



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

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

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

- I. **Call to Order**
- II. **Approval of Minutes from January 20, 2016 (Pages 1-4)**
- III. **Public Comment Period**

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

IV. **New Action Items**

- 1. **City of Visalia Reorganization LAFCO Case 1521-V-447 Protest (Pages 5-8)**
[No Public Hearing]..... Recommendation: Adopt findings regarding protests and order the reorganization without an election.

On January 20th, 2016, Tulare County LAFCO approved the reorganization including the annexation of 37.6 acres consisting of 5 parcels; 077-180-009,-017,-021,-022 and 077-680-019 to the City of Visalia and detachment of the same area from County Service Area #1. A protest hearing was held on February 24, 2016. In accordance with GC §57075(b) and 57078(a), the Commission will adopt a resolution making a finding regarding the value of written protests filed and not withdrawn for an uninhabited change of organization.

- 2. **LAFCO Case# 1522b Reorganization of the Deer Creek SWD Protest (Pages 9-18)**
[No Public Hearing].....Recommended Action: Continuance

On January 20th, 2016, Tulare County LAFCO approved the annexation of certain territory to the Deer Creek Storm Water District. As a result of written protests being received during the public comment period, a protest hearing was held on February 24, 2016. Additionally, during the 30 day reconsideration period two letters of

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.

reconsideration were received. The protest results can not be finalized until after the reconsideration requests are heard by the Commission at the April 6th meeting. Staff recommends the Commission continue this item to the April 6th meeting.

3. Alternate Public Member Selection Committee (Pages 19-22)

[No Public Hearing]Recommended Action: Select Committee

At least one month prior to the expiration of the term of office of the Public or Alternate Public Member, the Commission shall appoint a selection committee consisting of one County Member and one City Member. The term of office of the Alternate Public Member representing the general public on the Tulare County Local Agency Formation Commission expires on May 2, 2016. It is recommended that the Commission initiate action to appoint the members of the selection committee.

4. Conflict of Interest Code – Form 700 (Pages 23-30)

Enclosed is a memo regarding Form 700s which are due April 1, 2016.

V. Executive Officer's Report

1. Reconsideration Requests for the Deer Creek SWD Annexation (Pages 31-34)

Two reconsideration requests were received regarding the inclusion of the Homeland Canal and some adjoining properties from Kings County Canal Co. and J.G. Boswell. These requests must be noticed in the same manner as the original annexation (21 day notice), so they will be brought back to the Commission for action at the April 6th meeting.

2. Legislative Update (No Page)

The Executive Officer will provide an update regarding the status of LAFCO related legislation.

3. Upcoming Projects (No Page)

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

VI. Correspondence (Pages 35-36)

Draft Groundwater Sustainability Plan Emergency Regulations Public Comment Meetings

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. April 6, 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.

TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
Summary Minutes of the Meeting
January 20, 2016

Members Present: Allen, Hamilton, Mendoza, Worthley

Members Absent: Ishida

Alternates Present: Mederos, Vander Poel

Alternates Absent: Vejvoda

Staff Present: Giuliani, Echavarria, Blythe

Counsel Present: Tennenbaum

I. Call to Order

Chair Mendoza called the Tulare County Local Agency Formation Commission meeting to order at 2:03 p.m.

II. Approval of the December 2, 2015 Meeting Minutes:

Upon motion by Commissioner Allen and seconded by Commissioner Worthley, the Commission unanimously approved the minutes of December 2, 2015.

III. Public Comment Period

Chair Mendoza opened and closed the Public Comment Session at 2:01 p.m. There were no public comments.

IV. New Action Items

1. LAFCO Case #1521-V-447 City of Visalia Reorganization 2015-01

Staff Analyst Echavarria presented LAFCO Case #1521-V-447 and recommended adding 3 parcels to the proposed reorganization area and that the Commission approve the reorganization.

Chair Mendoza opened the public comments session at 2:11 p.m.

Dennis Keller (Modoc Ditch Company) commented and spoke in support of including the Modoc Ditch parcel in the reorganization area.

Josh McDonnell (City of Visalia) commented and spoke on behalf of the proposal.

Karen Sorenson (property owner) commented and requested her property be removed from the proposed reorganization area.

Chair Mendoza closed the public comments session at 2:33 p.m.

Upon motion by Commissioner Allen and seconded by Commissioner Worthley, the Commissioners approved LAFCO Case #1521-V-447 City of Visalia Reorganization 2015-01 with Commissioner Vander Poel in opposition.

*A Closed Session was held from 2:34 p.m. to 2:47 p.m. There was nothing to report out of closed session.

2. LAFCO Case #1522a Sphere of Influence Amendment to Deer Creek SWD & LAFCO Case #1522b Annexation to the Deer Creek Storm Water District

Staff Analyst Echavarria presented agenda items 2 and 3, LAFCO Case #1522a Sphere of Influence Amendment to Deer Creek SWD & LAFCO Case #1522b Annexation to Deer Creek Storm Water District and recommended that the Commission approve the reorganization and sphere of influence amendment with modifications to the boundaries of the original proposal.

Chair Mendoza opened the public hearing at 3:13 p.m.

Dennis Keller (Earlimart PUD), Carlo Wilcox (property owner), Aubrey Mauritsen (Kings County Canal Company), Steve Etchegaray (property owner), Dale Brogan (Delano-Earlimart Irrigation District), Michael Nordstrom (Tulare Lake Basin Water Storage District), and Greg Manston (property owner) commented on the proposal and requested to be removed from the proposed annexation area.

Matt Hurley (Deer Creek Storm Water District) commented and spoke on behalf of the proposal.

EO Giuliani reviewed additional letters of dissent that were provided to the Commission.

Chair Mendoza closed the public hearing at 4:27 p.m.

Commissioners Allen and Vander Poel proposed additional changes to the annexation boundary based on the public comments and submitted letters.

Chair Worthley moved that the SOI amendment and annexation with the proposed changes recommended by Commissioners Allen and Vander Poel be approved.

Upon motion by Commissioner Worthley and seconded by Commissioner Allen, the Commissioners unanimously approved LAFCO Case #1522a Sphere of Influence Amendment to Deer Creek SWD & LAFCO Case #1522b Annexation to Deer Creek Storm Water District.

V. Executive Officer's Report

1. Legislative Update

None

2. Upcoming Projects

EO Giuliani stated that at the March 2, 2016 meeting, the protest results for the Visalia reorganization and Deer Creek Storm Water District annexation would be brought back to the Commission for action.

VI. Correspondence

The 2016 CALAFCO Calendar was provided in the Commissioners' packets.

VII. Other Business

None

VIII. Setting Time and Place of Next Meeting

The next meeting will be held March 2, 2016 in the Board of Supervisors Chambers in the County Administration Building.

IX. Adjournment

The meeting was adjourned at 4:45 p.m.

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

March 2, 2016

**LAFCO Case Number 1521-V-447
City of Visalia Reorganization, Annexation No. 2015-01**

- PROPOSAL:** The Commission approved a request submitted by the City of Visalia to annex certain territory to the City of Visalia and detach the same area from CSA #1 on January 20th, 2016 (Resolution 16-001).
- LOCATION:** The site is bounded by W Riggin Ave on the north and N Demarree Street on the east. **(Figure 1)**
- DESCRIPTION:** The proposal includes about 37.6 acres including 5 parcels 077-180-009,-017,-021,-022 and 077-680-019.
- CONSENT:** The reorganization was determined to be uninhabited, meaning that there are less than 12 registered voters residing in the territory to be annexed. Therefore, the protest rules set forth in Government Code Sections 57075(b) and 57078(a) shall apply. Consent was not received from all of the affected landowners.
- PROTEST HEARING:** A protest hearing was held before the Executive Officer on February 24, 2016. Protests were received from landowners representing 43.3% of the land value within the protest area.
- In accordance with Government Code Section 57075(b)(2), the Commission must now adopt a resolution making a finding regarding the value of written protests filed and not withdrawn for an uninhabited change of organization and take the following action:
- 1) Order the change of organization or reorganization if written protest have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

RECOMMENDATION:

That your Commission adopt the attached resolution, which finds that written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory and order the change in organization without an election.

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

In the Matter of the Protest Hearing for LAFCO)

Case No 1521-V-447 City of Visalia)

RESOLUTION NO. 16-00X

Reorganization, Annexation No. 2015-01)

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

WHEREAS, the Local Agency Formation Commission of County of Tulare adopted Resolution No. 16-001 on January 20, 2016, making determinations and approving the proposed reorganization described in Exhibit "A" attached hereto and by this reference incorporated herein; and

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

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

WHEREAS, written protests were filed and not withdrawn by land owners representing 43.3% of the total assessed value of land within the reorganization area; and

WHEREAS, pursuant to Government Code section 57075(b)(2), if written protests have been filed and not withdrawn by owners of land who own less than 50% of the total assessed value of land within the affected territory, the Commission shall order the change of organization or reorganization.

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

1. The change of organization referred to as LAFCO Case No. 1521-V-447, City of Visalia Reorganization, Annexation No. 2015-01, is hereby ordered.

The foregoing resolution was adopted upon motion of Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on this 2 day of March, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

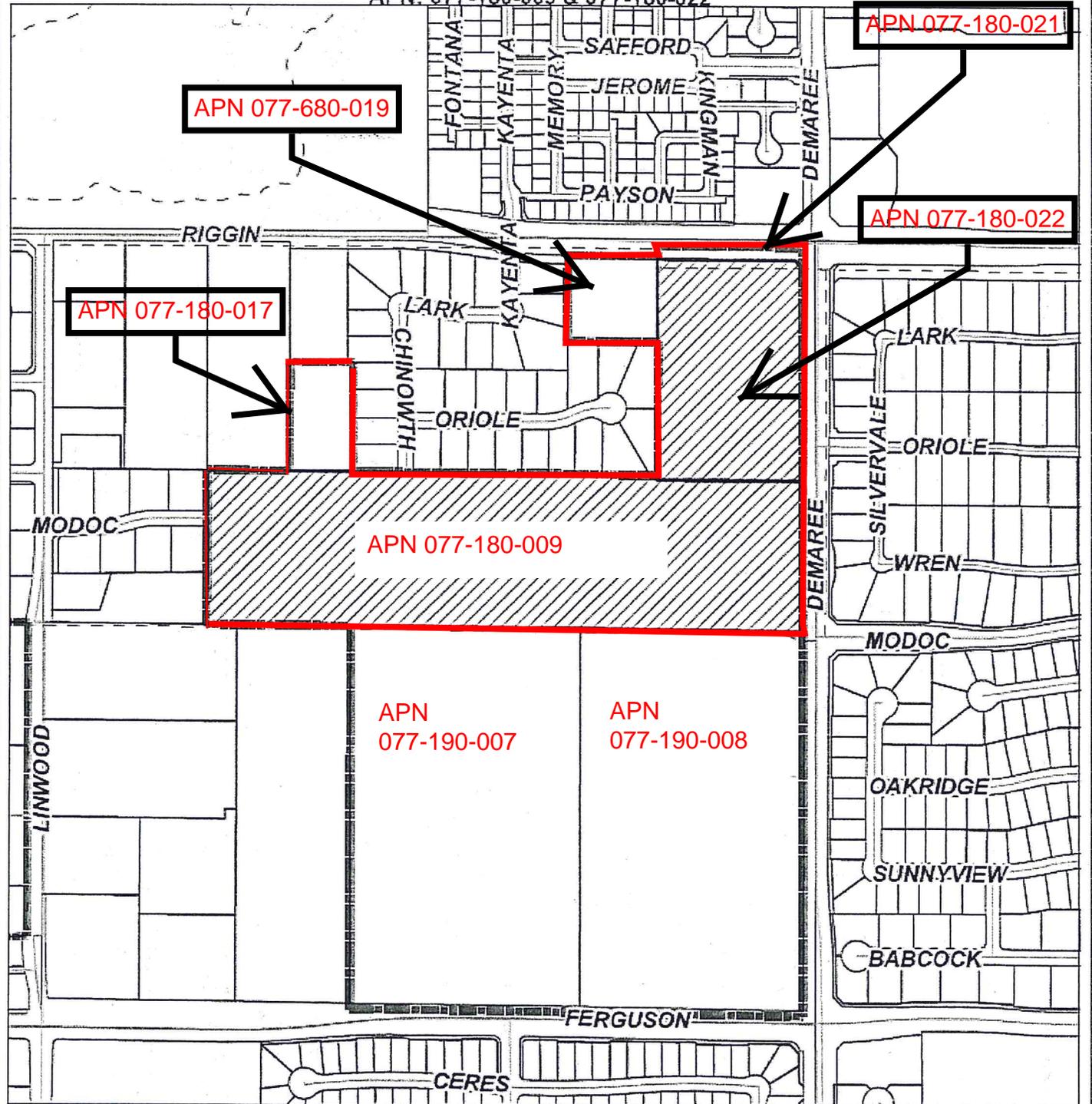
ABSENT:

Benjamin Giuliani, Executive Officer

ce

Kayenta Crossing Tentative Subdivision Map No. 5553 & Annexation No. 2015-01

APN: 077-180-009 & 077-180-022



Location Map



Approved
Annexation



City Proposed Annexation

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

March 2, 2016

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

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

RECONSIDERATION:

Two requests for reconsideration have been filed for the annexation. The protest results can not be acted upon by the Commission until after the Commission acts upon the reconsideration requests. The reconsideration requests require a 21 day notice and will be included on the April 6th Commission agenda.

RECOMMENDATION:

That your Commission continue the item to the April 6th meeting after the reconsideration requests have been heard and acted upon by the Commission.

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

FEB. 24 2016

MAIL RECEIVED



J. G. BOSWELL COMPANY
California Operations
Corcoran Ranch

February 22, 2016

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

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

Dear Mr. Giuliani:

In accordance with Part 4, Division 3, Title 5 of the California Government Code (commencing with Section 57000 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), J.G. Boswell hereby protests the Deer Creek Storm Water District change of organization or reorganization, Case #1522b. J.G. Boswell owns the Lakeland Canal, identified as "Bayou Vista" on the County Assessor's maps and assessed with APN 291-040-005.

Sincerely,

Walter Bricker

2-23-16

Date of signature

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

FEB. 24 2016

MAIL RECEIVED

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

February 16, 2016

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

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

Dear Mr. Giuliani:

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

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

| | |
|--|------------|
| | 412-54-2-1 |
| | 412-54-2-3 |
| | 412-54-2-2 |

Sincerely,



Mark Unruh
President, Kings County Canal Company

2-23-2016

Date of signature

LANDOWNER PROTEST

In accordance with Part 3, Division 3, Title 5 of the California Government Code (Section 56000 et seq.), the undersigned hereby protest the following change of organization or reorganization:

LAFCo Proposal or Reference Number 1522B

Only signatures dated and submitted between the date of publication of the hearing notice and the conclusion of the protest hearing will be considered in ascertaining the Value of written protests (Government Code § 57051).

Each of the undersigned states:

- I personally signed this protest as landowner of affected territory.
- I have provided an address or description sufficient to identify the location of the property.
- I personally affixed hereto the date of my signature.

| Name of Landowner and Mailing Address | Address and/or Assessor's Parcel Number | Date Signed | Official Use |
|---|--|------------------|--------------|
| Signature <u>Raul C. Vallejo</u> Printed Name <u>RAUL C. VALLEJO</u> | <u>333-300-011</u> <u>333-320-005</u> | <u>2-24-2016</u> | |
| Signature _____ Printed Name _____ | | | |
| Signature _____ Printed Name _____ | | | |

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

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

RESOLUTION NO. 16-00X

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

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

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

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

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

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

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

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

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

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

AYES:

NOES:

ABSTAIN:

PRESENT:

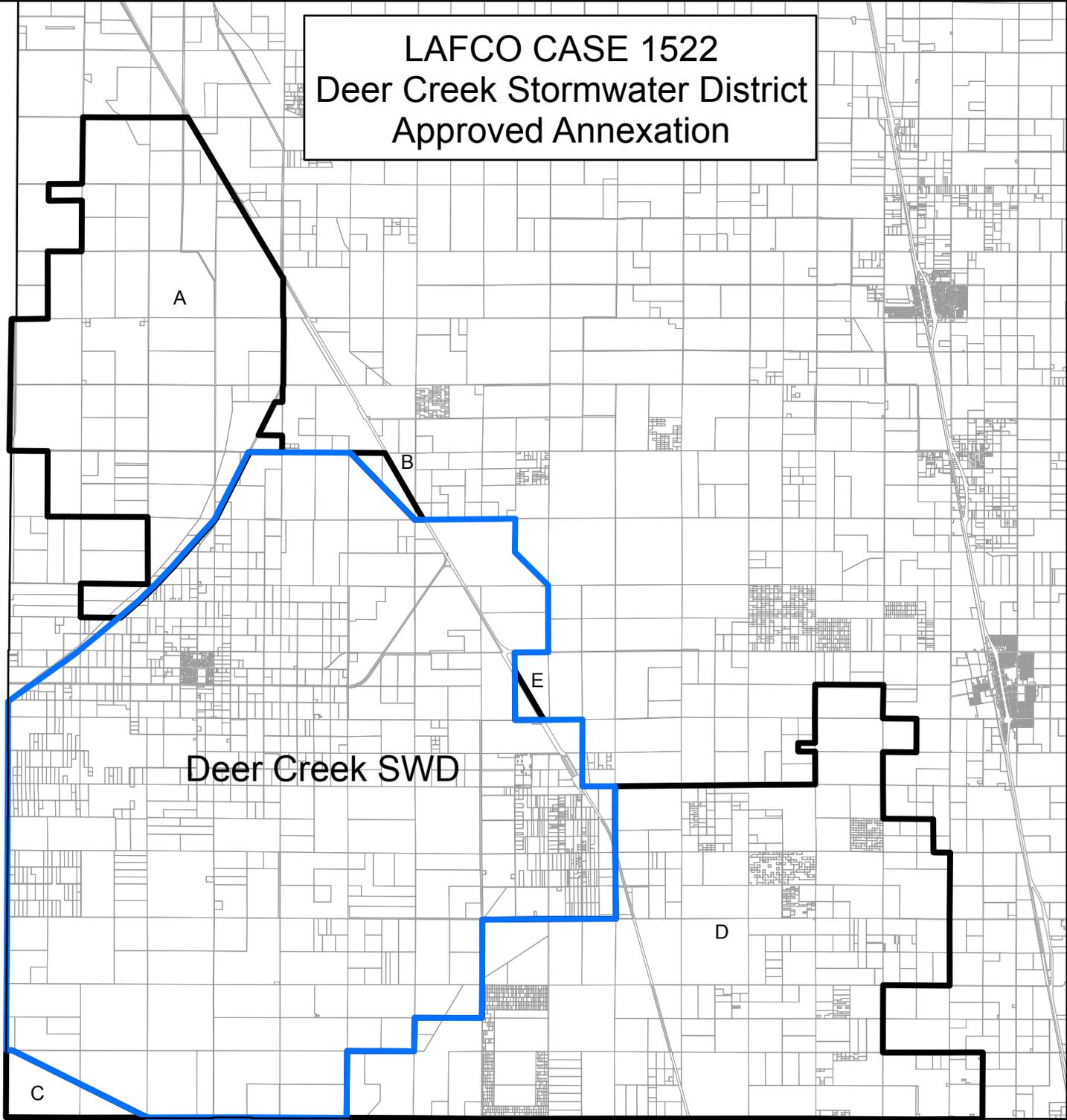
ABSENT:

Benjamin Giuliani, Executive Officer

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LAFCO CASE 1522
Deer Creek Stormwater District
Approved Annexation

Kings County



Deer Creek SWD

Kern County

Legend

-  Deer Creek SWD
-  Approved Annexation
-  Parcels

Approved Annexation Area
1/20/16



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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 624-7261 FAX: (559) 733-6720

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

ALTERNATES:
Dennis Mederos
Pete Vander Poel
Craig Vejvoda

EXECUTIVE OFFICER:
Ben Giuliani

March 2, 2016

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Cynthia Echavarria, Staff Analyst

SUBJECT: Selection Committee consisting of one County Member and one City Member for Alternate Public Member Appointment.

BACKGROUND

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

(d) One representing the general public appointed by the other members of the commission. The other members of the commission may also designate one alternate member who shall be appointed and serve pursuant to Section 56331. Selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities.

Government Code §56331 states:

When appointing a public member . . . the commission may also appoint one alternate public member who may serve and vote in place of a regular public member who is absent or who disqualifies himself or herself from participating in a meeting of the commission.

If the office of a regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy.

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

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

4.4 Public Member Selection and Appointment Policy

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

A. In accordance with GC §56334, the term of office for the Public Member and

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

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

DISCUSSION

In February, staff circulated the announcement indicating the appointment for the alternate public member in accordance with Tulare County LAFCO Policies & Procedure. The announcement was posted at all County of Tulare Public Libraries, the Tulare County LAFCO website, LAFCO office and sent to the County of Tulare and each of the eight cities within the County. The incumbent to the position is eligible to reapply. According to LAFCO policy A-4(C) the Commission shall appoint a selection committee at least one month prior to the expiration date of the term of Office.

The Committee consists of one County Member and one City Member. The recommendation of the selection committee will be presented to the Commission at a regular meeting of the Commission. The Commission will select the successful candidate by a majority vote on a motion to appoint the candidate to the Commission.

RECOMMENDATION

It is recommended that the Commission initiate action to appoint the members of the selection committee consisting of one County Member and one City Member.

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

In the Matter of the Appointment of)
The Alternate Public Member) **RESOLUTION NO. 16-00X**
Selection Committee)

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

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

WHEREAS, in accordance with Tulare County LAFCO Policy A-4 at least one month prior to the expiration of the term of office, the Commission shall appoint a selection committee consisting of one County Member and one City Member; and

WHEREAS, the committee members will consider any materials submitted by the applicants, may conduct interviews of the candidates; and select a candidate to recommend to the Commission.

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

For the Alternate Public Member position due to expire on May 2, 2016, Commissioner _____ (County Member) and Commissioner _____ (City Member) are hereby appointed to the Selection Committee. The Committee will be charged with selecting a candidate to recommend to the Commission. The recommendation of the Selection Committee will be presented to the Commission at a regular meeting of the Commission. The Commission will select the successful candidate by a majority vote on a motion to appoint the candidate to the Commission.

The forgoing resolution was adopted upon motion of Commissioner XXXXX, seconded by Commissioner XXXX, at a regular meeting held on this 2nd day of March, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

ce



**TULARE COUNTY
LOCAL AGENCY FORMATION COMMISSION**

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

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

March 2, 2016

ALTERNATES:
*Dennis Mederos
Pete Vander Poel
Craig Vejvoda*

TO: LAFCO Commissioners, Alternates, Counsel

EXECUTIVE OFFICER:
Ben Giuliani

FROM: Alyssa Blythe, LAFCO Clerk

SUBJECT: Conflict of Interest Code (Form 700)

Background

The Local Agency Formation Commission is required to adopt and maintain a conflict of interest code. This code outlines who must disclose information on an annual basis, and what type of information must be disclosed. The pre-existing conflict of interest code policy was adopted on October 19, 1977, and was adopted into the original Policies and Procedures Manual on February 6, 2002. Exhibit A (Designated Employees) and Exhibit B (Disclosure Categories) were updated to match TCAG disclosure requirements on December 8, 2010. The Conflict of Interest Code Policy may be updated periodically.

Discussion

The Political Reform Act requires certain officials and employees who serve in positions designated in an agency's Conflict-of-Interest Code to file a Statement of Economic Interest (Form 700). Appendix A of this staff report provides a listing of positions that are designated to provide a Form 700 by April 1, 2016. Appendix B lists the disclosure categories for those designated positions. The Form 700 is available in an interactive version on the Fair Political Practices Commission Website: www.fppc.ca.gov.

Attachments:

1. Conflict of Interest and Disclosure Requirements, Policy D-1
2. Form 700 – Statement of Economic Interests (Conflict of Interest Form- Handout at LAFCO Commission Meeting)

Policies and Procedures

Tulare County Local Agency Formation Commission

Policy Number: *D-1*

Effective Date: *October 19, 1977*

Authority: *Government Code §81000 et seq., LAFCO Resolutions 77-94, 02-006, 10-030*

Title: **Conflict of Interest and Disclosure Requirements**

Policy: This Conflict of Interest Code (hereinafter referred to as the “Code”) is adopted pursuant to the provisions of the Political Reform Act of 1974, set forth in California Government Code §81000 et seq. (hereinafter referred to as the “Act”), for the purpose of requiring designated employees to file statements disclosing financial interests that may be materially affected by their official actions and for the purpose of providing that designated employees must disqualify themselves from acting in their official capacity in order to avoid a conflict of interest.

Purpose: The purpose of this policy is to outline the procedure by which designated employees of Tulare County LAFCO are to file statements disclosing their financial interests that may be materially affected by their official actions and for the purpose of providing that designated employees must disqualify themselves from acting in their official capacity in order to avoid a conflict of interest.

Scope: This policy applies to all designated employees of Tulare County LAFCO. For the purposes of this policy, designated employees shall be defined as “a member of the Commission.”

History: This was a pre-existing policy that was adopted into the original Manual on 2/6/02. Exhibits A and B were updated to match TCAG disclosure requirements on 12/8/10. Form 700 filing deadline updated 6/10/15.

Procedure:

1.1. Definitions

Unless otherwise provided, the definitions of words and phrases used in this Code shall be consistent with the definitions of the same words and phrases contained in the Act and contained in the Regulations of the Fair Political Practices Commission set forth in Title 2 of the California Administrative Code; and such definitions are incorporated into this Code by reference. Definitions as of adoption of this Code are set forth in Exhibit “C” for guidance, and reference must be had to the Act and Regulations for current definitions.

1.2. Application: Designated Employees

The provisions of this Code are applicable to the designated employees of this local government agency. Designated employees are those persons who are deemed to make or to participate in the making of decisions which may foreseeably have a material effect on a financial interest. Designated employees are those persons who hold the positions (referred to hereinafter as “designated position”) that are enumerated in Exhibit “A” attached hereto.

1.3. Disclosure Statements: Designated Employees

Each designated employee shall file statements, in accordance with the provisions of this Code, disclosing such employee’s interest in investments, real property and income. The types of financial interest subject to disclosure are set forth in Exhibit “B” attached hereto; and the specific types which are applicable to a designated employee are expressed by number opposite the designated positions enumerated in Exhibit “A.”

1.4. Place of Filing

Each designated employee shall file one original statement disclosing financial interests with the Executive Officer of this agency. If the designated employee is the head of this agency, or a member of a board or commission not under a department of state government or not under the jurisdiction of a local legislative body, the agency shall make and retain a copy of such person’s statement and forward the original to the code reviewing body. The originals of all other statements shall be retained by the agency.

1.5. Time of Filing

- A. All designated employees shall submit an initial statement within thirty (30) days after the effective date of this Code.
- B. Merit system employees appointed, promoted or transferred to designated employee positions shall file initial statements within thirty (30) days after the date of assuming such position.
- C. All other persons assuming designated employee positions shall file initial statements not less than ten (10) days before assuming such position or, if subject to confirmation, not less than ten (10) days before being confirmed, unless an earlier assumption of the position is required by emergency circumstances, in which case said statement shall be filed within thirty (30) days after the date of assuming such position.
- D. All designated employees shall file annual statements by the date determined by the California Fair Political Practices Commission. Such annual statements shall cover the period of the preceding calendar year.

- E. Each person who leaves a designated employee position shall file a leaving office statement within thirty (30) days after leaving such position.
- F. When a designated employee is required to file with another agency a statement disclosing financial interests, and such statement contains, at a minimum, all of the items required to be reported by this Code, and such other agency has at least the same territorial jurisdiction as this agency, then such designated employee may comply with the filing provisions of this Code by filing with this agency a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate statement.

1.6. Contents

- A. The initial statement required to be filed by a designated employee shall contain only such person's investments and interests in real property.
- B. Statements required to be filed by designated employees subsequent to the initial statement shall contain such person's investments, interest in real property, and income.
- C. Statements required to be filed by designated employees leaving office shall contain such person's investments, interests in real property, and income during the period since the closing date of the previous statement filed pursuant to this code.
- D. When an investment or an interest in real property is required to be reported under this Code, the statement shall contain:
 - I. A statement of the nature of the investment or interest;
 - II. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
 - III. The address or other precise location of the real property;
 - IV. A statement whether the fair market value of the investment or interest in real property exceeds \$10,000, and whether it exceeds \$100,000. This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer;
 - V. In the case of an investment which constitutes fifty (50) percent or more of the ownership interest in a business entity, disclosure of the investments and interests in real property of the business entity;
 - VI. In the case of a statement filed under subsections (b) or (c) of this section, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

- E. When income is required to be reported under this Code, the statement shall contain, except as provided in subsection (e) of this section:
 - I. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
 - II. A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1000), and whether it was greater than ten thousand dollars (\$10,000);
 - III. A description of the consideration, if any, for which the income was received;
 - IV. In the case of a gift, the amount and the date on which the gift was received.

- F. When income of a business entity, including income of a sole proprietorship, is required to be reported under this Code, the statement shall contain:
 - I. The name, address, and a general description of the business activity of the business entity;
 - II. In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);
 - III. In the case of a business entity not covered by paragraph (2) the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

1.7. Disqualification

A designated employee must disqualify himself or herself from making or participating in the making of any governmental decision when it is reasonably foreseeable that such decision may have a material financial effect, distinguishable from its effect on the public generally, upon any business entity in which such designated employee holds a position of management or is a director, officer, partner, trustee or employee, or upon any financial interest required to be reported by such designated employee, except sources of gifts less than two hundred fifty dollars (\$250).

1.8. Disqualification Exception

No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without

his or her participation. The fact that such person's vote is needed to break a tie does not make the participation legally required for purposes of this section.

1.9. Manner of Disqualification

If a designated employee is to disqualify himself or herself from acting, the following is recommended:

- A. If a member of a board or commission, announce the existence of a conflict to such board or commission.
- B. If a consultant, report the existence of a conflict to the chief executive officer of this agency.
- C. Any other designated employee, report the existence of a conflict to such person's immediate supervisor.

1.10. Effective Date of Code

This code shall become effective thirty (30) days after the same has been approved by the Board of Supervisors of the County of Tulare.

1.11. Penalties

California GC §87300 provides, in part: "A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter." Your attention is directed to the civil and criminal penalties set forth in the Act that may be imposed for a violation of this Code.

1.12. Statute of Limitations

No action based on a disqualification provision of this Code shall be brought pursuant to Government Code Section 91009(b) to restrain the execution of or to set aside official action of the agency unless commenced within 90 days following the official action.

1.13. Opinions of the Commission and Counsel

- A. Opinion Requests: Any designated employee who is unsure of any right or obligation arising under this code may request a formal opinion or letter of advice from the FPPC or an opinion from the attorney of this agency.
- B. Evidence of Good Faith: If an opinion is rendered by the attorney of this agency stating in full the facts and the law upon which the opinion is based, compliance by the designated employee with such opinion may be evidence of good faith in any civil or criminal proceeding brought pursuant to the Act or this Code. The designated employee's good faith compliance with the opinion of this agency's attorney shall also act as a complete

defense to any disciplinary action that this agency may bring under Section 91003.5 of the Act or this Code.

Exhibit "A"

DESIGNATED EMPLOYEES

| <u>Designated Positions</u> | <u>Types of Interests required To be disclosed</u> |
|-------------------------------------|--|
| Members of the Commission | 1, 2, 3 |
| Alternate Members of the Commission | 1, 2, 3 |
| Executive Officer | 1, 2, 3 |
| Consultants* | 1 |

*Consultants are included as designated employees and shall disclose pursuant to the broadest disclosure category, subject to the following limitation:

The Executive Officer of this local agency may determine in writing whether a particular consultant is a "designated employee" or whether the consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements required by this Code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the Executive Officer is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Exhibit “B”

TYPES OF FINANCIAL INTERESTS

REQUIRED TO BE DISCLOSED

Disclosure Category: 1

All investments, business positions and sources of income located in or doing business in the jurisdiction of the local agency.

All interests in real property located in the jurisdiction, including property located within a two mile radius of any property owned or used by the local agency

(Intended for officials and employees whose duties are broad and indefinable.)

Disclosure Category: 2

All investments, business positions and sources of income of the type which provide services, supplies, materials, machinery or equipment utilized by the local agency.

(Intended for employees whose duties and decisions involve contracting and purchasing.)

Disclosure Category: 3

All investments, business positions and sources of income of the type which engage in land development, construction or the acquisition or sale of real property.

All interests in real property located in the jurisdiction, including property located within a two mile radius of any property owned or used by the local agency.

(Intended for employees whose duties and decisions may affect real property interests.)



J. G. BOSWELL COMPANY
California Operations
Corcoran Ranch

February 19, 2016

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

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

Dear Mr. Giuliani:

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

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

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

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

Sincerely,

Walter Bricker

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

February 19, 2016

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

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

Dear Mr. Giuliani:

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

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

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

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

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

Sincerely,



Mark Unruh
President

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Draft Groundwater Sustainability Plan (GSP) Emergency Regulations Public Comment Meetings

The Department of Water Resources (DWR) Sustainable Groundwater Management Program will host three required public meetings and a statewide webinar to solicit comments on the Draft GSP Emergency Regulations. Local agencies and interested parties are encouraged to attend, listen, and provide comments.

Monday, March 21, 2016

VISALIA

4:00 P.M. to 6:00 P.M.

[Visalia Convention Center](#)

303 E Acequia Avenue, Visalia

Tuesday, March 22, 2016

SANTA ANA

1:00 P.M. to 3:00 P.M.

[Delhi Community Center](#)

505 E. Central Avenue, Santa Ana

Thursday, March 24, 2016

ONLINE WEBINAR

1:00 P.M. to 3:00 P.M.

Please register for the webinar at:

<https://attendee.gotowebinar.com/register/2515354223176908292>

After registering, you will receive a confirmation email containing information about joining the webinar.

Friday, March 25, 2016

SACRAMENTO

9:00 A.M. to 11:00 A.M.

[Secretary of State Building](#)

1500 11th Street, Sacramento

By June 1, 2016, pursuant to Water Code Section 10733.2, DWR is required to adopt emergency regulations for evaluating and implementing GSPs and alternatives to GSPs to achieve the legislative intent of the Sustainable Groundwater Management Act (Water Code Section 10720.1). GSP emergency regulations will identify the elements specified in Water Code Sections 10727.2, 10727.4, and 10727.6, as well as other information that will assist groundwater sustainability agencies and local public agencies in planning for basin-wide sustainability.

For more information or special accommodations contact Lauren Bisnett at Lauren.Bisnett@water.ca.gov or call (916) 653-7564.

Visit DWR's Sustainable Groundwater Management Program website at <http://water.ca.gov/groundwater/sgm/index.cfm>



How to Comment on Draft Groundwater Sustainability Plan Emergency Regulations California Department of Water Resources (DWR)

Local agencies and interested parties will have the opportunity to provide comment to DWR regarding the Draft Groundwater Sustainability Plan (GSP) Emergency Regulations before the regulations are adopted. DWR will be holding three required public meetings and a webinar in March 2016. The Draft GSP Emergency Regulations were posted online February 18, 2016, which initiated the formal public review and comment period, which ends March 25, 2016.

By June 1, 2016, DWR is required to adopt emergency regulations for evaluating and implementing GSPs to achieve the legislative intent of the Sustainable Groundwater Management Act. GSP Emergency Regulations will identify the elements specified in Water Code Sections 10727.2, 10727.4, and 10727.6, as well as other information that will assist groundwater sustainability agencies and local public agencies in planning for basin-wide sustainability. The emergency regulations adoption process is described at http://www.oal.ca.gov/emergency_regulation_process.htm.

Draft documents are available to review at:

Department of Water Resources
901 P Street
Sacramento, California 95814

and at:

Department of Water Resources
1416 Ninth Street
Sacramento, California 95814

and electronically on DWR's GSP website at:

<http://water.ca.gov/groundwater/sgm/gsp.cfm>.

How to make effective comments:

All comments received on the Draft GSP Emergency Regulations will be posted and considered. The most effective comments are those that follow these guidelines:

- Comments should be concise and focus directly on the Draft GSP Emergency Regulations.
- Comments should identify the specific part of the Draft GSP Emergency Regulations at issue and should include supporting evidence and facts.
- The commenter should provide complete references and/or citations, particularly when referring to websites (that is, provide a specific URL address rather than simply citing "DWR website" for example).

The public review and comment period is from February 18, 2016, through March 25, 2016.

Comments must be received electronically or postmarked on or before March 25, 2016.

HOW TO COMMENT:



At a Public Meeting – Via Comment Card

Email to

SGMPS@water.ca.gov

Subject: Draft GSP Emergency Regulations Public Comment

Mail to

California Department of Water Resources
Attn: Lauren Bisnett, Public Affairs Office
P.O. Box 942836
Sacramento, California 94236

Only comments submitted via the methods listed above are considered formal comments.

Statements made to DWR project team members are not considered formal comments. **All comments received on the Draft GSP Emergency Regulations will be posted and considered.** No final decisions have been made with regards to Draft GSP Emergency Regulations; decisions will only occur after the formal public review and comment period ends.

Timeline for Adopting GSP Emergency Regulations

- Release of Draft GSP Emergency Regulations – **February 18, 2016**
- Public Meetings to receive comments on the draft GSP emergency regulations are scheduled between **March 21 and 25, 2016**. Information on the specific dates, times, and locations are located on DWR's website.
- Deadline for public comment – **March 25, 2016**
- Proposed presentation of GSP Emergency Regulations to California Water Commission for consideration and potential adoption – **Spring 2016**