



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

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

LAFCO MEETING AGENDA

October 7, 2020 @ 2:00 P.M.

ALTERNATES
Eddie Valero
Carlton Jones
Vacant

EXECUTIVE OFFICER
Ben Giuliani

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

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

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

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

- I. Call to Order
- II. Approval of Minutes from August 5, 2020 (Pages 01-02)
- III. Public Comment Period

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

IV. New Action Items

- 1. Designate LAFCO Appointee to the Tulare County Association of Governments RTP/SCS Roundtable (No Page)
[No Public Hearing].....Recommended Action: Designate Appointee

The Tulare County Association of Governments (TCAG) is beginning development of the 2022 RTP/SCS. Commissioner Allen participated as LAFCO’s representative at the SCS Roundtable for the development of the 2018 and 2014 RTP/SCS.

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. Cancellation of the November 4th meeting **(No Page)**
[No Public Hearing].....Recommended Action: Cancel Meeting

There are no urgent items scheduled for the November 4th meeting. The next regularly scheduled meeting is December 2nd, 2020.

V. Executive Officer's Report

1. Yettem-Seville Update **(No Page)**
Tulare County staff will provide an update regarding the water system improvement project in the Yettem-Seville Community Services District.
2. Legislative Update **(No Page)**
Executive Officer will provide verbal update
3. Upcoming Projects **(No Page)**
The Executive Officer will provide a summary and tentative schedule of upcoming LAFCO projects.

VI. Correspondence

1. Letters regarding East Oroshi CSD Water System Consolidation **(Pages 03-13)**

From the Tulare County Board of Supervisors, September 15, 2020: East Oroshi Community Services District Consolidation with the Oroshi Public Utilities District

From the State Water Resources Control Board, September, 10, 2020: Notice – 1st Step of Administrator Process

From LAFCO, September 3, 2020: East Oroshi Community Services District Consolidation with the Oroshi Public Utilities District

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. November 4, 2020 or December 2, 2020 @ 2:00 P.M in the Board of Supervisors Chambers in the County Administration Building.

IX. Adjournment

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

TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

**2800 W. Burrel Ave., Visalia, CA 93291 – Tulare County Administrative Building
August 5, 2020 – Meeting Minutes**

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

- I. **Call to Order:** Chair Vander Poel called the meeting to order at 2:00 p.m.
- II. **Approval of the June 3, 2020 Meeting Minutes:**
Upon motion by Commissioner Townsend and seconded by Commissioner Flores, the Commission unanimously approved the LAFCO minutes.
- III. **Public Comment Period:**
Chair Vander Poel opened/closed the Public Comment Period at 2:03 p.m. No public comments received.
- IV. **New Action Items:**
 1. **Extraterritorial Service Agreement (ESA) 2020-001**
Staff Analyst Ingoldsby provided an overview of the proposed ESA and explained that extraterritorial sewer service is requested to serve Sequoia Gateway Commercial Park from the City of Visalia. Staff Analyst Ingoldsby stated that an addendum to the EIR was approved by Tulare County which addresses the proposed changes, that the project was determined to have adequate capacity, and is within the Sphere of Influence of the City of Visalia.
Upon motion by Commissioner Townsend and seconded by Commissioner Vander Poel, the Commission unanimously approved the extraterritorial service agreement.
 2. **SB 414 Letter of Opposition**
EO Giuliani explained that SB 414 is the Small System Water Authority Act of 2019 would remove LAFCos' authority in parts of the formation process of County Water Authorities and remove funding for LAFCOs. EO Giuliani requested the Commission affirm the letters of opposition to the pending amendments to SB 414.
Upon motion by Commissioner Townsend and seconded by Commissioner Allen, the Commission unanimously affirmed the letter of opposition.
 3. **Cancellation of the September 2nd Meeting**
EO Giuliani stated that since no action items would be presented in September, the recommendation would be to cancel and hold the next meeting October 7, 2020.
Upon motion by Commissioner Allen and seconded by Commissioner Townsend, the Commission unanimously approved to cancel the September meeting.

V. Executive Officer's Report

1. **Legislative Update:**

EO Giuliani stated that besides SB 414, there was no other significant legislation to discuss.

2. **Upcoming Projects:**

EO Giuliani stated that no annexations submitted at this time but MSR's are ongoing as is the Ducor Water District formation.

VI. Correspondence:

1. CALAFCO Announcement regarding the October Annual Conference

EO Giuliani reported that the Annual Conference had canceled in person meetings due to Covid-19 but were currently looking into the possibility of holding online sessions.

VII. Other Business:

1. **Commissioner Report:**

None

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

None

VIII. Setting Time and Place of Next Meeting:

The next Local Agency Formation Commission (LAFCO) meeting scheduled for **October 7, 2020 at 2:00 p.m.** in the Board of Supervisors Chambers in the County Administration Building

IX. Adjournment: The Tulare County LAFCO meeting adjourned at 2:18 p.m.



County of Tulare

September 15, 2020

BOARD OF SUPERVISORS

State Water Resources Control Board
Division of Drinking Water
PO Box 100
Sacramento, CA 95812-0100

Kuyler Crocker
District One

Subject: East Orosi Community Services District consolidation with the Orosi Public Utilities District

Pete Vander Poel
District Two

To Joaquin Esquivel:

Amy Shuklian
District Three

The Tulare County Board of Supervisors supports the consolidation of East Orosi Community Services District into the Orosi Public Utilities District in order to provide the most viable drinking water delivery system for the residents of East Orosi. The community of East Orosi desires a consolidation with the Orosi Public Utilities District, which can deliver clean, safe, and affordable drinking water well into the future. The State Water Resources Control Board (SWRCB) began an SB 88 Consolidation process for the East Orosi water system in 2018. Unfortunately, the SB 88 Consolidation process has cooled considerably.

Eddie Valero
District Four

We would like to know the following:

Dennis Townsend
District Five

What is the SWRCB's plan to ensure East Orosi residents have access to clean, safe, and affordable drinking water now and into the future?

*

What are the SWRCB's milestones to ensure East Orosi residents have access to clean, safe, and affordable drinking water now and into the future?

Why has the SWRCB not pursued an SB 88 Mandatory Consolidation Order?

BOARD STAFF

Tammie Weyker-Adkins
Chief of Staff

The Tulare County Board of Supervisors has supported the consolidation efforts to date and pledge our support going forward. East Orosi residents and the Board of Directors have also exhibited support for a consolidation. Self Help Enterprises and Community Water Center, which are technical assistance providers and local partners, have also shown their support for the SWRCB to utilize the SB 88 Consolidation authority. We are asking the SWRCB to continue to pursue a consolidation under the authority given by the Legislature.

Samantha Ferrer
Alicia Balderas

*

CLERK OF THE BOARD

Melinda Benton
Chief Clerk

*

Administration Bldg.
2800 West Burrel
Visalia, CA 93291

Sincerely,

Pete Vander Poel, Chair
Tulare County Board of Supervisors

Amy Shuklian, Vice Chair
Tulare County Board of Supervisors

Kuyler Crocker, District One
Tulare County Board of Supervisors

Eddie Valero, District Four
Tulare County Board of Supervisors

Dennis Townsend, District Five
Tulare County Board of Supervisors

TEL: (559) 636-5000
FAX: (559) 733-6898

CC: Senator Melissa Hurtado
Shaw Yoder Antwih Schmelzer & Lange

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State Water Resources Control Board
Division of Drinking Water

TCAG/LAFCO
210 N. Church Street, Ste. B
Visalia, CA 93291

SEP 14 2020

September 10, 2020

MAIL RECEIVED

Ms. Carmen Moreno, Board President
East Orosi CSD
P.O. Box 213
Orosi, CA 93647

RE: NOTICE – 1st STEP OF ADMINISTRATOR PROCESS

Dear Ms. Moreno,

The purpose of this letter is to inform you that the State Water Resources Control Board (State Water Board) is taking the first step to designate East Orosi CSD (East Orosi) as a public water system in need of an Administrator to manage the water system because it has not consistently provided an adequate supply of affordable, safe drinking water to its customers.

The State Water Board is taking this step now for two reasons: 1) a state funded administrator will be able to take on many of the tasks that will be required to ensure the water system comes into compliance with applicable drinking water laws and regulations sustainably into the future, and 2) it may take some time to go through the required steps to appoint an administrator. A summary of the designation process, responsibilities of a full-scope administrator, applicable regulatory sections, and policies are provided as attachments.

The legally required formal first step in this process is for the State Water Board to give East Orosi notice of its intended action and provide the water system an opportunity to show either of the following:

- a. It has not consistently failed to provide an adequate supply of affordable, safe drinking water, or
- b. It has taken steps to timely address its failure to provide an adequate supply of affordable, safe drinking water.

E: [Juanita Earliest, Admin](mailto:Juanita_Earliest@waterboards.ca.gov) | E: [Stephnie Paschke, Executive Director](mailto:Stephnie_Paschke@waterboards.ca.gov)

If East Orosi has evidence to show that the violations listed below have been resolved, please provide that information by **September 30, 2020** via email to Karen Nishimoto at Karen.Nishimoto@waterboards.ca.gov.

List of Violations

East Orosi has failed to:

- Comply with compliance order 03_24_15R_001 issued to East Orosi CSD on November 9, 2015 for exceeding the nitrate MCL in Well 02. The compliance order directed East Orosi CSD to return to compliance by December 1, 2018.
- Conduct the required monitoring in California Code of Regulations Title 22. East Orosi has consistently failed to monitor for nitrates, lead and copper, total coliform, disinfection byproducts, and 1,2,3-TCP. Citation No. 03-24-18C-013 was issued on February 8, 2018 for lead and copper monitoring violation for 2017. Citation No. 03-24-18C-101 was issued on September 4, 2018 for lead and copper monitoring violation for 2018. Citation No. 03-24-18C-135 was issued on December 12, 2018 for failure to monitor for disinfection byproducts for 3rd quarter 2018. Citation No. 03-24-19C-013 was issued on February 15, 2019 for nitrate monitoring and reporting violation for the 4th quarter of 2018. Citation No. 03-24-19C-089 was issued on August 9, 2019 for lead and copper monitoring and reporting violation for 2019.
- Perform source monitoring required in California Code of Regulations, Title 22, Section 64213 for total coliform bacteria from November 2018 through January 2019. Citation No. 03-24-19C-002 was issued on January 24, 2019 for total coliform monitoring and reporting violation for November and December 2018. Citation No. 03-24-19C-010 was issued on February 13, 2019 for total coliform monitoring and reporting violation for January 2019.
- Submit a required bacteriological sample siting plan for its distribution system, as required by the State Water Board in April 2018 pursuant to California Code of Regulations, Title 22, Section 64422.

The State Water Board recognizes and supports that East Orosi has engaged in negotiations with Orosi Public Utilities District for consolidation as a long-term solution. The State Water Board proposes that these positive efforts be continued in parallel as the State Water Board goes through the actions required to appoint an Administrator.

If you have any questions regarding this letter, please contact Karen Nishimoto. Due to our current COVID response, email is the best correspondence method. Karen Nishimoto can be contacted at Karen.Nishimoto@waterboards.ca.gov.

Sincerely,

Michelle Frederick  Digitally signed by Michelle Frederick
Date: 2020.09.10 10:50:10 -07'00'

Michelle F. Frederick, P.E.
Supervising Water Resource Control Engineer, SAFER Section
State Water Resources Control Board, Division of Drinking Water

- Attachment 1. Administrator Process Summary
- Attachment 2. Responsibilities of a Full-Scope Administrator
- Attachment 3. Section 116686 of the California Health and Safety Code
- Attachment 4. Administrator Policy Handbook

cc:

Bryan Potter
Tulare District Engineer
Division of Drinking Water
265 W. Bullard Avenue Suite 101
Fresno, CA 93704

Tricia Wathen, P.E.
Central CA Section Chief
Division of Drinking Water
285 W. Bullard Avenue, Suite 101
Fresno, CA 93704

Eddie Valero, District 4
Tulare County Board of Supervisors
2800 W. Burrel Ave
Visalia, Ca 93291

Ben Giuliani, Executive Officer
Tulare LAFCO, c/o Tulare County Association of Governments
210 N. Church Street, Suite B
Visalia, CA 93291

Ryan Jensen
Community Water Center
900 W. Oak Avenue
Visalia, CA 93291

Kayla Vander Schuur
Self Help Enterprises
8445 W. Elwin Court
P.O. Box 6520
Visalia, CA 93290

Vergie Nunez
La Voz de Vecinos Unidos
13956 Avenue 418
East Orosi, CA 93647

Attachment 1

Administrator Process

Section 116686 of the California Health and Safety Code and the Administrator Policy Handbook, adopted by the State Board in September 2019, requires that the State Board must find that the System's public water system is a "designated water system" and take other specific actions before it can issue an order to the System to accept a full-scope administrator. A "designated water system" is defined in section 116686(m)(2) as a public water system that serves a disadvantaged community, and that the State Water Board finds consistently fails to provide an adequate supply of affordable, safe drinking water. Website links of section 116686 and the Administrator Policy Handbook are provided in subsequent attachments. The actions required of the State Water Board are summarized below.

1. The State Board must give the water system notice of its actions and provide the system with an opportunity to show either of the following:
 - a. It has not consistently failed to provide an adequate supply of affordable, safe drinking water, or
 - b. It has taken steps to timely address its failure to provide an adequate supply of affordable, safe drinking water.
2. Conduct a public meeting in a location as close as feasible to the affected community.
 - a. Provide 30-day notice of the public meeting to affected ratepayers, renters, and property owners.
 - b. Provide an opportunity for representatives of the System, affected ratepayers, renters, property owners, and the public to present oral and written comments at the meeting.
 - c. Provide an opportunity to submit comments by mail or electronically during the 30-day notice period and for at least one week after the public meeting
3. Make a reasonable effort to provide notice to all ratepayers, renters, and property owners who receive water service from the designated water system of the following:
 - a. The name and qualifications of the administrator being considered by the State Board
 - b. The scope of the appointment and the particular services to be provided by the administrator being considered by the State Board, and
 - c. Any conflict of interest
4. Issue an order to the System requiring it to accept a full-scope administrator to take complete management control of its public water system.

Attachment 2

Responsibilities of a Full-Scope Administrator

All actions taken by an administrator are required to be in the best interest of the community served by the water system and must be intended to develop the water system's capability to sustainably deliver an adequate supply of affordable, safe drinking water so that the services of the administrator are no longer necessary. California Health and Safety Code Section 116686 and the Administrator Policy Handbook requires the State Water Board to enter into a contract or grant agreement with an appointed administrator and fund the cost of the administrator to provide the agreed upon service to the System.

The Administrator is required to provide reports in order to keep the governing board or owner of the water system and the customers served informed about actions taken and status of the system. In addition, the Administrator Policy Handbook includes a process that allows any ratepayer, renter, or property owner who receives water from a designated water system to submit a petition to the State Water Board for the reversal or modification of an administrator decision or replacement of an administrator. A complete description of an administrator's obligations is contained in section 116686 of the California Health and Safety Code and in the Administrator Policy Handbook.

The authority and scope of work of an administrator is established on a case by case basis in the contract/grant agreement executed between the State Water Board and the administrator and in the order issued to the public water system to accept the services of the administrator. **In the case of East Orosi CSD, the full-scope administrator appointed to it will have authority to exercise complete managerial control over its public water system, including but not limited, to financial reviews, responding and representing the System to regulatory agencies, entering into contracts, establishing operational budgets and rates, acceptance of water rate payments to pay water system expenses, system operation, and keeping customers informed of the status of the water system.**

Attachment 3

CA Health and Safety Code Section 116686 is available at the following website:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=116686.

The State Water Board has not provided a paper copy of this section in the interest of decreasing environmental impacts. However, should you be unable to access this website for any reason, please do not hesitate to contact our office for a paper copy.

Attachment 4

Administrator Policy Handbook:

https://www.waterboards.ca.gov/board_info/agendas/2019/sept/091719_6_cs1_cleanversion.pdf

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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

COMMISSIONERS:
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ALTERNATES:
*Eddie Valero
Carlton Jones
Vacant*

EXECUTIVE OFFICER:
Ben Giuliani

September 3, 2020

State Water Resources Control Board
Division of Drinking Water
PO Box 100
Sacramento, CA 95812-0100

Subject: East Orosi Community Services District Consolidation with the Orosi Public Utilities District

To: Joaquin Esquivel, Chair of the SWCRB

The Tulare County Local Agency Formation Commission (LAFCO) supports the consolidation of the East Orosi Community Services District water system into the Orosi Public Utilities District in order to provide the most viable drinking water delivery system for the residents of East Orosi. The community of East Orosi desires a consolidation with the Orosi Public Utilities District, which can deliver clean, safe, and affordable drinking water well into the future. The State Water Resources Control Board (SWRCB) began an SB 88 Consolidation process for the East Orosi water system in 2018. Unfortunately, the SB 88 Consolidation process has experienced significant delay.

We would like to know the following:

What is the SWRCB’s plan to ensure East Orosi residents have access to clean, safe, and affordable drinking water now and into the future?

What are the SWRCB’s milestones to ensure East Orosi residents have access to clean, safe, and affordable drinking water now and into the future?

Why has the SWRCB not pursued an SB 88 Mandatory Consolidation Order?

Tulare County LAFCO has supported the consolidation efforts to date and pledge our support going forward. East Orosi residents and the Board of Directors have also exhibited support for a consolidation. Self Help Enterprises and Community Water Center, which are technical assistance providers and local partners, have also shown their support for the SWRCB to utilize the SB 88 Consolidation authority. We are asking the SWRCB to continue to pursue a consolidation under the authority given by the Legislature.

Yours Sincerely,

Pete Vander Poel
Chair, Tulare County LAFCO