



# 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**  
*August 3, 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 June 1, 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. Case 1523-W-22 City of Woodlake Annexation 15-01 (Turner/Mathias) (Pages 3-14)  
*[Public Hearing]..... Recommended Action: Approval*

The City of Woodlake has submitted a request for an annexation of 15.4 acres and concurrent detachment from CSA #1 located on the north side of Ropes Ave, east of the Mulberry St alignment. A developed County island of 15.2 acres to the west is proposed to be added to the reorganization and to also be annexed into the Woodlake Fire Protection District. A Negative Declaration was prepared in compliance with CEQA by the City of Woodlake for use in this proposal.

2. Case 1524a Delano-Earlimart Irrigation District SOI Amendment (Pages 15-22)  
*[Public Hearing]..... Recommended Action: Approval*

The DEID has submitted a request for a Sphere of Influence amendment to accommodate a proposed annexation (Case 1524b) into the District. A Notice of Exemption was prepared in compliance with CEQA by the DEID for use with this proposal.

**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. Case 1524b Delano-Earlimart Irrigation District Annexation 2016-01 (Pages 23-36)  
*[Public Hearing]..... Recommended Action: Approval*

The DEID has submitted a request for an annexation of 9,055 acres. The annexation consists of two areas west of DEID: Area A is 8415 acres and is bound to the west by State Highway 43, to the north by Ave 56, to the east by Rd 128, and to the south by the Ave 40 and 36 alignments. Area B is 641 acres and is south of Area A, bounded to the west by Rd 120 alignment, north by Ave 16, west by Rd 128 and south by Ave 8 alignment. A Notice of Exemption was prepared in compliance with CEQA by the DEID for use with this proposal.

4. Case 1525 City of Visalia SOI Amendment (Pages 37-44)  
*[Public Hearing]..... Recommended Action: Approval*

The City of Visalia has submitted a request for a Sphere of Influence amendment to accommodate a proposed annexation (Case 1525-V-448) into the City. A Negative Declaration was prepared in compliance with CEQA by the City of Visalia for use with this proposal.

5. Case 1525-V-448 City of Visalia Annexation 2009-01 (Russel M. Doe) (Pages 45-60)  
*[Public Hearing]..... Recommended Action: Approval*

The City of Visalia has submitted a request for an annexation of 156 acres and concurrent detachment from CSA #1 located at the northwest corner of Riggan Ave and Plaza Dr. A Negative Declaration was prepared in compliance with CEQA by the City of Visalia for use in this proposal.

6. Adoption of the City of Woodlake Municipal Service Review Update (Pages 61-74)  
*[No Public Hearing]..... Recommended Action: Approval*

The Commission will consider the adoption of the City of Woodlake MSR Update. The MSR and its determinations were posted for public review on July 5, 2016. The Executive Summary is enclosed. The complete MSR was posted on LAFCO's website at: <http://lafco.co.tulare.ca.us/lafco/index.cfm/msr/> MSR's are exempt from CEQA pursuant to sections 15061(b)(3) and 15303.

7. Case 1526 City of Woodlake Sphere of Influence Update (Pages 75-82)  
*[Public Hearing]..... Recommended Action: Approval*

The Commission will consider the proposed SOI Update for the City of Woodlake. The proposed SOI matches the City's Urban Development Boundary (UDB). This SOI Update is within the scope of the Final Environmental Impact Report (FEIR) prepared and certified for the 2028 Woodlake General Plan which was prepared in compliance with CEQA by the City of Woodlake and is being used for this proposal.

8. Amendment to Policy A-5 and Adoption of CALAFCO Legislative Platform (Pages 83-88)  
*[No Public Hearing]..... Recommended Action: Approval*

Enclosed is the proposed policy amendment and CALAFCO legislative platform which was reviewed at the June LAFCO meeting. The proposed policy amendment would give the Commission greater flexibility to requested actions regarding legislation.

**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.**

9. Cancellation of September 2016 Meeting (No Page)  
*[No Public Hearing].....Recommended Action: Approval*

There are no actions items scheduled for the September 7<sup>th</sup>, 2016 meeting if no action items from this meeting are continued. If the Commission elects to cancel the September 7, 2016 meeting, the next regularly scheduled meeting would be October 5, 2016.

**V. Executive Officer's Report**

1. ESA 2016-02 (City of Porterville/East Porterville Group 1) (Pages 89-92)

Pursuant to Policy C-6, the Executive Officer approved an Extraterritorial Service Agreement for the provision of domestic water to existing development on 18 parcels in East Porterville. This is the first group of parcels to be served by the City as part of a Department of Water Resources/City project to extend water services to East Porterville.

2. Legislative Update (Pages 93-102)

Enclosed is information on the various state bills that are being tracked by CALAFCO and the amended letter of opposition to SB 1318.

3. Upcoming Projects (No Page)

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

**VI. Correspondence**

1. Leadership Counsel Letter to the City of Tulare (Pages 103-108)

The Leadership Counsel sent a letter on behalf of the Matheny Tract Committee regarding the provision of sewer service to Matheny Tract. This letter references LAFCO's condition of approval of the I Street industrial annexation requiring the City to work with the County to secure grant funding to extend sewer service to the Matheny Tract.

2. CALAFCO Annual Conference Announcement (Page 109)

The Annual Conference is being held in Santa Barbara from October 26<sup>th</sup>-28<sup>th</sup>.

**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. September 7, 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.**

*This page intentionally left blank.*

**ITEM: II**  
**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**  
**Summary Minutes of the Meeting**  
**June 1, 2016**

**Members Present:** Ishida, Hamilton, Allen  
**Members Absent:** Mendoza, Worthley  
**Alternates Present:** Vander Poel, Vejvoda, Mederos  
**Alternates Absent:** None  
**Staff Present:** Giuliani, Blythe  
**Counsel Present:** Nielsen

**I. Call to Order**

Vice Chair Ishida called the Tulare County LAFCO meeting to order at 2:01 p.m. on June 1, 2016.

**II. Approval of the May 11, 2016 Meeting Minutes:**

Upon motion by Commissioner Allen and seconded by Commissioner Vejvoda, the Commission unanimously approved the LAFCO minutes of May 11, 2016.

**III. Public Comment Period**

Vice-Chair Ishida opened/closed the Public Comment Period at 2:02 p.m. No public comments received.

**IV. New Action Items**

**1. 2016/2017 Final Budget and Work Program**

EO Giuliani presented the Final 2016/17 Final Budget and Work Program and stated the only change from the final budget to the preliminary budget, approved in April, was the application of \$50,000 for reserve funds.

Upon motion by Commissioner Vejvoda and seconded by Commissioner Allen, the Commission unanimously approved the 2016/2017 Final Budget and Work Program.

**2. LAFCO Executive Officer Compensation**

EO Giuliani stated that the LAFCO EO compensation was reviewed by the Ad Hoc committee of Worthley and Ishida with a recommendation of a salary increase of 3% (not including the 2% cost of living adjustment for unrepresented employees).

Upon motion by Commissioner Vejvoda and seconded by Commissioner Hamilton, the Commission unanimously approved the LAFCO Executive Officer Compensation.

*\* Item No. 2 was acted upon before Item No. 1*

**3. Cancellation of the July 2016 Meeting**

EO Giuliani recommended the cancellation of the July 2016 meeting as there were no pressing action items in July.

Upon motion by Commissioner Allen and seconded by Commissioner Hamilton, the Commission unanimously approved the cancellation of the July meeting.

**V. Executive Officer's Report**

**1. Draft Policy A-5**

EO Giuliani presented the Draft Amended Policy A-5 and stated that language was updated per suggestions from the previous meeting, and the CALAFCO legislative policies have been included.

Commissioners discussed and recommended the amended policy be brought back for action at the August meeting.

**2. Legislative Update**

EO Giuliani reviewed the legislative bills that are being closely watched by CALAFCO.

**3. Upcoming Projects**

EO Giuliani stated at the August meeting there would be an annexation for the City of Woodlake and LAFCO is anticipating an annexation for Delano-Earlimart, which is for GSA purposes. EO Giuliani also stated there would be a Deer Creek follow up annexation for a few of Kings County and Tulare County properties to be added into their district.

**VI. Correspondence**

EO Giuliani stated he had sent out the CALAFCO Quarterly Report to the Commissioners.

**VII. Other Business**

**1. Commissioner Report**

Commissioner Vejvoda informed the Commission that the State has been very helpful with the City of Tulare and that the Matheny Tract has been connected into the City water system. Commissioner Vejvoda announced the Don Dorman, City Manager for the City of Tulare, is retiring in September and announced the hiring of Paul Melikian as the Assistant City Manager.

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

None

**VIII. Setting Time and Place of Next Meeting**

The next meeting is scheduled for August 3, 2016 at 2:00 p.m., in the Board of Supervisors Chambers in the County Administration Building.

**IX. Adjournment**

The Tulare County LAFCO meeting adjourned at 2:30 p.m.

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

*August 3, 2016*

**LAFCO Case Number 1523-W-22  
City of Woodlake Annexation No. 15-01 and Detachment from CSA No. 1**

- PROPOSAL:** City of Woodlake Reorganization
- PROPONENT:** The City of Woodlake by resolution of its City Council
- SIZE:** The proposed annexation includes 15.4 acres. However, staff recommends adding an additional 15 acres to the annexation area.
- LOCATION:** The annexation site is located between State Highway 216 and Ropes Avenue, east of the Mulberry Street alignment. The additional 15 acres lies generally west and southwest of the proposal (**Figure 1**)
- NOTICE:** Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.
- SUMMARY:** The purpose of the proposed annexation is for construction of 49 single-family residences, a park and retention pond. Staff is proposing the inclusion of a developed substantially surrounded County island to the west of the annexation site. The island contains 3 rural residences and also would need to be annexed into the Woodlake Fire Protection District.

**ASSESORS PARCEL NOS:  
Itemized List of Parcels Lying Entirely Within Proposed Boundaries**

Original Proposal  
060-170-076 and 060-170-082

The Additional 15 Acres  
060-170-057, 060-170-056, 060-170-086, and 060-170-090

**GENERAL ANALYSIS**

**1. Land Use:**

*A. Site Information*

	<b>Existing (County)</b>	<b>Proposed (City)</b>
<b>Zoning Designation</b>	AE-20	O, PD-R-1-7

<b>General Plan Designation</b>	Agriculture	Medium Density Residential, and Open Space
<b>Uses</b>	Citrus Grove	Single-Family Residential and Park/Pond

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

	<b>Zoning Designation</b>	<b>General Plan Designation</b>	<b>Existing Use</b>
<b>North</b>	R-1-7 and CS	Medium Density Residential and Community Commercial	Fallow Land and Citrus
<b>South</b>	AE-20 (county)	Agriculture	Citrus
<b>East</b>	R-2 (Multi-Family Residential, One Unit 3,000 Square Feet)	Medium Density Residential (City)	Apartments
<b>West</b>	RA (County)	Rural Residential (County)	Rural Residential

**C. Topography, Natural Features and Drainage**

Property is relatively flat. There exists a slight slope from the northeast to the southwest. Little Bravo Lake and Wutchumna Canal are located south of the property. Antelope Creek is situated approximately 500 feet to the west. The site is slightly undulating, as is property to the north and south.

**D. Conformity with General Plans and Spheres of Influence:**

The entire site is within the City and County-adopted Urban Development Boundaries as well as the LAFCO established Sphere of Influence.

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

*Williamson Act and Agricultural Preserves:*

The site is not under a Williamson Act or Farmland Security Zone contract.

**3. Population:**

The County Elections Department has indicated that 2 registered voters reside within the expanded subject site. Therefore, pursuant to GC Section 56046, the annexation site area is uninhabited.

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

**Agency providing service**

<i>Service</i>	<i>Now</i>	<i>After</i>	<i>Method of finance</i>
Police Protection	Sheriff	City Police	General Fund
Fire Protection	Woodlake Fire District/County of Tulare*	Woodlake Fire District	Property Tax
Water Supply	Wells	City of Woodlake	Connection Fees
Sewage Disposal	Septic Tanks (Private)	Sewer Lines (City)	Connection Fees
Street Lighting	NA	NA	NA
Street Maintenance	County of Tulare	City of Woodlake	Gas Tax and Transportation Funds
Planning/Zoning	County of Tulare	City of Woodlake	General Fund
Garbage Disposal	Mid Valley Disposal	Mid Valley Disposal	Solid Waste Fees

\*The City proposed annexation area is within Woodlake FPD but the County island proposed to be added is not currently within the Woodlake FPD.

Storm water runoff will be retained on-site in a park/pond facility. All City operated public facilities/services will be available upon annexation and will be extended as development takes place.

The City recently completed an expansion of their wastewater treatment facility which increased its capacity from 1.0 million gallons per day (mgd) to 1.38 mgd. The peak monthly average is .78 mgd. The City water system currently has a capacity of 3,325 gallons per minute (gpm) with an average daily use of 1,689 gpm. The City's sewer and water systems have the capacity to serve the additional housing proposed in the annexation area and other on-going development within the City.

**5. Boundaries and Lines of Assessment:**

The boundaries of the proposal area will need to be redefined to include the additional 19 acres prior to filing with the State Board of Equalization.

**6. Assessed Value, Tax Rates and Indebtedness:**

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

<u>The original area</u>	\$ 231,700
<u>The expanded area</u>	\$ 409,584
<u>Total</u>	\$ 641,284

**7. Environmental Impacts:**

The City of Woodlake is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and incorporation by reference the City of Woodlake General Plan and other planning documents, a Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials. As a Responsible Agency, LAFCO will consider the initial study/negative declaration before any action is taken.

**8. Landowner Consent:**

Consent to this annexation has not been received from each affected landowner within the site.

Notice was mailed to all landowners and registered voters within the annexation area including the proposed added area. If no protests are received by the end of the public hearing, the Commission may waive the protest hearing. If protests are received by the end of the public hearing, a protest hearing will be held following the 30 day reconsideration period if the reorganization is approved

**9. Regional Housing Needs Assessment (RHNA):**

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments. The project will provide single family dwellings on the subject territory. These proposed homes would cater to low to moderate-income households, which will help Woodlake in meeting its RHNA share.

2014-2023 City of Woodlake RHNA

Very Low	Low	Moderate	Above Moderate	Total
71	41	69	191	372

**10. Discussion:**

*Government Services*

The adequacy of governmental service will be improved within the subject area. The City can provide public services to this area more efficiently than the county, particularly for police response times. The annexation will serve to improve the well-being of the future residents. According to the City they are able to provide the annexation area urban services and infrastructure for development.

### *County Island*

Without the inclusion of the additional 19 acres east of the original site, this annexation would further surround an existing substantially surrounded County island. Tulare County LAFCO Policy C-10 requires an annexation survey of registered voters and land owners of areas that would result in the creation of a County island. The City mailed an annexation survey and received no responses. Based on the survey results (being neither in favor, nor against), it is recommended to include these additional 4 parcels on 15 acres to avoid the further envelopment of a substantially surrounded County island.

APN 060-170-090 (containing the channelized Antelope Creek) extends from the County island to south of Ropes Ave and is recommended to be fully included within the annexation. The alternative would be to require a parcel map to split the parcel along Ropes Ave.

### *Woodlake Fire Protection District*

The City of Woodlake is unique in Tulare County with respect to the provision of fire protection services in that the City is served by a fire protection district rather than a city fire department. The Woodlake Fire Protection District encompasses the entire City and some surrounding unincorporated areas. The City proposed annexation area is already within Woodlake FPD's boundaries. However, the County island parcels are not currently within the FPD. It is City policy to include all annexed area into the FPD so annexation for the County island parcels to the FPD is also recommended.

### **RECOMMENDED ACTIONS:**

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

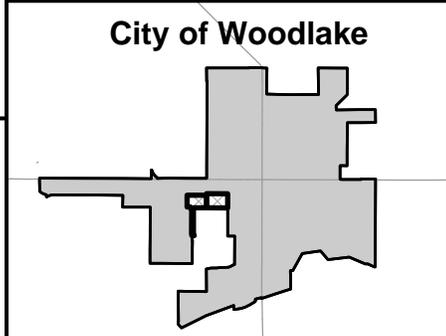
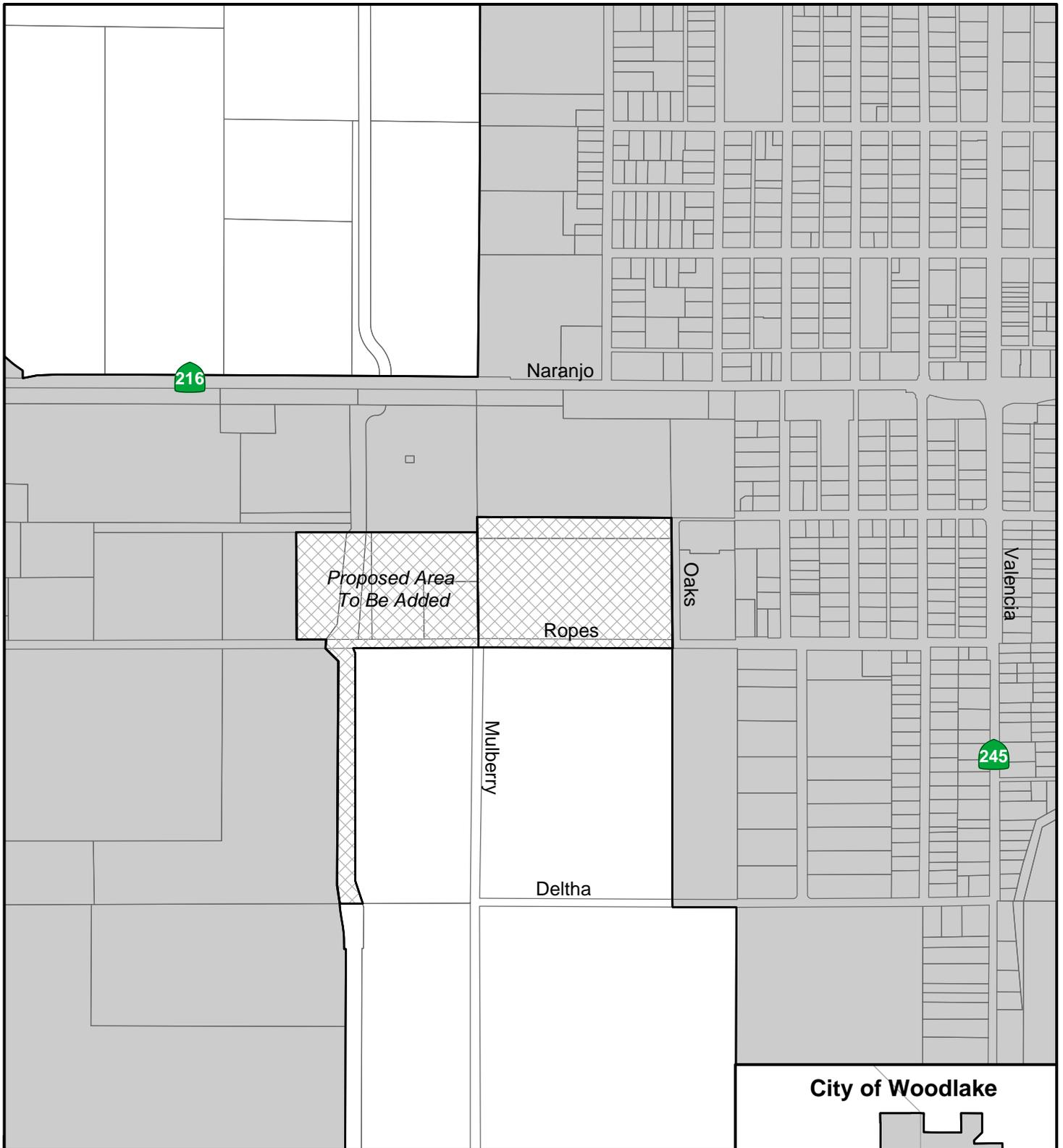
1. Certify that the Commission has reviewed and considered Negative Declaration prepared by the City of Woodlake for this project and find that the project will not have a significant effect on the environment.
2. Find that the proposed reorganization of the City of Woodlake complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Approve the detachment of the subject area from County Service Area #1.
4. Pursuant to LAFCO Policy and Procedure Section C-1, find that:
  - a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.

- b. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
  - c. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
  - d. The proposed annexation is compatible with the City's General Plan.
  - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
5. Include APNs 060-170-057, 060-170-056, 060-170-086, and 060-170-090 as part of the annexation to the City of Woodlake, annexation to the Woodlake Fire Protection District and detachment from County Service Area #1
  6. Find that the territory proposed for this annexation to the City of Woodlake is uninhabited and 100% landowner consent was not received.
  7. Approve the reorganization as proposed by the City of Woodlake, to be known as LAFCO Case Number 1523-W-22, Woodlake Annexation 15-01 with the following conditions:
    - a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
    - b. The Certificate of Completion shall not be recorded until the County Surveyor has verified the accuracy of the map and legal description and any needed corrections are completed with the additional 4 parcels totaling 15 acres being included in the project map and legal description.
  8. Waive the protest hearing for this proposal in accordance with subsection (c) of Government Code §56663 and order the detachment without an election or if written protests are received prior to the conclusion of the public hearing, conduct the protest hearing pursuant to GC §57000.
  9. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

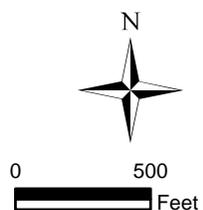
**Figures:**

- Figure 1 Site Location Map
- Figure 2 Aerial Map
- Figure 3 Resolution

# LAFCO Case 1523-W-22

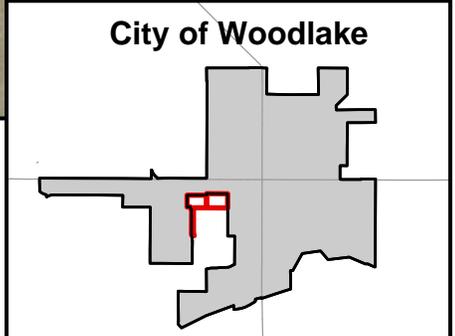
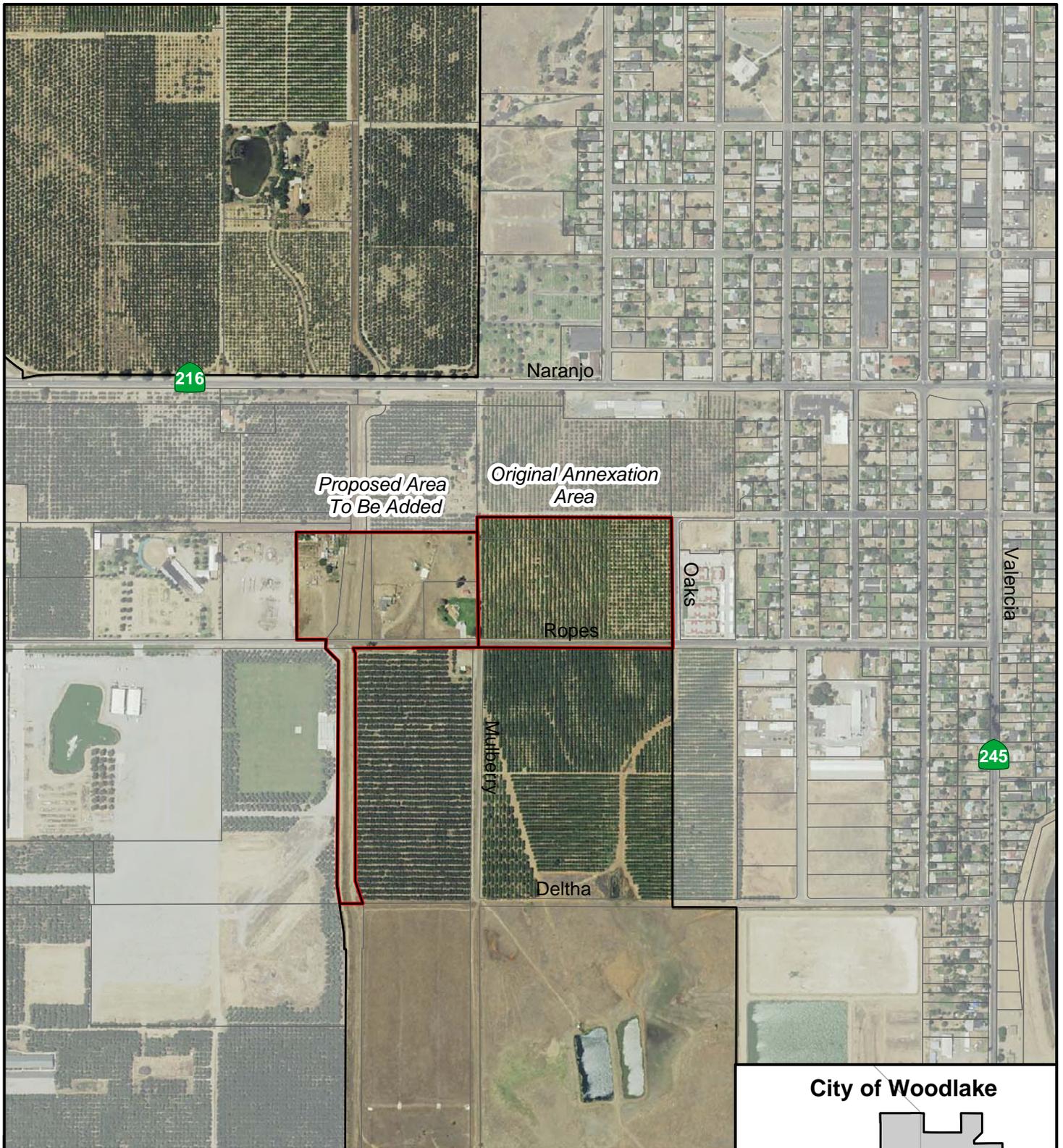


-  Site Location (1523-W-22)
-  City of Woodlake
-  Sphere of Influence
-  Parcels

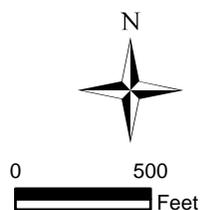


Boundaries as of 5/24/16

# LAFCO Case 1523-W-22



-  Site Location (1523-W-22)
-  City of Woodlake
-  Parcels



Boundaries as of 5/24/16

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

In the Matter of the Proposed Annexation )  
To the City of Woodlake, LAFCO Case No. 1523-W-22 ) **RESOLUTION NO. 16-014**  
Annexation 2015-01, Turner/Mathias )

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

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

**WHEREAS**, on August 3, 2016 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

1. The information, material and facts set forth in the application and the report of the Executive Officer (including any corrections), have been received and considered in accordance with GC §56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Woodlake, as Lead Agency, filed a Negative Declaration in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Negative Declaration prepared by the City of

Woodlake for this project and find that the project will not have a significant effect on the environment.

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:

xxxx

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. The boundaries of the proposed annexation are definite and certain and conform to lines of assessment.
- b. The territory proposed for this annexation to the City of Woodlake is uninhabited and 100% landowner consent was not received.

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 proposed annexation is compatible with the City's General Plan.
- b. To be consistent with State law regarding creating logical boundaries (GC §56001) and to avoid the further envelopment of a developed substantially surrounded County island, APNs 060-170-057, 060-170-056, 060-170-086, and 060-170-090 shall be added to the reorganization and to the Woodlake Fire Protection District.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the City and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing city and district.
- f. There will be no loss of services resulting from the detachment from CSA #1.

- g. The proposal is consistent with the findings and declarations of GC §56001 and §56377.

7. Waive the protest hearing for this proposal in accordance with GC §56663 and order the change of organization without an election *{if protests are not submitted by the close of the public hearing}* or 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 *{if protests are submitted by the close of the public hearing}*.

8. Approve the reorganization as proposed by the City of Woodlake with the inclusion of the identified parcels in the substantially surrounded County island into the City and Woodlake FPD and detachment from CSA #1, to be known as LAFCO Case Number 1523-W-22, City of Woodlake Annexation No 2015-01, Turner/Mathias, with the following conditions:

- a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
- b. The Certificate of Completion shall not be recorded until the County Surveyor has verified the accuracy of the map and legal description and any needed corrections are completed with the additional 4 parcels totaling 15 acres being included in the project map and legal description.

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

LAFCO Case Number 1523-W-22, City of Woodlake Annexation No 2015-01

10. Determines, in accordance with CEQA, as a Responsible Agency, that it has considered the Negative Declaration prepared by the City of Woodlake.

The foregoing resolution was adopted upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 3rd day of August, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

si



**TULARE COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

210 N. Church St., Suite B, Visalia, CA 93291 (559) 624-7274 FAX (559) 733-6720

August 3, 2016

TO: LAFCO Commissioners, Alternates, Counsel  
FROM: Steven Ingoldsby, Staff Analyst  
SUBJECT: LAFCO Case 1524a, Sphere of Influence Amendment for the Delano-Earlimart Irrigation District

**Background**

The Delano-Earlimart Irrigation District (DEID) is requesting a Sphere of Influence (SOI) amendment which includes 2 areas of approximately 9,056 acres. Area A is bound to the west by State Highway 43, to the north by Avenue 45 and to the east by Road 128, and to the south by Avenue 40 and 36 alignments and is approximately 8415 acres. Area B is south of Area A, bounded to the west by Road 120 alignment, north by Avenue 16, west by Road 128 and south by Avenue 8 alignment and is approximately 641 acres. The same area is included in a subsequent annexation proposal (Case #1524b) for the Delano-Earlimart Irrigation District.

**Discussion**

The DEID is an irrigation district comprised of approximately 56,500 acres situated in southern Tulare County and northern Kern County. The Sustainable Groundwater Management Act (SGMA) required that all basins that are designated as critically overdrafted high-priority basins by a Groundwater Sustainability Plan by January 31, 2020. Since the proposal area falls within a critically overdrafted high-priority basin, they are seeking to facilitate meeting the SGMA requirements.

The land is used agriculturally and does not presently require a great deal of governmental services and controls. The SOI amendment being proposed will in no way change land use or services required; rather, it will encourage adherence to current conditions. The SOI amendment will allow for an annexation for the District to manage the land under a Groundwater Sustainability Plan in accordance with the SGMA, which would increase the viability of the currently critically overdrafted basin.

Staff has received written opposition from the Department of Fish and Wildlife's Allensworth Ecological Reserve for the associated annexation. The SOI amendment is conditioned to match the approved annexation boundary so the written opposition will be addressed as part of the proposed annexation (LAFCO Case 1524b).

Notice of the public hearing for this proposal was provided in accordance with Government Code

Section 56427.

### **Environmental Impacts**

The Delano-Earlimart Irrigation District is the lead agency for this proposal. The District has determined that project is categorically exempt from the California Environmental Quality Act under 15307, Class 7; 15308, Class 8; 15319, Class 19. A copy of the document is included in the application materials.

### **Municipal Service Review**

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. Neither the LAFCO statute nor the OPR Guidelines specifically prescribe which agencies and what services are subject to municipal service reviews. Therefore, it is left to each LAFCO to establish review parameters. Tulare County LAFCO has determined that irrigation districts are exempt from municipal service review.

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

Out of the 70 APNs listed for the annexation, 40 are under a Williamson Act contract. The approval of this annexation is not inconsistent with continued Williamson Act coverage. Cancellation of Williamson Act Contracts is not contemplated in this application.

### **Required Determinations**

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

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

The amendment to the SOI includes land that is mostly in agricultural production and habitat management. There are no currently proposed changes in land use.

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

The purpose of the concurrent annexation is primarily for the possible formation of a Groundwater Sustainability Agency (GSA).

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

The annexation will allow the District to manage the land under a Groundwater Sustainability Plan in accordance with the SGMA, which would increase the viability of the currently critically overdrafted basin. No other services will be affected.

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

The subject area does not contain social or economic communities of interest.

### **Conterminous Annexation**

The intent of the SOI amendment is to make the SOI boundary conterminous with the proposed annexation (LAFCO Case 1524b). However, the Commission may choose to make adjustments to the proposed annexation boundaries. The final SOI boundary shall be conterminous to the final annexation boundary, if approved by the Commission.

### **Recommendations:**

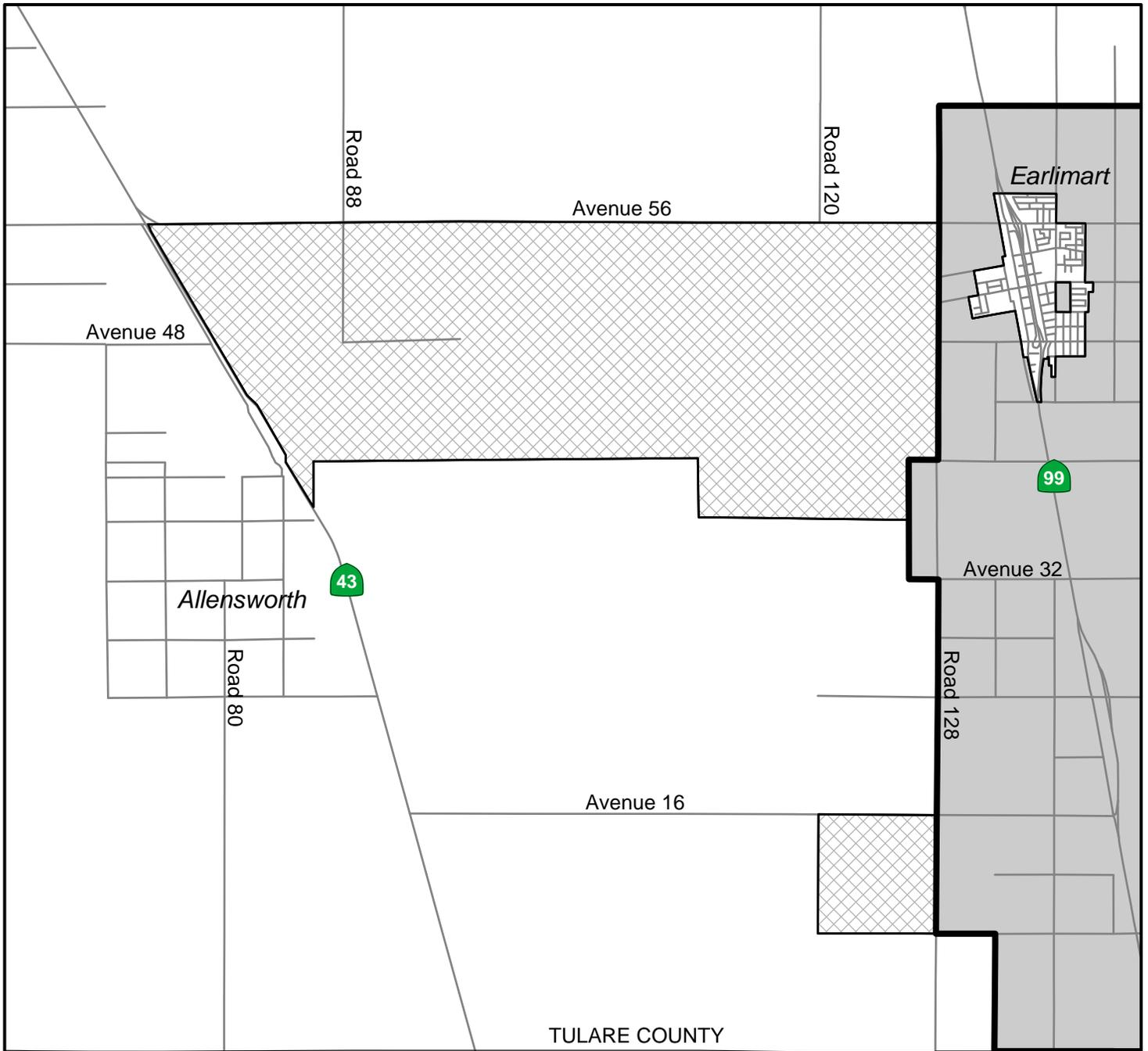
It is recommended that this SOI be approved and that the Commission take the following actions:

- A. Find that the proposed Sphere of Influence amendment is Categorical Exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15307, Class 7; 15308, Class 8; 15319, Class 19.
- B. Adopt the written statement of determinations and find that the proposed Delano-Earlimart Irrigation District Spheres of Influence amendment complies with the GC §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. The SOI amendment is contingent on the approval of LAFCO Case 1524b (Delano-Earlimart Irrigation District Annexation).
- E. The SOI boundary shall be conterminous with the final boundary approved in LAFCO Case 1524b.
- F. Approve the Spheres of Influence to be known as LAFCO Case 1524a, Delano-Earlimart Irrigation District SOI Amendment.

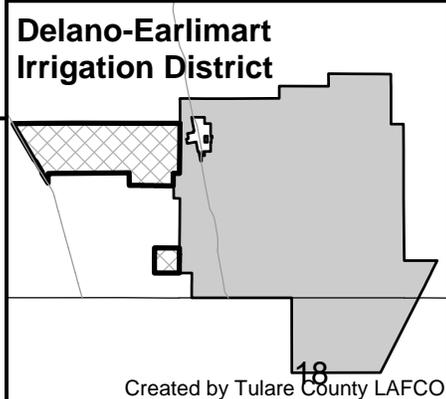
### **Figures & Exhibits**

- Figure 1 Site Location Map
- Figure 2 Resolution

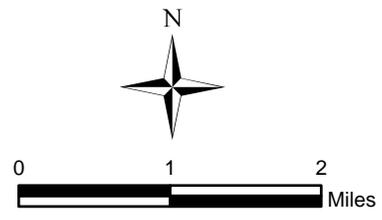
# LAFCO Case 1524a



TULARE COUNTY  
KERN COUNTY



-  Site Location (1524a)
-  Delano-Earlimart ID
-  Sphere of Influence
-  Roads



Boundaries as of 6/2/16

Created by Tulare County LAFCO

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

In the Matter of the Proposed Amendment to the )  
Delano-Earlimart Irrigation District Sphere of Influence ) **RESOLUTION NO. 16-015**  
LAFCO Case No. 1524a )

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

**WHEREAS**, on August 3, 2016 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

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

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:

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 Commission Policy C-5.11, this proposal is a SOI amendment and is not subject to, a Municipal Service Review for Irrigation Districts.

7. Pursuant to GC §56426.5(b), the Commission finds that the SOI amendment is not likely to adversely affect the continuation of the contracts beyond their current expiration dates.

8. The Commission has considered the following criteria as required under GC §56425(e):

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

The amendment to the SOI includes land that is mostly in agricultural production and habitat management. There are no currently proposed changes in land use.

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

The purpose of the concurrent annexation is primarily for the possible formation of a Groundwater Sustainability Agency (GSA).

- (3) *The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.*

The annexation will allow the District to manage the land under a Groundwater Sustainability Plan in accordance with the SGMA, which would increase the viability of the currently critically overdrafted basin. No other services will be effected.

- (4) *The existence of any social or economic communities of interest in the area.*

The subject area does not contain social or economic communities of interest.

9. The Commission hereby finds that the proposed Sphere of Influence amendment will not have a significant impact on the environment, and certifies that the Commission has independently reviewed and considered the information contained in the a Notice of Exemption filed by the Delano-Earlimart Irrigation District for the proposed amendment in compliance with the California Environmental Quality Act of 1970, as amended, prior to taking action on said amendment.

10. The Commission hereby finds that the proposed amendment to the Delano-Earlimart Irrigation District 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.

11. The Sphere of Influence for the Delano-Earlimart Irrigation District is hereby amended with the following conditions:

- A) The SOI amendment is contingent on the approval of LAFCO Case 1524b (Delano-Earlimart Irrigation District Annexation)

B) The SOI boundary shall be conterminous with the final boundary approved in LAFCO Case 1524b.

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

The foregoing resolution was adopted upon the motion by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, at a regular meeting held this 3rd day of August, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

si

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

*August 3, 2016*

**LAFCO Case Number 1524b  
Delano-Earlimart Irrigation District No. 2016-01**

- PROPOSAL:** Delano-Earlimart Irrigation District (DEID) Annexation
- PROPONENT:** DEID by Resolution of its Board of Directors
- SIZE:** 2 areas of approximately 9,056 acres.
- LOCATION:** Area A is bound to the west by State Highway 43, to the north by Avenue 45 and to the east by Road 128, and to the south by Avenue 40 and 36 alignments and is approximately 8415 acres. Area B is south of Area A, bounded to the west by Road 120 alignment, north by Avenue 16, west by Road 128 and south by Avenue 8 alignment and is approximately 641 acres. **(Figure 1)**
- APNs:** See Assessors Report **(Figure 2)**
- NOTICE:** Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.
- SUMMARY:** The purpose of this annexation is to include the area into DEID's Groundwater Sustainability Agency (GSA). This annexation is only for GSA purposes. The DEID will not be providing irrigation water to the annexed area. Staff is proposing the removal of 1,487 acres of land that is owned by the California Department of Fish & Wildlife.

**ANALYSIS**

**1. Conformity with Plans:**

*A. Site Information*

	<b>Existing</b>	<b>Proposed</b>
<b>Zoning Designation</b>	AE – 40 (Exclusive Agricultural Zone, 40 acre minimum)	No Change
<b>General Plan Designation</b>	Rural Valley Lands Plan	No Change
<b>Uses</b>	Agriculture, agricultural outbuildings, water tanks, and approximately 7 rural	No Change

	residences, habitat management	
--	--------------------------------	--

Surrounding land uses are mostly agricultural and habitat management. This proposal does not conflict with the Tulare County General Plan.

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

Out of the 70 APNs listed for the annexation, 40 are under a Williamson Act contract. The approval of this annexation is not inconsistent with continued Williamson Act coverage. Cancellation of Williamson Act Contracts is not contemplated in this application.

**3. Population:**

According to Tulare County Election Division there are 8 registered voters within the affected area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

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

The private property owners have requested that a special assessment be levied to provide groundwater sustainability management services pursuant to the Sustainable Groundwater Management Act.

The purpose of the annexation is not to expand services of the DEID, but rather to facility the area to be brought into a Groundwater Sustainability Agency intended to be formed by the DEID in compliance with the State’s Sustainable Groundwater Management Act. No other services will be affected.

**5. Boundaries and Lines of Assessment:**

The boundaries of the proposal area are definite and certain and conform to the lines of assessment and ownership.

**6. Environmental Impacts:**

The Delano-Earlimart Irrigation District is the lead agency for this proposal. The District has determined that project is categorically exempt from the California Environmental Quality Act under 15307, Class 7; 15308, Class 8; 15319, Class 19. A copy of the document is included in the application materials.

**7. Landowner Consent:**

Consent has been received from all of the private property owners within the proposed annexation area but was not received from public property owners. Notice was mailed to all landowners and registered voters within the annexation area. If no protests are received by the end of the public hearing, the Commission may waive the protest hearing. If protests are received by the end

of the public hearing, a protest hearing will be held following the 30 day reconsideration period if the reorganization is approved.

Staff has received written opposition (**Figure 3**) from the Department of Fish and Wildlife's Allensworth Ecological Reserve. The annexation would bisect their property and cause their property to fall within multiple GSAs.

## 8. Discussion:

### Government Services

The DEID is an irrigation district comprised of approximately 56,500 acres situated in southern Tulare County and northern Kern County. The Sustainable Groundwater Management Act (SGMA) required that all basins that are designated as critically overdrafted high-priority basins by a Groundwater Sustainability Plan by January 31, 2020. Since the proposal area falls within a critically overdrafted high-priority basin, they are seeking to facilitate meeting the SGMA requirements.

The land is used agriculturally and does not presently require a great deal of governmental services and controls. The annexation will in no way change land use or services required; rather, it will encourage adherence to current conditions. The annexation would have a small net positive impact to social and economic interests of the subject territory. The region is reliant on the agriculture industry and the annexation would help maintain agricultural operations in a critically overdrafted, high-priority basin.

The annexation will allow the District to manage the land under a Groundwater Sustainability Plan in accordance with the SGMA, which would increase the viability of the currently critically overdrafted basin.

DEID will not be providing irrigation water to the proposed annexation area. All of the private property owners have signed a Pre-Annexation Agreement specifying that the annexation is for GSA purposes exclusively.

### Overlaps with Deer Creek SWD (Figure 4)

Land (1,487 acres) owned by the Department of Fish and Wildlife (DF&W) was recently annexed into the Deer Creek Storm Water District. The inclusion of this land into DEID would result in the DF&W to own adjacent properties in different GSAs which would increase the difficulty to develop and administer effective plans. Because of this, the DF&W has provided written opposition to the annexation. It is recommended to exclude the DF&W land from the annexation.

There are three areas of land (213 acres total) on the east side of SR-43 that would also result in an overlap between DEID and Deer Creek SWD. There is no legal prohibition against overlaps between storm water districts and irrigation

districts. However, overlaps could be problematic in creating GSAs. These three overlap areas are all owned by one land owner (Sam & Suzanne Etchegaray) that has consented to annexation and desires to be in DEID's proposed GSA. The Etchegarays are the largest single land owner within the proposed annexation area and it is logical keep their land together within the annexation. Therefore, it is recommended for these areas to remain within the annexation.

**RECOMMENDED ACTIONS:**

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

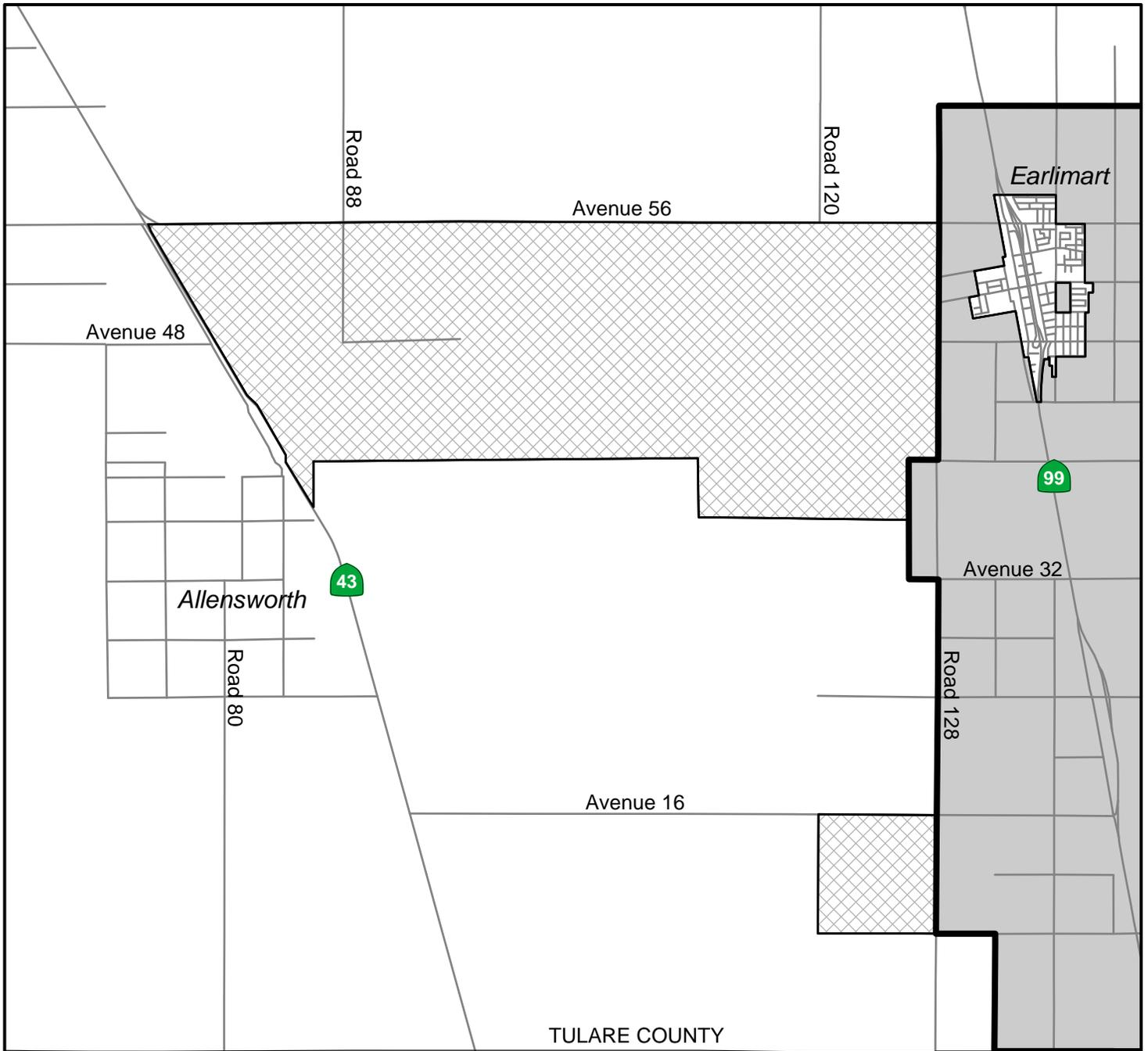
1. Certify that the Commission has reviewed and considered the Notice of Exemption prepared by the Delano-Earlimart Irrigation District for this project and find that the project will not have a significant effect on the environment.
2. Find that the proposed reorganization of the Delano-Earlimart Irrigation District complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section §56001.
3. Pursuant to LAFCO Policy and Procedure Section C-1, find that:
  - a. There is a demonstrated need for the services to be provided by the district.
  - b. The proposed annexation represents a logical and reasonable change of organization of the district.
  - c. The proposed annexation is compatible with the County's General Plan.
  - d. The proposed boundaries are definite and certain and conform to lines of assessment.
4. Find that the territory proposed for this annexation to the Delano-Earlimart Irrigation District is uninhabited.
5. Exclude the property owned by the Department of Fish and Wildlife from the annexation.
6. Approve the annexation as proposed by the DEID, with the exclusion of the DF&W property, to be known as LAFCO Case Number 1524b, DEID Annexation 16-01 with the following conditions:
  - a. As specified in the Pre-Annexation Agreement, the DEID shall provide only GSA related services to the annexation area.

- b. The Certificate of Completion shall not be recorded until the County Surveyor has verified the accuracy of the map and legal description and any needed corrections are completed with the exclusion of the DF&W property from the project map and legal description.
- 7. Waive the protest hearing for this proposal in accordance with subsection (c) of Government Code §56663 and order the detachment without an election or if written protests are received prior to the conclusion of the public hearing, conduct the protest hearing pursuant to GC §57000.
- 8. Authorize the Executive Officer to sign and file a Notice of Exemption with the Tulare County Clerk.

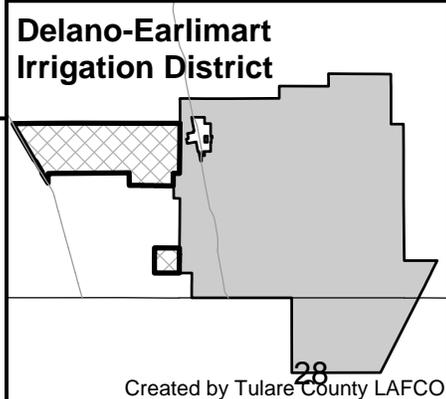
**Figures:**

- Figure 1 Site Location Map
- Figure 2 Assessor's Report
- Figure 3 Opposition to Annexation from Department of Fish & Wildlife
- Figure 4 Overlaps with Deer Creek SWD
- Figure 5 Resolution

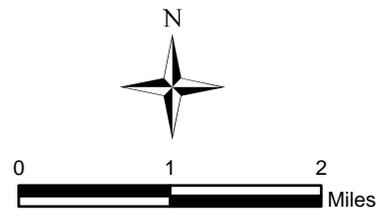
# LAFCO Case 1524b



TULARE COUNTY  
KERN COUNTY



-  Site Location (1524b)
-  Delano-Earlimart ID
-  Sphere of Influence
-  Roads



Boundaries as of 6/2/16

Created by Tulare County LAFCO

**ASSESSOR'S REPORT TO LAFCO & AUDITOR**  
[Pursuant to Section 56386 of Government Code]

*TCAG/LAFCO*  
210 N. Church Street, Ste. B  
Visalia, CA 93291

JUN 20 2016

**MAIL RECEIVED**

**LAFCO CASE NO.:** 1524B

**PROPONENT:** Delano-Earlimart Irrigation District

**DESCRIPTIVE TITLE:** ANNEXATION NO. 2016-1

**1) Total Parcels Lying Entirely Within Proposed Boundaries:** 70

See Itemized list, attached

**2) Total Parcels Lying Only Partially Within Proposed Boundaries:** 0

NONE

**3) a) Total Parcels in Ag Preserve and/or Contract:** 40

See Itemized list, attached

**b) If Case Is Annexation of Ag Preserve, Does Initiating Agency Address Issue:**

N/A

**4) a) Total Parcels Owned by Initiating Agency:** 0

N/A

**b) If Any, Were Parcels Acquired by Eminent Domain or Other Method:**

N/A

**5) Assessee's Names, Addresses, Tax Rate Areas and Values:**

Using the above-referenced Assessor's Parcel Numbers this information is available to you via the County's Property Information System ("PIMS") shared by our offices.

**6) Other Comments:**

- a) The County Resource Management Agency is the local authority, and the Department of Conservation is the State authority on the existence, extent and status of any agricultural preserves, land conservation contracts and related issues and matters.

**Technician:**           JRS          

**Date:**           06/20/2016          

**END OF REPORT**

**Itemized List of Parcels Lying Entirely Within Proposed Boundaries**

313-030-001 to 005  
313-040-007, 008  
313-270-001 to 008

314-130-002,003  
314-130-005 to 007,011,012,014 to 016

331-090-001,002  
331-010-023  
331-110-001 to 010  
331-120-001,002  
331-130-001

333-180-001,002  
333-230-001 to 003,005,006  
333-230-008 to 012,017  
333-350-036

336-150-001 to 003

337-030-002 to 007  
337-040-010,021,022,024 to 026

**Itemized List of Total Parcels in Ag  
Preserve and/or Contract**

313-030-001 to 005  
313-040-007, 008  
313-270-001 to 008

314-130-002,003  
314-130-005 to 007,011,012,014 to 016

331-090-001,002  
331-010-023  
331-110-001 to 010  
331-120-001,002  
331-130-001

333-180-001,002  
333-230-001 to 003,005,006  
333-230-008 to 012,017  
333-350-036

336-150-001 to 003

337-030-002 to 007  
337-040-010,021,022,024 to 026

**From:** "Battistoni, John@Wildlife" <John.Battistoni@wildlife.ca.gov>  
**To:** "singoldsby@tularecog.org" <singoldsby@tularecog.org>  
**Date:** 7/20/2016 12:07 PM  
**Subject:** FW: LAFCO Case 1524b & CDFW Allensworth ER  
**Attachments:** CDFW\_Allensworth\_ER.kmz

From: Battistoni, John@Wildlife  
Sent: Wednesday, July 20, 2016 12:03 PM  
To: 'singoldsby@tularecog.org'  
Subject: LAFCO Case 1524b & CDFW Allensworth ER

Hello Steven,

Attached is a .kmz of the Department of Fish and Wildlife's Allensworth Ecological Reserve. As you can see the annexation purposed by 1524b will bisect the property and likely require our Reserve fall into multiple GSAs. For consistency of our management and record keeping purposes we wish to remain in the Tri-county GSA as it is currently described on the DWR website as it would encompass the entire property.

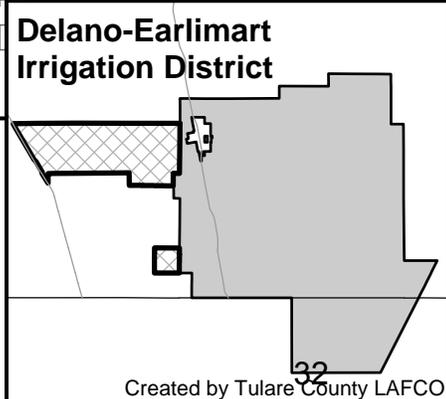
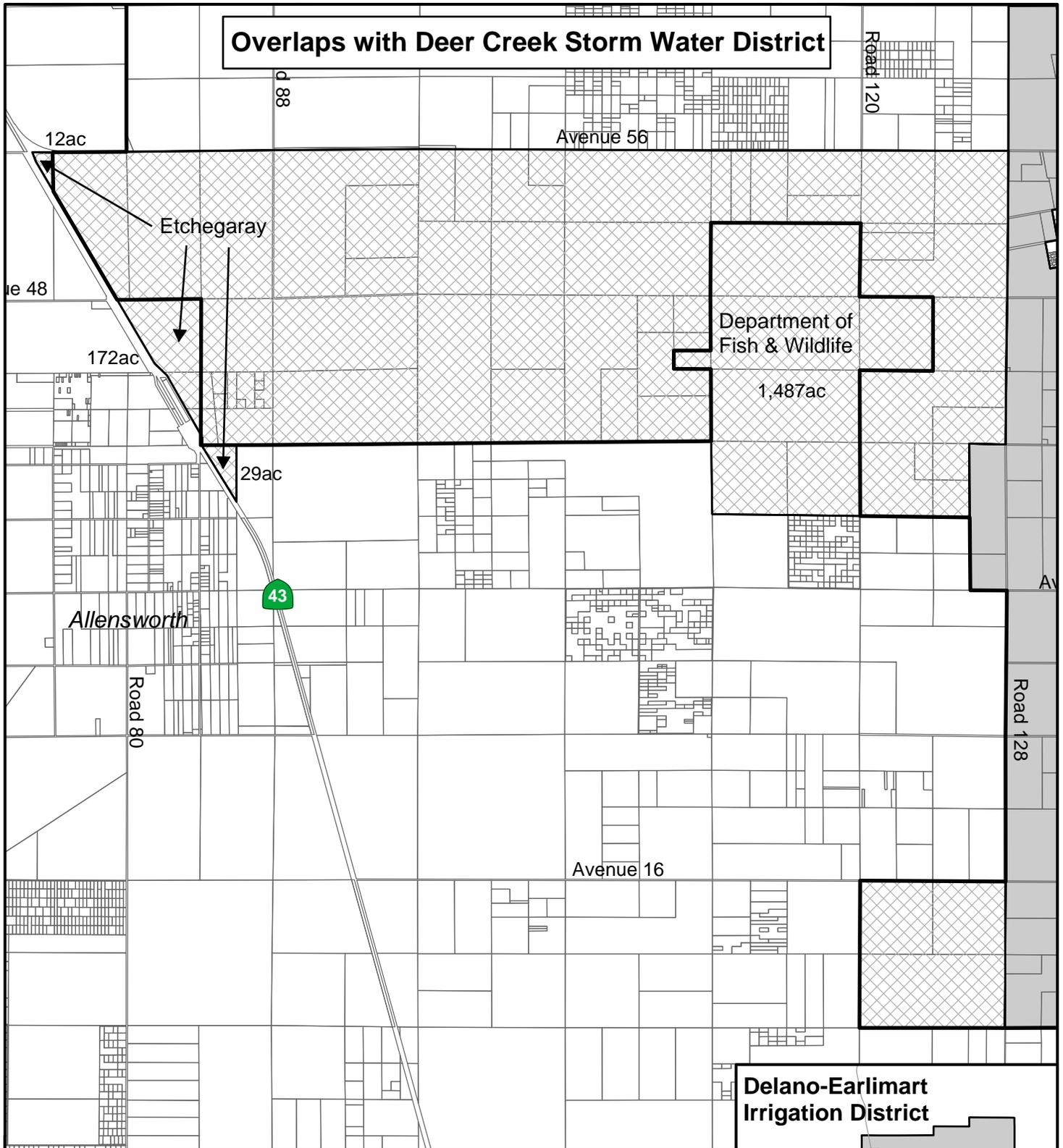
Let me know if you have any further questions or anything changes regarding this,

Thanks,

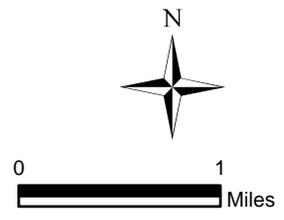
John Battistoni  
Environmental Scientist  
CA DFW Central Region  
Fresno, CA  
559243-4014 X219  
559-978-3595

-----  
Every Californian should conserve water. Find out how at:  
[SaveOurWater\_Logo]<<http://saveourwater.com/>>  
SaveOurWater.com<<http://saveourwater.com/>> \* Drought.CA.gov<<http://drought.ca.gov/>>  
-----

# LAFCO Case 1524b



-  Deer Creek SWD
-  Site Location (1524b)
-  Delano-Earlimart ID
-  Parcels



Boundaries as of 6/2/16

Created by Tulare County LAFCO



Under the California Environmental Quality Act (CEQA) Section 15307, Class 7; 15308, Class 8; and 15319, Class 19, 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:

xxxxx

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. The boundaries of the proposed annexation are definite and certain and conform to lines of assessment.
- b. Fewer than 12 registered voters reside in the affected territory and 100% landowner consent was not received.
- c. No change in services will result from this annexation other than sustainable groundwater management.

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 owned by the Department of Fish and Wildlife shall be excluded from the annexation.
- b. The proposed annexation is compatible with the County's General Plan.
- c. There is a demonstrated need for sustainable groundwater management and the District provides a way of meeting this need.
- d. The proposed annexation represents a logical and reasonable expansion of the annexing district.
- e. The proposal is consistent with the findings and declarations of GC §56001.

7. Waive the protest hearing for this proposal in accordance with GC §56663 and order the change of organization without an election *{if protests are not submitted by the close of the public hearing}* or 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 *{if protests are not submitted by the close of the public hearing}*.

8. Approve the annexation as proposed by Delano-Earlimart Irrigation District, to be known as LAFCO Case Number 1524b, Delano-Earlimart Irrigation District, with the following conditions:

- a. As specified in the Pre-Annexation Agreement, the DEID shall provide only GSA related services to the annexation area.
- b. The Certificate of Completion shall not be recorded until corrections are completed to the map and legal description that exclude the area owned by the Department of Fish and Wildlife from the annexation.

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

LAFCO Case No. 1524b, Delano-Earlimart Irrigation District Annexation 2016-01.

10. Determines, in accordance with CEQA, as a Responsible Agency, that it has considered the Notice of Exemption prepared by Delano-Earlimart Irrigation District:

The foregoing resolution was adopted upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 3rd day of August, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

si



# **TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**

210 N. Church St., Suite B, Visalia, CA 93291 (559) 624-7274 FAX (559) 733-6720

August 3, 2016

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Steven Ingoldsby, Staff Analyst

SUBJECT: LAFCO Case 1525, Sphere of Influence Amendment for the City of Visalia

## **Background**

The City of Visalia is requesting a Sphere of Influence (SOI) amendment which includes approximately 156 acres of land located at the northwest corner of Plaza Drive and Riggan Avenue, adjacent to the City of Visalia. The same area is included in a subsequent annexation proposal (Case #1525-V-448) for the City of Visalia.

## **Discussion**

Any growth occurring in this area would be consistent with the City's General Plan since the site is within the current Tier 1 Urban Development Boundary and is designated for industrial development in the General Plan.

Notice of the public hearing for this proposal was provided in accordance with Government Code Sections 56427.

## **Environmental Impacts**

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

## **Municipal Service Review**

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 was adopted by LAFCO on February 6<sup>th</sup>, 2013. The proposed SOI amendment area is within Visalia's Urban Growth Boundary (UGB). However, the SOI update to match the SOI to the UGB was tabled until the completion of the Goshen Community Plan.

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

The parcels are not under Williamson Act contract. The parcels were located in Agricultural Preserve Nos. 3051 and 3658 and Land Conservation Contract Nos 8813 and 10765, but the property owner filed a Notice of Non-Renewal with the Tulare County Assessor on October 1, 2001 and expired as of January 1, 2011. The land is considered prime agricultural land that is subject to future industrial development within the Visalia General Plan.

**Required Determinations**

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

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

The amendment to the SOI includes land that is mostly in agricultural production and is within the current Tier 1 Urban Development Boundary and has been designated for urban development in the City General Plan since 1991.

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

This area will need increased services, including planning, building, police and fire protection, and sewer service. Water will be served by Cal Water, who has provided a will-serve letter.

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

The City has adequate sewer capacity to serve the site. Other services which would be extended to this area would be funded primarily through the City General Fund and user permit fees.

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

The subject area does not contain social or economic communities of interest.

**Conterminous Annexation**

The intent of the SOI amendment is to make the SOI boundary conterminous with the proposed annexation (LAFCO Case 1525-V-448). However, the Commission may choose to make adjustments to the proposed annexation boundaries. The final SOI boundary shall be conterminous to the final annexation boundary, if approved by the Commission.

**Recommendations:**

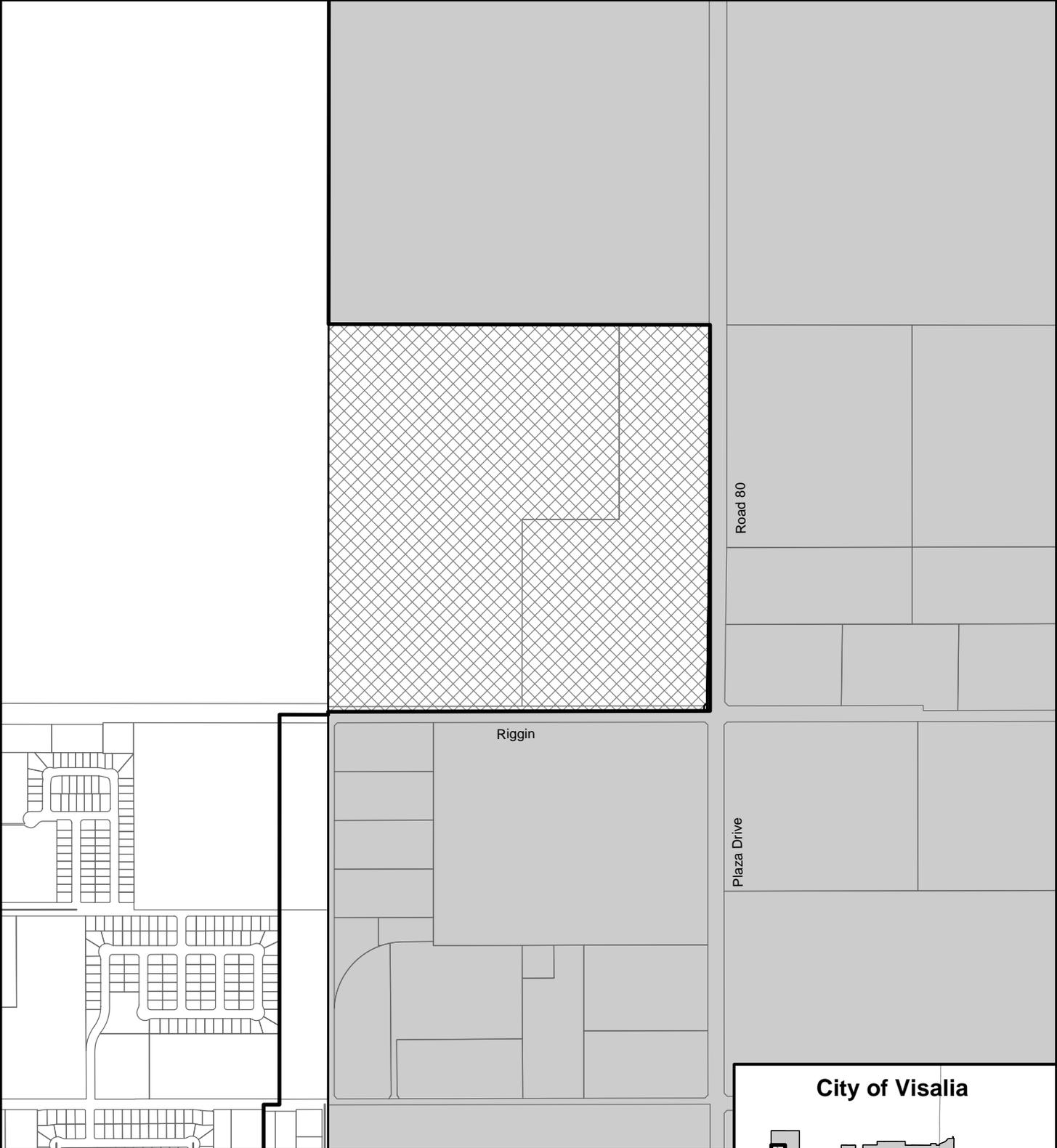
It is recommended that this SOI be approved and that the Commission take the following actions:

- A. Find that the Commission has reviewed and considered the Negative Declaration prepared by the City of Visalia for this project and find that the project will not have a significant effect on the environment.
- B. Adopt the written statement of determinations and find that the proposed City of Visalia Sphere of Influence amendment complies with the GC §56425.
- C. Find that there are no Williamson Act contracts within the SOI amendment area.
- D. The SOI amendment is contingent on the approval of LAFCO Case 1525-V-448 (City of Visalia Annexation No 2009-01).
- E. The SOI boundary shall be conterminous with the final boundary approved in LAFCO Case 1525-V-448.
- F. Approve the Spheres of Influence amendment to be known as LAFCO Case 1525.

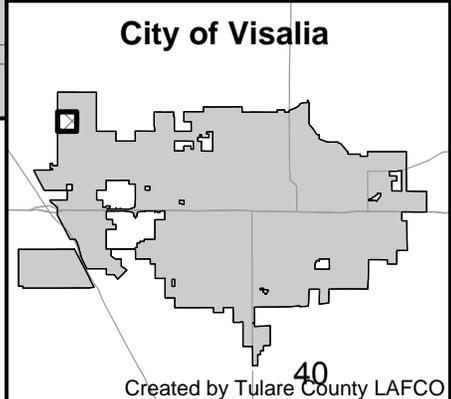
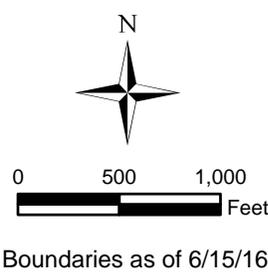
**Figures & Exhibits**

- Figure 1 Site Location Map
- Figure 2 Resolution

# LAFCO Case 1525



-  1525
-  City of Visalia
-  Sphere of Influence
-  Parcels



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

In the Matter of the Proposed Amendment        )  
To the City of Visalia Sphere of Influence        )               **RESOLUTION NO. 16-017**  
LAFCO Case No. 1525                                 )

**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 adopted the update to the Visalia Municipal Service Review (MSR) on February 6<sup>th</sup>, 2013; and

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

**WHEREAS**, on August 3, 2016 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

1. The boundaries of the Sphere of Influence amendment are definite and

certain as shown in Exhibit A.

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:

Xxxxx

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. This proposal is a SOI amendment and is subject to a Municipal Service Review.

7. Pursuant to GC §56426.6, the Commission finds that the SOI amendment area contains no Williamson Act land.

8. The Commission has considered the following criteria as required under GC §56425(e):

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

The amendment to the SOI includes land that is mostly in agricultural production and is within the current Tier 1 Urban Development Boundary and has been designated for urban development in the City General Plan since 1991.

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

This area will need increased services, including planning, building, police and fire protection, and sewer service. Water will be served by Cal Water, who has provided a will-serve letter.

- (3) *The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.*

The City has adequate sewer capacity to serve the site. Other services which would be extended to this area would be funded primarily through the City General Fund and user permit fees.

- (4) *The existence of any social or economic communities of interest in the area.*

The subject area does not contain social or economic communities of interest.

9. The Commission hereby finds that the proposed Sphere of Influence amendment will not have a significant impact on the environment, and certifies that the Commission has independently reviewed and considered the information contained in the a Negative Declaration filed by the City of Visalia for the proposed amendment in compliance with the California Environmental Quality Act of 1970, as amended, prior to taking action on said amendment.

10. The Commission hereby finds that the proposed amendment to the City of Visalia 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.

11. The Sphere of Influence for the City of Visalia is hereby amended with the following conditions:

- A) The SOI amendment is contingent on the approval of LAFCO Case 1525-V-448 (City of Visalia Annexation No 2009-01)

B) The SOI boundary shall be conterminous with the final boundary approved in LAFCO Case 1525-V-448.

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

The foregoing resolution was adopted upon the motion by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, at a regular meeting held this 3rd day of August, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

si

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

*August 3, 2016*

**LAFCO Case Number 1525-V-448  
City of Visalia Annexation No. 2009-01 (Doe)**

- PROPOSAL:** City of Visalia Reorganization (annexation to Visalia, detachment from CSA #1)
- PROPONENT:** The City of Visalia by resolution of its City Council
- SIZE:** 156 acres
- LOCATION:** The northwest corner of Plaza Drive and Riggins Avenue. **(Figure 1)**
- NOTICE:** Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.
- SUMMARY:** The purpose of the annexation is to annex a ¼ section of land for future industrial use. There are no pending development proposals. The surrounding ¾ section of land was annexed by the City in 2007.
- APNs:** 077-120-012, 077-120-015

**GENERAL ANALYSIS**

**1. Land Use:**

*A. Site Information*

	<b>Existing (County)</b>	<b>Proposed (City)</b>
<b>Zoning Designation</b>	AE-40	Heavy Industrial (I-H)
<b>General Plan Designation</b>	Agriculture	Industrial
<b>Uses</b>	Agriculture, Two Rural Residences	Immediate: No plans Long Term: Large scale industrial users

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

	<b>Zoning Designation</b>	<b>General Plan Designation</b>	<b>Existing Use</b>
<b>North</b>	I-H/Heavy Industrial	Industrial	Vacant land under farming use
<b>South</b>	I-H/Heavy Industrial	Industrial	Riggin Avenue, warehouse / distribution center, vacant land under farming use
<b>East</b>	I-H/Heavy Industrial	Industrial	Plaza Drive, vacant land under farming use
<b>West</b>	County / AE-40	County / Agriculture	Vacant land under farming use

**C. Topography, Natural Features and Drainage**

Modoc Ditch runs along the north side of the site in an east/west direction. Two additional ditches branch off from Modoc Ditch within the site. The site is relatively flat and does not contain any natural topographical features.

**D. Conformity with General Plans and Spheres of Influence:**

The site is entirely outside the City’s Sphere of Influence but within its Tier 1 Urban Development Boundary and is eligible for annexation per the City’s General Plan. The City of Visalia is requesting an amendment to its Sphere of Influence as part of this application.

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

The parcels are not under Williamson Act contract. The parcels were located in Agricultural Preserve Nos. 3051 and 3658 and Land Conservation Contract Nos 8813 and 10765, but the property owner filed a Notice of Non-Renewal with the Tulare County Assessor on October 1, 2001 and expired as of January 1, 2011. The land is considered prime agricultural land that is subject to future industrial development within the Visalia General Plan.

**3. Population:**

There are not more than 12 registered voters in the proposed annexation area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

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

**Agency providing service**

<i>Service</i>	<i>Now</i>	<i>After</i>	<i>Method of finance</i>
Police Protection	County of Tulare	City of Visalia	Impact fees
Fire Protection	County of Tulare	City of Visalia	Impact fees
Water Supply	None	Cal Water	Impact fees
Sewage Disposal	None	City of Visalia	Impact fees
Street Lighting	None	City of Visalia	Impact fees
Street Maintenance	None	City of Visalia	Impact fees
Planning/Zoning	County of Tulare	City of Visalia	General Plan maint. fees
Garbage Disposal	Tulare County (Waste Connections)	City of Visalia	Incurred by owner
Strom Drainage	None	City of Visalia	Impact fees

Cal Water has provided a will serve letter (**Figure 2**). The City can provide all other urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services. According to the City it has more than enough sewer capacity in its treatment plant to accommodate this annexation proposal. The City's wastewater treatment plan has a capacity of 22 million gallons per day (mgd). Current estimated average daily flow is about 13 mgd. Other undeveloped areas already within the City limits add a potential for another 0.5 to 1.0 mgd. This annexation would add an estimated 0.2907 mgd.

**5. Boundaries and Lines of Assessment:**

The boundaries of the proposal area are definite and certain and conform to the lines of assessment and ownership. The county surveyor's office has not yet verified that the submitted map is sufficient for filing with the State Board of Equalization.

**6. Assessed Value, Tax Rates and Indebtedness:**

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

Land	\$ 368,707
Improvements	\$ 60,177

**7. Environmental Impacts:**

The City of Visalia is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and incorporation by reference the City of Visalia General Plan and other planning

documents, a Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials.

**8. Landowner Consent:**

Consent to this annexation has been received from each affected landowner for the 98-acre parcel. Two of the seven owners of the 55-acre parcel have not provided written consent.

Notice was mailed to all landowners and registered voter within the annexation area. If no protests are received by the end of the public hearing, the Commission may waive the protest hearing. If protests are received by the end of the public hearing, a protest hearing will be held following the 30 day reconsideration period if the reorganization is approved

**9. Regional Housing Needs Assessment (RHNA):**

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments. Since the land is designated for industrial use, the annexation will not assist the City in achieving its fair share of regional housing needs.

**10. Discussion:**

Government Services

The adequacy of governmental service will be improved within the subject area. The annexation will serve to improve the well-being of the future businesses and other users.

According to the City they are currently able to provide the annexation area urban services and infrastructure for development such as sewer services, fire, police, streets lighting, etc., as well as planning and building services

Services which would be extended to this area, including police and fire safety services and development permit services, will be funded primarily through the City General Fund and user permit fees. Road improvements are funded through a combination of various sources including, but not limited, the General Fund, development fees, and Measure R.

Any growth occurring in this area would be consistent with the City's General Plan since the sites are within the current Tier 1 Urban Development Boundary and are designated for development with the adoption of the new General Plan. This area will need increased services, including planning and building safety, police and fire protection, and sewer service. The City of Visalia is prepared to provide these services as development occurs.

### Industrial Land Supply

Industrial land supply can't be analyzed in the same manner as residential land. The area proposed to be annexed would be part of the Visalia Industrial Park which serves a much greater region than just the City of Visalia. While there are no existing development plans, the annexation site is located on prime industrial land with close access to SR-99 through the Betty Drive Interchange and is across from existing infrastructure serving the industrial park on the south side of Riggin Ave.

### **RECOMMENDED ACTIONS:**

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

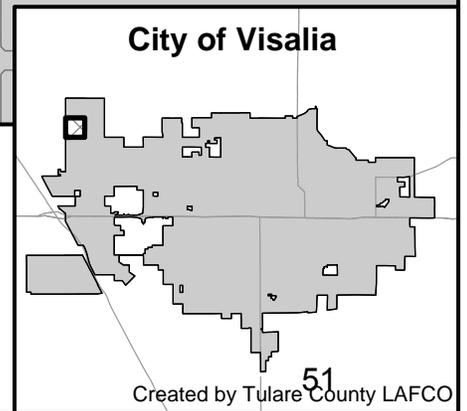
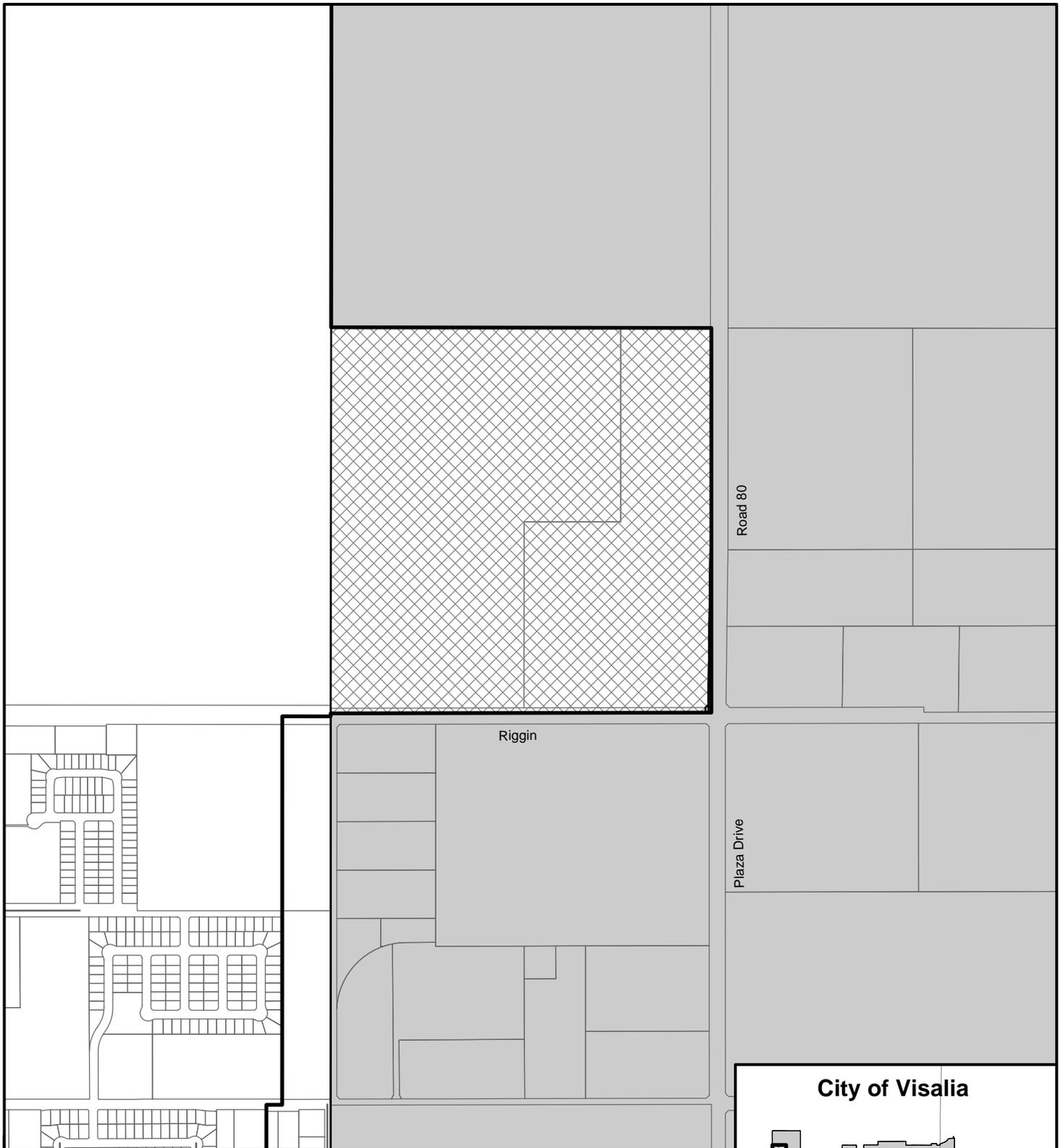
1. Certify that the Commission has reviewed and considered the Negative Declaration prepared by the City of Visalia for this project and find that the project will not have a significant effect on the environment.
2. Find that the proposed reorganization of the City of Visalia complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, find that:
  - a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.
  - b. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
  - c. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
  - d. The proposed annexation is compatible with the City's General Plan.
  - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
4. Find that the territory proposed for this annexation to the City of Visalia and detachment from CSA #1 is uninhabited.
5. Find that the annexation does not contain any Williamson Act contract land.
6. Approve the reorganization as proposed by the City of Visalia, to be known as LAFCO Case Number 1525-V-448, Visalia Annexation 2009-01 (Doe).

- a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
  - b. The Certificate of Completion shall not be recorded until the County Surveyor has verified the accuracy of the map and legal description and any needed corrections are completed.
7. Waive the protest hearing for this proposal in accordance with subsection (c) of Government Code §56663 and order the detachment without an election or if written protests are received prior to the conclusion of the public hearing, conduct the protest hearing pursuant to GC §57000.
8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

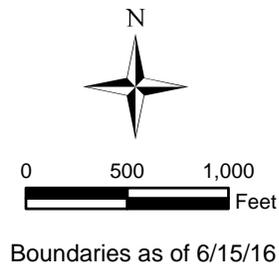
**Figures:**

- |          |                   |
|----------|-------------------|
| Figure 1 | Site Location Map |
| Figure 2 | Cal Water Letter  |
| Figure 3 | Resolution        |

# LAFCO Case 1525-V-448



-  1525-V-448
-  City of Visalia
-  Sphere of Influence
-  Parcels



*This page intentionally left blank.*



## CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive  
Visalia, CA 93292 Tel: (559) 624-1600

July 14, 2016

Brandon Smith, AICP Senior Planner  
City of Visalia  
Community Development Department  
315 E Acequia Ave  
Visalia, CA 93291

**Will Serve Letter**  
**Annexation No: 2009-01**  
**Developer: LANE ENGINEERS INC.**

Dear Mr. Smith:

As a regulated utility, California Water Service Company Visalia district ("Cal Water") has an obligation to provide water service in accordance with the rules and regulations of the California Public Utility Commission (CPUC). Assuming you receive all required permits from City of Visalia, Cal Water will provide water service to the above referenced project. Cal Water agrees to operate the water system and provide service in accordance with the rules and regulations of the California Public Utilities Commission (CPUC) and the company's approved tariffs on file with the CPUC. This will serve letter shall remain valid for **two years** from the date of this letter. If construction of the project has not commenced within this **two year** time frame, Cal Water will be under no further obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming our commitment to serve the above mentioned project. Additionally, Cal Water reserves the right to rescind this letter at any time in the event its water supply is severely reduced by legislative, regulatory or environmental actions.

Cal Water will provide such potable<sup>1</sup> water at such pressure as may be available from time to time as a result of its normal operations per the company's tariffs on file with the CPUC. Installation of facilities through developer funding shall be made in accordance with the current rules and regulations of the CPUC including, among others, Tariff Rules 15 and 16 and General Order 103-A. In order for us to provide adequate water for domestic use as well as fire service protection, it may be necessary for the developer to fund the cost of special facilities, such as, but not limited to, booster pumps, storage tanks and/or water wells,<sup>2</sup> in addition to the cost of mains and services. Cal Water will provide more specific information regarding special facilities and fees after you provide us with your improvement plans, fire department requirements, and engineering fees for this project.

---

<sup>1</sup> This portion of the letter to be modified accordingly in the event the development for which this letter is being generated is to be served with potable and non potable water.

<sup>2</sup> For the districts that collect facility fees on a per lot basis, delete the reference to wells as a special facility here and add in the following sentence, "Developer will also be required to contribute towards Cal Water's water supply by paying facilities fees on a per lot basis as described in Rule 15"



## CALIFORNIA WATER SERVICE

This letter shall at all times be subject to such changes or modifications by the CPUC as said Commission may, from time to time, require in the exercise of its jurisdiction.

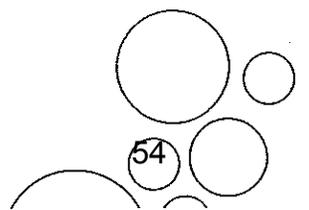
If you have any questions regarding the above, please call me at (559) 624-1600.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Charles".

Eric Charles  
Acting Assistant District Manager

cc: Ting He – Cal Water Engineering Dept  
File



**Item I**

**Specify whether or not a public a public water system is already provided to the territory. If it is, indicate the method of provision (for example, water district, mutual water company, public utility etc...**

Answer:

California Water Service Company ( a private company ) owns and operates the Visalia/Goshen water system. We currently have water facilities on Riggin Ave. (Ave 312) that borders this annexation on the southern property line. We do not have facilities on Plaza Dr. north of Riggin Ave. and on American Ave. (future alignment) north of Riggin Ave.

**Item II**

**Indicate whether the agency is prepared to provide community water service to this site. Provide explanation if the agency isn't prepared.**

Answer:

California Water Service Company is prepared to serve the property.

**Item III**

**Distance to connection and location of the agency's existing system.**

Answer:

California Water Service Company has a 12" water main at the northwest corner of Plaza Dr. and Riggin Ave. approx. 5' from the property of this annexation.

**Item IV**

**Current System-wide Capacity**

Based on a recent capacity assessment conducted as part of Cal Water's drought self-certification process, the total system supply capacity for Visalia is as follows (various units):

26885 million gallons per year  
73.7 million gallons per day  
51181 gallons per minute

82507 acre-feet per year  
226 acre-feet per day

**Item V**

**Current System-wide Water Use**

Based on a recent production records maintained in support of Cal Water's Urban Water Management Plan, the total water use in 2015 was:

24853 acre-feet  
8098.4 million gallons

**Item VII**

**Anticipated Water Demands from Other Developments**

The existing response is correct. Cal Water is not aware of any single, very large developments, or annexations for Visalia. We are aware of some service growth consistent with our UWMP projections, although some lagging in the housing sector is evident. Total projected demands for Visalia, taken from the recently completed 2015 UWMP, are noted below:

<u>Year</u>	<u>Demand in AF</u>
2015	24853
2020	34937
2025	39818
2030	45092
2035	49959
2040	54987

These projections assume some “drought rebound” between 2015-2020 (which is ultimately a condition that will have to be monitored, i.e., projection adjustment). These projections generally indicate an anticipated growth level of around 1,000 AF per year (+/-).

**Item VIII**

**Actions to Offset Groundwater Overdraft**

The existing actions are still in-play. In addition, drought-related conservation actions (like Rule 14.1) have helped to curtail customer demand, thus reducing pumping stress on the basin. Finally, the early stages of SGMA are in-play. These actions largely pertain to organizing local groundwater management agencies and plans in an effort to baseline the overall groundwater condition (state of the basin), as well as draw-up provisions for future sustainable groundwater use/withdrawal.

Of note is that the existing statement around flat-rate meters (bullet point #4) should be removed. This overall process/project (flat-to-meter conversion) is now finished.

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

In the Matter of the Proposed Annexation to the )  
City of Visalia and detachment from CSA #1, ) **RESOLUTION NO. 16-018**  
LAFCO Case No. 1525-V-448, Annexation 2009-01 (Doe) )

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

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

**WHEREAS**, on August 3, 2016 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

1. The information, material and facts set forth in the application and the report of the Executive Officer (including any corrections), have been received and considered in accordance with GC §56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Visalia, as Lead Agency, filed a Negative Declaration in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has

reviewed and considered the Negative Declaration prepared by the City of Visalia for this project and find that the project will not have a significant effect on the environment.

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:

Xxxxxx

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. The boundaries of the proposed annexation are definite and certain and conform to lines of assessment.
- b. Fewer than 12 registered voters reside in the affected territory and 100% landowner consent was not received.
- c. Cal-Water has provided a will-serve letter
- d. All other urban services and infrastructure can be provided for by the city.

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

- a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.
- b. The proposed annexation is compatible with the County's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. The proposed annexation represents a logical and reasonable expansion of the annexing district.
- e. The proposal is consistent with the findings and declarations of GC §56001.

7. Waive the protest hearing for this proposal in accordance with GC §56663 and order the change of organization without an election *{if protests are not submitted by the close of the public hearing}* or 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 *{if protests are submitted by the close of the public hearing}*

8. Approve the annexation as proposed by the City of Visalia, to be known as LAFCO Case Number 1525-V-448, City of Visalia Annexation No 2009-01 (Doe), with the following conditions:

a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.

b. The Certificate of Completion shall not be recorded until the County Surveyor has verified the accuracy of the map and legal description and any needed corrections are completed.

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

LAFCO Case Number 1525-V-448, City of Visalia Annexation No 2009-01 (Doe).

10. Determines, in accordance with CEQA, as a Responsible Agency, that it has considered the Negative Declaration prepared by the City of Visalia.

The foregoing resolution was adopted upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 3rd day of August, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

si



**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*

August 3, 2016

TO: LAFCO Commissioners, Alternates, Counsel  
FROM: Ben Giuliani, Executive Officer  
SUBJECT: City of Woodlake Municipal Service Review Update

**Background**

The first Municipal Service Review (MSR) for the City of Woodlake was adopted as part of the Group 2 MSRs by the Commission at the May 2006 meeting. The existing Sphere of Influence (SOI) for Woodlake was last comprehensively reviewed by the Commission in 1979 to match the City’s Urban Area Boundary (UAB). There have been no SOI amendments since that time. 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 and a presentation was given to the City Council on July 11, 2016.

**Discussion**

Since the Woodlake MSR was first developed in May of 2006, Government Code was modified that combined twelve topic areas into six. 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 Woodlake 2008-2028 General Plan Update, City of Woodlake Annual Budget Report (2016-2017), City of Woodlake website, California Department of Finance, U.S. Census data, Tulare County General Plan Update 2030, correspondence with City staff and other information sources.

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 Woodlake 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/msr/>. No comments were received during the public review period.

### **Recommendation**

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

Attachments:

City of Woodlake MSR Written Determinations

City of Woodlake MSR Update (Disc)

Resolution of Adoption

## **1) Growth and Population**

### *Population Trends and Projections*

1. Historical Census data indicate that Woodlake had a 1990 population of 5,678 and a 2010 population of 7,286. California Department of Finance projections indicated a January 2016 population of 7,648. These trends indicate that Woodlake's population is growing at an annual average rate of approximately 1.25%.
2. Based upon population trends, projections available from the California Department of Finance, and other referenced sources, it is likely that Woodlake's population will continue to grow at an average annual rate of approximately 1.25% to 1.6%. At an average annual growth rate of 1.6%, the City can expect a year 2036 population of approximately 10,875.
3. According to Census 2010 data, the average dwelling unit occupancy rate for the City is approximately 3.78 persons per household, which is slightly higher than the county average of 3.43 persons per household. High dwelling unit occupancy rates can have an adverse effect on infrastructure by contributing unanticipated increased demands if not properly planned for. For this reason, it is important that dwelling unit occupancy rates be considered when planning for and building infrastructure improvements.

### *Growth Planning*

4. The Tulare County General Plan contains an Urban Boundaries Element which sets forth policy regarding development within municipal fringe areas surrounding incorporated cities.
5. 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.
6. A City's SOI should generally be coterminous to a City's and County's UDB. This is dependent on the UDB being sufficient in complying with the requirements of GC §56425 and Tulare County LAFCO's Policy C-5 (Spheres of Influence).
7. The planning area of the 2008 Land Use Element generally encompasses the area included within the City's currently adopted SOI.

### *Annexations & County Islands*

8. Six annexations totaling 313.4 acres have been added to the City since 2000. One annexation (45.9 ac) has been for residential development.
9. The City has two small substantially surrounded County islands that qualify for the streamlined County island annexation process.

## **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.
2. The City of Woodlake has adopted the following General Plan elements: Land Use (2009), Circulation (2009), Housing (2007 – update in process), Conservation (2009), Open Space (2009), Public Safety (1978), Noise (1978) and Air Quality (2011).
3. The City also plans for future growth through the preparation and implementation of specific plans and master plans. The City master plans public infrastructure systems, including but not limited to, water and sewer.

### *Water*

4. The City's water supply is derived from groundwater sources through five active wells that have a total production efficiency of approximately 3,325 gallons per minute (gpm). The City provides water services within the City Limits, and to the unincorporated community east of the City known as the Wells Tract. A study completed in 2014 showed the average daily demand at 1,689 gpm and the maximum daily demand at 6,052 gpm. A 6<sup>th</sup> well is being added to the system by the end of summer 2016 and a 7<sup>th</sup> well has been contracted to be dug in 2016.
5. The water systems pressure regulation and storage needs are met by a hydro-pneumatic pressure tank, booster pumps, and two 500,000 gallon elevated storage tanks located on Castle Rock Hill.
6. The City's water system was studied as a part of the *Water System Master Plan* (Quad Knopf, March 2005). The *Water System Master Plan* is framed to accommodate a total population of approximately 10,500. The master plan focuses on areas where growth is likely to occur, specifically to the east and northeast within the existing City Limits, to the west, east, and northeast within the City's UDB, and west of Antelope Creek within the UAB.
7. The City's *Water System Master Plan* is indicative of the City's efforts to continue to provide an ample and clean water supply to the existing and future residents of Woodlake. Provided the City continues to implement water system improvements as recommended in the master plan, the City should be able to continue to provide quality waster service (domestic and fire flow needs) to existing and future residents.
8. The City's water system will convert from an un-metered flat rate system to a metered tiered system by the end of 2016.
9. The City's municipal code establishes comprehensive water conservation regulations for the intent of minimizing outdoor water use and to control unnecessary consumption of the available potable water supplies in the City.
10. The City was cited by the SWRCB for a total chloroform maximum containment level violation on July 8, 2014. The 2014 Annual Drinking Water Quality Report stated that

subsequent testing did not indicate a presence of chloroforms. The water quality report indicated that there were no other violations of water quality standards in 2014.

#### *Sanitary Sewer*

11. The City's provides sanitary sewer collection, treatment and disposal services within the City Limits, and to the unincorporated community east of the City known as the Wells Tract.
12. A sewer study completed in 1996 provided a list of improvements that would be required to insure that the collection system is effective through the year 2014.
13. The City owns and operates a WWTF located southwest portion of the City, just north of the airport. The WWTF is operated under the following orders, issued by the California Regional Water Quality Control Board: Order No. 5-01-082 "Water Reclamation Requirements...", Order No. R5-2009-0104 "A Cease and Desist Order...", and Order No. R5-2009-0103 "Waste Discharge Requirements...".
14. The City has made improvements to the WWTF that have allowed for the increase of capacity from 1.0 mgd to 1.38 mgd. With peak average flow at .78 mgd, the WWTF is operating at 57% capacity. Phase 2 improvements, when necessary, would increase the capacity to 1.92 mgd.
15. The City reclaims wastewater effluent by applying it on approximately 35 acres of pastureland immediately east of the WWTF.

#### *Solid Waste Collection & Disposal*

16. The City is contracted with Mid Valley Disposal for solid waste collection and disposal services.

#### *Streets and Roads*

17. The City continues to maintain and improve its street system within the constraints of available funding.
18. The City has done excellent work in partnering with TCAG and Caltrans to secure competitive funding for transportation projects. In recent years the City has completed and is in the process of completing several transportation projects that improve safety and quality of life in the City.

#### *Public Safety*

19. The Woodlake Fire Department Operations are conducted by the Woodlake Fire Protection District, a separate governing body from the City of Woodlake. A separate MSR has been conducted for the Woodlake FPD.
20. The Woodlake Police Department presently consists of a chief, one Lieutenant, two Sergeants, five officers, and one clerical personnel.
21. Crime rates in the City have generally been similar or lower than the overall State crime rates.

22. The City's budget for FY 2016-17 appropriates a total of \$1,342,524 for police department operations. Police operations account for 63% of the City's General Fund budget. This is supplemented by \$99,600 from the State's Citizens Option for Public Safety (COPS) program.

### **3) Financial Ability to Provide Services**

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. The anticipated general fund balance at the end of fiscal year 2016-17 is estimated at \$408,383, which represents approximately 19% of general fund operating revenue, and over two months of regular general fund expenditures. The Government of Finance Officers Association recommends a reserve balance of no less than 5-15% of operating revenues in the general fund, or between one and two months of regular general fund expenditures.
3. The City's ability to obtain outside funding is demonstrated by the receipt of CDBG and other funding. The CDBG funds are being used to implement several programs including housing rehabilitation, and first time home buyer assistance, and for the construction of capital infrastructure projects. The City also had their water and sewer master plans prepared through CDBG funding in previous years.
4. The City also takes advantage of establishing assessment districts for the public maintenance and operation of various public facilities, for example, landscaping and lighting. The City should continue to explore additional opportunities to form such assessment districts.
5. At the end of each fiscal year, the City undergoes an independent audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.
6. Under the City's cash management program, cash in excess of operating requirements from all funds is pooled with the purpose of maximizing interest through investment activities, and is deposited in savings accounts or invested in bank certificates of deposit, bank money market accounts and the State of California Local Agency Investment Fund (LAIF).
7. The City has four outstanding long term debt obligations, one for improvements to the domestic water system and three for expansion and improvements to the wastewater treatment facility and sewer system.
8. The City has a 6% UUT on telephone, electricity, gas and cable utilities.

### **4) STATUS OF, AND OPPORTUNITIES FOR, COST AVOIDANCE AND SHARED FACILITIES**

#### *Cost Avoidance*

1. The City's budget process is designed to screen out unnecessary costs through the implementation of a program performance budget format. The program performance

budgeting system encourages creativity, effectiveness, broad participation in decision making, and accountability.

2. Based upon the City's participation in the CSJVRMA, the City takes advantage of sharing insurance coverage premiums as a way of avoiding unnecessary costs.
3. Through the preparation, implementation, and updating of infrastructure master plans, the City avoids unnecessary costs by incrementally expanding its infrastructure to areas zoned for General Plan development. Planning out to ultimate service areas helps identify any impacts that future planned infrastructure may have on current infrastructure in place, and mitigations that would alleviate such impacts.
4. It can be expected that the City will avoid unnecessary costs that may be caused by the annexation of proposed SOI areas through comprehensive analysis of the costs and benefits of a proposed development in those areas.
5. The City's use of development impact fees and assessment districts are important aspects of avoiding future financial liability. The City can also avoid unnecessary costs by implementing smart growth practices by promoting development in infill areas and areas where infrastructure is already in place (and has excess capacity).
6. The City could also avoid unnecessary costs through the construction of joint use facilities, including but not limited to recreational sports fields, parts, or other facilities that could be used by multiple agencies. The City should continue to explore opportunities to work with the local School District to promote joint use projects as a way of avoiding unnecessary costs.

#### *Shared Facilities*

7. The City continues to work with other agencies in providing quality service to residents in a cost effective manner. Examples include establishment of mutual aid agreements to collaborate public safety efforts, working with the local school district on joint use projects, and providing infrastructure and housing rehabilitation to an unincorporated area known as the Wells Tract.
8. The City also works with TCAG and Tulare County RMA on a continuous basis on various issues including transportation, transit, solid waste, and coordinating applications to request State and/or Federal funding for joint projects.
9. With the State budget and unfunded mandates impacting both Counties and Cities, the need for intergovernmental cooperation is apparent, as every agency is facing an unprecedented assault on local resources. For this reason, it is important for Cities and Counties to meet this challenge on common ground.
10. The City should continue its partnership with the school district to collaborate recreational resources and efforts for the betterment of the community.
11. An analysis could be completed to determine if further services could be shared between the City and FPD and if efficiencies could be gained and costs reduced if the FPD were to become a subsidiary district to the City.

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

### *Fee Structure*

1. Under the provisions of the Municipal Code of the City of Woodlake, the City Council is empowered to set the rates to be charged and collected by the City for sewer and water service by a resolution passed by the City Council.
2. Following the consideration of an *Impact Fee Recommendation* report, the Woodlake City Council adopted Resolution 06-07 establishing development impact fees for the purpose of financing the construction of water, wastewater collection, wastewater treatment/disposal, and storm drainage public facilities, or to replace the capacity of such public facilities utilized by new development.
3. The City of Woodlake will charge a metered rate with a base service charge of \$30.20 per month for domestic water service, a flat rate of \$63.25 per month for sewer service, and \$22.25 per month for refuse collection for a typical single family dwelling. The water and sewer rates are above average compared to other full service cities in Tulare County with the combined total being the highest amongst the cities in Tulare County.
4. City resolutions establishing the water and sewer rates also made the rates subject to CPI adjustments.
5. The City will convert to a metered billing structure for water service on by the end of 2016, which should promote water conservation.
6. There is no evidence suggesting that the annexation of areas within the SOI would result in unreasonable fees for utility services as properties annex and develop within the City. It is likely that fees for development within SOI areas would be inline with citywide fees for utility services.

### *Government Structure*

7. 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.
8. The City has a sound governmental structure that provides necessary resources to provide public services and infrastructure improvements within the SOI area.
9. 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.
10. 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.

### *Evaluation of Management Efficiencies*

11. 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.
12. The City ensures that services can be efficiently provided in the SOI areas through the preparation of master service plans to provide infrastructure that will ultimately serve the SOI/UDB areas.
13. 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.
14. The City Planner, City Attorney, and City Engineer all provide City services on a contractual basis. These City services are currently provided on a part-time as needed basis. As the City's population continues to increase, and development interest in the community increases, it may ultimately be in the City's best interest to have these services on a full time basis.

### *Local Accountability and Governance*

15. The city complies with the Brown Act open-meeting law and provides the public with opportunities to get information about City issues, including website and phone access, and bill inserts.
16. The City's website is an excellent informational tool, and provides remote access to the current events of the City.
17. Regular City Council meetings are held twice a month on the second and fourth Monday in City Hall Council Chambers located at 350 N. Valencia Boulevard, Woodlake. The City posts agendas and minutes on their website.

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

### *Disadvantaged and Other Developed Unincorporated Communities*

1. Wells Tract is the only unincorporated community within the existing or adjacent to the City SOI. The community has been determined to be disadvantaged.
2. Wells Tract is within CSA #2 and is connected the City of Woodlake's water and sewer systems.
3. Wells Tract is within the Woodlake Fire Protection District. The Woodlake FPD serves the entire City and some areas in the unincorporated County. The fire station is located within  $\frac{3}{4}$  of one mile to the Wells Tract.
4. Due to its location and being connected to both the City's sewer and water systems, future annexation of the Wells Tract should be considered.

*Conflicting Growth Boundaries*

5. LAFCO shall determine the SOI for the City of Woodlake pursuant to State law and Tulare County LAFCO Policy C-5.
6. A goal of the City/County MOU is to have coterminous City/County UDBs and SOI.
7. The existing City UDB provides a good basis for updating the SOI in terms of its location and size. There also haven't been any identified communities of interest.
8. The proposed SOI matches the City's UDB.

**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 Woodlake )

**RESOLUTION NO. 16-019**

**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 May 2006, the Commission adopted the first Municipal Service Review (MSR) and statement of determinations for the City of Woodlake (Resolution 06-021); and

**WHEREAS**, the City of Woodlake 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**, the MSR is categorically exempt from CEQA under a classification related to information gathering (Class 6- Regulation Section 15306); and

**WHEREAS**, on August 3, 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 Woodlake 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 Woodlake 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 MSR, including statement of determinations, for the City of Woodlake 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 3<sup>rd</sup> day of August 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

ce

*This page intentionally left blank.*



**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*

August 3, 2016

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Ben Giuliani, Executive Officer

SUBJECT: City of Woodlake Sphere of Influence Update (LAFCO Case #1526)

**Background**

The Sphere of Influence (SOI) update for the City of Woodlake is proposed to be adopted following the update of the Municipal Service Review (MSR). The existing SOI for the City of Woodlake was last comprehensively reviewed by the Commission in 1979 (Resolution 79-011) to match the City's Urban Area Boundary (UAB). There have been no SOI amendments since that time. In 1996, Commission policy was amended to define a SOI as a 20-year growth boundary and to match the SOI as closely as possible to the 20-year Urban Development Boundaries (UDBs).

**Discussion**

The 2016 City of Woodlake MSR Update recommends that the City SOI match the existing City UDB. This would result in a reduction of 1,282 acres (2 square miles) from the existing SOI. The County UDB is slightly larger than the City UDB and are mostly conterminous with the exception of some areas to the south of the City and excludes some area that has already been annexed to the City. The current City UDB was adopted with the City's 2008-2028 General Plan Update and provides a good basis for the SOI.

The City and the County signed an MOU on 9/27/12 (Tulare County Agreement No. 25995) which one of the goals is to have a common UDB/SOI line. The MOU states:

*The County will cooperate with the City to establish a new 20-year UDB adopted by both the County and the City, which parties will use their best efforts to make coterminous with the SOI set by LAFCO.*

### **Environmental Impacts**

Since the SOI line is proposed to match the City's UDB, the Environmental Impact Report (EIR) used for the 2008-2028 City of Woodlake General Plan Update is directly applicable to this SOI update. The EIR determined that there are significant impacts on the environment. It is recommended that the Commission adopt 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 EIR is hereby incorporated by reference.

### **State Law Requirements**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO to update SOIs for cities and special districts every 5 years or as needed. 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 Woodlake has been prepared.

### **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 Woodlake General Plan provides an excellent foundation for the logical growth and development of the City.

- (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 Woodlake. 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 2028.

- (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. Woodlake'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 2028. 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. No such communities of interest have been identified.

*(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.*

One disadvantaged unincorporated community has been identified, the Wells Tract. This community is included within the SOI. The Wells Tract already receives City water and sewer service. In addition, the community is served by the Woodlake Fire Protection District.

### **Municipal Service Reviews**

MSRs 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. MSRs 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 Woodlake 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 Woodlake MSR update has been prepared and is scheduled for adoption prior to the SOI update. 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://lafco.co.tulare.ca.us/lafco/index.cfm/msr/>

**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 SOI Update will have significant impacts on the environment, and certifies that the Commission has independently reviewed and considered the information contained in the 2008-2028 General Plan Update Program EIR 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 City of Woodlake SOI Update is in compliance with the GC §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 1526, City of Woodlake SOI Update, as identified within Figure 6-1.

Attachments:

1. Resolution of Adoption
2. Site Location Map
3. Environmental Documentation (on CD)

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

In the Matter of the City of Woodlake        )  
Sphere of Influence Update                    )                    **RESOLUTION NO. 16-020**  
LAFCO Case No. 1526                            )

**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 on August 3, 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 6-1.

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 Woodlake was approved on August 3, 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 Update will have significant impacts on the environment, and certifies that the Commission has independently reviewed and considered the information contained in the 2008-2028 General Plan Update EIR approved by the City of Woodlake 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 EIR.

Accordingly, said EIR is hereby incorporated by reference.

9. The Commission hereby finds that the proposed City of Woodlake 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 Woodlake is hereby adopted as shown in Figure 6-1.

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 3<sup>rd</sup> day of August 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

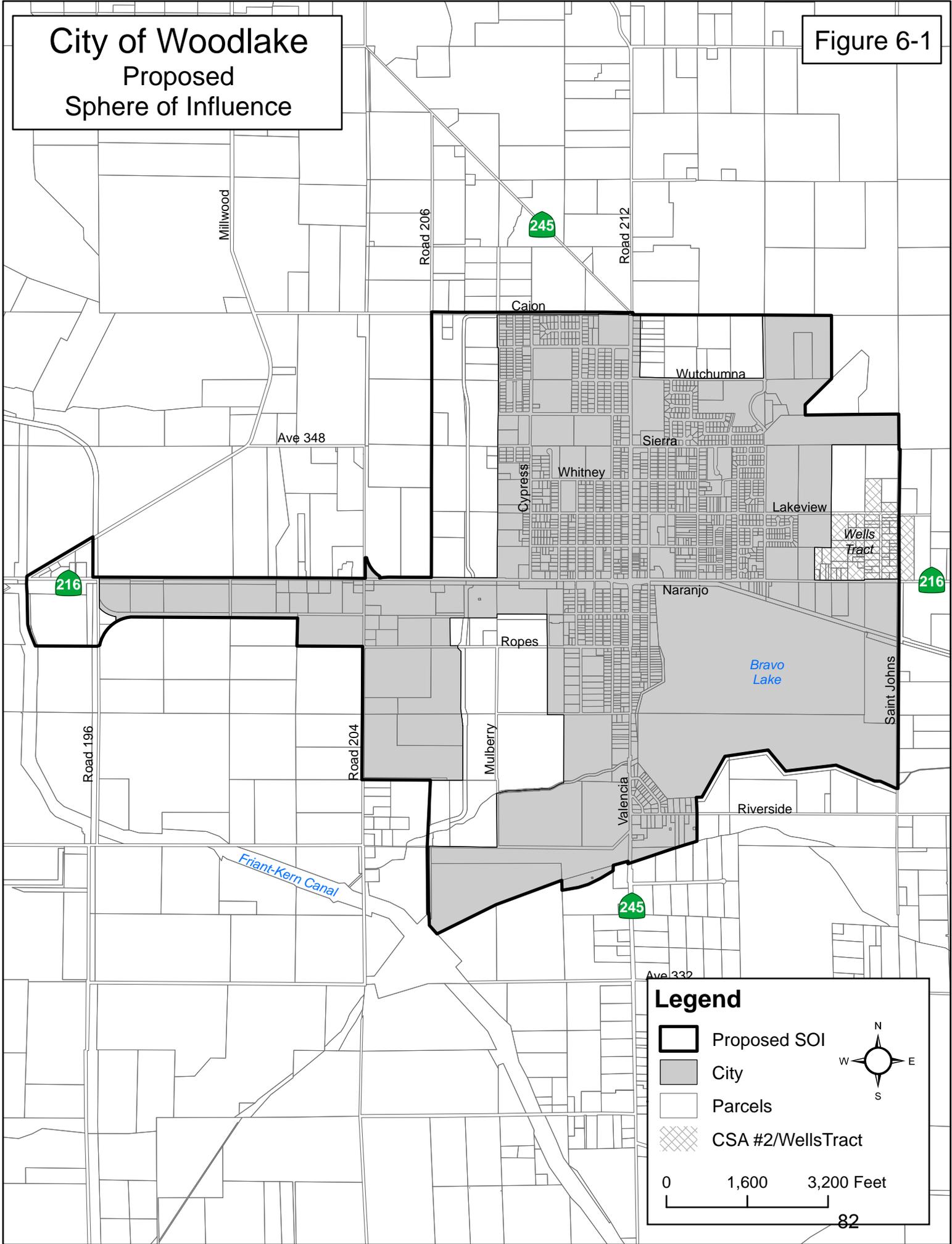
ABSENT:

---

Ben Giuliani, Executive Officer

# City of Woodlake Proposed Sphere of Influence

Figure 6-1



**Legend**

- Proposed SOI
- City
- Parcels
- CSA #2/Wells Tract

0 1,600 3,200 Feet

82



# 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*

August 3, 2016

ALTERNATES:  
*Pete Vander Poel  
Craig Vejvoda  
Dennis Mederos*

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Ben Giuliani, Executive Officer

EXECUTIVE OFFICER:  
*Ben Giuliani*

SUBJECT: Amendment to Policy A-5 (Commission Meetings and Hearings)

## **Background**

At the May 11<sup>th</sup> meeting, a draft amended policy to give LAFCO better flexibility when considering position letters for State legislation was presented. Due to the timing of Commission meetings and the frequency of legislative amendments, it is currently very difficult to provide position letters in a timely manner when requested by our state organization (CALAFCO) or others. Commission suggestions included adopting a legislative platform for which position letters would be based and bringing the letter back to the full Commission for affirmation.

## **Discussion**

Attached is the 2016 CALAFCO Legislative Policies that are proposed to be adopted based off of Commission feedback from the June meeting. In addition, listed below is the proposed addition to LAFCO Policy A-5.

Proposed Addition to LAFCO Policy A-5

### 5.7 Legislative Process Participation

- A. The Commission shall consider adoption of a legislative platform annually, or as needed.
- B. In emergency situations when proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer is authorized to provide written or e-mail correspondence regarding the Commission's position if the position is consistent with the adopted legislative platform of the Commission.
- C. The Chair and Vice-Chair shall review and either sign the letter or approve the email prior to it being submitted for consideration.
- D. After submission, the Executive Officer shall forward the approved e-mail or letter to the Commission.
- E. The correspondence will be placed in the next available Commission agenda for affirmation.



# CALAFCO 2016 Legislative Policies

As adopted by the Board of Directors on 5 February 2016

## 1. LAFCo Purpose and Authority

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

## 2. LAFCo Organization

- 2.1. Support the independence of LAFCo from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.

- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond a LAFCo's boundaries.

## 3. Agricultural and Open Space Protection

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

## 4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a management tool to provide better planning of growth and development, and to preserve agricultural, and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.

- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the boundaries of agencies.
- 4.4. Support communication among cities, counties, and special districts through a collaborative process that resolves service, housing, land use, and fiscal issues prior to application to LAFCo.
- 4.5. Support cooperation between counties and cities on decisions related to development within the city's designated sphere of influence.

opportunities for sharing of services, staff and facilities to provide more efficient and cost effective services. Support legislation which provides LAFCo with additional opportunities to encourage shared services.

**5. Service Delivery and Local Agency Effectiveness**

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

**2016 Legislative Priorities**

**Primary Issues**

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

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

**Water Availability** Support policies, programs and legislation that promote an integrated approach to water availability and management. Promote adequate water supplies and infrastructure planning for current and planned growth as well as to support the sustainability of agriculture. Support policies that assist LAFCo in obtaining accurate and reliable water supply information to evaluate current and cumulative water demands for service expansions and boundary changes including impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or

dissolution of water companies providing services.

encourage the creation of habitat conservation plans.

**Viability of Local Services**

Support legislation that maintains or enhances LAFCo’s ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation which provides LAFCo and local communities with options for local governance and service delivery to ensure efficient, effective, and quality service delivery. Support efforts which provide tools to local agencies to address aging infrastructure, fiscal challenges and the maintenance of services.

**Adequate Municipal Services in Inhabited Territory**

Expedited processes for inhabited annexations should be consistent with LAFCo law and be fiscally viable. To promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of service through periodic updates of Municipal Service reviews, Spheres of Influence, and other studies.

**Issues of Interest**

---

**Housing**

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

**Transportation**

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

**Flood Control**

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

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

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

**RESOLUTION NO. 16-021**

Upon motion of Commissioner x seconded by Commissioner x, the Commission adopts the 2016 CALAFCO Legislative Policies and Tulare County LAFCO Policy A-5 (Commission Hearings and Meetings) is hereby amended to give LAFCO better flexibility when considering position letters for State legislation, at a regular meeting held on this 3rd day of August, 2016, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- PRESENT:
- ABSENT:

\_\_\_\_\_  
Ben Giuliani, Executive Officer

*This page intentionally left blank.*



**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*

June 28, 2016

City of Porterville  
291 N Main St  
Porterville, CA 93257

Re: Extraterritorial Service Agreement No. 2016-02 (City of Porterville/East Porterville Group 1)

This is to inform you that your request for an Extraterritorial Service Agreement, submitted to the Tulare County Local Agency Formation Commission (LAFCO) on June 28<sup>th</sup>, 2016, (ESA No. 2016-02), 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 existing development on 18 parcels in East Porterville (list attached). This is the first group of properties to be connected to the City system as part of a Department of Water Resources/City project to extend water services to East Porterville. All parcel owners have signed an Irrevocable Agreement for Annexation. Actual annexation is not planned at this time.

Should you have any questions, please contact me at 623-0450 or [bgiuliani@tularecog.org](mailto:bgiuliani@tularecog.org).

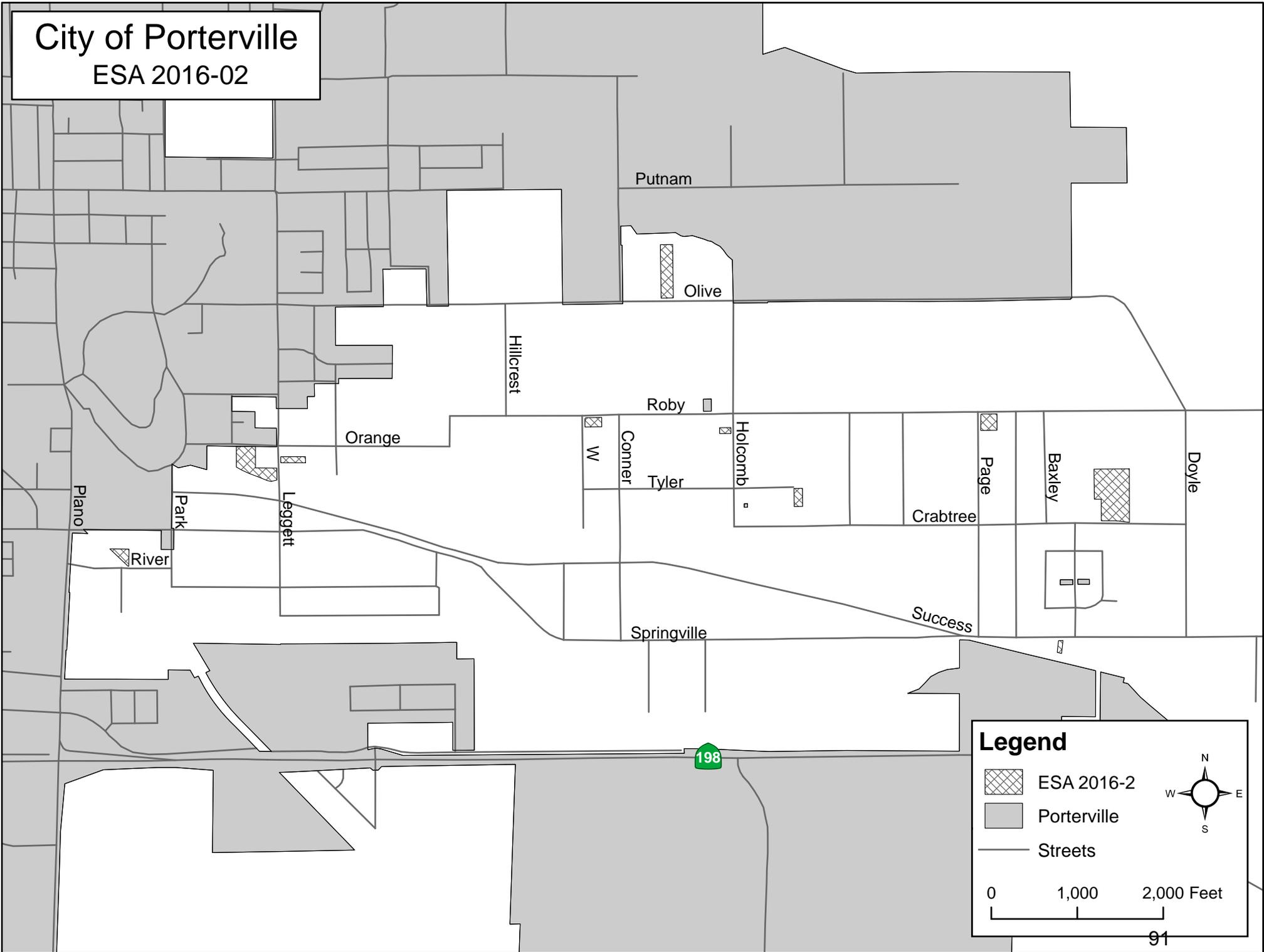
Sincerely,

Benjamin Giuliani, Executive Officer  
Tulare County LAFCO

Cc: Parcel Owners (List Attached)

Parcel	Property Owner	Property Address
261-012-018	Guillermina Avila de Ramirez & Leonicio Ramirez Jacuinde	510 E River Ave
254-050-056	Heriberto Hernandez-Cruz	1478 E Olive Ave
254-050-057	Heriberto Hernandez-Cruz	1486 E Olive Ave
262-071-021	Jorge & Yolanda Velazquez	1343 E Roby Ave
263-070-046	Alfonso & Maria Corona	2069 E Roby Ave
263-150-006	Rodolfo Ventura	2173 Springville Ave
263-070-045	Jose Gonzalez	2042 E Roby Ave
261-243-012	Francisco Campos	739 & 741 E Orange Ave
262-071-020	Saturnino & Amelia Baeza	1353 E Roby Ave
261-243-013	Victor Gutierrez	747 E Orange Ave
262-024-011	Victor Gutierrez	280 S Leggett Ave
261-243-020	Victor Gutierrez	297 S Leggett Ave
263-020-009	Alfredo B Molina	1703 E Tyler Ave
263-020-010	Antonio & Adela Tapia	1705 E Tyler Ave
262-091-003	Juan & Veronica Torres	227 Holcomb St
261-243-010	Leeland Eric Gaetz	721 E Orange Ave
261-243-011	Sandra Rodriguez Mendez	729 E Orange Ave
263-100-018	Racie Mae Jeffers	2324 E Crabtree

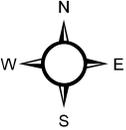
# City of Porterville ESA 2016-02



**Legend**

-  ESA 2016-2
-  Porterville
-  Streets

0 1,000 2,000 Feet



91

*This page intentionally left blank.*

# CALAFCO Legislative Report

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

**Current Text:** Amended: 6/6/2016 [pdf](#) [html](#)

**Introduced:** 2/16/2016

**Last Amended:** 6/6/2016

**Status:** 6/30/2016-In Assembly. Concurrence in Senate amendments pending. May be considered on or after July 30 pursuant to Assembly Rule 77.

### **Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, requires the executive officer of a local agency formation commission to prepare a comprehensive fiscal analysis for any proposal that includes a disincorporation, as specified. This bill would additionally require the comprehensive fiscal analysis to include a review and documentation of all current and long-term liabilities of the city proposed for disincorporation and the potential financing mechanism or mechanisms to address any identified shortfalls and obligations, as specified.

**Position:** Support

**Subject:** CKH General Procedures, Disincorporation/dissolution

**CALAFCO Comments:** This bill is sponsored by the County Auditor's Association. After working closely with the author's office and the sponsor's representative, the bill has been substantially amended. The amendments in the April 5, 2016 version of the bill eliminate all of CALAFCO's concerns, and as a result we have removed our opposition. The amendments reflected in the April 11, 2016 version reflect the addition of one item inadvertently omitted by the author and a requested change in the ordering sequence by CALAFCO. The amendments in the June 6 version make a minor change to align with AB 2910. All amendments are minor and have been agreed to by CALAFCO and the other stakeholders with whom we worked last year on AB 851 (Mayes).

## **AB 2470 (Gonzalez D) Municipal water districts: water service: Indian tribes.**

**Current Text:** Amended: 4/26/2016 [pdf](#) [html](#)

**Introduced:** 2/19/2016

**Last Amended:** 4/26/2016

**Status:** 6/22/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (June 22). Re-referred to Com. on APPR.

**Calendar:** 8/1/2016 10 a.m. - John L. Burton Hearing Room 4203 SENATE APPROP., LARA, Chair

### **Summary:**

Current law authorizes a district to sell water under its control, without preference, to cities, other public corporations and agencies, and persons, within the district for use within the district. Current law authorizes a district to sell or otherwise dispose of water above that required by consumers within the district to any persons, public corporations or agencies, or other consumers. This bill, upon the request of an Indian tribe and the satisfaction of certain conditions, would require a district to provide service of water at substantially the same terms applicable to the customers of the district to an Indian tribe's lands that are not within a district, as prescribed, if the Indian tribe's lands meet certain requirements and the Indian tribe satisfies prescribed conditions.

**Position:** Watch With Concerns

**Subject:** Water

**CALAFCO Comments:** As amended, this bill requires a water agency to provide water service upon request of an Indian tribe and under certain conditions, to the tribe at substantially the same terms as existing customers of the water district even though no annexation of the land to be serviced is required. The proposed process bypasses entirely the LAFCo process and requires the water agency to provide the service without discretion. The author contends the criteria for qualification as outlined in the bill applies only to the Sycuan Indian tribe in San Diego. CALAFCO solicited feedback from members and based on the responses there are no other Indian tribes (at least for which LAFCo is aware) to which that criteria applies.

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

**Current Text:** Amended: 6/1/2016 [pdf](#) [html](#)

**Introduced:** 3/15/2016

**Last Amended:** 6/1/2016

**Status:** 6/16/2016-From Consent Calendar. Ordered to third reading.

**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

**CALAFCO Comments:** This is the annual Omnibus bill that makes minor, non controversial changes to CKH. This year, the bill makes several minor technical changes, corrects obsolete and incorrect code references, and corrects typographical errors. Affected sections include: 56301, 56331, 56700.4, 56816, 56881, 57130 and 56134.

**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:** 6/29/2016-June 29 set for first hearing. Placed on APPR. suspense file.

**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:** Amended: 6/15/2016 [pdf](#) [html](#)

**Introduced:** 2/18/2016

**Last Amended:** 6/15/2016

**Status:** 6/30/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (June 29). Re-referred to Com. on APPR.

**Calendar:** 8/3/2016 9 a.m. - State Capitol, Rm 4202 ASSEMBLY APPROP., GONZALEZ, Chair

**Summary:**

The Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or

coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill would, if a water supply for a proposed project includes groundwater, require certain additional information to be included in the water supply assessment.

**Position:** Watch With Concerns

**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.

Recent amendments removed CALAFCO's primary concern of the timing requirements of the water supply assessment, and returns the statute to its original state. Other concerns remain unaddressed in the bill including the ongoing discussion of the appropriate size of a project (is 500 units the appropriate threshold) and how this bill will deal with phased development. Based on stakeholder discussions with the author, these issues will not be addressed in this bill.

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

**Current Text:** Amended: 4/12/2016 [pdf](#) [html](#)

**Introduced:** 2/18/2016

**Last Amended:** 4/12/2016

**Status:** 6/30/2016-Read second time. Ordered to consent calendar.

**Summary:**

Current law requires an agency or entity that files a notice of agreement or amendment with the Secretary of State to also file a copy of the original joint powers agreement, and any amendments to the agreement, with the Controller. This bill would require an agency or entity required to file documents with the Controller, as described above, that meets the definition of a joint powers authority or joint powers agency, as specified, that was formed for the purpose of providing municipal services, and that includes a local agency member, as specified, to also file a copy of the agreement or amendment to the agreement with the local agency formation commission in each county within which all or any part of a local agency member's territory is located within 30 days after the effective date of the agreement or amendment to the agreement.

**Position:** Sponsor

**Subject:** Joint Power Authorities, LAFCo Administration

**CALAFCO Comments:** This is a CALAFCO sponsored bill. As amended, the bill requires 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, to 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. Further it requires the JPA to file with the LAFCo within 30 days of the formation of the JPA or change in the agreement, and should they not file adds punitive action that the JPA shall not issue bonds nor incur indebtedness. Both of the latter changes are consistent with existing JPA statute.

**AB 1362 (Gordon D) San Mateo County Mosquito and Vector Control District: board of trustees: appointment of members.**

**Current Text:** Amended: 6/22/2016 [pdf](#) [html](#)

**Introduced:** 2/27/2015

**Last Amended:** 6/22/2016

**Status:** 6/29/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (June 29). Re-referred to Com. on APPR.

**Summary:**

Would authorize a change in the appointment of the board of trustees of the San Mateo County Mosquito and Vector Control District. If a majority of the legislative bodies that include the city councils in, and the Board of Supervisors of, the County of San Mateo adopt resolutions approving the change in board

composition and forward a copy of the resolution to the local agency formation commission, the commission is required to adopt procedures for the reorganization of the board of trustees of the San Mateo County Mosquito and Vector Control District.

**Position:** Watch

**CALAFCO Comments:** As amended on June 22, this bill amends the Health and Safety Code by creating an alternative option to the appointment process to the board of trustees of the San Mateo County Mosquito and Vector Control District (previous versions were statewide - this version is district specific). 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.

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

**Current Text:** Amended: 6/28/2016 [pdf](#) [html](#)

**Introduced:** 2/19/2016

**Last Amended:** 6/28/2016

**Status:** 6/28/2016-Read second time and amended. Re-referred to Com. on APPR.

**Calendar:** 8/1/2016 10 a.m. - Burton Hearing Rm 4203 SENATE APPROPRIATIONS, LARA, Chair

**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 commission proceedings, including a public hearing.

**Position:** Oppose

**Subject:** Disincorporation/dissolution, LAFCo Administration

**CALAFCO Comments:** As amended, this bill requires Riverside LAFCo to approve the expansion of the district, providing a determination is made that the expansion is financially feasible. The bill requires the County of Riverside to file the application with the LAFCo by 1/1/17, and as the applicant, to pay all necessary fees. The bill gives Riverside LAFCo 150 days to conduct all proceedings and direct the election necessary to expand the district. While the amendments removed the unrealistic timelines prescribed in the original version, and removed the requirement for the LAFCo (and other agencies) to find a viable funding source for the expansion, the bill still divests Riverside LAFCo of its authority and discretion.

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

**Current Text:** Amended: 5/10/2016 [pdf](#) [html](#)

**Introduced:** 2/19/2016

**Last Amended:** 5/10/2016

**Status:** 6/22/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (June 22). Re-referred to Com. on APPR.

**Calendar:** 8/1/2016 10 a.m. - Burton Hearing Room (4203) SENATE APPROPRIATIONS, LARA, Chair

**Summary:**

Would require the Alameda County local agency formation commission to order the dissolution of the Eden Township Healthcare District if that health care district meets certain criteria, as specified. The bill would subject a dissolution under these provisions to specified provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that require dissolution by voter approval only if a majority protest exists, as specified. By requiring a higher level of service from the Alameda County local agency formation commission to analyze the criteria described above, the bill would impose a state-mandated local program.

**Position:** Oppose unless amended

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

**CALAFCO Comments:** As amended, the bill makes the language specific to Eden Township Healthcare District, rather than the more generic statewide original approach. However, the bills till divests Alameda LAFCo of their authority and discretion. The bill requires the Alameda LAFCo to review Eden Township

Healthcare District's compliance with certain criteria set forth in the bill. If all of the prescribed criteria is met, the bill requires the LAFCo to order the dissolution of the district.

**SB 1263 (Wieckowski D) Public water system: permits.**

**Current Text:** Amended: 6/29/2016 [pdf](#) [html](#)

**Introduced:** 2/18/2016

**Last Amended:** 6/29/2016

**Status:** 6/29/2016-Read second time and amended. Re-referred to Com. on APPR.

**Calendar:** 8/3/2016 9 a.m. - State Capitol, Rm 4202 ASSEMBLY APPROPRIATIONS,GONZALEZ, Chair  
**Summary:**

Would require a person submitting an application for a permit for a proposed new public water system to first submit a preliminary technical report to the State Water Resources Control Board at least 6 months before initiating construction of any water-related improvement, as defined. Because a misstatement in the report could be a crime under the provision described above, this bill would impose a state-mandated local program by expanding the scope of a crime.

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** As amended, this bill would require an application for a permit for a proposed new public water system to first submit a preliminary technical report to the board at least 6 months before initiating construction of any water-related improvement, as defined.

The bill would allow the state board to direct the applicant to undertake additional discussion and negotiation with certain existing public water systems to provide an adequate and reliable supply of domestic water to the service area of the proposed new public water system and would require an applicant to comply before submitting an application for a permit to operate a system and would prohibit the application from being deemed complete unless the applicant has complied. The bill would authorize the 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. The bill also prohibits a local primacy agency from issuing a permit to operate a public water system without the concurrence of the state board. The bill prohibits water hauling as a viable source of water supply.

Amendments done on June 8, 2016 raised a concern for CALAFCO in that Section 116527(e) addresses what the board may do upon review of a prelim tech report. Subsection (1) states they may direct the applicant to undertake additional discussions if they have not already gone to LAFCo. It further states the board will not do that if, among other things, the LAFCo has already denied the project. However, there is no indication that the board's direction for the applicant to undertake additional discussions is NOT a replacement for going to LAFCo. CALAFCO has requested an amendment to add clarifying language on this point.

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

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

**Introduced:** 1/13/2016

**Status:** 6/16/2016-Read second time. Ordered to third reading.

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

**Current Text:** Amended: 6/22/2016 [pdf](#) [html](#)

**Introduced:** 2/18/2016

**Last Amended:** 6/22/2016

**Status:** 6/29/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (June 29). Re-referred to Com. on APPR.

**Calendar:** 8/1/2016 10 a.m. - Burton Hearing Rm (4203) SENATE APPROPRIATIONS, LARA, 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 for a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site to be posted on the local agency's primary Internet Web site homepage accessible through a prominent, direct link, as specified.

**Position:** Watch

**Subject:** LAFCo Administration

**CALAFCO Comments:** As amended, 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. Other requirements added in the April 11, 2016 version of the bill include: (1) The direct link to the agenda required shall not be in a contextual menu; (2) The agenda shall be posted in an open format that is retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications; is platform independent and machine readable; is available to the public free of charge and without any restriction that would impede the reuse or redistribution of the public record.

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

**Current Text:** Amended: 5/9/2016 [pdf](#) [html](#)

**Introduced:** 2/18/2016

**Last Amended:** 5/9/2016

**Status:** 6/30/2016-Read second time. Ordered to third reading.

**Summary:**

Would authorize a governing body of a special district, as defined, to require, by resolution, that the members of its governing body be elected using district-based elections without being required to submit the resolution to the voters for approval. This bill would require the resolution to include a declaration that the change in the method of election is being made in furtherance of the purposes of the California Voting Rights Act of 2001.

**Position:** Watch

**CALAFCO Comments:** As amended, 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 2737 (Bonta D) Nonprovider health care districts.**

**Current Text:** Amended: 6/20/2016 [pdf](#) [html](#)

**Introduced:** 2/19/2016

**Last Amended:** 6/20/2016

**Status:** 6/30/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (June 29). Re-referred to Com. on APPR.

**Calendar:** 8/1/2016 10 a.m. - Burton Hearing Room (4203) SENATE APPROPRIATIONS, LARA, Chair  
**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, as defined. The bill would require a nonprovider health care district to pay any amount required to be paid in the district's annual budget year by a final judgment, court order, or arbitration award before payment of those grants or administrative expenses, as specified.

**Position:** Watch

**CALAFCO Comments:** This bill appears to be a companion bill to AB 2471 (Quirk) addressing the Eden Township Healthcare District, although it is written in generic form. As amended, the bill requires a non-provider 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 (as defined).

**AB 2853 (Gatto D) Public records.**

**Current Text:** Amended: 6/16/2016 [pdf](#) [html](#)

**Introduced:** 2/19/2016

**Last Amended:** 6/16/2016

**Status:** 6/16/2016-Read second time and amended. Re-referred to Com. on APPR.

**Summary:**

Would authorize a public agency that posts a public record on its Internet Web site to refer a member of the public that requests to inspect the public record to the public agency's Internet Web site where the public record is posted. This bill would require, if a member of the public requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site where the public record is posted, the public agency to promptly provide a copy of the public record to the member of the public, as specified. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** Public Records Act

**CALAFCO Comments:** As amended the bill simply allows a public agency that has received a public records request act request to refer the the person making the request to the agency's website for the documents, should they be posted on the site.

**SB 552 (Wolk D) Public water systems: disadvantaged communities: consolidation or extension of service: administrative and managerial services.**

**Current Text:** Amended: 6/16/2016 [pdf](#) [html](#)

**Introduced:** 2/26/2015

**Last Amended:** 6/16/2016

**Status:** 6/28/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 5.) (June 28). Re-referred to Com. on APPR.

**Calendar:** 8/3/2016 9 a.m. - State Capitol, Rm 4202 ASSEMBLY APPROPRIATIONS,GONZALEZ, Chair

**Summary:**

Would authorize the State Water Resources Control Board to order consolidation where a public water system or a state small water system is serving, rather than within, a disadvantaged community, and would limit the authority of the state board to order consolidation or extension of service to provide that authority only with regard to a disadvantaged community. This bill would make a community disadvantaged for these purposes if the community is in a mobilehome park even if it is not in an unincorporated area or served by a mutual water company. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** Disadvantaged Communities, Water

**CALAFCO Comments:** As amended, the bill makes the CALAFCO requested change to the Health & Safety Code by amending 116682 (g) which gives LAFCo the approval to do what is necessary to complete a consolidation of two systems, should they be required to do so by the State Water Board. (Previous language technically divested LAFCo of that authority.) Further, the bill adds provisions that give the SWRCB the authority to appoint an Administrator to a water system (as opposed to mandating consolidation), which is a kind of receivership.

**SB 971 (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 5/27/2016 [pdf](#) [html](#)

**Introduced:** 2/8/2016

**Status:** 5/27/2016-Chaptered by Secretary of State - Chapter 15, Statutes of 2016.

**Summary:**

This bill 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 contains other related provisions.

**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:** Chaptered: 5/27/2016 [pdf](#) [html](#)

**Introduced:** 2/8/2016

**Status:** 5/27/2016-Chaptered by Secretary of State - Chapter 16, Statutes of 2016.

**Summary:**

This bill 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 contains other related provisions.

**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:** Chaptered: 5/27/2016 [pdf](#) [html](#)

**Introduced:** 2/8/2016

**Status:** 5/27/2016-Chaptered by Secretary of State - Chapter 17, Statutes of 2016.

**Summary:**

This bill 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: 6/2/2016 [pdf](#) [html](#)

**Introduced:** 2/8/2016

**Last Amended:** 6/2/2016

**Status:** 6/30/2016-Read second time. Ordered to consent calendar.

**Summary:**

The Professional Land Surveyors' Act, among other things, requires a county recorder to store and index records of survey, and to maintain both original maps and a printed set for public reference. That act specifically requires the county recorder to securely fasten a filed record of survey into a suitable book. This bill would also authorize a county recorder to store records of survey in any other manner that will ensure the maps are kept together. This bill contains other related provisions and other current laws.

**Position:** Watch

**CALAFCO Comments:** As amended, this bill is the Senate Governance & Finance Committee's annual Omnibus bill.

**SB 1374 (Lara D) The Lower Los Angeles River Recreation and Park District Act.**

**Current Text:** Amended: 6/16/2016 [pdf](#) [html](#)

**Introduced:** 2/19/2016

**Last Amended:** 6/16/2016

**Status:** 6/29/2016-ASM. L. GOV. Vote - Do pass as amended and be re-referred to the Committee on Appropriations.

**Summary:**

Would create the Lower Los Angeles River Recreation and Park District and would subject the district to specified existing laws governing recreation and park districts, except as provided. The bill would authorize 9 specified city councils and the Los Angeles County Board of Supervisors to appoint the initial board of directors of the district. The bill would require the initial board of directors to adopt a description of the territory to be included in the district and other specified information that existing law requires from the proponents for the formation of a new recreation and park district.

**Position:** Oppose

**CALAFCO Comments:** Gut and amended on June 16, this bill creates a new district within the LA County area and does not involve LAFCo in the formation process.

**SB 1436 (Bates R) Local agency meetings: local agency executive compensation: oral report of final action recommendation.**

**Current Text:** Amended: 4/6/2016 [pdf](#) [html](#)

**Introduced:** 2/19/2016

**Last Amended:** 4/6/2016

**Status:** 6/30/2016-Read second time. Ordered to consent calendar.

**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, prior to taking final action, would require the legislative body to orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive during the open meeting in which the final action is to be taken. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** LAFCo Administration, Other

**CALAFCO Comments:** As amended, this bill requires public agencies, including LAFCos, when taking final action on salary for the agency's executive, to be made as a separate discussion agenda item rather than a content calendar item on the agenda.

**FAILED BILLS:**

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

This bill failed to make it out of the Assembly Appropriation Suspense File and has died. 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.

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

As of June 15, CALAFCO was notified by the author's office they were dropping the bill. At the request of the author, CALAFCO provided a second set of proposed amendments that were focused solely on bringing all LAFCos into compliance with SB 244. The sponsor of the bill ultimately could not agree to the proposed amendments, and as a result the author decided to drop the bill. CALAFCO's Oppose position will remain on record and we will continue to monitor the bill for any further activity.

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

As amended, 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 identify the types of records being withheld and the specific exemption that applies to that record. The amendments did little to mitigate concerns, as the change is minor. (Removed the requirement of having to list every document and now requires them to be categorized.) CALAFCO understands this bill has been pulled by the author. We will continue to monitor.

**AB 2142 (Steinorth R) Local government finance.**

As introduced, this appears to be a spot bill. 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 2435 (Maves R) Local government organization: disincorporated cities.**

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.

**SB 1009 (Nielsen R) Public cemeteries: nonresidents.**

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 1276 (Moorlach R) Local agencies.**

This is a spot bill to amend CKH.

**SB 1292 (Stone R) Grand juries: reports.**

This bill did not make it out of the Assembly Appropriations Suspense File and therefore died. Sponsored by CSDA. As amended, the bill requires 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. Once 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.



June 27, 2016

Tulare City Council  
411 East Kern Avenue  
Tulare, CA 93724

*Sent via Email & U.S. Mail*

**RE: City of Tulare's Duty to Provide Sewer Service to Matheny Tract**

Dear Councilmembers:

We are writing on behalf of the Matheny Tract Committee to remind the City of Tulare ("City") of its duty to cooperate with the County of Tulare ("County") to secure funding to construct a sewer system and to provide sewer service in Matheny Tract pursuant to Tulare LAFCo Resolution No. 10-015 (attached hereto as Attachment 1). The City has refused to cooperate with the County of Tulare as necessary to allow the County to seek and secure funding for the construction of a sewer system in Matheny Tract and has stated that the City does not intend to provide sewer service to Matheny Tract. The City's actions are inconsistent with and in violation of the conditions attached to LAFCo Resolution No. 10-015.

Matheny Tract Committee hereby requests that within ten days the City confirm in writing its willingness to work cooperatively with the County to allow the County to complete all tasks necessary to seek and secure funding to construct a sewer system in Matheny Tract and its intention to provide sewer service to Matheny Tract consistent with the conditions of LAFCo Resolution No. 10-015. We also ask that within ten days the City provide a will-serve letter to the County for the County's inclusion in its application or applications for state funding, as previously requested by the County.

**1. The City Must Work with the County to Make Sewer Available in and Must Provide Sewer Service to Matheny Tract Pursuant to LAFCo Resolution No. 10-015**

LAFCo Resolution No. 10-015 ("Resolution") approved the annexation of land to the City of Tulare as described in Exhibit A to the Resolution subject to several conditions. Condition "F" provides that:

"...the City shall work in conjunction with the County of Tulare in good faith to make water and sewer service available through the pursuit of grants and other funding mechanisms."

Condition "E" provides that:

"At such time as sewer system infrastructure becomes available on the annexation site (Exhibit B), the City of Tulare shall offer extraterritorial sewer service to residents of Matheny Tract who wish to connect to the City system (at resident cost)."

As we notified the City through correspondence dated August 8, 2014 (Attached hereto), the City has a legal duty to comply with conditions contained in LAFCo Resolutions. Government Code Section 56122 states: “[Government Code] Section 56886 and any term and condition provided by, or made pursuant to, that section shall be enforceable by, between, among, and against any public agency or agencies designated in the term and condition.” The Courts have affirmed the requirement that government agencies comply with conditions of annexation to which they are subject. *Voices for Rural Living v. El Dorado Irrigation Dist.* (2012) 209 Cal.App. 1096, 1116 (“[A] public agency charged with enforcing or complying with an annexation’s conditions of approval has no discretion to disregard them.”)

The City of Tulare does not have discretion to disregard the conditions of LAFCo Resolution No. 10-015 and accordingly must immediately comply therewith.

**2. The City’s Refusal to Cooperate with the County to Secure and Utilize Funding to Facilitate Construction of a Matheny Tract Wastewater System Violates the City’s Duties Pursuant to LAFCo Resolution 10-015**

The County received a Strategic Growth Council Sustainable Communities Planning Grant to conduct a feasibility study for a Matheny Tract wastewater system to replace aging on-site septic systems (“Matheny Tract Wastewater Feasibility Study” or “Feasibility Study”). The Feasibility Study considered four project alternatives in order to identify a recommended project for Matheny Tract based on evaluation of capital and operation costs, community and environmental impacts, implementation feasibility and other considerations and identifies the construction of a wastewater system in Matheny Tract and consolidation with the City of Tulare wastewater treatment system (“Alternative 2”) as the recommended alternative based on these factors.

In January 2016, Leadership Counsel and the County conducted a workshop to present the Feasibility Report recommendations to Matheny Tract residents and seek residents’ input on their preferred alternative. The residents at the workshop unanimously voted in favor of Alternative 2. Leadership Counsel for Justice and Accountability staff also provided information regarding the Feasibility Study to Matheny Tract residents who could not attend the workshop and request that they state their preferred alternative. All of the residents consulted stated their preference for Alternative 2. In April 2016, the County adopted the Feasibility Study, including the recommended alternative, Alternative 2.

In addition to the Strategic Growth Council Grant, the County received \$223,621 from the Clean Water State Revolving Fund in order to prepare an environmental document, an organizational structural formation, a sewer system management plan, grant administration, and an application for funding to construct the project identified through the feasibility study.

According to the County of Tulare Staff Report to the Board of Supervisors on the “Closeout of Strategic Growth Council Sustainable Communities Planning Grant No. 3012-589” (Relevant portions attached hereto as Attachment 2) dated April 19, 2016:

“These tasks would have complemented the Feasibility Study and development of Plans and specifications for the proposed construction project.

“The County contracted with Provost & Pritchard and Self-Help Enterprises, Inc. to perform these tasks; however, due to unwillingness of the City of Tulare to be a partner in this effort, these activities are currently on hold until an agreement can be reached to ensure the City of Tulare’s participation. Otherwise, the remaining grant funds in the amount of \$198,712 will have to be disencumbered.” p. 3. (underline added)

A will-serve letter from the City is required in order for the County to complete its application for state funding to construct the Matheny Tract wastewater system.

The Feasibility Study documents the City’s preemptive refusal to serve Matheny Tract with sewer:

“In an effort to develop the alternative sufficiently and accurately, an informational meeting was held with the City to discuss the possible alternative development and to request information on the City’s wastewater system and treatment facility. The City indicated they were directing growth away from the southwest area of town in an effort to maintain a buffer around their Wastewater Treatment Facility (WWTF) and would not be supportive of an interconnection with Matheny Tract.” p. 3. (underline added)

“Early discussions with the City of Tulare have indicated the City is reluctant to extend wastewater service into the community as the City feels doing so would not be consistent with its General Plan or the City’s growth objectives. Additional discussions and review of the alternative analysis by the City, as well as positive action by the City Council to approve the consolidation, would be required prior to acceptance of the alternative.” pp. 26-27.

Email correspondence that we obtained through discovery in the matter of City of Tulare v. Pratt Mutual Water Company, et al between City Manager Don Dorman and County staff Eric Coyne dated February 23, 2015 (attached hereto as Attachment 3) unequivocally affirms the City’s unwillingness to provide Matheny Tract with sewer service. In that email, Mr. Dorman states:

“1) It appears the City of Tulare is not interested in providing sewer service to Matheny, “City Response: Correct, the City Council has expressed its intent to not grow southwest of the railroad tracks and Paige avenue as such growth is economically not viable to the City and potentially puts the City’s wastewater treatment plant (WWTP) at risk due to potential “new growth” proximity. The City’s interest is to leave a buffer area around it’s WWTP and to not induce growth through infrastructure expansion in the area.”

The City's refusal to cooperate with the County to complete the tasks associated with the Clean Water State Revolving Grant and statements by City representatives that the City will not extend sewer service to Matheny Tract are directly at odds with the City's obligations pursuant to LAFCo Resolution No. 01-015 Conditions E and F, which require the City to cooperate in good faith with the County to pursue grants and other financing mechanisms to create a sewer system in Matheny Tract and to ultimately serve Matheny Tract with sewer. The City's actions are directly interfering with the County's ability to take steps necessary to secure funding for the construction of a sewer system in Matheny.

Accordingly, Matheny Tract Committee asks that within ten days the City confirm in writing its willingness to work cooperatively with the County to allow the County to complete all tasks necessary to seek and secure funding to construct a sewer system in Matheny Tract and its intention to provide sewer service to Matheny Tract consistent with the conditions of LAFCo Resolution No. 10-015. We also ask that within ten days the City provide a will-serve letter to the County for the County's inclusion in its application for state funding.

**3. The City's Pattern & Practice of Refusing to Comply with its Legal Duties to Matheny Tract Constitutes Unlawful Discrimination in Violation of State & Federal Fair Housing Laws**

Matheny Tract Committee has repeatedly notified the City that its failure to comply with its legal duties to Matheny Tract imposes a disproportionate negative impact on a community of color and therefore violates state and federal civil rights and fair housing laws. 42 U.S.C. § 3601; Cal. Gov. Code § 11135; 1290, & 65008 (see e.g., Letter to Traci Myers dated November 5, 2014, "Matheny Tract Committee's Comments on Draft Environmental Impact Report for the CaliCheese Processing Facility, SCH # 2014091049; Letter to Mark Kielty dated June 22, 2012, "Written response to Mitigated Negative Declaration for Anaerobic Co-Digestion Facility Report"). In fact, the City's repeated refusal to comply with its legal obligations to Matheny Tract and its affirmative steps to discourage Matheny Tract residents from exercising their legal rights appear to rise to the level of intentional discrimination in violation of civil rights and fair housing laws. (See e.g., Letter from Rob Hunt to Hector Guerra dated October 5, 2015, "Tulare County 2015 Draft Housing Element", sent in hard copy to all Matheny Tract residences).

The City must comply with its legal duties to Matheny Tract, including by fully cooperating with the County to secure funding for the construction of a wastewater system in Matheny and by confirming the City's intention to serve Matheny Tract with wastewater.

\* \* \* \* \*

Thank you for your attention to this matter. We are hopeful that we can promptly arrive at a resolution. Please contact me at my office at (559) 369-2786 if you would like to find a time to meet to discuss this matter in person.

Tulare City Council  
June 27, 2016  
Page 5

Sincerely,



Ashley E. Werner  
Attorney

CC: Tulare Board of Public Utilities  
Tulare Planning Commission  
Martin Koczanowicz, Tulare City Attorney  
Don Dorman, Tulare City Manager  
Tulare County Supervisor Pete Vander Poel  
Michael Spata, CAO, Tulare County  
Ben Giuliani, Executive Director, Tulare LAFCo  
Darrin Polhemus, Deputy Director, Division of Financial Assistance, SWRCB  
Martha Guzman Aceves, Deputy Legislative Secretary, Governor's Office

*This page intentionally left blank.*



# Announcing The 2016 CALAFCO Annual Conference



Hosted by Santa Barbara LAFCo

**October 26-28, 2016**

Fess Parker DoubleTree by Hilton  
Santa Barbara, CA



## Value-Added and Relevant General & Breakout Session Topics

- The Big Picture: A Water Report From a State, Regional and Local Level\*
- Back to Our Roots: Ag Preservation – Where Are We and Where Are We Going?\*
- Cutting Edge Trends & LAFCo: GIS, Public Policy Future Challenges
- AB 8 – Property Tax Exchanges and LAFCo
- Water Alternatives: Desal, Recycled Water and Interagency Coordination
- Growth & Development by the Numbers: A Look at Key Demographics & Governance Changes post CKH
- CEQA and LAFCo as a Responsible Agency
- DUCs: How Is It Going?
- LAFCo and State Legislative Overrides – What's That All About Anyway?\*
- Annual CALAFCO Legislative Update\*

*Plus more!*

Note: The Program is subject to change.

\*Indicates General Session

## Special Highlights

### Mobile Workshop

We will start with a tour of a greenhouse filled with flowers grown with cutting edge technology, including robotics, in Carpinteria. The tour then winds up into the Los Padres National Forest offering breathtaking views of the Santa Barbara coastline before arriving at Lake Cachuma, a primary County water source now at 14% capacity, to learn how local water agencies are coping with extended drought. The workshop concludes with lunch at Lake Cachuma County Park before returning to the hotel.

**Wednesday from  
7:30 a.m. to 12:30 p.m.**  
(times approx..)

### LAFCo 101

An introduction to LAFCo and LAFCo law for commissioners, staff, and anyone interested in learning more about LAFCo

**Wednesday from  
10:00 a.m. to Noon**

**Thursday Luncheon  
Keynote**

**To Be Announced**

## Invaluable Networking Opportunities

- Regional Roundtable discussions on current regional LAFCo issues
- Roundtable discussions for LAFCo counsel and CALAFCO Associate members
- 10<sup>th</sup> CALAFCO Beer & Wine Competition and Reception
- Networking breakfasts
- Receptions
- Awards Banquet

## Fess Parker DoubleTree by Hilton



Make your reservations now at the Fess Parker DoubleTree by Hilton at the special CALAFCO special rate of \$165. Special rates available two days pre-conference. Reservation cutoff date is 9/25/16. Find the link at [www.calafco.org](http://www.calafco.org).

**Mark your calendar and  
plan to attend!**

**Registration is now open!  
Visit [www.calafco.org](http://www.calafco.org)**