

# TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

## LAFCO MEETING AGENDA June 1, 2022 @ 2:00 P.M. TULARE COUNTY HUMAN RESOURCES AND DEVELOPMENT 2500 West Burrel Avenue Visalia, CA 93291

COMMISSIONERS:  
Rudy Mendoza, Chair  
Dennis Townsend, V-Chair  
Pete Vander Poel  
Liz Wynn  
Richard Feder

ALTERNATES:  
Larry Micari  
Fred Sheriff  
Steve Harrell

EXECUTIVE OFFICER:  
Ben Giuliani

### I. Call to Order

### II. Approval of Minutes from May 4, 2022

(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. Action Items and Presentations

1. Sphere of Influence Amendment to the City of Porterville, Case 1559-P-322A(Pages 3-16)  
[Public Hearing] ..... Recommended Action: Approval

The City of Porterville has submitted a request for a Sphere of Influence amendment for approximately 375 acres of land located between Indiana Street and Hillcrest Street, north of Scranton Avenue, south of Gibbons Avenue. A mitigated negative declaration has been prepared in compliance with CEQA by the City of Porterville.

2. Annexation to the City of Porterville and Detachment from County Service Area #1, Case 1559-P-322 (Central Mutual Water Company Consolidation) (Pages 17-28)  
[Public Hearing] ..... Recommended Action: Approval

The City of Porterville has submitted a request for an annexation of approximately 19.53 acres of land located along Kessing St, south of Gibbons Ave and north of Scranton Ave alignment. The annexation is intended to facilitate the provision of water from the City of Porterville to existing properties along Kessing Street. A mitigated negative declaration has been prepared in compliance with CEQA by the City of Porterville.

**NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking.**  
**In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact LAFCO Staff at 559-623-0450. Documents related to the items on this Agenda submitted to the Board after distribution of the Agenda packet are available for public inspection at 210 N Church Ste. B Visalia CA 93291**

3. Sphere of Influence Amendment to the City of Dinuba, Case 1564-D-63A (Pages 29-36)  
[Public Hearing] ..... Recommended Action: Approval

The City of Dinuba has submitted a request for a Sphere of Influence amendment for approximately 38.9 acres of land located southwest of the intersection of Alta Avenue and Kamm Avenue. An environmental impact report has been prepared in compliance with CEQA by Dinuba Unified School District.

4. Annexation to the City of Dinuba, Detachment from Kings River Conservation District and from County Service Area #1, Case 1564-D-63 (Pages 37-48)  
[Public Hearing] ..... Recommended Action: Approval

The City of Dinuba has submitted a request for an annexation of approximately 77.29 acres of land located southwest of the intersection of Alta Avenue and Kamm Avenue. The annexation is intended to facilitate the development of a new high school. An environmental impact report has been prepared in compliance with CEQA by Dinuba Unified School District.

5. 2022/2023 Final Budget and Work Program (Pages 49-66)  
[Public Hearing] ..... Recommended Action: Approval

Pursuant to GC 56381, the Commission must adopt a final budget and work program, for the following fiscal year, by June 15. At the April 6, 2022 meeting, the Commission decided to apply \$92,000 to offset the contribution from the County's eight cities and Tulare County. All expenditures and revenues are itemized on a single spreadsheet and the work program provides further detail on how these expenditures and revenues will be allotted during the fiscal year.

## V. Executive Officer's Report

1. Legislative Update (Pages 67-84)  
Enclosed is a listing of bills that CALAFCO is tracking.
2. Upcoming Projects (No Page)  
The Executive Officer will provide a summary and tentative schedule of upcoming LAFCO projects.

## VI. Correspondence

None

## VII. Other Business

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

**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**

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

1. July 6, 2022 @ 2:00 P.M in the Tulare County Human Resources and Development Building, 2500 W. Burrell Ave., Visalia, CA 93291.

**IX. Adjournment**

***NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking.  
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**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION  
2500 W. Burrel Ave., Visalia, CA 93291  
Tulare County Human Resources and Development Building  
May 4, 2022 – Meeting Minutes**

<b>Members Present:</b>	Allen, Vander Poel, Townsend, Wynn
<b>Members Absent:</b>	Mendoza
<b>Alternates Present:</b>	Micari, Harrell
<b>Alternates Absent:</b>	Sheriff
<b>Staff Present:</b>	Giuliani, Ingoldsby, & Kane recording
<b>Counsel Present:</b>	Jeff Kuhn

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- I. **Call to Order:** Vice-Chair Townsend called the meeting to order at 2:00 p.m.
- II. **Approval of the April 6, 2022 Meeting Minutes:**  
Upon motion by Commissioner Vander Poel and seconded by Commissioner Allen, the Commission unanimously approved the LAFCO minutes.
- III. **Public Comment Period:**  
Vice-Chair Townsend opened/closed the Public Comment Period at 2:02 p.m. No public comments received.
- IV. **Action Items and Presentations:**
  1. **Case No. 1563-L-51 Proposed Annexation to the City of Lindsay and Detachment from County Service Area #1**  
Staff Analyst Ingoldsby provided an overview of the proposed annexation, noting that the property is owned by the City of Lindsay and contains the city's wastewater treatment plant. Mr. Ingoldsby outlined the services and controls being provided to the parcels, environmental impacts, and efficient operations. Staff Analyst Ingoldsby stated that the annexation was noncontiguous and discussed the recommended actions.  
  
Vice-Chair Townsend opened/closed the Public Hearing at 2:04 p.m. No comments received.  
  
Upon motion by Commissioner Allen and seconded by Commissioner Wynn, the Commission unanimously approved the annexation to the City of Lindsay as recommended.
  2. **Select Public Member**  
Commissioner Allen was excused from the room during this item's discussion.  
The Commissioners discussed the four applications that had been received and the selection committee recommended Mr. Richard Feder to be appointed as the public member effective May 5, 2022.  
  
Upon motion by Commissioner Wynn and seconded by Commissioner Vander Poel the Commission appointed Mr. Richard Feder to serve as the LAFCo Public Member.
- V. **Executive Officer's Report**
  1. **ESA 2022-01, -02, -03, -04 (Porterville)**  
EO Giuliani explained that four extraterritorial service agreements were approved for the provision of domestic water to four existing residences in East Porterville.

2. **Legislative Update**

EO Giuliani reviewed the legislative report, highlighting AB 1773: Williamson Act: subvention payments: appropriation; and AB 2201: Groundwater sustainability agency: groundwater extraction permit.

3. **Upcoming Projects**

EO Giuliani stated that for the June meeting the final budget would be reviewed for adoption, and two annexation requests from the cities of Porterville and Dinuba would be presented.

**VI. Correspondence:**

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 is scheduled for **June 1, 2022 at 2:00 p.m.** in the Tulare County Human Resources and Development Building, 2500 W. Burrell Ave., Visalia, CA 93291.

**IX. Adjournment:** The Tulare County LAFCO meeting adjourned at 2:27 p.m.



# **TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**

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**COMMISSIONERS:**

*Rudy Mendoza, Chair  
Dennis Townsend, V-Chair  
Pete Vander Poel  
Liz Wynn  
Richard Feder*

**ALTERNATES:**

*Larry Micari  
Fred Sheriff  
Steve Harrell*

**EXECUTIVE OFFICER:**

*Ben Giuliani*

June 1, 2022

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Steven Ingoldsby, Staff Analyst

SUBJECT: LAFCO Case 1559-P-322A, Sphere of Influence Amendment for the City of Porterville

## **Background**

The City of Porterville is requesting a Sphere of Influence (SOI) amendment which includes approximately 375 acres of land located between Indiana Street and Hillcrest Street, north of Scranton Avenue, south of Gibbons Avenue. **(Figure 1)**. A portion of the SOI amendment area contains a 19.53 acre annexation proposal of subsequent Case 1559-P-322.

## **Discussion**

The SOI amendment is needed to accommodate the proposed annexation in Case 1559-P-322. A portion of the SOI amendment and subsequent annexation are intended to facilitate the provision of water to properties currently served by the Central Mutual Water Company whose only well is failing. The remaining SOI amendment area is requested to help facilitate future annexations in the area.

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

## **Environmental Impacts**

The City of Porterville is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Mitigated Negative Declaration was approved for use with this proposal. A copy of these documents is included in the application materials.

## **Municipal Service Review**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO to establish Spheres of Influence for cities and special districts. Prior to, or in conjunction with establishing an agency's SOI, LAFCO is required to conduct a Municipal Service Review (MSR)

for each agency. Neither the LAFCO statute nor the OPR Guidelines specifically prescribe how often a MSR must be updated, other than as needed. Therefore, it is left to each LAFCO to establish review parameters. A MSR update for Porterville was last adopted in 2014. Per Policy C-5.1 a SOI amendment that is associated with a concurrent proposal for a change of organization is not subject to a MSR update.

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

The Mitigated Negative Declaration prepared by the City of Porterville identifies no impact to prime agriculture land. Both the proposed annexation and the SOI amendment would not convert any land uses on the state Farmland Mapping and Monitoring Program (FMMP) map.

There are 2 Williamson Act contracts as shown in **Figure 2**. 20 acres directly to the west of Tract 77 and 30 acres to the east of Plano. If these areas are included in the SOI amendment, the Commission would need to make a finding that the change is not likely to adversely affect the continuation of the contracts beyond their current expiration dates.

### **County Adopted City Urban Development Boundary**

The City of Porterville and Tulare County in a settlement agreement made in April 2014 have agreed to set the County Adopted City Urban Development Boundary (CACUDB) to be coterminous with the City's SOI adopted by Tulare LAFCO. Per the agreement IV.a.i.1 LAFCO action on the City's SOI Amendment Application is a condition precedent to the County's obligation to amend the CACUDB for Porterville.

### **Disadvantaged Unincorporated Communities (DUCs)**

Government Code section 56033.5 defines a "disadvantaged unincorporated community" as inhabited territory, as defined by section 56046 (12 or more registered voters), or as determined by commission policy that constitutes all or a portion of a disadvantaged community as defined by Water Code section 79505.5 (a community with an annual median household income that is less than 80 percent of the statewide annual median household income).

Tulare County LAFCO Policy C-5.11(C) defines a disadvantaged community as an area that has a median household income 80% or less of the statewide average pursuant to PRC section 75005(g) and contains at least 20 dwelling units at a density not less than one unit per acre.

The annexation area is an identified DUC in the City's most recent Municipal Services Review (MSR) as Tract 77.

A&A Mobile Home Park is an identified DUC in the City's most recent MSR (MSR). It is located at the southwest corner of Plano Street and Gibbons Avenue which is included in the City's SOI amendment request. The water provider for A&A is a common well. Wastewater is provided by a group septic system. It is likely that at some point in the future, this area may need City water.



## **Options**

Should the commission choose to annex the site in Case 1559-P-322, the commission would need to first amend the city's sphere of influence to accommodate the annexation area.

Option 1: The Commission could amend the sphere of influence to be coterminous with the annexation area. (19.5 acres)

Option 2: The Commission could amend the sphere of influence to include all of the area requested by City of Porterville. (375 acres with 50 acres of Williamson Act land.)

Option 3: The Commission could amend the sphere of influence to include the area from Indiana to South Plano Street (Rd 252). This option would include A&A Mobile Home Park and the areas City staff have indicated that they have received recent inquiries regarding development. (237 acres with 20 acres of Williamson Act land.)

## **Required Determinations**

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

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

*(If Option 1 is selected)* The amendment to the SOI includes land that is developed for residential use and is anticipated to continue as previously developed.

*(If Option 2 or 3 is selected)* The amendment to the SOI includes land that is developed for residential use and land used for agricultural production, industrial, storage, cemetery, and for rural residential and is anticipated to be developed with single family dwellings, commercial, public, educational, and recreational uses.

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

*(If Option 1 is selected)* The area will need water services provided by the City of Porterville. The need for all other services including planning, building, police and fire protection and sewer service will remain unchanged.

*(If Option 2 or 3 is selected)* The area will need increased services, including planning, building, police and fire protection, water and sewer service.

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

The City has adequate water and sewer capacity to serve the site. Other services which would be extended to this area would be funded through the City General Fund, applicant and

developer fees, and user fees.

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

*(If Option 1 is selected)* The subject area is a community of interest, identified as Tract 77 in the City's most recent Municipal Services Review. A&A Mobile Home Park is less than one mile to the east of the subject area.

*(If Option 2 or 3 is selected)* The subject area contains two communities of interest, identified as Tract 77 and A&A Mobile Home Park in the City's most recent Municipal Services Review.

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

*(If Option 1 is selected)* A&A Mobile Home Park is less than one mile east of the site and adjacent to the City's existing sphere of influence. It may need City water and/or sewer service in the future. DUCs in other areas of the SOI are addressed in the Municipal Services Review for the City of Porterville.

*(If Option 2 is selected)* DUCs in other areas of the SOI are addressed in the most recent Municipal Services Review for the City of Porterville.

### **Recommendations:**

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

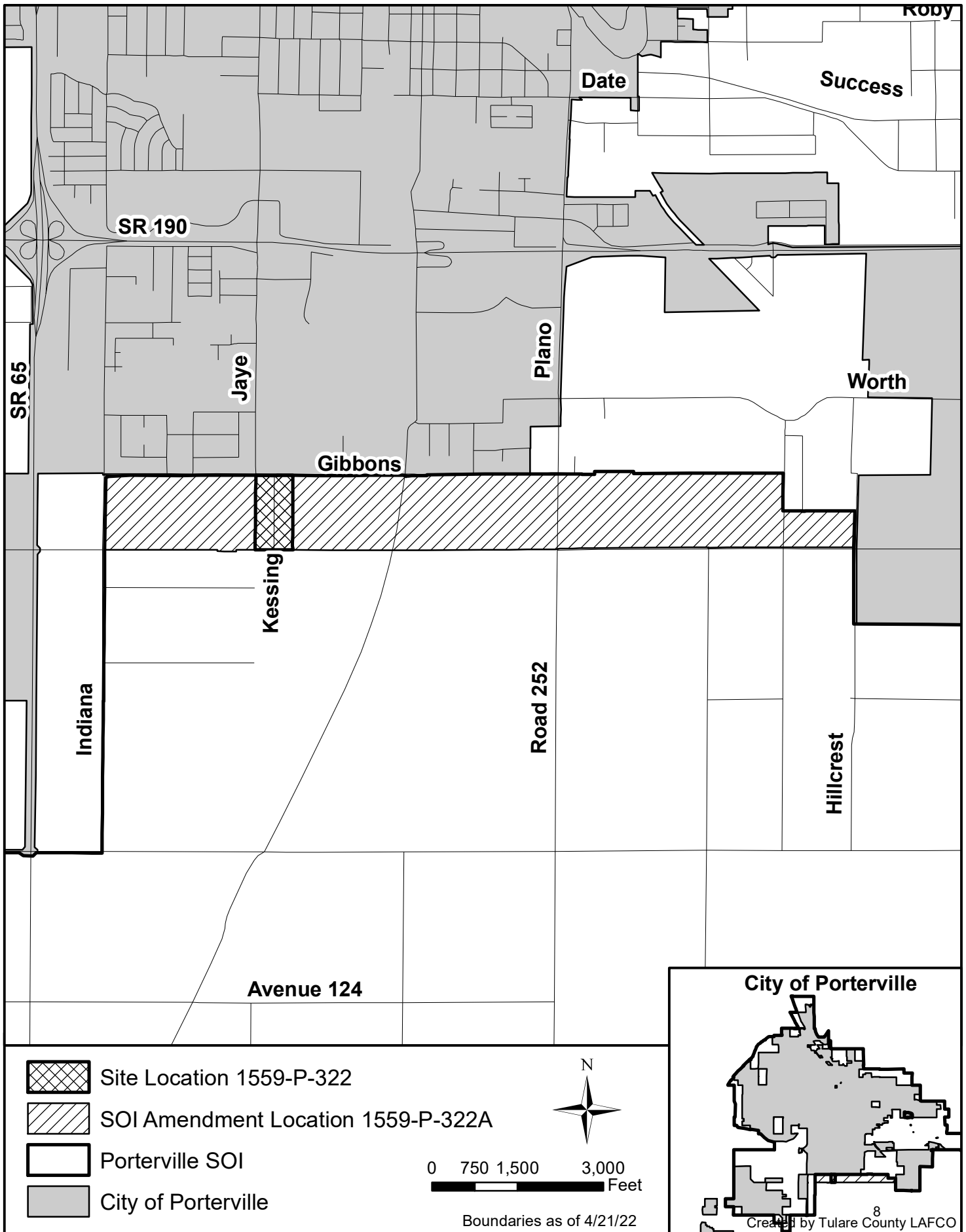
- A. Find that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Porterville for this project and determine that the project will not have a significant effect on the environment.
- B. Adopt the written statement of determinations and find that the proposed City of Porterville Sphere of Influence amendment complies with the GC §56425.
- C. *(If Option 1)* Find that there are no Williamson Act contracts within the SOI amendment area. *(If Option 2 or 3)* Determine that though the SOI amendment area contains Williamson act land, the change is not likely to adversely affect the continuation of the contracts beyond its current expiration date.
- D. The SOI amendment is contingent on the approval of LAFCO Case 1559-P-322, City of Porterville Annexation 484 (Central Mutual Water Company Consolidation).
- E. Approve the Sphere of Influence amendment to be known as LAFCO Case 1559-P-322A.

EXECUTIVE OFFICER'S REPORT 1559-P-322A

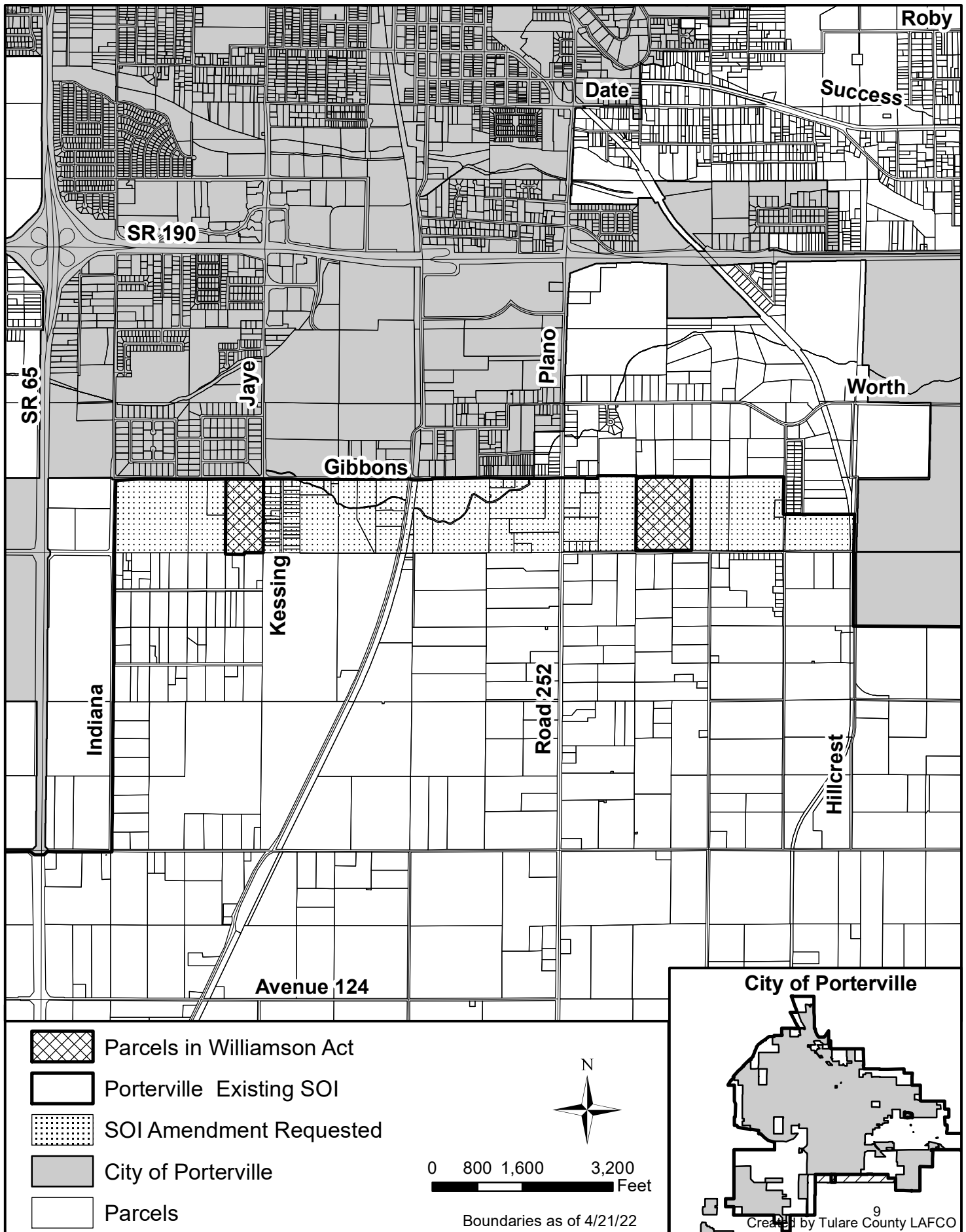
## **Figures & Exhibits**

Figure 1	Site Location Map
Figure 2	Williamson Act Areas
Figure 3	Sphere of Influence Options
Figure 4	Resolution

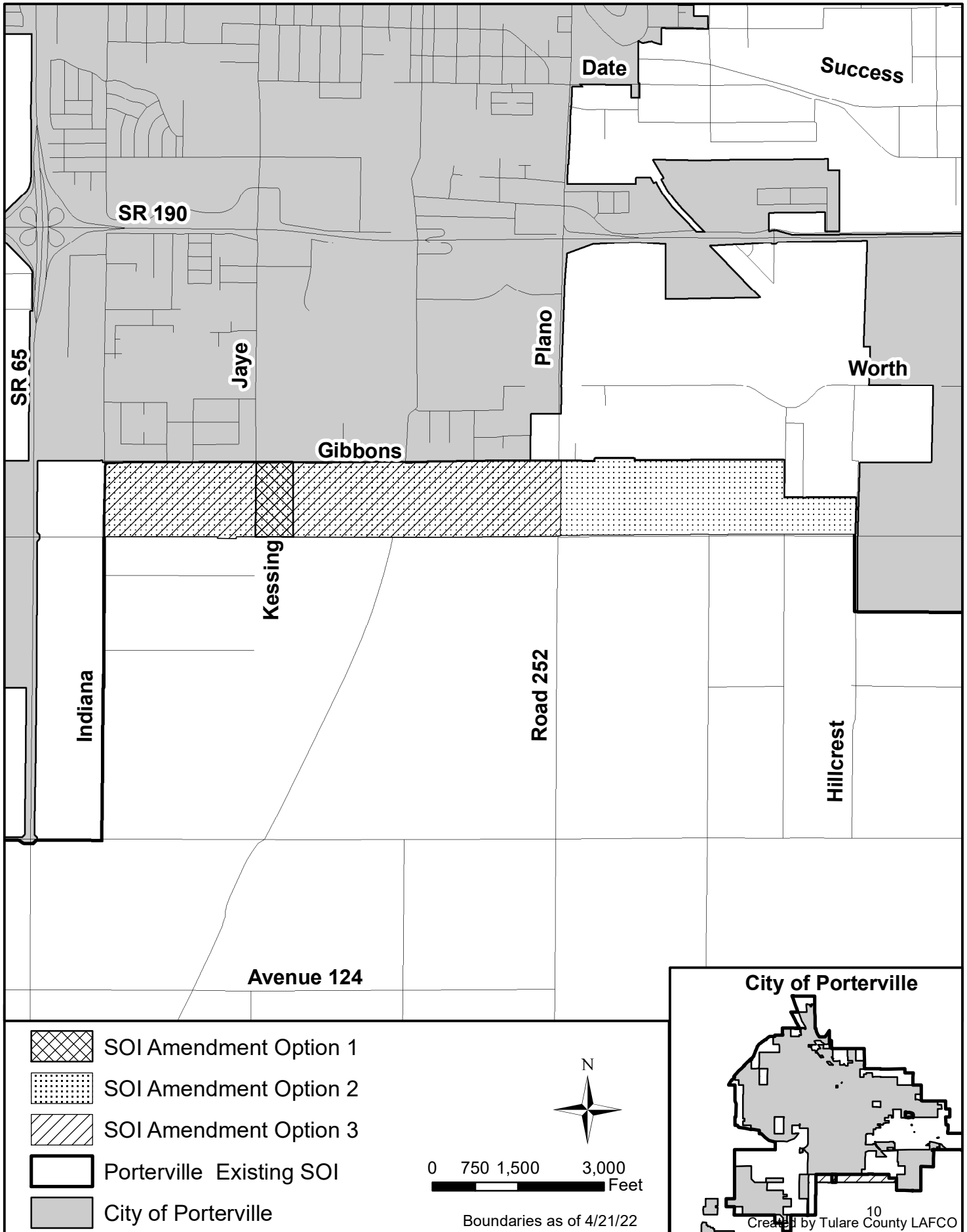
# LAFCO Case 1559-P-322 and 1559-P-322A



# LAFCO Case 1559-P-322A



# LAFCO Case 1559-P-322A



**BEFORE THE LOCAL AGENCY FORMATION COMMISSION**

# OF THE

**COUNTY OF TULARE, STATE OF CALIFORNIA**

In the Matter of the Proposed Amendment to the )

City of Porterville Sphere of Influence )

LAFCO Case No. 1559-P-322A ) **RESOLUTION NO. 22-XXX**

**WHEREAS**, pursuant to Government Code Section 56425, Local Agency Formation

**WHEREAS**, this Commission has adopted a Sphere of Influence Policy which

**WHEREAS,** the Commission has read and considered the reports and

**WHEREAS**, on June 1, 2022 this Commission heard, received, and considered

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

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

2. The information, materials, and facts set forth in the application and the reports of the Executive Officer, including any corrections, have been received and considered in accordance with GC §56427.

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

XXXXXXXXXX  
XXXXXXXXXX

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

5. Pursuant to Commission Policy C-5.1, this proposal is a SOI amendment that is associated with a concurrent proposal for a change of organization which is not subject to a MSR.

7. Pursuant to GC §56426.6, the Commission finds that the SOI amendment area contains no Williamson Act land. *(Or if Option 2 or 3 is selected)* “ the Commission finds that though the SOI amendment area contains Williamson Act land, the change is not likely to adversely affect the continuation of the contract(s) beyond its current expiration date pursuant to GC §56426.6

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

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



*(If Option 1 is selected)* The amendment to the SOI includes land that is developed for residential use and is anticipated to continue as previously developed.

*(If Option 2 or 3 is selected)* The amendment to the SOI includes land that is developed for residential use and land used for agricultural production, industrial, storage, cemetery, and for rural residential and is anticipated to be developed with single family dwellings, commercial, public, educational, and recreational uses.

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

*(If Option 1 is selected)* The area will need water services provided by the City of Porterville. The need for all other services including planning, building, police and fire protection and sewer service will remain unchanged.

*(If Option 2 or 3 is selected)* The area will need increased services, including planning, building, police and fire protection, water and sewer service.

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

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

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

*(If Option 1 is selected)* The subject area is a community of interest, identified as Tract 77 in the City's most recent Municipal Services Review. A&A Mobile Home Park is less than one mile to the east of the subject area.

*(If Option 2 or 3 is selected)* The subject area contains two communities of interest, identified as Tract 77 and A&A Mobile Home Park in the City's most recent Municipal Services Review.

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

*(If Option 1 is selected)* A&A Mobile Home Park is less than one mile east of the site and adjacent to the City's existing sphere of influence. It may

need City water and/or sewer service in the future. DUCs in other areas of the SOI are addressed in the Municipal Services Review for the City of Porterville.

*(If Option 2 is selected)* DUCs in other areas of the SOI are addressed in the most recent Municipal Services Review for the City of Porterville.

9. The City of Porterville, as Lead Agency, filed a Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA). The Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Porterville for this project and determines that the proposed project will not have a significant effect on the environment because revisions in the project have been made or agreed to by the project proponent.

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

11. The Sphere of Influence for the City of Porterville is hereby amended with the following condition:

A) The SOI amendment is contingent on the approval of LAFCO Case 1559-P-322.

12. This SOI Amendment shall be known as LAFCO Case 1560-P-322A

13. The Executive Officer is hereby authorized and directed to sign and file 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 the motion by Commissioner \_\_\_\_\_  
and seconded by Commissioner \_\_\_\_\_, at a regular meeting held this 1<sup>st</sup> day of June, 2022  
by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

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

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

*June 1, 2022*

**LAFCO Case Number 1559-P-322**

**City of Porterville Annexation 484 (Central Mutual Water Company Consolidation)**

**PROPOSAL:** Annexation to the City of Porterville and detachment from CSA #1.

**PROPONENT:** The City of Porterville by resolution of its City Council.

**SIZE:** Approximately 19.53 acres

**LOCATION:** South of Gibbons Avenue, north of the Scranton Avenue alignment for parcels along E. Kessing Street. **(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 provision of water from the City of Porterville to existing properties along Kessing Street that are currently served by the Central Mutual Water Company. LAFCO case 1559-P-322A for a Sphere of Influence amendment is being processed in conjunction with this case.

**APNs:** There are 35 parcels. 269-071-002 to 269-071-005, 269-071-007 to 269-071-020, 269-072-001, 269-072-002, 269-072-004 to 269-072-007, 269-072-009 to 269-072-019

**GENERAL ANALYSIS**

**1. Land Use:**

*A. Site Information*

	<b>Existing (County)</b>	<b>Proposed (City)</b>
<b>Zoning Designation</b>	R-A (Rural Residential)	Rural Residential
<b>General Plan Designation</b>	Rural Residential	Rural Residential
<b>Uses</b>	Single Family Residential	No change

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

	<b>Zoning Designation</b>	<b>General Plan Designation</b>	<b>Existing Use</b>
<b>North</b>	IG (General Industrial)	Industrial	Single family residential / Industrial
<b>South</b>	AE-20	Low Density Residential	Agriculture
<b>East</b>	AE-20	Low Density Residential	Agriculture/Single family residential
<b>West</b>	AE-20	Low Density Residential	Agriculture

*C. Topography, Natural Features and Drainage*

The site is generally flat with no major natural features.

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

The site is outside the City's Sphere of Influence. The City of Porterville is proposing a Sphere of Influence amendment that encompasses the annexation proposal area plus the land directly west extending to Indiana Street and the land directly east extending to S. Hillcrest Street. **(Figure 1).**

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

The proposal area has already been developed. The parcels within the site are not under a Williamson Act or Farmland Security Zone contract.

**3. Population:**

There are approximately 125 persons in the annexation areas (assuming 3.2 persons per household). The County Elections Division has indicated that there are more than 12 registered voters in the proposal area. Therefore, pursuant to GC Section 56046, the annexation area is inhabited.

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

**Agency providing service**

Service	Now	After	Method of finance
Police Protection	Tulare County Sheriff	City of Porterville	General Fund and Utility Users Tax
Fire Protection	Automatic Aid- City assists City with 1 engine + manning	Automatic Aid- County assists City with 1 engine + manning	General Fund
Water Supply	Private	City of Porterville.	Applicant /

	wells/private water company (Central Mutual Water Co)	Connections to City water will be available upon request.	developer fees
Sewage Disposal	Private septic systems / Some City connections	No change	Applicant/developer fees
Street Lighting	None	SCE/ City of Porterville	Capital Improvement Program
Street Maintenance	Tulare County	City of Porterville	Capital Improvement Program
Planning/Zoning	Tulare County	City of Porterville	Applicant/developer fees
Garbage Disposal	Western Waste Management	City of Porterville. Residents may continue to use Western Waste Management for up to five years after annexation	User Fees
Code Enforcement / Weed Abatement	Tulare County	City of Porterville	General fund / citation fees when applicable
Building Permits	Tulare County	City of Porterville	Applicant/Developer fees

The City can provide all other urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services

Sewer infrastructure exists adjacent to the proposal area but does not presently serve the site. The City's wastewater treatment plant has a capacity of 8 million gallons per day (mgd). Current estimated average daily flow is about 4 to 4.5 mgd. Other undeveloped areas within the city add the potential for 0.333 mgd. The annexation would add an estimated 0.0095 mgd once connected to the City's system.

The proposal area is currently served by a single failing well operated by the Central Mutual Water Company. Once connected to the City's water system, this well will be abandoned. The city's system-wide water capacity is 18.9/mgd. The City's annual water use is 8.7 mgd average daily demand. Other undeveloped areas within the city limits add the potential for 0.787 mgd. The annexation would add an estimated 0.02232 mgd. The City has recently undertaken a ground water

recharge program, a proposed tertiary water project and a recycled water feasibility study.

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

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

**6. Assess 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: \$1,163,731

Improvements: \$2,438,153

Estimated per capital assessed valuation: \$28,815.00

**7. Environmental Impacts:**

The City of Porterville is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Mitigated Negative Declaration was approved for use with this proposal. A copy of these documents is included in the application materials.

**8. Landowner Consent:**

Notice was mailed to all landowners and registered voters within 300 feet of the reorganization area. If no written opposition from registered voters or land owners within the annexation area are received by the end of the public hearing, the Commission may waive the protest hearing. If protests are received by the end of the public hearing, a protest hearing will be held following the 30-day reconsideration period if the reorganization is approved.

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

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments.

The proposal would have no direct impact because the area is already developed and no new development is part of the project.

**10. Discussion:**

Government Services



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

All water improvements for this annexation will be funded by the California State Water Resources Control Board.

### *Sphere of Influence*

Another case at this hearing, 1559-P-322A is a proposed Sphere of Influence amendment to include the annexation area plus the land directly west extending to Indiana Street and the land directly east extending to S. Hillcrest Street. The staff report for the Sphere of Influence amendment provides two other options for the commission to consider including a coterminous Sphere of Influence amendment and a reduced size Sphere of Influence amendment.

### **RECOMMENDED ACTIONS:**

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

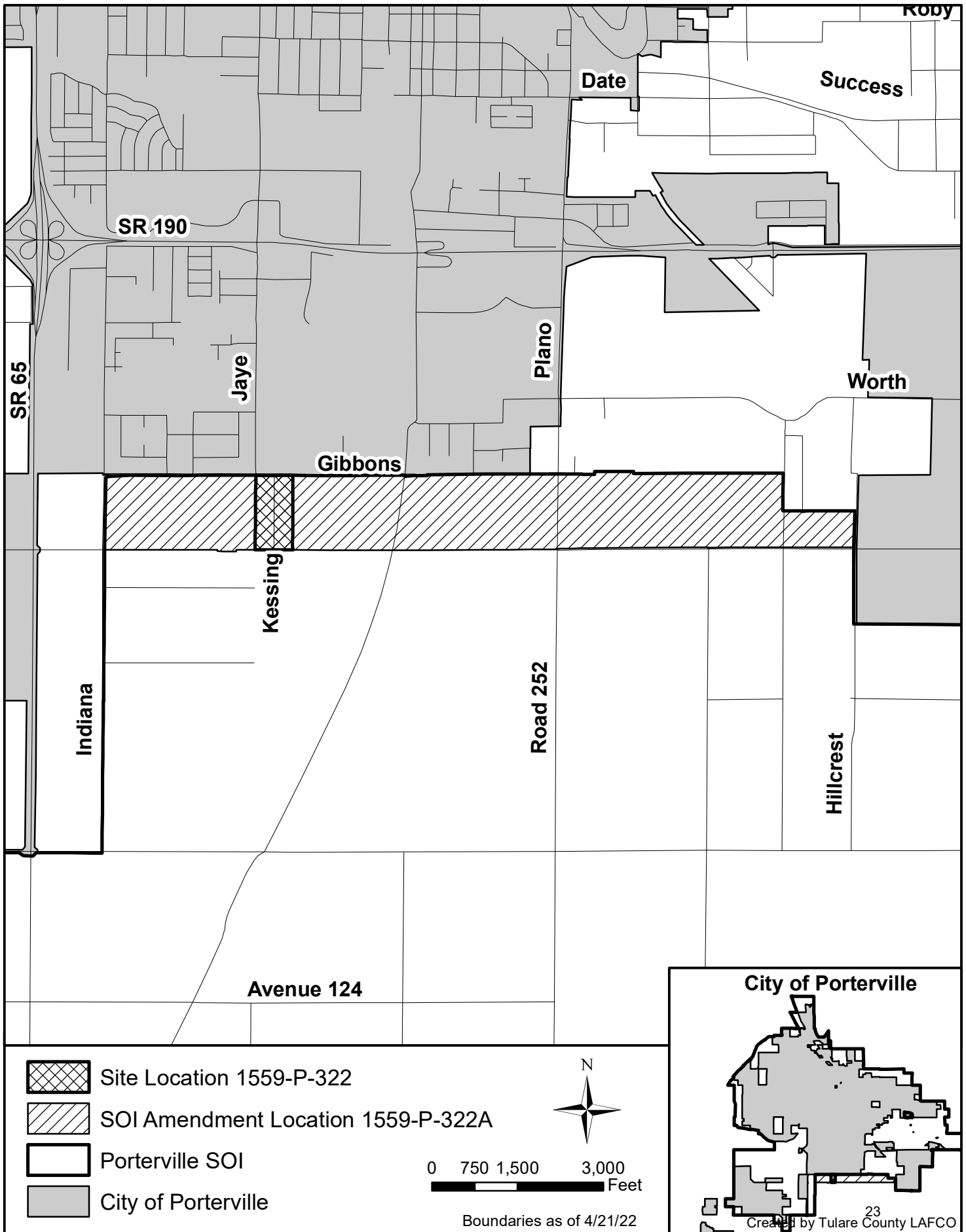
1. Certify that the Commission has reviewed and considered the Mitigated Negative prepared by the City of Porterville for this project and determine that the project will not have a significant effect on the environment.
2. Find that the proposed reorganization of the City of Porterville complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, determine that:
  - a. The boundaries of the proposed reorganization are definite and certain.
  - b. The proposed annexation is compatible with the city's General Plan.
  - c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
  - d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
  - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
  - f. All urban services and infrastructure can be provided for by the city.

4. Find that the annexation does not contain any Williamson Act contract land.
5. Find that the territory proposed for this reorganization is inhabited.
6. Approve the proposed reorganization, to be known as LAFCO Case Number 1559-P-322, City of Porterville Annexation 484 (Central Mutual Water Company Consolidation) subject to the following conditions:
  - a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
  - b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
7. Waive the protest hearing for this proposal in accordance with Government Code §56663 and order the reorganization without an election. *(If no written opposition is received from landowners or registered voters within the annexation area prior to the close of the public hearing.)*
8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

**Figures:**

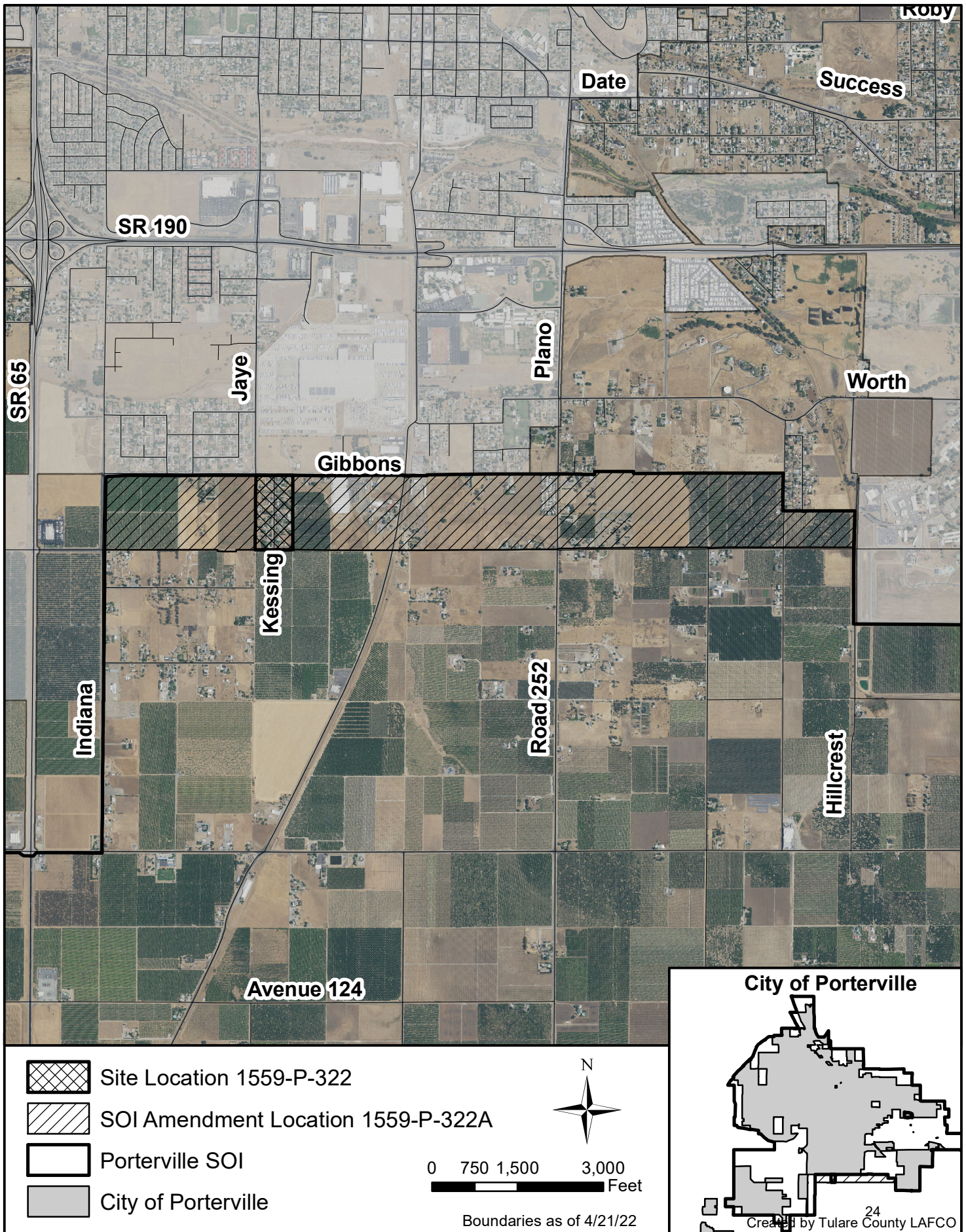
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|----------|-------------------|
| Figure 1 | Site Location Map |
| Figure 2 | Aerial            |
| Figure 3 | Resolution        |

# LAFCO Case 1559-P-322 and 1559-P-322A





# LAFCO Case 1559-P-322 and 1559-P-322A





In the Matter of the Proposed Annexation )  
To the City of Porterville and Detachment )  
from CSA #1. LAFCO Case 1559-P-322, )  
City of Porterville Annexation 484 (Central )  
Mutual Water Company) ) RESOLUTION NO. **22-XXX**

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

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

- 25

(including any corrections), have been received and considered in accordance with Government Code Section 56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Porterville, as Lead Agency, filed a Mitigated Negative Declaration and Mitigation Monitoring 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 City of Porterville for this project and find although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures that have been made by or agreed to by the project proponent.

3. The Commission has reviewed and considered, in accordance with Government Code Section 56668, the information, material and facts presented by the following persons who appeared at the meeting and commented on the proposal:

XXXXXXX  
XXXXXXX

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. More than 12 registered voters reside in the affected territory, which is considered inhabited.
- b. The proposed reorganization does not contain any Williamson Act contract land.

- c. The subject territory is within the Sphere of Influence of the City of Porterville as a result of Case 1559-P-322A.

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

- a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.
- b. The proposed annexation is compatible with the city's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
- f. All urban services and infrastructure can be provided for by the city.

8. The Commission hereby waives the protest hearing proceedings in accordance with GC §56663 and orders the annexation without an election.

9. The Commission hereby approves the proposed reorganization of the territory described in Exhibit "A," attached hereto, subject to the following conditions:

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstance that necessitate a departure from the designation or zoning.
- b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.

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

LAFCO Case No. 1559-P-322, City of Porterville Annexation 484 (Central Mutual Water Company Consolidation)

11. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as required by law.

12. The Executive Officer to hereby authorized to sign and file a Notice of Determination with the Tulare County Clerk.

The foregoing resolution was adopted upon motion of Commissioner\_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 1st day of June, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

si





# **TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**

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

## **COMMISSIONERS:**

*Rudy Mendoza, Chair  
Dennis Townsend, V-Chair  
Pete Vander Poel  
Liz Wynn  
Richard Feder*

## **ALTERNATES:**

*Larry Micari  
Fred Sheriff  
Steve Harrell*

## **EXECUTIVE OFFICER:**

*Ben Giuliani*

June 1, 2022

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Steven Ingoldsby, Staff Analyst

SUBJECT: LAFCO Case 1564-D-63A, Sphere of Influence Amendment for the City of Dinuba

## **Background**

The City of Dinuba is requesting a Sphere of Influence (SOI) amendment which includes approximately 38.9 acres of land southwest of the intersection of Alta Avenue and Kamm Avenue (**Figure 1**). The site comprises the western portion of land that is included in a subsequent annexation proposal (1564-D-63) to the City of Dinuba.

## **Discussion**

The SOI amendment is needed to accommodate a portion of the proposed annexation in Case # 1564-D-63. The SOI amendment and subsequent annexation are intended to facilitate the development of a new high school for Dinuba Unified School District.

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

## **Environmental Impacts**

Dinuba Unified School District is the lead agency for this proposal. The district prepared an environmental impact report which has been adopted by the City of Dinuba for use in this proposal (SCH No. 201731054). A copy of the document is included in the application materials.

## **Municipal Service Review**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO to establish Spheres of Influence for cities and special districts. Prior to, or in conjunction with establishing an agency's SOI, LAFCO is required to conduct a Municipal Service Review (MSR) for each agency. Neither the LAFCO statute nor the OPR Guidelines specifically prescribe how often a MSR must be updated, other than as needed. Therefore, it is left to each LAFCO to establish review parameters. A MSR update for Dinuba was last adopted in 2012. Per Policy C-

5.1 a SOI amendment that is associated with a concurrent proposal for a change of organization is not subject to a MSR update.

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

The proposal (including the total annexation area) would convert approximately 62.8 acres of land designated as "Prime Farmland" and 13.8 acres of land designated as "Farmland of Statewide Importance" to non-agricultural use. This impact was identified in the adopted Environmental Impact Report. The parcels are not under Williamson Act contract or Farmland Security Zone contract.

**Required Determinations**

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

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

The amendment to the SOI includes land that is vacant and land that is used for agriculture. It is anticipated the area will be developed as a high school for Dinuba Unified School District.

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

The area will need increased services, including planning, building, police and fire protection, water and sewer service.

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

The City has adequate water and sewer capacity to serve the site. Other services which would be extended to this area would be funded through the City's General fund, impact fees and user fees.

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

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

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

There are no adjacent disadvantaged unincorporated areas (DUCs) adjacent to the proposed SOI amendment. DUCs in other areas of the SOI are addressed in the MSR for the City of Dinuba.

### **Conterminous Annexation**

The intent of the SOI amendment is to make the SOI boundary conterminous with the proposed annexation (LAFCO Case 1564-D-63). However, the Commission may choose to make adjustments to the proposed annexation boundaries. The final SOI boundary should be conterminous to the final annexation boundary, if approved by the Commission.

### **Recommendations:**

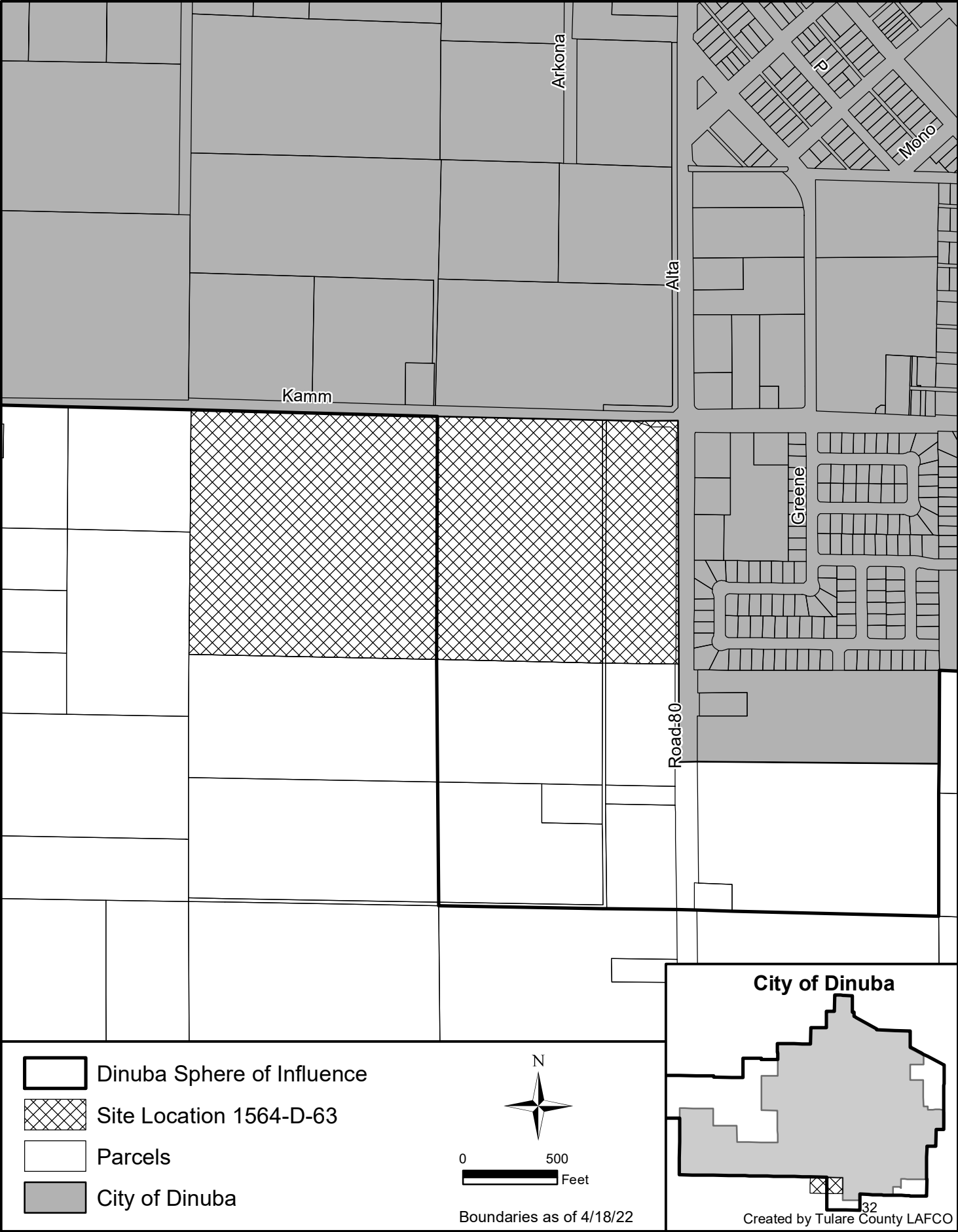
It is recommended that this SOI amendment be approved and that the Commission take the following actions:

- A. Certify that the Commission has reviewed and considered the Environmental Impact Report and Statement of Overriding Considerations prepared by Dinuba Unified School District and adopted by the City of Dinuba for this project and determine that the project will have significant impacts on the environment though the benefits of the Project outweigh the unavoidable environmental effects for the reasons presented by the Lead Agency in the Statement of Overriding Considerations, consistent with the Guidelines of the California Environmental Quality Act (CEQA).
- B. Adopt the written statement of determinations and find that the proposed City of Dinuba Sphere of Influence amendment complies with the GC §56425.
- C. Find that there are no Williamson Act contracts within the SOI amendment area.
- D. The SOI amendment is contingent on the approval of LAFCO Case 1565-D-63, City of Dinuba Reorganization 2021-01.
- E. The SOI boundary shall be conterminous with the final boundary approved in LAFCO Case 1564-D-63.
- F. Approve the Sphere of Influence amendment to be known as LAFCO Case 1564-D-63A.

### **Figures & Exhibits**

Figure 1	Site Location Map
Figure 2	Resolution

# LAFCO Case 1564-D-63



**BEFORE THE LOCAL AGENCY FORMATION COMMISSION**

# OF THE

**COUNTY OF TULARE, STATE OF CALIFORNIA**

In the Matter of the Proposed Amendment to the )  
City of Dinuba Sphere of Influence )  
LAFCO Case No. 1564-D-63A ) **RESOLUTION NO. 22-XXX**

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

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

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

**WHEREAS**, on June 1, 2022 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

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

2. The information, materials, and facts set forth in the application and the reports of the Executive Officer, including any corrections, have been received and considered in accordance with GC §56427.

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

XXXXXXXXXX  
XXXXXXXXXX

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

5. Pursuant to Commission Policy C-5.1, this proposal is a SOI amendment that is associated with a concurrent proposal for a change of organization which is not subject to a MSR.

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

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

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

The amendment to the SOI includes land that is vacant and land that is used for agriculture. It is anticipated the area will be developed as a high school for Dinuba Unified School District.

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

The area will need increased services, including planning, building, police and fire protection, water and sewer service.

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

The City has adequate water and sewer capacity to serve the site. Other services which would be extended to this area would be funded through the City's General fund, impact fees and user fees.

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

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

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

There are no adjacent disadvantaged unincorporated areas (DUCs) adjacent to the proposed SOI amendment. DUCs in other areas of the SOI area addressed in the MSR for the City of Dinuba.

8. The Commission has reviewed and considered the Environmental Impact Report (SCH No. 201731054) and Statement of Overriding Considerations prepared by Dinuba Unified School District and adopted by the City of Dinuba for this project and determines that the project will have a significant impacts on the environment though the benefits of the Project outweigh the unavoidable environmental effects for the reasons presented by the Lead Agency in the Statement of Overriding Considerations, consistent with the Guidelines of the California Environmental Quality Act (CEQA).

9. The Commission hereby finds that the proposed amendment to the City of Dinuba Sphere of Influence is in compliance with the Cortese-Knox-Hertzberg Act, GC

§56425:56430 and 56377, and Tulare County LAFCO Policy and Procedure section C-5,

Spheres of Influence.

10. The Sphere of Influence for the City of Dinuba is hereby amended with the following condition:

A) The SOI amendment is contingent on the approval of LAFCO Case 1564-D-63.

11. This SOI Amendment shall be known as LAFCO Case 1564-D-63A

12. The Executive Officer is hereby authorized and directed to sign and file 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 the motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, at a regular meeting held this 1<sup>st</sup> day of June, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

si



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

*June 1, 2022*

**LAFCO Case Number 1564-D-63  
City of Dinuba Reorganization 2021-01 (Dinuba Unified School District  
Reorganization)**

**PROPOSAL:** Annexation to the City of Dinuba, detachment from Kings River Conservation District and from County Service Area (CSA) #1.

**PROPONENT:** The City of Dinuba by resolution of its City Council.

**SIZE:** Approximately 77.29 acres

**LOCATION:** Southwest of the intersection of W. Kamm Avenue and S. Alta Avenue. **(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 high school for Dinuba Unified School District.

**APNs:** There are two parcels within the subject area, 030-010-006 and 030-010-041.

**GENERAL ANALYSIS**

**1. Land Use:**

*A. Site Information*

	<b>Existing</b>	<b>Proposed (City)</b>
<b>Zoning Designation</b>	A-1 and AE-20	RCO (Resource Conservation)
<b>General Plan Designation</b>	Light Industrial	Public/Semi Public
<b>Uses</b>	Agriculture and Vacant Land	Public High School, additional space for future elementary school

*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>	M-1 (Light Industrial)	Light Industrial	Agriculture and rural residential
<b>South</b>	Tulare County: A-1, AE-20	Light Industrial	Agriculture
<b>East</b>	C-4 (General Commercial), R-1-6 (Single Family Residential)	General Commercial and Medium Density Residential	Single family dwellings and vacant land
<b>West</b>	Tulare County: AE-20	Light Industrial	Agriculture

*C. Topography, Natural Features and Drainage*

The site is generally flat with no major natural features.

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

The eastern portion of the site is within the existing Sphere of Influence. Case 1564-D-63A is a request to amend the sphere of influence to include the entirety of the proposed annexation area within the City's Sphere of Influence.

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

The proposal would convert approximately 62.8 acres of land designated as "Prime Farmland" and 13.8 acres of land designated as "Farmland of Statewide Importance" to non-agricultural use. This impact was identified in the adopted Environmental Impact Report.

The parcels within the site are not under a Williamson Act or Farmland Security Zone contract. A Williamson Act contract was formerly on APN 030-010-006. However, pursuant to GC Section 51295, when a public agency acquires land for a public improvement, the contract is deemed null and void. Also pursuant to GC section 51295, if the public agency does not build the public improvement the following applies:

*If, after acquisition, the acquiring public agency determines that it will not for any reason actually locate on that land or any part thereof, the public improvement for which the land was acquired, before returning the land to private ownership, the public agency shall give written notice to the local governing body responsible for the administration of the preserve, and the land shall be reenrolled in a new contract or encumbered by an enforceable deed restriction with terms at least as restrictive as those provided by this chapter. The duration of the restriction shall be*

*determined by subtracting the length of time the land was held by the acquiring public agency or person from the number of years that remained on the original contract at the time of acquisition.*

**3. Population:**

The estimated population of the proposal area is zero. The County Elections Division has indicated that there are fewer than 12 registered voters in the proposal area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

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

**Agency providing service**

Service	Now	After	Method of finance
Police Protection	Tulare County Sheriff	City of Dinuba Police	General Fund
Fire Protection	Tulare County Fire	City of Dinuba Fire	General Fund
Water Supply	Private agriculture wells	City of Dinuba. Also Alta Irrigation District when excess water from the District is available	User Fees
Sewage Disposal	None	City of Dinuba	User Fees
Street Lighting	None	City of Dinuba. User will install street lighting.	Dinuba transportation funds
Street Maintenance	Tulare County	City of Dinuba	General Fund
Planning/Zoning	Tulare County	City of Dinuba	General Fund
Garbage Disposal	Pena Disposal	Pena Disposal	User Fees

The school district will be required to pay for and install development improvements including streets, curbs, gutters, sidewalks, street lights, water and sewer connections and storm drain facilities. The City assesses impact fees and user fees for new development including water, sewer, storm drain, police, fire, and transportation.

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

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

**6. Assess 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: \$1,389,637

Improvements: \$169,200

**7. Environmental Impacts:**

Dinuba Unified School District is the lead agency for this proposal. The district prepared an environmental impact report which has been adopted by the City of Dinuba for use in this proposal (SCH No. 2017031054). A copy of the document is included in the application materials.

**8. Landowner Consent:**

The landowners have provided signed consent to annexation. Because this annexation is uninhabited, no affected local agency has requested a protest hearing and there is 100% landowner consent within the annexation area, the protest hearing may be waived pursuant to GC §56662.

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

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments.

The proposal will have no direct effect on the city achieving its fair share of regional housing. However, it is important to continue the expansion of public services like education to keep pace with residential development.

**10. Discussion:**

*Government Services*

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

Services which would be extended to this area, including police and fire safety services and development permit services, will be funded primarily through impact fees and the general fund.

*Sphere of Influence Amendment*

The annexation area contains approximately 38.9 acres that are not currently within the City's boundaries. Another case at this hearing, 1564-D-63A, requests

a Sphere of Influence amendment to be coterminous with the annexation proposal area.

*Detachment from Kings River Conservation District*

Along with annexation, the City is also proposing to detach the site from the Kings River Conservation District. It is the policy of the District for land to be detached when annexed to any city within the District. Therefore, detachment of the site from the Kings River Conservation District is appropriate and recommended for this case. As reported to the Commission in previous meetings, Fresno LAFCO has agreed to allow and vest Tulare LAFCO with exclusive jurisdiction over detachments of the KRCD in the processing of reorganizations in Tulare County.

**RECOMMENDED ACTIONS:**

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

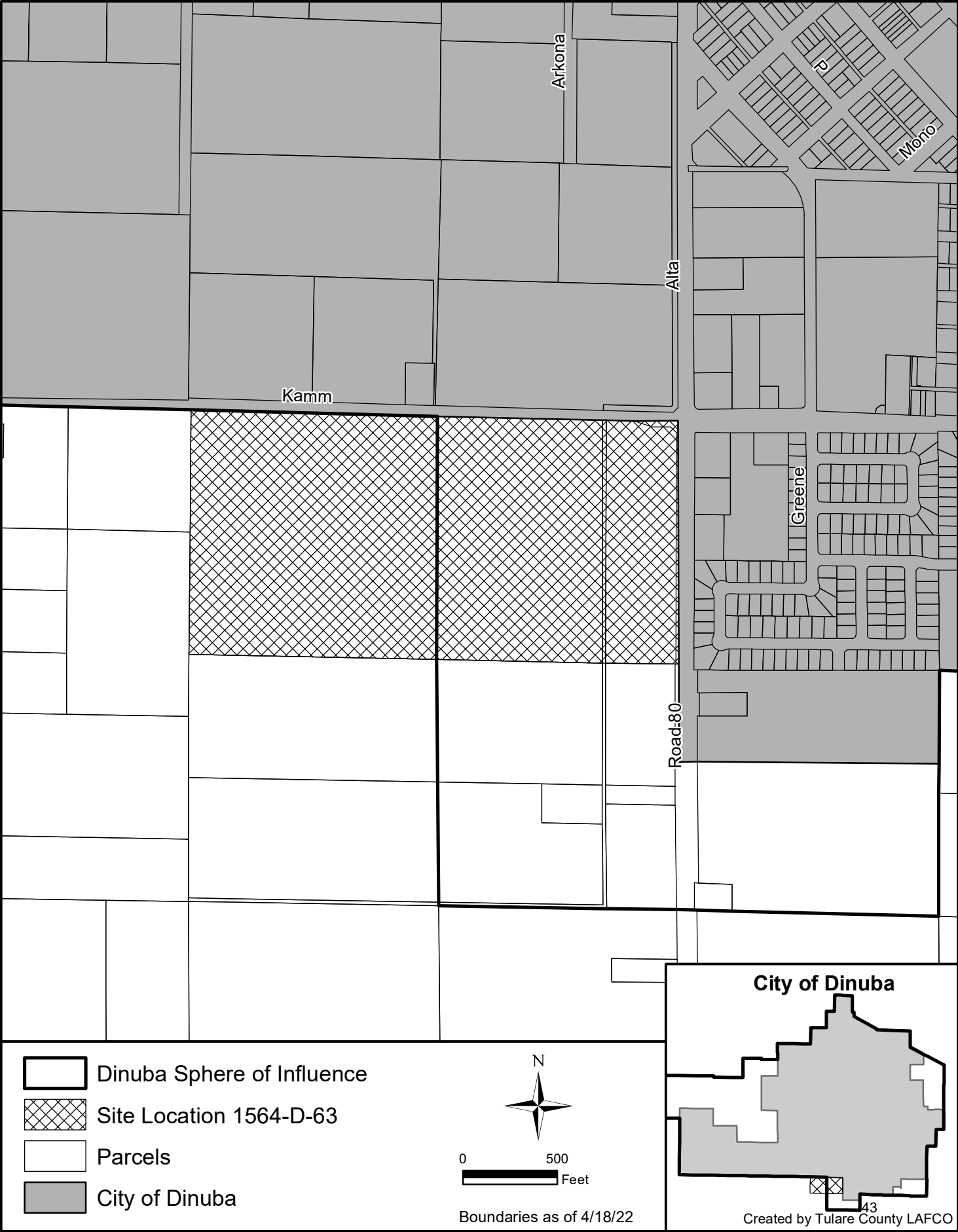
1. Certify that the Commission has reviewed and considered the Environmental Impact Report and Statement of Overriding Considerations prepared by Dinuba Unified School District and adopted by the City of Dinuba for this project and determine that the project will have significant impacts on the environment though the benefits of the Project outweigh the unavoidable environmental effects for the reasons presented by the Lead Agency in the Statement of Overriding Considerations, consistent with the Guidelines of the California Environmental Quality Act (CEQA).
2. Find that the proposed reorganization of the City of Dinuba complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, find that:
  - a. The boundaries of the proposed reorganization are definite and certain.
  - b. The proposed annexation is compatible with the City's General Plan.
  - c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
  - d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
  - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
  - f. All urban services and infrastructure can be provided for by the city.

4. Find that the annexation does not contain any Williamson Act contract land.
5. Find that the territory proposed for this reorganization is uninhabited.
6. Approve the proposed reorganization, to be known as LAFCO Case Number 1564-D-63, City of Dinuba Reorganization 2021-01 (Dinuba Unified School District Reorganization) subject to the following conditions:
  - a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
  - b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the BOE.
7. Waive the protest hearing for this proposal in accordance with Government Code §56662 and order the reorganization without an election.
8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

**Figures:**

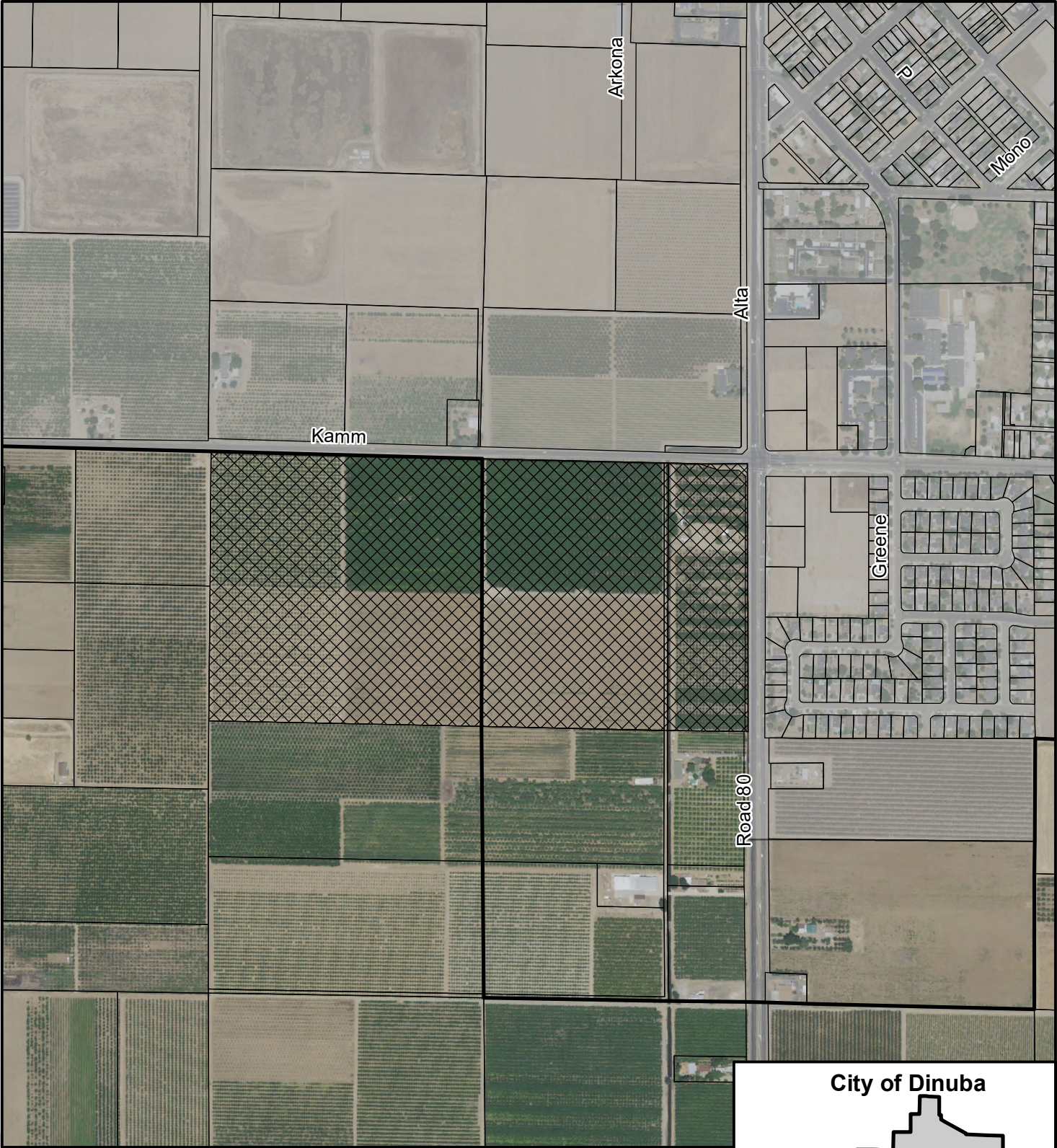
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| Figure 1 | Site Location Map |
| Figure 2 | Aerial            |
| Figure 3 | Resolution        |





# LAFCO Case 1564-D-63

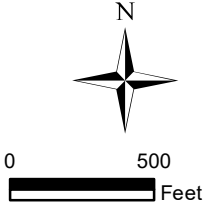




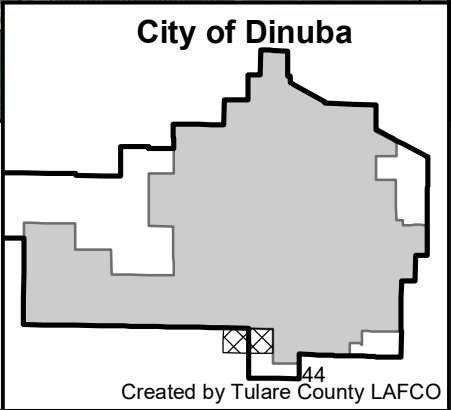
# LAFCO Case 1564-D-63



-  Dinuba Sphere of Influence
-  Site Location 1564-D-63
-  Parcels
-  City of Dinuba



Boundaries as of 4/18/22



Created by Tulare County LAFCO



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

In the Matter of the Proposed Annexation        )  
to the City of Dinuba and Detachment from        )  
Kings River Conservation District and from        )  
CSA #1. LAFCO Case 1564-D-63,                        )  
City of Dinuba Reorganizations 2021-01                )  
(Dinuba Unified School District Reorganization))

**RESOLUTION NO. 22-XXX**

**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 to annex certain territories described in attached Exhibit “A” made a part hereof; and

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

**WHEREAS**, on June 1, 2022 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, the report of the County Assessor, and the report and recommendations of the Executive Officer (including any corrections), have been received and considered in accordance with Government Code Section 56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The Dinuba Unified School District, as Lead Agency, prepared an Environmental Impact Report (SCH No. 201731054) in compliance with the California Environmental Quality Act and the City of Dinuba has adopted said Environmental Impact Report and determined that the project will have significant impacts on the environment and adopted a Statement of Overriding Considerations. And finds that the Commission has reviewed and considered the Environmental Impact Report for this project and the Statement of Overriding Considerations by the Lead Agency and determines that the project will have significant impacts on the environment though the benefits of the Project outweigh the unavoidable environmental effects for the reasons presented by the Lead Agency in the Statement of Overriding Considerations.

3. The Commission has reviewed and considered, in accordance with Government Code Section 56668, the information, material and facts presented by the following persons who appeared at the meeting and commented on the proposal:

XXXXXXX  
XXXXXXX

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. Fewer than 12 registered voters reside in the affected territory, which is considered uninhabited.
- b. The subject territory is within the Sphere of Influence of the City of Dinuba with the approval of LAFCO Case 1564-D-63A.
- c. The proposed reorganization 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 boundaries of the proposed reorganization are definite and certain.
- b. The proposed annexation is compatible with the City's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
- f. All urban services and infrastructure can be provided for by the city.

8. The Commission hereby waives the protest hearing proceedings in accordance with GC §56662 and orders the annexation without an election.

9. The Commission hereby approves the proposed reorganization of the territory described in Exhibit "A," attached hereto, subject to the following conditions:

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial

change has occurred in circumstance that necessitate a departure from the designation or zoning.

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

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

LAFCO Case No. 1564-D-63, City of Dinuba Reorganization 2021-01 (Dinuba Unified School District Reorganization)

11. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as required by law.

12. The Executive Officer to hereby authorized to sign and file a Notice of Determination with the Tulare County Clerk.

The foregoing resolution was adopted upon motion of Commissioner\_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 1st day of June 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

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Ben Giuliani, Executive Officer



# **TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**

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

**COMMISSIONERS:**

*Rudy Mendoza, Chair  
Dennis Townsend, V-Chair  
Pete Vander Poel  
Liz Wynn  
Richard Feder*

**ALTERNATES:**

*Larry Micari  
Fred Sheriff  
Steve Harrell*

**EXECUTIVE OFFICER:**

*Ben Giuliani*

June 1, 2022

TO: LAFCO Commissioners, Alternates, Counsel,  
FROM: Steven Ingoldsby, Staff Analyst  
SUBJECT: FY 2022/23 Final Budget and Work Program

Enclosed for your review are the Fiscal Year 2022/23 Final Budget and Work Program. LAFCO is required to adopt its final budget by June 15<sup>th</sup> of each year. At the April 6<sup>th</sup> meeting, LAFCO elected to use \$92,000 of reserve funds to help offset city and county contributions to the budget. Besides the \$92,000 offset, all other budget allocations are the same from the preliminary budget and work program to the final budget and work program. Listed below are the contributions amounts for FY 2022/23.

<i>Using \$92,000 offset</i>	POPULATION (DOF 1/1/2021)	PERCENT OF POPULATION	PROPOSED 22/23 CONTRIBUTION
CITY OF DINUBA	26,517	5.50%	\$9,861
CITY OF EXETER	10,997	2.28%	\$4,089
CITY OF FAMERSVILLE	11,327	2.35%	\$4,212
CITY OF LINDSAY	13,090	2.72%	\$4,868
CITY OF PORTERVILLE	59,571	12.37%	\$22,152
CITY OF TULARE	69,246	14.37%	\$25,750
CITY OF VISALIA	139,254	28.91%	\$51,784
CITY OF WOODLAKE	8,054	1.67%	\$2,995
COUNTY OF TULARE	143,733	29.83%	\$53,429

TOTAL

481,733

100.00%

\$179,140

(+\$200 billing fee to  
County Auditor)

Attachments

FY 2022/2023 Final Budget (Org 794)  
FY 2022/2023 Work Program  
Resolution

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

	<b>Object No.</b>	<b>Adopted Budget FY 21/22</b>	<b>As of 04/27/22</b>	<b>Projected Expenses FY 21/22</b>	<b>Proposed Budget FY 22/23</b>
<b>EXPENDITURES</b>					
<b>Services and Supplies</b>					
Board Director's Fees	6008	\$1,000	\$0	\$1,000	\$1,000
Memberships	7027	\$7,704	\$7,704	\$7,704	\$8,081
Office Expenses	7036	\$816	\$470	\$800	\$832
Professional and Specialized	7043	\$200	\$200	\$200	\$200
Publication - Public Hearing Notices	7059	\$1,785	\$1,520	\$2,000	\$2,040
Training	7073	\$3,355	\$0	\$0	\$3,355
Transportation and Travel	7074	\$5,865	\$0	\$0	\$5,865
<b>Total Services and Supplies</b>		<b>\$20,725</b>	<b>\$9,894</b>	<b>\$11,704</b>	<b>\$21,373</b>
<b>Other Charges</b>					
I/F Workers Compensation	7043	\$0	\$0	\$0	\$0
I/F Expenses - Property	7043	\$0	\$0	\$0	\$0
I/F Expenses - Special Liability Insurance	7043	\$2,819	\$3,403	\$3,403	\$3,417
I/F ADP Payroll	7036	\$271	\$0	\$271	\$276
Rent	7036	\$13,257	\$11,015	\$13,257	\$13,654
Alarm Services	7036	\$100	\$21	\$21	\$100
Telecom	7036	\$1,000	\$478	\$1,000	\$1,000
Utilities	7036	\$1,950	\$1,068	\$1,950	\$1,989
Custodial Services	7043	\$800	\$837	\$900	\$816
I/F RMA - Printing	7036	\$250	\$93	\$250	\$250
I/F RMA - Mail	7036	\$900	\$500	\$900	\$900
<b>Total Other Charges</b>		<b>\$21,347</b>	<b>\$17,414</b>	<b>\$21,952</b>	<b>\$22,402</b>
<b>Agency Charges</b>					
County Counsel Charges	7043	\$4,000	\$835	\$4,000	\$4,080
Services from Other Dpts.	7066	\$8,684	\$4,047	\$8,684	\$8,858
COWCAP Charges	7066	\$10,000	\$722	\$722	\$10,000
GIS Services	7043	\$6,000	\$0	\$6,000	\$5,000
Salaries	7066	\$199,566	\$84,437	\$115,000	\$209,538
<b>Total Agency Charges</b>		<b>\$228,250</b>	<b>\$90,041</b>	<b>\$134,406</b>	<b>\$237,476</b>
<b>Contingencies</b>					
	7432	\$27,032	\$0	\$0	\$28,125
<b>TOTAL EXPENDITURES</b>					
		<b>\$297,354</b>	<b>\$117,349</b>	<b>\$168,062</b>	<b>\$309,376</b>
<b>REVENUES</b>					
Other - Government Agency Contributions	5801	\$179,118	\$179,118	\$179,118	\$179,140
Planning and Engineering Services	5421	\$38,236	\$7,252	\$21,456	\$38,236
Prior Year Revenue Accruals Adjustment	5999				
<b>TOTAL REVENUES</b>		<b>\$217,354</b>	<b>\$186,370</b>	<b>\$200,574</b>	<b>\$217,376</b>
<b>NET COST</b>					
		<b>\$80,000</b>	<b>-\$69,021</b>	<b>-\$32,512</b>	<b>\$92,000</b>

# 2022/23 LAFCO WORK PROGRAM

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Prepared by: Steven Ingoldsby  
Tulare County LAFCO  
210 N. Church St., Suite B  
Visalia, CA 93277  
Phone: (559) 623-0450  
Fax: (559) 733-6720

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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 2022/23 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 481,733 (DOF – 1/1/21). 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

Rudy Mendoza, Chair	City representative
Dennis Townsend, V-Chair	County representative
Julie Allen	Public representative
Pete Vander Poel	County representative
Liz Wynn	City representative
Larry Micari	Alternate, County representative
Fred Sheriff	Alternate, Public representative
Steve Harrell	Alternate, City representative

### LAFCO Staff

Ben Giuliani, Executive Officer  
Steven Ingoldsby, Staff Analyst  
Aime Kane, LAFCO Clerk  
Matthew Pierce, 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:	\$58,205	(5.0 Staff Person Months)
Memberships:	\$8,081	
Publications and Notices	\$2,040	
County Counsel:	\$4,080	
COWCAP Charged:	\$10,000	
Board Directors fees:	\$1,000	
Rent	\$13,654	
Insurance	\$3,417	
Prof. & Specialized:	\$200	
Service from Other Dept.	\$8,858	
Total:	\$109,535	
Revenue (source):	\$92,000	(Reserve Funds)
Revenue (source):	\$17,535	(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:	\$832
Telecomm	\$1000
ADP Payroll/Personnel:	\$276
Utilities:	\$1,989
Custodial Services:	\$816
Property	\$0
Mail	\$900
Printing	\$250
Alarm	\$100
GIS	\$5,000
Worker's Compensation	\$0
Total	\$11,163

(Reserve Funds)  
\$11,163 (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  
Lindsay LHD MSR update December 2020  
Alta HD MSR update January 2021

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 22/23. 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:	\$69,846	(6.0 Staff Person Month)
Total:	\$69,846	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$69,846	(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:	\$11,641	(1.0 Staff Person Months)
Total:	\$11,641	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$11,641	(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. SOI Amendments typically occur in conjunction with an annexation and per LAFCO policy does not require a MSR.

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

BUDGET:

Estimated staff costs: \$23,282 (2 Staff Person Months)

Total: \$23,282

Revenue (source): \$ (Reserve Funds)

Revenue (source): \$19,969 (County & Cities Contribution)

Revenue (source): \$3,313 (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. There is no anticipated need for consultant services in FY 22/23.

BUDGET:

Estimated staff costs:	\$11,641	(1.0 Staff Person Month)
Total:	\$11,641	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$11,641	(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 2021/22 as of this date, staff has processed 4 cases (annexations, detachments, sphere of influence amendments, activation of latent powers 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 2022/23, based on feedback from local agencies, staff is estimating processing 11 cases.

**BUDGET:**

Estimated staff costs:	\$34,923	(3 Staff Person Months)
Total:	\$34,923	
		(Reserve Funds)
Revenue (source):	\$	(County & Cities Contribution)
Revenue (source):	\$34,923	(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	\$92,000	\$17,535	\$0	\$0	\$109,535
Office Expenses / Fixed Assets	100.02	\$0	\$11,163	\$0	\$0	\$11,163
Training and Travel	100.03	\$0	\$9,220	\$0	\$0	\$9,220
Municipal Service Reviews	101.02	\$0	\$69,846	\$0	\$0	\$69,846
Cities & Special District Inventory Update	101.03	\$0	\$11,641	\$0	\$0	\$11,641
Sphere of Influence Updates & Amendments	101.04	\$0	\$19,969	\$3,313	\$0	\$23,282
Special Projects	101.06	\$0	\$11,641	\$0	\$0	\$11,641
LAFCO Case Processing	102.01	\$0	\$0	\$34,923	\$0	\$34,923
Subtotals	NA	\$92,000	\$151,015	\$38,236	\$0	\$281,269
Contingency	NA	\$0	\$28,125	\$0	\$0	\$28,125
TOTALS		\$92,000	\$179,140	\$38,236	\$0	\$309,376

*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>
2022/23	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>
2023/24	Future MSRs and SOI updates will be completed based on County Community Plan Updates and City General Plan Updates.			
2024/25				
2025/26				
2026/27				
2027/28				

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

In the Matter of the 2022/23 Final Budget	)	
And Work Program for the Tulare County	)	RESOLUTION NO. <b>22-XX</b>
Local Agency Formation Commission	)	

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

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

**WHEREAS**, this Local Agency Formation Commission on April 6, 2022 elected to apply \$92,000 in reserve funds to help offset city and county contributions; and

**WHEREAS**, this Local Agency Formation Commission on June 1, 2022 considered the fiscal year 2022/23 final budget and work program as recommended by the Executive Officer

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

1. The final budget for fiscal year 2022/23 attached hereto as Exhibit "A", is hereby adopted.

RESOLUTION NO. **22-XX**  
PAGE 2

2. The work program for fiscal year 2022/23 attached hereto as Exhibit "B", is hereby adopted.

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

The foregoing resolution was adopted upon the motion by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 1st day of June 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

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Ben Giuliani, Executive Officer

si

## CALAFCO Daily Legislative Report as of Thursday, May 26, 2022

**[AB 2957](#) (Committee on Local Government) Local government: reorganization.**

**Current Text:** Amended: 4/18/2022 [html](#) [pdf](#)

**Introduced:** 3/2/2022

**Last Amended:** 4/18/2022

**Status:** 5/25/2022-Referred to Com. on GOV. & F.

**Calendar:** 6/1/2022 9:30 a.m. - State Capitol, Room 112 SENATE GOV AND FINANCE, CABALLERO, Chair

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires that an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory. Current law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified. This bill would define the term "successor agency," for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district.

**Attachments:** [CALAFCO Support letter](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** This is the annual Omnibus bill sponsored by CALAFCO. As introduced it makes 3 minor, technical non-substantive changes in CKH: (1) Replaces "to be completed and in existence" with "take effect" under GCS 56102; (2) Adds GCS 56078.5: "Successor Agency" means the local agency the Commission designates to wind up the affairs of a dissolved district; and (3) Replaces "proposals" with "applications" within GCS 56653(a), 56654(a), (b), and (c), and 56658(b)(1) and (b)(2).

April 18, 2022 bill amended with additional changes requested by CALAFCO. Amendments include grammatical changes, the correction of a PUC citation in GC Sec 56133(e)(5) from 9604 to 224.3, the extension of the sunset date within R&T Section 99(b)(8)(B) to January 1, 2028, and it rennumbers remaining provisions as needed due to the above changes.

**[SB 938](#) (Hertzberg D) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.**

**Current Text:** Amended: 4/4/2022 [html](#) [pdf](#)

**Introduced:** 2/8/2022

**Last Amended:** 4/4/2022

**Status:** 5/5/2022-Referred to Com. on L. GOV.

**Calendar:** 6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOV, AGUIAR-CURRY, Chair

**Summary:**

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. Under current law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization. Current law authorizes a commission to dissolve an inactive district if specified conditions are satisfied. This bill would also authorize a commission to initiate a proposal for the dissolution of a district, as described, if the commission approves, adopts, or accepts a specified study that includes a finding, based on a preponderance of the evidence, that, among other things, the district has one or more documented chronic service provision deficiencies, the district spent public funds in an unlawful or reckless manner, or the district has shown willful neglect by failing to consistently adhere to the California Public Records Act.

**Attachments:** [SB 938 CALAFCO Support letter](#)

[SB 938 CALAFCO Fact Sheet](#)

[SB 938 Author Fact Sheet](#)

**Position:** Sponsor

**Subject:** CKH General Procedures, Other

**CALAFCO Comments:** CALAFCO is the sponsor of this bill. SB 839 represents a collaborative three-year effort (by an 18-member working group) to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold. In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), CALAFCO initiated a working group of stakeholders in early 2019 to discuss the protest process for dissolutions of special districts. The bill's current format (dated 2/8/22) represents the restructuring of existing protest provisions scattered throughout CKH. There have been some minor technical language added for clarifications. These changes are all minor in nature (by legislative standards).

The bill will be amended to reflect the newly designed process that codifies the ability for LAFCo to initiate a district dissolution at 25% protest threshold. The conditions under which this can occur include one or more of the following, any/all of which must be documented via determinations in a Municipal Service Review (MSR):

1. The agency has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies;
2. The agency spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the agency and has not taken any action to prevent similar future spending;
3. The agency has consistently shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws the agency is subject to;
4. The agency has failed to meet the minimum number of times required in its governing act in the prior calendar year and has taken no action to remediate the failures to meet to ensure future meetings are conducted on a timely basis;
5. The agency has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial requirements under Government Code section 26909 over the prior five years as an alternative to performing an audit, or the agency's recent annual audits show chronic issues with the agency's fiscal controls and the agency has taken no action to remediate the issues.

The proposed process is:

1. LAFCo to present the MSR in a 21-day noticed public hearing. At that time the LAFCo may choose to adopt a resolution of intent to dissolve the district. The resolution shall contain a minimum 12-month remediation period.
2. The district will have a minimum of 12 months to remediate the deficiencies.
3. Half-way through the remediation period, the district shall provide LAFCo a written report on the progress of their remediation efforts. The report is to be placed on a LAFCo meeting agenda and presented at that LAFCo meeting.
4. At the conclusion of the remediation period, LAFCo conducts another 21-day noticed public hearing to determine if district has remedied deficiencies. If the district has resolved issues, commission rescinds the resolution of intent to dissolve the district and the matter is dropped. If not, commission adopts a resolution making determinations to dissolve the district.
5. Standard 30-day reconsideration period.
6. Protest proceedings at 25% threshold can be noticed with a required 60-day protest period.
7. Protest hearing is held and amount of qualified protests determined based on 25% threshold. LAFCo either orders dissolution, election, or termination.

As this bill - when amended - adds requirements for LAFCOs and districts, it will likely be keyed fiscal



**[SB 1490](#) (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)

**Introduced:** 2/28/2022

**Status:** 4/28/2022-Referred to Com. on L. GOV.

**Calendar:** 6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOV, AGUIAR-CURRY, Chair

**Summary:**

Would enact the First Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:** [SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)

**Position:** Support

**Subject:** LAFCo Administration

**CALAFCO Comments:** This is the first of three annual validating acts. The CALAFCO Support letter is posted in our attachments.

**[SB 1491](#) (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)

**Introduced:** 2/28/2022

**Status:** 4/28/2022-Referred to Com. on L. GOV.

**Calendar:** 6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOV, AGUIAR-CURRY, Chair

**Summary:**

Would enact the Second Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:** [SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)

**Position:** Support

**Subject:** LAFCo Administration

**CALAFCO Comments:** This is the second of three annual validating acts. The CALAFCO Support letter is posted in our attachments.

**[SB 1492](#) (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)

**Introduced:** 2/28/2022

**Status:** 4/28/2022-Referred to Com. on L. GOV.

**Calendar:** 6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOV, AGUIAR-CURRY, Chair

**Summary:**

Would enact the Third Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:** [SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)

**Position:** Support

**Subject:** LAFCo Administration

**CALAFCO Comments:** This is the third of three annual validating acts. The CALAFCO Support letter is posted in our attachments.

**[AB 1640](#) (Ward D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.**

**Current Text:** Amended: 5/19/2022 [html](#) [pdf](#)

**Introduced:** 1/12/2022

**Last Amended:** 5/19/2022

**Status:** 5/23/2022-Read second time. Ordered to third reading.

**Calendar:** 5/26/2022 #120 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

**Summary:**

Current law establishes the Integrated Climate Adaptation and Resiliency Program to be 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 prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

**Attachments:**

[AB 1640, CALAFCO Letter of Support - March 2022](#)

[AB 1640 Author Fact](#)

**Position:** Support

**Subject:** Climate Change

**CALAFCO Comments:** This bill is a follow up and very similar to AB 897 (2021). The bill would authorize eligible entities, as defined (including LAFCo), to establish and participate in a regional climate network, as defined. The bill would authorize a regional climate network to engage in activities to address climate change, as specified. Further, it requires a regional climate network to develop a regional climate adaptation and resilience action plan and to submit the plan to OPR for review, comments, and certification. The bill would require OPR to: (1) encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks; (2) develop and publish guidelines on how eligible entities may establish regional climate networks and how governing boards may be established within regional climate networks by 7-1-23; and (3) provide technical assistance to regions seeking to establish a regional climate network, facilitate coordination between regions, and encourage regions to incorporate as many eligible entities into one network as feasible.

The difference between this bill and AB 897 is this bill removes requirements for OPR to develop guidelines and establish standards and required content for a regional climate adaptation and resilience action plan (to be produced by the network), and removes some specified technical support requirements by OPR. Those requirements were covered in SB 170, a budget trailer bill from 2021.

Amended 3/23/2022 to provide that regional climate networks MAY be developed rather than the former requirement. Minor clean ups of other superfluous language.

Amended 5/19/2022 to remove the deadline for OPR to develop and publish guidelines for eligible entities to establish regional climate networks, removed an exemption to cover multiple counties when population was greater than 2 million people, removed requirements for membership and biennial reports to OPR.

**[AB 1773](#) ([Patterson](#) R) Williamson Act: subvention payments: appropriation.**

**Current Text:** Introduced: 2/3/2022 [html](#) [pdf](#)

**Introduced:** 2/3/2022

**Status:** 5/19/2022-In committee: Held under submission.

**Summary:**

The Williamson Act, also known as the California Land Conservation Act of 1965, authorizes a city or county to enter into contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation. Current law sets forth procedures for reimbursing cities and counties for property tax revenues not received as a result of these contracts and continuously appropriates General Fund moneys for that purpose. This bill, for the 2022–23 fiscal year, would appropriate an additional \$40,000,000 from the General Fund to the Controller to make subvention payments to counties, as provided, in proportion to the losses incurred by those counties by reason of the reduction of assessed property taxes.

**Attachments:**

[AB 1773 CALAFCO Letter of Support - March 2022](#)

[AB 1773 Author Fact Sheet](#)

**Position:** Support

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** AB 1773 resurrects funding the Williamson Act for the 2022-2023 budget year. The Williamson Act was created to preserve open space and conserve agricultural land. For many years, the state funded the Act at around \$35-\$40 million per year. This funding ceased during the recession, and has not been reinstated since. AB 1773 would allocate \$40 million from the General Fund to the Williamson Act for the purpose of subvention payments. The bill is author-sponsored, has a general-fund appropriation, and is keyed fiscal

**[AB 1944](#) (Lee D) Local government: open and public meetings.**

**Current Text:** Amended: 5/25/2022 [html](#) [pdf](#)

**Introduced:** 2/10/2022

**Last Amended:** 5/25/2022

**Status:** 5/25/2022-Read third time and amended. Ordered to third reading.

**Calendar:** 5/26/2022 #16 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

**Summary:**

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.

**Attachments:** [AB 1944 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill would delete the requirement that an individual participating in a Brown Act meeting remotely from a non-public location must disclose the address of the location. If the governing body chooses to allow for remote participation, it must also provide video streaming and offer public comment via video or phone.

**[AB 2081](#) (Garcia, Eduardo D) Municipal water districts: water service: Indian lands.**

**Current Text:** Amended: 5/12/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Last Amended:** 5/12/2022

**Status:** 5/12/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on GOV. & F.

**Calendar:** 6/1/2022 9:30 a.m. - State Capitol, Room 112 SENATE GOV AND FINANCE, CABALLERO, Chair

**Summary:**

The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian

tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill, among other things, would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2027.

**Attachments:**

[AB 2081 CALAFCO Oppose 03-16-2022](#)

[AB 2081 Author Fact Sheet](#)

**Position:** Oppose

**Subject:** Water

**CALAFCO Comments:** This bill extends the sunset date created in AB 1361 (2017). Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, under specified circumstances, to apply to the applicable LAFCo to provide this service of water to Indian lands, as defined, that are not within the district and requires the LAFCo to approve such an application. This bill extends the sunset date from January 1, 2023 to January 1, 2025.

CALAFCO opposed AB 1361 in 2017 as the process requires LAFCo to approve the extension of service, requires the district to extend the service, and does not require annexation upon extension of service. CALAFCO reached out to the author's office requesting information as to the reason for the extension and we have not been given a reason.

[AB 2449](#) ([Rubio, Blanca D](#)) **Open meetings: local agencies: teleconferences.**

**Current Text:** Amended: 5/23/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Last Amended:** 5/23/2022

**Status:** 5/23/2022-Assembly Rule 69(b) suspended. Read third time and amended. Ordered to third reading.

**Calendar:** 5/26/2022 #17 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

**Summary:**

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise and recast those teleconferencing provisions and, until January 1, 2028, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill authorizes the use of teleconferencing without noticing and making available to the public teleconferencing locations if a quorum of the members of the legislative body participate in person from a singular location that is noticed and open to the public and require the legislative body to offer public comment via video or phone. CALAFCO reached out to the author's office for information and we've not yet heard back. The bill is not keyed fiscal.

**[AB 2647](#) (Levine D) Local government: open meetings.**

**Current Text:** Amended: 4/19/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Last Amended:** 4/19/2022

**Status:** 5/25/2022-Referred to Com. on GOV. & F.

**Summary:**

Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board less than 72 hours before a meeting available for public inspection, as specified, at a public office or location that the agency designates. Current law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Current law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill seeks to amend the law to make clear that writings that have been distributed to a majority of a local legislative body less than 72 hours before a meeting can be posted online in order to satisfy the law. The bill is sponsored by the League of Cities and is not keyed fiscal.

**[SB 852](#) (Dodd D) Climate resilience districts: formation: funding mechanisms.**

**Current Text:** Amended: 5/18/2022 [html](#) [pdf](#)

**Introduced:** 1/18/2022

**Last Amended:** 5/18/2022

**Status:** 5/25/2022-In Assembly. Read first time. Held at Desk.

**Summary:**

Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, including projects that enable communities to adapt to the impacts of climate change. Current law also requires the legislative body to establish a public financing authority, defined as the governing board of the enhanced infrastructure financing district, prior to the adoption of a resolution to form an enhanced infrastructure district and adopt an infrastructure financing plan. This bill would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district, as defined, for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would deem each district to be an enhanced infrastructure financing district and would require each district to comply with existing law concerning enhanced infrastructure financing districts, unless the district is specified as otherwise. The bill would require a district to finance only specified projects that meet the definition of an eligible project. The bill would define "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified.

**Attachments:** [SB 852 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** This bill creates the Climate Resilience Districts Act. The bill completely bypasses LAFCo in the formation and oversight of these new districts because the districts are primarily being created as a funding mechanism for local climate resilience projects (as a TIF or tax increment finance district - for which LAFCos also have no involvement).

The bill authorizes a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill defines "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified. The bill authorizes a district created pursuant to these provisions to have boundaries that are identical to the boundaries of the participating entities or within the boundaries of the participating entities. The bill also authorizes specified local entities to adopt a resolution to provide property tax increment revenues to the district. The bill would also authorize specified local entities to adopt a resolution allocating other tax revenues to the district, subject to certain requirements. The bill would provide for the financing of the activities of the district by, among other things, levying a benefit assessment, special tax, property-related fee, or other service charge or fee consistent with the requirements of the California Constitution. It requires 95% of monies collected to fund eligible projects, and 5% for district administration. The bill would require each district to prepare an annual expenditure plan and an operating budget and capital improvement budget, which must be adopted by the governing body of the district and subject to review and revision at least annually.

Section 62304 details the formation process, Section 62305 addresses the district's governance structure, and 62307 outlines the powers of the district. Amended 5/18/2022 to impose requirements on projects undertaken or financed by a district, including requiring a district to obtain an enforceable commitment from the developer that contractors and subcontractors performing the work use a skilled and trained workforce, and would expand the crime of perjury to these certifications.

**[SB 1100](#) (Cortese D) Open meetings: orderly conduct.**

**Current Text:** Amended: 4/21/2022 [html](#) [pdf](#)

**Introduced:** 2/16/2022

**Last Amended:** 4/21/2022

**Status:** 5/5/2022-Referred to Coms. on L. GOV. and JUD.

**Calendar:** 6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOV, AGUIAR-CURRY, Chair

**Summary:**

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Current law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting.

**Attachments:** [SB 1100 Author Fact Sheet](#)



**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill would authorize the removal of an individual from a public meeting who is “willfully interrupting” the meeting after a warning and a request to stop their behavior. “Willfull interrupting” is defined as intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law.

**[SB 1449](#) ([Caballero D](#)) Office of Planning and Research: grant program: annexation of unincorporated areas.**

**Current Text:** Amended: 4/19/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Last Amended:** 4/19/2022

**Status:** 5/25/2022-Read third time. Passed. (Ayes 39. Noes 0.) Ordered to the Assembly.

**Summary:**

Would require the Office of Planning and Research to, upon appropriation by the Legislature, establish the Unincorporated Area Annexation Incentive Program, authorizing the office to issue a grant to a city for the purpose of funding infrastructure projects related to the proposed or completed annexation of a substantially surrounded unincorporated area, as defined, subject to approval by the Director of State Planning after the city submits an application containing specified information. The bill would require the office to match, on a dollar-for-dollar basis, any dollar contribution a city makes toward a project funded by the program, subject to a maximum funding threshold as determined by the director. The bill would, by September 1, 2023, require the office to develop guidelines, and consult with various local representatives to prepare those guidelines, for purposes of implementing the program, and would provide that the guidelines are not subject to the rulemaking requirements of the Administrative Procedure Act.

**Position:** Watch

**Subject:** Annexation Proceedings

**CALAFCO Comments:** This is currently a spot bill. According to the author's office, they are working on state funding to incentivize annexation of inhabited territory (when the VLF was taken away, so too was any financial incentive to annex inhabited territory). For many years bills have been run to reinstate funding, none of which have ever successfully passed. There is no other information available on this bill at this time. CALAFCO will continue conversations with the author's office as this is an important topic for LAFCos. (The bill will remain a P-3 until amended.)

Amended 3/16/2022 to remove spot holder language, add definitions and other language tying to CKH, and add language more specific to a grant program.

**[AB 897](#) ([Mullin D](#)) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.**

**Current Text:** Amended: 7/14/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 7/14/2021

**Status:** 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

**Summary:**

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state’s climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor’s office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a

regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

**Attachments:**

[CALAFCO Support July 2021](#)

[AB 897 Fact Sheet](#)

**Position:** Support

**Subject:** Climate Change

**CALAFCO Comments:** As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

As amended 4/19/21: There is no longer a requirement for OPR to include in their guidelines how a regional climate network may develop their plan: it does require ("may" to "shall") a regional climate network to develop a regional climate adaptation plan and submit it to OPR for approval; adds requirements of what OPR shall publish on their website; and makes several other minor technical changes.

As amended 7/1/21, the bill now explicitly names LAFCo as an eligible entity. It also adjusts several timelines for OPR's requirements including establishing boundaries for the regional climate networks, develop guidelines and establish standards for the networks, and to make recommendations to the Legislature related to regional adaptation. Give the addition of LAFCo as an eligible entity, CALAFCO is now in support of the bill.

Amendments of 7/14/21, as requested by the Senate Natural Resources & Water Committee, mostly do the following: (1) Include "resilience" to climate adaptation; (2) Prioritize the most vulnerable communities; (3) Add definitions for "under-resourced" and "vulnerable" communities; (4) Remove the requirement for OPR to establish geographic boundaries for the regional climate networks; (5) Include agencies with hazard mitigation authority and in doing so also include the Office of Emergency Services to work with OPR to establish guidelines and standards required for the climate adaptation and resilience plan; and (6) Add several regional and local planning documents to be used in the creation of guidelines.

2/24/22 UPDATE: It appears this bill is being replaced with AB 1640 (Ward, Mullin, etc.). CALAFCO will keep this bill on Watch and follow the new bill.



**[AB 903](#) ([Frazier D](#)) Los Medanos Community Healthcare District.**

**Current Text:** Amended: 4/19/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 4/19/2021

**Status:** 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/19/2021)(May be acted upon Jan 2022)

**Summary:**

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

**Position:** Watch

**CALAFCO Comments:** This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

The bill did not pass out of Senate Governance & Finance Committee and will not move forward this year. It may be acted on in 2022.

2022 UPDATE: Given Member Frazier is no longer in the Assembly and the appellate court overturned the lower court's decision, it is likely the bill will not move forward. CALAFCO will retain WACTH on the bill.

**[AB 975](#) ([Rivas, Luz D](#)) Political Reform Act of 1974: filing requirements and gifts.**

**Current Text:** Amended: 5/5/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 5/5/2022

**Status:** 5/5/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E. & C.A.

**Summary:**

The Political Reform Act of 1974 generally requires elected officials, candidates for elective offices, and committees formed primarily to support or oppose a candidate for public office or a ballot measure, along with other persons and entities, to file periodic campaign statements and certain reports concerning campaign finances and related matters. Current law permits a report or statement that has been on file for at least two years to be retained by a filing officer as a copy on microfilm or other space-saving materials and, after the Secretary of State certifies an online filing and disclosure system, as an electronic copy. This bill would permit a filing officer to retain a report or statement filed in a paper format as a copy on microfilm or other space-saving materials or as an electronic copy, as specified, without a two-year waiting period.

**Position:** Watch

**Subject:** FPPC

**CALAFCO Comments:** As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

UPDATE AS OF 2/24/22 - The author's office indicates they are moving forward with the bill this year and are planning amendments. They are not clear what those amendments will be so CALAFCO will retain a WATCH position on the bill.

**[AB 1195](#) (Garcia, Cristina D) Limited Eligibility and Appointment Program: lists.**

**Current Text:** Amended: 5/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 5/18/2022

**Status:** 5/25/2022-Re-referred to Com. on L., P.E. & R.

**Summary:**

Current law specifically grants the Department of Human Resources the powers, duties, and authority necessary to operate the state civil service system in accordance with Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the State Personnel Board. Current law creates the Limited Examination and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Current law requires the Department of Human Resources, when an appointing power seeks to fill a vacant position by using an employment list, to provide the appointing power with a certified list of the names and addresses of all eligible candidates, as specified. Current law requires the department to provide a single certified list of eligible candidates if more than one employment list or LEAP referral list exists, and the department is required to combine the names and addresses of all eligible candidates. This bill would, notwithstanding those provisions, require the department to, upon request of the appointing power, provide the appointing power a LEAP referral list without combining that list with a parallel list and would authorize the appointing power to select and hire any individual from that a referral list to fill any vacancy.

**Attachments:**

[CALAFCO Letter of Concern - April 2021](#)

[AB 1195 Fact Sheet](#)

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being

invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

The pilot program also gives LA LAFCo the authority to approve, approve with conditions or deny the application; further giving LAFCo authority to consider consolidation or extension of service with a local publicly owned utility that provides retail water, a private water company or mutual; the bill also waives protest proceedings, gives the LAFCo authority to address governance structure and CEQA is waived, provides full LAFCo indemnification and funding.

There are still issues with the proposed technical advisory board section of the bill, and questions about timing of some of the processes. CALAFCO continues to work with the author and speakers' offices as well as other stakeholders on ongoing amendments. The bill is author-sponsored and we understand there is currently no funding source. THIS IS NOW A 2-YEAR BILL.

UPDATE AS OF 2/10/22 - According to the author's office, the author is not intending to move the bill forward at this time. CALAFCO will continue to WATCH and monitor the bill. As a result, the bill was downgraded from a P-1 to a P-3.

GUTTED AND AMENDED on 5/18/2022 to remove previous verbiage regarding water. The bill now addresses the State Department of Human Resources and the Limited Eligibility and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Downgraded to Watch, from Watch with Concerns.

**AB 1757 (Haney D) Groundwater sustainability agency.**

**Current Text:** Amended: 5/10/2022 [html](#) [pdf](#)

**Introduced:** 2/2/2022

**Last Amended:** 5/10/2022

**Status:** 5/19/2022-Read third time. Passed. Ordered to the Senate. (Ayes 72. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.

**Summary:**

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin. Current law governs the formation of a groundwater sustainability agency. This bill would authorize a conservation district overlying a groundwater basin in this state to decide to become a

groundwater sustainability agency for that basin and would make the law governing the formation of a groundwater sustainability agency applicable to that district.

**Position:** Watch

**Subject:** Water

**[AB 2041](#) ([Garcia, Eduardo](#) D) California Safe Drinking Water Act: primary drinking water standards: compliance.**

**Current Text:** Amended: 4/18/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Last Amended:** 4/18/2022

**Status:** 5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/11/2022)

**Summary:**

Would require the State Water Resources Control Board to take specified actions if the state board adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Specifically, the bill would require the state board to determine which public water system may not be able to comply with the primary drinking water standard without receiving financial assistance and develop a compliance plan, including a financial plan to assist that public water system in complying with the primary drinking water standard. The bill would also require the state board, if a public water system is in violation of the primary drinking water standard after the compliance period, to take into consideration whether or not the public water system implemented the compliance plan.

**Attachments:** [AB 2041 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** This bill would require the SWRCB to take specified actions if the SWRCB adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

**[AB 2201](#) ([Bennett](#) D) Groundwater sustainability agency: groundwater extraction permit: verification.**

**Current Text:** Amended: 4/27/2022 [html](#) [pdf](#)

**Introduced:** 2/15/2022

**Last Amended:** 4/27/2022

**Status:** 5/24/2022-In Senate. Read first time. To Com. on RLS. for assignment.

**Summary:**

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Current law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin and imposes specified duties upon that agency or combination of agencies, as provided. Current law also authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin under certain conditions for specified purposes. This bill would prohibit a local agency, as defined, from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as medium- or high-priority until it obtains a written verification,

from the groundwater sustainability agency that manages the basin or area of the basin where the well is proposed to be located, determining that certain factors are present.

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** 2/15/2022: As introduced, a spot holder.

3/17/2022: As amended, this bill now seeks to add a new section into the Water Code that would require, after July 1, 2023, designated extraction facilities to procure permits from the Department of Water Resources (DWR.) Extraction facilities are defined as those located in a basin that has already been designated by DWR as subject to critical overdraft conditions. It would also define times when permits are not needed, including for “de minimis extractors” (as defined by Section 10721), for replacement extractors, when drinking water is needed by a water system for public health purposes, for habitat and wetlands conservation, for photovoltaic or wind energy generation when less than 75 acre feet of groundwater is needed annually, when required by an approved CEQA document, and for facilities constructed to ensure a sustain water supply to consolidated public water systems. This bill would also require groundwater sustainability agencies (GSAs) to develop a process for the issuance of groundwater extraction permits which considers demonstrations of need, adherence to a groundwater sustainability plan, a showing that the extraction will not contribute to an undesirable result, and other procedural requirements. Additionally, the bill would require notification to all groundwater users within one mile of the proposed groundwater extraction facility, and to the DWR when the proposed extraction is within one mile of a disadvantaged community or a domestic well user, and other procedural steps. Also allows those GSAs in a basin not designated as subject to critical conditions of overdraft to adopt an ordinance that establishes their own process, in accordance with this section, for the issuance of groundwater extraction permits, and allows imposition of fees as long as they do not exceed reasonable agency costs. DWR shall provide technical assistance to assist GSA implement this section. This bill would further amend Water Code Section 10728 to require annual reports by GSA to include information regarding the number, location, and volume of water encompassed by permits issued under this section.

Unfunded mandate, now reimbursements provided. Amended 4/27/2022 to removes all provisions regarding groundwater extraction facilities, adds in provisions regarding local agencies, which are defined as cities, counties, districts, agencies, or other entities with the authority to issue a permit for a new groundwater well or for an alteration to an existing well.

**[AB 2442](#)** (**[Rivas, Robert D](#)**) **Climate change.**

**Current Text:** Amended: 4/5/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Last Amended:** 4/5/2022

**Status:** 5/25/2022-Read third time. Passed. Ordered to the Senate.

**Summary:**

The California Disaster Assistance Act requires the Director of Emergency Services to authorize the replacement of a damaged or destroyed facility, whenever a local agency and the director determine that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility. Current law also authorizes the director to implement mitigation measures when the director determines that the measures are cost effective and substantially reduce the risk of future damage, hardship, loss, or suffering in any area where a state of emergency has been proclaimed by the Governor. This bill would specify that mitigation measures for climate change and disasters related to climate, may include, but are not limited to, measures that reduce emissions of greenhouse gases, the preservation of open space, improved forest management and wildfire risk reduction measures, and other investments in natural infrastructure, as defined.

**Position:** Watch

**Subject:** Ag/Open Space Protection

**CALAFCO Comments:** Seeks to add climate change to California Disaster Assistance Act and adds, as noted cost effective mitigation measures, the preservation of open space, improved forest management and wildfire risk reduction measures, and other investments in natural infrastructure (in line with definition of a “natural infrastructure” in GC Section 65302(g)(4)(C)(v).) Also would amend GC Sec 65302 to require General Plans to include "a set of measures designed to reduce emissions of greenhouse gases resulting in climate change, and natural features and ecosystem processes in or near identified at-risk areas threatened by the impacts attributable."

**SB 12 (McGuire D) Local government: planning and zoning: wildfires.**

**Current Text:** Amended: 5/24/2022 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 5/24/2022

**Status:** 5/24/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on H. & C.D.

**Summary:**

Current law requires the housing element to be revised according to a specific schedule. Current law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse. The bill would also require the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years, to identify new information relating to retrofit updates applicable to the city or county that was not available during the previous revision of the safety element.

**Position:** Watch

**Subject:** Growth Management, Planning

**CALAFCO Comments:** UPDATE 2/24/22: According to the author's office, they do plan to move this bill forward in 2022 and no other details are available at this time.

**SB 418 (Laird D) Pajaro Valley Health Care District.**

**Current Text:** Chaptered: 2/4/2022 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Last Amended:** 1/24/2022

**Status:** 2/4/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 1, Statutes of 2022.

**Summary:**

Would create the Pajaro Valley Health Care District, as specified, except that the bill would authorize the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors.

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** Gut and amended on 1/14/22, this bill forms the Pajaro Valley Health Care District within Santa Cruz and Monterey counties. The formation, done by special legislation, bypasses the LAFCo process, with language explicitly stating upon formation, LAFCo shall have authority. The bill requires that within 5 years of the date of the first meeting of the Board of Directors of the district, the board of directors shall divide the district into zones. The bill would require the district to notify Santa Cruz LAFCo when the district, or any other entity, acquires the Watsonville Community Hospital. The bill requires the LAFCo to order the dissolution of the district if the hospital has not been acquired by January 1, 2024 through a streamlined



process, and requires the district to notify LAFCo if the district sells the Watsonville Community Hospital to another entity or stops providing health care services at the facility, requiring the LAFCo to dissolve the district under those circumstances in a streamlined process.

Given the hospital has filed bankruptcy and this is the only hospital in the area and serves disadvantaged communities and employs a large number of people in the area, the bill has an urgency clause. Several amendments were added on 1/24/22 by the ALGC and SGFC all contained within Section 32498.7.

CALAFCO worked closely with the author's office, Santa Cruz County lobbyist and the Santa Cruz and Monterey LAFCos on this bill. We have requested further amendments which the Senator has agreed to take in a follow-up bill this year. Those amendments include requiring Santa Cruz LAFCo to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFCo for the first 3 years, Santa Cruz LAFCo conducting a special study on the district after 3 years, and representation from both counties on the governing board. The bill is sponsored by the Pajaro Valley Healthcare District Project and is not keyed fiscal.

**[SB 969](#) ([Laird D](#)) Pajaro Valley Health Care District.**

**Current Text:** Amended: 3/2/2022 [html](#) [pdf](#)

**Introduced:** 2/10/2022

**Last Amended:** 3/2/2022

**Calendar:** 6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOV, AGUIAR-CURRY, Chair

**Summary:**

Current law creates the Pajaro Valley Health Care District, as specified, and authorizes the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors. Current law requires, within 5 years of the date of the first meeting of the Board of Directors of the Pajaro Valley Health Care District, the board of directors to divide the district into zones and number the zones consecutively. Current law requires the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to govern any organizational changes for the district after formation. Current law requires the district to notify the County of Santa Cruz local agency formation commission (LAFCo) when the district, or any other entity, acquires the Watsonville Community Hospital. Existing law requires the LAFCo to dissolve the district under certain circumstances. This bill would require the LAFCo to develop and determine a sphere of influence for the district within one year of the district's date of formation, and to conduct a municipal service review regarding health care provision in the district by December 31, 2025, and by December 31 every 5 years thereafter.

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** This bill is a follow up to SB 418 (Laird) and contains some of the amendments requested by CALAFCO and Monterey and Santa Cruz LAFCos. As introduced the bill requires Santa Cruz LAFCo to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFCo for the first 2 years, Santa Cruz LAFCo conducting a Municipal Service Review on the district every 5 years with the first being conducted by 12-31-25. Our final requested amendment, ensuring representation from both counties on the governing board, is still being worked on and not reflected in the introduced version of the bill.

**[SB 1405](#) ([Ochoa Bogh R](#)) Community service districts: Lake Arrowhead Community Service District: covenants, conditions, and restrictions: enforcement.**

**Current Text:** Amended: 4/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Last Amended:** 4/18/2022

**Status:** 5/19/2022-Referred to Coms. on L. GOV. and JUD.

**Summary:**

Would authorize the Lake Arrowhead Community Services District to enforce all or part of the covenants, conditions, and restrictions for tracts within that district, and to assume the duties of the Arrowhead Woods Architectural Committee for those tracts, as provided. This bill contains other related provisions.

**Position:** Watch

**Subject:** Other

**[SB 1425](#) (Stern D) Open-space element: updates.**

**Current Text:** Amended: 4/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Last Amended:** 4/18/2022

**Status:** 5/24/2022-In Assembly. Read first time. Held at Desk.

**Summary:**

Would require every city and county to review and update its local open-space plan by January 1, 2026. The bill would require the local open-space plan update to include plans and an action program that address specified issues, including climate resilience and other cobenefits of open space, correlated with the safety element. By imposing additional duties on local officials, the bill would create a state-mandated local program.

**Position:** Watch

**Subject:** Other

**[SB 1489](#) (Committee on Governance and Finance) Local Government Omnibus Act of 2022.**

**Current Text:** Amended: 4/18/2022 [html](#) [pdf](#)

**Introduced:** 2/28/2022

**Last Amended:** 4/18/2022

**Status:** 5/19/2022-Referred to Com. on L. GOV.

**Summary:**

Current law, including the Professional Land Surveyors' Act, the Mello-Roos Community Facilities Act of 1982, the Subdivision Map Act, provisions relating to official maps of counties and cities, and provisions relating to maps of certain special assessment districts, prescribe requirements for the identification, storage, access, and preservation of maps. This bill would revise requirements for storage, access, and preservation of maps, in connection with the above-described laws, to authorize alternative methods by which maps may be identified, kept safe and reproducible, and to which they may be referred, and would generally eliminate the requirement that they be fastened and stored in books.

**Position:** Watch

**CALAFCO Comments:** This is the Senate Governance & Finance Committee annual omnibus bill.