



# 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 May 1, 2019 @ 2:00 P.M. BOARD OF SUPERVISORS CHAMBERS COUNTY ADMINISTRATIVE BUILDING 2800 West Burrel Avenue Visalia CA 93291

ALTERNATES  
Eddie Valero  
Carlton Jones  
Manny Gomes

EXECUTIVE OFFICER  
Ben Giuliani

- I. **Call to Order**
- II. **Approval of Minutes from April 3, 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. **Case 1541-V-452** (Pages 03-17)  
[Public Hearing] .....Recommended Action: Approval

The City of Visalia has submitted a request for an island annexation for approximately 7.4 acres of land located at the northeast corner of Hurley Avenue and Marcin Court and concurrent detachment of the same area from Tulare County CSA #1. The annexation is intended to facilitate the development of a church and parish hall within the site area. A Negative Declaration has been prepared in compliance with CEQA by the City of Visalia.

- 2. **Case 1542a Sultana Community Services District Sphere of Influence Amendment** (Pages 18-26)  
[Public Hearing] .....Recommended Action: Approval

The Sultana Community Services District has submitted a request for a Sphere of Influence Amendment for approximately 103.03 acres of land encompassing the community of Monson which is bisected by Avenue 416 and Road 104. The sphere of influence amendment and subsequent annexation proposal (Case 1542) are intended to facilitate the provision of water to the site by the Sultana Community Services District. A Notice of Exemption has been in prepared in compliance with CEQA by Tulare County.

**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**

3. Case 1542 Sultana Community Services District Annexation of Monson (Pages 27-39)  
[Public Hearing] Recommended Action: Approval

The Sultana Community Services District has submitted a request for an annexation for approximately 103.03 acres of land encompassing the community of Monson which is bisected by Avenue 416 and Road 104. The annexation is intended to facilitate the provision of water to the site by the Sultana Community Services District. A Notice of Exemption has been in prepared in compliance with CEQA by Tulare County.

4. Letter of Opposition for AB 600 (Chu) (Pages 40-42)  
[No Public Hearing].....Recommended Action: Approval

AB 600 (Chu) would create a variety of unfunded mandates for LAFCOs and local agencies, removes LAFCO discretion regarding certain extension of services and annexations and creates inconsistencies and conflicts with other sections of law.

#### V. Executive Officer's Report

1. Legislative Update (Pages 43-50)

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

2. 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. Setting Time and Place of Next Meeting

1. June 5 @ 2:00 P.M. at the Tulare County Association of Governments (TCAG) Offices, 210 N. Church Street, Suite B, Visalia, CA 93291.

#### 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. 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  
April 3, 2019 06, 2019 – Meeting Minutes**

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

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- I. **Call to Order:** Vice-Chair Vander Poel called the meeting to order at 2:01 p.m.
- II. **Approval of the March 6, 2019 Meeting Minutes:**  
Upon motion by Commissioner Allen and seconded by Commissioner Townsend, the Commission unanimously approved the LAFCO minutes.
- III. **Public Comment Period:**  
Vice-Chair Vander Poel opened/closed the Public Comment Period at 2:02 p.m. No public comments received.
- IV. **New Action Items:**
  1. **Extraterritorial Service Agreement 2019-001**  
Staff Analyst Ingoldsby presented the proposed extraterritorial service agreement, which would extend domestic water service from the City of Kingsburg and sewer service by Selma-Kingsburg-Fowler County Sanitation District.  
  
Aaron Bock, Tulare County Resource Management Agency, spoke on behalf of the project.  
  
Upon motion by Commissioner Townsend and seconded by Commissioner Allen, the Commission unanimously approved the Extraterritorial Service Agreement as recommended and subject to the conditions of approval.
  2. **2019/2020 Preliminary Budget and Work Program**  
Staff Analyst Ingoldsby provided a detailed overview of the proposed budget and work program.  
  
After discussion the Commission decided to use \$50,000 in reserve funding to offset City/County Contributions in the coming 2019/20 fiscal year.  
  
Vice-Chair Vander Poel opened/closed the Public Hearing at 2:18 p.m. No comments received.  
  
Upon motion by Commissioner Allen and seconded by Commissioner Townsend, the Commission unanimously approved the preliminary budget.

**V. Executive Officer's Report**

**1. Legislative Update:**

EO Giuliani reviewed the CALAFCO Legislative Report. EO Giuliani provided further detail, as requested on SB 414 – Small System Water Authority Act of 2019.

**2. Upcoming Projects:**

EO Giuliani stated that May's meeting would include proposed annexation of a County island (Hurley Avenue) within the City of Visalia, and the proposed SOI amendment and annexation of the community of Monson to the Sultana CSD.

EO Giuliani reminded the Commissioners that the City Selection meeting would be held April 15, 2019 to select the City representatives to the LAFCo Commission, for the new term.

**VI. Correspondence:**

**1. State Water Resources Control Board Notice of Public Hearing**

EO Giuliani provided an overview of the letter received from the State Water Resources Control Board, which is requesting the public to comment on the potential for Orosi Public Utility District (PUD) to provide water to East Orosi Community Service District (CSD).

**VII. Other Business:**

**1. Commissioner Report:**

None

**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 **May 1, 2019 at 2:00 p.m.** in the Board of Supervisors Chambers in the County Administration Building

**IX. Adjournment: The Tulare County LAFCO meeting adjourned at 2:34 p.m.**

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

*May 1, 2019*

**LAFCO Case Number 1541-V-452  
City of Visalia Annexation No. 2018-01 (Hurley)**

- PROPOSAL:** City of Visalia Reorganization (annexation to Visalia, detachment from CSA #1)
- PROPONENT:** The City of Visalia by resolution of its City Council
- SIZE:** 7.43 acres
- LOCATION:** Northeast corner of Hurley Avenue and Marcin Court (**Figure 1**)
- NOTICE:** Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.
- SUMMARY:** The annexation area is a county island and is intended to facilitate the development of a church and parish hall on a 3.4 acre parcel within the project area. The remaining sites in the project are developed and contain single family residences and accessory structures.
- APNs:** 085-540-001, 002, 005, and 006

**GENERAL ANALYSIS**

**1. Land Use:**

*A. Site Information*

	<b>Existing (County)</b>	<b>Proposed (City)</b>
<b>Zoning Designation</b>	Rural Residential (R-A-43)	Single-Family Residential (R-1-5)
<b>General Plan Designation</b>	Low Density Residential	Low Density Residential
<b>Uses</b>	3.44 acres vacant. Remaining area single family residences and accessory structures	A church and parish hall for the vacant site. Remaining sites, no change

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

	<b>Zoning Designation</b>	<b>General Plan Designation</b>	<b>Existing Use</b>
<b>North</b>	R-1-5 (Single Family Residential)	Low Density Residential	Vacant
<b>South</b>	R-1-5 (Single Family Residential)	Low Density Residential	Single Family Residential
<b>East</b>	R-1-20 (Single Family Residential)	Very Low Density Residential	Single Family Residential
<b>West</b>	Quasi-Public	Public/Institutional	Hurley Elementary School

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

The site is relatively flat and does not contain any natural topographical features

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

The site is within the Sphere of Influence and within the current Tier 1 Urban Development Boundary. The site is entirely surrounded by the City of Visalia.

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

The parcels are not under Williamson Act contract.

**3. Population:**

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

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

**Agency providing service**

<i>Service</i>	<i>Now</i>	<i>After</i>	<i>Method of finance</i>
Police Protection	County of Tulare	City of Visalia	General Fund
Fire Protection	City of Visalia (Contract w/ County)	City of Visalia	General Fund
Water Supply	Private Wells	Cal Water	User Financed
Sewage Disposal	Private Septic	City of Visalia	Impact/User Fees
Street Lighting	None	City of Visalia	Impact Fees/ General Fund
Street Maintenance	City of Visalia	City of Visalia	General Fund
Planning/Zoning	County of Tulare	City of Visalia	General Fund
Garbage Disposal	County of Tulare/City of Visalia	City of Visalia	User Fees
Strom Drainage	None	City of Visalia	Impact/User Fees

Cal Water has provided a will serve letter (**Figure 3**). The City can provide all other urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services. According to the City, it has more than enough sewer capacity in its treatment plant to accommodate this annexation proposal. The City's wastewater treatment plan has a capacity of 22 million gallons per day (mgd). Current estimated average daily flow is about 13 mgd. Other undeveloped areas already within the City limits add a potential for another 0.5 to 1.0 mgd. This annexation would add an estimated 0.00743 mgd.

The City currently maintains the travel lanes of W. Hurley Avenue and N Marcin Street. However, right-of-ways areas for future sidewalk/curb/gutter along the southern and western boundaries of the project are not maintained by the City. Annexation will allow this street to be fully maintained by the City.

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

The boundaries of the proposal area are definite and certain and conform to the lines of assessment. A map sufficient for filing with the State Board of Equalization has been received.

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

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

Land	\$ 442,560
Improvements	\$ 258,666
Total	\$ 701,226

**7. Environmental Impacts:**

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

**8. Landowner Consent:**

Consent to this annexation has not been received from all property owners. Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) provides for an expedited process for cities to request LAFCOs to annex qualifying islands of unincorporated territory (GC 56375.3). If the Commission finds that this island meets the requirements for the stream-lined island annexation provisions as listed in section 6 of the attached resolution, the annexation must be approved and the protest hearing must be waived.

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

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments. The extent of this proposal aiding the City in achieving its fair share of regional housing needs is limited due to the area already being substantially developed.

**10. Discussion:**

County Islands

The annexation of the subject island will further LAFCO goals and policies. The subject territory is substantially developed, fully surrounded, and qualifies for the streamlined island annexation process and waiver of protest hearing pursuant to GC §56375.3. Many of the properties within the island already receive some city services, such as fire protection and street maintenance. The reasons supporting annexation of this island include the creation of a more definitive and organized city boundary, efficient provision of government services, and to ensure the provision of services and facilities needed to accommodate planned population densities in the project area.

Government Services

The adequacy of governmental service will be improved within the subject area. According to the City they are currently able to provide the annexation area urban services and infrastructure for development such as sewer services, police, streets lighting, etc., as well as planning and building services.

Services which would be extended to this area will be funded primarily through impact fees and the general fund.

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

**RECOMMENDED ACTIONS:**

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

1. Certify that the Commission has reviewed and considered the Negative Declaration prepared by the City of Visalia for this project and find that the project will not have a significant effect on the environment.
2. Find that the proposed reorganization of the City of Visalia complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56001.
3. Find that the proposed annexation conforms to the criteria for “island” annexations as described in Government Code Section 56375.3 and find that the territory:
  - a. Does not exceed 150 acres in size
  - b. Comprises the entire island of unincorporated territory
  - c. Is surrounded by the City
  - d. Is substantially developed or developing
  - e. Is not considered prime agricultural land as defined in Government Code Section 56064
  - f. Will benefit from the annexation or is receiving benefits from the City
4. Pursuant to LAFCO Policy and Procedure Section C-1, find or determine that:
  - a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.
  - b. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
  - c. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
  - d. The proposed annexation is compatible with the City's General Plan.
  - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
5. Find that the territory proposed for this annexation to the City of Visalia and detachment from CSA #1 is uninhabited.
6. Find that the annexation does not contain any Williamson Act contract land.
7. Approve the reorganization as proposed by the City of Visalia to be known as LAFCO Case Number 1541-V-452, Visalia Annexation 2018-01 (Hurley) subject to the following conditions:
  - a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in

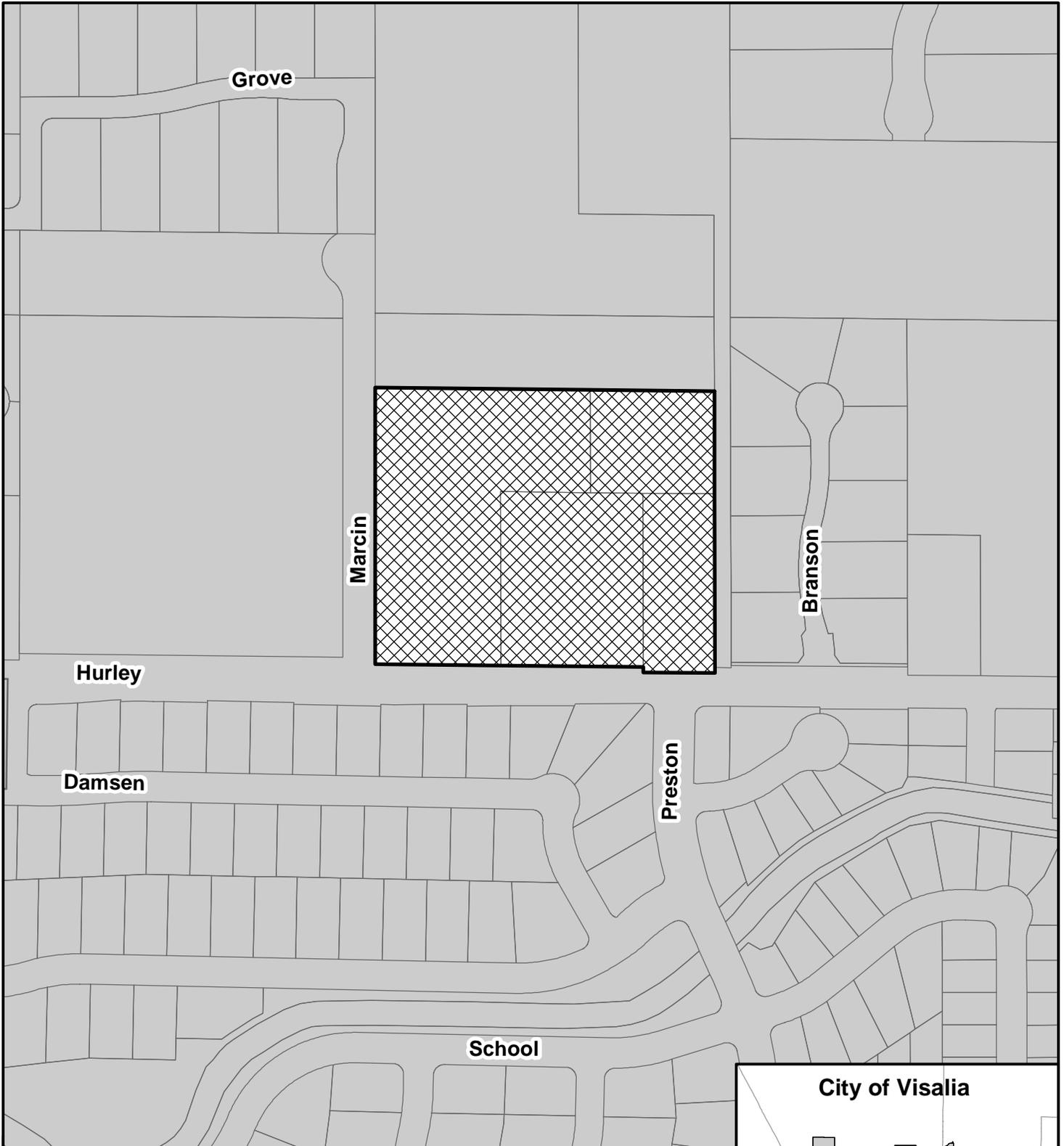
circumstances that necessitate a departure from the designation or zoning.

- b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
8. Waive the protest hearing for this proposal in accordance with Government Code §56375.3(a) and order the annexation without an election.
9. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

**Figures:**

- |          |                   |
|----------|-------------------|
| Figure 1 | Site Location Map |
| Figure 2 | Aerial Photo      |
| Figure 3 | Cal Water Letter  |
| Figure 4 | Resolution        |

# LAFCO Case 1541-V-452



 Site Location 1541-V-452

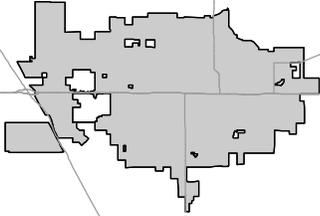
 Parcels

 City of Visalia



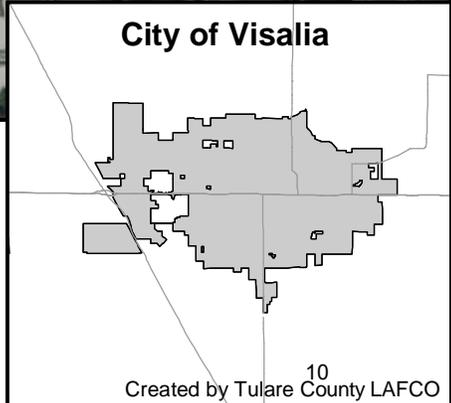
Boundaries as of 3/20/19

**City of Visalia**



9  
Created by Tulare County LAFCO

# LAFCO Case 1541-V-452



-  Site Location 1541-V-452
-  Parcels



Boundaries as of 3/20/19



## CALIFORNIA WATER SERVICE

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

January 8, 2019

Cristobal Carrillo, Associate Planner  
City of Visalia  
Community Development Department  
315 E Acequia Ave  
Visalia, CA 93291

### Will Serve Letter

Annexation No: 2018-01

Developer: Tulare County Local Agency Formation Commission

Dear Mr. Carillo:

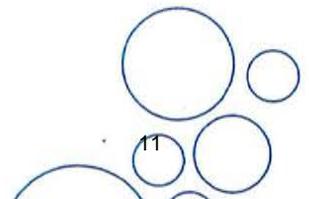
As a regulated utility, California Water Service Company Visalia district ("Cal Water") has an obligation to provide water service in accordance with the rules and regulations of the California Public Utility Commission (CPUC). Assuming you receive all required permits from City of Visalia, Cal Water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

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

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

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





## CALIFORNIA WATER SERVICE

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

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

Sincerely,

A handwritten signature in blue ink that reads "Tamara Kelly".

Tamara Kelly  
District Manager

cc: Ting He – Cal Water Engineering Dept  
File

**BEFORE THE LOCAL AGENCY FORMATION COMMISSION**

**OF THE**

**COUNTY OF TULARE, STATE OF CALIFORNIA**

In the Matter of the Proposed Annexation to the )  
City of Visalia and detachment from CSA #1, ) **RESOLUTION NO. 19-XX**  
LAFCO Case No. 1541-V-452, Annexation 2018-01 )  
(Hurley) )

**WHEREAS**, application has been made to this Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) for approval of a proposal from the City of Visalia to annex certain territories and detach the same from County Service Area #1 as described in attached Exhibit "A" made a part hereof; and

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

**WHEREAS**, on May 1, 2019 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

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

2. The City of Visalia, as Lead Agency, filed a Negative Declaration in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Negative Declaration prepared by the City of Visalia for this project and find that the project will not have a significant effect on the environment.

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

XXXXXXXXXX

XXXXXXXXXX

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

5. Based upon the evidence and information on the record before it, the Commission makes the following findings of fact:

a. The boundaries of the proposed annexation are definite and certain and conform to lines of assessment.

b. Fewer than 12 registered voters reside in the affected territory and 100% landowner consent was not received.

c. Cal-Water has provided a will-serve letter.

d. The proposed annexation area does not contain any Williamson Act contract land.

e. The subject territory is within the Sphere of Influence of the City of Visalia

6. The annexation is proposed by resolution of the City of Visalia, and meets the following requirements for annexation of unincorporated islands as set forth in Government Code §56375.3:

a. The annexation was initiated on or after January 1, 2000.

b. The annexation is proposed by resolution adopted by the affected city.

c. The territory contained in the annexation meets all of the requirements set forth in GC §56375.3(b):

i. The territory does not exceed 150 acres in area and that area constitutes the entire island.

ii. The territory constitutes an entire unincorporated island located within the limits of a city.

iii. The territory is surrounded or substantially surrounded by the city which annexation is proposed.

iv. The territory is substantially developed or developing based on consideration of the availability of public utilities, the presence of public improvements or physical improvements upon the parcels.

v. The territory is not considered prime agricultural land, as defined by GC §56064.

vi. The territory will benefit from annexation or is receiving benefits from the annexing city.

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

- a. The proposed annexation is compatible with the City's General Plan.
- b. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- c. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- d. The proposed annexation represents a logical and reasonable expansion of the annexing agency.
- e. The proposal is consistent with the findings and declarations of GC §56001.

8. The Commission hereby waives the protest hearing proceedings pursuant to Part 4 (commencing with GC §57000) entirely in accordance with §56375.3 (a) (1) of the Government Code and orders the change of organization without an election.

9. Approve the reorganization as proposed by the City of Visalia, to be known as LAFCO Case Number 1541-V-452, City of Visalia Annexation No 2018-01 (Hurley), with the following conditions:

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

b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.

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

LAFCO Case Number 1541-V-452, City of Visalia Annexation No. 2018-01 (Hurley).

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

12. The Executive Officer is hereby authorized and directed to sign the Notice of Determination on behalf of the Commission and file said notice with the Tulare County Clerk pursuant to Section 21152 (a) of the Public Resources Code.

The foregoing resolution was adopted upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 1st day of May, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

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Ben Giuliani, Executive Officer

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# **TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**

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

May 1, 2019

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Steven Ingoldsby, Staff Analyst

SUBJECT: LAFCO Case 1542a, Sphere of Influence Amendment for the Sultana Community Services District

## **Background**

The Sultana Community Services District is requesting a Sphere of Influence (SOI) amendment which includes approximately 103.03 acres of land encompassing the community of Monson which is bisected by Avenue 416 and Road 104. The same area is included in a subsequent annexation proposal (Case 1542) for the Sultana Community Services District.

## **Discussion**

The sphere of influence amendment and annexation area is the unincorporated community of Monson. The purpose of the annexation is part of an effort to provide water to the site from the Sultana CSD. Many of the parcels are already authorized to receive domestic water from the Sultana CSD through Extraterritorial Service Agreement (ESA) 2016-04, approved on October 12<sup>th</sup>, 2016.

Sultana CSD is currently seeking grant funding to construct an additional community well in Sultana, install water meters and extend the existing distribution system in Monson to serve additional properties within the community and to intertie the two systems.

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

## **Environmental Impacts**

Tulare County is the lead agency for the environmental review of this proposal. The County prepared a Notice of Exemption for use in this project under Section 15303 and Sections 21080(b), (2), (3), (4); 15269(a), (b), (c), and 15359. A copy of the document is included in the application materials.

## **Municipal Service Review**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO to establish Spheres of Influence for cities and special districts. Prior to, or in conjunction with establishing an agency's SOI or comprehensively updating an agency's SOI, LAFCO is required to conduct a Municipal Service Review (MSR) for each agency. While a MSR was adopted for Sultana CSD by LAFCO in October, 2011 as part of the Group 4 MSRs, MSRs are not required for SOI amendments pursuant to Government Code and Tulare County LAFCO policy.

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

The area is already largely developed though a few agricultural properties are included. As established in the Monson Hamlet Plan, the area is not experiencing growth pressures and no new development is part of the proposal. Furthermore, annexation into the Sultana Community Services District would have no adverse impact on existing Williamson Act contracts

## **Required Determinations**

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

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

The amendment to the SOI includes land that is mostly developed as residential and commercial, with the remainder in agricultural production.

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

This area has a demonstrated need for increased services, particularly the provision of domestic water.

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

The Sultana CSD has adequate capacity to serve the site. The provision of domestic water to much of the area has already been accomplished through the completion of the first phase of constructing of a community water system..

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

The subject area is a community of interest to the Sultana CSD because the District is responsible for providing domestic water to the community and the two communities will eventually be intertwined into the same water system.

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

The community of Monson is a disadvantaged unincorporated community. Water service for most of the community is already being provided by Sultana CSD and the remainder of the community will be served after the completion of phase 2 of the water system project. Sewer service is being provided by individual septic systems. Fire protections services will continue to be provided by the County of Tulare.

### **Conterminous Annexation**

The intent of the SOI amendment is to make the SOI boundary conterminous with the proposed annexation (LAFCO Case 1542). However, the Commission may choose to make adjustments to the proposed annexation boundaries. The final SOI boundary shall be conterminous to the final annexation boundary, if approved by the Commission.

### **Recommendations:**

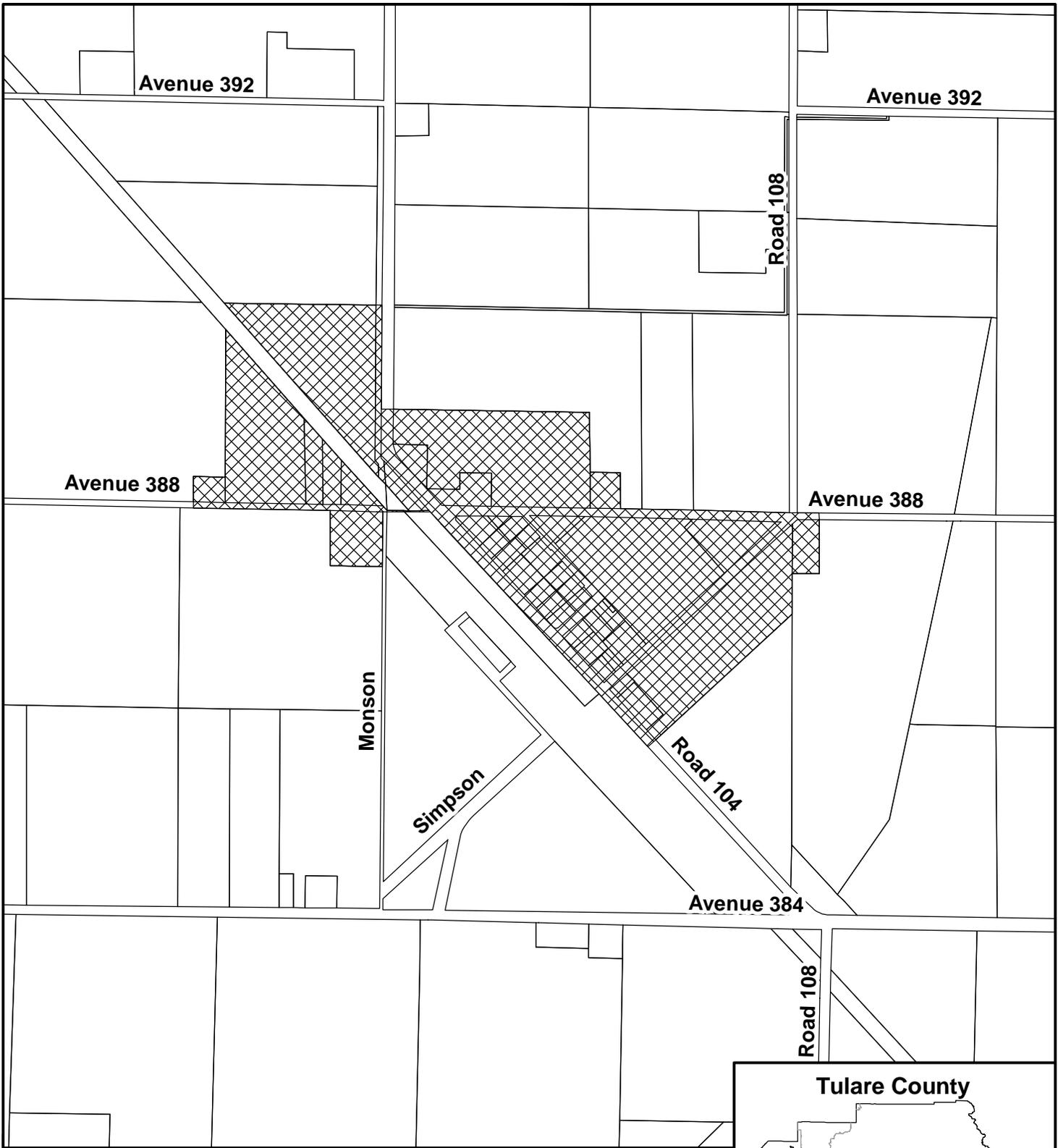
It is recommended that this SOI be approved and that the Commission take the following actions:

- A. Find that the Commission has reviewed and considered the Notice of Exemption prepared by the Tulare County for this project and find that the project is exempt from CEQA review.
- B. Adopt the written statement of determinations and find that the proposed Sultana Community Services District Sphere of Influence amendment complies with the GC §56425.
- C. The SOI amendment is contingent on the approval of LAFCO Case 1542.
- D. The SOI boundary shall be conterminous with the final boundary approved in LAFCO Case 1542.
- E. Approve the Sphere of Influence amendment to be known as LAFCO Case 1542a.

### **Figures & Exhibits**

Figure 1 Site Location Map  
Figure 2 District Location Map  
Figure 2 Resolution

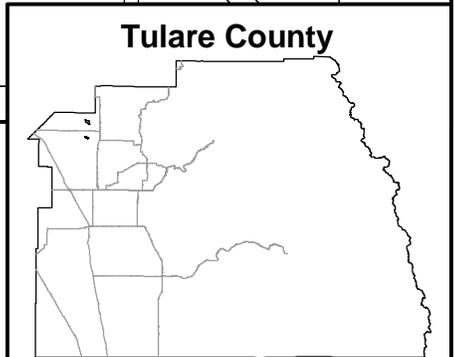
# LAFCO Case 1542a



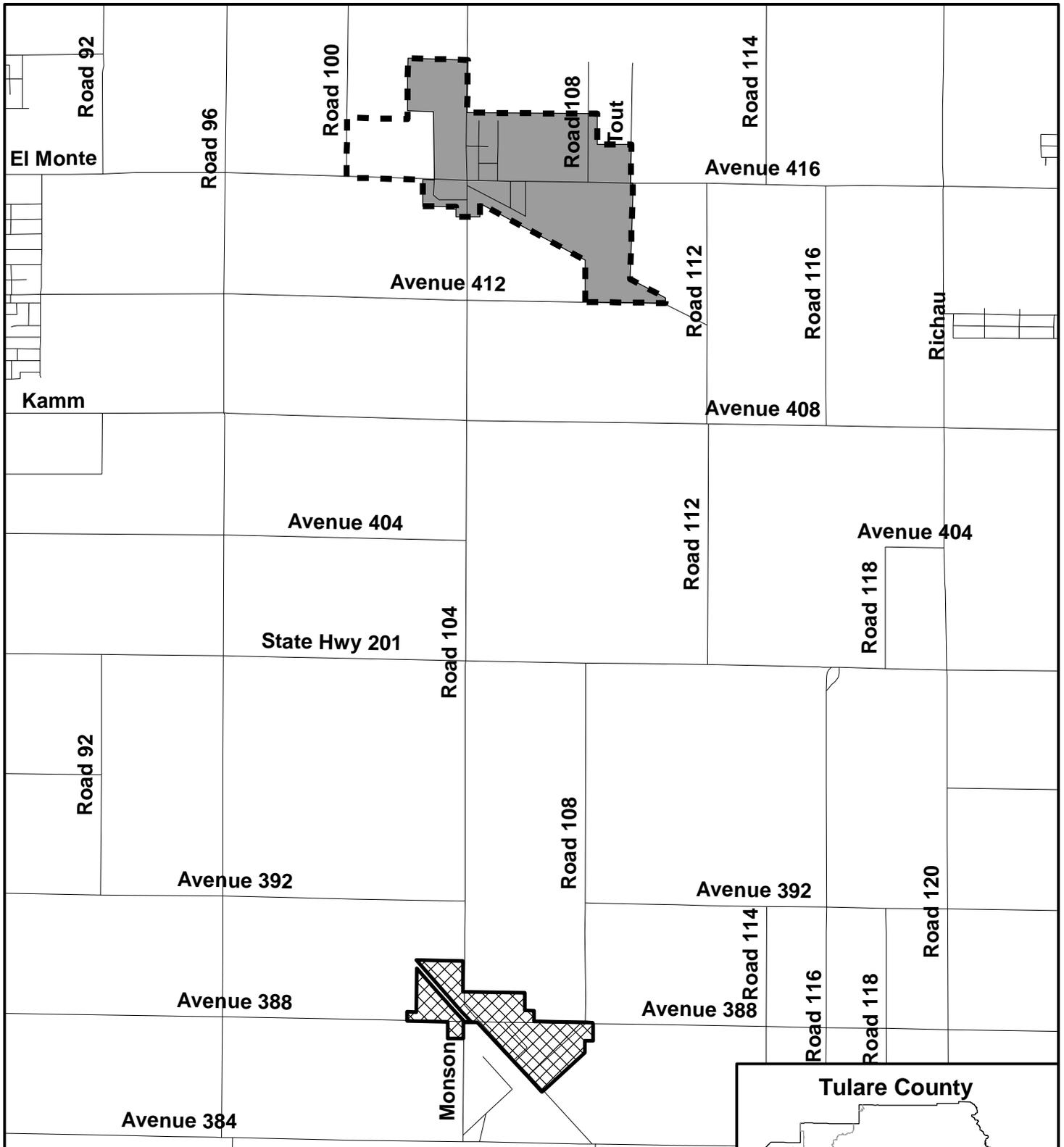
-  Site Location Case 1542a
-  Parcels



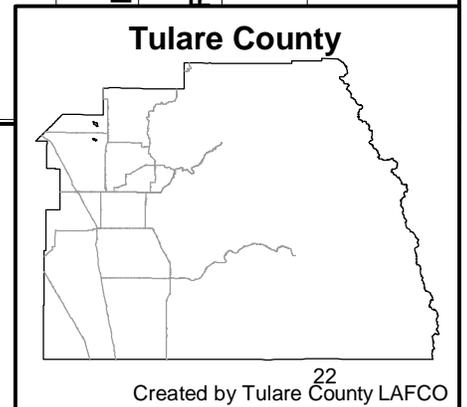
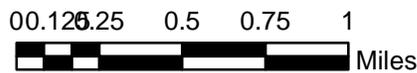
Boundaries as of 3/20/19



# LAFCO Case 1542a



-  Streets
-  Site Location Case 1542a
-  Existing Sultana CSD
-  Sultana CSD SOI



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

In the Matter of the Proposed Amendment to the        )  
Sultana Community Services District Sphere of        )        **RESOLUTION NO. 19-XXX**  
Influence Amendment LAFCO Case No. 1542        )

**WHEREAS**, pursuant to Government Code Section 56425, Local Agency Formation Commissions are required to establish, periodically review and revise or amend Sphere of Influence boundaries; and

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

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

**WHEREAS**, on May 1, 2019 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

1. The boundaries of the Sphere of Influence amendment are definite and certain as shown in Exhibit A.
2. The information, materials, and facts set forth in the application and the reports of the Executive Officer, including any corrections, have been received and considered in accordance with GC §56427.

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

XXXXXXXXXXXX  
XXXXXXXXXXXX

4. All required notices have been given and all proceedings taken in this matter have been and now are in all respects taken in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended.

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

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

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

The amendment to the SOI includes land that is mostly developed as residential and commercial with the remainder in agricultural production

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

The area has a demonstrated need for increased services, particularly the provision of domestic water

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

The Sultana Community Services District has adequate capacity to serve the site. The provision of domestic water to much of the area has already been accomplished through the completion of the first phase of constructing of a community water system.

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

The subject area is a community of interest to the Sultana CSD because the District is responsible for providing domestic water to the community and the two communities will eventually be intertied into the same water system.

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

The community of Monson is a disadvantaged unincorporated community. Water service for most of the community is already being provided by Sultana CSD and the remainder of the community will be served after the completion of phase 2 of the water system project. Sewer service is being provided by individual septic systems. Fire protections services will continue to be provided by the County of Tulare.

7. The County of Tulare, as Lead Agency, filed a Notice of Exemption in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Notice of Exemption by the County of Tulare for this project and find the project to be exempt under Section 15303 and Sections 21080(b), (2), (3), (4); 15269(a), (b), (c), and 15359.

8. The Commission hereby finds that the proposed amendment to Sultana Community Services District Sphere of Influence is in compliance with the Cortese-Knox-Hertzberg Act, GC §§56425:56430 and 56377, and Tulare County LAFCO Policy and Procedure section C-5, Spheres of Influence.

9. The Sphere of Influence for the Sultana Community Services District is hereby amended with the following conditions:

- a) The SOI amendment is contingent on the approval of LAFCO Case 1542 (Sultana Community Services District Annexation of Monson)
- b) The SOI amendment boundary shall be conterminous with the final boundary approved in LAFCO Case 1542.

10. The Executive Officer is hereby authorized and directed to sign and file the Notice of Exemption on behalf of the Commission and file said notice with the Tulare County Clerk.

The foregoing resolution was adopted upon the motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, at a regular meeting held this 1st day of May, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

si

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

*March 6, 2019*

**LAFCO Case Number 1542**

- PROPOSAL:** Sultana Community Services District Annexation of Monson
- PROPONENT:** Sultana Community Services District by resolution of its Board of Directors
- SIZE:** Approximately 103.03 acres
- LOCATION:** The community of Monson which is bisected by Avenue 416 and Road 104. **(Figures 1&2)**
- NOTICE:** Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.
- SUMMARY:** The annexation is part of an effort to provide water to the site from the Sultana Community Services District (CSD) and intertie the systems. Monson is already authorized to receive domestic water from the Sultana CSD through Extraterritorial Service Agreement 2016-04.
- APNs:** See attached list **(Figure 3)**

**GENERAL ANALYSIS**

**1. Land Use:**

*A. Site Information*

	<b>Existing (County)</b>	<b>Proposed (District)</b>
<b>Zoning Designation</b>	AE-40, A-1, and C-2	No change
<b>General Plan Designation</b>	Monson Hamlet Development Area	No change
<b>Uses</b>	Residential, commercial, agriculture production	No change

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

	<b>Zoning Designation</b>	<b>General Plan Designation</b>	<b>Existing Use</b>
<b>North</b>	AE-40	Agriculture	Agriculture, rural residential
<b>South</b>	AE-40	Agriculture	Agriculture, rural residential
<b>East</b>	AE-40	Agriculture	Agriculture, rural residential
<b>West</b>	AE-40	Agriculture	Agriculture, rural residential

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

The site is relatively flat and does not contain any natural topographical features.

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

The site is entirely outside the Sultana CSD’s Sphere of Influence. Sultana CSD is requesting an amendment to its Sphere of Influence as part of this application. The application is compatible with the County’s General Plan and the Monson Hamlet Development Plan.

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

The area is already largely developed though a few agricultural properties are included in the application. As established in the Monson Hamlet Plan, the area is not experiencing growth pressures and no new development is part of this proposal. Annexation in the Sultana Community Services District would have no adverse impact on existing Williamson Act contracts.

**3. Population:**

There are more than 12 registered voters in the proposed annexation area. Therefore, pursuant to GC Section 56046, the annexation area is inhabited.

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

**Agency providing service**

<i>Service</i>	<i>Now</i>	<i>After</i>	<i>Method of finance</i>
Police Protection	Tulare County Sheriff	Tulare County Sheriff	General Fund/Taxes
Fire Protection	Tulare County Fire	Tulare County Fire	General Fund/Taxes
Water Supply	Private wells / Sultana CSD	Sultana CSD	Customer Rates and User Fees

Sewage Disposal	Private septic	Private septic	N/A
Street Lighting	None	None	N/a
Street Maintenance	County of Tulare	County of Tulare	Property Taxes
Planning/Zoning	County of Tulare	County of Tulare	Application Fees, Taxes

The Sultana Community Services District is currently seeking grant funding to construct an additional community well in Sultana, install water meters, and extend the existing distribution system in Monson to serve additional properties within the community and to intertie the two systems.

The installation of the Monson water system was grant-funded. Future additions to the Sultana and Monson water systems are anticipated to be funded by grant funds. All operations are funded by user fees.

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

The boundaries of the proposal area are definite and certain and conform to the lines of assessment. A map sufficient for filing with the State Board of Equalization has been received.

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

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

Land	\$ 1,013,154
Improvements	\$ 2,235,350
Total	\$ 3,248,504

**7. Environmental Impacts:**

Tulare County is the lead agency for the environmental review of this proposal and has prepared a Notice of Exemption. Under CEQA Section 15303 and Sections 21080(b), (2), (3); 15269(a), (b), (c), and 15359, the proposal is considered exempt from CEQA. A copy of the document is included in the application materials.

**8. Landowner Consent:**

Consent to this annexation was received from many of the property owners as part of the ESA process. However, consent has not been received from all property owners within the proposed annexation area. No protests have been received at this time. If no protests are received by the end of the public hearing, the Commission may waive the protest hearing. If protests are received by the end of the public hearing, a protest hearing will be held following the 30 day reconsideration period if the annexation is approved.

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

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments. Since there is no development proposal as part of this request, the annexation will not assist the County in achieving its fair share of regional housing needs.

**10. Discussion:**

Government Services

The adequacy of governmental services will be improved within the subject area, particularly the provision of domestic water. Adequate governmental services can be provided to the subject area, thanks in part to the aid received from grants.

A Rate Analysis was prepared by the Rural Community Assistance Corporation in 2017 and adopted by the Sultana CSD Board of Directors in 2018. The system is not currently metered, so each user is subject to a flat monthly rate effective Feb 1, 2018. Once meters are installed, customers will be charged a base rate, plus a usage charge per 1,000 gallons used. The current flat rate for a single-family home is \$45.85. The forecasted metered rate in 2020 will be \$35.08 base rate plus \$1.15 per 1,000 gallons used for a single family home.

**RECOMMENDED ACTIONS:**

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

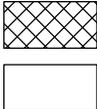
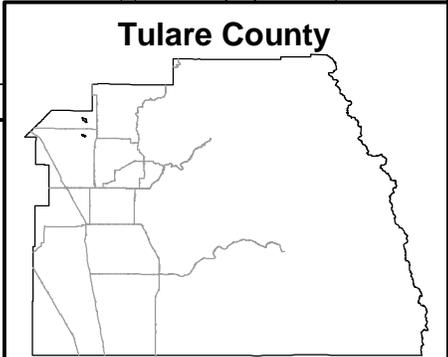
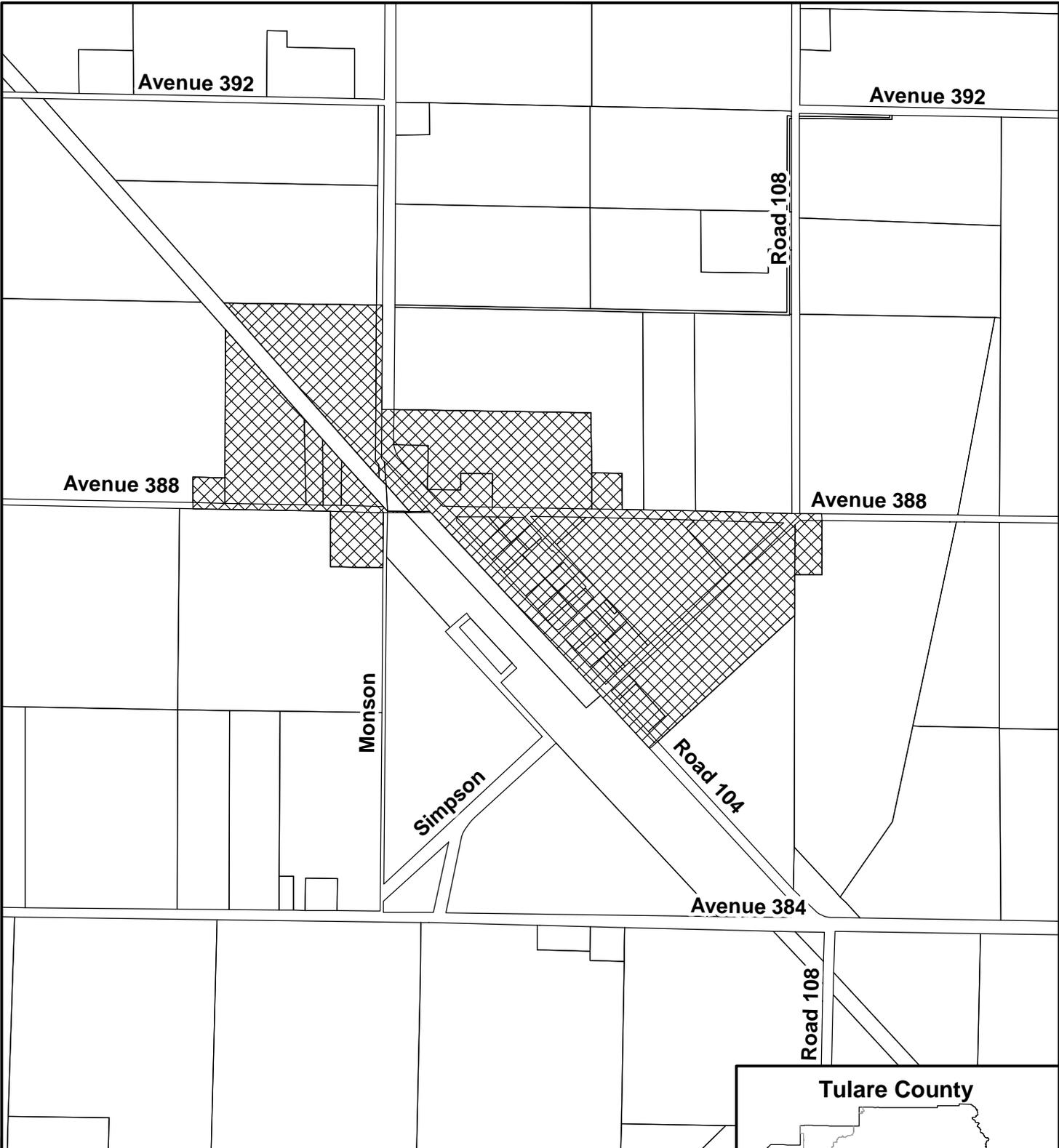
1. Certify that the Commission has reviewed and considered the Notice of Exemption prepared by Tulare County for this project and find that the proposal is considered exempt from CEQA under Section 15303 and Sections 21080(b), (2), (3), (4); 15269(a), (b), (c), and 15359.
2. Find that the proposed annexation complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56001.
3. Pursuant to LAFCO Policy and Procedure Section C-1, find or determine that:
  - a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.
  - b. There is a demonstrated need for the services to be provided by the district.
  - c. There is a mutual social and economic interest between the residents of the district and the proposed annexation territory.

- d. The proposed annexation is compatible with the County's General Plan.
  - e. The proposed annexation represents a logical and reasonable expansion of the district.
4. Find that the territory proposed for this annexation to the Sultana Community Services District is inhabited.
  5. Approve the reorganization as proposed by the Sultana Community Services District to be known as LAFCO Case Number 1542, Sultana Community Services District Annexation of Monson subject to the following conditions:
    - a. The approval of the conterminous SOI amendment, Case 1542a.
    - b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
  6. Waive the protest hearing for this proposal in accordance with subsection (c) of Government Code §56663 and order the annexation without an election or if written protests are received prior to the conclusion of the public hearing, conduct the protest hearing pursuant to GC §57000.
  7. Authorize the Executive Officer to sign and file a Notice of Exemption with the Tulare County Clerk.

**Figures:**

- |          |                         |
|----------|-------------------------|
| Figure 1 | Site Location Map       |
| Figure 2 | District Location Map   |
| Figure 3 | Assessor's List of APNs |
| Figure 4 | Resolution              |

# LAFCO Case 1542



Site Location Case 1542

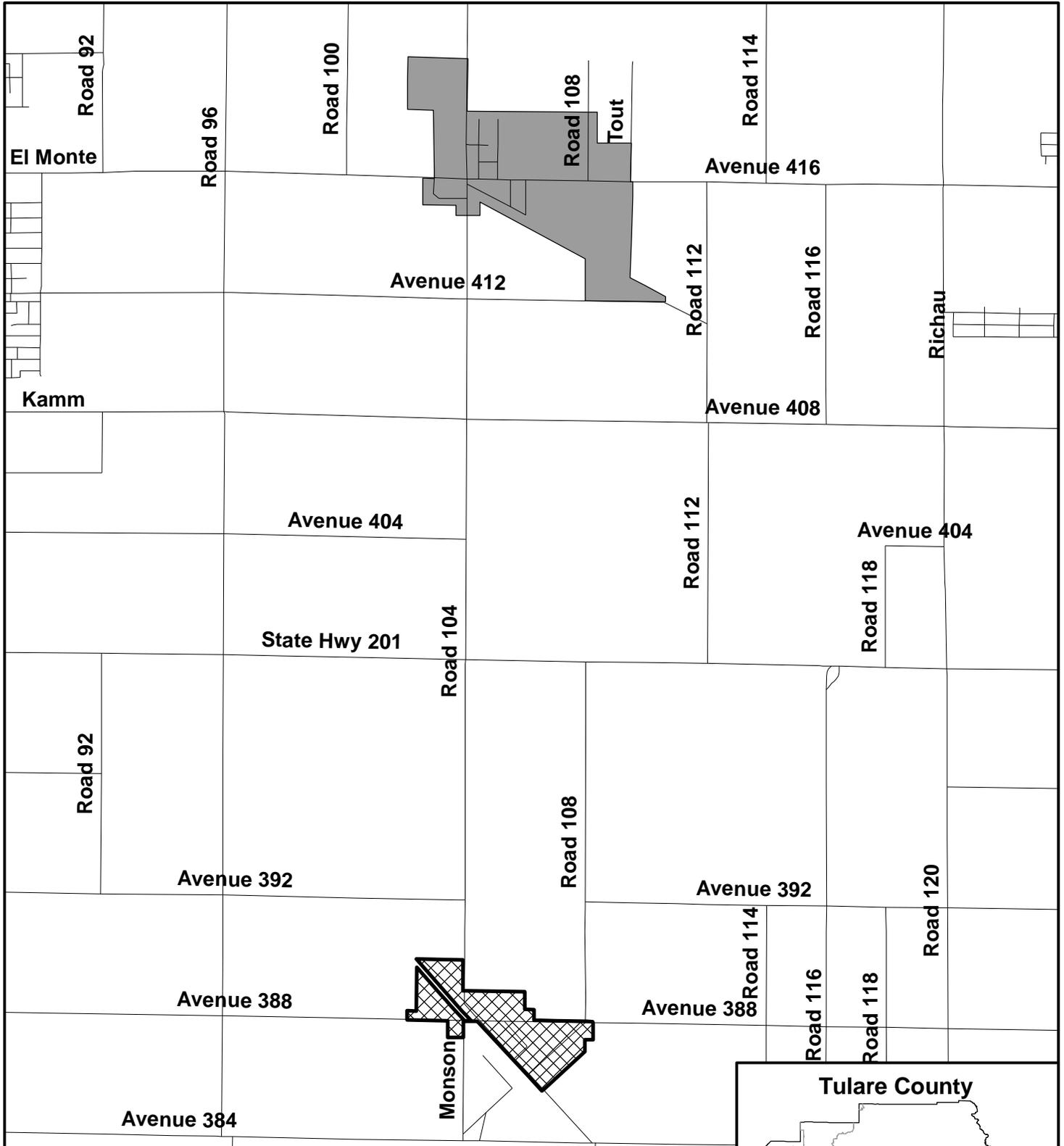
Parcels



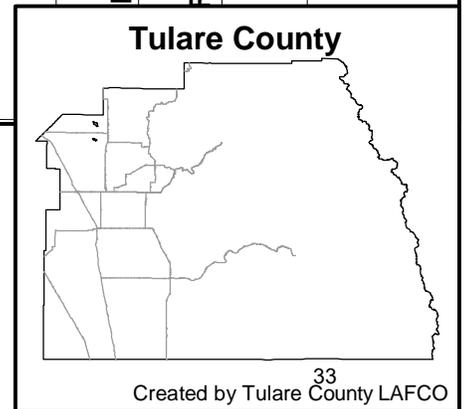
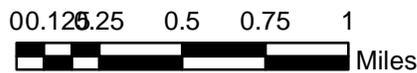
0 500 1,000 Feet

Boundaries as of 3/20/19

# LAFCO Case 1542



- Streets
-  Site Location Case 1542
-  Existing Sultana CSD



**ASSESSOR'S REPORT TO LAFCO & AUDITOR**

[Pursuant to Section 56386 of Government Code]

**LAFCO CASE NO.:** 1542

**PROPONENT:** Sultana Community Services District

**DESCRIPTIVE TITLE:** Monson Area Annexation

**1) Total Parcels Lying Entirely Within Proposed Boundaries:** 2

SEE ATTACHED

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

NONE

**3) a) Total Parcels in Aq Preserve and/or Contract:** 4

030-200-009      033-030-015      033-030-009  
030-200-017      033-050-008

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

No.

**4) a) Total Parcels Owned by Initiating Agency:** 1

033-040-037

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

N/A

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

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

**6) Other Comments:**

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

**Technician:**           ASG          

**Date:**           04/24/2019          

**END OF REPORT**

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

030-190-012

030-200-005

030-200-006

030-200-007

030-200-008

030-200-009

030-200-017

033-030-015

033-030-027

033-030-031

033-030-034

033-030-035

033-040-002

033-040-003

033-040-004

033-040-005

033-040-008

033-040-009

033-040-010

033-040-011

033-040-012

033-040-013

033-040-014

033-040-015

033-040-016

033-040-017

033-040-019

033-040-020

033-040-021

033-040-025

033-040-029

033-040-030

033-040-031

033-040-034

033-040-035

033-040-036

033-040-037

033-060-013



2. The County of Tulare, as Lead Agency, filed a Notice of Exemption in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Notice of Exemption by the County of Tulare for this project and find the project to be exempt under Section 15303 and Sections 21080(b), (2), (3), (4); 15269(a), (b), (c), and 15359.

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

XXXXXXXXXX

XXXXXXXXXX

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

5. Based upon the evidence and information on the record before it, the Commission makes the following findings of fact:

a. The boundaries of the proposed annexation are definite and certain and conform to lines of assessment.

b. More than 12 registered voters reside in the affected territory and 100% landowner consent was not received.

c. The Sultana Community Services District has provided a resolution approving the annexation area into the district boundaries.

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

- a. The proposed annexation is compatible with the County's General Plan.
- b. There is a demonstrated need for services to be provided by the district.
- c. There is a mutual social and economic interest between the residents of the district and the proposed annexation territory.
- d. The proposed annexation represents a logical and reasonable expansion of the district.
- e. The proposal is consistent with the findings and declarations of GC §56001.

7. Waive the protest hearing for this proposal in accordance with GC §56663 and order the change of organization without an election.

8. Approve the annexation as proposed by the Sultana Community Services District, to be known as LAFCO Case Number 1542, Sultana Community Services District Annexation of Monson with the following conditions:

- a. The approval of the conterminous SOI amendment, Case 1542a.
- b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.

9. The following short form designation shall be used throughout these proceedings:  
LAFCO Case Number 1542.

10. Determines, in accordance with CEQA, as a Responsible Agency, that it has considered the Notice of Exemption prepared by the County of Tulare and authorize the Executive Officer to sign and file a Notice of Exemption with the Tulare County Clerk.

The foregoing resolution was adopted upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 1st day of May, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

si

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# TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

**COMMISSIONERS:**

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

**ALTERNATES:**

*Eddie Valero  
Carlton Jones  
Manny Gomes*

**EXECUTIVE OFFICER:**

*Ben Giuliani*

May 1, 2019

The Honorable Kansen Chu  
California State Assembly  
State Capital Room 3126  
Sacramento, CA 95814

Subject: **Oppose AB 600 (as amended April 11, 2019)**

Dear Assembly Member Chu:

The Tulare County Local Agency Formation Commission (LAFCo) joins the California Association of Local Agency Formation Commissions (CALAFCo) to oppose your bill **AB 600**. LAFCos are aware of and concerned about the disparity of local public services, especially for residents and properties located within disadvantaged unincorporated communities (DUCs). All Californians deserve adequate and safe drinking water and wastewater facilities. We support your efforts to address these problems, which persist in many counties, however **AB 600** in its current version does not represent a collective stakeholder dialogue with reasonable and systemic solutions to the problem.

**Annexations concerns.** Changes proposed to Government Code Section 56375 pose several problems. First, the proposed changes in §56375(a)(8)(A) and (B) seem to confuse the annexation of territory into an incorporated city and the annexation of territory into a special district. When the Legislature created LAFCos in 1963, one of LAFCos' primary missions was and still is to ensure orderly growth and development. This is done in a variety of ways including the authority to adopt spheres of influence for local agencies and approve annexations. To ensure orderly growth, when the LAFCo approves a service extension outside the jurisdictional boundary but within the sphere of influence, they do so in anticipation of a later change of organization (annexation), pursuant to §56133(b). Changes to §56375(a)(8)(A) add the exclusion of annexation into a qualified special district.

Further, changes to §56375(a)(8)(B) create an inconsistent exception for protest proceedings which takes away rights that have been long-established in governmental reorganizations in California. The residents of the DUC are afforded the right to file protests for boundary changes but other residents living within a larger annexation boundary that are not part of the DUC would lose their right to protest.

**Removes LAFCo discretion.** When considering a change of organization pursuant to §56133, LAFCo has the discretion to consider the unique local circumstances and conditions that exist. This is an important and basic construct within the legislatively stated purpose of LAFCos. This bill removes that discretion and authority through proposed changes to §56375(a)(9), §56425(k)(1) and (2), and §56425 (l).

**Requires LAFCo action that conflicts with other proposed changes and for which there is no existing authority.** It appears that by requiring LAFCo to initiate a change of organization, reorganization or service extension pursuant to changes proposed in 56378.1, there is a conflict with changes proposed in 56375(a)(8)(B). One section requires the LAFCo to initiate the action and the other section prohibits the action under certain conditions.

More importantly, LAFCos currently do not have authority to initiate the actions prescribed in the bill. There is no existing authority to initiate an annexation or extension of service. LAFCo is authorized only to initiation action to consolidate or dissolve districts.

**Lack of clarity.** The bill proposes changes to §56301 by adding “considerations of equity” as an additional basis upon which LAFCos fulfill their purposes. Yet the bill does not define “considerations of equity”, which leads to a wide open interpretation. Each LAFCo will create their own local policies related to “considerations of equity”.

**Accessibility plans.** The bill requires LAFCo, within five years of the approval of an accessibility plan (pursuant to §56440), to hold a noticed public hearing for the purposes of reviewing the status of every DUC that is subject to an accessibility plan. This has the potential of being a vast number of public hearings and comprehensive reviews without the necessary resources to execute such a requirement.

Additionally, the bill requires LAFCo to initiate a change of organization, reorganization or service extension should the commission determine the needs of the DUC remain unaddressed. LAFCo-initiated actions are costly to the LAFCo (as there is no funding source to support the action) and like all other changes of organization or reorganization, are subject to protest proceedings. Further, a service extension without annexation would not be a likely LAFCo-initiated action.

The required contents of the accessibility plan are confusing. First, §56440(a)(5)(A) states: *“Any actions and alternatives necessary to be taken by the commission, if any, to enable the entity determined pursuant to paragraph (2) to provide services to the affected territory.”* How is a county, city or special district best positioned and informed to prescribe to the LAFCo commission what actions the LAFCo should be taking?

Second, §56440(a)(6)(B) requires the commission to approve or approve with conditions the accessibility plan. Once again there is a divestiture in LAFCo authority. Further, we fail to see LAFCos’ authority to enforce any conditions that may be applied to the accessibility plan.

Third, §56440(a)(2) requires the commission to determine which entity is best positioned to provide adequate water or wastewater services to the affected territory. Without a thorough study of surrounding service providers, this will be difficult to determine.

**One size does not fit all.** We are concerned that the bill has unintended consequences in the ability to provide necessary services to an existing DUC. For example, if it is reasonable to extend services to a particular DUC but not to others, this bill prevents the extension of services to the area that can reasonably be serviced. The same is true for those areas currently contained within a city’s sphere, where it may make better sense to have another service provider providing the service. These changes are complicated by the fact the bill interchangeably uses the term “disadvantaged community” and “disadvantaged unincorporated community”.

**Who pays for all of these actions?** The studies, analysis, preparation of recommendations regarding underserved disadvantaged communities and public hearings on all accessibility plans and potential

subsequent actions initiated by LAFCo that would be required, all impose unfunded mandates on counties, cities, qualified special districts and LAFCOs. By law LAFCo is forced to pass their costs on to cities, counties – and in 30 counties – special districts which fund the commissions.

We support workable and sustainable policy solutions to the disparities in service delivery to disadvantaged communities. However a major obstacle remains the infrastructure and operational funding for these services. We believe that addressing the needs of disadvantaged communities through the planning process and finding tools to support the infrastructure deficiencies and implementation actions remain a very important part of the solution.

For all of the reasons noted above, the Tulare County LAFCo is opposed to **AB 600**. Please contact me should you have any questions.

Yours sincerely,

Rudy Mendoza  
Chair, Tulare County LAFCO

Cc: Members, Assembly Local Government Committee  
Jimmy MacDonald, Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus  
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## CALAFCO Daily Legislative Report as of Wednesday, April 24, 2019

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

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

**Introduced:** 2/13/2019

**Last Amended:** 4/11/2019

**Status:** 4/22/2019-Re-referred to Com. on L. GOV.

**Calendar:** 4/24/2019 1:30 p.m. - State Capitol, Rm 127 ASSEMBLY LOCAL GVT, AGUIAR-CURRY, Chair

#### **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: 4/11/2019 [html](#) [pdf](#)

**Introduced:** 2/14/2019

**Last Amended:** 4/11/2019

**Status:** 4/22/2019-Re-referred to Com. on L. GOV.

**Calendar:** 4/24/2019 1:30 p.m. - State Capitol, Rm 127 ASSEMBLY LOCAL GVT, AGUIAR-CURRY, Chair

#### **Summary:**

The Planning and Zoning Law requires a city or county, on or before the due date for the next adoption of its housing element, to review and update the land use element of its general plan based on available data, including, but not limited to, the data and analysis of unincorporated island, fringe, or legacy communities inside or near its boundaries, as provided. That law requires the updated land use element to include, among other things, an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each identified community. This bill would define the term "needs or deficiencies" for these purposes to mean both deficient services and lack of services, as specified.

**Position:** Oppose

**Subject:** Disadvantaged Communities, Water

**CALAFCO Comments:** This bill creates a requirement for all cities, counties and certain special districts to develop an accessibility plan if they have DUCs identified in the land use element of the respective city or county. The accessibility plan is intended to be a plan for services to get those DUCs drinking water, wastewater and fire services. Contents of the plan are questionable (at best) and include things such as the identification of the entity best positioned to provide the service; actions necessary to be taken by the LAFCo to enable the provision of services to the DUC; any action the local agency feels the LAFCo will require them to take; cost/benefit analysis; and funding analysis. The agency then must submit the plan to the LAFCo, who is required to approve or conditionally approve within 90 days of receiving in a public hearing.

The bill includes as a purpose of the commission, to consider "equity" in addition to local circumstance

and conditions, yet the bill leaves this term undefined.

The bill allows extension of service without annexation if a majority of residents (not registered voters) oppose the annexation.

The bill gives LAFCo new authority by requiring initiation of a change of org, reorg or service extension for any DUC related to an accessibility plan (by county, city or district) where no action has been taken by the county or city to address the service deficiency. Also, this part of the bill (56378.1) directly conflicts with other parts of the bill 56375(a)(8)(B).

The bill also requires each LAFCo to conduct a public hearing with two years of the approval of an accessibility plan for each entity to review the status of the plan, and if insufficient action has been taken, to authorize and initiate a change of organization, reorg or extension of service. In addition to the many troubling part of this process, the timing does not make sense because the bill also requires the service provider to issue reports to the state at the same time.

The bill also prohibits a LAFCo for adopting, amending or updating a SOI if: (1) a disadvantaged community is being removed from the sphere (unless the LAFCo can make findings that the removal of the area will result in an improvement in service delivery, (2) a sphere that fails to include a disadvantaged community that is contiguous to the proposed sphere unless the commission finds the exclusion of the area results in improved access to drinking or waste water; and if the service provider has not taken action pursuant to their accessibility plan two or more years prior to the amendment or update of the SOI.

All of these actions for LAFCos, cities, counties and special districts are unfunded mandates.

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

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

**Introduced:** 2/21/2019

**Status:** 4/3/2019-In committee: Set, first hearing. Referred to APPR. suspense file.

**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:** 3/14/2019-Referred to Com. on L. GOV.

**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: 3/21/2019 [html](#) [pdf](#)

**Introduced:** 2/22/2019

**Last Amended:** 3/21/2019

**Status:** 4/10/2019-From committee: Do pass and re-refer to Com. on U. & E. (Ayes 9. Noes 0.) (April 9). Re-referred to Com. on U. & E.

**Calendar:** 4/24/2019 1:30 p.m. - State Capitol, Rm 437 ASSEMBLY UTILITIES AND ENERGY, HOLDEN, Chair

**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:** 4/9/2019-Re-referred to Com. on L. GOV.

**Calendar:** 5/1/2019 1:30 p.m. - State Capitol, Rm 447 ASSEMBLY LOCAL GVT, AGUIAR-CURRY, Chair

**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:** 4/4/2019-Set for hearing May 1. From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

**Calendar:** 5/1/2019 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

**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:** This 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 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: 4/4/2019 [html](#) [pdf](#)

**Introduced:** 2/20/2019

**Last Amended:** 4/4/2019

**Status:** 4/22/2019-April 22 hearing: Placed on APPR. suspense file.

**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:** Watch

**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: 4/11/2019 [html](#) [pdf](#)

**Introduced:** 2/22/2019

**Last Amended:** 4/11/2019

**Status:** 4/18/2019-Set for hearing May 1.

**Calendar:** 5/1/2019 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

**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. This bill would state that a fee or charge for the extension of water or sewer service may not be utilized for facilities or services other than those for which the fee or charge is imposed.

**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:** 4/10/2019-In committee: Set, first hearing. Referred to APPR. suspense file.

**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:** 4/3/2019-In committee: Set, first hearing. Referred to APPR. suspense file.

**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: 4/22/2019 [html](#) [pdf](#)

**Introduced:** 2/22/2019

**Last Amended:** 4/22/2019

**Status:** 4/23/2019-Re-referred to Com. on L. GOV.

**Calendar:** 5/1/2019 1:30 p.m. - State Capitol, Rm 447 ASSEMBLY LOCAL GVT, AGUIAR-CURRY, Chair

**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.

**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).

**SB 379 (Committee on Governance and Finance) Validations.**

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

**Introduced:** 2/20/2019

**Status:** 4/4/2019-Read third time. Urgency clause adopted. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**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:** 4/4/2019-Read third time. Urgency clause adopted. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**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:** 4/4/2019-Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**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 530 (Aguiar-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:** 4/23/2019-Read second time. Ordered to third reading.

**Calendar:** 4/25/2019 #70 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

**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:** 3/26/2019-Re-referred to Com. on L. GOV.

**Calendar:** 5/1/2019 1:30 p.m. - State Capitol, Rm 447 ASSEMBLY LOCAL GVT, AGUIAR-CURRY, Chair

**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: 4/11/2019 [html](#) [pdf](#)

**Introduced:** 2/22/2019

**Last Amended:** 4/11/2019

**Status:** 4/23/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 12. Noes 0.) (April 22). Re-referred to Com. on APPR.

**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:** 4/11/2019-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

**Calendar:** 4/24/2019 9 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

**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.