

TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

COMMISSIONERS:
Julie Allen, Chair
Pete Vander Poel
Dennis Townsend
Rudy Mendoza
Phil Cox

LAFCO MEETING AGENDA

March 3, 2021 @ 2:00 P.M.

ALTERNATES
Eddie Valero
Fred Sheriff
Steve Harrell

EXECUTIVE OFFICER
Ben Giuliani

NOTE: This meeting will allow Board Members and the public to participate in the meeting via Teleconference, pursuant to the Governor's Executive Order N-29-20 (March 17, 2020), available at <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf>

The toll free call-in number for this meeting is: 888-475-4499 | Meeting ID: 876 2737 6776 | Passcode: 399803

Executive Order N-29-20 requires agencies holding meetings via teleconferences to designate a publicly accessible location from which members of the public may observe and provide public comment. Although members of the public are encouraged to participate via teleconference, LAFCo has designated the following physical location for public participation:

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

I. Call to Order

II. Approval of Minutes from January 20, 2021

(Pages 1-4)

III. Public Comment Period

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

IV. New Action Items

1. Annexation to the City of Woodlake and the Woodlake Fire Protection District and Detachment from County Service Area #1, Case 1554-W-26 **(Pages 5-18)**
[Public Hearing]Recommended Action: Approval

The City of Woodlake has submitted a request for an annexation to the City of Woodlake and the Woodlake Fire Protection District and detachment from County Service Area #1 of approximately 76.62 acres of land located west of Mulberry Street between Avenue 352 and SR 216. A Mitigated Negative Declaration has been prepared in compliance with CEQA by the City of Woodlake.

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

2. Election of LAFCO Vice-Chair (No Page)
[No Public Hearing] Recommended Action: Elect Vice-Chair

The City Selection Committee selected Phil Cox (City of Visalia) and Rudy Mendoza (City of Woodlake) to serve as the City voting members and Steve Harrell (City of Tulare) as the City alternate. As a result, a new LAFCO Vice-Chair needs to be selected.

V. Executive Officer's Report

1. Selma-Kingsburg-Fowler County Sanitation District Annexation (Page 19)

Fresno County LAFCO approved a 47.2 acre annexation to the S-K-F County Sanitation District on February 10th containing the Anderson Village subdivision on the border of the City of Kingsburg in the County of Tulare. This is the same area that Tulare County LAFCO approved the extension of domestic water services from the City of Kingsburg at the April 3rd, 2019 meeting.

2. Legislative Update (Pages 20-28)

Enclosed is the CALAFCO legislative report.

3. Extraterritorial Service Agreements (Pages 29-30)

Enclosed is the approval letter and map for an ESA for the City of Tulare to provide domestic water to two existing residences on one parcel.

4. Upcoming Projects (No Page)

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

VI. Correspondence

1. State Water Resources Control Board (Pages 31-60)

The SWRCB issued letters to the East Oroquieta CSD and Oroquieta PUD requiring the districts to immediately submit a consolidation plan and quarterly report for review and approval. Both districts had failed to submit a consolidation plan within the timeline given in SWRCB's mandatory consolidation order.

VII. Other Business

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

VIII. Setting Time and Place of Next Meeting

1. April 7, 2021 @ 2:00 P.M in the Board of Supervisors Chambers in the County Administration Building.

IX. Adjournment

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

TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

**2800 W. Burrel Ave., Visalia, CA 93291 – Tulare County Administrative Building
January 20, 2020 – Meeting Minutes**

Members Present: Allen, Flores, Vander Poel, Townsend
Members Absent:
Alternates Present: Sheriff
Alternates Absent: Valero
Staff Present: Giuliani, Ingoldsby, Gallo, & Kane recording
Counsel Present: Erickson

- I. **Call to Order:** Chair Allen called the meeting to order at 2:05 p.m.
- II. **Approval of the December 2, 2020 Meeting Minutes:**
Upon motion by Commissioner Vander Poel and seconded by Commissioner Townsend, the Commission unanimously approved the LAFCO minutes.
- III. **Public Comment Period:**
Chair Allen opened/closed the Public Comment Period at 2:09 p.m. No public comments received.
- IV. **New Action Items:**
 1. **Formation of the Ducor Water District and Dissolution of the Ducor Irrigation District, Case 1551A (Ducor ID-WD)**
 2. **Sphere of Influence for the Ducor Water District, Case 1551B**
Staff Analyst Ingoldsby presented both the above listed items together outlining the history and description of the proposed formation of the Ducor Water District and the dissolution of the Ducor Irrigation District. Staff Analyst Ingoldsby outlined all the recommended actions and noted that the application received meets all requirements. Public hearing was opened by Chair Allen and Alex Dominguez with the Ducor Irrigation District spoke in support of the project. After which the public hearing was closed.

Upon motion by Commissioner Townsend and seconded by Commissioner Flores, the Commission unanimously approved the formation of the Ducor Water District, the Dissolution of the Ducor Irrigation District, and the Sphere of Influence for the Ducor Water District.
 3. **Sphere of Influence Amendment to the Allensworth Community Services District, Case 1552A (Allensworth CSD)**
 4. **Annexation to the Allensworth Community Services District and Detachment from the Tulare Public Cemetery District, Case 1552B (Allensworth CSD)**
 5. **Activation of Latent Cemetery Maintenance Powers of the Allensworth Community Services District, Case 1552 (Allensworth CSD)**
Staff Analyst Ingoldsby presented the three above actions together. Staff Analyst Ingoldsby began by providing background and describing the land which in the historic Allensworth Cemetery is located. Required determinations were outlined and Staff Analyst Ingoldsby highlighted that cemetery maintenance and operations would be provided by the Allensworth CSD. During the public hearing many members of the

community, staff at Self-help Enterprises, and Staff with the Allensworth Community Service District all spoke in support of the proposed changes as presented by staff.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Townsend, the Commission unanimously approved the SOI amendment to the Allensworth CSD, Annexation to the Allensworth CSD and Detachment from the Tulare Public Cemetery District, and activation of latent cemetery maintenance powers of the Allensworth CSD.

6. **Sphere of Influence Amendment to the City of Farmersville, Case 1553-F-27A**

7. **Annexation to the City of Farmersville and Detachment from County Service Area #1 Case 1553-F-27B**

Staff Analyst Ingoldsby presented the two above actions together as they both pertain to each other. Staff Analyst Ingoldsby provided an overview of the land stating that the SOI amendment would include approximately 5.7 acres of land. Recommendations were highlighted with conditions of approval outlined in the resolution that was presented and reviewed. Public comments were received from Karl Schoettler and Paul Boyer, both representing the City of Farmersville; both in support of the proposed SOI amendment, annexation, and detachment as presented.

Upon motion by Commissioner Townsend and seconded by Commissioner Flores, the Commission unanimously approved the SOI amendment, the annexation to the City of Farmersville, and the detachment from County Service Area #1.

8. **Alta Healthcare District Municipal Services Review Update**

Staff Analyst Ingoldsby provided an update on the Alta Healthcare District MSR, highlighting the history, background, and the capacity of public facilities. Mr. Ingoldsby noted the District's grant program that is the primary tool that the District uses to implement its mission and reviewed the MSR findings. Michael Wilhelm, representing the Alta HCD, spoke in support of the findings.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Townsend, the Commission unanimously approved the MSR update for the Alta Healthcare District.

V. Executive Officer's Report

1. **2020 LAFCO Annual Report**

Staff Analyst Ingoldsby reviewed the summary report, which highlighted all actions taken by the Commission, and the special reports given to the Commission in 2020. Maps were provided to show all City annexations and detachments within Tulare County. Tables were reviewed showing City area and urban district area increases from 1980 to 2020.

2. **Legislative Update:**

EO Giuliani stated that there was no other significant legislation to discuss.

3. **Extraterritorial Service Agreements**

EO Giuliani reviewed two extraterritorial services agreements, both with the City of Porterville that had been approved.

4. **Upcoming Projects:**

EO Giuliani stated that a proposed annexation to the City of Woodlake would be presented in March and it would be possible to have other City projects. The preliminary budget would also be scheduled to be presented in April.

VI. Correspondence:

1. CALAFCO 2021 Schedule
EO Giuliani shared a copy of the schedule of activities for CALAFCO and highlighted the Annual conference is scheduled for October 6-8, 2021.

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 **March 3, 2021 at 2:00 p.m.** in the Board of Supervisors Chambers in the County Administration Building

- IX. Adjournment:** The Tulare County LAFCO meeting adjourned at 3:30 p.m.

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

March 3, 2021

**LAFCO Case Number 1554-W-26
Antelope Creek Reorganization Project**

PROPOSAL: Annexation to the City of Woodlake and to the Woodlake Fire Protection District and detachment from CSA #1

PROPONENT: The City of Woodlake by resolution of its City Council

SIZE: 76.62 acres

LOCATION: West of Mulberry Street south of West Cajon Avenue and north of West Naranjo Boulevard. **(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 20-acre city park and recreation trail. The remaining land would be set for single family residential.

APNs: There are 8 parcels in the subject area. See attached assessor's report for a list of the APNs. **(Figure 4)**

GENERAL ANALYSIS

1. Land Use:

A. Site Information

	Existing (County)	Proposed (City)
Zoning Designation	AE-20	Open Space R-1-7
General Plan Designation	Medium Density Residential	Public Facility Medium Density Residential
Uses	Olive and Citrus Orchards	Residential Development and Community Park with a Trail

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

	Zoning Designation	General Plan Designation	Existing Use
North	Rural Residential and AE-20	Agriculture	Orchards and Estate Homes
South	Rural Residential, R-17, Housing and Light Industrial	Medium Density Residential	Orchards, Vacant Land, 2 Existing Homes
East	Rural Residential, Multifamily Residential R-2	Low Density Residential, Medium Density Residential	Low and Medium Density Housing
West	AE-20	Agriculture, Medium Density Residential, Urban Reserve	Olive and Citrus Orchards

C. Topography, Natural Features and Drainage

The site is generally flat. The Antelope Creek/Ditch runs along the western boundary of the proposal area.

D. Conformity with General Plans and Spheres of Influence:

The site is consistent with the City's General Plan and is within the City's Sphere of Influence.

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

The parcels within the site are not under a Williamson Act or Farmland Security Zone contract.

3. Population:

There is one existing home in the proposal area with a city average of 3.86 persons per household the estimated population is four. 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's Office	City of Woodlake	Property Tax / Development Fees
Fire Protection	Tulare County Fire	Woodlake Fire Protection District	Property Tax / Development Fees

Water Supply	Individual Wells and Woodlake City Water	Individual Wells and Woodlake City Water	Meter Charges
Sewage Disposal	Private Septic Tanks and Woodlake City Sewer	Private Septic Tanks and Woodlake City Sewer	Monthly Service Fees
Street Lighting	Tulare County	City of Woodlake	Property Taxes
Street Maintenance	Tulare County	City of Woodlake	Property Taxes
Planning/Zoning	Tulare County	City of Woodlake	Property Taxes
Garbage Disposal	Tulare County Solid Waste Department	Mid Valley Disposal	Collection Fees

New residential development will connect to City water and sewer services. The costs of these connections will be covered with development fees and ongoing services will be charged on meter readings. Residents will be charged monthly for trash service that is provided by the City's contracted refuse hauler.

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. Environmental Impacts:

The City of Woodlake 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 the document is included in the application materials.

7. Landowner Consent:

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

8. 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.

Of the 76-acre project, approximately 20 acres is proposed for the park and a trail that loops the southern boundary. The remaining 56 acres of land is proposed to be zoned for single family development and are intended to serve the moderate housing group. The City has conceptually planned for approximately 132 single family residential units on the parcels that are currently owned by the City.

2014-2023 City of Woodlake RHNA

Very Low	Low	Moderate	Above Moderate	Total
71	41	69	191	372

9. Discussion:

Residential Land Supply

The City of Woodlake currently has 94.5 acres of undeveloped residential land within the City. This includes approximately 40 undeveloped acres from recently approved case 1548-W-25. The City's General Plan projects a growth rate between 1.59 percent and 2.15 percent. The city average of people per dwelling unit is approximately 3.86. Single family developments have approximately a gross density of 3.5 units per acre. If all the remaining 94.5 undeveloped acres were developed at 3.5 units/acre this would provide approximately 331 units for 1,277 residents. The Woodlake General Plan contains a residential land needs evaluation, projecting a need of between 90 to 179 acres of additional residential land by 2028. The sum of undeveloped land from case 1548-W-25 and this proposal is approximately 96 acres.

Government Services

Adequate governmental services can be provided to the subject area. According to the City, they are currently able to provide the annexation area urban services and infrastructure.

None of the subject area is already within the Woodlake Fire Protection District. As part of the reorganization, the proposal area would be annexed into the District boundaries. The Woodlake Fire Protection District has provided a resolution approving the annexation into the District.

RECOMMENDED ACTIONS:

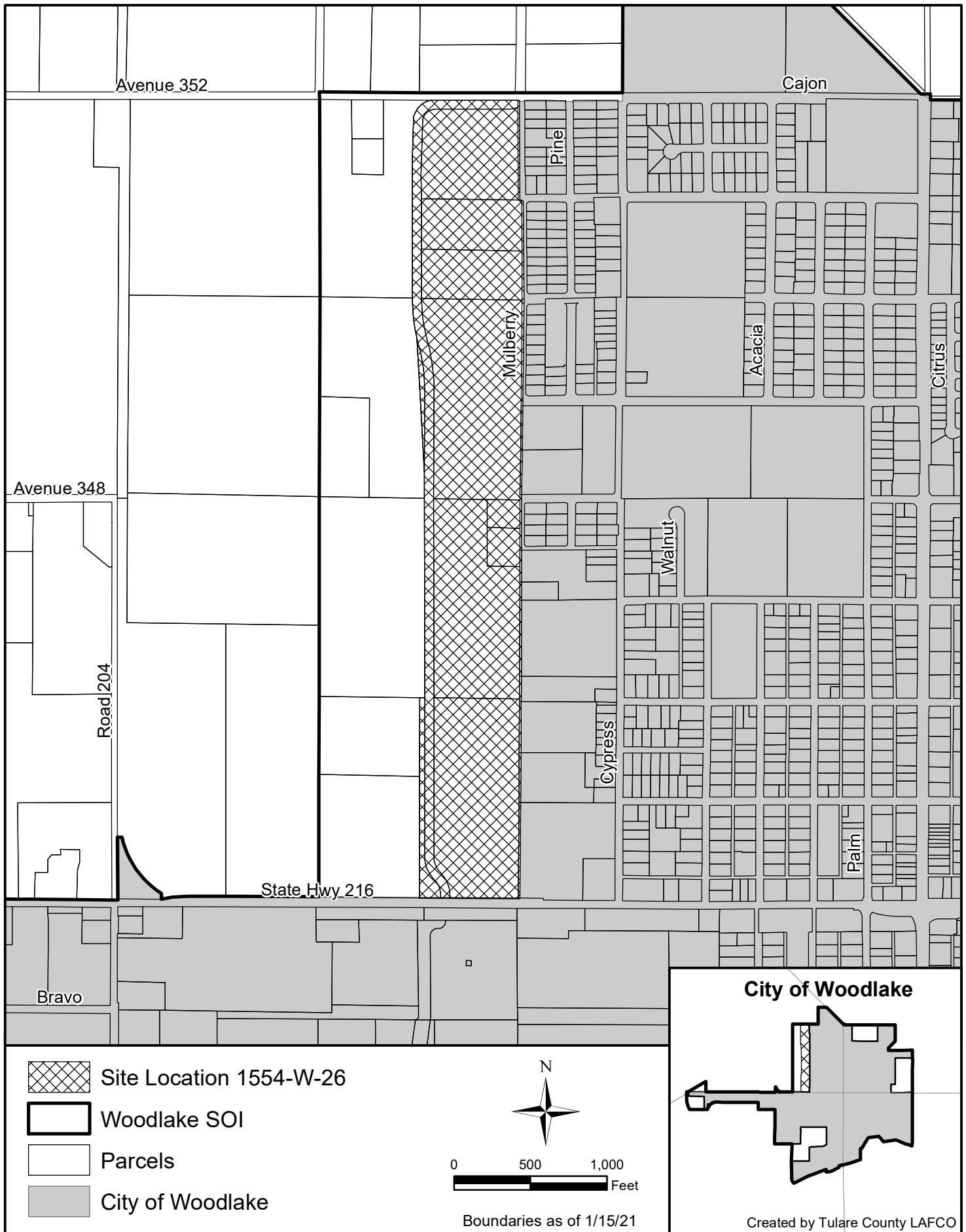
It is recommended that this proposal be approved and that the Commission take the following actions:

1. Certify that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Woodlake for this project and find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent.
2. Find that the proposed reorganization of the City of Woodlake 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 and conform to lines of assessment.
 - b. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
 - c. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
 - d. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
4. Find that the annexation does not contain any Williamson Act contract land.
5. Approve the proposed reorganization, to be known as LAFCO Case Number 1554-W-26, Antelope Creek Reorganization Project 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.
6. Waive the protest hearing for this proposal in accordance with subsection (c) of Government Code §56663 and order the reorganization without an election or if written protests are received prior to the conclusion of the public hearing, conduct the protest hearing pursuant to GC §57000.
7. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

Figures:

Figure 1	Site Location Map
Figure 2	Aerial
Figure 3	Park and Trail Conceptual Plan
Figure 4	Assessor's Report
Figure 5	Resolution

LAFCO Case 1554-W-26



LAFCO Case 1554-W-26

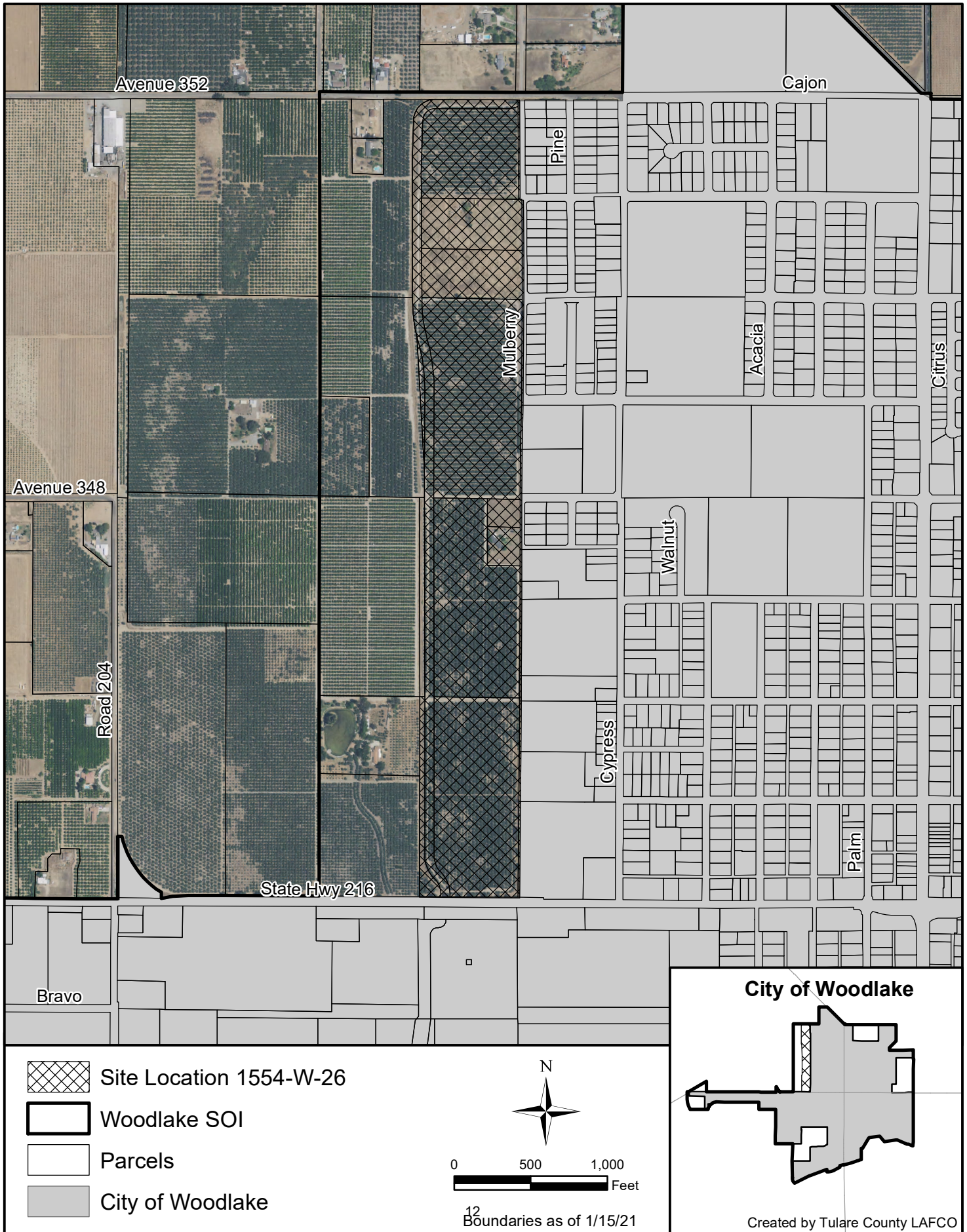
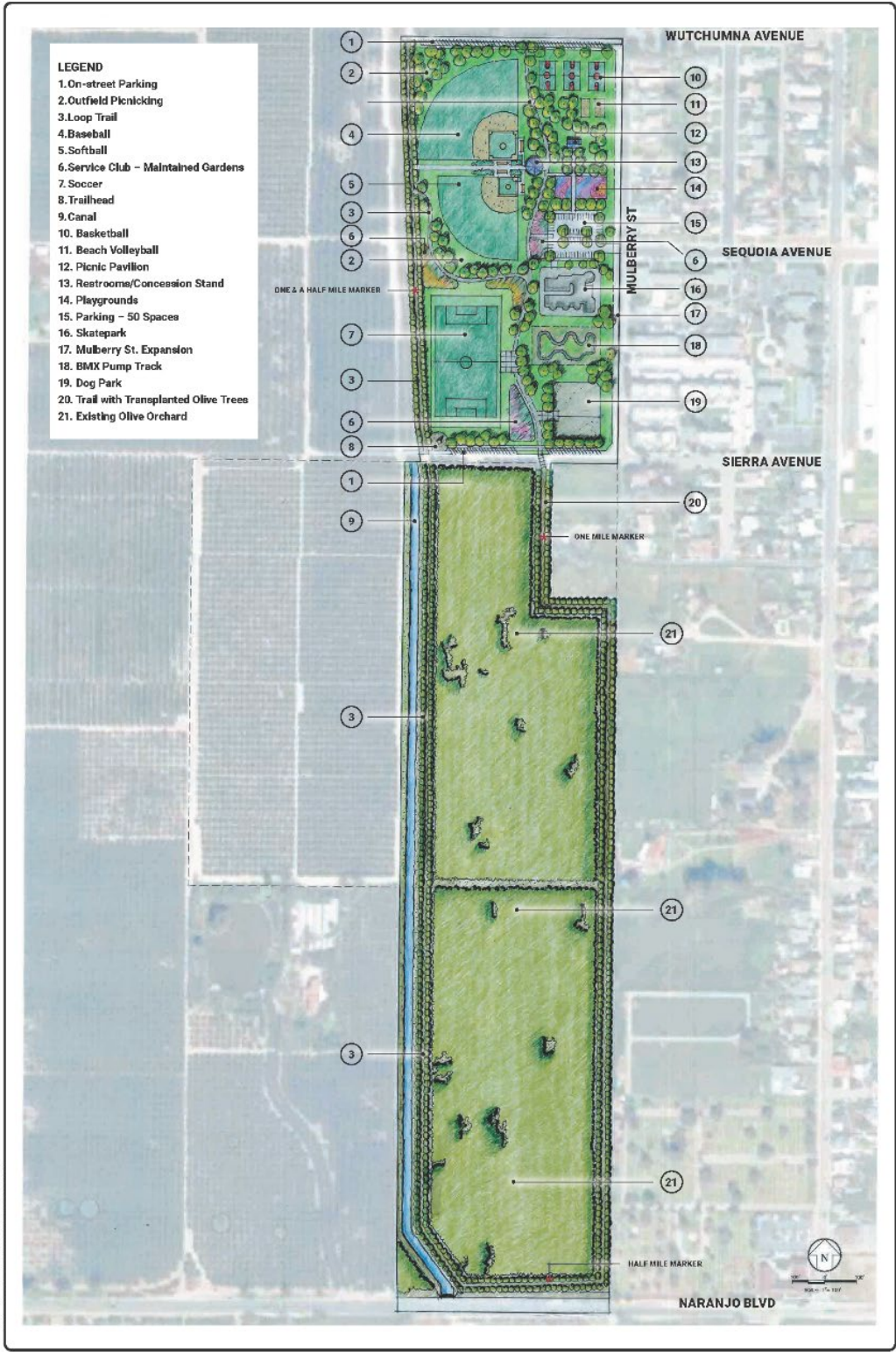


Figure 3 – Conceptual Park Site Plan



WOODLAKE SPORTS PARK WEST AND TRAILS

WOODLAKE, CA



ASSESSOR'S REPORT TO LAFCO & AUDITOR

[Pursuant to Section 56386 of Government Code]

LAFCO CASE NO.: 1554-W-26

PROPONENT: CITY OF WOODLAKE

DESCRIPTIVE TITLE: LAFCO Case #1554-W-26 Proposed ANNEXATION to the City
Of Woodlake and Woodlake Fire Protection District and detachment
from CSA #1

1) Total Parcels Lying Entirely Within Proposed Boundaries: 8

060-180-013, 060-180-017, 060-180-045, 060-180-047, 060-260-001, 060-260-002,
060-260-004, 060-260-011

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

None

3) a) Total Parcels in Aq Preserve and/or Contract: 0

None

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

N/A

4) a) Total Parcels Owned by Initiating Agency: 3

060-180-047, 060-260-004, & 060-260-011

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

Yes, per document# 2020-0073390, recorded 11/13/2020, the City of Woodlake acquired three parcels.

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

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

6) Other Comments:

Parcel 060-180-048 is not included in this report as it does not affect the actual acreages of any parcels as this is a mileage only parcel and is an easement to the County of Tulare. APN 060-260-011 is currently not active in our property system however, in a few weeks it will become active and reflect the Change in Ownership to the City of Woodlake

Technician: JOS

Date: 02/03/2021

END OF REPORT

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 Woodlake and the Woodlake)
Fire Protection District and Detachment)
from CSA #1. LAFCO Case 1554-W-26,)
Antelope Creek Reorganization Project) **RESOLUTION NO. 21-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 March 3, 2021 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 City of Woodlake, as Lead Agency, filed a Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Woodlake 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 revisions in the project have been made by or agreed to by the project proponent.

3. The Commission has reviewed and considered, in accordance with 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 Woodlake.
- c. The proposed reorganization does not contain any Williamson Act contract land.

- d. The Woodlake Fire Protection District has provided a resolution approving the inclusion of the reorganization area into the Woodlake Fire Protection District.

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. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- c. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- d. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.

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 BOE.

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

LAFCO Case No. 1554-W-26, Antelope Creek Reorganization Project

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 3rd day of March, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

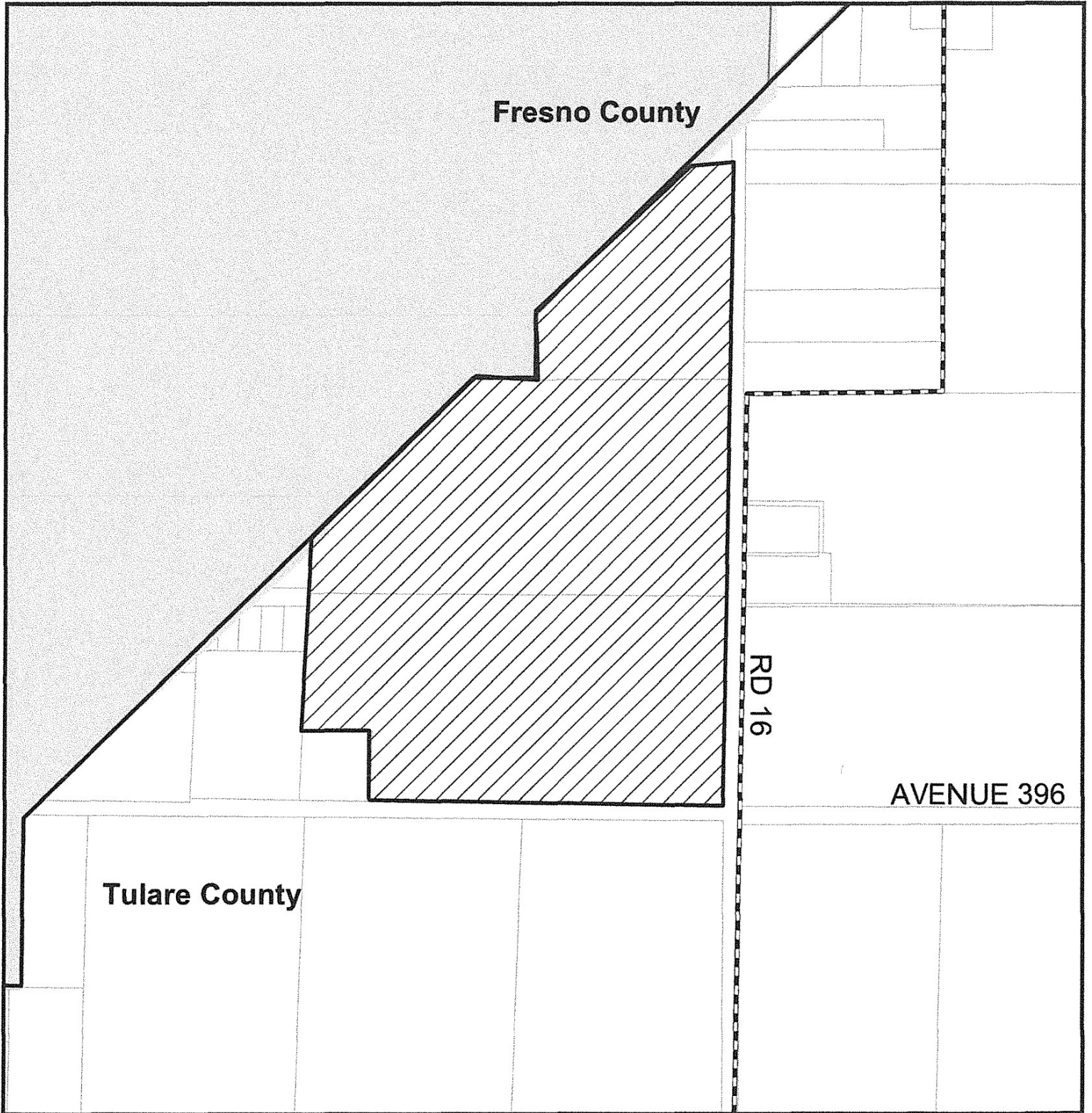
PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

si

ATTACHMENT C



Fresno Local Agency Formation Commission



District SOI



District service area



Affected territory



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CALAFCO Daily Legislative Report as of February 24, 2021

AB 339 (Lee D) State and local government: open meetings.

Current Text: Introduced: 1/28/2021 [html](#) [pdf](#)

Introduced: 1/28/2021

Status: 1/29/2021-From printer. May be heard in committee February 28.

Summary: Current law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified. This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public.

Position: Watch

Subject: Other

CALAFCO Comments: This bill allows for continued remote participant in local (and state) hearings/meetings while adding requirements for both call-in and internet service based options for all public meetings; requires providing closed caption services; and requires agencies to provide language access services.

The bill requires teleconferenced meetings to include an in-person public comment opportunity that creates a place where members of the public can gather at a designated site to give public comment (barring any in-person restrictions). Further, the bill requires the agenda and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency is a speaker.

The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak).

The bill adds similar requirements for any state legislative body. This bill is sponsored by the Leadership Council for Justice and Accountability.

AB 361 (Rivas, Robert D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/1/2021 [html](#) [pdf](#)

Introduced: 2/1/2021

Status: 2/12/2021-Referred to Com. on L. GOV.

Summary: Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

Position: Watch

Subject: Other

CALAFCO Comments: Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body.

This bill is sponsored by the CA Special Districts Association (CSDA).

AB 703 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 2/17/2021-From printer. May be heard in committee March 19.

Summary: Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.

Position: Watch

Subject: Other

AB 1195 (Garcia, Cristina D) Southern Los Angeles County Regional Water Agency.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 2/19/2021-From printer. May be heard in committee March 21.

Summary: Would create the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern Los Angeles County. The bill would require the agency to serve the region as the leader in interagency collaboration on water resource issues and to be governed by a 5-member board of locally elected officials in the agency's jurisdiction, each appointed by a specified state or local entity. The bill would authorize the agency to serve the water needs of its region through specified activities, including, among others, operating public water systems or other water infrastructure and integrating other water systems in the region into its operations, as prescribed.

Position: Watch

Subject: Water

SB 55 (Stern D) Very high fire hazard severity zone: state responsibility area: development prohibition.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

Status: 2/3/2021-Referred to Com. on RLS.

Summary: Would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits the creation or approval of a new development in a very high fire hazard severity zone or a state responsibility area.

AB 11 (Ward D) Climate change: regional climate change authorities.

Current Text: Amended: 1/21/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 1/21/2021

Status: 1/25/2021-Re-referred to Com. on NAT. RES.

Summary: Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in

their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities.

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

AB 428 (Mayes I) Local government planning.

Current Text: Introduced: 2/4/2021 [html](#) [pdf](#)

Introduced: 2/4/2021

Status: 2/5/2021-From printer. May be heard in committee March 7.

Summary:

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

Position: Watch

CALAFCO Comments: This is a spot bill.

AB 473 (Chau D) California Public Records Act.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 2/18/2021-Referred to Com. on JUD.

Summary: The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2138 from 2020 that did not move forward.

According to the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

AB 474 (Chau D) California Public Records Act: conforming revisions.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 2/18/2021-Referred to Com. on JUD.

Summary: Would enact various conforming and technical changes related to another bill that recodifies and reorganizes the California Public Records Act. The bill would only become operative if the related bill recodifying the act is enacted and becomes operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2438 from 2020 that did not move forward. According to the author's office, this bill and AB 473 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

AB 588 (Garcia, Eduardo D) Local government.

Current Text: Introduced: 2/11/2021 [html](#) [pdf](#)

Introduced: 2/11/2021

Status: 2/12/2021-From printer. May be heard in committee March 14.

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

Position: Watch

Subject: Other

CALAFCO Comments: This is a spot bill. According to the author's office there is no current intended use for the bill.

AB 897 (Mullin D) Office of Planning and Research: regional climate networks: climate adaptation action plans.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 2/18/2021-From printer. May be heard in committee March 20.

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 to encourage the inclusion of agencies with land use planning authority into regional climate networks.

Position: Watch

Subject: Climate Change

AB 903 (Frazier D) Los Medanos Community Healthcare District.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 2/18/2021-From printer. May be heard in committee March 20.

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 complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county in order to operate the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as described above, the bill would impose a state-mandated local program.

Position: Watch

AB 959 (Mullin D) Park districts: regulations: nuisances: abatement.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 2/18/2021-From printer. May be heard in committee March 20.

Summary: Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. Current law requires the board of directors to superintend, control, and make available to all the inhabitants of the district

all public recreation lands and facilities, as provided. Existing law authorizes the board to adopt regulations. Current law provides that a violation of an ordinance, rule, or regulation adopted by the board is a misdemeanor punishable by a fine or imprisonment in the county jail, as provided. This bill would authorize the board of directors to adopt regulations relating to nuisances and establish a procedure for the abatement of the nuisances, including administrative abatement.
Position: Watch

AB 1246 (Nguyen R) Community services districts.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 2/22/2021-Read first time.

Summary: Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

Position: Watch

AB 1250 (Calderon D) Water and sewer system corporations: consolidation of service.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 2/22/2021-Read first time.

Summary: The California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system. The bill would require the commission to approve or deny the application within 8 months, except as provided.

Position: Watch

AB 1295 (Muratsuchi D) Residential development agreements: very high fire risk areas.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 2/22/2021-Read first time.

Summary: Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas, as specified, and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, beginning on or after January 1, 2022, would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill would define "very high fire risk area" for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

Position: Watch

AB 1477 (Cervantes D) Mosquito abatement and vector control districts.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 2/22/2021-Read first time.

Summary: Current law, the Mosquito Abatement and Vector Control District Law, provides for the establishment of mosquito abatement and vector control districts, to be governed by a board of trustees, appointed as provided. This bill would make technical, nonsubstantive changes to these provisions.

Position: Watch

CALAFCO Comments: This is a spot bill.

SB 13 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

Status: 1/28/2021-Referred to Com. on GOV. & F.

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: This bill is the same as SB 799 from 2020 and seeks to re-establish and continue the pilot program for five more years. The program ended as of January 1, 2021 but due to the pandemic, SB 799 from 2020 to extend the sunset was not moved forward in the legislature.

SB 96 (Dahle R) Fallen Leaf Lake Community Services District Fire Department Protection Act of 2021: elections.

Current Text: Introduced: 12/21/2020 [html](#) [pdf](#)

Introduced: 12/21/2020

Status: 1/28/2021-Referred to Coms. on GOV. & F. and E. & C.A.

Summary: Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Special Districts Governance

CALAFCO Comments: This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

SB 273 (Hertzberg D) Water quality: municipal wastewater agencies.

Current Text: Introduced: 1/29/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Status: 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Summary: Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater

and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.

Position: Watch

Subject: Municipal Services

CALAFCO Comments: This bill is a redo of SB 1052 from 2020 that was not moved forward because of the pandemic. This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCo process to activate these latent powers intact.

SB 274 (Wieckowski D) Local government meetings: agenda and documents.

Current Text: Introduced: 1/29/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Status: 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Summary: The Ralph M. Brown Act, requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by mail or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested).

SB 403 (Gonzalez D) Drinking water: consolidation.

Current Text: Introduced: 2/12/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Status: 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Summary: The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is at risk of failing to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that are at risk of failing to provide an adequate supply of safe drinking water.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an

adequate supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system.

SB 475 (Cortese D) Transportation planning: sustainable communities strategies.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Summary: Current law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. As part of a regional transportation plan, current law requires a metropolitan planning organization to adopt a sustainable communities strategy, which is designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. Existing law, to the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning organization to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. This bill would state the intent of the Legislature to enact subsequent legislation that would make various changes to these provisions.

Position: Watch

SB 499 (Leyva D) General plan: land use element: uses adversely impacting health outcomes.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Summary: Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

Position: Watch

Subject: Disadvantaged Communities



***TULARE COUNTY
LOCAL AGENCY FORMATION COMMISSION***

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

COMMISSIONERS:
*Julie Allen, Chair
Martha Flores, V. Chair
Dennis Townsend
Vacant
Pete Vander Poel*

ALTERNATES:
*Eddie Valero
Fred Sheriff
vacant*

EXECUTIVE OFFICER:
Ben Giuliani

January 28, 2021

City of Tulare
411 E Kern Ave
Tulare, CA 93274

Re: Extraterritorial Service Agreement No. 2021-01 (City of Tulare/Fagundes)

This is to inform you that your request for an Extraterritorial Service Agreement, submitted to the Tulare County Local Agency Formation Commission (LAFCO) on January 28th, 2020, (ESA No. 2021-01), is hereby approved by the Executive Officer under one condition:

- 1) Annexation will be required when one or more neighboring properties (APNs 164-020-029, 164-020-028, 164-020-027, 164-020-007) are submitted for a future ESA or annexation request.

The agreement permits the City of Tulare to provide domestic water service to two existing residences on APN 164-210-026 (843 Zumwalt Ave). Approval of this agreement is in accordance with Government Code Section 56133 and Tulare County LAFCO Policy C-6.

Should you have any questions, please contact me at 623-0450 or bgiuliani@tularecog.org.

Sincerely,

Benjamin Giuliani, Executive Officer
Tulare County LAFCO

Cc:
Tony Fagundes

Extraterritorial Service Agreement 2021-01





State Water Resources Control Board

February 11, 2021

System No. 5410008

Board Members
East Orosi Community Services District
P.O. Box 213
Orosi, CA 93647

NOTICE OF VIOLATION NO. 03-24-21N-001 FAILURE TO COMPLY WITH ORDER NO. 03_24_20R_011

Dear Board Members:

The State Water Resources Control Board, Division of Drinking Water (Division), issued Order No. 03_24_20R_011 (Order) on October 27, 2020, mandating consolidation of the East Orosi Community Service District (East Orosi CSD) and Orosi Public Utility District (Orosi PUD). The Order directed East Orosi CSD to take specific actions by specific dates to achieve consolidation. The first such action was submission of a draft consolidation plan by December 18, 2020. The Order provided that if the Division did not accept the draft plan, East Orosi CSD would have to submit a revised plan within 30 days based on Division comments.

Orosi PUD sent a letter dated November 20, 2020 asking the Division to extend the due date for submitting the draft plan to January 31, 2021. The Division replied by letter dated November 30, stating that it would not enforce the December 18 deadline if Orosi PUD submitted the draft plan by January 31. On or around November 17, Orosi PUD and East Orosi CSD jointly sent the Division a document titled "DRAFT Consolidation Plan for EOCSD" describing the actions both systems planned to take to achieve consolidation and deadlines for meeting them. Although it was not clear given the requested extension whether East Orosi CSD intended the document to serve as a draft plan, the Division responded to the document by offering comments in a December 18 email to representatives of East Orosi CSD and Orosi PUD. The Division hosts monthly discussions with representatives from East Orosi CSD and Orosi PUD to facilitate ongoing conversations, inform the community and ensure progress is made towards consolidation. The consolidation order and consolidation plan were discussed during meetings held on November 4, December 9, and January 6. The Division has not received a plan either superseding the November 17 document or revising it to reflect the Division's comments. Therefore, the Division finds that East Orosi CSD is in violation of the Order's directive that it submit a draft consolidation plan by December 18.

The Order also directed East Orosi CSD to submit quarterly written progress reports to the Division. The first quarterly progress report, describing progress made between October 15, 2020, and January 15, 2021, was due to the Division by February 1, 2021. The Division has not received the first quarterly progress report.

After careful consideration, the Division has decided that it will not at this time exercise its authority under Health and Safety Code section 116650 to issue a citation or penalty for East Orosi CSD's violations of the Order. However, it reserves the right to exercise this authority unless East Orosi CSD takes the actions described below to come into compliance.

Immediately, prepare and submit for Division review and approval, a consolidation plan and quarterly progress report. The consolidation plan shall ensure East Orosi CSD has an adequate supply of safe drinking water. The consolidation plan shall include a timeline or schedule for the following elements:

- Complete planning (30% plans, cost estimate, environmental work)
- Submit LAFCo Out-of-Area Service Agreement and/or Annexation Application
- Preparation of a Construction Funding Application
- Draft a Water Service Agreement between East Orosi CSD and Orosi PUD
- Sign Executed Funding Agreement and Water Service Agreement
- Finalize Plans and Specs, including approval from Orosi PUD, State Water Board, and Tulare County
- Prepare Bid Documents/Bidding Process
- Obtain Necessary Construction Permits
- Select Contractor and Schedule/Begin Construction Activities
- Sign up new Water Customers in East Orosi CSD
- Water Quality Testing, Initiate Water Service, Project Completion

If you have any questions regarding this matter, please contact Karen Nishimoto of my staff at (818) 551-2049 or me at (916) 341-5045.

Sincerely,



Andrew Altevogt, P.E.
Assistant Deputy Director, Division of Drinking Water
State Water Resources Control Board

Appendix A: Compliance Order No. 03_24_20R_011
Appendix B: DDW Correspondence

State Water Resources Control Board

February 11, 2021

System No. 5410008

Board of Directors
Orosi Public Utility District
12488 Avenue 416
Orosi, CA 93647

NOTICE OF VIOLATION NO. 03-24-21N-002 FAILURE TO COMPLY WITH ORDER NO. 03_24_20R_002

Dear Board of Directors:

The State Water Resources Control Board, Division of Drinking Water (Division), issued Order No. 03_24_20R_002 (Order) on October 27, 2020, mandating consolidation of the East Orosi Community Service District (East Orosi CSD) and Orosi Public Utility District (Orosi PUD). The Order directed Orosi PUD to take specific actions by specific dates to achieve consolidation. The first such action was submission of a draft consolidation plan by December 18, 2020. The Order provided that if the Division did not accept the draft plan, Orosi PUD would have to submit a revised plan within 30 days based on Division comments.

Orosi PUD sent a letter dated November 20, 2020 asking the Division to extend the due date for submitting the draft plan to January 31, 2021. The Division replied by letter dated November 30, stating that it would not enforce the December 18 deadline if Orosi PUD submitted the draft plan by January 31. On or around November 17, Orosi PUD and East Orosi CSD jointly sent the Division a document titled "DRAFT Consolidation Plan for EOCSD" describing the actions both systems planned to take to achieve consolidation and deadlines for meeting them. Although it was not clear given the requested extension whether Orosi PUD intended the document to serve as a draft plan, the Division responded to the document by offering comments in a December 18 email to representatives of East Orosi CSD and Orosi PUD. The Division hosts monthly discussions with representatives from East Orosi CSD and Orosi PUD to facilitate ongoing conversations, inform the community and ensure progress is made towards consolidation. The consolidation order and consolidation plan were discussed during meetings held on November 4, December 9, and January 6. The Division has not received a plan either superseding the November 17 document or revising it to reflect the Division's comments. Therefore, the Division finds that Orosi PUD is in violation of the Order's directive that it submit a draft consolidation plan by December 18.

The Order also directed Oroshi PUD to submit quarterly written progress reports to the Division. The first quarterly progress report, describing progress made between October 15, 2020, and January 15, 2021, was due to the Division by February 1, 2021. The Division has not received the first quarterly progress report.

After careful consideration, the Division has decided that it will not at this time exercise its authority under Health and Safety Code section 116650 to issue a citation or penalty for Oroshi PUD's violations of the Order. However, it reserves the right to exercise this authority unless Oroshi PUD takes the actions described below to come into compliance.

Immediately, prepare and submit for Division review and approval, a consolidation plan and quarterly progress report. The consolidation plan shall ensure East Oroshi CSD has an adequate supply of safe drinking water. The consolidation plan shall include a timeline or schedule for the following elements:

- Complete planning (30% plans, cost estimate, environmental work)
- Submit LAFCo Out-of-Area Service Agreement and/or Annexation Application
- Preparation of a Construction Funding Application
- Draft a Water Service Agreement between East Oroshi CSD and Oroshi PUD
- Sign Executed Funding Agreement and Water Service Agreement
- Finalize Plans and Specs, including approval from Oroshi PUD, State Water Board, and Tulare County
- Prepare Bid Documents/Bidding Process
- Obtain Necessary Construction Permits
- Select Contractor and Schedule/Begin Construction Activities
- Sign up new Water Customers in East Oroshi CSD
- Water Quality Testing, Initiate Water Service, Project Completion

If you have any questions regarding this matter, please contact Karen Nishimoto of my staff at (818) 551-2049 or me at (916) 341-5045.

Sincerely,



Andrew Altevogt, P.E.
Assistant Deputy Director, Division of Drinking Water
State Water Resources Control Board

Appendix A: Compliance Order No. 03_24_20R_002

Appendix B: DDW Correspondence

cc: (*via email*)

Dennis R Keller, Keller & Wegley Engineering
Moses Diaz, Central Valley Legal Services
Carmen Moreno, East Orosi CSD – President
Ben Giuliani, Executive Officer, Tulare County Local Agency Formation Agency
Eddie Valero, Tulare County Board of Supervisors – District 4
Denise England, Tulare County – Water Resources Program Director
Kurt Souza, SWRCB – Branch Chief
Bryan Potter, SWRCB – District Engineer
Karen Nishimoto, SWRCB – SoCal Engagement Unit
Caitlin Juarez, SWRCB – SoCal Engagement Unit
Ryan Jensen, Community Water Center
Kayla Vander Schuur, Self Help Enterprises
Vergie Nunez, La Voz de Vecinos Unidos

State Water Resources Control Board

Division of Drinking Water

October 27, 2020

System No. CA5410008

Board of Directors
Orosi Public Utility District
12488 Avenue 416
Orosi, CA 93647

COMPLIANCE ORDER NO. 03_24_20R_002
MANDATORY CONSOLIDATION OF THE EAST OROSI COMMUNITY SERVICE DISTRICT

The State Board appreciates the willingness of both parties to work together over the past several months. The State Board recognizes Orosi PUD and East Orosi CSD both submitted materials as part of this effort on October 15 and October 16, respectively; however as detailed in the attached order, the materials are incomplete. The State Board looks forward to continuing to work with both Orosi PUD and East Orosi CSD as they develop a sustainable long-term solution.

Enclosed is Compliance Order No. 03_24_20R_002 (hereinafter "Order"), issued to the Orosi Public Utility District (hereinafter "Orosi PUD") public water system. Please note that there are legally enforceable deadlines associated with this Order.

The Order contains legally enforceable directives with specific due dates. On or before December 18, 2020, Orosi PUD is required to submit the Consolidation Plan, required under Directive No. 1 of the Order. The deadline to achieve consolidation with the East Orosi Community Service District water system is December 31, 2024.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the State Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Board for reconsideration of the citation, order or decision.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Karen Nishimoto of my staff at (818) 551-2049 or me at (916) 341-5045.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Altevogt". The signature is fluid and cursive, with the first name "Andrew" and last name "Altevogt" clearly distinguishable.

Andrew Altevogt
for Darrin Polhemus, P.E.
Deputy Director, Division of Drinking Water
State Water Resources Control Board

Enclosures

Certified Mail No. 7018-0040-0000-3159-6301

cc without attachments:

Dennis R Keller, Keller & Wegley Engineering
Moses Diaz, Central Valley Legal Services
Carmen Moreno, East Orosi CSD – President
Ben Giuliani, Executive Officer, Tulare County Local Agency Formation Agency
Eddie Valero, Tulare County Board of Supervisors – District 4 (via email)
Denise England, Tulare County – Water Resources Program Director (via email)
Kurt Souza, SWRCB – Branch Chief (via email)
Bryan Potter, SWRCB – District Engineer (via email)
Karen Nishimoto, SWRCB – SoCal Engagement Unit (via email)
Caitlin Juarez, SWRCB – SoCal Engagement Unit (via email)
Ryan Jensen, Community Water Center (via email)
Kayla Vander Schuur, Self Help Enterprises (via email)
Vergie Nunez, La Voz de Vecinos Unidos (via email)

CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Orosi Public Utility District

Water System No.: 5401008

Attention: Board of Directors

12488 Avenue 416

Orosi, CA 93647

Issued: October 27, 2020

ORDER NO. 03_24_20R_002
FOR MANDATORY CONSOLIDATION

The Division of Drinking Water ("Division") of the State Water Resources Control Board ("State Board" or "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division hereby orders the consolidation of the Orosi Public Utility District ("Orosi PUD") and the East Orosi Community Service District ("East Orosi CSD"). The Division further orders Orosi PUD and East Orosi CSD to take the actions set forth below to effect consolidation.

APPLICABLE AUTHORITIES

Section 116682(a) of the California Health and Safety Code ("CHSC")¹ authorizes the State Board to order the consolidation of water systems, whereby one public water system subsumes another public water system or a state small water system that serves a disadvantaged community and "consistently fails to provide an adequate supply of safe drinking water". Section 116681(f) defines a "disadvantaged community" as a "community with an annual median household income that is less than 80 percent of the statewide annual median household income." Section 116681(a) defines "adequate supply" as "sufficient water to meet residents' health and safety needs at all times." Section 116681(c) defines "consistently fails" as "failure to provide an adequate supply of safe drinking water." Section 116681(l) defines "safe drinking water" as "water that meets all primary and secondary drinking water standards." Section 116365(c) defines primary drinking water standards as maximum contaminant levels (MCLs) or treatment techniques and monitoring and reporting requirements of MCLs.

Section 116682(b) requires the Board to engage affected water systems, local government, and the public before deciding whether to order a consolidation. If the Board orders a consolidation, Section 116882(d) requires the Board to make seven enumerated findings, which are set forth in this order below. Section 116682(e)(1) requires the Board, upon ordering a consolidation, to "provide appropriate financial assistance for the water infrastructure needed for the consolidation."

The Division exercises the State Board's consolidation authority pursuant to Section 116271(k)(2).

¹ Unless otherwise noted, all statutory references are to the Health and Safety Code.

STATEMENT OF FACTS

Water Systems Characteristics

a. Community Demographics

Orosi PUD is a community water system as defined by section 116275(i). Orosi PUD supplies domestic water to approximately 8,770 individuals through approximately 1,578 service connections. Orosi PUD operates under a Domestic Water Supply Permit (Permit No. 03-12-12P-008), issued by the Department of Public Health, the State Board's predecessor in the regulation of public water systems, on July 20, 2012². Orosi PUD relies on five active groundwater wells to supply water to the distribution system. Orosi PUD is a disadvantaged community as defined by Section 116681(f). Section 116681(f) incorporates the definition of disadvantaged community provided in Section 79505.5 of the Health and Safety Code. Section 79505.5 defines disadvantaged community as a community with an annual median income that is less than 80 percent of the statewide median household income. 80 percent of the statewide median household income is \$56,982. The 2014-2018 American Community Survey states that Orosi is a census designated place with a median household income of \$44,1756. This income classifies Orosi PUD as a disadvantaged community.

East Orosi CSD is also a community water system, as defined by Section 116275(i), supplying water for domestic purposes to approximately 932 individuals through 103 service connections. East Orosi CSD is located in an unincorporated area of Tulare County approximately two miles from Orosi PUD. The definition of a severely disadvantaged community is a community with an annual median income that is less than 60 percent of the statewide median household income.

² Authority for regulation of public water systems pursuant to the California Safe Drinking Water Act (CHSC, Section 116270 et seq.) was transferred from the Department to the State Board effective July 1, 2014. (See CHSC, Section 116271)

60 percent of the statewide median household income is \$ 42,737. The 2014-2018 American Community Survey states that East Orosi is a census designated place with a median household income of \$35,163. This income classifies East Orosi CSD as a severely disadvantaged community.

b. Water Sources

East Orosi CSD operates under Domestic Water Supply Permit No. 03-24-19PA-023, issued on December 31, 2019 by the Division. East Orosi CSD utilizes two groundwater wells to supply water to the distribution system. Well 01 was drilled in 1983 and Well 02 was drilled in 1984. California Code of Regulations, Title 22, Section 64554, requires a public water system with fewer than 1,000 service connections to maintain storage capacity equal to the system's maximum daily demand, unless it shows that it possesses an additional source or an emergency interconnection that can meet maximum daily demand. East Orosi CSD has no standby sources, storage capacity, or emergency interconnections with adjacent public water systems and therefore does not meet maximum daily demand

Well 01 serves as the primary source of East Orosi CSD's water supply, due to nitrate contamination of Well 02. However, since East Orosi CSD lacks storage or access to other sources, Well 02 provides additional supply during high-demand summer months. Furthermore, Well 01 underwent rehabilitation in 2017, during which time Well 02 served as the sole water source for East Orosi CSD's customers. Well 02 did not have a functional water flow meter in 2017, and the Division directed East Orosi CSD to install a functional meter. As of December 2019, East Orosi CSD had not installed a functional meter.

East Orosi CSD was issued a planning funding agreement in 2012 to evaluate alternatives to mitigate the nitrate contamination. The planning project included completion of a preliminary engineering report (PER) that looked at a new well, required storage, existing distribution

1 system and meters. The PER was completed in 2017. A hydrologic survey concluded that the
2 only site for a new well that could feasibly connect to East Orosi CSD lay southwest of East
3 Orosi CSD and south of Orosi PUD. A test well confirmed that the site could produce an
4 adequate supply of uncontaminated drinking water. The PER analyzed two alternative routes
5 to connect the well site to East Orosi. Because of the site's location relative to Orosi PUD, both
6 alternatives skirted Orosi PUD. Therefore, the PER considered options for interconnecting
7 systems. Two options, C-1(a) and C-1(b), were considered for the first route. Option C-1(a)
8 would entail no interconnection and would require East Orosi CSD to construct a storage tank.
9 Option C-1(b) would entail interconnection with Orosi PUD along part of the route and a service
10 agreement for Orosi PUD to provide operations and maintenance to East Orosi CSD; but East
11 Orosi CSD would still need to construct a storage tank. Two options, C-2(a) and C-2(b), were
12 likewise considered for the second route. Option C-2(b) would entail the same services
13 agreement considered under Option C-1(b) and provide a backup water source for East Orosi
14 CSD, eliminating the need to construct a storage tank. Option C-2(b) would entail full
15 consolidation of the two systems. The PER concluded that the total construction costs for either
16 route, including storage tank construction under Option C-1, would be about the same
17 (approximately \$4,630,000 for Options C-1 and approximately \$4,320,000 for Option C-2). The
18 PER noted that East Orosi CSD did not have the financial resources or customer base to cover
19 the costs, stating, "There is no possibility of local financing; the District's residents cannot fund
20 the needed facilities." All options being about equal in terms of cost, the PER concluded that
21 Option C-2 would "provide . . . operations and maintenance stability" and a backup water source
22 for East Orosi CSD. The PER further concluded that Option C-2(b), entailing full consolidation,
23 "offers the additional long-term reliability afforded by a continuing legal responsibility to [Orosi
24 PUD]."
25
26
27

East Orosi CSD's History of Violations

a. Violation of Nitrate MCL

In July 2015, California changed the reporting units for nitrate from a maximum contaminant level (MCL) of 45 mg/L as NO₃ to 10 mg/L as nitrogen (N). The change in reporting units brought California in line with the USEPA and the other 49 states in the nation whose nitrate MCL is 10 mg/L (as N). Laboratories were allowed to report in either set of units for samples analyzed through December 31, 2015. Title 22, Division 4, Chapter 15, Article 4, Section 64431 of the California Code of Regulations sets the MCL for nitrate (as nitrogen) at 10 mg/L. Section 64432.1(a)(2) requires public water systems using groundwater that submit a sample containing nitrate at a level equal to or greater than 50 percent of the MCL to monitor for that contaminant on a quarterly basis.

On April 15, 2010, the Tulare County Environmental Department issued East Orosi CSD a compliance order for exceeding the MCL for nitrate which required East Orosi CSD to sample for nitrate quarterly.

On July 1, 2014, the Tulare County Environmental Health Department ceded regulatory jurisdiction over East Orosi CSD to the Division. In 2015, quarterly samples from Well 02 each exceeded the nitrate MCL. On November 9, 2015, the Division issued East Orosi CSD compliance order 03_24_15R_001 for exceeding the nitrate MCL in Well 02 which directed East Orosi CSD to return to compliance by December 1, 2018. However, quarterly samples from Well 02 continued to exceed the nitrate MCL. In the fourth quarter of 2018, Well 01 exceeded the nitrate MCL.

Results of quarterly samples between 2010 and the present are shown in Table 1, below.

Table 1: Nitrate Monitoring Results

Sample Date	Well 02 -West	MCL
02/10/10	58 mg/L *	45 mg/L as NO ₃
07/24/10	31 mg/L	45 mg/L as NO ₃
01/13/11	51 mg/L *	45 mg/L as NO ₃
06/30/11	50 mg/L *	45 mg/L as NO ₃
10/24/11	51 mg/L *	45 mg/L as NO ₃
02/01/12	Non-Detect	45 mg/L as NO ₃
02/27/12	50 mg/L *	45 mg/L as NO ₃
04/10/12	41 mg/L	45 mg/L as NO ₃
08/22/12	59 mg/L *	45 mg/L as NO ₃
10/22/12	42 mg/L	45 mg/L as NO ₃
01/03/13	45 mg/L	45 mg/L as NO ₃
04/01/13	63 mg/L *	45 mg/L as NO ₃
07/22/13	43 mg/L	45 mg/L as NO ₃
09/25/13	40 mg/L	45 mg/L as NO ₃
12/12/13	44 mg/L	45 mg/L as NO ₃
01/02/14	44 mg/L	45 mg/L as NO ₃
04/25/14	62 mg/L *	45 mg/L as NO ₃
07/28/14	49 mg/L *	45 mg/L as NO ₃

10/20/14	50 mg/L *	45 mg/L as NO ₃
01/12/15	52 mg/L *	45 mg/L as NO ₃
04/15/15	48 mg/L *	45 mg/L as NO ₃
07/27/15	11 mg/L *	10 mg/L as N
10/26/15	11 mg/L *	10 mg/L as N
01/14/16	11 mg/L *	10 mg/L as N
04/04/16	11 mg/L *	10 mg/L as N
07/25/16	10 mg/L	10 mg/L as N
10/17/16	12 mg/L *	10 mg/L as N
01/06/17	12 mg/L *	10 mg/L as N
04/07/17	12 mg/L *	10 mg/L as N
07/24/17	12 mg/L *	10 mg/L as N

10/23/17	11 mg/L *	10 mg/L as N
01/15/18	11 mg/L *	10 mg/L as N
04/18/18	11 mg/L *	10 mg/L as N
06/12/18	12 mg/L *	10 mg/L as N
07/20/18	12 mg/L *	10 mg/L as N
02/19/19	11 mg/L *	10 mg/L as N
03/22/19	12 mg/L *	10 mg/L as N
04/19/19	12 mg/L *	10 mg/L as N
07/22/19	12 mg/L *	10 mg/L as N
10/23/19	9.2 mg/L	10 mg/L as N
01/22/20	9.5 mg/L	10 mg/L as N
04/24/20	10 mg/L	10 mg/L as N
07/30/20	10 mg/L	10 mg/L as N

* in the body of the table indicates a sampling result above the MCL.

b. Monitoring and Reporting Violations

In addition to exceedances of the nitrate MCL in Well 02, East Orosi CSD has violated primary drinking water standards by failing to monitor for nitrate and other contaminants. East Orosi CSD was cited for failure to submit a nitrate sample for Well 02 for the fourth quarter of 2018. Since the first quarter of 2016, East Orosi CSD has intermittently submitted nitrate samples for Well 01: East Orosi CSD did not submit any samples for 2016 or the first three quarters of 2017 because the well was offline for repairs.

East Orosi CSD has received a number of citations for failure to monitor for contaminants in addition to nitrate. It failed to monitor for lead and copper in the second half of 2017 and all of 2018, finally submitting samples in September 2019. It failed to perform source monitoring for total coliform bacteria from November 2018 through January 2019. As of December 2019, East Orosi CSD had not submitted a required bacteriological sample siting plan for its distribution system, despite the Division in April 2018 directing it to submit a plan by June 2018. East Orosi CSD has also received citations for failing to monitor for disinfection byproducts and 1,2,3-Trichloropropane (1,2,3-TCP).

1
2 **Voluntary Consolidation and Administrator Efforts**

3 On July 13, 2018, the State Board sent letters to East Orosi CSD and Orosi PUD that strongly
4 encouraged them to negotiate a voluntary consolidation. The letters also directed East Orosi
5 CSD and Orosi PUD to complete the negotiations and report the outcome no later than six
6 months following the date of the letter.

7
8 The State Board attended a meeting of the Board of Directors of Orosi PUD on September 12,
9 2017.

10
11 The State Board held a meeting with the Supervisor Steve Worthley, Supervisor Eddie Valero,
12 and Denise England the Tulare County Water Resources Program Director on September 13,
13 2018.

14
15 The State Board held a noticed public meeting on October 22, 2018 to take public comment
16 and testimony. A copy of the notice for said meeting is attached hereto as Attachment B.

17
18
19 The State Board attended an East Orosi CSD Board meeting on February 28, 2019.

20
21 The State Board held a noticed public hearing on April 10, 2019 to take public comment and
22 testimony on mandatory consolidation. A copy of said notice is attached hereto as Attachment
23 B.

24
25 In January 2019, the State Board received letters from East Orosi CSD and Orosi PUD
26 requesting a six-month extension from the State Board to continue negotiations. In February
27

1 2019, the State Board denied the request for a six-month extension due to the non-compliant
2 water currently served to customers of East Orosi CSD.

3
4 The State Board attended a special joint board meeting between Orosi PUD and East Orosi
5 CSD board meeting on June 26, 2019. East Orosi CSD was unable to achieve a quorum at this
6 joint board meeting. The State Board participated in a conference call on September 30, 2019
7 with Orosi PUD, East Orosi CSD, Tulare County, and Cutler-Orosi Joint Unified School District.

8
9 The State Board held a meeting with Orosi PUD, LAFCo, Self Help Enterprises, Division of
10 Drinking Water, and Division of Financial Assistance on October 16, 2019. Representatives
11 from East Orosi CSD were invited to participate in this meeting but did not attend.

12
13 Representatives from Orosi PUD attended each of the said public forums. Representatives from
14 East Orosi CSD did not attend each of the said public forums. Despite these efforts, the State
15 Board has been unable to achieve voluntary consolidation of Orosi PUD and East Orosi CSD.

16
17
18 East Orosi CSD did not have a quorum of board members in office until January 2019.
19 Therefore, the Orosi PUD board and East Orosi CSD board were unable to engage in voluntary
20 consolidation negotiations prior. As of March 2020, the State Water Board has coordinated
21 monthly meetings to support voluntary consolidation efforts. Initially, attendees included East
22 Orosi CSD, Division of Drinking Water, Division of Financial Assistance, Self Help Enterprises,
23 and Community Water Center. As of August 2020, Orosi PUD and Tulare County have
24 participated in the monthly meetings. The State Water Board requested letters of intent to
25 pursue voluntary consolidation along with milestones and schedules to progress consolidation
26 from both parties by October 16, 2020. East Orosi CSD submitted a letter of intent to consolidate
27

1 voluntarily and an incomplete milestones and timeline received on October 15, 2020. Orosi PUD
2 failed to submit a letter of intent to consolidate voluntarily but submitted an incomplete
3 milestones and timeline received on October 16, 2020.

4
5 After discussion with East Orosi CSD and their expressed interest, the State Water Board
6 initiated the first steps to appoint an administrator to the water system. The designated water
7 system letter was sent to East Orosi CSD on September 10, 2020.

10 **FINDINGS**

11 Pursuant to of Health and Safety Code section 116682(d), the State Board makes the following
12 findings:

- 13
14 1. East Orosi CSD has consistently failed to provide an adequate supply of safe drinking water.

15 **Discussion:**

16
17
18 For purposes of consolidation, "safe drinking water" means "water that meets all primary and
19 secondary drinking water standards." Primary drinking water standards include MCLs,
20 treatment techniques, and monitoring and reporting requirements for MCLs. East Orosi has
21 consistently violated primary drinking water standards by exceeding the nitrate MCL in Well 02
22 over the past ten years and by failing on a number of occasions to monitor for nitrates, lead and
23 copper, total coliform, disinfection byproducts, and 1,2,3-TCP.

24
25 Although East Orosi CSD's primary source of water is Well 01, which has not exceeded the
26 nitrate MCL as consistently as Well 02, Well 01 did exceed the nitrate MCL in the fourth quarter
27

1 of 2018. Furthermore, Well 01 does not consistently provide an adequate supply of water for
2 East Orosi CSD's customers. The system draws on the contaminated Well 02 during high-
3 demand summer months and relied solely on Well 02 for its water supply in 2017 while Well 01
4 underwent rehabilitation. Well 02 did not have a functioning water flow meter as of December
5 2019, so it is unknown whether Well 02 would be able to meet immediate demand if Well 01
6 were to be taken offline again. Regulations require systems of East Orosi CSD's size to
7 maintain storage capacity equal to maximum daily demand or else possess an additional water
8 source or emergency interconnection. Not only does East Orosi CSD lack sufficient
9 uncontaminated water supply to immediately meet maximum daily demand throughout the year,
10 it lacks storage capacity or an alternative source or interconnection to ensure the ability to meet
11 demand, as required by regulation. Apart from East Orosi CSD's failure to reliably meet demand
12 without drawing on a water source that has consistently exceeded the nitrate MCL, East Orosi
13 CSD has violated primary drinking water standards on a system-wide basis by failing to monitor
14 for nitrates and other contaminants. Therefore, East Orosi CSD has consistently failed to
15 provide an adequate supply of safe drinking water to its customers.
16

- 17
18 2. All reasonable efforts to negotiate consolidation of East Orosi CSD's water system with
19 Orosi PUD's water system were made by the State Board.

20 Discussion:

21 The Division participated in multiple meetings with East Orosi CSD and Orosi PUD regarding
22 the consolidation of the water systems. A voluntary consolidation agreement between Orosi
23 PUD and East Orosi CSD has not been achieved, nor have milestones and timelines for forward
24 progress been identified.
25
26
27

1 3. Consolidation of Orosi PUD's water system and East Orosi CSD's water system is
2 appropriate and technically and economically feasible.

3 Discussion:

4 As noted in Finding No. 1 above, East Orosi CSD has consistently failed to provide an adequate
5 supply of safe drinking water. It is not only appropriate, but necessary, that East Orosi CSD,
6 find an alternative water supply. The PER concluded that the only site for a new well that could
7 feasibly connect to East Orosi CSD lay southwest of East Orosi CSD and south of Orosi PUD.
8 A test well confirmed that the site could produce an adequate supply of uncontaminated drinking
9 water. The PER identified two routes to connect the well to East Orosi CSD, which, because of
10 the well site's location relative to Orosi PUD, skirted the district. Therefore, three of the options
11 considered by the PER involved interconnecting the two systems. The PER found that all
12 options would cost about the same amount, but that East Orosi CSD did not have the financial
13 resources or customer base to cover the costs, stating, "There is no possibility of local financing;
14 the District's residents cannot fund the needed facilities." However, as noted in Finding No. 6
15 below, the infrastructure needed to extend service from Orosi PUD's water system to East Orosi
16 CSD's water system is eligible to be constructed with grant monies provided by the State Board.
17 Section 116682 (e)(1) states that the State Board, as necessary and appropriate, will make
18 funds available, upon appropriation by the Legislature, to the receiving water system for the
19 costs of completing the consolidation or extension of service, including, but not limited to,
20 replacing any capacity lost as a result of the consolidation or extension of service, providing
21 additional capacity needed as a result of the consolidation or extension of service, and legal
22 fees. Funding pursuant to this paragraph is available for the general purpose of providing
23 financial assistance for the infrastructure needed for the consolidation or extension of service
24 and does not need to be specific to each individual consolidation project. The State Water
25 Resources Control Board shall provide appropriate financial assistance for the infrastructure
26
27

1 needed for the consolidation or extension of service. The State Water Resources Control
2 Board's existing financial assistance guidelines and policies shall be the basis for the financial
3 assistance. The PER concluded that full consolidation was the most preferable option, stating
4 that consolidation "offers the additional long-term reliability afforded by a continuing legal
5 responsibility [of Orosi PUD to East Orosi CSD]." Therefore, consolidation of Orosi PUD's water
6 system and East Orosi CSD's water system is appropriate and technically and economically
7 feasible.

- 8
9 4. There is no pending local agency formation commission process that is likely to resolve the
10 problem in a reasonable amount of time.

11 Discussion:

12 The Division has consulted with the Tulare County Local Agency Formation Commission
13 (LAFCo) and has confirmed there is no pending Tulare County Local Agency Formation
14 Commission process that is likely to resolve the problem in a reasonable amount of time. Written
15 correspondence was obtained via email from Tulare County LAFCo on May 11, 2020 and on
16 September 3, 2020 can be found in Attachment F. A full consolidation of East Orosi CSD and
17 Orosi PUD could happen through a consolidation action where the two districts join into a new
18 successor district or by dissolution/annexation where East Orosi CSD would be dissolved and
19 the same area annexed into Orosi PUD in a concurrent action. The request for a change of
20 organization could be made by either or both districts, by any "affected local agency" (for
21 example, the County) or by landowners or registered voters by petition within East Orosi CSD.

- 22
23
24
25 5. Concerns regarding water rights and water contracts of the subsumed and receiving water
26 systems have been adequately addressed.

27 Discussion:

1 The current source of water supply for East Orosi CSD water system and Orosi PUD's water
2 system is groundwater. The local groundwater basin is unadjudicated; therefore, the State
3 Water Board is not aware of concerns regarding water rights and water contracts of two districts.
4 The PER produced in East Orosi CSD's planning project included the development of a new
5 well located on the property owned by the Cutler-Orosi Joint unified School District. The PER
6 and Option Agreement are in Attachment G.

7
8 6. Consolidation or extension of service is an effective and cost-effective means to provide an
9 adequate supply of safe drinking water.

10 Discussion:

11 As described in Finding No. 3 above, consolidation of East Orosi CSD's water system with Orosi
12 PUD's water system is an effective and feasible means to provide an adequate supply of safe
13 drinking water to East Orosi CSD. The PER found that all options for connecting East Orosi
14 CSD to the new well site would cost about the same but concluded that Option C-2 would
15 "provide . . . operations and maintenance stability" and a backup water source for East Orosi
16 CSD. The PER further concluded that Option C-2(b), entailing full consolidation, "offers the
17 additional long-term reliability afforded by a continuing legal responsibility to [Orosi PUD]."

18 In the 2019 Sanitary Survey Report, the Division found that East Orosi CSD lacks technical,
19 managerial, and financial capacity (TMF) to manage and operate a reliable and sustainable
20 water system. The lack of TMF capacity appears to be a product of the lack of consistently filled
21 Board member positions, a lack of volunteer or hired management availability and the economic
22 reality of a small rate base and aging infrastructure. The infrastructure needed to extend service
23 from Orosi PUD's water system to East Orosi CSD's water system is eligible to be constructed
24 with grant monies provided by the State Board.
25
26
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7. The capacity of the proposed interconnection needed to accomplish the consolidation is limited to serving the current customers of the subsumed water system.

Discussion:

The capacity of the interconnection that will be installed between Orosi PUD's water system and East Orosi CSD's water system to accomplish the consolidation is limited to serving the current customers of East Orosi CSD.

DIRECTIVES

Orosi PUD and East Orosi CSD are hereby directed to take the following actions:

1. On or before December 18, 2020, prepare and submit for State Board review and approval, a draft plan for consolidation of East Orosi CSD's water system with Orosi PUD's water system that ensures East Orosi CSD has an adequate supply of safe drinking water; such plan (hereinafter "Consolidation Plan") shall:

a) Develop tasks, time schedule, and involved parties necessary to achieve consolidation of East Orosi CSD's water system with Orosi PUD water system. The timeline should assume nine months for State Water Board issuance of funding agreement and a final project completion date of December 31, 2024. Tasks shall include but not limited to the following:

- Complete planning (30% plans, cost estimate, environmental work)
- Submit LAFCo Out-of-Area Service Agreement and/or Annexation Application
- Preparation of a Construction Funding Application
- Draft a Water Service Agreement between East Orosi CSD and Orosi PUD
- Sign Executed Funding Agreement and Water Service Agreement
- Finalize Plans and Specs, including approval from Orosi PUD, State Water Board,

and Tulare County

- Prepare Bid Documents/Bidding Process
- Obtain Necessary Construction Permits
- Select Contractor and Schedule/Begin Construction Activities
- Sign up new Water Customers in East Orosi CSD
- Water Quality Testing, Initiate Water Service, Project Completion

b) Ensure consolidation of East Orosi CSD's water system with Orosi PUD's water system, not later than December 31, 2024.

2. If the State Board does not approve the plan, revise according to the comments received and resubmit the Consolidation Plan within thirty (30) days, unless otherwise specified. The final Consolidation Plan must be approved within 60 day of original submittal. If no Consolidation Plan is received by December 18, 2020 or approved within 60 days of the original submittal, the State Board will develop milestones and timelines for project implementation.

3. Timely perform each element of the State Board's approved Consolidation Plan according to the time schedule set forth therein.

4. Active participation in the funding process for the duration of the project.

5. Submit quarterly written progress reports to the State Board and have an authorized representative knowledgeable of the consolidation efforts participate in monthly coordination meetings. The first quarterly progress report shall describe progress made in the quarter between October 15, 2020 through January 15, 2021 and shall be submitted to the State Board by February 1, 2021 using the form provided in Attachment J.

- 1
- 2 6. Notify the State Board in writing and submit proposed alternative deadline for State Water
- 3 Board approval no later than fifteen (15) days prior to any deadline within the Consolidation
- 4 Plan that either party anticipates it will not timely meet.
- 5

6 All submittals required by this Order shall be addressed to:

7

8 Karen Nishimoto
9 State Water Resources Control Board
10 Division of Drinking Water, SAFER
11 500 North Central Avenue Suite 500
12 Glendale, CA 91203

13 The Division reserves the right to make such modifications to this Order and/or to issue such

14 further order(s) as it may deem necessary to protect public health and safety and to achieve the

15 consolidation addressed by this Order. Such modifications may be issued as amendments to

16 this Order and shall be deemed effective upon issuance.

17

18 Nothing in this Order relieves Orosi PUD of its obligation to meet the requirements of the

19 California Safe Drinking Water Act, CHSC, Division 104, Part 12, Chapter 4 (hereinafter

20 "SDWA"), or any regulation, standard, permit or order issued thereunder.

21

22 **PARTIES BOUND**

23 This Order shall apply to and be binding upon Orosi PUD, its officers, directors, agents,

24 employees, contractors, successors, and assignees.

25

26 **SEVERABILITY**

27

1 The requirements of this Order are severable, and Orosi PUD shall comply with each and every
2 provision hereof notwithstanding the effectiveness of any other provision.

3
4 **FURTHER ENFORCEMENT ACTION**

5 The California SDWA authorizes the Division to issue orders and citations with assessment of
6 administrative penalties to a public water system for violation or continued violation of the
7 requirements of the California SDWA or any regulation, permit or order issued or adopted
8 thereunder including, but not limited to, failure to correct a violation identified in a citation or
9 order. The California SDWA also authorizes the Division to take action to suspend or revoke a
10 permit that has been issued to a public water system if the system has violated applicable law
11 or regulations or has failed to comply with an order of the Division; and to petition the superior
12 court to take various enforcement measures against a public water system that has failed to
13 comply with an order of the Division. The Division does not waive any further enforcement action
14 by issuance of this order.
15
16
17
18

19
20 October, 27 2020
21 Date



22 Andrew Altevogt
23 for Darrin Polhemus, P.E.
24 Deputy Director, Division of Drinking Water
25 State Water Resources Control Board
26
27

28 Certified Mail No.: 7018-0040-0000-3159-6301



Attachments:

Attachment A: Applicable Authorities
Attachment B: Public Meeting and Public Hearing
Attachment C: State Water Board Correspondence
Attachment D: Orosi PUD Correspondence
Attachment E: East Orosi CSD Correspondence
Attachment F: LAFCo Correspondence
Attachment G: Planning Project
Attachment H: Regulatory Documents
Attachment I: Letters of Support
Attachment G: Quarterly Progress Report

State Water Resources Control Board

Division of Drinking Water

November 30, 2020

System No. CA5410008

Board of Directors
Orosi Public Utility District
12488 Avenue 416
Orosi, CA 93647

COMPLIANCE ORDER NO. 03_24_20R_002, Mandatory Consolidation of the East Orosi Community Services District

The State Water Board received Orosi Public Utilities District's (Orosi PUD) letter dated November 20, 2020. The letter references directive 1 of Compliance Order No. 03_24_20R_002 (Order) which is the submittal of a consolidation plan by December 18, 2020. Orosi PUD requested that the deadline be extended to January 31, 2021.

After careful consideration, the State Water Board has decided that it will not exercise its authority under Health and Safety Code section 116650 to enforce this deadline if Orosi PUD submits a consolidation plan by January 31, 2021. The State Water Board's decision to forbear on enforcement of this deadline does not represent a waiver or amendment to the deadlines or any other requirements as set forth in the Order. The State Water Board will treat a failure by Orosi PUD to submit a consolidation plan by January 31, 2021 as a violation of the directives as set forth in the Order and will take appropriate enforcement action. The State Water Board's decision to forbear on enforcement of this deadline also does not extend the 30-day period from the date of the Order's issuance to petition the State Water Board for reconsideration under Health and Safety Code section 116701.

If you have any questions regarding this matter, please contact Karen Nishimoto of my staff at (818) 551-2049 or me at (916) 341-5045.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

265 West Bullard Avenue, Suite 101, Fresno, CA 93704 | www.waterboards.ca.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Altevogt". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Altevogt, P.E.
Assistant Deputy Director, Division of Drinking Water
State Water Resources Control Board

cc: *(via email)*

Dennis R Keller, Keller & Wegley Engineering
Moses Diaz, Central Valley Legal Services
Carmen Moreno, East Oroquieta CSD – President
Ben Giuliani, Executive Officer, Tulare County Local Agency Formation Agency
Eddie Valero, Tulare County Board of Supervisors – District 4
Denise England, Tulare County – Water Resources Program Director
Kurt Souza, SWRCB – Branch Chief
Bryan Potter, SWRCB – District Engineer
Karen Nishimoto, SWRCB – SoCal Engagement Unit
Caitlin Juarez, SWRCB – SoCal Engagement Unit
Ryan Jensen, Community Water Center
Kayla Vander Schuur, Self Help Enterprises
Vergie Nunez, La Voz de Vecinos Unidos