



# TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

COMMISSIONERS:  
Pete Vander Poel, Chair  
Julie Allen, V-Chair  
Martha Flores  
Dennis Townsend  
Pamela Kimball

## LAFCO MEETING AGENDA

**April 1, 2020 @ 2:00 P.M.**

ALTERNATES  
Eddie Valero  
Carlton Jones  
Manny Gomes

NOTE: This meeting will allow Commissioners and the public to participate in the meeting via Teleconference, pursuant to the Governor's Executive Order N-25-20 (March 12, 2020), available at <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>

EXECUTIVE OFFICER  
Ben Giuliani

**The call-in number for this meeting is: 877-858-5743 | Passcode: 609873**

Executive Order N-25-20 requires agencies holding meetings via teleconferences to designate a publicly accessible location from which members of the public may observe and provide public comment. Although members of the public are encouraged to participate via teleconference, LAFCo has designated the following physical location for public participation:

BOARD OF SUPERVISORS CHAMBERS | COUNTY ADMINISTRATIVE BUILDING  
2800 West Burrel Avenue  
Visalia, CA 93291

- I. **Call to Order**
- II. **Approval of Minutes from March 4, 2020** (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. **Annexation to the Goshen Community Services District, Case 1550 (Goshen)** (Pages 03-16)  
*[Public Hearing].....Recommended Action: Approval*

The Goshen Community Services District has submitted a request for an annexation of approximately 80 acres of land located at the southwest corner of Road 64 and Avenue 308. A Mitigated Negative Declaration has been prepared in compliance with CEQA by the County of Tulare.

**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**

2. Request for Fee Waiver for Detachment from Porterville Irrigation District **(Pages 17-24)**  
*[No Public Hearing].....Recommended Action: Fee Waiver Determination*

The Leadership Counsel for Justice and Accountability on behalf of the property owner Cristobal Chavez requests a fee waiver for an application of a future proposed detachment of property from the Porterville Irrigation District located at 19628 Avenue 144, Porterville CA.

3. 2020/2021 Preliminary Budget and Work Program **(Pages 25-46)**  
*[Public Hearing].....Recommended Action: Approval*

Pursuant to GC 56381, the Commission must adopt a proposed budget and work program, for the following fiscal year, by May 1. The Commission must also decide the amount of reserve funds, if any, it would like to apply in order to offset the contribution from the County's eight cities and Tulare County. All expenditures and revenues are itemized on a single spreadsheet and the work program.

4. Alternate Public Member Selection Committee **(Pages 47-50)**  
*[No Public Hearing].....Recommended Action: Select Committee*

The term of office of the Alternate Public Member representing the general public on the Tulare County Local Agency Formation Commission expires on May 4, 2020. It is recommended that the Commission initiate action to appoint the members of the selection committee consisting of one County Member and one City Member.

5. Cancellation of the May 6<sup>th</sup> meeting **(No Page)**  
*[No Public Hearing].....Recommended Action: Cancel Meeting*

There are no urgent items scheduled for the May 6<sup>th</sup> meeting. This will also allow additional time for the submittal of applications for the Alternate Public Member position. The next regularly scheduled meeting is June 3<sup>rd</sup>, 2020.

## V. **Executive Officer's Report**

1. Legislative Update **(Page 51-59)**

See enclosed CALAFCO legislative report.

2. Upcoming Projects **(No Page)**

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

## VI. **Correspondence**

There are no correspondence items.

## 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. May 6, 2020 or June 3, 2020 @ 2:00 P.M in the Board of Supervisors Chambers in the County Administration Building.

## IX. **Adjournment**

**NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking. 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  
March 4, 2020 – Meeting Minutes**

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

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- I. **Call to Order:** Chair Vander Poel called the meeting to order at 2:00 p.m.
- II. **Approval of the January 22, 2020 Meeting Minutes:**  
Upon motion by Commissioner Flores and seconded by Commissioner Allen, the Commission unanimously approved the LAFCO minutes.
- III. **Public Comment Period:**  
Chair Vander Poel opened/closed the Public Comment Period at 2:02 p.m. No public comments received.
- IV. **New Action Items:**
  1. **Annexation to the City of Tulare and Detachment from Tulare Irrigation District (TID) and from County Service Area #1. Case 1547-T-166 (Cartmill Crossing)**  
Staff Analyst Ingoldsby presented the proposed annexation of 143.3 acres to the City of Tulare and the detachment from (TID) explaining the environmental impacts, and proposed residential development. Staff Analyst Ingoldsby reviewed the staff recommendations and conditions for approval.  
  
Chair Vander Poel opened the public hearing at 2:14  
  
Mr. Josh McDonnell, with City of Tulare spoke in support of the proposed annexation and detachment from the TID and County Service area #1.  
  
Ms. Blanca Escobedo, with Leadership Counsel for Justice & Accountability commented on the positive efforts made by the City of Tulare to provide water and sewer services to the Matheny Tract Community.  
  
Chair Vander Poel closed the public hearings at 2:30  
  
Upon motion by Commissioner Townsend and seconded by Commissioner Allen, the Commission unanimously approved the annexation and detachment as recommended.
  2. **Sphere of Influence Amendment to the City of Woodlake, Case 1548-W-25a**  
Staff Analyst Ingoldsby presented both action items pertaining to the City of Woodlake together, and provided a detailed review of the location and acres that would be effected. Staff Analyst Ingoldsby highlighted the sphere of influence amendment and discussed the purposed reorganization.  
  
Chair Vander Poel opened the public hearing for both City of Woodlake action items at 2:38

Mr. Jason Waters, with City of Woodlake spoke in support of the City of Woodlake sphere of influence amendments, annexation, and detachment from the County service area #1.

Chair Vander Poel closed the public hearings at 2:40

Upon motion by Commissioner Townsend and seconded by Commissioner Flores, the Commission unanimously approved the sphere of influence amendment as recommended.

3. **Annexation to the City of Woodlake and Detachment from County Service Area #1 Case 1548-W-25**

Presented along with item IV-2

Upon motion by Commissioner Townsend and seconded by Commissioner Flores, the Commission unanimously approved the detachment as presented.

4. **Annexation to the City of Tulare and Detachment from Tulare Irrigation District (TID) and from County Service Area #1, Case 1549-T-167 (Fernjo Estates)**

Staff Analyst Ingoldsby outlined the proposed annexation of 18.1 acres, highlighting the environmental impacts, the regional housing needs assessment (RHNA), and prior conditions of approval. Staff Analyst Ingoldsby provided details pertaining to the detachment from the TID and stated the recommendations with the additional conditions of approval.

Chair Vander Poel opened the public hearing at 2:44

Mr. Josh McDonnell, with City of Tulare spoke in support of the proposed action.

Chair Vander Poel closed the public hearings at 2:45

Upon motion by Commissioner Allen and seconded by Commissioner Flores, the Commission unanimously approved the annexation and detachment as recommended

V. **Executive Officer's Report**

1. **Legislative Update:**

EO Giuliani reviewed the legislative report.

2. **Upcoming Projects:**

EO Giuliani stated that the preliminary budget and an annexation for the Goshen CSD would be presented at the April meeting. EO Giuliani noted that Mr. Gomes term would be ending in May therefore a subcommittee would need to be assembled to select the Alternate Public Member.

VI. **Correspondence:**

1. None

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 **April 1, 2020 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 2:49 p.m.

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

*April 1, 2020*

**LAFCO Case Number 1550 (Goshen)  
Goshen Community Services District Annexation No. 2020-01-01 (Cross Creek  
Subdivision)**

**PROPOSAL:** Goshen Community Services District Annexation

**PROPONENT:** Goshen Community Services District by resolution of its Board of Directors

**SIZE:** 80 acres

**LOCATION:** Southwest corner of Road 64 and Avenue 308 (**Figure 1**)

**NOTICE:** Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.

**SUMMARY:** The annexation area is intended to facilitate the development of a 399 lot residential subdivision, 2 commercial lots and a ponding basin.

**APNs:** 073-060-032, 073-060-033

**GENERAL ANALYSIS**

**1. Land Use:**

*A. Site Information*

	<b>Existing (County)</b>	<b>Proposed (County)</b>
<b>Zoning Designation</b>	C2 MU	No change
<b>General Plan Designation</b>	Commercial Mixed Use	No change
<b>Uses</b>	Agriculture	Single family residences, commercial

*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>	C2 MU	Mixed Use	Agriculture
<b>South</b>	C2 MU	Mixed Use	Agriculture
<b>East</b>	R-1	Residential	Residential
<b>West</b>	AE 40	Agriculture	Agriculture

**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 Goshen CSD Sphere of Influence and consistent with the Tulare County General Plan 2030 update.

**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	County of Tulare	General Fund
Fire Protection	County of Tulare	County of Tulare	General Fund
Water Supply	Private Well	Cal Water	Service Fees
Sewage Disposal	Private Septic	Goshen CSD & City of Visalia	Service Fees
Street Lighting	County of Tulare	County of Tulare	General Fund
Street Maintenance	County of Tulare	County of Tulare	General Fund
Planning/Zoning	County of Tulare	County of Tulare	Service Fees and General Fund
Garbage Disposal	None	Mid Valley Disposal	Service Fees

Cal Water has provided a will serve letter (**Figure 3**). The Goshen CSD will provide the wastewater collection system and pump it to the City of Visalia's wastewater treatment plant. The District contributes an average daily flow of approximately 250,000 gallons per day to the City of Visalia's wastewater treatment plant. The District estimated facility capacity is 500,000 gallons per day. The City's wastewater treatment plant has a capacity of 22 million gallons per day (mgd). Current estimated average daily flow is about 13 mgd.

**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	\$ 1,700,000
Improvements	\$ 0
Total	\$ 1,700,000

**7. Environmental Impacts:**

The County of Tulare is the lead agency for this proposal. The County prepared an initial study/environmental checklist and on the basis of that study, the Tulare County General Plan 2030 update and other planning documents, a Mitigated Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials.

**8. Landowner Consent:**

Signed consent to this annexation has not been received from all property owners. Notice was mailed to all landowners and registered voters within the proposal area. If no protests are received by the end of the public hearing, the Commission may waive the protest hearing. If protests are received by the end of the public hearing, a protest hearing will be held following the 30 day reconsideration period if the 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.

Approximately 399 units are proposed for residential development and are intended to serve the very low and low income groups.

2014-2023 Unincorporated Tulare County RHNA

Very Low	Low	Moderate	Above Moderate	Total
1,477	1,065	1,169	3,370	7,081

**10. Discussion:**

Government Services

The adequacy of governmental service will be improved within the subject area. According to the the County they are currently able to provide the annexation area urban services and infrastructure for development such as police, fire, streets, lighting, etc., as well as planning and building services. The only service the District would provide to the area is the conveyance of wastewater to be treated by the City of Visalia at the City’s wastewater treatment plant.

The area will need increased services. The District and the County are prepared to provide these services. Services which would be extended to this area will be funded primarily though impact fees and the general fund.

**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 Mitigated Negative Declaration prepared by the County of Tulare for this project and find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent.
2. Find that the proposed annexation to the Goshen Community Services District complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, find or determine that:
  - a. The boundaries of the proposed annexation are definite and certain and conform to lines of assessment.
  - b. The proposed annexation represents a logical and reasonable expansion of the district.
  - c. The proposed annexation is compatible with the plans of the adjacent governmental agencies

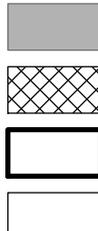
4. Find that the territory proposed for this annexation is uninhabited.
5. Find that the annexation territory does not contain any Williamson Act contract land.
6. Approve the proposed annexation, to be known as LAFCO Case Number 1550 (Goshen) subject to the following condition:
  - a. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
7. 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.
8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

**Figures:**

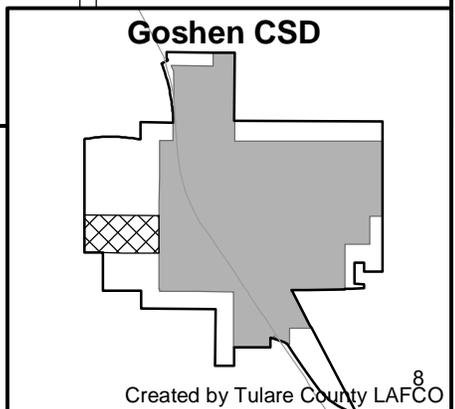
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|----------|-------------------|
| Figure 1 | Site Location Map |
| Figure 2 | Aerial Photo      |
| Figure 3 | Cal Water Letter  |
| Figure 4 | Resolution        |

# LAFCO Case 1550 (Goshen)

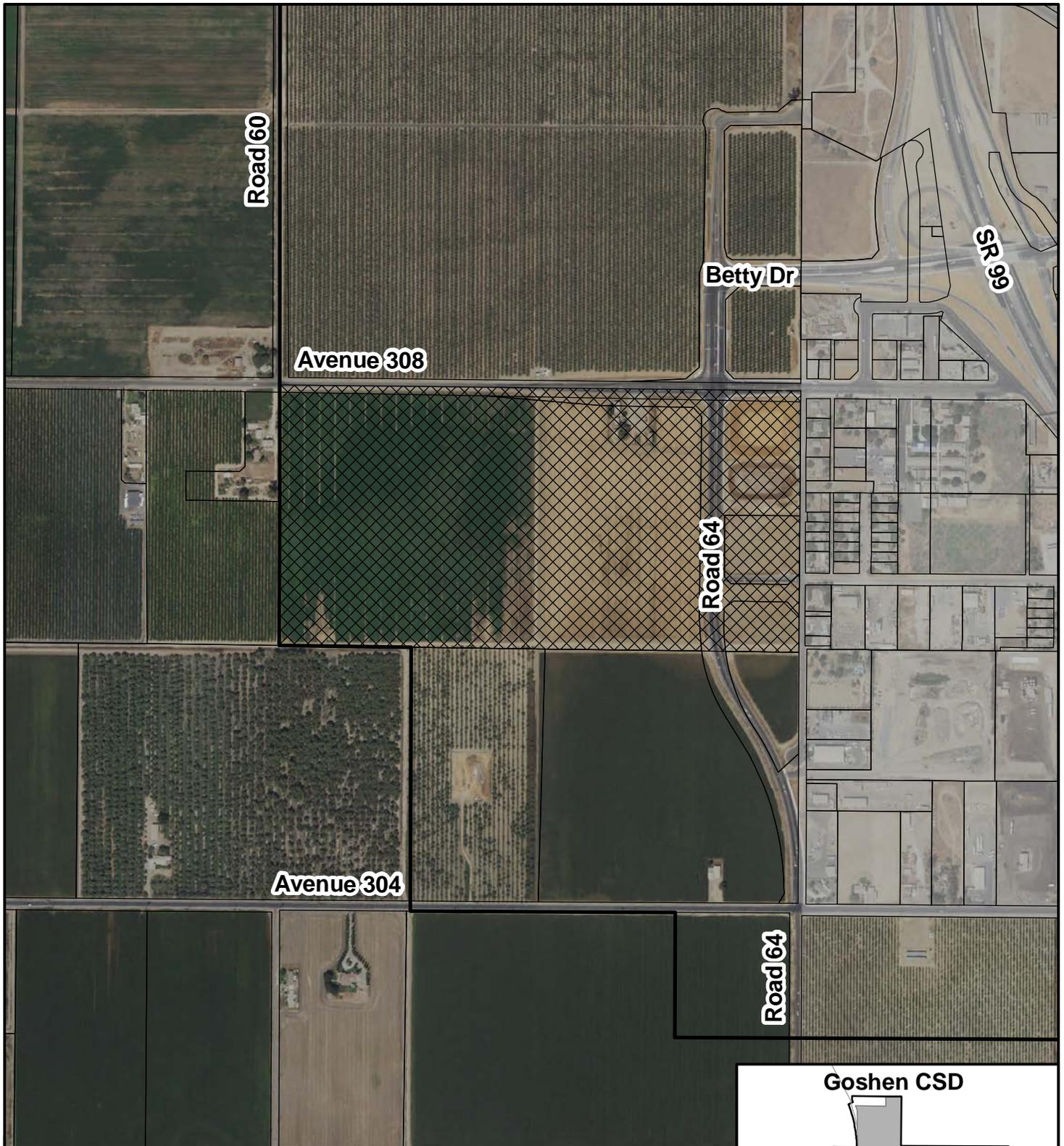


 Goshen Community Services District (CSD)  
Site Location 1550 (Goshen)  
Goshen Sphere of Influence  
Parcels

0 300 600 1,200 Feet  
Boundaries as of 2/18/20



# LAFCO Case 1550 (Goshen)



 Goshen Community Services District (CSD)

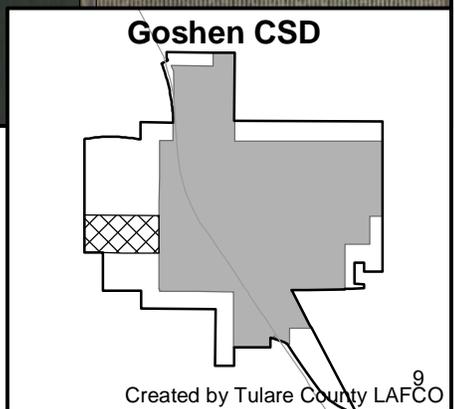
 Site Location 1550 (Goshen)

 Goshen Sphere of Influence

 Parcels

0 300 600 1,200 Feet

Boundaries as of 2/18/20





## CALIFORNIA WATER SERVICE

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

May 17, 2019

Jason Garcia-LoBue, MPA  
Chief Planner  
Tulare County RMA-Permit Center  
5961 South Mooney Blvd  
Visalia, CA 93277

### Will Serve Letter

Reference PRC 19-009, APN 073-060-032

Goshen Subdivision (SE Corner of Avenue 308 and Road 64)

Tulare County Resource Management Agency

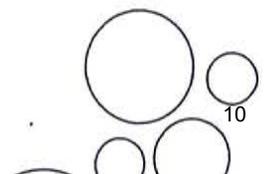
Dear Mr. Saenz:

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

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

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

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





## CALIFORNIA WATER SERVICE

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

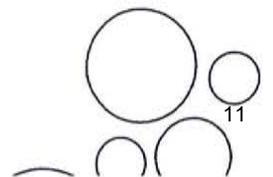
If you have any questions regarding the above, please call me at (559) 624-1600.

Sincerely,

A handwritten signature in cursive script 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 Goshen Community Services District        )            **RESOLUTION NO. 20-XXX**  
LAFCO Case No. 1550 (Goshen)                    )

**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 Goshen Community Services District to annex certain territories shown 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 April 1, 2020 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 County of Tulare as Lead Agency, filed a Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the County of Tulare for this project and finds although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent.

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. The territory proposed for this annexation is uninhabited.

- d. The subject territory is within the Sphere of Influence of the Goshen Community Services District.
- e. The annexation territory does not contain any Williamson Act contract land.

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 represents a logical and reasonable expansion of the district.
- b. The proposed changes are compatible with the plans of the adjacent governmental agencies.
- c. The proposal is consistent with the findings and declarations of GC §56001.

7. The Commission hereby approves the proposed annexation of the territory shown in Exhibit "A" attached hereto, subject to the following condition:

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

8. Waive the protest hearing for this proposal in accordance with GC §56663 and order the change of organization without an election *{if protests are not submitted by the close of the public hearing}* or Authorize the Executive Officer to conduct a protest hearing subsequent to these proceedings and to report to the Commission the results of that hearing for action in accordance with GC §§57000-57120 *{if protests are not submitted by the close of the public hearing}*.

9. The following short form designation shall be used throughout these proceedings: LAFCO Case No. 1550 (Goshen), Goshen Community Services District Annexation No. 2020-01-01 (Cross Creek Subdivision)

10. 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 April, 2020 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 Phone: (559) 623-0450 FAX: (559) 733-6720

COMMISSIONERS:  
*Pete Vander Poel, Chair  
Juliet Allen, V-Chair  
Martha Flores  
Dennis Townsend  
Pamela Kimball*

ALTERNATES:  
*Eddie Valero  
Carlton Jones  
Manny Gomes*

EXECUTIVE OFFICER:  
*Ben Giuliani*

April 1, 2020

To: LAFCO Commissioners and Alternates, Executive Officer  
From: Steven Ingoldsby, Staff Analyst  
Subject: Fee Waiver Request for Detachment from Porterville Irrigation District

**Background**

The Leadership Counsel for Justice and Accountability (LCJA) on behalf of the property owner Cristobal Chavez requests a fee waiver for an application of a future proposed detachment of property from the Porterville Irrigation District located at 19628 Avenue 144, Porterville CA. According to the LCJA, due to Mr. Chavez’s limited funds the existing fees would put a financial burden him.

The Commission’s fee structure for changes of organization was developed as an average cost for all changes of organization. Some cases would incur higher actual costs while others would incur less. The standard cost for a change of organization, including this future proposal, is currently \$3,476. The proposed future project proposal is a small detachment from an irrigation district and would likely cost less than a typical change of organization to process.

**Discussion**

Pursuant to Government Code (GC) §56383(d), “The commission may reduce or waive a fee, service charge, or deposit if it finds that payment would be detrimental to the public interest. The reduction or waiver of any fee, service charge, or deposit is limited to the costs incurred by the commission in the proceedings of an application”

There are three primary options that the Commission could consider:

- 1) Grant a full waiver of fees as requested by the project proponent (limited to costs incurred by Tulare County LAFCO).

- 2) Grant a reduction in fees to reflect actual estimated costs to process the future proposal.
- 3) Deny the waiver and leave the future proposal subject to the existing fee schedule.

#### Option 1 - Full Waiver

As stated earlier, pursuant to GC §56383(d), the Commission has the ability to grant a full waiver of fees limited to the costs incurred by Tulare County LAFCO. Most changes of organization are also subject to review by the County Auditor and the County Surveyor due to the impact on Tax Rate Areas (TRAs) and the need to file the change of organization with the Board of Equalization. Auditor and Surveyor fees are included within the standard LAFCO fee. The BOE fee is a separate fee which is charged after a completed (certified) change of organization. In addition, most changes of organization require a public hearing which must be posted in a newspaper of general circulation that is subject to a printing fee.

However, the proposed detachment is in an uncommon situation where the Porterville Irrigation District does not have a share of the 1% ad valorem property tax. The detachment would not need to be reviewed by the County Auditor or the County Surveyor and a BOE filing would not be necessary since the detachment would not result in any changes to the 1% ad valorem property tax or TRA designation.

In addition, the public hearing can be waived if no affected local agencies file a written demand for notice and hearing among other conditions as listed in GC §56662. The cost estimate to publish a public notice in the newspaper is \$335

If the Commission were to choose the full waiver option, the reimbursable cost for the future proposed detachment would range from \$0 to \$335 (the cost of the public notice).

#### Option 2 – Fee Reduction

The future proposed detachment would take less staff time to process than a typical change of organization. The Commission could chose to charge the actual cost for the processing of this proposal rather than a full waiver or the higher average cost as listed in the LAFCO fee schedule. LAFCO Policy B-2 ties the hourly cost of processing to the Resource Management Agency's hourly planning cost which is currently \$100/hr. Staff estimates that this proposal will take 15 hours to process which would result in a total of \$1500 for the cost of labor.

If the Commission were to choose the fee reduction option, the reimbursable cost for the future proposed detachment would range from \$1500 (labor cost) to \$1835 if a public hearing is required.

#### Option 3 – Deny the waiver request

The Commission could find that the payment of the standard change of organization fee is not detrimental to the public interest. With this option, the fee would remain at the standard rate of \$3,476.

## **Recommendation**

Determine what option to select in regards to the fee waiver request.

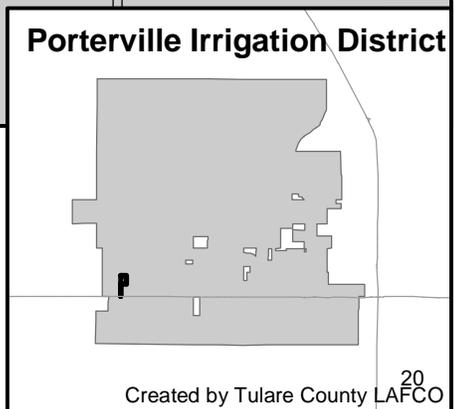
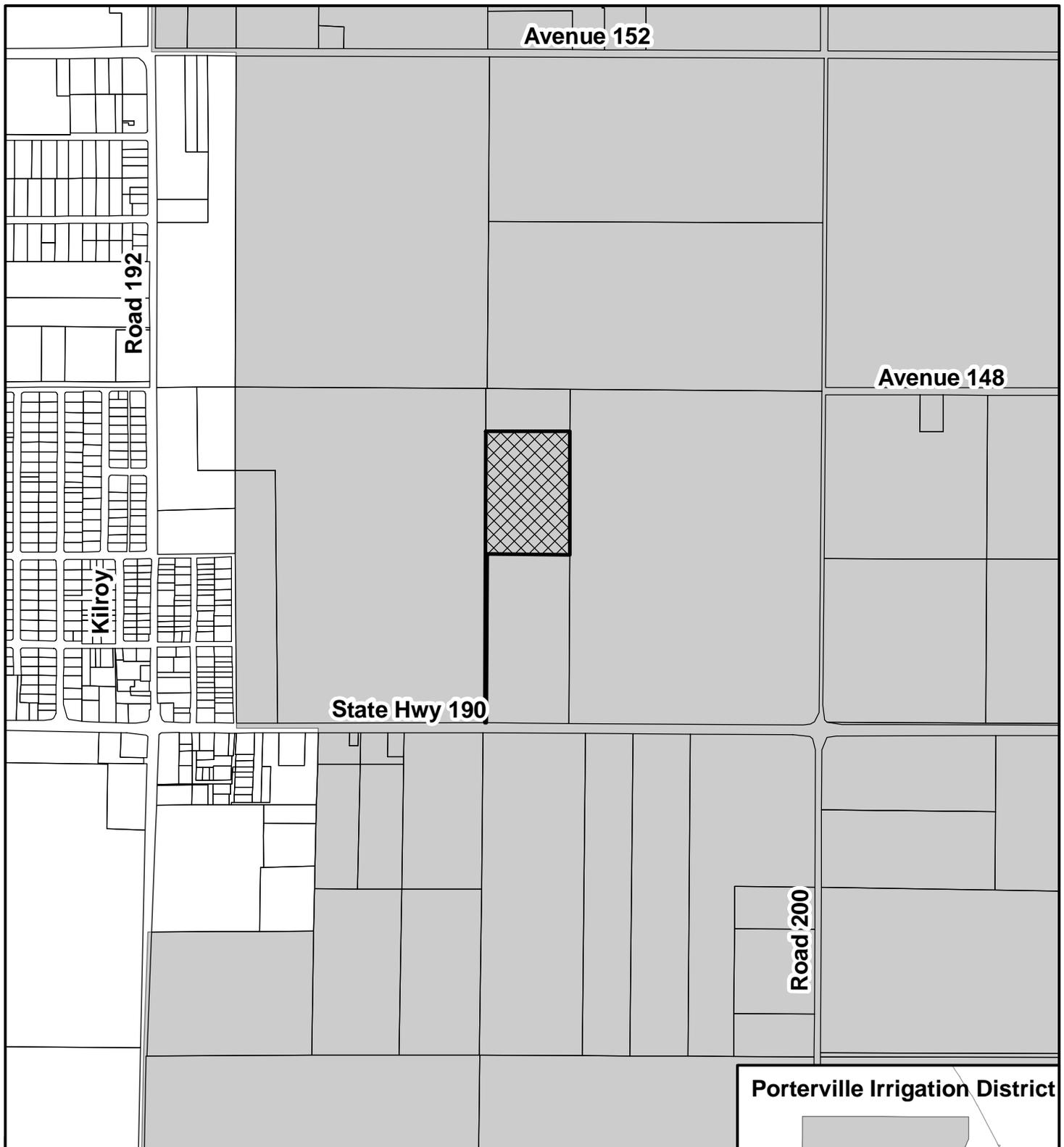
### Attachments:

Proposal Map

Letter dated 3/23/2020 from Leadership Counsel for Justice and Accountability  
Complaint for Declaration Relief (included in Commissioner's packets)

Resolution

# Fee Waiver Request Site Location



-  Cristobal Chavez Property
-  Parcels
-  Porterville ID



0 470 940 1,880 Feet

Boundaries as of 3/24/20



March 23, 2020

**Sent Via Email**

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

**Re: Request For Fee Waiver For Detachment Of 19628 Avenue 144, Porterville, CA  
93257 From Porterville Irrigation District**

Dear Honorable Commissioners:

On behalf of Cristobal Chavez, we write to respectfully request a fee waiver for an application of detachment of the property located at 19628 Avenue 144, Porterville, CA 93257 (Parcel Nos. 237-070-005 and 237-070-014) from the Porterville Irrigation District (PID). The subject property is owned by Cristobal Chavez, who is represented by the undersigned.

By way of brief background, Mr. Chavez contends in the action styled *Chavez v. Porterville Irrigation District*, Case No. VCU281111, that he receives no special benefit from PID and asks for refund of fees assessed by PID. Mr. Chavez' income is below the federal poverty limit, and has been granted a fee waiver in the court action. PID has indicated that it will not oppose an application for detachment, but has thus far declined to cover the fees for the application.

Absent a waiver of fees, it is unlikely that Mr. Chavez will be able to afford to file an application for detachment. Thus, pursuant to Tulare County LAFCo Policy B-2 2.6, and any other relevant policy, we request a waiver of all fees associated with an application for detachment. If granted, Mr. Chavez intends to file an application for detachment at a later date.

Thank you in advance for your consideration, and please do not hesitate to contact us with any questions or concerns. We are happy to provide additional information relevant to this request.

Sincerely,

A handwritten signature in black ink that reads "Adeyinka Glover". The signature is written in a cursive style. Below the signature, there is a faint, light-colored watermark or stamp that is partially obscured and difficult to read.

Adeyinka Glover  
Leadership Counsel for Justice and Accountability

764 P Street, Suite 012  
Fresno, CA 93721  
(559) 369-2790

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

In the Matter of Reducing the Processing )  
Fee for Cristobal Chavez for Detachment )  
From the Porterville Irrigation District )

**RESOLUTION NO. 20-XXX**

**WHEREAS**, On March 23, 2020 the Leadership Counsel for Justice and Accountability on behalf of Cristobal Chavez requested a fee waiver for the processing of a future proposed detachment; and

**WHEREAS**, pursuant to GC §56383(d) the Commission may reduce or waive a fee, service charge, or deposit if it finds that payment would be detrimental to the public interest. The reduction or waiver of any fee, service charge, or deposit is limited to the costs incurred by the commission in the proceedings of an application; and

**WHEREAS**, the proposed detachment consists of 15 acres of land owned by Cristobal Chavez; and

**WHEREAS**, pursuant to Policy B-2, actual Commission staff costs are tied to the Resource Management Agency’s hourly rate for planning services which is currently set at \$100/hour; and

**WHEREAS**, Commission staff time to process the proposals is estimated to be 15 hours; and

**WHEREAS**, in addition to Commission staff time, there might be additional fixed costs such as public noticing costs.

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

1. In accordance with GC §56383(d), the Commission finds that the payment of the standard fee for the proposed change of organization would be detrimental to the public interest *<if options 1 or 2 are selected>*. In accordance with GC §56383(d), the Commission finds that the payment of the standard fee for the proposed change of organization would not be detrimental to the public interest *<if option 3 is selected>*.

2. The fee waiver request for reimbursement of actual costs is hereby approved. The application fee will be \$0 to \$335, dependent on the need for a public hearing *<if option one is selected>*. A reduction in fees is hereby approved. The application will be \$1500 to \$1,835, dependent on the on the need for a public hearing *<if option two is selected>*. *<The 2<sup>nd</sup> determination is not needed if option three is selected.>*

The foregoing resolution was adopted upon motion of Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 1st day of April, 2020, by the following vote:

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

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

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**TULARE COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

COMMISSIONERS:  
*Pete Vander Poel, Chair  
Julie Allen, V-Chair  
Martha Flores  
Dennis Townsend  
Pamela Kimball*

ALTERNATES:  
*Eddie Valero  
Carlton Jones  
Manny Gomes*

EXECUTIVE OFFICER:  
*Ben Giuliani*

April 1, 2020

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

FROM: Steven Ingoldsby, LAFCO Staff Analyst

SUBJECT: FY 2020/21 Preliminary Budget and Work Program

Enclosed for your review are the Fiscal Year 2020/21 Preliminary Budget and Work Program. LAFCO is required to adopt its preliminary budget by May 1<sup>st</sup> and its final budget by June 15<sup>th</sup> of each year.

**BUDGET 794**

**REVENUES**

**5801 Income from Other Agencies** - \$246,025 is the amount estimated for FY 2020/21 as income from eight cities and the County as required by Government Code Section 56381. For 2019/20, \$50,000 of reserve funds was used to help offset the contribution amount from the cities and the County. It is estimated that there will be approximately \$188,000 in available reserve funds at the end of FY 2019/20.

The Commission may wish to again use the reserve funds to offset some of the cost to the cities and County in FY 2020/21. Attached is a spreadsheet showing different contribution scenarios utilizing different amounts of surplus funds. The \$50,000 scenario would leave contribution levels slightly higher than FY 2019/20.

**5421 Planning and Engineering Services** – Staff anticipates two new cases to be submitted by the end of this fiscal year (June 15). The total estimated revenue for FY2019/20 is \$30,914. For fiscal year 2020/21, based on feedback from city and district staff, staff has estimated a total estimated revenue of \$38,236.

**EXPENDITURES- Services and Supplies**

**6008 Director's Fees** - \$1,000 is budgeted for reimbursing the public member and alternate public member for expenses incurred as a result of attending monthly LAFCO meetings.

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

**7027 Memberships** – The CALAFCO membership fees are set by the CALAFCO board. A change to the due structure calculation was adopted at the 2019 CALAFCO Board business meeting. \$7,732 is budgeted for FY 2020/21.

*Estimated expenditure for current FY - \$4,254*

**7036 Office Expenses** - \$1,200 was allocated for office supplies and other office equipment expenses in FY 2019/20. \$800 is budgeted for FY 2020/21.

*Estimated expenditure for current FY - \$750*

**7043 Professional and Specialized Services** – \$200 is budgeted for FY 2020/21. These are funds used to contract with outside vendors, such as professional services (County Auditor) or consultants. The need for consultant services is likely to remain low in FY 2020/21 as the reduced projected workload is expected to continue.

*Estimated expenditure for current FY - \$0*

**7059 Publications and Notices** – Savings for newspaper notices have been found by advertising public meetings in the Foothills Sun Gazette. \$1,750 is budgeted for FY 2020/21.

*Estimated expenditure for current FY - \$1,700*

**7073 Staff and Commission Member Training** – Training costs of \$3,335 are proposed for FY 2020/21 to cover registration expenses for attending the annual CALAFCO Conference, Executive Officers Workshop and Staff Conference, and other conferences and workshops. The estimated expenditures will include the possible attendance of 2 staff persons and 2 Commissioners for the LAFCO conference and 4 staff members for the LAFCO workshop and other conferences and workshops commissioners and/or staff may attend.

*Estimated expenditure for current FY - \$2,213*

**7074 Staff and Commission Transportation / Travel** – Transportation/Travel costs of \$5,865 are proposed for FY 2020/21 to accommodate travel by staff and Commission members to and from the various LAFCO related conferences and workshops. The funds in this budget line are used for lodging, meal, and mileage costs incurred by attending the various events. To date approximately \$2,232 has been spent on transportation and travel. The CALAFCO staff workshop scheduled for the end of March was canceled this year.

*Estimated expenditure for current FY - \$3,000*

**Expenditures – Other Charges**

**7043 Worker's Compensation** – A total of \$0 has been budgeted for FY 2020/21 to cover expenses for worker's compensation.

*Estimated expenditure for current FY - \$0*

**7043 Property** – \$0 is proposed for FY 2020/21.

*Estimated expenditure for current FY - \$0*

**7043 Liability Insurance** – A total of \$2,614 has been budgeted for FY 2020/21 to cover expenses for general liability insurance.

*Estimated expenditure for current FY - \$2,563*

**7036 ADP Payroll** – A total of \$228 has been budgeted for FY 2020/21.

*Estimated expenditure for current FY - \$223*

**7036 Rent** – A total of \$12,871 has been budgeted for FY 2020/21.

*Estimated expenditure for current FY - \$12,496*

**7036 Alarm Services** – A total of \$100 has been budgeted for FY 2020/21.

*Estimated expenditure for current FY - \$100*

**7036 Telecomm** – A total of \$1,000 has been budgeted for FY 2020/21 to cover expenses for telephone service.

*Estimated expenditure for current FY - \$950*

**7036 Utilities** - \$2,000 is budgeted for utility expenses for FY 2020/21.

*Estimated expenditure for current FY - \$1,900*

**7043 Custodial**- \$650 is budgeted for custodial services during FY 2020/21.

*Estimated expenditure for current FY - \$642*

**7036 RMA Printing Services** – \$250 is budgeted for FY 2020/21. This covers costs associated with duplication of LAFCO documents such as the special district inventory, policy and procedure manual, and assistance with public hearing notice mail outs.

*Estimated expenditure for current FY - \$200*

**7036 RMA Mail Services** - \$900 is budgeted for FY 2020/21. This covers costs for processing mail for LAFCO public hearing notices and other correspondence.

*Estimated expenditure for current FY - \$780*

### **Expenditures – Agency Charges**

**7043 LAFCO Legal Counsel**- AB 2838 establishes LAFCO as an independent agency which means it will be charged an hourly rate for the services of County Counsel to act as LAFCO legal counsel. \$4,000 is proposed for FY 2020/21.

*Estimated expenditure for current FY - \$3,000*

**7066 Services from Other Departments**- This charge includes services provided by other County departments such as TCAG, the County Auditor, Surveyor, Elections, GIS, IT, etc. The charges largely stem from review of LAFCO proposals by County departments. \$8,514 has been allotted for FY 2020/2021.

*Estimated expenditure for current FY - \$8,347*

**7066 COWCAP Charges** - The amount budgeted for FY 2020/21 is \$10,000. The COWCAP charges have historically been rather volatile. In FY 2019/20 \$7,607 was charge to LAFCO. In FY 2018/19

\$22,577 was charged to LAFCO. In FY 2017/18, \$7,722 was charged to LAFCO. In FY 2016/17, \$17,306 was charged to LAFCO. In FY 2014/15 \$14,481 was refunded to LAFCO due to COWCAP overcharges in previous years.

*Estimated expenditure for current FY- \$7,607*

**7066 Intra Agency Services Received (Salaries)** - This item reflects Staff salaries. Staffing services are provided by the Tulare County Association of Governments. \$190,062 in salaries is estimated for FY 2020/21. This includes a half-time Executive Officer, a 25% Clerk, and a 75% Staff Analyst.

*Estimated expenditure for current FY – \$140,000*

### **CONTINGENCY/CARRYOVER**

**7432 Contingency** - A contingency of 10% of the expenses is proposed for 2020/21 in order to provide a “cushion” to offset any unforeseen expenditures or failure to receive anticipated fee revenue. It is not anticipated that contingency funds will be used in the current fiscal year. The contingency for FY 2019/20 is \$24,453. The contingency proposed for FY 2020/21 is \$25,389.

**Budget Reserve – Carryover** – The budget reserve is accounted for in the LAFCO’s 794 cash account. The revenue and expenses lines in the actual spreadsheet will only show transactions for the current FY which means that we still do not have the most up to date reserve numbers. For FY 2019/20, \$50,000 was used to offset the cities and County contribution. Staff estimates that LAFCO will have a reserve of approximately \$188,000 at the end of FY 2019/20. This reserve was generated through Planning and Engineering Services and charges to funding agencies from previous years. The Commission may again consider applying a specified amount of this reserve for the coming year. Attached is a spreadsheet showing different contribution amounts based on differing amounts of reserve funds being used. Also attached, is a table showing city and County contributions and applied reserve from FY01/02 to present.

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

	<b>Object No.</b>	<b>Adopted Budget FY 19/20</b>	<b>As of 3/18/2020</b>	<b>Projected Expenses FY 19/20</b>	<b>Proposed Budget FY 20/21</b>
<b>EXPENDITURES</b>					
<b>Services and Supplies</b>					
Board Director's Fees	6008	\$1,000	\$0	\$1,000	\$1,000
Memberships	7027	\$4,254	\$4,254	\$4,254	\$7,732
Office Expenses	7036	\$1,200	\$454	\$750	\$800
Professional and Specialized	7043	\$200	\$0	\$0	\$200
Publication - Public Hearing Notices	7059	\$2,000	\$1,131	\$1,700	\$1,750
Training	7073	\$3,289	\$2,213	\$2,213	\$3,355
Transportation and Travel	7074	\$5,750	\$2,232	\$3,000	\$5,865
<b>Total Services and Supplies</b>		<b>\$17,693</b>	<b>\$10,283</b>	<b>\$12,917</b>	<b>\$20,702</b>
<b>Other Charges</b>					
I/F Workers Compensation	7043	\$1,869	\$0	\$0	\$0
I/F Expenses - Property	7043	\$89	\$0	\$0	\$0
I/F Expenses - Special Liability Insurance	7043	\$2,302	\$2,563	\$2,563	\$2,614
I/F ADP Payroll	7036	\$285	\$130	\$223	\$228
Rent	7036	\$12,496	\$9,326	\$12,496	\$12,871
Alarm Services	7036	\$100	\$21	\$100	\$100
Telecom	7036	\$968	\$585	\$950	\$1,000
Utilities	7036	\$2,230	\$841	\$1,900	\$2,000
Custodial Services	7043	\$642	\$431	\$642	\$650
I/F RMA - Printing	7036	\$500	\$129	\$200	\$250
I/F RMA - Mail	7036	\$1,000	\$240	\$780	\$900
<b>Total Other Charges</b>		<b>\$22,481</b>	<b>\$14,265</b>	<b>\$19,854</b>	<b>\$20,613</b>
<b>Agency Charges</b>					
County Counsel Charges	7043	\$5,000	\$1,169	\$3,000	\$4,000
Services from Other Dpts.	7066	\$8,347	\$5,118	\$8,347	\$8,514
COWCAP Charges	7066	\$10,000	\$7,607	\$7,607	\$10,000
Salaries	7066	\$181,008	\$55,942	\$140,000	\$190,062
<b>Total Agency Charges</b>		<b>\$204,355</b>	<b>\$69,837</b>	<b>\$158,954</b>	<b>\$212,576</b>
<b>Contingencies</b>	7432	<b>\$24,453</b>	<b>\$0</b>	<b>\$0</b>	<b>\$25,389</b>
<b>TOTAL EXPENDITURES</b>		<b>\$268,982</b>	<b>\$94,385</b>	<b>\$191,725</b>	<b>\$279,280</b>
<b>REVENUES</b>					
Other - Government Agency Contributions	5801	\$184,222	\$184,422	\$184,422	\$241,044
Planning and Engineering Services	5421	\$34,760	\$23,962	\$30,914	\$38,236
Prior Year Revenue Accurals Adjustment	5999				
<b>TOTAL REVENUES</b>		<b>\$218,982</b>	<b>\$208,384</b>	<b>\$215,336</b>	<b>\$279,280</b>
<b>NET COST</b>		<b>\$50,000</b>	<b>-\$113,999</b>	<b>-\$23,611</b>	<b>\$0</b>

AGENCY CONTRIBUTIONS  
CARRYOVER SCENARIOS

**Contribution Scenerios**

***Carryover applied: \$0***

	POPULATION (DOF 1/1/2019)	PERCENT OF POPULATION	PROPOSED 20/21 CONTRIBUTION	19/20 CONTRIBUTION	DIFFERENCE
CITY OF DINUBA	25,328	5.29%	\$12,752	\$9,630	\$3,122
CITY OF EXETER	11,002	2.30%	\$5,539	\$4,324	\$1,215
CITY OF FAMERSVILLE	11,358	2.37%	\$5,719	\$4,430	\$1,289
CITY OF LINDSAY	13,358	2.79%	\$6,726	\$5,096	\$1,630
CITY OF PORTERVILLE	60,260	12.59%	\$30,340	\$23,538	\$6,802
CITY OF TULARE	66,967	13.99%	\$33,717	\$25,545	\$8,172
CITY OF VISALIA	138,207	28.87%	\$69,586	\$54,748	\$14,838
CITY OF WOODLAKE	7,891	1.65%	\$3,973	\$3,014	\$959
COUNTY OF TULARE	144,375	30.16%	\$72,691	\$55,869	\$16,822
TOTAL	478,746	100.00%	\$241,044	\$181,442	\$59,602

(794) LINE 5801                                      \$241,044                                      + \$200.00 billing fee to County Auditor

***Carryover applied: \$15000***

	POPULATION (DOF 1/1/2019)	PERCENT OF POPULATION	PROPOSED 20/21 CONTRIBUTION	19/20 CONTRIBUTION	DIFFERENCE
CITY OF DINUBA	25,328	5.29%	\$11,959	\$9,630	\$2,329
CITY OF EXETER	11,002	2.30%	\$5,195	\$4,324	\$871
CITY OF FAMERSVILLE	11,358	2.37%	\$5,363	\$4,430	\$933
CITY OF LINDSAY	13,358	2.79%	\$6,307	\$5,096	\$1,211
CITY OF PORTERVILLE	60,260	12.59%	\$28,452	\$23,538	\$4,914
CITY OF TULARE	66,967	13.99%	\$31,619	\$25,545	\$6,074
CITY OF VISALIA	138,207	28.87%	\$65,256	\$54,748	\$10,508
CITY OF WOODLAKE	7,891	1.65%	\$3,726	\$3,014	\$712
COUNTY OF TULARE	144,375	30.16%	\$68,168	\$55,869	\$12,299
TOTAL	478,746	100.00%	\$226,044	\$181,442	\$44,602

(794) LINE 5801                                      \$226,044                                      + \$200.00 billing fee to County Auditor

***Carryover applied FY : \$25000***

	POPULATION (DOF 1/1/2019)	PERCENT OF POPULATION	PROPOSED 20/21 CONTRIBUTION	19/20 CONTRIBUTION	DIFFERENCE
CITY OF DINUBA	25,328	5.29%	\$11,430	\$9,630	\$1,800
CITY OF EXETER	11,002	2.30%	\$4,965	\$4,324	\$641
CITY OF FAMERSVILLE	11,358	2.37%	\$5,126	\$4,430	\$696
CITY OF LINDSAY	13,358	2.79%	\$6,028	\$5,096	\$932
CITY OF PORTERVILLE	60,260	12.59%	\$27,194	\$23,538	\$3,656
CITY OF TULARE	66,967	13.99%	\$30,220	\$25,545	\$4,675
CITY OF VISALIA	138,207	28.87%	\$62,369	\$54,748	\$7,621
CITY OF WOODLAKE	7,891	1.65%	\$3,561	\$3,014	\$547
COUNTY OF TULARE	144,375	30.16%	\$65,152	\$55,869	\$9,283
TOTAL	478,746	100.00%	\$216,044	\$181,442	\$34,602

(794) LINE 5801                                      \$216,044                                      + \$200.00 billing fee to County Auditor

AGENCY CONTRIBUTIONS  
CARRYOVER SCENARIOS

***Carryover applied: \$50000***

	POPULATION (DOF 1/1/2019)	PERCENT OF POPULATION	PROPOSED		DIFFERENCE
			20/21 CONTRIBUTION	19/20 CONTRIBUTION	
CITY OF DINUBA	25,328	5.29%	\$10,107	\$9,630	\$477
CITY OF EXETER	11,002	2.30%	\$4,390	\$4,324	\$66
CITY OF FAMERSVILLE	11,358	2.37%	\$4,532	\$4,430	\$102
CITY OF LINDSAY	13,358	2.79%	\$5,331	\$5,096	\$235
CITY OF PORTERVILLE	60,260	12.59%	\$24,047	\$23,538	\$509
CITY OF TULARE	66,967	13.99%	\$26,723	\$25,545	\$1,178
CITY OF VISALIA	138,207	28.87%	\$55,152	\$54,748	\$404
CITY OF WOODLAKE	7,891	1.65%	\$3,149	\$3,014	\$135
COUNTY OF TULARE	144,375	30.16%	\$57,613	\$55,869	\$1,744
TOTAL	478,746	100.00%	\$191,044	\$181,442	\$9,602

(794) LINE 5801                                      \$191,044                                      + \$200.00 billing fee to County Auditor

***Carryover applied: \$75000***

	POPULATION (DOF 1/1/2019)	PERCENT OF POPULATION	PROPOSED		DIFFERENCE
			20/21 CONTRIBUTION	19/20 CONTRIBUTION	
CITY OF DINUBA	25,328	5.29%	\$8,785	\$9,630	-\$845
CITY OF EXETER	11,002	2.30%	\$3,816	\$4,324	-\$508
CITY OF FAMERSVILLE	11,358	2.37%	\$3,939	\$4,430	-\$491
CITY OF LINDSAY	13,358	2.79%	\$4,633	\$5,096	-\$463
CITY OF PORTERVILLE	60,260	12.59%	\$20,900	\$23,538	-\$2,638
CITY OF TULARE	66,967	13.99%	\$23,226	\$25,545	-\$2,319
CITY OF VISALIA	138,207	28.87%	\$47,934	\$54,748	-\$6,814
CITY OF WOODLAKE	7,891	1.65%	\$2,737	\$3,014	-\$277
COUNTY OF TULARE	144,375	30.16%	\$50,074	\$55,869	-\$5,795
TOTAL	478,746	100.00%	\$166,044	\$181,442	-\$15,398

(794) LINE 5801                                      \$166,044                                      + \$200.00 billing fee to County Auditor

***Carryover applied: \$100000***

	POPULATION (DOF 1/1/2019)	PERCENT OF POPULATION	PROPOSED		DIFFERENCE
			20/21 CONTRIBUTION	19/20 CONTRIBUTION	
CITY OF DINUBA	25,328	5.29%	\$7,462	\$9,630	-\$2,168
CITY OF EXETER	11,002	2.30%	\$3,241	\$4,324	-\$1,083
CITY OF FAMERSVILLE	11,358	2.37%	\$3,346	\$4,430	-\$1,084
CITY OF LINDSAY	13,358	2.79%	\$3,935	\$5,096	-\$1,161
CITY OF PORTERVILLE	60,260	12.59%	\$17,753	\$23,538	-\$5,785
CITY OF TULARE	66,967	13.99%	\$19,729	\$25,545	-\$5,816
CITY OF VISALIA	138,207	28.87%	\$40,717	\$54,748	-\$14,031
CITY OF WOODLAKE	7,891	1.65%	\$2,325	\$3,014	-\$689
COUNTY OF TULARE	144,375	30.16%	\$42,535	\$55,869	-\$13,334
TOTAL	478,746	100.00%	\$141,044	\$181,442	-\$40,398

(794) LINE 5801                                      \$141,044                                      + \$200.00 billing fee to County Auditor

## Contribution History

	FY 2001/02	FY 2002/03	FY 2003/04	FY 2004/05	FY 2005/06	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11
DINUBA	\$9,838	\$6,716	\$4,325	\$3,455	\$0	\$6,584	\$8,929	\$6,904	\$6,068	\$5,235
EXETER	\$5,404	\$3,627	\$2,336	\$1,873	\$0	\$3,534	\$4,850	\$3,704	\$2,788	\$2,629
FAMERSVILLE	\$4,827	\$3,467	\$2,229	\$1,802	\$0	\$3,494	\$4,751	\$3,613	\$2,747	\$2,655
LINDSAY	\$5,681	\$4,064	\$2,566	\$2,052	\$0	\$3,764	\$5,101	\$3,857	\$3,071	\$2,880
PORTERVILLE	\$23,626	\$15,675	\$10,133	\$8,177	\$0	\$15,181	\$20,624	\$17,765	\$15,790	\$12,833
TULARE	\$26,235	\$17,408	\$11,192	\$9,020	\$0	\$16,881	\$23,478	\$19,308	\$17,610	\$14,423
VISALIA	\$60,715	\$36,375	\$23,674	\$19,274	\$0	\$36,694	\$50,702	\$40,643	\$37,780	\$30,487
WOODLAKE	\$4,042	\$2,666	\$1,691	\$1,350	\$0	\$2,453	\$3,332	\$2,552	\$1,785	\$1,915
COUNTY	\$90,577	\$55,677	\$35,561	\$28,291	\$0	\$51,257	\$70,071	\$49,113	\$43,361	\$35,779
<b>TOTAL</b>	<b>\$230,945</b>	<b>\$145,675</b>	<b>\$93,707</b>	<b>\$75,294</b>	<b>\$0</b>	<b>\$139,841</b>	<b>\$191,838</b>	<b>\$147,459</b>	<b>\$131,000</b>	<b>\$108,834</b>
Reserve Applied	\$0	\$0	\$100,000	\$150,000	\$150,000	\$30,000	\$40,000	\$60,000	\$70,000	\$100,000

	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
DINUBA	\$4,764	\$8,855	\$8,606	\$8,687	\$9,018	\$9,369	\$9,644	\$9,562
EXETER	\$2,295	\$4,193	\$3,910	\$3,998	\$4,051	\$4,257	\$4,261	\$4,225
FAMERSVILLE	\$2,351	\$4,355	\$4,059	\$4,153	\$4,201	\$4,419	\$4,363	\$4,326
LINDSAY	\$2,613	\$4,849	\$4,164	\$4,707	\$4,813	\$5,084	\$5,037	\$4,994
PORTERVILLE	\$12,028	\$22,124	\$20,688	\$21,148	\$21,354	\$22,524	\$23,239	\$23,043
TULARE	\$13,164	\$24,175	\$22,816	\$23,276	\$23,460	\$24,841	\$25,083	\$24,871
VISALIA	\$27,635	\$50,736	\$47,887	\$48,698	\$49,223	\$52,135	\$51,650	\$51,215
WOODLAKE	\$1,616	\$2,957	\$2,858	\$2,838	\$2,908	\$3,112	\$2,967	\$2,942
COUNTY	\$31,728	\$58,012	\$54,421	\$55,551	\$55,465	\$59,248	\$56,742	\$56,263
<b>TOTAL</b>	<b>\$98,195</b>	<b>\$180,257</b>	<b>\$169,409</b>	<b>\$173,057</b>	<b>\$174,494</b>	<b>\$184,989</b>	<b>\$182,985</b>	<b>\$181,442</b>
Reserve Applied	\$100,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000

**2020/21  
LAFCO  
WORK PROGRAM**

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Prepared by: Steven Ingoldsby  
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## **Introduction**

### **Overview of LAFCO**

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

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

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

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires each LAFCO to adopt an annual budget. The 2020/21 Work Program for the Tulare County LAFCO outlines the anticipated work to be accomplished by LAFCO during the fiscal year and is prepared to accompany the annual budget.

### **Description of Region**

Tulare County, comprised of 12,595 km<sup>2</sup>, is located in the southern portion of the San Joaquin Valley. The Valley is bounded on the west by the Coast Range and on the east by the Sierra Nevada Mountains. The Valley extends from Sacramento on the north, to the Tehachapi Mountains on the south. The San Joaquin Valley is the richest farmland in the world.

Tulare County has approximately one third of its land area in the Valley. The remaining portion is in the Sierra Nevada Mountains. This offers an abundance of scenic and recreational opportunities for residents and visitors. The land in the Valley produces a wide variety of agricultural products. Tulare County ranks as one of the largest agricultural producing counties in the nation. The population of Tulare County is concentrated in the Valley area. There are eight incorporated cities, which account for 70% of the total county approximate population of 479,112 (DOF – 1/1/19). The eight cities are: Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia and Woodlake. There are also numerous special districts in the county, including various Community

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

## Organization of LAFCO

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

### LAFCO Commissioners

Pete Vander Poel, Chair	County representative
Julie Allen	Public representative
Martha Flores	City representative
Dennis Townsend	County representative
Pamela Kimball	City representative
Eddie Valero	Alternate, County representative
Carlton Jones	Alternate, City representative
Many Gomes	Alternate, Public representative

### LAFCO Staff

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

## LAFCO Abbreviations and Acronyms

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

## **LAFCO Work Program Elements**

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.01 LAFCO Administration**

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

PREVIOUS WORK: This is an ongoing function of LAFCO.

PRODUCTS:

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

DISCUSSION:

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

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

BUDGET:

Estimated staff costs:	\$52,795	(5.0 Staff Person Months)
Memberships:	\$7,732	
Publications and Notices	\$1,750	
County Counsel:	\$4,000	
COWCAP Charged:	\$10,000	
Board Directors fees:	\$1,000	
Rent	\$12,871	
Insurance	\$2,614	
Prof. & Specialized:	\$200	
Service from Other Dept.	\$8,514	
Total:	\$101,476	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$101,476	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

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

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

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

DISCUSSION:

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

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

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

BUDGET:

Office Expense:	\$800
Telecomm	\$1000
ADP Payroll/Personnel:	\$228
Utilities:	\$2,000
Custodial Services:	\$650
Property	\$0
Mail	\$900
Printing	\$250
Alarm	\$100
Worker's Compensation	\$0
Total	\$5,928

(Reserve Funds)  
 \$5,928 (County & Cities Contribution)

(Planning & Engineering Fees)

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.03 Training and Travel**

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

PREVIOUS WORK: This is an ongoing work element.

PRODUCTS:

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

**BUDGET:**

Training (Commissioners & Staff):	\$3,355
Transportation/Travel (Commissioners & Staff)	\$5,865
Total:	\$9,220

Revenue (source):		(Reserve Funds)
Revenue (source):	\$9,220	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.02 Municipal Service Reviews**

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

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

PRODUCTS: MSRs for Alpaugh CSD, Pixley PUD, Earlimart PUD, Tipton CSD, Strathmore PUD, Teviston CSD, Allensworth CSD and other districts as needed

**DISCUSSION:**

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

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

**BUDGET:**

Estimated staff costs:	\$63,354	(6.0 Staff Person Month)
Total:	\$63,354	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$63,354	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

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

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

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

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

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

**BUDGET:**

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

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

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

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

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

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

DISCUSSION:

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

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

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

BUDGET:

Estimated staff costs:	\$21,118	(2 Staff Person Months)
Total:	\$21,118	
Revenue (source):	\$	(Reserve Funds)
Revenue (source):	\$14,559	(County & Cities Contribution)
Revenue (source):	\$6,569	(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.06 Special Projects**

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

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

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

DISCUSSION:

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

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

BUDGET:

Estimated staff costs:	\$10,559	(1.0 Staff Person Month)
Total:	\$10,559	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$10,559	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 102 CASE PROCESSING

WORK ELEMENT: **102.01 LAFCO Case Processing**

PURPOSE: To process applications submitted by LAFCO.

PREVIOUS WORK: In FY 2019/20 as of this date, staff has processed 9 cases (annexations, detachments, sphere of influence amendments and extension of services agreements). In prior years, a separate work element (101.05 Island Annexation Program) was dedicated to the island annexation program which is now incorporated in this element

PRODUCTS: This is an ongoing work element. Staff will continue to process case applications as they are submitted. For fiscal year 2020/21, based on feedback from local agencies, staff is estimating processing 12 cases.

**BUDGET:**

Estimated staff costs:	\$31,677	(3 Staff Person Months)
Total:	\$31,677	

Revenue (source):		(Reserve Funds)
Revenue (source):	\$	(County & Cities Contribution)
Revenue (source):	\$31,677	(Planning & Engineering Fees)

## LAFCO Work Program Summary

Activity Description	Work Element Number	Revenue Source and Amount				Expenditures
		Reserve Funds	Income from Other Agencies	Planning & Engineering Services	Fees Paid by County for Incorporation	
LAFCO Administration	100.01	\$0	\$101,476	\$0	\$0	\$101,476
Office Expenses / Fixed Assets	100.02	\$0	\$5,928	\$0	\$0	\$5,928
Training and Travel	100.03	\$0	\$9,220	\$0	\$0	\$9,220
Municipal Service Reviews	101.02	\$0	\$63,354	\$0	\$0	\$63,354
Cities & Special District Inventory Update	101.03	\$0	\$10,559	\$0	\$0	\$10,559
Sphere of Influence Updates & Amendments	101.04	\$0	\$14,559	\$6,559	\$0	\$21,118
Special Projects	101.06	\$0	\$10,559	\$0	\$0	\$10,559
LAFCO Case Processing	102.01	\$0	\$0	\$31,677	\$0	\$31,677
Subtotals	NA	\$0	\$215,655	\$38,236	\$0	\$253,891
Contingency	NA	\$0	\$25,389	\$0	\$0	\$25,389
TOTALS		\$0	\$241,044	\$38,236	\$0	\$279,280

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

**TULARE CO. LAFCO- 6-YEAR STRATEGIC WORK PROGRAM**

<i>FY</i>	<i>MSR</i>	<i>SOI UPDATE</i>	<i>SPECIAL PROJECTS</i>	<i>Pending Proposals, Possible Future Projects, Annual Work Elements</i>
2020/21	Alpaugh CSD, Pixley PUD, Earlimart PUD, Tipton CSD, Strathmore PUD, Teviston CSD, Allensworth CSD and other districts as needed	As needed based on MSR results		<i>Possible Future Projects</i> <ul style="list-style-type: none"> <li>• District dissolutions</li> <li>• District formations</li> <li>• Incorporation studies</li> <li>• Policy updates</li> <li>• Implementation of MSRs</li> </ul> <i>Annual Work Elements</i> <ul style="list-style-type: none"> <li>• Case Processing</li> <li>• SOI Amendments</li> <li>• City-Special Districts Inventory</li> <li>• Special Projects</li> </ul>
2021/22	Future MSRs and SOI updates will be completed based on County Community Plan Updates and City General Plan Updates.			
2022/23				
2023/24				
2024/25				
2025/26				



**TULARE COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

COMMISSIONERS:  
*Pete Vander Poel, Chair  
Julie Allen, V-Chair  
Martha Flores  
Dennis Townsend  
Pam Kimball*

April 1, 2020

ALTERNATES:  
*Eddie Valero  
Carlton Jones  
Manny Gomes*

To: LAFCO Commissioners and Alternates

From: Ben Giuliani, Executive Officer

EXECUTIVE OFFICER:  
*Ben Giuliani*

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

**BACKGROUND**

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

(d) One representing the general public appointed by the other members of the commission. The other members of the commission may also designate one alternate member who shall be appointed and serve pursuant to Section 56331. Selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities. Whenever a vacancy occurs in the public member or alternate public member position, the commission shall cause a notice of vacancy to be posted as provided in Section 56158. A copy of this notice shall be sent to the clerk or secretary of the legislative body of each local agency within the county. Final appointment to fill the vacancy may not be made for at least 21 days after the posting of the notice.

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

**4.4 Public Member Selection and Appointment Policy**

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

- A. In accordance with GC §56334, the term of office for the Public Member and Alternate Public Member shall be four years to expire on the first Monday in May or upon the qualification of the Commissioner's successor. The terms of office of the Public Member and Alternate Public Member shall be staggered by two years. The first full term for the Alternate Public Member shall begin on the first Monday in May, 1996.
- B. At least two months prior to the expiration of the term of office, the Executive Officer shall seek application to the position from the community at large. Reasonable effort shall be taken to advertise the opening of the broadest selection of candidates possible.

Candidates should be encouraged to submit a resume and statement regarding their qualifications and interest in serving on the Commission. This does not preclude the incumbent Public or Alternate Public Member from applying for appointment.

- C. At least one month prior to the expiration of the term of office, the Commission shall appoint a selection committee consisting of one County Member and one City Member. The committee will consider any materials submitted by the applicants and may conduct interviews of the candidates. It is anticipated that the candidates will be asked to present their qualifications in an initial statement to be followed by questions from the members of the selection committee. Following this process, the committee will select a candidate to recommend to the commission. The Executive Officer will place the matter of the selection of the Public member or Alternate Public Member on the agenda of a regular meeting of the Commission. The recommendation of the selection committee will be presented to the Commission at the meeting. The Commission will select the successful candidate by a majority vote on a motion to appoint the candidate to the Commission.
- D. The application and selection process as outlined above shall begin immediately following a Commission determination that a Public Member or Alternate Public Member position has become vacant before the expiration of the term.

### **DISCUSSION**

In March, staff circulated the announcement indicating the appointment for the alternate public member in accordance with Tulare County LAFCO Policies & Procedure. The announcement was posted at the Tulare County LAFCO website, LAFCO office and sent to the County of Tulare and each of the eight cities within the County. The incumbent to the position is eligible to reapply. However, the current Alternate Public Member has indicated that he will not be seeking another term. According to LAFCO policy A-4(C) the Commission shall appoint a selection committee at least one month prior to the expiration date of the term of Office. The Committee consists of one County Member and one City Member. The recommendation of the selection committee will be presented to the Commission at a regular meeting of the Commission. The Commission will select the successful candidate by a majority vote on a motion to appoint the candidate to the Commission.

### **RECOMMENDATION**

It is recommended that the Commission take action to appoint the members of the Alternate Public Member Selection Committee consisting of one County member and one City member.

Attachment:  
Resolution

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

In the Matter of the Appointment of )  
The Alternate Public Member )  
Selection Committee )

**RESOLUTION NO. 20-0XX**

**WHEREAS**, the new term for the office of the Alternate Public Member representing the general public on the Tulare County Local Agency Formation Commission begins on May 4, 2020; and

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

**WHEREAS**, in accordance with Tulare County LAFCO Policy A-4, the Commission shall appoint a selection committee consisting of one County Member and one City Member; and

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

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

For the Alternate Public Member position due to expire on May 4, 2020, Commissioner \_\_\_\_\_ (County Member) and Commissioner \_\_\_\_\_ (City Member) are hereby appointed to the Selection Committee. The Committee will be charged with selecting a candidate to recommend to the Commission. The recommendation of the Selection Committee will be presented to the Commission at a regular meeting of the Commission. The Commission will select the successful candidate by a majority vote on a motion to appoint the candidate to the Commission.

The forgoing resolution was adopted upon motion of Commissioner XXXXX, seconded by Commissioner XXXX, at a regular meeting held on this 1<sup>st</sup> day of April, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

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Ben Giuliani, Executive Officer

# CALAFCO Legislative Report - Tuesday, March 24, 2020

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

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

**Introduced:** 2/21/2019

**Status:** 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/6/2019)(May be acted upon Jan 2020)

### **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. We were unsuccessful in getting the \$1.5 M into the budget so the author has decided to make this a 2-year bill and try again in the next budget in a budget trailer bill.

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

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

**Introduced:** 2/22/2019

**Last Amended:** 7/5/2019

**Status:** 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020)

### **Summary:**

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board related responsibilities and duties. Current law authorizes the state 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 the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** This bill would authorize a water or sewer system corporation to file an application and obtain approval from the PUC through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system. The bill would require the commission to approve or deny the app. Unless the commission designates a different procedure because it determines a consolidation warrants a more comprehensive review, the bill would authorize a water or sewer system corporation to instead file an advice letter and obtain approval from the commission through a resolution authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

**AB 2093 (Gloria D) Public records: writing transmitted by electronic mail: retention.**

**Current Text:** Introduced: 2/5/2020 [html](#) [pdf](#)

**Introduced:** 2/5/2020

**Status:** 3/10/2020-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 1.) (March 10). Re-referred to Com. on APPR.

**Summary:**

Would, unless a longer retention period is required by statute or regulation, or established by the Secretary of State pursuant to the State Records Management Act, require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least 2 years every public record, as defined, that is transmitted by electronic mail.

**Position:** Oppose

**Subject:** Public Records Act

**CALAFCO Comments:** This bill requires all public agencies to retain and preserve for at least two years all email records as public records. This includes ALL emails without regard for topic or relevance to agency business, whether they be spam, auto-replies and random correspondence of little to no public interest. Further it does not allow the agency to charge for the time required to sift through this backlog of emails to respond to the request for public record. This is an expensive unfunded mandate.

This bill mirrors AB 1184 from 2019 which was vetoed by the Governor, whose veto message read in part: “[t]his bill does not strike the appropriate balance between the benefits of greater transparency through the public's access to public records, and the burdens of a dramatic increase in records-retention requirements, including associated personnel and data-management costs to taxpayer.” CALAFCO joins a long list of agencies and Associations in opposition to this bill.

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

**Current Text:** Amended: 6/25/2019 [html](#) [pdf](#)

**Introduced:** 2/20/2019

**Last Amended:** 6/25/2019

**Status:** 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/21/2019)(May be acted upon Jan 2020)

**Summary:**

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

**Position:** Support

**Subject:** Water

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

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

**SB 928 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/5/2020 [html](#) [pdf](#)

**Introduced:** 2/5/2020

**Status:** 3/16/2020-March 18 hearing postponed by committee.

**Summary:**

This bill would enact the First Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Position:** Support

**CALAFCO Comments:** This is the first of three annual validating acts.

**SB 929 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/5/2020 [html](#) [pdf](#)

**Introduced:** 2/5/2020

**Status:** 3/16/2020-March 18 hearing postponed by committee.

**Summary:**

This bill would enact the Second Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Position:** Support

**CALAFCO Comments:** This is the second of three annual validating acts.

**SB 930 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/5/2020 [html](#) [pdf](#)

**Introduced:** 2/5/2020

**Status:** 3/16/2020-March 18 hearing postponed by committee.

**Summary:**

This bill would enact the Third Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Position:** Support

**CALAFCO Comments:** This is the third of three annual validating acts.

**SB 1052 (Hertzberg D) Water quality: municipal wastewater agencies.**

**Current Text:** Introduced: 2/18/2020 [html](#) [pdf](#)

**Introduced:** 2/18/2020

**Status:** 3/18/2020-April 1 hearing postponed by committee.

**Calendar:** 4/15/2020 9:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

**Summary:**

Would establish municipal wastewater agencies and would authorize a municipal wastewater agency, among other things, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**Position:** Support

**Subject:** Municipal Services, Special District Principle Acts

**CALAFCO Comments:** This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCo process to activate these latent powers intact.

**SB 1280 (Monning D) Drinking water: consolidation and extension of service: at-risk water systems.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Introduced:** 2/21/2020

**Status:** 3/18/2020-April 1 hearing postponed by committee.

**Calendar:** 4/15/2020 9:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

**Summary:**

Would authorize the State Water Resources Control Board to order consolidation between a receiving water system and an at-risk water system, as defined, upon receipt of a petition that substantially conforms to the specified-referenced policy adopted by the state board and that is either approved by the water system's governing body or signed by at least 30% of the households served by the water system. For purposes of that provision, the bill would authorize the state board to contract with a technical assistance provider or appoint an administrator to provide information to a community regarding the petition process, to assist with the preparation of a petition, or to evaluate whether a water system is an at-risk water system.

**Position:** Oppose

**Subject:** Water

**CALAFCO Comments:** This bill pertains to the petition to the SWRCB for water system consolidation. It (1) seeks to give the SWRCB authority to mandate consolidation if the petition "substantially conforms" to state policy requirements, and (2) allows for that consolidation order if the petition is approved by the water system's governing body OR signed by at least 30% of households being served by the water system. Adding "households" is a substantive change.

**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:** 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/19/2019)(May be acted upon Jan 2020)

**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 2018.

**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:** 2/3/2020-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

**Summary:**

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

**Position:** Support

**Subject:** Financial Viability of Agencies

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

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

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

**Introduced:** 2/22/2019

**Last Amended:** 5/6/2019

**Status:** 7/12/2019-Failed Deadline (Last location was N.R. & W. on 5/29/2019)(May be acted upon Jan 2020)

**Summary:**

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

**Position:** Watch

**Subject:** Municipal Services, Water

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

**AB 134 (Bloom D) Safe Drinking Water Restoration.**

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

**Introduced:** 12/5/2018

**Last Amended:** 5/20/2019

**Status:** 7/10/2019-Failed Deadline (Last location was E.Q. on 6/12/2019)(May be acted upon Jan 2020)

**Summary:**

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

**Position:** Watch

**Subject:** Water

**AB 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:** 7/12/2019-Failed Deadline (Last location was GOV. & F. on 5/22/2019)(May be acted upon Jan 2020)

**Summary:**

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

**Position:** Watch

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

**AB 1457 (Reyes D) Omnitrans Transit District.**

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

**Introduced:** 2/22/2019

**Last Amended:** 5/24/2019

**Status:** 7/10/2019-Failed Deadline (Last location was GOV. & F. on 6/25/2019)(May be acted upon Jan 2020)

**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:** Neutral

**CALAFCO Comments:** This is a special act district formation. The bill takes what is currently a JPA and transforms it into a special district. CALAFCO has been working with the author and sponsor on amendments and the May 24 version addresses the vast majority of concerns. CALAFCO continues to work with the author and sponsor on minor technical amendments. UPDATE: The author's office has indicated to CALAFCO that they will not be moving this bill forward in 2020. We will continue to watch the bill.

**AB 2148 (Quirk D) Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.**

**Current Text:** Amended: 3/5/2020 [html](#) [pdf](#)

**Introduced:** 2/10/2020

**Last Amended:** 3/5/2020

**Status:** 3/9/2020-Re-referred to Com. on NAT. RES.

**Summary:**

Current law establishes the Integrated Climate Adaptation and Resiliency Program, administered by the Office of Planning and Research, to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as specified. This bill would require the Strategic Growth Council, by July 1, 2021, to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council, by July 1, 2022, to develop criteria for the development of regional climate adaptation plans.

**Position:** Watch

**Subject:** Climate Change

**CALAFCO Comments:** This bill states the Legislature's intent to create legislation that would foster regional-scale climate adaptation strategies, and require the creation of regional plans relating to sea level rise and fire vulnerability. CALAFCO will watch this bill.

**AB 2370 (Limón D) Ventura Port District: aquaculture plots: federal waters.**

**Current Text:** Amended: 3/16/2020 [html](#) [pdf](#)

**Introduced:** 2/18/2020

**Last Amended:** 3/16/2020

**Status:** 3/17/2020-Re-referred to Com. on L. GOV.

**Summary:**

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, a city or district may only provide new or extended services by contract or agreement outside of its jurisdictional boundary if it requests and receives written approval, as provided, from the local agency formation commission in the county in which the extension of service is proposed. This bill would, notwithstanding the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, authorize the Ventura Port District, to the extent permitted by federal law, to construct, maintain, operate, lease, and grant permits to others for the installation, maintenance, and operation of aquaculture plots in federal waters off the coast of California the County of Ventura, as prescribed, in order to aid in the development or improvement of navigation or commerce to the port district.

**Position:** Watch

**Subject:** Special District Powers

**CALAFCO Comments:** This is a local bill authorizing Ventura Port District to extend operations into federal waters. CALAFCO will work with Ventura LAFCo.

**AB 2629 (Maves I) Imperial Irrigation District: retail electric service.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Introduced:** 2/20/2020

**Status:** 2/21/2020-From printer. May be heard in committee March 22.

**Summary:**

Would require the State Energy Resources Conservation and Development Commission (Energy Commission), the Imperial County Local Agency Formation Commission, and the Riverside County Local Agency Formation Commission to meet to determine the sphere of influence of the Imperial Irrigation District and options for electrical service to the Coachella Valley at the end of a certain lease of electrical rights and would, on or before June 30, 2021, require the Imperial Irrigation District to submit any requested documents and information to the Energy Commission for these purposes. The bill would, on or before June 30, 2022, require the Energy Commission to submit a report to the Legislature on the determination and options, as specified.

**Position:** Watch

**Subject:** Service Reviews/Spheres

**CALAFCO Comments:** This is a local bill relating to the Imperial Irrigation District. As written the bill requires the State Energy Resources Conservation & Development Commission, Riverside and Imperial LAFCos to meet for the purpose of determining the SOI of the district and for options for electrical service to the Coachella Valley. CALAFCO will watch the bill for any amendments and potential negative impacts.

**AB 3281 (Brough R) Worker status: independent contractors: business-to-business contracting relationship.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Introduced:** 2/21/2020

**Status:** 3/9/2020-Referred to Com. on L. & E.

**Summary:**

Current law exempts specified occupations and business relationships from the application of the “ABC” test, including a business-to-business contracting relationship, that meets specified requirements, including that a business is a “contracting business” if it demonstrates that it meets specified criteria. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously established in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. This bill would also include as a “contracting business” for purposes of a business-to-business contracting relationship, or business that subject to specified tax provisions relating to sale proprietorships on limited partnerships.

**Position:** Watch

**CALAFCO Comments:** This bill proposes amendments to AB 5 in terms of the exemption tests which may impact the contractual/employee relationship of CALAFCO and its two primary contractors.

**AB 3312 (Gray D) Local agency formation: annexation: City of Merced.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Introduced:** 2/21/2020

**Status:** 2/24/2020-Read first time.

**Summary:**

Would authorize the annexation of territory comprising the main campus of the University of California, Merced, as specified, and any road strip, as defined, to the City of Merced, notwithstanding the requirement that the territory be contiguous with the city, if other conditions are met, including that the territory is within the city’s sphere of influence. The bill would prohibit the local agency formation commission from approving subsequent annexations to the territory specified in the bill unless the annexation is contiguous with that territory.

**Position:** Watch

**Subject:** Annexation Proceedings

**CALAFCO Comments:** This is a local bill for Merced. It allows a defined section of the UC Merced campus and access road to be annexed if certain conditions are met and keeps the LAFCo process intact. CALAFCO will watch the bill to ensure the LAFCo process remains protected and work with Merced LAFCo.

**AB 3338 (Diep R) Community services districts: zones.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Introduced:** 2/21/2020

**Status:** 2/24/2020-Read first time.

**Summary:**

The Community Services District Law authorizes the establishment of community services districts to provide various public facilities and services. That law establishes procedures for forming zones within specific areas of a community services district to provide different services, different levels of service, different facilities, or additional revenue. The law, among other things, requires a public hearing on the formation of a zone, at which the board of directors is required to hear protests of the formation of the zone, as specified. This bill would make nonsubstantive changes to this public hearing provision.

**Position:** Watch

**Subject:** Special District Powers

**CALAFCO Comments:** This is a spot bill.

**SB 799 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.**

**Current Text:** Amended: 3/11/2020 [html](#) [pdf](#)

**Introduced:** 1/7/2020

**Last Amended:** 3/11/2020

**Status:** 3/16/2020-March 18 hearing postponed by committee.

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside

its sphere of influence to support existing or planned uses involving public or private properties, as provided. Existing law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would extend the January 1, 2021, repeal date with regard to the pilot program until January 1, 2026.

**Position:** Watch

**Subject:** CKH General Procedures

**CALAFCO Comments:** Originally created as a pilot program for San Bernardino and Napa LAFcos in 56133.5, the program is set to sunset January 1, 2021. This bill seeks to eliminate that sunset. San Bernardino LAFco has requested amendments to keep as a pilot for these two counties and reinstate another 5-year sunset. The March 11, 2020 amendments remove CALAFCO's concerns and we will retain a Watch position.

**SB 931 (Wieckowski D) Local government meetings: agenda and documents.**

**Current Text:** Introduced: 2/5/2020 [html](#) [pdf](#)

**Introduced:** 2/5/2020

**Status:** 3/5/2020-March 18 hearing postponed by committee.

**Summary:**

The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a legislative body to email a copy of the agenda or a copy of all the documents constituting the agenda packet if so requested. By requiring local agencies to comply with these provisions, this bill would impose a state-mandated local program.

**Position:** Watch

**CALAFCO Comments:** This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it (current law requires the mailing of such documents upon request, this bill adds the option to email if requested).

**SB 1096 (Caballero D) Water and sewer system corporations: consolidation of service.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Introduced:** 2/19/2020

**Status:** 3/19/2020-March 31 hearing postponed by committee.

**Summary:**

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state 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 2020, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system.

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** This bill seeks to put timelines on the State Water Resources Control Board (SWRCB) to respond to applications for consolidations. CALAFCO will continue to watch this bill. There is no apparent impact to LAFco based on the current version of the bill.

**SB 1180 (Dahle R) Fallen Leaf Lake Community Services District: elections.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Introduced:** 2/20/2020

**Status:** 3/5/2020-Referred to Coms. on GOV. & F. and E. & C.A.

**Summary:**

Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding current law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified.

**Position:** Watch

**CALAFCO Comments:** This is a local El Dorado County/district bill. This bill does several things. (1) Provides that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

**SB 1386 (Moorlach R) Local government.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Introduced:** 2/21/2020

**Status:** 3/12/2020-Referred to Com. on RLS.

**Summary:**

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make a nonsubstantive change to the provision naming the act.

**Position:** Watch

**Subject:** CKH General Procedures

**CALAFCO Comments:** This is a spot bill.