



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
Pete Vander Poel, V-Chair
Julie Allen
Vacant
Dennis Townsend

LAFCO MEETING AGENDA June 5, 2019 @ 2:00 P.M. TULARE COUNTY ASSOCIATION OF GOVERNMENTS 210 N Church St, Suite B Visalia CA 93291

ALTERNATES
Eddie Valero
Carlton Jones
Manny Gomes

EXECUTIVE OFFICER
Ben Giuliani

- I. Call to Order
- II. Approval of Minutes from May 1, 2019 (Pages 01-02)
- 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. 2019/2020 Final Budget and Work Program (Pages 03-20)
[Public Hearing] Recommended Action: Approval

Pursuant to GC 56381, the Commission must adopt a final budget and work program for the following fiscal year by June 15. At the April 3, 2019 meeting, the Commission decided to apply \$50,000 to offset the contribution from the County's eight cities and Tulare County. All expenditures and revenues are itemized on a single spreadsheet and the work program provides further detail on how these expenditures and revenues will be allotted during the fiscal year.

- 2. Update to the County Counsel Retainer Agreement (Pages 21-28)
[No Public Hearing]..... Recommended Action: Approval

County Counsel is requesting that an updated retainer agreement be approved by LAFCO. The updated agreement adds language that would allow County Counsel, with advance written approval from LAFCO, to retain outside counsel to assist them when necessary.

- 3. Cancellation of July 3, 2019 Meeting (No Page)
[No Public Hearing]..... Recommended Action: Approval

There are no action items scheduled for the July 10, 2019 meeting. If the Commission elects to cancel the July 3, 2019 meeting, the next regularly scheduled meeting would be August 7, 2019.

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. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact LAFCO Staff at 559-623-0450. Documents related to the items on this Agenda submitted to the Board after distribution of the Agenda packet are available for public inspection at 210 N Church Ste. B Visalia CA 93291

4. LAFCO Executive Officer Compensation (Pages 29-30)
[No Public Hearing].....Recommended Action: Approval

An Ad-Hoc Committee composed of Commissioners Vander Poel and Townsend is recommending a salary adjustment of 1% for the Executive Officer with an effective date of the first pay period of FY 19/20. Please see the enclosed resolution. <This agenda item is subject to the closed session listed under section VII.>

V. Executive Officer's Report

1. Proposed Fee Schedule Amendment (Pages 31-32)

Tulare County LAFCO does not currently have a listed fee for the verification of land owner petitions.

2. Legislative Update (Pages 33-40)

Enclosed is the California Association of Local Agency Formation Commissions (CALAFCO) legislative report.

3. Upcoming Projects (No Page)

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

VI. Correspondence

1. None

VII. Other Business

1. Commissioner Report (No Page)

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

VIII. Closed Session

1. Personnel (Gov. Code Section 54957)

It is the Intention of the Board to Meet in Closed Session to: Consider Public Employee Performance Evaluation for the Position of: LAFCO Executive Officer

IX. Setting Time and Place of Next Meeting

1. July 10, 2019 or August 7, 2019 @ 2:00 P.M in the Board of Supervisors Chambers in the County Administration Building.

X. 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. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact LAFCO Staff at 559-623-0450. Documents related to the items on this Agenda submitted to the Board after distribution of the Agenda packet are available for public inspection at 210 N Church Ste. B Visalia CA 93291

TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

**2800 W. Burrel Ave., Visalia, CA 93291 – Tulare County Administrative Building
May 1, 2019 – Meeting Minutes**

Members Present: Mendoza, Vander Poel, Allen, Townsend
Members Absent:
Alternates Present: Valero, Gomes
Alternates Absent: Jones
Staff Present: Giuliani, Ingoldsby, & Kane recording
Counsel Present: Kuhn

- I. **Call to Order:** Chair Mendoza called the meeting to order at 2:00 p.m.
- II. **Approval of the April 3, 2019 Meeting Minutes:**
Upon motion by Commissioner Allen and seconded by Commissioner Townsend, the Commission unanimously approved the LAFCO minutes.
- III. **Public Comment Period:**
Chair Mendoza opened/closed the Public Comment Period at 2:02 p.m. No public comments received.
- IV. **New Action Items:**
 1. **Case 1541-V-452**
Staff Analyst Ingoldsby presented the proposed County island annexation at Hurley Ave and Marcin Ct to the City of Visalia.

Chair Mendoza opened the public hearing for additional comments

Richard James, Reverend of St. Paul's Anglican Church, Cristobal Carrillo (City of Visalia) and Paul Bernal (City of Visalia) spoke in support of the Annexation.

Chair Mendoza closed the public hearing.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Allen, the Commission unanimously approved the City of Visalia annexation as recommended.
 2. **Case 1542a Sultana Community Services District Sphere of Influence Amendment**
Staff Analyst Ingoldsby presented both case 1542a, and 1542 together.
 3. **Case 1542 Sultana Community Services District Annexation of Monson**
Staff Analyst Ingoldsby provided a detailed report highlighting the background, environmental impacts, and required determinations for the SOI amendment and annexation.

Chair Mendoza opened the public hearing for additional comments

The following persons spoke in support of amending the Sultana CSD SOI, and annexation of Monson:

Michael Prado, Sr. Board President of the Sultana CSD

Michael Prado, Jr. Board Member of the Sultana CSD

Maria Herrera with Self-help Enterprises

Chair Mendoza closed the public hearing

Upon motion by Commissioner Vander Poel and seconded by Commissioner Townsend, the Commission unanimously approved both the Sultana CSD SOI amendment and the annexation of Monson as recommended.

4. **Letter of Opposition for AB 600 (Chu)**

EO Giuliani stated that the item was pulled because the bill had been significantly amended.

V. **Executive Officer's Report**

1. **Legislative Update:**

EO Giuliani reviewed the CALAFCO Legislative Report, highlighting AB 213 in which a letter of support was submitted.

2. **Upcoming Projects:**

EO Giuliani stated that during the upcoming June meeting the final budget for fiscal year 2019/2020 would be presented. EO Giuliani also reminded everyone that due to the Supervisor Board Chambers being under construction this summer the June meeting would be held at the TCAG offices.

VI. **Correspondence:**

None

VII. **Other Business:**

1. **Commissioner Report:**

Commissioner Vander Poel reported that a developer is interested in creating more housing in Goshen, and that early discussions are ongoing.

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

None

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

The next Local Agency Formation Commission (LAFCO) meeting scheduled for **June 5, 2019 at 2:00 p.m.** at the Tulare County Association of Governments (TCAG) Offices, 210 N. Church St., Suite B, Visalia, CA 93291

IX. **Adjournment:** The Tulare County LAFCO meeting adjourned at 2:33 p.m.



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

COMMISSIONERS:
Rudy Mendoza, Chair
Pete Vander Poel V-Chair
Julie Allen
Vacant
Dennis Townsend

ALTERNATES:
Eddie Valero
Carlton Jones
Manny Gomes

EXECUTIVE OFFICER:
Ben Giuliani

June 5, 2019

TO: LAFCO Commissioners, Alternates, Counsel,
FROM: Steven Ingoldsby, Staff Analyst
SUBJECT: FY 2019/20 Final Budget and Work Program

Enclosed for your review are the Fiscal Year 2019/20 Final Budget and Work Program. LAFCO is required to adopt its final budget by June 15th of each year. At the April 3rd meeting, LAFCO elected to use \$50,000 of reserve funds to help offset city and county contributions to the budget. Besides the \$50,000 offset, all other budget allocations are the same from the preliminary budget and work program to the final budget and work program. Listed below are the contributions amounts for FY 2019/20.

<i>Using \$50,000 offset</i>	POPULATION (DOF 1/1/2018)	PERCENT OF POPULATION	PROPOSED 19/20 CONTRIBUTION	
CITY OF DINUBA	24,873	5.23%	\$9,630	
CITY OF EXETER	11,169	2.35%	\$4,342	
CITY OF FAMERSVILLE	11,443	2.40%	\$4,430	
CITY OF LINDSAY	13,162	2.77%	\$5,096	
CITY OF PORTERVILLE	60,798	12.78%	\$23,538	
CITY OF TULARE	65,982	13.87%	\$25,545	
CITY OF VISALIA	136,246	28.63%	\$52,748	
CITY OF WOODLAKE	7,786	1.64%	\$3,014	
COUNTY OF TULARE	144,357	30.34%	\$55,896	
TOTAL	475,834	100.00%	\$184,222	(+\$200 billing fee to County Auditor)

Attachments
FY 2019/2020 Work Program
FY 2019/2020 Final Budget (Org 794)
Resolution

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

	Object No.	Adopted Budget FY 18/19	As of 5/23/2019	Projected Expenses FY 18/19	Proposed Budget FY 19/20
EXPENDITURES					
Services and Supplies					
Board Director's Fees	6008	\$1,000	\$0	\$1,000	\$1,000
Memberships	7027	\$3,659	\$3,659	\$3,659	\$4,254
Office Expenses	7036	\$1,200	\$629	\$943	\$1,200
Professional and Specialized	7043	\$200	\$200	\$200	\$200
Publication - Public Hearing Notices	7059	\$2,856	\$855	\$1,700	\$2,000
Training	7073	\$3,225	\$3,686	\$3,225	\$3,289
Transportation and Travel	7074	\$5,750	\$3,690	\$5,750	\$5,750
Total Services and Supplies		\$17,890	\$12,718	\$16,477	\$17,693
Other Charges					
I/F Workers Compensation	7043	\$1,832	\$0	\$1,832	\$1,869
I/F Expenses - Property	7043	\$87	\$0	\$87	\$89
I/F Expenses - Special Liability Insurance	7043	\$2,302	\$2,167	\$2,167	\$2,302
I/F ADP Payroll	7036	\$285	\$129	\$271	\$285
Rent	7036	\$12,221	\$11,106	\$12,132	\$12,496
Alarm Services	7036	\$166	\$21	\$21	\$100
Telecom	7036	\$968	\$871	\$817	\$968
Utilities	7036	\$2,186	\$1,025	\$1,992	\$2,230
Custodial Services	7043	\$630	\$546	\$550	\$642
I/F RMA - Printing	7036	\$500	\$174	\$242	\$500
I/F RMA - Mail	7036	\$1,000	\$230	\$513	\$1,000
Total Other Charges		\$22,177	\$16,269	\$20,624	\$22,481
Agency Charges					
County Counsel Charges	7043	\$5,626	\$623	\$4,500	\$5,000
Services from Other Dpts.	7066	\$4,080	\$4,214	\$8,183	\$8,347
COWCAP Charges	7066	\$7,865	\$22,577	\$22,577	\$10,000
GIS Services	7043	\$2,500	\$0	\$0	\$0
Salaries	7066	\$172,383	\$76,199	\$125,000	\$181,008
Total Agency Charges		\$192,454	\$103,613	\$160,260	\$204,355
Contingencies					
	7432	\$23,252	\$0	\$0	\$24,453
TOTAL EXPENDITURES					
		\$255,773	\$132,600	\$197,361	\$268,982
REVENUES					
Other - Government Agency Contributions	5801	\$181,442	\$181,642	\$181,642	\$184,222
Planning and Engineering Services	5421	\$24,332	\$10,698	\$18,150	\$34,760
Prior Year Revenue Accruals Adjustment	5999				
TOTAL REVENUES		\$205,774	\$192,340	\$199,792	\$218,982
NET COST					
		\$50,000	-\$59,740	-\$2,431	\$50,000

2019/20
LAFCO
WORK PROGRAM

Prepared by: Steven Ingoldsby
Tulare County LAFCO
210 N. Church St., Suite B
Visalia, CA 93277
Phone: (559) 623-0450
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Introduction

Overview of LAFCO

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

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

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

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires each LAFCO to adopt an annual budget. The 2019/20 Work Program for the Tulare County LAFCO outlines the anticipated work to be accomplished by LAFCO during the fiscal year and is prepared to accompany the annual budget.

Description of Region

Tulare County, comprised of 4,839 mi², is located in the southern portion of the San Joaquin Valley. The Valley is bounded on the west by the Coast Range and on the east by the Sierra Nevada Mountains. The Valley extends from Sacramento on the north, to the Tehachapi Mountains on the south. The San Joaquin Valley is the richest farmland in the world.

Tulare County has approximately one third of its land area in the Valley. The remaining portion is in the Sierra Nevada Mountains. This offers an abundance of scenic and recreational opportunities for residents and visitors. The land in the Valley produces a wide variety of agricultural products. Tulare County ranks as one of the largest agricultural producing counties in the nation.

The population of Tulare County is concentrated in the Valley area. There are eight incorporated cities, which account for 70% of the total county approximate population of 475,834 (DOF – 1/1/18). The eight cities are: Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia and Woodlake. There are also numerous special districts in the county, including various Community

Service Districts, Irrigation Districts, Health Care Districts, Cemetery Districts, Memorial Districts, Public Utility Districts, and Resource Conservation Districts.

Organization of LAFCO

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

LAFCO Commissioners

Rudy Mendoza, Chair	City representative
Pete Vander Poel, Vice Chair	County representative
Julie Allen	Public representative
Vacant	City representative
Dennis Townsend	County representative
Eddie Valero	Alternate, County representative
Carlton Jones	Alternate, City representative
Manny Gomes	Alternate, Public representative

LAFCO Staff

Ben Giuliani, Executive Officer
Steven Ingoldsby, Staff Analyst
Aime Kane, LAFCO Clerk
Marit Erickson, LAFCO Counsel

LAFCO Abbreviations and Acronyms

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

LAFCO Work Program Elements

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.01 LAFCO
Administration**

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

PREVIOUS WORK: This is an ongoing function of LAFCO.

PRODUCTS:

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

DISCUSSION:

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

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

BUDGET:

Estimated staff costs:	\$50,280	(5.0 Staff Person Months)
Memberships:	\$4,254	
Publications and Notices	\$2,000	
County Counsel:	\$5,000	
COWCAP Charged:	\$10,000	
Board Directors fees:	\$1,000	
Rent	\$12,496	
Insurance	\$2,302	
Prof. & Specialized:	\$200	
Service from Other Dept.	\$8,347	
Total:	\$95,879	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$95,879	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

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

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

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

DISCUSSION:

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

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

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

BUDGET:

Office Expense:	\$1,200
Telecomm	\$968
ADP Payroll/Personnel:	\$285
Utilities:	\$2,230
Custodial Services:	\$642
Property	\$89
Mail	\$1,000
Printing	\$500
Alarm	\$100
Worker's Compensation	\$1,869
Total	\$8,883

(Reserve Funds)
 \$8,883 (County & Cities Contribution)

(Planning & Engineering Fees)

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.03 Training and Travel**

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

PREVIOUS WORK: This is an ongoing work element.

PRODUCTS:

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

BUDGET:

Training (Commissioners & Staff):	\$3,289
Transportation/Travel (Commissioners & Staff)	\$5,750
Total:	\$9,039

Revenue (source):	(Reserve Funds)
Revenue (source):	\$9,039 (County & Cities Contribution)
Revenue (source):	(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.02 Municipal Service Reviews**

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

PREVIOUS WORK: Group 1 MSRs adopted March 2006
 Group 2 MSRs adopted May 2006
 Group 3 MSRs adopted March 2007
 Group 4 MSRs adopted October 2011
 City of Dinuba MSR updated June 2012
 City of Visalia MSR updated February 2013
 City of Tulare MSR updated October 2013
 City of Porterville MSR updated October 2014
 City of Exeter MSR update April 2016
 City of Woodlake MSR update August 2016
 Goshen CSD MSR update December 2018

PRODUCTS: MSRs for Alta Healthcare District, Exeter Ambulance District, Lindsay Local Hospital District, Alpaugh CSD and other special districts as needed

DISCUSSION:

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

Through a contract with Omni-Means consultants, Tulare County's eight cities and 19 of the special districts were reviewed and MSRs were adopted in 3 groups. Group 1, consisting of Visalia, Farmersville, Tulare and surrounding districts were approved by the Commission in March 2006. Group 2, consisting of Dinuba, Woodlake and surrounding districts were approved by the Commission in May 2006. Group 3, consisting of Exeter, Lindsay and Porterville and surrounding districts were approved by the Commission in March 2007. Group 4, consisting of 21 special districts was approved in October 2011. The scope of MSRs has since been expanded to include service needs of disadvantaged unincorporated communities within and adjacent to the subject agency's current SOI. MSR updates have been completed for the cities of Dinuba, Visalia, Tulare, Porterville, Exeter and Woodlake. Due to the reduced level of casework LAFCO Staff has and will continue to complete the MSR updates without the use of a consultant. Thus, no funds will be allocated for consultant services for FY 19/20. By policy, future MSR updates will be completed on an as needed basis following County Community Plan and City General Plan Updates.

BUDGET:

Estimated staff costs:	\$60,336	(6.0 Staff Person Month)
Total:	\$60,336	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$60,336	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

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

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

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

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

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

BUDGET:

Estimated staff costs:	\$10,056	(1.0 Staff Person Months)
Total:	\$10,056	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$10,056	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

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

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

PREVIOUS WORK: In 2011; Alpine Village-Sequoia Crest CSD, Ducor CSD, East Orosi CSD, Patterson Tract CSD, Ponderosa CSD, Three Rivers CSD, Tract 92 CSD, Porter Vista PUD, CSA #1, Strathmore FPD and Woodlake FPD. Lindmore ID (2011) Lindsay-Strathmore ID (2011) Sultana (2011) Ivanhoe (2011) City of Dinuba (2012) Lindmore Irrigation District (2012) Lindsay-Strathmore Irrigation (2012) Allensworth CSD (2012) Sultana CSD (2012) Three Rivers CSD (2012) City of Lindsay (2014) City of Porterville (2014) City of Exeter (2016) City of Woodlake (2016) City of Tulare (2017) City of Visalia (2018), Goshen CSD (2018)

PRODUCTS: 1. SOI Reviews (and updates as needed) for Tulare County principal districts and cities

DISCUSSION:

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

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

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

BUDGET:

Estimated staff costs:	\$20,112	(2 Staff Person Months)
Total:	\$20,112	
Revenue (source):	\$	(Reserve Funds)
Revenue (source):	\$12,416	(County & Cities Contribution)
Revenue (source):	\$7,696	(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.06 Special Projects**

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

PREVIOUS WORK: Agricultural Land Updates
Public Cemetery District Report
Memorial District Report

PRODUCTS: This is an on-going work element. Products could include district consolidation and formation studies in addition to the annual agricultural land update.

DISCUSSION:

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

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

BUDGET:

Estimated staff costs:	\$10,056	(1.0 Staff Person Month)
Total:	\$10,056	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$10,056	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 102 CASE PROCESSING

WORK ELEMENT: **102.01 LAFCO Case Processing**

PURPOSE: To process applications submitted by LAFCO.

PREVIOUS WORK: In FY 2018/19 as of this date, staff has processed 6 cases (annexations, detachments, sphere of influence amendments and extension of services agreements). In prior years, a separate work element (101.05 Island Annexation Program) was dedicated to the island annexation program which is now incorporated in this element

PRODUCTS: This is an ongoing work element. Staff will continue to process case applications as they are submitted. For fiscal year 2018/19, based on feedback from local agencies, staff is estimating processing 12 cases.

BUDGET:

Estimated staff costs:	\$30,168	(3 Staff Person Months)
Total:	\$30,168	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$	(County & Cities Contribution)
Revenue (source):	\$30,168	(Planning & Engineering Fees)

LAFCO Work Program Summary

Activity Description	Work Element Number	Revenue Source and Amount				Expenditures
		Reserve Funds	Income from Other Agencies	Planning & Engineering Services	Fees Paid by County for Incorporation	
LAFCO Administration	100.01	\$0	\$95,879	\$0	\$0	\$95,879
Office Expenses / Fixed Assets	100.02	\$0	\$8,883	\$0	\$0	\$8,883
Training and Travel	100.03	\$0	\$9,039	\$0	\$0	\$9,039
Municipal Service Reviews	101.02	\$0	\$60,336	\$0	\$0	\$60,336
Cities & Special District Inventory Update	101.03	\$0	\$10,056	\$0	\$0	\$10,056
Sphere of Influence Updates & Amendments	101.04	\$0	\$15,520	\$4,592	\$0	\$20,112
Special Projects	101.06	\$0	\$10,056	\$0	\$0	\$10,056
LAFCO Case Processing	102.01	\$0	\$0	\$30,168	\$0	\$30,168
Subtotals	NA	\$0	\$209,769	\$34,760	\$0	\$244,529
Contingency	NA	\$0	\$24,453	\$0	\$0	\$24,453
TOTALS		\$0	\$234,222	\$34,760	\$0	\$268,982

Total Staff Person Months = 18.0
 (Executive Director – 6.0; Staff Analyst – 9; Clerk - 3)

TULARE CO. LAFCO- 6-YEAR STRATEGIC WORK PROGRAM

<i>FY</i>	<i>MSR</i>	<i>SOI UPDATE</i>	<i>SPECIAL PROJECTS</i>	<i>Pending Proposals, Possible Future Projects, Annual Work Elements</i>
2019/20	Alta Hospital, Exeter Ambulance, Lindsay Local Hospital, Alpaugh CSD, Pixley PUD, Earlimart PUD, Tipton CSD, Starthmore PUD, Teviston CSD, Allensworth CSD and other districts as needed	As needed based on MSR results		<i>Possible Future Projects</i> <ul style="list-style-type: none"> • District dissolutions • District formations • District consolidations • Incorporation studies • Policy updates • Implementation of MSRs <i>Annual Work Elements</i> <ul style="list-style-type: none"> • Case Processing • SOI Amendments • City-Special Districts Inventory • Special Projects
2020/21	Future MSRs and SOI updates will be completed based on County Community Plan Updates and City General Plan Updates.			
2021/22				
2022/23				
2023/24				
2024/25				

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

In The Matter of the 2019/20 Final Budget)
And Work Program for the Tulare County) **RESOLUTION NO. 19-XX**
Local Agency Formation Commission)

WHEREAS, Government Code Section 56381 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires that on or before the 15th day of June, the Local Agency Formation Commission must prepare and transmit to the Board of Supervisors; to each city; and to the clerk and chair of the city selection committee, if any, its final budget for the following fiscal year; and

WHEREAS, LAFCO Policy D-3.4 (Staff Services Agreement), requires the preparation of a work program for each fiscal year indicating the services to be provided in that fiscal year; and

WHEREAS, this Local Agency Formation Commission on April 3, 2019 elected to apply \$50,000 in reserve funds to help offset city and county contributions; and

WHEREAS, this Local Agency Formation Commission on June 5, 2019 considered the fiscal year 2019/20 final budget and work program as recommended by the Executive Officer

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

1. The final budget for fiscal year 2019/20 attached hereto as Exhibit "A", is hereby adopted.

RESOLUTION NO. 19-XX
PAGE 2

2. The work program for fiscal year 2019/20 attached hereto as Exhibit "B", is hereby adopted.

3. The Executive Officer is hereby authorized and directed to forward said final budget to the County Auditor, to the Board of Supervisors; to each city; and to the clerk and chair of the city selection committee, if any, in accordance with the requirements of Government Code Section 56381 of the Corteses-Knox-Herzberg Local Government Reorganization Act of 2000.

The foregoing resolution was adopted upon the motion by Commissioner _____, and seconded by Commissioner _____, at a regular meeting held on this 5th day of June 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

si

AGREEMENT FOR LEGAL SERVICES
Between
TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
And
COUNTY OF TULARE

This Agreement (“Agreement”) is made and entered into as of _____, 2019 (“Effective Date”) between the **TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION** (“Client”) and the **COUNTY OF TULARE**, through its County Counsel’s Office (“Attorney”). Client and Attorney are each a “Party” and together are the “Parties” to this Agreement.

WHEREAS, Client desires to retain Attorney to provide it with certain legal services; and

WHEREAS, Attorney is willing to undertake the representation of Client under the terms and conditions set forth in this Agreement.

NOW, THEREFORE, THE PARTIES AGREE as follows:

1. Scope and Performance of Legal Services; Member in Good Standing of State Bar Association.

(a) Client hires Attorney to provide legal services in such matters as Client may request, and in which Attorney consents to representation. These services may include counsel and advice regarding specific issues, attendance at Client’s Board meetings and such other meetings as Client may request (but subject to Attorney’s availability), and such other matters as Client may refer to Attorney for legal services and representation. Attorney will provide those legal services reasonably required to represent Client. Attorney will take reasonable steps to keep Client informed of progress and to respond to Client’s inquiries. Client agrees to be forthcoming with Attorney, to cooperate with Attorney in protecting Client’s interests, to keep Attorney fully informed of developments material to Attorney’s representation of Client, and to abide by this Agreement. Client is hereby advised of the right to seek independent legal advice regarding this Agreement.

(b) With advance written approval from Client’s Executive Officer - LAFCo, Attorney may associate expert outside counsel to assist Attorney in providing legal services to Client, at such rates and in such particular matters as Client’s Executive Officer - LAFCo and Attorney may agree.

(c) This Agreement does not cover litigation services of any kind, whether in court, arbitration, administrative hearings, or governmental agency hearings, including, but not limited to, matters related to charges by or inquiries from the California Public Employment Relations Board, the California Department of Fair Employment and Housing, and the U.S. Equal Employment Opportunity Commission. Services in any matter not described in paragraph 1. (a) above will require a separate written agreement, which Attorney has the authority to enter into in its discretion.

(d) Attorney shall perform legal services for Client in a professional manner with regard to general legal advisory issues and similar matters that are referred to Attorney unless Attorney would have a conflict of interest therein or for other reasons declines to accept the referral from Client.

(e) Attorney warrants that all attorneys of the office are now, and will at all times that services are performed during the term hereof be, members in good standing of the State Bar of California.

(f) Nothing in this Agreement and nothing in Attorney's statements to Client will be construed as a promise or guarantee about the outcome of any particular matter for which Attorney provides services hereunder. Attorney makes no such promises or guarantees. Attorney's comments about the outcome of any particular matter are expressions of opinion only. Any estimate of fees given by Attorney shall not be a guarantee. Actual fees may vary from estimates given.

2. Communications between Attorney and Client. The Parties recognize that all legal advice provided by Attorney is protected by the Attorney-Client and Work Product Privileges. In addition to regular telephone, mail and other common business communication methods, Client hereby authorizes Attorney to use facsimile transmissions, cellular telephone calls and text, unencrypted email, and other electronic transmissions in communicating with Client. Unless otherwise instructed by Client, any such communications may include confidential information.

3. Compensation and Expense Reimbursement; Billings. Client shall compensate Attorney for actual legal services performed at the hourly rates established by the Tulare County Counsel's Office. The current rates are attached as **Exhibit A** and incorporated herein. The rates may change annually, and Attorney will provide Client written notification of any applicable rate change. Client will pay the rates in effect at the time the service is provided. Client shall reimburse Attorney for any of its actual and reasonable expenses incurred in connection with providing services under this Agreement, as shown in **Exhibit A**.

4. Client Does Not Include Officers, Agents, and Employees. In accordance with Rule 1.13 of the California Rules of Professional Conduct governing Attorney's services, Client under this Agreement is the governmental organization known as the TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION itself, acting through a majority of its duly authorized directors, or through its officers, employees, or other constituents overseeing the particular matter for which Attorney is asked to provide services hereunder. In that respect, Client acknowledges that the individual directors, officers, employees, members, and agents of the TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION are not themselves clients of Attorney under this Agreement and are not entitled to be individually represented by Attorney hereunder.

5. Discharge and Withdrawal; File Materials. Client may discharge Attorney at any time. Attorney may withdraw from representation of Client with Client's consent or for good cause. Good cause includes, but is not limited to, Client's breach of this Agreement, refusal to cooperate or to follow Attorney's advice on a material matter, or any fact or circumstance that would render Attorney's continuing representation unlawful or unethical. When Attorney's services conclude, all unpaid charges will immediately become due and payable. After services conclude, Attorney shall, upon Client's request, deliver Client's files and property in Attorney's possession to Client or as directed by Client, whether or not Client has paid for all services. Client agrees that unless Client takes possession of Client's files and property, Attorney may dispose of the files and property in accordance with Attorney's record retention schedule.

6. **Independent Contractors.** It is specifically and expressly understood that this Agreement does not create an employer/employee relationship between the Parties, that each Party is an independent contractor and not an employee of the other Party and that neither Party, nor its staff, are eligible to participate in the other Party's health and dental protection, vacation, holiday, retirement, or other programs which are applicable to other Party's employees. Neither Party will pay for or provide the other Party's workers' compensation insurance, state disability insurance benefits, unemployment insurance benefits, or social security. Each Party shall be responsible to pay or provide for such insurance or benefits and to pay for its officers and employee's federal and state income tax obligations, social security, and any other payroll tax obligations that it may owe according to law.

7. **Non-assignable.** Neither Party shall assign this Agreement without the other Party's prior written consent.

8. **Professional Liability Insurance.** Attorney shall maintain professional liability insurance for the services to be provided to Client under this Agreement through the County of Tulare's customary policy of general liability insurance.

9. **Addresses for Correspondence.** For purposes of this Agreement, all referred reports, correspondence and communications between the Parties shall be addressed as follows:

To Client

Tulare County Local Agency Formation Commission
210 N Church Street, Suite B
Visalia, CA 93291
Phone: (559) 623-0450
Facsimile: (559) 733-6720

To Attorney

Tulare County Counsel
2900 W. Burrel Avenue
Visalia, CA 93291
Phone: (559) 636-4950
Facsimile: (559) 713-3240

10. **Authority.** Each Party represents and warrants to the other Party that the individual(s) signing this Agreement on its behalf are duly authorized and have legal capacity to sign this Agreement and bind it to its terms. Each Party acknowledges that the other Party has relied upon this representation and warranty in entering into this Agreement. Client designates its then-current Board Chairperson, incumbent Executive Officer - LAFCo, LAFCo Staff Analyst, and Fiscal Manager as Client's representatives in communicating with Attorney. This designation is intended to establish clear lines of authority and to minimize potential uncertainty, but not to preclude communication between Attorney and other representatives of Client as necessary or desirable. Should Client desire to change its designated representatives, Client shall provide Attorney with a written notice designating the additional or replacement representatives.

11. **Representational Conflicts.** Client understands that Attorney primarily serves as Tulare County's legal advisor and representative on all matters. Attorney also serves as the legal advisor for a number of other separate legal entities that are governed by the same five individuals who sit as the Board of Supervisors for the County of Tulare, ("Related Public Entities"). In addition, Attorney may, upon request, represent local governmental entities that are distinct from Tulare County government, such as joint powers agencies and special districts ("Other Clients"). From time to time, the interests of Client

may potentially conflict with the interests of the County of Tulare, Related Public Entities, or Other Clients, such as in a situation where Client and the County of Tulare both require assistance of Attorney in negotiating a contract with each other. As required by the California Rules of Professional Conduct, Attorney will take all steps reasonably necessary to safeguard the confidential information of Client in such a situation, including establishing “ethical walls” to screen the specific lawyers and legal staff providing services to Client from the lawyers and legal staff providing services to the County of Tulare, Related Public Entities, or other Clients in such situations. Upon execution of this Agreement, Client shall also execute the Waiver of Conflict attached hereto as **Exhibit B** herein, so that Attorney may continue to represent the County of Tulare, Related Public Entities, or Other Clients and Client in the absence of an actual conflict. Further, should an actual conflict develop between Client and the County of Tulare, Related Public Entities, or Other Clients, then Client hereby agrees and understands that Attorney will continue to represent the County of Tulare, Related Public Entities, or Other Clients, as the case may be. Subject to Attorney taking all necessary steps to safeguard Client’s confidential information, and to the extent permitted by the California Rules of Professional Conduct, Client hereby expressly waives its right to disqualify Attorney from representing the County of Tulare, the Related Public Entities, or Other Clients in any matter involving Client.

12. Complete Agreement; Amendment. This Agreement, together with exhibits thereto, expresses the understandings of the Parties concerning all matters covered and supersedes all prior negotiations, representations or agreements, either written or oral. No additions to, or alteration of the terms of this Agreement, whether by written or verbal understanding of the Parties, their officers, agents or employees, shall be valid unless made in the form of a written amendment to this Agreement and formally approved by the Parties.

13. Disputes and Dispute Resolution. Consistent with the California Rules of Professional Conduct, Attorney shall continue with its responsibilities under this Agreement during any dispute. If a dispute arises out of or relating to this Agreement, or the breach of the Agreement, and if the dispute cannot be settled through negotiation, then the Parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the Parties mutually agree otherwise. The Parties must mutually select the mediator, but in case of disagreement, then the Parties will select the mediator by lot from among two nominations provided by each Party. The Parties will split equally all costs and fees required by the mediator; otherwise each Party will bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, then either Party may pursue litigation to resolve the dispute. Any dispute as to attorney fees and/or costs charged under this Agreement shall to the extent required by law be resolved under the California Mandatory Fee Arbitration Act (Bus. & Prof. Code §§ 6200, et al.).

14. No Third-Party Beneficiaries Intended. Unless specifically set forth, the Parties to this Agreement do not intend to provide any other Party with any benefit or enforceable legal or equitable right or remedy.

15. Waivers. The failure of either Party to insist on strict compliance with any provision of this Agreement will not be considered a waiver of any right to do so, whether for that breach or any later breach. The acceptance by either Party of either performance or payment will not be considered a waiver of any preceding breach of the Agreement by the other Party.

16. **Counterparts.** The Parties may sign this Agreement in counterparts, each of which is an original and all of which taken together form one single document.

Date: _____

**TULARE COUNTY LOCAL AGENCY
FORMATION COMMISSION:**

By: _____

Name: _____

Title: _____

Approved by the Governing Board of the Tulare COUNTY LOCAL AGENCY FORMATION COMMISSION at a regular or special meeting held on _____, 2019

Date: _____

COUNTY OF TULARE:
Deanne H. Peterson, County Counsel

By: _____
Deputy

Attached Exhibits:

Exhibit A - Rate Sheet				
Exhibit	B	-	Conflict	Waiver

**EXHIBIT A
RATE SHEET**

(Effective July 1, 2018)

1. HOURLY PROFESSIONAL RATES:

Client agrees to pay Attorney by the following standard hourly rates:

Legal Professional	Hourly Rate
Attorney I, Civil	\$60 per hour
Attorney II, Civil	\$74 per hour
Attorney III, Civil	\$86 per hour
Attorney IV, Civil	\$102 per hour
Attorney V, Civil	\$110 per hour
Chief Deputy County Counsel	\$119 per hour
County Counsel	\$160 per hour
Paralegals / Law Clerks	\$43 per hour

2. BILLING PRACTICE:

Attorney will provide a monthly, itemized Statement for services rendered. Time billed is broken into 1/10 (.10) hour increments, allowing for maximum efficiency in the use of attorney time. Invoices will clearly indicate the department or individuals for whom services were rendered. Client shall make payment within 30 days of receipt of Attorney's bill.

Written responses to audit letter inquiries will be charged to Client on an hourly basis, with the minimum charge for such responses equaling .5 hours. Client will be charged for Attorney's travel time, which time shall be prorated if the assigned attorney travels for two or more clients on the same trip.

3. COSTS AND EXPENSES:

Item	Cost
In-office copying/electronic communication printing	\$0.10 per page
Facsimile	\$0.10 per page
Postage	Actual Usage
Mileage	IRS Standard Rate
Other costs, such as messenger services, shall be charged on an actual and necessary basis. Meals, lodging, and other travel costs, if approved in advance by Client, will be charged on an actual and necessary basis.	

EXHIBIT B
WAIVER OF CONFLICTS OF INTEREST

You have asked the office of the Tulare County Counsel (“Attorney”) to provide legal services to the TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION (“Client”) for certain matters, as detailed in the Agreement to which this Exhibit is attached (“the Matters”). Attorney proposes to provide such services to Client under the terms of the Agreement, including this Exhibit.

As Client is aware, Attorney has previously and continues to represent the County of Tulare (“County”) in other legal matters. Attorney also serves as the legal advisor for a number of other separate legal entities that are governed by the same five individuals who sit as the Board of Supervisors for the County (“Related Public Entities”). In addition, Attorney may, upon request, represent local governmental entities that are distinct from Tulare County government, such as joint powers agencies and special districts (“Other Clients”).

Attorney's ability to represent any and all clients is governed by what are commonly called the California Rules of Professional Conduct, which include, but are not limited to, rules regarding conflicts of interest between multiple clients of a law office or between a law office and its clients (collectively, “the Conflicts Rules”). Although Attorney is not presently aware of a conflict created by the proposed work on the Matters that would trigger the Conflicts Rules at this time, the nature and scope of Attorney's work for its primary clients, namely the County, Related Public Entities, and Other Clients, may give rise to conflicts of interest in the future. The purpose of this Exhibit is to explain how Attorney proposes to resolve future conflict issues so that Client can decide whether or not to be represented by Attorney. In other words, the purpose of this Exhibit is to seek a waiver of future conflicts but to do so subject to the conditions and limitations noted herein.

The Scope of the Requested Waiver

Attorney does not request a waiver that would allow it:

- at any time, to attack the work that Attorney performs for Client in the Matters;
- at any time, to disclose or use adversely to Client, or to place itself in a position to disclose or use, any confidential and nonpublic information of Client;
- at any time, to allow individual lawyers or non-lawyer staff who work on Matters for Client simultaneously to work adversely to Client; or
- for so long as Attorney continues to represent Client, to allege criminal, fraudulent or intentionally tortious conduct by Client.

Outside of these limitations, and to the extent permitted by the California Rules of Professional Conduct, Attorney is and will remain free to represent the County, Related Public Entities, and Other Clients adversely to Client. In other words, we may represent or continue to represent the County, Related Public Entities, and Other Clients in negotiations, business transactions, litigation, alternative dispute resolution, administrative proceedings, discovery disputes, or other legal matters even if those matters are adverse to Client, and Client will not be able to disqualify Attorney from such representation due to conflicts of interest. For example, Attorney could represent both County and Client in negotiating a contract for Client or County to provide the other with technical assistance, funding, or services, with separate individual lawyers and staff assigned to County and to Client and the estab-

lishment of "ethical walls" to screen the separate individual lawyers and legal staff providing services to Client from the lawyers and legal staff providing services to the County in such situations. With such walls in place, no confidential information of Client is shared with the separate lawyers and staff representing the County in the matter, and vice-versa.

Although Client may revoke this waiver as to future matters at any time, such revocation will not affect any matters undertaken by Attorney prior to receipt of notice of the revocation. In addition, and to the extent permitted by the applicable Rules of Professional Conduct, Client must consent to Attorney's withdrawal from Client's matters if withdrawal is necessary for Attorney to continue representing other clients. If Attorney does withdraw from a matter, however, it will assist Client in transferring the matter to other counsel of Client's choice and will not bill Client for legal fees, expenses, or other charges arising from the need to assist successor counsel in coming up to speed on the transferred matters.

Considerations Relating to the Decision to Waive

As you know, we have discussed this conflicts waiver and its potential implications with you and we strongly urge you not to sign this waiver if you have any unanswered or unaddressed reservations or concerns. We also recommend that you discuss this waiver with independent legal counsel of your choice.

As we have already explained, there are questions that Client should address before a decision to waive future conflicts is made:

- Is there a material risk of adverse disclosure or use of confidential client information?
- Is there a material risk that Attorney will be less zealous or eager when representing Client in the Matters because of other adverse representations?
- Is Client ready, willing, and able to live by its commitments in the future?

As to the first two questions, we believe that any risk to Client is minimal to nonexistent in light of the protections and limitations contained in this Exhibit. As to the final question, that is necessarily Client's choice and not ours. Although we are certainly willing to discuss potential amendments to this Waiver that you would like us to consider, you should know that without a mutually acceptable Waiver, we will not be able to represent Client in the Matters.

If you find these conditions acceptable, please sign the enclosed extra copy of this Exhibit and return it to us for our files at your earliest possible convenience. If not, please let us know. Thank you.

Date: _____

**TULARE COUNTY LOCAL AGENCY
FORMATION COMMISSION ("Client"):**

By: _____

Name: _____

Title: _____

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

In the Matter of LAFCO Ad-Hoc)
Personnel Recommendation)

RESOLUTION NO. 19-0##

WHEREAS, Government Code Section 56375 (k) authorizes LAFCO to appoint and assign staff and contract for professional services to carry out and effect the functions of the Commission; and

WHEREAS, on March 3, 2010, this Commission approved the LAFCO/TCAG staff services agreement to be effective on July 1, 2010 (Resolution 10-012); and

WHEREAS, Benjamin Giuliani was selected by this Commission to be the Executive Officer on June 9, 2010 to be effective on July 1, 2010 (Resolution 10-013); and

WHEREAS, a review of the performance of the Executive Officer is to be conducted at least once every fiscal year by the Commission; and

WHEREAS, an Ad-Hoc committee composed of Commissioners Vander Poel and Townsend recommends an increase of compensation for the LAFCO Executive Officer of 1%, from \$118,304 annually to \$119,487 annually, effective for the first pay period of Fiscal Year 19/20.

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

1. The Executive Officer salary compensation is increased, as recommended by the Ad-Hoc committee, by 1%, from \$118,304 annually to \$119,487 annually.
2. The effective date of the compensation change is the first pay period of Fiscal Year 19/20.

The foregoing resolution was adopted upon motion of Commissioner zzz, and seconded by Commissioner yyy, at a regular meeting held on this 5th day of June, 2019, by the following vote:

AYES:

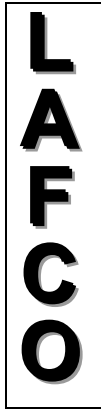
NOES:

ABSTAIN:

PRESENT:

ABSENT:

Benjamin Giuliani, Executive Officer



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
Pete Vander Poel, V. Chair
Julie Allen
Vacant
Dennis Townsend*

ALTERNATES:

*Eddie Valero
Carlton Jones
Manny Gomes*

EXECUTIVE OFFICER:

Ben Giuliani

June 5, 2019

TO: LAFCO Commissioners, Alternates

FROM: Ben Giuliani, Executive Officer

SUBJECT: Fee for Petition Signature Verification

Background

Tulare County LAFCO currently does not have a listed fee for petition signature verification. Registered voter petitions would be forwarded to County Elections for verification with costs associated with verification charged by County Elections to the applicant. Land owner petitions can be verified by LAFCO.

Discussion

A formation by petition land owner district is currently planned to be submitted to LAFCO by the end of the calendar year. The fee schedule needs to be updated to reflect the cost of verification of a land owner petition. Listed below are what other San Joaquin Valley LAFCOs charge for petition verification:

Fresno – A \$40 flat fee plus 65 cents per signature

Kern – Actual cost of verification (time*rate of verifier)

Kings – Actual cost of verification (time*rate of verifier)

Madera - \$1 per signature

Merced – No fee listed (Merced is in the same situation as our LAFCO.)

San Joaquin – 50 cents per signature

Stanislaus – Actual cost of verification (time*rate of verifier)

Staff is seeking input on what kind of fee should be added to Tulare County LAFCO's fee schedule for signature verification. Based on this input, an action item will be brought back to the Commission at the August 7th meeting.

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CALAFCO Daily Legislative Report as of Tuesday, May 28, 2019

AB 508 (Chu D) Drinking water: consolidation and extension of service: domestic wells.

Current Text: Amended: 5/6/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 5/6/2019

Status: 5/24/2019-In Senate. Read first time. To Com. on RLS. for assignment.

Summary:

The California Safe Drinking Water Act requires the State Water Resources Control Board, before ordering consolidation or extension of service, to, among other things, make a finding that consolidation of the receiving water system and subsumed water system or extension of service to the subsumed water system is appropriate and technically and economically feasible. This bill would modify the provision that authorizes consolidation or extension of service if a disadvantaged community is reliant on a domestic well described above to instead authorize consolidation or extension of service if a disadvantaged community, in whole or in part, is reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: This bill allows the SWRCB to order an extension of service in the case a disadvantaged community has at least one residence that are reliant on a domestic well that fails to provide safe drinking water. It allows members of the disadvantaged community to petition the SWRCB to initiate the process. It allows the owner of the property to opt out of the extension. The bill also places limitations on fees, charges and terms and conditions imposed as a result of the extension of service. Finally, the extension of service does not require annexation in the cases where that would be appropriate.

AB 600 (Chu D) Local government: organization: disadvantaged unincorporated communities.

Current Text: Amended: 4/29/2019 [html](#) [pdf](#)

Introduced: 2/14/2019

Last Amended: 4/29/2019

Status: 5/22/2019-Referred to Com. on GOV. & F.

Summary:

Under current law, an application to annex a contiguous disadvantaged community is not required if, among other things, a local agency formation commission finds that a majority of the registered voters within the disadvantaged unincorporated community are opposed to the annexation, as specified. This bill would additionally provide that an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the registered voters within the affected disadvantaged unincorporated community would prefer to address the service deficiencies through an extraterritorial service extension.

Position: Oppose

Subject: Disadvantaged Communities, Water

CALAFCO Comments: As amended on April 29, the bill still has a number of issues. The bill still allows for an extension of service in lieu of annexation.

The bill adds (8)(C) to Government Code Section 56375. As written, this section creates confusion and contradicts §56375(8)(A). It appears the intention is to prohibit LAFCo from approving the annexation of two or more contiguous disadvantaged communities within five years that are individually less than ten acres but cumulatively more than ten acres. If so, then this language conflicts with §56375(8)(A), which allows for commission policies to guide the commission in determining the size of the area to be annexed. Further, the term "paragraph" as used in this section creates uncertainty as to what section or subsection is actually being addressed.

The bill does nothing to address the engineering and financial issues that must be solved in order to

ensure sustainable service. Further it does not allow for local circumstances and conditions to be considered by offering a “one size fits all” approach.

AB 1253 (Rivas, Robert D) Local agency formation commissions: grant program.

Current Text: Introduced: 2/21/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Status: 5/24/2019-In Senate. Read first time. To Com. on RLS. for assignment.

Summary:

This bill would require the Strategic Growth Council, until July 31, 2025, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission. The bill would specify application submission, reimbursement, and reporting requirements for a local agency formation commission to receive grants pursuant to the bill. The bill would require the council, after consulting with the California Association of Local Agency Formation Commissions, to develop and adopt guidelines, timelines, and application and reporting criteria for development and implementation of the program, as specified, and would exempt these guidelines, timelines, and criteria from the rulemaking provisions of the Administrative Procedure Act. The bill would make the grant program subject to an appropriation for the program in the annual Budget Act, and would repeal these provisions on January 1, 2026. This bill contains other existing laws.

Position: Sponsor

Subject: Disadvantaged Communities, LAFCo Administration, Municipal Services, Special District Consolidations

CALAFCO Comments: This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCos one-time grant funding for in-depth studies of potential reorganization of local service providers. Last year, the Governor vetoed AB 2258 - this is the same bill. The Strategic Growth Council (SGC) will administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on July 31, 2024.

The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district (outside of the ones identified by the SCO) pursuant to Section 11221 of the Elections code, which is a tiered approach based on registered voters in the affected territory (from 30% down to 10% depending).

The focus is on service providers serving disadvantaged communities. The bill also requires LAFCo pay back grant funds in their entirety if the study is not completed within two years and requires the SGC to give preference to LAFCos whose decisions have been aligned with the goals of sustainable communities strategies.

The fiscal request is \$1.5 million over 5 years. CALAFCO is attempting to get this in the May revise budget so there is no General Fund appropriation (the reason Gov. Brown vetoed the bill).

AB 1389 (Eggman D) Special districts: change of organization: mitigation of revenue loss.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 5/3/2019-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/14/2019)(May be acted upon Jan 2020)

Summary:

Would authorize the commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide

particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, that the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected local agency, provide payments to the affected local agency from the revenue derived from the proposed exercise of new or different functions or classes of service.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: This bill allows LAFCo, when approving a proposal for new or different functions or class of service for a special district, to propose the district provide payments to any affected local agency for taxes, fees or any other revenue that may have been lost as a result of the new service being provided.

AB 1751 (Chiu D) Water and sewer system corporations: consolidation of service.

Current Text: Amended: 5/1/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/1/2019

Status: 5/24/2019-In Senate. Read first time. To Com. on RLS. for assignment.

Summary:

Current law authorizes the State Water Resources Control Board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2019, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing consolidation with a public water system or state small water system, or to implement rates for the subsumed water system.

Position: Watch

Subject: Water

CALAFCO Comments: This bill allows for water (public or state small) or sewer systems corps to file an application for consolidation with the SWRCB.

AB 1822 (Committee on Local Government) Local Government: omnibus.

Current Text: Amended: 4/8/2019 [html](#) [pdf](#)

Introduced: 3/11/2019

Last Amended: 4/8/2019

Status: 5/22/2019-Referred to Com. on GOV. & F.

Summary:

Current law requires a commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. Current law defines "sphere of influence" to mean a plan for the probable physical boundaries and service area of a local agency. Current law defines the term "service" for purposes of the act to mean a specific governmental activity established within, and as a part of, a general function of the special district, as specified. This bill would revise the definition of the term "service" for these purposes to mean a specific governmental activity established within, and as a part of, a function of the local agency.

Position: Sponsor

Subject: LAFCo Administration

CALAFCO Comments: This is the annual Omnibus bill.

SB 272 (Morrell R) Fire Protection District Law of 1987.

Current Text: Amended: 4/4/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 4/4/2019

Status: 5/3/2019-Failed Deadline pursuant to Rule 61(a)(3). (Last location was GOV. & F. on 2/21/2019)(May be acted upon Jan 2020)

Summary:

The Fire Protection District Law of 1987 provides that whenever a district board determines that it is in the public interest to provide different services, to provide different levels of service, or to raise additional revenues within specific areas of the district, it may form one or more service zones by adopting a resolution that includes specified information, fixing the date, time, and place for public hearing on the formation of the zone, publishing notice, as specified, hearing and considering any protests to the formation of the zone at the hearing, and, at the conclusion of the hearing, adopting a resolution ordering the formation of the zone. If a resolution adopted after the public hearing would substantially expand the provision of services outside of an existing service zone and the extension of service would result in those persons in the expanded area paying charges for the expansion of services, this bill would provide that the resolution does not become effective unless approved by a majority of the voters within the expanded service area.

Position: Watch

CALAFCO Comments: As amended, the bill amends the Health & Safety code regarding the formation of zones within a fire protection district by requiring the district hold an election, regardless of the protest level, if the district wants to substantially expand (as defined in the bill) services outside the zone. This is unrelated to 56133. CALAFCO will retain a Watch position.

SB 414 (Caballero D) Small System Water Authority Act of 2019.

Current Text: Amended: 5/17/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 5/17/2019

Status: 5/24/2019-In Assembly. Read first time. Held at Desk.

Summary:

Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Position: Support

Subject: Water

CALAFCO Comments: This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency.

LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

SB 646 (Morrell R) Local agency utility services: extension of utility services.

Current Text: Amended: 5/7/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/7/2019

Status: 5/13/2019-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Summary:

The Mitigation Fee Act, among other things, requires fees for water or sewer connections, or capacity charges imposed by a local agency to not exceed the estimated reasonable cost of providing the service

for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the reasonable cost of providing the service or materials is submitted to and approved by 2/3 of the electors voting on the issue. The Mitigation Fee Act defines the term "fee" for these purposes. This bill would revise the definition of "fee" to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the water connection or sewer connection.

Position: Neutral

Subject: CKH General Procedures

CALAFCO Comments: UPDATE AS OF THE 4/11/19 AMENDMENTS: These amendments address all of our concerns and the bill now only addresses fees.

This bill does 3 things. (1) Seeks to add a provision to 56133 that requires LAFCo to approve an extension of service regardless of whether a future annexation is anticipated or not. It further requires the service provider to extend the provision of service to a property owner regardless of a whether there is a pending annexation or pre-annexation agreement. The newly proposed subsection directly contradicts subsection (b). (2) Changes the definition of "fee" by requiring the new fee "is of proportional benefit to the person or property being charged." There is no reasonable definition or application of "proportional benefit". (3) Narrows the scope of application of Section 56133 to water or sewer service; and prohibits the service provider to charge higher fees and charges to those outside the jurisdictional boundaries.

AB 213 (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 1/15/2019 [html](#) [pdf](#)

Introduced: 1/15/2019

Status: 5/24/2019-In Senate. Read first time. To Com. on RLS. for assignment.

Summary:

Would, for the 2019–20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

Position: Support

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations. This bill is the same as AB 2268 (Reyes) from last year.

AB 818 (Cooley D) Local government finance: vehicle license fee adjustment amounts.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/3/2019)(May be acted upon Jan 2020)

Summary:

Current property tax law, for the 2006–07 fiscal year, and for each fiscal year thereafter, requires the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year, if specified provisions did not apply, and the product of the amount as so described and the percentage change from the prior fiscal year in the gross taxable valuation within the jurisdiction of the entity. Current law establishes a separate vehicle license fee adjustment amount for a city that was incorporated after January 1, 2004, and on or before January 1, 2012. This bill would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, including an additional separate vehicle license fee adjustment amount for the first fiscal year of incorporation and for the next 4 fiscal years thereafter.

Position: Support

Subject: Financial Viability of Agencies

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for cities incorporating after 2018. This is the same bill as AB 2491 from 2018.

AB 1304 (Waldron R) Water supply contract: Native American tribes.

Current Text: Amended: 5/6/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/6/2019

Status: 5/20/2019-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

Summary:

Current law provides for the establishment and operations of various water districts. This bill would specifically authorize a water district, as defined, to enter into a contract with a Native American tribe to receive water deliveries from an infrastructure project on tribal lands. The bill would repeal its provisions on January 1, 2025.

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: This bill amends the water code to allow a Native American tribe to sell/deliver water to a water district (as defined in the water code section 20200). The bill sunsets on January 1, 2025.

SB 379 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 5/2/2019-Referred to Com. on L. GOV.

Summary:

This bill would enact the First Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 380 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 5/2/2019-Referred to Com. on L. GOV. **Summary:**

This bill would enact the Second Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 381 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 5/2/2019-Referred to Com. on L. GOV.

Summary:

This bill would enact the Third Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

AB 134 (Bloom D) Safe Drinking Water Restoration.

Current Text: Amended: 5/20/2019 [html](#) [pdf](#)

Introduced: 12/5/2018

Last Amended: 5/20/2019

Status: 5/21/2019-Read second time. Ordered to third reading.

Calendar: 5/28/2019 #217 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary:

Would require the State Water Resources Control Board to report to the Legislature by July 1, 2025, on its progress in restoring safe drinking water to all California communities and to create an internet website that provides data transparency for all of the board's activities described in this measure. The bill would require the board to develop metrics to measure the efficacy of the fund in ensuring safe and affordable drinking water for all Californians.

Position: Watch

Subject: Water

AB 530 (Aguilar-Curry D) The Fairfield-Suisun Sewer District.

Current Text: Amended: 4/22/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 4/22/2019

Status: 5/8/2019-Referred to Com. on GOV. & F.

Summary:

The Fairfield-Suisun Sewer District Act creates the Fairfield-Suisun Sewer District and grants to the district various powers relating to the treatment and disposal of sewage. The current act provides for the election of a board of directors for the district and administrative procedures for the operation of the district. Violation of regulations adopted by the board is a misdemeanor. This bill would make various administrative changes to the act, including removing the requirement that the district appoint a clerk and changing the posting requirements for regulations.

Position: Watch

Subject: Special District Powers, Special Districts Governance

CALAFCO Comments: This bill makes administrative changes to this special act district. It also allows for an extension of service pursuant to 56133 (keeping that LAFCo process intact).

AB 1053 (Dahle R) Fallen Leaf Lake Community Service District.

Current Text: Amended: 3/25/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Last Amended: 3/25/2019

Status: 5/22/2019-Referred to Com. on GOV. & F.

Summary:

Would prohibit, on and after January 1, 2020, the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection, including medical response and emergency services, and parks and recreation services or facilities.

Position: Watch

CALAFCO Comments: CALAFCO will watch this bill to determine if the outcome of the State Audit on this district will have an impact on all CSDs.

AB 1457 (Reyes D) Omnitrans Transit District.

Current Text: Amended: 5/24/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/24/2019

Status: 5/24/2019-Read third time and amended. Ordered to third reading.

Calendar: 5/28/2019 #33 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary:

Would create the Omnitrans Transit District in the County of San Bernardino. The bill would provide that the jurisdiction of the district would initially include the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa, and specified portions of the unincorporated areas of the County of

San Bernardino. The bill would authorize other cities in the County of San Bernardino to subsequently join the district.

Position: Oppose unless amended

CALAFCO Comments: This is a special act district formation. The bill takes what is currently a JPA and transforms it into a special district. The bill specifically addresses annexations and detachments and dissolution processes that do not include LAFCo. Also of concern is the lack of specificity in the process for adding new board members when a territory is annexed.

SB 654 (Moorlach R) Local government: planning.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 3/14/2019-Referred to Com. on RLS.

Summary:

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and the logical formation and modification of the boundaries of local agencies, as specified. This bill would make nonsubstantive changes to these findings and declarations.

Position: Watch

CALAFCO Comments: This is a spot bill. The author indicates he has no plans to use this for LAFCo law.

SB 780 (Committee on Governance and Finance) Local Government Omnibus Act of 2019.

Current Text: Amended: 4/11/2019 [html](#) [pdf](#)

Introduced: 2/28/2019

Last Amended: 4/11/2019

Status: 5/16/2019-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Summary:

Current law requires the governing body of a public agency, within 70 days after the commencement of the agency's legal existence, to file with the Secretary of State, on a form prescribed by the secretary, and also with the county clerk of each county in which the public agency maintains an office, a specified statement of facts about the agency. Current law requires this information to be updated within 10 days of a change in it. Current law requires the Secretary of State and each county clerk to establish and maintain an indexed Roster of Public Agencies that contains this information. This bill would instead require the Secretary of State and each county clerk to establish and maintain an indexed Registry of Public Agencies containing the above-described information.

Position: Watch

CALAFCO Comments: This is the Senate Governance & Finance Committee's annual Omnibus bill.