	\$8,850

Revenue (source):	(Reserve Funds)
Revenue (source):	\$8,850 (County & Cities Contribution)
Revenue (source):	(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.02 Municipal Service Reviews**

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

PREVIOUS WORK: Group 1 MSRs adopted March 2006
 Group 2 MSRs adopted May 2006
 Group 3 MSRs adopted March 2007
 Group 4 MSRs adopted October 2011
 City of Dinuba MSR updated June 2012
 City of Visalia MSR updated February 2013
 City of Tulare MSR updated October 2013
 City of Porterville MSR updated October 2014
 City of Exeter MSR update April 2016

PRODUCTS: MSRs for Cities of Farmersville, Woodlake, Lindsay, Sultana CSD, Group 1 Districts

DISCUSSION:

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

Through a contract with Omni-Means consultants, Tulare County's eight cities and 19 of the special districts were reviewed and MSR's were adopted in 3 groups. Group 1, consisting of Visalia, Farmersville, Tulare and surrounding districts were approved by the Commission in March 2006. Group 2, consisting of Dinuba, Woodlake and surrounding districts were approved by the Commission in May 2006. Group 3, consisting of Exeter, Lindsay and Porterville and surrounding districts were approved by the Commission in March 2007. Group 4, consisting of 21 special districts was approved in October 2011. The scope of MSRs has since been expanded to include service needs of developed communities within and adjacent to the subject agency's current SOI. MSR updates have been completed for the cities of Dinuba, Visalia, Tulare, Porterville and Exeter. Due to the reduced level of casework LAFCO Staff has and will continue to complete the MSR updates without the use of a consultant. Thus, no funds will be allocated for consultant services for FY 16/17.

BUDGET:

Estimated staff costs:	\$57,750	(6.0 Staff Person Month)
Total:	\$57,750	
Revenue (source):	\$	(Reserve Funds)
Revenue (source):	\$57,750	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

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

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

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

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

DISCUSSION: The Tulare County LAFCO Cities and Special District Inventory is a listing of the various agencies in Tulare County and provides information about each agency, including: date formed, address, phone number, contact person, functions performed, and method of financing. The Inventory also includes a brief description of each type of agency and a map depicting the agency's sphere of influence. For Community Service Districts and County Service Areas the inventory will also describe the latent powers each district was authorized to perform, but had not performed as of January 1, 2006 and January 1, 2009 (respectively). The full-published revision has been completed. The last major revision took place in FY 13/14. However, this Work Program allocation is intended for the continual updating of contact and map information in the Inventory.

BUDGET:

Estimated staff costs:	\$9,625	(1.0 Staff Person Months)
Total:	\$9,625	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$9,625	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

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

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

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

PRODUCTS:

1. SOI Updates for the Cities of Visalia, Tulare are expected to be adopted in 2016/2017. Farmersville, Woodlake and Lindsay are also anticipated for FY 2016/17
2. SOI Reviews (and updates as needed) for Tulare County principal districts

DISCUSSION:

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

Tulare County LAFCO Resolution 96-02 provides that, whenever possible, the Sphere of Influence of each city and those Special Districts that provide urban services to unincorporated communities within the County should reflect a twenty-year growth area with additional areas for communities of interest (Section 56425 (a) (4)). This boundary shall be reviewed and, if necessary, updated no more than once every five years. The updates should be sufficient to accommodate projected growth for twenty years from the date of adoption.

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

BUDGET:

Estimated staff costs:	\$19,250	(2 Staff Person Months)
Total:	\$19,250	
Revenue (source):	\$	(Reserve Funds)
Revenue (source):	\$19,250	(County & Cities Contribution)
Revenue (source):	\$	(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.05 Island Annexation Program**

PURPOSE: To assist municipalities undertaking island annexations pursuant to GC §56375.3.

PREVIOUS WORK: Assisted Cities of Porterville, Visalia and Tulare

PRODUCTS: Continue to support city staff in their island annexation programs.

DISCUSSION: Amendments to CKH in 2000 provide a window for municipalities to annex county islands within their boundaries using streamlined procedures. Eligible islands must have been created prior to January 1, 2000. Protest hearings and election procedures may be waived by LAFCo, providing that the annexing city adopt a resolution supporting the annexation, and providing the annexation application meets the criteria spelled out in GC §56375.3. To date, the Cities of Visalia, Porterville and Tulare have annexed a total of 48 islands containing approximately 13,633 residents, 4,447 housing units and 2,267 acres of land.

BUDGET:

Estimated staff costs:	\$4,813	(.5 Staff Person Month)
Total:	\$4,813	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$4,813	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.06 Special Projects**

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

PREVIOUS WORK: Report Regarding Preservation of Agricultural Lands.

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

DISCUSSION:

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

The work element accounts for staff and consultant resources required to respond to the need for such special studies as may be authorized by LAFCO during the fiscal year.

BUDGET:

Estimated staff costs:	\$9,625	(1.0 Staff Person Month)
Total:	\$9,625	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$9,625	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 102 CASE PROCESSING

WORK ELEMENT: **102.01 LAFCO Case Processing**

PURPOSE: To process applications submitted by LAFCO.

PREVIOUS WORK: In FY 2015/16 (as of March 11), staff has processed 11 cases (annexations, detachments, sphere of influence amendments and extension of services agreements)

PRODUCTS: This is an ongoing work element. Staff will continue to process case applications as they are submitted. For fiscal year 2016/17, based on feedback from local agencies, staff is estimating processing 6 cases (not including ESAs).

BUDGET:

Estimated staff costs:	\$14,437	(1.5 Staff Person Months)
Total:	\$14,437	

Revenue (source):		(Reserve Funds)
Revenue (source):	\$	(County & Cities Contribution)
Revenue (source):	\$14,437	(Planning & Engineering Fees)

LAFCO Work Program Summary

Activity Description	Work Element Number	Revenue Source and Amount				Expenditures
		Reserve Funds	Income from Other Agencies	Planning & Engineering Services	Fees Paid by County for Incorporation	
LAFCO Administration	100.01	\$0	\$95,144	\$	\$0	\$95,144
Office Expenses / Fixed Assets	100.02	\$0	\$10,357	\$0	\$0	\$10,357
Training and Travel	100.03	\$0	\$8,850	\$0	\$0	\$8,850
Municipal Service Reviews	101.02	\$0	\$57,750	\$0	\$0	\$57,750
Cities & Special District Inventory Update	101.03	\$0	\$9,625	\$0	\$0	\$9,625
Sphere of Influence Updates	101.04	\$0	\$19,250	\$0	\$0	\$19,250
Island Annexation Program	101.05	\$0	\$4,813	\$0	\$0	\$4,813
Special Projects	101.06	\$0	\$9,625	\$0	\$0	\$9,625
LAFCO Case Processing	102.01	\$0	\$0	\$14,437	\$0	\$14,437
Subtotals	NA	\$0	\$215,414	\$14,437	\$0	\$229,851
Contingency	NA	\$0	\$19,573	\$3,412	\$0	\$22,985
TOTALS		\$0	\$234,988	\$17,849	\$0	\$252,837

Total Staff Person Months = 18.0

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

TULARE CO. LAFCO- 6-YEAR STRATEGIC WORK PROGRAM

<i>FY</i>	<i>MSR</i>	<i>SOI UPDATE</i>	<i>SPECIAL PROJECTS</i>	<i>Pending Proposals, Possible Future Projects, Annual Work Elements</i>
2016/17	Woodlake, Farmersville, Lindsay, Sultana CSD, Group 1 Districts (11 MSRs)	Cities (except Dinuba, Porterville, Exeter), Sultana, Group 1 Districts (13 SOIs)		<i>Possible Future Projects</i> <ul style="list-style-type: none"> • Levee Districts • Traver, Seville CSD formations • Formation of Yokohl CSD & CWD • Implementation of MSR's
2017/18	Group 2 and 3 Districts (10 MSRs)	Group 2 and 3 Districts (10 SOIs)		
2018/19	Dinuba, Visalia, Group 4 Districts (20 MSRs)	Dinuba, Visalia, Group 4 Districts (20 SOIs)		
2019/20	Tulare, Porterville (2 MSRs)	Tulare, Porterville (2 SOIs)		<i>Annual Work Elements</i> <ul style="list-style-type: none"> • Case Processing • Island Annexations • SOI Amendments • City-Special Districts Inventory • Special Projects
2020/21	Exeter, Woodlake, Lindsay, Farmersville (4 MSRs)	Exeter, Woodlake, Lindsay, Farmersville (4 SOIs)		
2021/22	Group 1 Districts (7 MSRs)	Group 1 Districts (7 SOIs)		

BEFORE THE LOCAL AGENCY FORMATION COMMISSION

OF THE

COUNTY OF TULARE, STATE OF CALIFORNIA

In The Matter of the 2016/17)
Proposed Budget for the Tulare County) RESOLUTION NO. **16-0XX**
Local Agency Formation Commission)

WHEREAS, Government Code Section 56381 requires that on or before the 1st day of May, the Local Agency Formation Commission must prepare and transmit to the Board of Supervisors; to each city; and to the clerk and chair of the city selection committee, if any, its proposed budget for the following fiscal year.

WHEREAS, in accordance with Section 56381, this Local Agency Formation Commission on April 6, 2016, considered the Fiscal Year 2016/17 proposed budget as recommended by the Executive Officer.

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

1. The proposed Fiscal Year 2016/17 budget, attached hereto as Exhibit "A", is hereby adopted.
2. The Executive Officer is hereby authorized and directed to forward said proposed budget to the Board of Supervisors; to each city; and to the clerk and chair of the city selection committee, if any, in accordance with the requirements of Government Code Section 56381.

RESOLUTION NO. 16-00X
PAGE 2

The foregoing resolution was adopted upon the motion by Commissioner _____, and seconded by Commissioner Allen, at a regular meeting held on this 6th day of April 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

ce

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

ALTERNATES:
*Pete Vander Poel
Dennis Mederos
Craig Vejvoda*

EXECUTIVE OFFICER:
Ben Giuliani

March 24, 2016

City of Porterville
291 N Main St
Porterville, CA 93257

Re: Extraterritorial Service Agreement No. 2016-01 (City of Porterville/Taggard)

This is to inform you that your request for an Extraterritorial Service Agreement, submitted to the Tulare County Local Agency Formation Commission (LAFCO) on March 10th, 2016, (ESA No. 2016-01), is hereby approved by the Executive Officer. Approval of this agreement is in accordance with Government Code Section 56133 and Tulare County LAFCO Resolution 94-07. The agreement permits the City of Porterville to provide municipal water service for a single family residence that is replacing an existing commercial-use building at 1369 W Slaughter Avenue (APN 259-012-008).

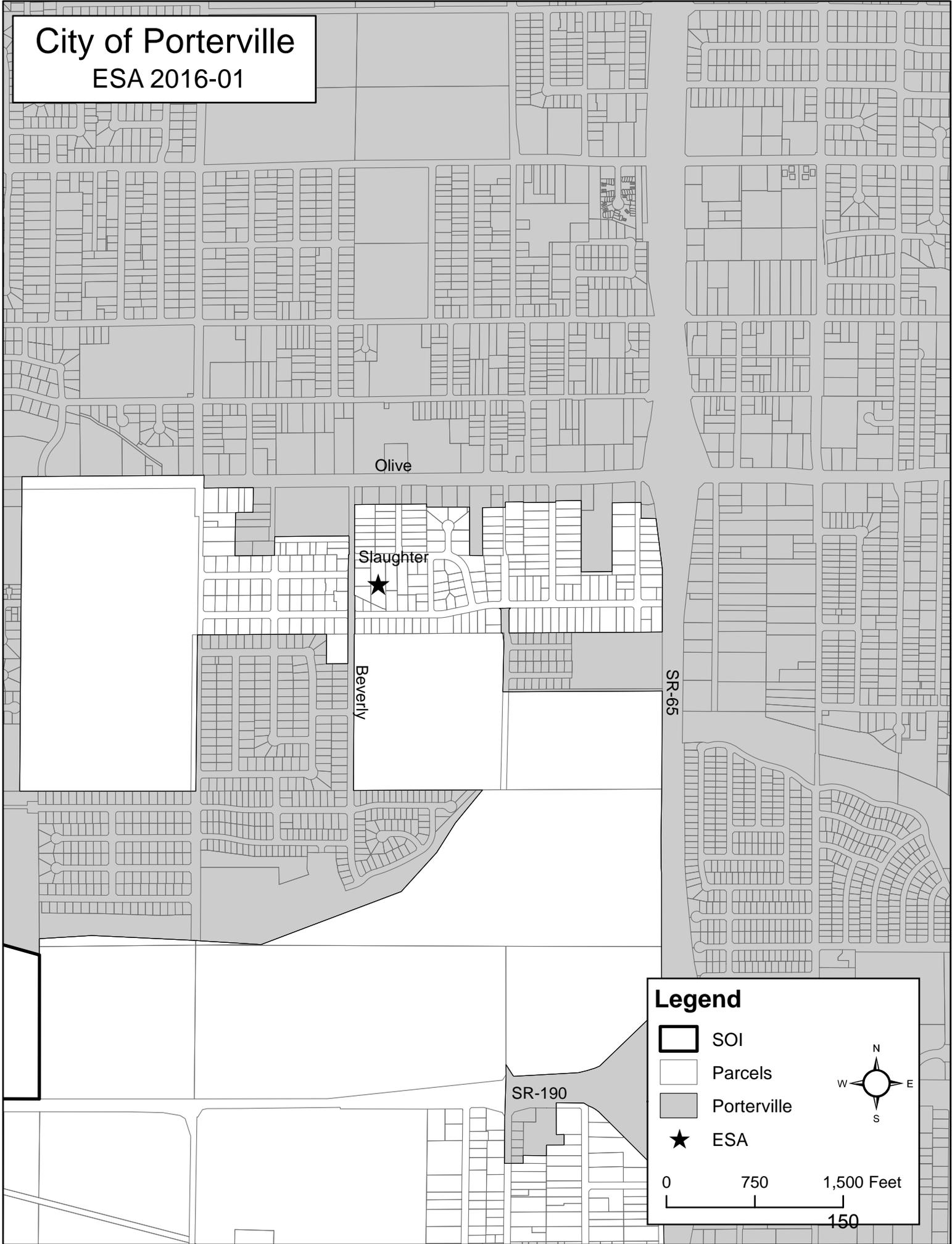
Should you have any questions, please contact me at 623-0450 or bgiuliani@tularecog.org.

Sincerely,

Benjamin Giuliani, Executive Officer
Tulare County LAFCO

Cc: Richard & Elizabeth Taggard

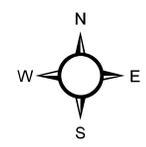
City of Porterville ESA 2016-01



Legend

- SOI
- Parcels
- Porterville
- ★ ESA

0 750 1,500 Feet
150



CALAFCO Legislative Report - Wednesday, March 30, 2016

AB 2032 (Linder R) Change of organization: cities: disincorporation.

Current Text: Amended: 3/17/2016 [pdf](#) [html](#)

Introduced: 2/16/2016

Last Amended: 3/17/2016

Status: 3/28/2016-Re-referred to Com. on L. GOV.

Summary:

Would require the local area formation commission to determine that the proposed disincorporation is consistent with the intent that all debt and contractual obligations and responsibilities of the city being disincorporated be the responsibility of the same territory for repayment, that existing and projected future revenues of the city to be disincorporated are sufficient to meet all expenditures, debts, and obligations of the former city, as specified, and that the appropriate appointing power of the successor or successors approves the terms of continuing employment or transfer of any employees from employment with the disincorporated city to employment with the successor or successors.

Position: Oppose

Subject: CKH General Procedures, Disincorporation/dissolution

CALAFCO Comments: This bill is sponsored by the County Auditor's Association. According to the Sponsor, LA and Riverside Counties (mostly LA County) have lingering concerns over some of the language adopted in AB 851 (Mayes, 2015). As amended, the bill makes substantial changes to the disincorporation statutes that were updated in 2015 through AB 851. CALAFCO has reviewed the proposed amendments and provided specific feedback to the author and sponsor. The vast majority of the amendments currently being proposed were also on the table last June, with the majority of those having been addressed to LA County by CALAFCO. There are four proposed amendments that are acceptable, only with the condition that all of the other stakeholders CALAFCO worked with last year also agree to them. The remaining proposed amendments are not acceptable either because they are adequately covered elsewhere within the statute or because they do not make sense. In addition, there were two proposed amendments for which we requested additional clarification.

AB 2277 (Melendez R) Local government finance: property tax revenue allocation: vehicle license fee adjustments.

Current Text: Introduced: 2/18/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Status: 3/3/2016-Referred to Com. on L. GOV.

Calendar: 4/6/2016 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GVT, EGGMAN, Chair

Summary:

Beginning with the 2004-05 fiscal year and for each fiscal year thereafter, current law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a Vehicle License Fee Property Tax Compensation Fund that exists in each county treasury. Current law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities. This bill would modify these reduction and transfer provisions for a city incorporating after January 1, 2004, and on or before January 1, 2012, for the 2016-17 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

Position: Support

Subject: Financial Viability of Agencies, Tax Allocation

CALAFCO Comments: As introduced, this bill is identical to SB 817 (Roth, 2016) except that it does not incorporate changes to the R&T Code Section 97.70 related to AB 448 (Brown, 2015). The bill calls for reinstatement of the VLF through ERAF for cities that incorporated between January 1, 2004 and January 1, 2012. There are no provisions for back payments for lost revenue, but the bill does reinstate future payments beginning in the 2016/17 year for cities that incorporated between 1-1-2004 and 1-1-2012.

AB 2471 (Quirk D) Health care districts: dissolution.

Current Text: Introduced: 2/19/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Status: 3/8/2016-Referred to Com. on L. GOV.

Summary:

Would require a local agency formation commission to order the dissolution of a health care district without an election if the health care district meets certain criteria, as specified. The bill would subject a dissolution under these provisions to the provisions of the act for winding up the affairs of a dissolved district.

Position: Watch

Subject: CKH General Procedures, Disincorporation/dissolution, Special District Consolidations

CALAFCO Comments: As introduced, this bill amends CKH 57103 and Health & Safety Code by adding Section 32495. These changes require a LAFCO to order the dissolution of a health care district without an election, providing the health care district: (1) does not currently receive a property tax allocation; (2) has substantial net assets; and (3) does not provide a direct health care service (defined as the ownership or operation of a hospital, medical clinic, wellness center or ambulance service).

CALAFCO was not contacted by the author prior to the bill's introduction. According to the author's office, the bill is sponsored by Alameda County and focuses on a local issue with the Eden Health Care District. However, the bill is not written exclusively to address that issue, but rather all health care districts that meet the noted criteria.

AB 2910 (Committee on Local Government) Local government: organization: omnibus bill.

Current Text: Introduced: 3/15/2016 [pdf](#) [html](#)

Introduced: 3/15/2016

Status: 3/28/2016-Referred to Com. on L. GOV.

Summary:

Under current law, with certain exceptions, a public agency is authorized to exercise new or extended services outside the public agency's jurisdictional boundaries pursuant to a fire protection contract only if the public agency receives written approval from the local agency formation commission in the affected county. Current law defines the term "jurisdictional boundaries" for these purposes. Current law, for these purposes, references a public agency's current service area. This bill would revise these provisions to remove references to a public agency's current service area and instead include references to the public agency's jurisdictional boundaries.

Position: Sponsor

Subject: CKH General Procedures

SB 552 (Wolk D) Public water systems: disadvantaged communities: consolidation or extension of service.

Current Text: Amended: 7/7/2015 [pdf](#) [html](#)

Introduced: 2/26/2015

Last Amended: 7/7/2015

Status: 7/17/2015-Failed Deadline pursuant to Rule 61(a)(10). (Last location was RLS. on 7/9/2015)

Summary:

Current law, for purposes of the California Safe Drinking Water Act, defines "disadvantaged community" to mean a disadvantaged community that is in an unincorporated area or is served by a mutual water company. This bill would allow a community to be a "disadvantaged community" if the community is in a mobilehome park even if it is not in an unincorporated area or served by a mutual water company.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: Previously, CALAFCO was informed by the author's office that this bill is being amended as a vehicle to clean-up the water consolidation legislation passed through as a budget trailer bill, SB 88/AB 115. However, to date there has been no response from the author's office as to what that may look like. CALAFCO continues to monitor for amendments.

SB 817 (Roth D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Amended: 2/22/2016 [pdf](#) [html](#)

Introduced: 1/5/2016

Last Amended: 2/22/2016

Status: 3/10/2016-Set for hearing March 30.

Calendar: 3/30/2016 9:30 a.m. - Room 112 SENATE GOV AND FINANCE, HERTZBERG, Chair

Summary:

Beginning with the 2004-05 fiscal year and for each fiscal year thereafter, current law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a Vehicle License Fee Property Tax Compensation Fund that exists in each county treasury. Current law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities. This bill would modify these reduction and transfer provisions for a city incorporating after January 1, 2004, and on or before January 1, 2012, for the 2016-17 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

Position: Support

Subject: Financial Viability of Agencies

CALAFCO Comments: As amended, this bill is identical to SB 25 (Roth, 2015) and SB 69 (Roth, 2014). The bill calls for reinstatement of the VLF through ERAF for cities that incorporated between January 1, 2004 and January 1, 2012. There are no provisions for back payments for lost revenue, but the bill does reinstate future payments beginning in the 2016/17 year for cities that incorporated between 1-1-2004 and 1-1-2012.

SB 1262 (Pavley D) Water supply planning.

Current Text: Introduced: 2/18/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Status: 3/29/2016-From committee: Do pass and re-refer to Com. on GOV. & F. (Ayes 7. Noes 2.) (March 29). Re-referred to Com. on GOV. & F.

Summary:

Would require a city or county that determines a project is subject to the California Environmental Quality Act to identify any water system whose service area includes the project site and any water system adjacent to the project site. This bill would require, if a water source for a proposed project includes water of a quality not sufficient to meet certain drinking water standards, that prescribed additional information be included in a water supply assessment. This bill, if no water system is identified, would require a city or county to prepare a technical report containing prescribed information.

Position: Watch

Subject: Water

CALAFCO Comments: As introduced, this complicated bill makes a number of changes to GC Section 66473.7 and Section 10910 of the Water Code. In 66473.7, in the definitions section, the bill adds definitions pertaining to the use of groundwater by a proposed subdivision as the source of water. It adds an adopted groundwater sustainability plan as optional substantial evidence that the water system has sufficient water supply to meet the demands of the subdivision project. The bill adds that a groundwater basin identified by the State Water Resources Control Board (SWRCB) as a probationary basin is not considered a viable water supply.

In Water Code section 10910, the bill makes the following changes: If no water system that is within or adjacent to the service area of the project site is identified as a viable source of water for the project, the city or county shall prepare a technical report that includes five factors. Based on this report, if the city or county determines that it is feasible for a water system to provide water to the project, the city or county shall submit the technical report to the local LAFCo with jurisdiction over the project. If the LAFCo denies the annexation or extension of service then the city or county shall develop a water supply assessment as outlined in 10910.

What is unclear to CALAFCO at this time is what is to be done with the assessment once completed, and why it is not completed prior to the LAFCo considering the application as part of the CEQA process.

SB 1266 (McGuire D) Joint Exercise of Powers Act: agreements: filings.

Current Text: Amended: 3/28/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Last Amended: 3/28/2016

Status: 3/29/2016-Set for hearing April 6.

Calendar: 4/6/2016 9:30 a.m. - Room 112 SENATE GOV AND FINANCE, HERTZBERG, Chair

Summary:

When a joint powers agreement provides for the creation of an agency or entity, separate from the parties to the agreement and responsible for its administration, current law requires that agency or entity to cause a notice of the agreement or amendment to be prepared and filed, as specified, with the Secretary of State. This bill would require an agency or entity required to file documents with the Controller, as described above, that includes a member that is a local agency and is a joint powers authority or joint powers agency, to also file a copy of the agreement or amendment with the local agency formation commission in each of the counties in each county within which all or any part a local agency member's territory is located within 90 days after the effective date of the agreement or amendment.

Position: Sponsor

Subject: Joint Power Authorities, LAFCo Administration

CALAFCO Comments: This is a CALAFCO sponsored bill with a number of amendments pending, as, although submitted to Leg Counsel for inclusion, were not included in the introductory version of the bill. The intent is that all stand-alone JPAs, as defined in GC Section 56047.7, which includes a member that is a public agency as defined in GC Section 56054, and are formed for the purposes of delivering municipal services, shall file a copy of their agreement (and a copy of any amendments to that agreement) with the LAFCo in each county within which all or any part a local agency member's territory is located.

SB 1318 (Wolk D) Local government: drinking water infrastructure or services: wastewater infrastructure or services.

Current Text: Amended: 3/28/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 3/28/2016

Status: 3/29/2016-Set for hearing April 6.

Calendar: 4/6/2016 9:30 a.m. - Room 112 SENATE GOV AND FINANCE, HERTZBERG, Chair

Summary:

Would prohibit a local agency formation commission from authorizing a city or a district to extend drinking water infrastructure or services or wastewater infrastructure or services until it has extended those services to all disadvantaged communities within or adjacent to its sphere of influence, as specified, or has entered into an agreement to extend those services to those disadvantaged communities, unless specified conditions are met. This bill contains other related provisions and other existing laws.

Position: Oppose

Subject: Disadvantaged Communities, LAFCo Administration, Municipal Services, Service Reviews/Spheres, Water

CALAFCO Comments: As introduced, this bill amends GC Sections 56133, 56425 and 56430. To begin, the bill would prohibit a LAFCo commission from authorizing a city or a district to extend drinking water or wastewater infrastructure or services until it has extended those services to all disadvantaged communities within or adjacent to its sphere of influence, as specified, or has entered into an agreement to extend those services to those disadvantaged communities, unless specified conditions are met. Further, it prohibits the commission from approving a sphere of influence (SOI) update where there exists a disadvantaged unincorporated community (DUC) within or adjacent to the city or special district's SOI that lacks safe drinking water or wastewater infrastructure or services unless specified conditions are met. This bill would prohibit commissions from authorizing a city or a district to extend drinking water or wastewater infrastructure or services until it has extended services to all disadvantaged communities within or adjacent to its sphere of influence, as specified, or has entered into an agreement to extend those services to those disadvantaged communities.

The bill would additionally prohibit a commission from approving an annexation to a city or qualified special district of any territory greater than 10 acres, or as determined by commission policy, where there exists a DUC within or adjacent to the SOI of a city or special district that lacks safe drinking water or wastewater infrastructure or services, unless the city or special district has entered into an enforceable agreement to extend those services into the DUC as specified. The bill would define "qualified special district" to mean a special district with more than 500 service connections.

The bill changes, when determining a SOI, the assessment of the feasibility of a reorg of agencies and recommendations of reorg of those agencies when it is found to be feasible, to a mandate (changes 56425 (h) from "may" to "shall"). Further, it adds (k), prohibiting a commission from approving a SOI update that removes a disadvantaged community from a city's sphere of influence unless a majority of the voters in the disadvantaged community approve of the proposed SOI.

The bill adds several requirements in GC Section 56430 relating to Municipal Service Reviews. First, it changes (b) to mandate the commission to assess various alternatives relating to the efficiency and affordability of infrastructure and delivery of services; and changes (c) to mandate the commission to include a review whether the agency being reviewed is in compliance with the CA Safe Drinking Water Act.

The bill: (1) Adds a number of unfunded mandates to LAFCoS; (2) Requires LAFCo for the first time to study territory outside a sphere; (3) Requires LAFCo to include non-public agencies in studies; (4) Changes the final authority to approve spheres in certain situations from LAFCo to the voters and/or residents; (5) Ties the hands of LAFCo in extending services or annexing where reasonable; (6) Removes LAFCo discretion; and (7) Adds two requirements for LAFCo when making sphere determinations.

AB 1362 (Gordon D) Mosquito abatement and vector control districts: board of trustees: appointment of members.

Current Text: Amended: 1/19/2016 [pdf](#) [html](#)

Introduced: 2/27/2015

Last Amended: 1/19/2016

Status: 2/4/2016-Referred to Com. on GOV. & F.

Summary:

Would authorize a city council, located in an existing or newly formed district as specified, to adopt a resolution requesting that appointments of persons to the board of trustees instead be made by a city selection committee, established pursuant to specified provisions of law, and conditioned upon a majority of authorized city councils adopting their respective resolutions. This bill would authorize the city selection committee to decrease the total number of appointments to be made by the committee if a majority of city councils within the district make this request in their respective resolutions.

Position: Watch

CALAFCO Comments: As amended, this bill amends the Health and Safety Code by creating an alternative option to the appointment process to the board of trustees of a district. The additional process calls for the City Selection Committee to make appointments rather than the cities themselves in a case where a majority of the city councils located within the district and are authorized to appoint a person to the board of trustees adopt resolutions approving of this alternate appointment process. No change is being made to how the County Board of Supervisors makes their appoint to the district board.

This is a locally supported bill, stemming from an issue in San Mateo with their Mosquito Abatement District which is in the Assembly member's district.

AB 2414 (Garcia, Eduardo D) Desert Healthcare District.

Current Text: Introduced: 2/19/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Status: 3/8/2016-Referred to Com. on L. GOV.

Summary:

Would authorize the expansion of the Desert Healthcare District to include the eastern Coachella Valley region by requiring the Board of Supervisors of the County of Riverside to submit a resolution of application to the Riverside County Local Agency Formation Commission, and, upon direction by the commission, to place approval of district expansion on the ballot at the next countywide election following the completion of the review by the commission.

Position: Oppose

Subject: Disincorporation/dissolution, LAFCo Administration

CALAFCO Comments: This bill requires the approval of the expansion of the territory within the Desert Healthcare District. It requires Riverside LAFCo to process, without the authority to deny, an application by the County of Riverside to expand the district. It further requires the Riverside LAFCo to consult with and complete a fiscal analysis with the District's Board, County Auditor-Controller, affected local entities and all interested stakeholders. The County Board of Supervisors is required to submit the application to LAFCo no more than 15 days after the enactment of the legislation, and Riverside LAFCo is required to complete the review on or before August 1, 2016. The bill eliminates the protest provisions for the purposes of this application. The bill further requires that if a sufficient funding source to expand the district is identified, the expansion will be subject to a vote of the registered voters within the proposed expanded district.

This bill is reminiscent of AB 3 (Williams, 2015) in that it strips the local LAFCo of their authority. Additionally, the timelines proposed within this bill for the LAFCo are unrealistic.

AB 1658 (Bigelow R) Happy Homestead Cemetery District: nonresident burial.

Current Text: Introduced: 1/13/2016 [pdf](#) [html](#)

Introduced: 1/13/2016

Status: 2/4/2016-Referred to Com. on L. GOV.

Summary:

Would authorize the Happy Homestead Cemetery District in the City of South Lake Tahoe in the County of El Dorado to use its cemeteries to inter residents of specified Nevada communities if specified conditions are met. This bill contains other related provisions.

Position: Watch

Subject: Special District Principle Acts

AB 1707 (Linder R) Public records: response to request.

Current Text: Amended: 3/28/2016 [pdf](#) [html](#)

Introduced: 1/25/2016

Last Amended: 3/28/2016

Status: 3/29/2016-From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 10. Noes 0.) (March 29). Re-referred to Com. on L. GOV.

Summary:

The California Public Records Act requires state and local agencies to make public records available for inspection, unless an exemption from disclosure applies. The act requires a response to a written request for public records that includes a denial of the request, in whole or in part, to be in writing. This bill instead would require that response to be in writing regardless of whether the request was in writing. The bill would require that written response additionally to include a list that contains the title or other identification of each record requested but withheld due to an exemption and the specific exemption that applies to that record.

Position: Oppose

Subject: Public Records Act

CALAFCO Comments: As introduced, this bill would require public agencies, including LAFCos, when responding to a Public Records Request for which a determination has been made to deny the request, to include in the written response the title (or other identification) of each record that was requested and not provided, and the specific exemption that applies to that record.

AB 2142 (Steinorth R) Local government finance.

Current Text: Introduced: 2/17/2016 [pdf](#) [html](#)

Introduced: 2/17/2016

Status: 2/18/2016-From printer. May be heard in committee March 19.

Summary:

Current law requires the county auditor, in the case in which a qualifying city becomes the successor agency to a special district as a result of a merger with that district as described in a specified statute, to additionally allocate to that successor qualifying city that amount of property tax revenue that otherwise would have been allocated to that special district pursuant to general allocation requirements. This bill

would make nonsubstantive changes to the provision pertaining to property tax revenue allocations to a qualifying city that merges with a special district.

Position: Watch

CALAFCO Comments: As introduced, this appears to be a spot bill, although CALAFCO is still trying to confirm. The bill targets Section 96.15 of the Rev & Tax code pertaining to property tax revenue allocations to a qualifying city that merges with a special district.

AB 2257 (Maienschein R) Local agency meetings: agenda: online posting.

Current Text: Introduced: 2/18/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Status: 3/29/2016-In committee: Set, first hearing. Hearing canceled at the request of author.

Calendar: 4/6/2016 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GVT, EGGMAN, Chair

Summary:

The Ralph M. Brown Act requires the legislative body of a local agency to post, at least 72 hours before the meeting, an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, in a location that is freely accessible to members of the public and to provide a notice containing similar information with respect to a special meeting at least 24 hours prior to the special meeting. This bill would require an online posting of an agenda by a local agency to have a prominent direct link to the current agenda itself.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: As introduced, this bill amends GC Section 54954.2 pertaining to the online posting of a local agency's meeting agenda. The bill requires that online posting to have a prominent and direct link to the current agenda itself from the local agency's homepage. This means that LAFCos will have to post a prominent link on their website's homepage, directly taking the user to the meeting agenda.

AB 2389 (Ridley-Thomas D) Special districts: district-based elections: reapportionment.

Current Text: Introduced: 2/18/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Status: 3/8/2016-Referred to Coms. on E. & R. and L. GOV.

Calendar: 3/30/2016 9 a.m. - State Capitol, Room 444 ASSEMBLY ELECTIONS AND REDISTRICTING, WEBER, Chair

Summary:

Would authorize a governing body of a special district, as defined, to require, by resolution, that the election of the members of its governing body be elected using district-based elections without being required to submit the resolution to the voters for approval.

Position: Watch

CALAFCO Comments: As introduced, this bill allows special districts, if approved by resolution of the governing board, to conduct elections of their governing board using district-based elections, without being required to submit the resolution to the voters for approval.

AB 2435 (Maves R) Local government organization: disincorporated cities.

Current Text: Introduced: 2/19/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Status: 2/22/2016-Read first time.

Summary:

Under that Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, upon disincorporation of a city, on and after the effective date of that disincorporation, the territory of the disincorporated city, all inhabitants within the territory, and all persons formerly entitled to vote by reason of residing within that territory, are no longer subject to the jurisdiction of the disincorporated city. This bill would make a technical, nonsubstantive change to this provision.

Position: Placeholder - monitor

Subject: Disincorporation/dissolution

CALAFCO Comments: This is a spot bill. According to the author's office, they have no intention of using it to amend CKH but rather as a vehicle to amend another unrelated section of the Government Code. CALAFCO will continue to monitor.

AB 2737 (Bonta D) Nonprovider health care districts.

Current Text: Amended: 3/17/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 3/17/2016

Status: 3/28/2016-Re-referred to Com. on L. GOV.

Summary:

Would require a nonprovider health care district, as defined, to spend at least 80% of its annual budget on community grants awarded to organizations that provide direct health services and not more than 20% of its annual budget on administrative expenses. By requiring a higher level of service from nonprovider health care districts, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

AB 2801 (Gallagher R) Civil procedure: validation actions.

Current Text: Introduced: 2/19/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Status: 3/14/2016-Referred to Com. on JUD.

Summary:

Current law authorizes a public agency to bring an action in court to determine the validity of certain matters within 60 days of the existence of the matter, as specified. If the public agency does not bring this action, current law authorizes any interested person to bring the same action in court to determine the validity within 60 days of the existence of the matter, as specified. This bill would delete the prohibition on a contest of any thing or matter under these provisions being made other than within the specified time and manner, except by the public agency or its officer or agent.

Position: Oppose

Subject: LAFCo Administration

CALAFCO Comments: This bill will would remove the 60 day statute of limitations on bringing a validation action to court for any public agency, including LAFCo.

AB 2853 (Gatto D) Public records.

Current Text: Amended: 3/18/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 3/18/2016

Status: 3/28/2016-Re-referred to Com. on JUD.

Calendar: 4/12/2016 9 a.m. - State Capitol, Room 447 ASSEMBLY JUDICIARY, MARK STONE, Chair

Summary:

Would authorize a public agency that posts a public record on its Internet Web site to refer a person that requests to inspect or obtain a copy of the public record to the public agency's Internet Web site where the public record is posted.

Position: Placeholder - monitor

Subject: Public Records Act

CALAFCO Comments: As introduced, this is a spot bill declaring the intention of the legislature to expand the definition of "public record" to include writing kept on a private cell phone or other electronic device of an elected official, official, or employee of a public agency if they relate to the business of the public agency.

SB 971 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/8/2016 [pdf](#) [html](#)

Introduced: 2/8/2016

Status: 3/10/2016-Set for hearing March 30.

Calendar: 3/30/2016 9:30 a.m. - Room 112 SENATE GOV AND FINANCE, HERTZBERG, Chair

Summary:

Would enact the First Validating Act of 2016, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Position: Support

CALAFCO Comments: One of three annual acts which validate the boundaries of all local agencies.

SB 972 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/8/2016 [pdf](#) [html](#)

Introduced: 2/8/2016

Status: 3/10/2016-Set for hearing March 30.

Calendar: 3/30/2016 9:30 a.m. - Room 112 SENATE GOV AND FINANCE, HERTZBERG, Chair

Summary:

Would enact the Second Validating Act of 2016, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute, but would become operative on a specified date.

Position: Support

CALAFCO Comments: One of three annual acts which validate the boundaries of all local agencies.

SB 973 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/8/2016 [pdf](#) [html](#)

Introduced: 2/8/2016

Status: 3/10/2016-Set for hearing March 30.

Calendar: 3/30/2016 9:30 a.m. - Room 112 SENATE GOV AND FINANCE, HERTZBERG, Chair

Summary:

Would enact the Third Validating Act of 2016, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: One of three annual acts which validate the boundaries of all local agencies.

SB 974 (Committee on Governance and Finance) Local government: omnibus.

Current Text: Amended: 3/29/2016 [pdf](#) [html](#)

Introduced: 2/8/2016

Last Amended: 3/29/2016

Status: 3/29/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

Calendar: 4/6/2016 9:30 a.m. - Room 112 SENATE GOV AND FINANCE, HERTZBERG, Chair

Summary:

The Planning and Zoning Law requires that the safety element be reviewed and updated, in the case of flooding and fire hazards, upon the next revision of the housing element after specified dates or, in the case of climate adaptation and resilience strategies, upon either the next revision of a local hazard mitigation plan after a specified date or on or before January 1, 2022, as applicable. This bill would instead require a planning agency to review and revise the safety element to identify new information, as described above, only after to address flooding and fires.

Position: Watch

CALAFCO Comments: As introduced, this bill is the Senate Governance & Finance Committee's annual Omnibus bill.

SB 1009 (Nielsen R) Public cemeteries: nonresidents.

Current Text: Introduced: 2/11/2016 [pdf](#) [html](#)

Introduced: 2/11/2016

Status: 2/25/2016-Referred to Com. on GOV. & F.

Summary:

Would authorize a district that serves at least one county with a population of fewer than 10,000 residents or that has a population not exceeding 20,000 and is contained in a nonmetropolitan area, to inter a

person who is not a resident of the district in a cemetery owned by the district if specified criteria are met, including that the district requires the payment of a nonresident fee and the board of trustee determines that the cemetery has adequate space for the foreseeable future.

Position: Watch

Subject: Special District Powers

CALAFCO Comments: This bill would authorize a district that serves at least one county with a population of fewer than 10,000 residents or that has a population not exceeding 20,000 and is contained in a non-metropolitan area, to inter a person who is not a resident of the district in a cemetery owned by the district if specified criteria are met, including that the district requires the payment of a nonresident fee and the board of trustee determines that the cemetery has adequate space for the foreseeable future.

SB 1263 (Wieckowski D) Public water system: permits.

Current Text: Introduced: 2/18/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Status: 3/15/2016-Set for hearing April 6.

Calendar: 4/6/2016 9:30 a.m. - Room 3191 SENATE ENVIRO QUALITY, WIECKOWSKI, Chair

Summary:

Would, commencing January 1, 2017, prohibit an application for a permit for a new public water system from being deemed complete unless the applicant has submitted a preliminary technical report to the State Water Resources Control Board, as specified, and would allow the state board to impose technical, financial, or managerial requirements on the permit.

Position: Watch

Subject: Water

CALAFCO Comments: As introduced, this bill would prohibit an application for a permit for a new public water system from being deemed complete unless the applicant has submitted a preliminary technical report to the state board, as specified, and would allow the state board to impose technical, financial, or managerial requirements on the permit. The bill would prohibit a public water system not in existence on January 1, 1998, from being granted a permit unless the public water system demonstrates that the water supplier also possesses adequate water rights to ensure the delivery safe drinking water, and would specify that the prohibition applies to any change in ownership of the public water system, including the consolidation of a public water system. The bill would allow the state board to deny the permit if the state board determines that the service area of the public water system can be served by one or more currently permitted public water systems. Finally, the bill would prohibit a local primacy agency from issuing a permit without the concurrence of the state board.

SB 1276 (Moorlach R) Local agencies.

Current Text: Introduced: 2/19/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Status: 3/3/2016-Referred to Com. on RLS.

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. This bill would make nonsubstantive changes to the above-described law.

Position: Placeholder - monitor

Subject: CKH General Procedures

CALAFCO Comments: This is a spot bill to amend CKH. CALAFCO has not been contacted by the author's office regarding their intent.

SB 1292 (Stone R) Grand juries: reports.

Current Text: Amended: 3/28/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 3/28/2016

Status: 3/28/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on PUB. S.

Calendar: 4/12/2016 9:00 a.m. - Room 3191 SENATE PUBLIC SAFETY, HANCOCK, Chair

Summary:

Current law authorizes a grand jury to request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release. This bill would require a grand jury to request a subject person or entity to come before the grand jury as described above.

Position: Watch

Subject: Other

CALAFCO Comments: Sponsored by CSDA, there are amendments pending to this bill. Those amendments would require the Grand Jury to conduct an exit interview with report subjects to discuss and share findings. They may also provide a copy of the subject's report. The subject will have no less than 5 working days to provide written comments back to the Grand Jury for their consideration before the report is public. One the Grand Jury report is approved by a judge, the Grand Jury is required to provide a copy of the section pertaining to the subject to that entity no later than 6 working days prior to the reports public release. The subject entity can submit a preliminary response to the report to the Grand Jury, who is then required to make those prelim comments public at the time the report is made public.

This will allow LAFcos, when they are the subject of a Grand Jury report, to meet with the Grand Jury and hear their findings, and for the LAFco to respond to those findings and offer additional information or corrections. Further, it allows the LAFco to provide preliminary comments that are required to be posted with the report when it is made public.

SB 1360 (Bates R) Local government.

Current Text: Introduced: 2/19/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Status: 3/3/2016-Referred to Com. on RLS.

Summary:

Under current law, the legislative body of any local agency, defined to mean a county, city, city and county, or public district, may contract with any other local agency for the performance by the latter of municipal services or functions within the territory of the former, but prohibits the force account limit applicable to the local agency contracting to receive services from being exceeded. Current law excepts from that prohibition agreements made before January 1, 1981, or the current term of any self-renewing or renewable agreement entered into before that date. This bill would make nonsubstantive changes to that provision.

Position: Placeholder - monitor

Subject: Municipal Services

CALAFCO Comments: This bill appears to be a spot bill amending GC Section 54983, relating to the authority of local agencies to enter into agreements to provide municipal services. CALAFCO has no other information regarding this bill at this time.

SB 1436 (Bates R) Local agency meetings: local agency executive compensation: oral report of final action recommendation.

Current Text: Amended: 3/28/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 3/28/2016

Status: 3/28/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

Summary: Current law prohibits the legislative body from calling a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined. This bill would require the final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive to be made a separate discussion item and not placed on a consent calendar.

Position: Watch

Subject: LAFco Administration, Other

CALAFCO Comments: As introduced, this bill requires LAFcos, when taking final action on salary for the LAFco's executive, to be made as a separate discussion agenda item rather than a content calendar item on the agenda.

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News from the Board of Directors

CALAFCO QUARTERLY

February 2016



Conferences and Workshops Update

2016 ANNUAL CONFERENCE UPDATE

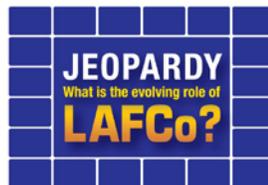


The 2016 CALAFCO Annual Conference is set for October 26 – 28 in Santa Barbara at the beautiful Fess Parker DoubleTree. Our host, Santa Barbara LAFCo, and the program planning committee are already hard at

work developing a great program with some very unique experiences for all who attend. Our theme this year is *Orchards to Oceans: Balancing California's Diversity*. Mark your calendars! More conference information will be made available later this spring.

2016 STAFF WORKSHOP UPDATE

Plans are being finalized for the 2016 Staff Workshop. Our host this year is *Los Angeles LAFCo* and we will be at the Hilton Universal City. The Workshop is set for March 30 – April 1. The theme is *JEOPARDY: What is the*



Evolving Role of LAFCo? A special Mobile Workshop panel and tour is planned at Universal Studios to learn about the NBC Universal Evolution Plan, Alt. No. 10: No Residential Alternative, and the program planning committee and host LAFCo are planning a fun surprise for our luncheon and dinner entertainment!

CALAFCO U UPDATE

Staff will be announcing the two 2016 CALAFCO U sessions very soon. Watch the website and your email for details!



CALAFCO Board Actions

The Board met on February 5 and took the following administrative actions:



- ◆ The quarterly financial reports were reviewed. The budget is on track for the year with no changes anticipated. Contingency fund usage is aligned with previous Board approval. All financial reports are located on the website.
- ◆ The Board considered the 2016-17 dues. CALAFCO Bylaws call for the dues to automatically increase annually by the state CPI, unless the Board takes action otherwise. Given the decision last year to raise LAFCo member dues by seven (7) percent each year for the next two years, the Board took action to not increase the dues by the CPI. All Executive Officers received the approved dues for FY 2016-17.
- ◆ The Legislative Policies for 2016 were adopted.
- ◆ For the first time, the Board did a full annual review of the organization's performance based on the objectives set in the 2015-16 Strategic Plan.

Additionally, several changes were made to the 2016 objectives. A full dashboard review and updated Strategic Plan can be found on the CALAFCO website.

- ◆ Received a full legislative update (details below).
- ◆ Accepted the annual Conflict of Interest Reports.
- ◆ Accepted the CALAFCO 2015 Annual Survey results report.

CALAFCO Legislative Update

2016 is the second year of the two-year legislative cycle. The Legislative Committee (Committee) has met monthly since November. All meeting packets and minutes can be found on the CALAFCO website in the Members/Legislation Section.



Anticipating another busy legislative year, the Board limited the number of items to be included in this year's Omnibus bill. The Committee thoroughly vetted all of the proposed items and ultimately seven (7) items were submitted to the Assembly Local Government Committee (ALGC) for inclusion. One has been removed by ALGC staff and another added at their request (and ultimately approved by the Committee). Currently the draft bill is being circulated through the review team and should be introduced soon.

CALAFCO is also sponsoring *SB 1266* (McGuire), which is the legislation that creates the direct communication link between LAFCos and JPAs. The scope of the bill has been narrowed considerably as a result of CALAFCO's work with stakeholders. While amendments are pending, the intention is that stand-alone JPAs meeting the definition found in GC Section 56047.7 that were formed to provide municipal services and have at least one member who is a public agency shall file a copy of their agreement or amendment to that agreement with the LAFCo.

There are a number of significant bills of concern to CALAFCO, and several subcommittees of the full Committee have been formed to thoroughly review and recommend positions/comments back to the full Committee, including:

- ◆ *AB 2032* (Linder) regarding disincorporations. While introduced as a spot bill, amendments are pending that would dismantle much of what was accomplished last year in our sponsored bill AB 851.
- ◆ *SB 1318* (Wolk) regarding local agencies and water infrastructure. This bill creates new mandates for LAFCo in terms of annexations, extension of service and MSRs.
- ◆ *SB 1262* (Pavley) regarding permitting new water systems and water supply planning.



Additionally, CALAFCO has taken a SUPPORT position on the following bills:

- ◆ **SB 817** (Roth) regarding local government finance.
- ◆ **SB 971**, **SB 972** and **SB 973** (Senate Gov & Finance Comm) regarding the annual validating acts.

All LAFCoS are encouraged to write letters of Support for these bills as well as **SB 1266**.

A full detailed legislative tracking report can be found on the CALAFCO website in the Members Only section.



CALAFCO Associate Members' Corner



This section highlights our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

County Sanitation Districts of Los Angeles County

LA County Sanitation Districts has been a Silver Associate Member since July, 2005. The District provides sewer service to 78 cities and unincorporated areas of LA County. Before a district can provide sewage service to a territory, it must be within its jurisdictional boundaries. Further, District staff administers the annexation program, including processing applications for annexation. For more information, visit their website at www.lacsd.org.



Dudek

Dudek has been a Silver Associate Member since June, 2005. They provide a full range of services to assist LAFCoS, cities and special districts including: Municipal Services Reviews, sphere reviews and updates, reorganization and annexation applications, service plans and related CEQA work. Their staff include specialists in LAFCo procedures, district management, water/wastewater engineering, CEQA compliance, GIS and environmental studies. For more information, visit them at www.dudek.com.



Rancho Mission Viejo

Rancho Mission Viejo has been a Silver Associate Member since June, 2005. They are responsible for the development and management of a governance structure for a 23,000-acre, 14,000 home planned community. For more information, visit them at www.ranchomissionviejo.com.



RANCHO MISSION VIEJO

CALAFCO wishes to thank all of our Associate Members for your support and partnership. We look forward to continuing to highlight our Associate Members in each Quarterly Report.



Tracks Around the State

Santa Cruz

Approximately 200 Santa Cruz County residents recently attended an educational water forum co-sponsored by Santa Cruz LAFCo. The presenters were the water supply and resource management agencies from around the county. The theme was that the agencies are working together to address major water resource challenges. For more info: <http://www.santacruzirwmp.org/DROPS>.

Marin

Marin LAFCo will be moving its administrative office effective April 1, 2016 to 1401 Los Gamos Drive, Suite 220, San Rafael, California 94903. We are going from 300 square feet to 1300 square feet and will now get to have more than one visitor at a time!!

Sonoma

Sonoma LAFCo recently endorsed the formation of the North Sonoma Coast FPD and the dissolution of an inactive reclamation district, and will be adjudicating the dissolution of a park district and a major detachment from a health care district. Potential boundary changes and consolidations of fire service agencies in the County are also forthcoming, as are a variety of issues related to water districts that want to expand in order to provide groundwater management services to meet goals set forth by SGMA.



Los Angeles

LA LAFCo continues to make progress on a comprehensive program to insure that mosquito and vector control services are provided in all areas of Los Angeles County. Within the last two years, the City of La Canada-Flintridge, as well as the unincorporated communities of La Crescenta and Montrose, were successfully annexed into vector control districts. Staff is working to convince representatives of the two cities in the county which have no mosquito and vector control programs to annex into existing vector control districts.

Nevada

After 15 years of service, Commissioner Paul Norsell retired from the Public Member seat. Commissioner Norsell was the recipient of CALAFCO's Outstanding Commissioner Award in 2014. Commissioner Josh Susman, who is currently serving on the CALAFCO Board as Treasurer, succeeds Mr. Norsell. Our newest Commissioner, Gloria Glenn, was seated as Alternate Public Member in September, 2015.

Riverside

Riverside LAFCo is commencing two deferred housekeeping projects. We have just started a complete overhaul of our website. The current website is built on an older, minimally supported platform and the design has not been updated since 2003. The new site will have a more modern look, more efficient navigation and be mobile device-friendly. We will also be electronically archiving case files from 2007 forward, as well as other documents. Case files from 1964-2006 were scanned several years ago. Budget constraints during the recession caused the deferral of both of these important projects.

Contra Costa

Contra Costa LAFCo is currently developing an agriculture & open space preservation policy. In July, we hosted a workshop to kick-off the effort. The workshop drew over 60 participants and featured a range of guest speakers including the American Farmland Trust, local land trust organizations, local farmers and ranchers, the County Agricultural Commissioner, representatives from several environmental and open space groups, the building industry association, economic development and realtor organizations.

The Commission's Policies & Procedures Committee is currently drafting the policy, the purpose of which is to provide guidance to the applicant on how to address agricultural and open space mitigation for LAFCo proposals, and to provide a framework for LAFCo to evaluate and process in a consistent manner, LAFCo proposals that involve or impact agricultural and/or open space lands.

Contra Costa County has over 90,000 acres of cropland and 168,000 acres of rangeland; however, since 1990, Contra Costa County has lost over 40% of its prime farmland. The 2015 *Economic Contributions of Contra Costa County Agriculture* report notes that Contra Costa County agriculture is critical to the County's economic stability within the agriculture industry and the broader county economy. Agriculture in Contra

Costa County contributes \$225 million to the local economy, and provides 2,277 jobs.

Local LAFCo policies are critical to preserving and protecting agricultural and open space lands. Agricultural land is an irreplaceable natural resource that provides a host of ecosystem benefits, including groundwater recharge, open space, habitat and protection from climate change.

We wish to thank those LAFCos that shared their local policies, including Calaveras, Colusa, Kings, Lake, Lassen, Madera, Mariposa, Modoc, Monterey, Plumas, San Joaquin, San Luis Obispo, Santa Clara, Stanislaus, Tuolumne, Ventura, Yolo and Yuba.

Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Legislative Committee meeting, March 18, Ontario
- ❖ CALAFCO Staff Workshop, March 30 - April 1, Universal City
- ❖ CALAFCO Legislative Committee meeting, April 22, conference call
- ❖ CALAFCO Board of Directors meeting, May 6, Sacramento



Upcoming CALAFCO Conferences and Workshops

2016 STAFF WORKSHOP

March 30 - April 1
Hilton Los Angeles at Universal City
Universal City, CA
Hosted by Los Angeles LAFCo

2016 ANNUAL CONFERENCE

October 26 - 28
Fess Parker DoubleTree by Hilton
Santa Barbara, CA
Hosted by Santa Barbara LAFCo

2017 STAFF WORKSHOP

April 5 - 7
DoubleTree by Hilton Fresno Convention Center
Fresno, CA
Hosted by Fresno LAFCo

2017 ANNUAL CONFERENCE

October 25 - 27
Bahia Mission Bay
San Diego, CA
Hosted by CALAFCO

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