

# Local Agency Formation Commission OF KINGS COUNTY

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**CITY MEMBERS**

Jim Wadsworth  
Dan Chin  
John Plourde, Alternate

**COUNTY MEMBERS**

Joe Neves, Chair  
Tony Barba, Vice-Chair  
Doug Verboon, Alternate

**PUBLIC MEMBERS**

Paul Thompson  
Alan Burke, Alternate

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Greg Gatzka, Executive Officer, (559) 582-3211, Ext. 2682

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*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Agency at (559) 582-3211, ext. 2680 by 4:00 p.m. on the Monday prior to this meeting.*

*Agenda backup information and any public records provided to the Commission after the posting of the agenda for this meeting will be available for public review at the Kings County Community Development Agency, 1400 W. Lacey Blvd., Hanford, CA 93230.*

## AGENDA

### MEETING DATE AND TIME:

**Wednesday, July 27, 2011 at 3:30 P.M.**

The Local Agency Formation Commission of Kings County Regular Meetings are held in the Board of Supervisors Chambers in the Administration Building (Bldg. No. 1) of the Kings County Government Center located at 1400 West Lacey Blvd., Hanford, CA.

### I. CALL MEETING TO ORDER – Chairman

#### A. **Unscheduled Appearances:**

Any person may address the Commission on any subject matter within the jurisdiction or responsibility of the Commission at the beginning of the meeting; or may elect to address the Commission on any agenda item at the time the item is called by the Chair, but before the matter is acted upon by the Commission. Unscheduled comments will be limited to five minutes.

#### B. **Approval of May 25, 2011 Minutes (Voice Vote)**

### II. OLD BUSINESS

None

### III. NEW BUSINESS

#### A. **LAFCO Case No. 11-03, Hanford Reorganization #149**

- a) Executive Officer's Report
- b) Consideration of LAFCO Resolution No. 11-04

#### B. **Grand Jury Investigation**

- a) Staff Report
- b) Consideration of Response Correspondance

**C. LAFCO Commissioner Terms – Public Member**

- a) Informational Item

**D. CALAFCO Conference**

- a) Authorization for Attendance
- b) Assign Voting Delegate
- c) Nominations for 2011 Board of Directors
- d) Nominations for 2011 Achievement Award Nominations

**IV. LEGISLATION**

Legislation Update

**V. MISCELLANEOUS**

- A. Correspondence
- B. Items from the Commission
- C. Staff Comments

**VII. ADJOURNMENT**

- A. Next Scheduled Meeting – Regular Meeting Date August 24, 2011 at 3:30 p.m.

# LOCAL AGENCY FORMATION COMMISSION MINUTES

## CITY MEMBERS

Jim Wadsworth  
Dan Chin  
John Plourde - Alternate

## COUNTY MEMBERS

Joe Neves – Chair  
Tony Barba - Vice Chair  
Doug Verboon - Alternate

## PUBLIC MEMBERS

Paul Thompson  
Allan Burke - Alternate

**CALL TO ORDER:** A regular meeting of the Local Agency Formation Commission of Kings County was called to order by the Chairman, Joe Neves, at 3:30 p.m., on May 25, 2011 in the Administration Building's Multi-Purpose Room of the Kings County Government Center, located at 1400 W. Lacey Blvd., in Hanford, California.

**COMMISSIONERS PRESENT:** Joe Neves, Tony Barba, Jim Wadsworth,  
Alan Burke

**COMMISSIONERS ABSENT:** Dan Chin

**STAFF PRESENT:** Greg Gatzka, Jeremy Kinney, Terri Yarbrough,  
Johannah Hartley

**VISITORS PRESENT:**

## APPROVAL OF MINUTES:

A motion was made and seconded (Barba/Wadsworth) to approve the minutes of the April 27, 2011 meeting. Motion carried unanimously.

## OLD BUSINESS:

### LAFCO Case No. 11-02 Armona CSD – Verdegaal Brothers

Mr. Jeremy Kinney reported that the annexation represents 100% consent. There was no written comment received from the Armona Community Service District concerning the annexation. Mr. Kinney also reported that a tentative tract was filed previously with the County and that annexation was required prior to recording the final map. The project is consistent with the 2035 Kings County General Plan. Commissioner Wadsworth asked if the ability to annex into the Community Service District would be affected since the "will serve" letter from the Community Service District was tentative. Mr. Kinney stated that the property owner was authorized by the District to put in a septic system and well. Once the District had capacity, the property owner would be required to connect to the District infrastructure for those services.

Chairman Neves opened the public comment period. Seeing none, he closed the Public Hearing. A motion was made and seconded (Barba/Burke) to adopt resolution 11-03 ordering annexation to the Armona Community Services District and detachment from the Kings River Conservation District and the Excelsior-Kings River Resource Conservation District. Motion passed unanimously.

### LAFCO Preliminary Budget FY 2011-2012

Mr. Gatzka reported that there was a change in the motor pool budget request. He also reported that the proposed budget had been submitted to each of the cities and no comments were received regarding the proposed budget.

Chairman Neves re-opened the Public Hearing and asked if there was anyone wanting to testify regarding the proposed budget. Seeing none he closed the Public Hearing.

A motion was made and seconded (Wadsworth/Barba) to accept the budget as proposed.

## **NEW BUSINESS**

None

## **LEGISLATION**

None

## **MISCELLANEOUS**

- A. Correspondence** – Mr. Gatzka introduced the new CALAFCO Quarterly. He reported that this was a new publication by CALAFCO which summarizes the CALAFCO board items and actions in order to keep the individual LAFCO's more informed. Jeremy Kinney reported that the California Forward has received funds from an endowment to study the relationship between local government and state government. This group is attempting to sponsor a bill that will change the way state funding is dispersed to local jurisdictions. It is being proposed that MPOs or COGs be in control of the money and be responsible for dividing the money up on a regional basis. MPOs would also be responsible to prepare documents similar to Municipal Service Reviews to insure that money is being spent appropriately. Jeremy reported that CALAFCO is watching this group closely.
- B. Commission Appointments** – none
- C. Items from the Commission** – none
- D. Staff Comments** – none

**ADJOURNMENT** – With no further business before the Commission, the meeting was adjourned at 4:00 p.m.

- A. The next meeting is scheduled for June 22, 2011 at 3:30 p.m.**

Respectfully submitted,

**LOCAL AGENCY FORMATION COMMISSION  
OF KINGS COUNTY**



Gregory R. Gatzka, Executive Officer

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# Local Agency Formation Commission OF KINGS COUNTY

MAILING ADDRESS:  
1400 W. LACEY BLVD. BLDG 6, HANFORD, CA 93230  
(559) 582-3211, EXT. 2670, FAX: (559) 584-8989

## STAFF REPORT July 27, 2011

### EXECUTIVE OFFICER'S REPORT

LAFCO CASE NO. 11-03  
HANFORD REORGANIZATION  
NO. 149

#### I. BRIEF OVERVIEW OF PROPOSAL:

The proposal is to annex one area with a combined total of 112.53 acres to the City of Hanford, and detachment of the same from the Kings River Conservation District, and Excelsior-Kings River Resource Conservation District. The proposed area is comprised of three parcels totaling 109.6 acres and the eastern side of 10 ½ Avenue to the centerline. The site is located east of 10 ½ Avenue and south of Hanford-Armona Road. This territory is adjacent to the City of Hanford and is within the City's Primary Sphere of Influence as adopted by LAFCO and effective January 1, 2008. See Exhibit "A" for a location map of the project site. This area owned by two property owners and the City of Hanford has obtained property owner consent from both property owners, therefore the reorganization represents 100 percent consent of all land owners and the Commission may consider the proposal without notice, hearing, or election pursuant to Government Code Section 56663. The proposal is not considered inhabited and there are no parcels under Williamson Act Contract.

#### II. EXECUTIVE OFFICERS RECOMMENDATION

The Executive Officer recommends the LAFCO Commission consider the project without notice and hearing and adopt LAFCO Resolution No. 11-04 for approval of LAFCO Case No. 11-03 "Hanford Reorganization No. 149". The application does represent 100 percent consent of land owners, and the Commission may consider approval without notice, hearing, or election.

#### III. ANALYSIS OF PROPOSAL:

##### A. Discussion of Proposal

A City of Hanford application for annexation of territory was received on July 7, 2011, and the application was certified complete on July 20, 2011. The purpose of the action is to

annex one area containing three parcels totaling 112.53 acres into the City of Hanford. All three properties are privately owned and the city is the project proponent.

The area represents three parcels on the immediately west of Home Garden. Under the Kings County General Plan, the project area is designated as Service Commercial, Medium Density Residential, and Medium High Density Residential. The site is zoned CS – Service Commercial, One Family Residential – R-1-6, and Multi Family Residential – RM-3.. City Pre-Zoning is addressed in the City of Hanford Ordinance No. 11-07, attached as Exhibit “B.”

B. Factors required by Government Code Section 56668:

1.

**Project Site**

<b>Population:</b>	0
<b>Population Density:</b>	NA
<b>Land Area:</b>	112.53 acres
<b>Land Use:</b>	Agriculture
<b>Assessed Value of Annexation Area:</b>	\$3,363
<b>Per Capita Assessed Valuation:</b>	NA
<b>Topography:</b>	Flat land
<b>Natural Boundaries:</b>	10 ½ Ave, Hanford-Armona Rd.
<b>Drainage Basins:</b>	None
<b>Proximity to other populated areas:</b>	Within planned growth direction of the City of Hanford
<b>Likelihood of growth in area:</b>	Yes

**2. Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

The Hanford General Plan designates the area as Service Commercial and Medium Density land uses. The area is comprised of agricultural fields on the southern two parcels and the northern parcel is a vacant lot. The property owner of the northern parcel is the Catholic Diocese of Fresno who intends on constructing a new church facility on their site. Future development that may occur on the southern two parcels has not been finalized, however any future development on all three parcels will result in a need for municipal services. The City of Hanford is the most logical provider of urban type services within the Hanford Fringe Area, and annexation is required for the City to provide services. The City of Hanford maintains standard rates for residential water and sewer services and connection fees throughout the City and sufficient capacity has been identified to exist to serve the annexed territory. Any additional development

based upon the current General Plan on this property would be reviewed according to the City of Hanford Water System Master Plan in addition to the preparation of the required CEQA study.

**3. The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.**

The proposal will result in minimal reduction in property taxes to the County, and have minimal impact on County government. The County will lose tax revenue (\$375), but will no longer be primarily responsible for road maintenance on the eastern side of the road centerline, police, and fire protection. The property is adjacent to the City, and City services can be provided to the area.

**4. The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.**

The proposed annexation is a planned and orderly extension of the City of Hanford. The 2002 Hanford General Plan as originally adopted planned this area for service commercial medium density residential uses. Therefore, the impact of this proposal upon patterns of urban development will occur as outlined in the City's General Plan. As the City will border the territory along the north, this territory would keep extension of services in line with the orderly development of the City. This proposal is in keeping with the intent of LAFCO as detailed in Section 56301, and is reflected in the Policies and Procedures manual for LAFCO Of Kings County whereby it encourages the orderly formation of local governmental agencies.

All future development within the proposed annexation territory will require City services such as water, sewer, and storm drainage and a connection to these services can efficiently be added as development occurs and connects.

**5. The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.**

The annexation territory is planned for Service Commercial and Medium Density Residential uses under the City's General Plan. The City of Hanford is primarily surrounded by prime agricultural land and farming is currently practiced along most of the City's existing edges. These properties, however, are within the planned growth pattern of the City and are within the newly adopted 2008 Primary Sphere of Influence for the City. All of this territory is planned for residential, and commercial uses in the City's 2002 General Plan.

Neither of the three parcels are under a Williamson Act Contract and the subject land is surrounded by urban development on the north, west, and east sides.

The City has planned for future growth to occur as outlined in their 2002 Hanford General Plan. As the City expands, impacts to prime agricultural land are considered unavoidable, and the 2002 Hanford General Plan Program EIR addresses this issue along with an adopted statement of overriding consideration. The City's General Plan recognizes the importance of prime agricultural land and the growth impacts to this valuable local and regional resource. To reduce land use impacts along the City's planned urban fringes, the General Plan incorporates transitioning buffers of less intensive urban uses along their planned agriculture/urban interface.

**6. The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.**

The boundaries are definite and certain (See Exhibit "A" of the Resolution). No islands will be created as a result of this annexation.

**7. Consistency with city or county general and specific plans.**

The annexation is consistent with the City of Hanford's 2002 General Plan.

Current County Zoning: One Family Residential R-1-6, Multi Family Residential RM3

City Rezoning: Multi-Family Residential RM-3, Service Commercial

County General Plan Designation: Medium Density Residential, Medium High Density Residential, Service Commercial

City General Plan Designation: Medium Density Residential, Service Commercial

**8. The sphere of influence of any local agency which may be applicable to the proposal being reviewed.**

This annexation is within the Primary Sphere of Influence of the City of Hanford as adopted by LAFCO and effective January 1, 2008. It is also within the boundaries of both the Kings River Conservation District and the Excelsior-Kings River Resource Conservation District. These districts' policies are to detach the area proposed for annexation to a city.



**9. The comments of any affected local agency.**

Written comments concerning the annexation were provided to the City of Hanford on February 3, 2010 by the Kings County Association of Governments (KCAG). KCAG reviewed the project for compliance with the Locally-Preferred Blueprint Scenario and the adopted Blueprint Principles. KCAG commended the City of Hanford for their decision to support infill development and they encouraged the future development to include mixed use development and to include alternative transportation infrastructure.

**10. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.**

Water and sewer lines are available to be extended into the future development and can be provided to the project site in conformance with the city requirements. When the developer installs the water and sewer system, monthly user fees will be used to maintain the city system. Previous computer modeling indicates that development can be handled by the existing downstream sewer line and the sewer treatment plant. Sanitary sewer service can be provided to the project site. A 15-inch diameter sanitary sewer line, which the City maintains is along Hanford-Armona Road and a 36-inch diameter sanitary sewer line along the eastern portion of the proposed property could be extended into the annexation area when development occurs. The City also maintains an existing 8-inch diameter water service line along 10 ½ Avenue that could be extended into the annexation area. In addition, a 12" water service line exists along Hanford-Armona Road that could be extended into the annexation area. There are also numerous 8-inch water lines within streets to the east and west of the project site. At the time of any future expansion, the water service would have to be reviewed according to the City of Hanford Water System Master Plan and the sanitary sewer service would be reviewed according to the City's Sanitary Sewer Master Plan.

Upon development, a storm drainage collection and disposal system will be provided in conformance with City requirements. The developer would be required to pay for drainage systems as development occurs. Funding for the ongoing maintenance of the drainage basin is provided by monthly service charges. There is a 24-inch line along 10 ½ Avenue, east of the project site, and a 10-inch line along Hanford-Armona Road, north of the project site. A map showing the existing storm drainage lines is attached to this Plan. At the time of any future expansion of uses into the annexed area, storm sewer service would be reviewed according to the City's Storm Sewer Master Plan. The City's Plan for Service is attached as Exhibit "C" (Pages 13-20).

**11. Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.**

The City presently has sufficient water availability to serve the property. Future commercial development would have to be reviewed according to the City's Water System Master Plan, and connection to the City's main water lines would be borne by future development and required to develop according to City Standards. The City received a Notice of Violation from the California Department of Health Services stating that five City water wells do not comply with the new Federal Arsenic Minimum Contaminant Levels (MCL). The Notice of Violation does not require termination of said wells, but does require the City of Hanford to provide quarterly monitoring reports for said wells and quarterly public notification of non-compliance of the said wells. A compliance agreement between the State Department of Health Services and the City of Hanford includes the understanding that no new wells will be added to the City system which does not produce water meeting all drinking water standards including the new Federal Arsenic MCL.

**12. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.**

The northern parcel owned by the Catholic church is rezoned as Multi-Family Residential RM-3, however, the parcel owner does not intend to add any new residences that may be used for the city's fair share of regional housing. The remaining two parcels are designated as Service Commercial in the city's general plan and was not relied upon as residential land resources under the 2008 Kings County Regional Housing Needs Allocation Plan, and was not identified as available residential land resources in the City's 2010 Housing Element update.

**13. Any information or comments from the landowner or owners.**

The Catholic Diocese of Fresno who owns the northern parcel submitted a letter to LAFCO, the City of Hanford, and Zumwalt Hansen Inc. The letter re-iterated the current County designation/zoning and the City designation/pre-zoning. It also re-iterated the financial agreement between the property owner and the city that the property owner will not be responsible for any of the fees to annex, they will not incur special district assessment fees, and there will be no increase in property tax.

**14. Any information relating to existing land use designations.**

No other information is applicable.

**15. Extent to which the proposal will promote environmental justice.**

The proposed annexation will not result in inferior services being provided to areas of low income residents. The annexation does not include project specific

information regarding future development of the land. In addition, the proposal will not locate undesirable land uses within the proximity of low income residents.

#### **IV. ENVIRONMENTAL ASSESSMENT:**

The proposed annexation was reviewed in the context of the 2002 Hanford General Plan EIR and determined that the annexation/reorganization is within the scope of the approved EIR and that the EIR adequately describes the project for the purposes of CEQA (California Environmental Quality Act). The EIR identified loss of agricultural land as a significant unavoidable impact. A Statement of Overriding Considerations was adopted by the City of Hanford in City Resolution No. 02-39-R and is supported by substantial evidence in the City's record. In addition, the City also conducted an Initial Environmental Study and determined that no additional impacts would result from the reorganization. The City adopted Negative Declaration No. 2011-02 on July 19, 2011. The City's Negative Declaration is attached as Exhibit "D" (Pages 21-34).

Section 15183. (a) of the CEQA Guidelines mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

The proposed reorganization is considered within the scope of the 2002 Hanford General Plan, Program EIR, and adopted Statement of Overriding Considerations. No additional impacts are associated with the proposed reorganization beyond those identified in the 2002 Hanford General Plan Program EIR. LAFCO, as a Responsible Agency, may rely upon Hanford's 2002 General Plan Program EIR and adopted Negative Declaration for this action.

#### **V. RECOMMENDATIONS:**

The Executive Officer recommends:

1. That the Commission make the following determinations:
  - a) It is a Responsible Agency under the California Environmental Quality Act Guidelines, Section 15096, and finds that:
    - 1) The certified EIR for the 2002 Hanford General Plan has made the findings as required by Section 15091, and identified loss of agricultural land as a significant unavoidable impact; and
    - 2) The City of Hanford, in accordance with Section 15093, adopted a "Statement of Overriding Consideration." Impact to agricultural land

was considered "acceptable" under the City's adopted 2002 General Plan; and

- 1) The reorganization is consistent with the 2002 Hanford General Plan, and the environmental impacts have been sufficiently addressed in the City's above referenced EIR and Statement of Overriding Considerations.
  - 2) The City of Hanford adopted Negative Declaration No. 2011-02 which determined that no additional impacts beyond those addressed in the above mentioned EIR would result from the reorganization.
- b) The annexation is being taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
  - c) The distinctive short form designation of the annexation is "Hanford Reorganization No. 149".
  - d) D.M. Fadenrecht & Anne Fadenrecht are the applicants through the City and the sole property owner has given consent to the annexation.
  - e) The proposed annexation conforms to the adopted sphere of influence for the City of Hanford.
  - f) The subject territory is not considered inhabited.
  - g) All of the factors required by Government Code Section 56668 have been considered by the Commission before rendering a decision.
  - h) The regular county assessment roll will be utilized for this annexation.
  - i) The affected territory will not be taxed for existing general bonded indebtedness.
2. Find that the Commission has reviewed the 2002 Hanford General Plan Program EIR and associated Statement of Overriding Consideration as the environmental documentation for the project, and has relied on the determination therein that this project will not have a significant effect on the environment. In addition, the Commission has reviewed the City adopted Negative Declaration No. 2011-02 and also relies upon the determination therein.
  3. That the Commission approve LAFCO Case No. 08-04, Hanford Reorganization No. 149 by adopting Resolution No. 11-04 and order the annexation to the City of Hanford and detachment from the Kings River Conservation District and the Excelsior - Kings River Resource Conservation District subject to the following conditions:

- a) The Kings County Local Agency Formation Commission be designated as the conducting authority for the "Hanford Reorganization No. 149" and be authorized to proceed with legal steps necessary to complete the annexation.
- b) The annexation will not become effective until the City of Hanford has obtained pre-clearance of the annexation from the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.
- c) The City prepare a final map for recordation with an accompanying legal description that meets Board of Equalization Standards.
- d) The City shall provide a sufficient fee deposit with LAFCO to cover all administrative processing prior to final recording of the Certificate of Completion.

## **VI. APPROVED LEGAL DESCRIPTION**

A legal description of the annexation territory is attached to the resolution.

### **ADDENDUM**

#### **A. Proponent:**

City of Hanford

#### **B. Affected Districts Whose Boundaries Will Change:**

City of Hanford  
Kings River Conservation District  
Excelsior - Kings River Resource Conservation District

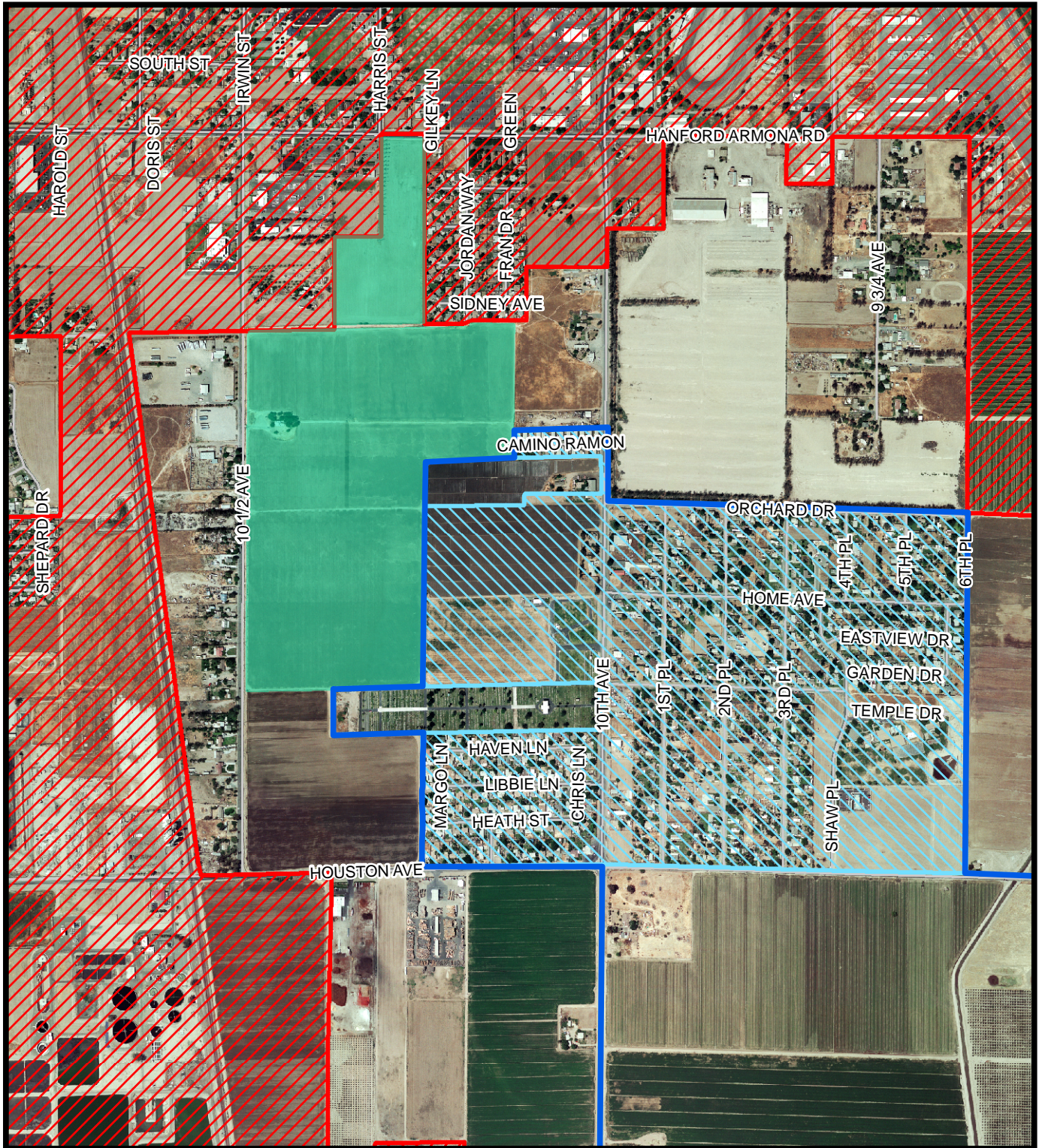
#### **C. Affected Districts Who's Boundaries Will Not Change:**

County of Kings  
Hanford Cemetery District  
Hanford Elementary School District  
Hanford Joint Union High School District  
Kings County Water District  
Kings Mosquito Abatement District  
College of the Sequoias

# Attachment "A"

## Location Map of the Project Site

### Hanford Reorganization #149 - LAFCO Case No.11-03

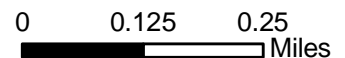


LOCAL AGENCY FORMATION  
COMMISSION  
OF KINGS COUNTY

July 20, 2011

### Legend

- Hanford Reorg #149 Fadenrecht
- City of Hanford
- Home Garden
- Hanford Primary SOI



**ORDINANCE NO. 11-07**  
**PREZONING APPLICATION NO. 2009-10**  
(D.M. & Anne Fadenrecht)

**AN ORDINANCE PREZONING CERTAIN PROPERTY ADJACENT TO  
THE CITY OF HANFORD FROM COUNTY ZONING OF “CS” SERVICE  
COMMERCIAL, “RM-3” MULTI-FAMILY RESIDENTIAL, AND “R-1-6”  
SINGLE FAMILY RESIDENTIAL TO CITY ZONING “SC” SERVICE  
COMMERCIAL AND “RM-3” MULTI-FAMILY RESIDENTIAL.**

The City Council of the City of Hanford does ordain as follows:

**Section 1:** The following described territory situated in the City of Hanford is hereby prezoned under the terms of Chapter 17.66 of the Hanford Municipal Code:

*Annexation 149- filed by D.M. & Anne Fadenrecht*

**FROM:** County zoning of “CS” Service Commercial, “RM-3” Multi-Family Residential and “R-1-6” Single Family Residential

**TO:** City zoning “SC” Service Commercial (95 acres – APN: 018-150-020 & 018-150-021) and “RM-3” Multi-Family Residential (15 acres – APN: 018-150-005)

On property described as follows:

approximately 110 acres generally located at the northeast corner of 10-½ Avenue and Houston (APN: 018-150-020, 021, and 018-150-005) all as depicted in attached Exhibit “A”; and

**Section 2:** The Council does hereby find as a fact that this Ordinance has been recommended for passage by the Planning Commission of the City of Hanford after public hearing before the Planning Commission after notice required by Section 17.66.050 of the Hanford Municipal Code and Government Code Section 65854. The City Council finds that Negative Declaration No. 2011-02 is approved in conformance with the California Environmental Quality Act. The City Council hereby finds that the prezoning is required to achieve the objectives of the zoning regulations as set forth in Section 17.02.020 of the Hanford Municipal Code, and that this Ordinance has been introduced by the City Council after public


hearing held on the 5<sup>th</sup> day of July, 2011, at 7:00 p.m. of said day after notice required under the provisions of Section 65856 of the Government Code.

**Section 3:** This Ordinance shall take effect thirty (30) days after its passage, and shall be published once in the Hanford Sentinel within fifteen (15) days after its passage, and the zoning will apply to such property in the event of subsequent annexation to the City under the provisions of Section 65859 of the Government Code.

Passed and adopted at a regular meeting of the City Council of the City of Hanford duly called and held on July 19, 2011, by the following roll call vote:

AYES:	COUNCILMEMBER JAMESON, IRWIN, MARTINEZ, CHIN
NOES:	COUNCILMEMBER _____
ABSTAIN:	COUNCILMEMBER _____
ABSENT:	COUNCILMEMBER SORENSEN _____

  
\_\_\_\_\_  
MAYOR

ATTEST:   
City Clerk

STATE OF CALIFORNIA)  
COUNTY OF KINGS )  
CITY OF HANFORD ) SS

I, PAMELA A. McCARTHY, Interim City Clerk of the City of Hanford, do hereby certify the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Hanford on the 5<sup>th</sup> day of July, 2011 and it was duly passed and adopted at a regular meeting of said City Council held on the 19th day of July 2011.

**Dated: July 20, 2011**

  
\_\_\_\_\_  
City Clerk



**CITY OF HANFORD ANNEXATION/REORGANIZATION NO.  
149  
PLAN FOR SERVICES**

Each major municipal service now provided within the City limits could be extended into the area to be annexed on substantially the same basis and in the same manner as now provided in the City limits. In addition, all other municipal services and all municipal rights and privileges will be available.

**WATER:**

Water service could be provided to the project site. The City maintains an existing 8-inch diameter water service line along 10 ½ Avenue that could be extended into the annexation area. In addition, a 12" water service line exists along Hanford-Armona Road that could be extended into the annexation area. There are also numerous 8-inch water lines within streets to the east and west of the project site. A location map showing these water lines is attached to this Plan. At the time of expansion of uses into the annexed area, water service would be reviewed according to the City of Hanford Water System Master Plan.

New Federal Arsenic Minimum Containment Levels ("MCL") of 0.010 milligrams per liter were established by the United States Environmental Protection Agency ("EPA") effective January 2006. The State of California is in the process of adopting a new Arsenic MCL that must be as stringent as the Federal MCL. The California Department of Health Services will be coordinating the implementation of the new Federal Arsenic MCL with staff from the EPA Region 9 Office in San Francisco. The EPA will have enforcement authority for the new Federal Arsenic MCL until California regulations are adopted. The City of Hanford has been advised by the California Department of Health Services that the criteria for compliance with the anticipated new State Arsenic MCL will be identical to the rules outlined in the Federal Register for the Federal Arsenic MCL. Pursuant to the Federal criteria for compliance, water systems will not be in violation of the new Federal Arsenic MCL until one (1) year after quarterly samples have been collected (unless fewer samples would cause the running average to be exceeded).

The City Council for the City of Hanford has adopted an Arsenic Reduction Study which identifies actions to be taken by the City of Hanford in order to meet the new Federal Arsenic MCL requirements. The City Council for the City of Hanford has directed City staff to proceed with implementation of the recommendations identified in the Arsenic Reduction Study. Implementation of those recommendations has begun. Based upon correspondence between the City of Hanford and the California Department of Health Services and the implementation of the recommendations in the Arsenic Reduction Study, the California Department of Health Services is recommending to EPA staff that no growth limitations be imposed on the City of Hanford provided the City of Hanford enters into a formal compliance agreement that calls for implementation of the proposed improvements identified in the Arsenic Reduction Study. The recommendation by the California Department of Health Services is based upon the understanding that no new wells will be added to the City system that do not produce water meeting all drinking water standards including the new Federal Arsenic MCL.

The City of Hanford has submitted to the California Department of Health Services and the US Environmental Protection Agency (USEPA) a schedule for implementation of the recommendations identified in the Arsenic Reduction Study. The USEPA has advised the City of

Hanford that compliance must be achieved by December 31, 2009. As of the date of this Plan for Services, no growth limitations or other restrictions related to the City of Hanford's water system or implementation of the Arsenic Reduction Study have been imposed by EPA, the California Department of Health Services or any other agency. Therefore, the City's water system and water quality are currently in substantial compliance with the new Federal Arsenic MCL.

The City of Hanford (City) currently utilizes local groundwater, as its sole source of supply. The City's municipal water system extracts its water supply from underground aquifers via 19 groundwater wells scattered throughout the City. The pumping capacities of the City wells are currently 24,455 gallons per minute (gpm) or 35.2 million gallons a day (MGD), according to the 2005 Urban Water Management Plan (UWMP). Water is conveyed from the wells to the consumers via a distribution system with pipe sizes ranging between 2- and 24-inches in diameter. The City currently maintains four storage reservoirs within the distribution system for a total capacity of 2.8 million gallons (mg). These reservoirs include one small, elevated tank, one ground level storage reservoir and two one mg tanks constructed in October, 2005, on Grangeville Boulevard. An additional tank is under construction on Fargo Avenue, which will increase storage capacity, as well as assisting in the reduction of the arsenic concentration in the water. This increase in supply and storage will enhance pressures in most areas of the distribution system and significantly enhance the City's ability to respond to short-term emergencies or unforeseen events.

The groundwater basin underlying the City is the Tulare Lake Basin, which is part of the Tulare Lake Hydrologic Region. This region contains multiple interconnected sub-basins that transmit, filter, and store water. These basins consist of the Kings, Kern, Kaweah, Tulare Lake, Tule, Westside, and Pleasant Valley groundwater basins. The Tulare Lake Groundwater Basin is not an adjudicated groundwater basin, as defined by the California Water Plan Update, Bulletin 160-98. This Plan lists the 1995 Level Overdraft for the Tulare Lake Region at 820 thousand acre-feet (taf). Groundwater overdraft is expected to decline to 670 taf during the 2020 average and drought years. During drought periods, water levels in these regions may decline. However, during wet periods, most of these basins recover, thus making application of overdraft or perennial yield concepts difficult.

According to calculations by the Department of Water Resources (DWR), the total storage capacity of the Tulare Lake Sub-basin is estimated to be 17,100,000 af to a depth of 300 feet and 82,500,000 af to the base of fresh groundwater. These same calculations give an estimate of 12,100,000 af of groundwater to a depth of 300 feet stored in this sub-basin as of 1995. The amount of stored groundwater in this basin as of 1961 was 37,000,000 af to a depth of less than 1,000 feet. Kings County Water District's (KCWD's) Groundwater Management Plan (GMP) provides an estimate of 8,900,000 af for the district area. Conjunctive use of surface water and groundwater has been practiced within the KCWD since its formation in 1954. Through the purchase of slough channels and other appropriate sites for the use as recharge basins, and by the purchase and importation of available surplus water and flood release water, the KCWD has reduced the decline of groundwater levels within the District.

Information obtained from DWR indicates that on average, the Tulare Lake sub-basin water levels have declined nearly 17 feet (ft.) from 1970 to 2000. Water-level maps obtained from DWR indicate a decline in groundwater elevations under the City. In 2004, groundwater was at approximately 135 ft above mean sea level, which is 115 ft below the ground surface.

In accordance with industry standard practices and the California Department of Health Services (DHS) criteria for "Adequate Source Capacity" on water supply, the source should be sized to serve the maximum day demand (MDD). On the day of maximum demand, it is

desirable to maintain a water supply rate equal to the MDD rate. Water required for peak hour demands (PHD) or for fire flows would come from storage. Standby production capacity is required for system reliability. Under normal operating conditions, it is possible that one or two of the City's wells can be placed out of service during MDD conditions due to equipment malfunction, for servicing, or for water quality concerns. The DHS criterion recommends counting the capacity of the largest well being out of service. The City's current MDD is around 17.0 MGD and City staff indicates the current supply availability is at 31.6 MGD. The City has increased the water supply facilities to include redundancy provisions for standby production and source reliability. The adequate source of supply for the City will consist of groundwater wells with a combined production capacity that continues to meet the MDD.

The City's current and projected supply was estimated and is summarized below in a table from the 2005 UWMP and listed in 5-year increments, through the planning horizon of 2030.

**Current and Projected Water Supply  
2005 Urban Water Management Plan**

	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>
Supply Capacity						
MGD	34.5	39.5	39.5	39.5	42.0	46.2
AFY	38,645	44,246	44,246	44,246	47,001	51,751
Groundwater Supply						
MGD	11.1	14.1	16.7	19.8	23.2	25.6
AFY	12,434	15,843	18,739	21,946	26,007	28,676

In order to optimize the utilization of this source, the City has been actively pursuing supplemental programs. These programs include water banking and recycled water. The City is currently investigating the development of a water banking facility to capture and store additional surface water supply for use within the Kings County Water District. This facility could provide additional potable water to serve development within the City as well as other beneficial uses.

The City provides potable water service to its residential, commercial, industrial, and institutional customers within the City limits and County "islands" within the boundaries of the City limits. In 2005, the City produced 3.6 billion gallons or 11,092 acre-feet (af) which is equivalent to 9.9 million gallons per day (MGD) of water servicing a population of approximately 49,550.

The per capita consumption rate is used for estimating the City's future water requirements, evaluating the adequacy of the supply source, and determining storage needs. The consumption rate, expressed in gallons per capita per day (gpcd), is applied to the projected population to yield future water requirements. Over the past 20 years, the consumption rate in the City has ranged between a low of 195 gpcd in 1998 and a high of 284 gpcd in 1985. For planning purposes, a consumption rate of 215 gpcd was used to estimate future water requirements of the City.

Based on the future trends in population obtained from the 2002 General Plan, and the established per capita water consumption rate of 215 gpcd, the City's future water requirements were estimated and summarized in the 2005 UWMP. In addition to the projected average demands, the UWMP includes annual estimates for the MDD, through the planning horizon year of 2030. Based on these projections, it is anticipated that the City's average day and maximum day requirements for 2030 will approach 25.6 MGD and 46.2 MGD, respectively. It is estimated that this project will utilize 336,186,900 gallons per year or 921,060 gallons per day at full build-out.

Comparisons of projected supplies and demands are listed in the 2005 UWMP. The City of Hanford currently has the water supply capabilities to meet MDD and to provide standby production capabilities. The supply capacity will consistently meet the demand requirements for any given year. The 2005 UWMP indicates a total demand of approximately 30,690 acre-feet (af) projected for year 2030, compared with a projected supply capability for that same year of 44,277 af.

Water agencies relying solely on groundwater, such as the City, are much less likely to experience water shortages than those agencies relying primarily on surface water. The City has developed a three-stage rationing plan that will be invoked during declared water shortages. Each stage includes a water reduction objective, in percent of normal water demands. The rationing plan is dependent on the cause, severity and anticipated duration of the water supply shortage.

### **SANITARY SEWER:**

Sanitary sewer service can be provided to the project site. A 15-inch diameter sanitary sewer line, which the City maintains is along Hanford-Armona Road and a 36-inch diameter sanitary sewer line along the eastern portion of the proposed property could be extended into the annexation area when development occurs. A location map showing the sanitary sewer lines is attached to this Plan.

At the time of any future expansion of uses into the annexed area, sanitary sewer service would be reviewed according to the City's Sanitary Sewer Master Plan.

### **STREETS:**

There is no need for any streets in the property at this time. At such time as the property is subdivided and developed, future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.

### **STORM DRAINAGE:**

There is a 24-inch line along 10 ½ Avenue, east of the project site, and a 10-inch line along Hanford-Armona Road, north of the project site. A map showing the existing storm drainage lines is attached to this Plan. At the time of any future expansion of uses into the annexed area, storm sewer service would be reviewed according to the City's Storm Sewer Master Plan.

### **SCHOOLS:**

This property is within the Hanford Elementary School District boundary. The project will be subject to a per sq. ft. development fee paid when building permits are obtained.

## **PARKS**

The impact of this proposal on existing recreational opportunity is not anticipated to be significant since the cumulative effect on the city's park system from future development will be mitigated with the payment of a park impact fee per residential unit.

## **OTHER:**

The following services will be provided in the annexation area commencing on the effective date of the annexation.

### **Police Protection:**

The City of Hanford Police Department will provide protection and law enforcement services in the annexation area. These services include:

- normal patrols and responses;
- handling of complaints and incident reports;
- special units, such as, traffic enforcement and criminal investigations.

No capital improvements are necessary at this time to provide Police services.

### **Fire Protection:**

The City of Hanford Fire Department will provide emergency and fire prevention services in the annexation area. These services include:

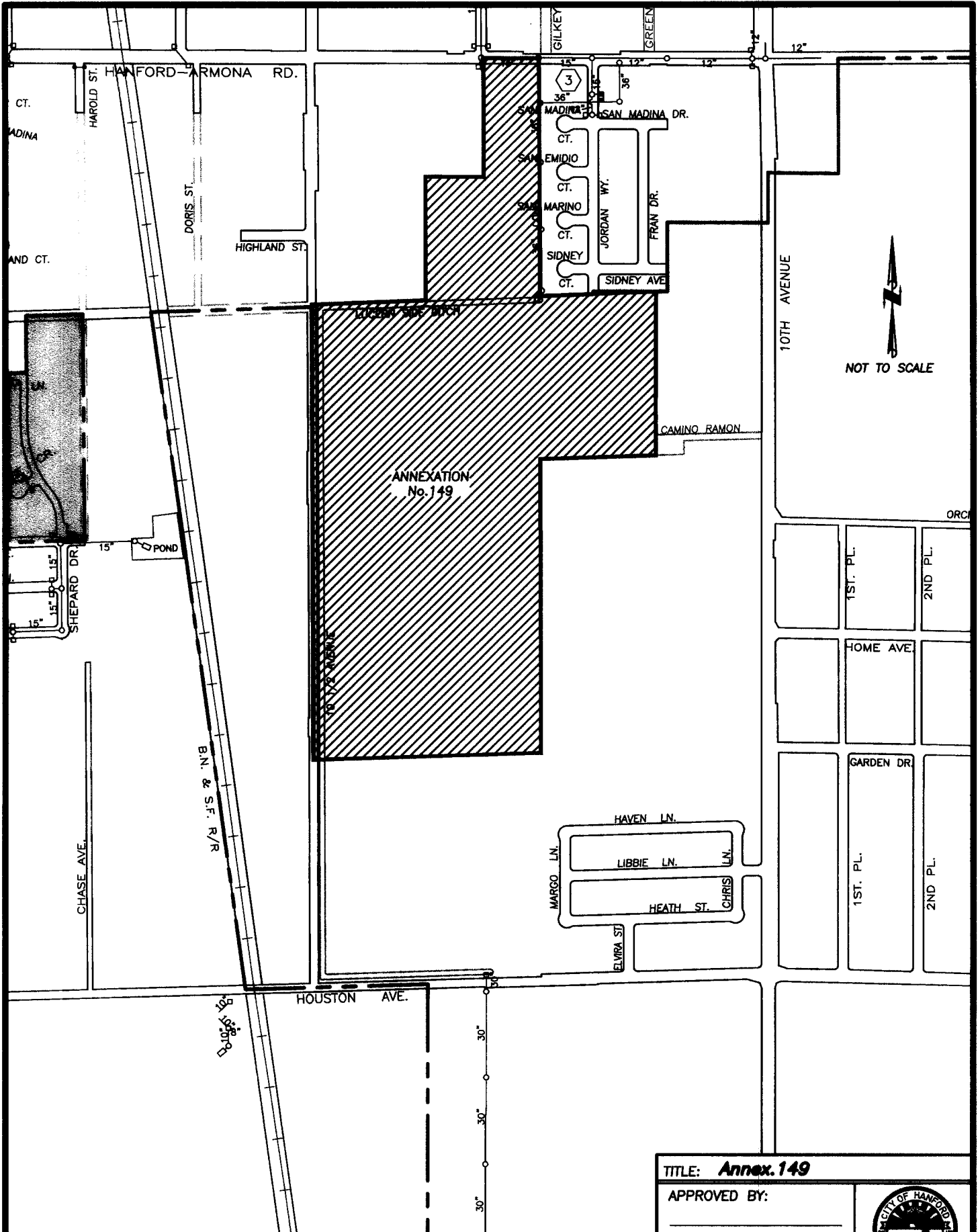
- Fire suppression and rescue;
- Emergency medical services;
- Hazardous materials mitigation and regulation;
- Emergency prevention and public education efforts;
- Technical rescue;
- Rescue/hazardous materials unit.

No capital improvements are necessary at this time to provide Fire services

### **Refuse Collection:**

Refuse collection will be able to be provided upon future development in the area.

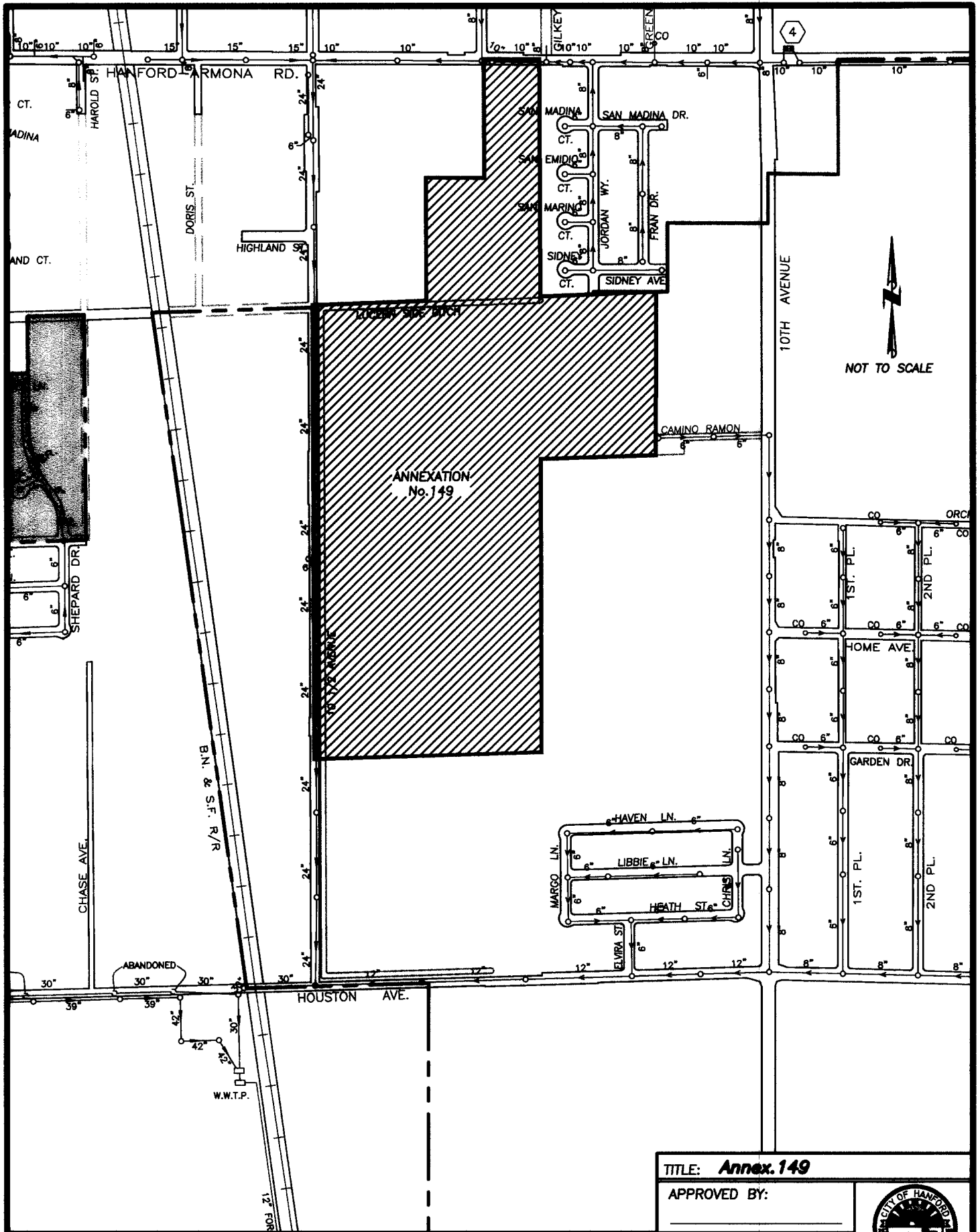




**PLAN FOR SERVICES-SANATARY SEWER**

TITLE: <b>Annex. 149</b>	
APPROVED BY: _____	
DRAWN BY: SD	
DATE: 6/22/11	
JOB No.: Annex 149.dwg	SHEET 1 OF 2





PLAN FOR SERVICES - STORM DRAIN

TITLE: <b>Annex. 149</b>	
APPROVED BY: _____	
DRAWN BY: SD	
DATE: 6/22/11	
JOB No.: Annex 149.dwg	SHEET 1 OF 3





Annexation/Reorganization No. 149,  
and Prezoning No. 2009-10

**Project Title**

301.215 and 510.217

**File No.**

N/A

**State Clearinghouse Number**

(If Applicable)

**ENVIRONMENTAL IMPACT STATEMENT – NEGATIVE DECLARATION NO. 2011-02**

**APPLICANTS**

D.M. Fadenrecht & Anne Fadenrecht  
422 N. Douty Street  
Hanford, CA 93230  
559-584-4449

**DESCRIPTION OF PROJECT**

Annexation/Reorganization No. 149 and Prezone No. 2009-10, filed by D.M. Fadenrecht & Anne Fadenrecht, proposing to annex approximately 110 acres generally located at the NEC of 10 ½ Avenue & Houston (APN: 018-150-021, 020, 005) and prezone property from County zoning “CS” Service Commercial, “RM-3” Multi-Family Residential, “R-1-6” Single Family Residential to City zoning “RM-3” Multi-Family Residential and “SC” Service Commercial.

**NEGATIVE DECLARATION**

It is the determination of the City of Hanford that the proposed project will not have a significant effect on the environment since the project is to be located in an already urbanized area, and the project will not:

- a) Conflict with adopted environmental plans and goals of the community where it is located;
- b) Have a demonstrable negative aesthetic effect;
- c) Affect a rare or endangered species of animal or plant or the habitat of the species;
- d) Interfere with the movement of any resident or migratory fish or wildlife species;
- e) Breach published national, state, or local standards relating to solid waste or litter control;
- f) Degrade water quality;
- g) Contaminate a public water supply;
- h) Degrade or deplete ground water resources;
- i) Interfere with ground water recharge;
- j) Disrupt or alter an archaeological site over 200 years old, an historic site or a paleontological site except as part of a scientific study of the site;
- k) Induce growth of concentration of population;
- l) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system;
- m) Displace a large number of people;
- n) Encourage activities which result in the use of large amounts of fuel or energy;
- o) Use fuel or energy in a wasteful manner;
- p) Increase substantially the ambient noise levels for adjoining areas;
- q) Cause flooding, erosion or salination;
- r) Expose people or structures to major geologic hazards;
- s) Extend a sewer trunk line without existing capacity to serve new development;
- t) Diminish habitat for fish, wildlife or plants;
- u) Disrupt or divide the physical arrangement of an established community;
- v) Create a public health hazard or a potential public health hazard;
- w) Conflict with established recreational, educational, religious or scientific uses of the area;
- x) Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violations, or expose sensitive receptors to substantial pollutant concentrations;
- y) Convert prime agriculture land to non-agriculture use or impair the agriculture productivity of prime agricultural land that has not been designated for urban expansion by the general plan.
- z) Interfere with emergency response plans or emergency evacuation plans.

Review has been completed before the Hanford Planning Commission on May 10, 2011, and the Hanford City Council on June 7, 2011.

**Prepared by:** Melody Haigh, Senior Planner, Community Development Department – 559-585-2583

**Additional copies are available at:** Community Development Department, 317 N. Douty Street; Hanford, CA 93230

# ENVIRONMENTAL INITIAL STUDY – CHECKLIST

## APPENDIX G

1.	<b><u>Project title:</u></b>	Annexation No. 149 Prezoning No. 2009-10															
2.	<b><u>Lead agency name and address:</u></b>	City of Hanford 317 N. Douty Street Hanford, CA 93230															
3.	<b><u>Responsible agency name and address:</u></b>	LAFCO of Kings County 1400 W. Lacey Blvd. Hanford, CA 93230															
4.	<b><u>Contact person and phone number:</u></b>	Melody Haigh, (559) 585-2583															
5.	<b><u>Project location:</u></b>	Generally located at the northeast corner of 10 ½ Avenue and Houston															
6.	<b><u>Project sponsor's name and address:</u></b>	D.M. & Anne Fadenrecht 422 N. Douty Street Hanford, CA 93230															
7.	<b><u>General Plan designation:</u></b>	Multi-Family Residential and Service Commercial															
8.	<b><u>Zoning:</u></b>	County Zoning "CS" Service Commercial, "R-1-6" Single Family Residential & "RM-3" Multi-Family Residential; City Proposed Zoning "RM-3" Multi-Family Residential and "SC" Service Commercial															
9.	<b><u>Description of project:</u></b>	The proposal is to annex 110 acres & prezone the property to "RM-3" and "SC". No development is proposed at this time and no demolition is proposed prior to submittal of a development application.															
10.	<b><u>Surrounding land uses and zoning:</u></b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 35%; text-align: center;"><u>Use</u></th> <th style="width: 50%; text-align: center;"><u>Zoning</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">North:</td> <td style="text-align: center;">Residential</td> <td>Single Family Residential, Multi-Family Residential, Service Commercial (City &amp; County)</td> </tr> <tr> <td style="text-align: center;">South:</td> <td style="text-align: center;">Vacant Land</td> <td>"CS" Service Commercial (County)</td> </tr> <tr> <td style="text-align: center;">East:</td> <td style="text-align: center;">Residential, convenience stores, church, cemetery,</td> <td>Single Family Residential, Multi-Family Residential, Public Facility, Service Commercial (County)</td> </tr> <tr> <td style="text-align: center;">West:</td> <td style="text-align: center;">Residential uses and industrial uses</td> <td>"LI" Light Industrial (County)</td> </tr> </tbody> </table>		<u>Use</u>	<u>Zoning</u>	North:	Residential	Single Family Residential, Multi-Family Residential, Service Commercial (City & County)	South:	Vacant Land	"CS" Service Commercial (County)	East:	Residential, convenience stores, church, cemetery,	Single Family Residential, Multi-Family Residential, Public Facility, Service Commercial (County)	West:	Residential uses and industrial uses	"LI" Light Industrial (County)
	<u>Use</u>	<u>Zoning</u>															
North:	Residential	Single Family Residential, Multi-Family Residential, Service Commercial (City & County)															
South:	Vacant Land	"CS" Service Commercial (County)															
East:	Residential, convenience stores, church, cemetery,	Single Family Residential, Multi-Family Residential, Public Facility, Service Commercial (County)															
West:	Residential uses and industrial uses	"LI" Light Industrial (County)															
11.	<b><u>Approval required from other agencies:</u></b>	Annexation requires approval by LAFCO and Dept. of Justice.															

**Environmental factors potentially affected:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics             | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Agricultural resources | <input type="checkbox"/> Hydrology/Water Quality     | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Air quality            | <input type="checkbox"/> Land Use/Planning           | <input type="checkbox"/> Transportation/Traffic             |
| <input type="checkbox"/> Biological resources   | <input type="checkbox"/> Mineral Resources           | <input type="checkbox"/> Utilities/Service Systems          |
| <input type="checkbox"/> Cultural resources     | <input type="checkbox"/> Noise                       | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils          | <input type="checkbox"/> Population/Housing          |   |

**DETERMINATION**

- I find the project is categorically exempt from environmental review pursuant to Section 15061 (b)(3) of the C.E.Q.A. Guidelines.
- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I 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. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect
  - 1) Has been adequately analyzed in an earlier document pursuant to applicable legal standards, and
  - 2) Has been addressed by mitigation measures based on the earlier analysis as described on attached sheets.
- An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects
  - 1) Have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and
  - 2) Have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects
  - 1) Have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and
  - 2) The City adopted a "Statement of Overriding Consideration" for that earlier EIR and a NEGATIVE DECLARATION will be prepared.

*Melody Haigh*

Signature

*4-18-11*

Date

### Aesthetics

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Have a substantial adverse effect on a scenic vista?				<b>X</b>
b.) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				<b>X</b>
c.) Substantially degrade the existing visual character or quality of the site and its surroundings?			<b>X</b>	
d.) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				<b>X</b>
<p><b>COMMENTS:</b> <i>The Hanford General Plan designates the project site for future urban development. The project will not obstruct a scenic vista or otherwise adversely impact the area aesthetically.</i></p> <p style="text-align: center;"><i>No significant impact is anticipated.</i></p>				

### Agricultural Resources

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
<p>In determining whether impacts to agriculture resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</p>				
a.) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			<b>X</b>	
b.) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			<b>X</b>	
c.) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			<b>X</b>	
<p><b>COMMENTS:</b> <i>The General Plan designates the project area for urban development. This property will be appropriately rezoned in accordance with the General Plan. The property has been used as agricultural uses for some time. The General Plan EIR has addressed the loss of agricultural land due to planned urban growth and a statement of overriding consideration was adopted. The project area was included in that review. No new environmental impacts or increases in the planned rate of loss of agricultural land are anticipated.</i></p> <p style="text-align: center;"><i>No development is proposed on the subject site at this time.</i></p>				

### Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.  Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Conflict with or obstruct implementation of the applicable air quality plan?				<b>X</b>
b.) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			<b>X</b>	
c.) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			<b>X</b>	
d.) Expose sensitive receptors to substantial pollutant concentrations?				<b>X</b>
e.) Create objectionable odors affecting a substantial number of people?				<b>X</b>
<p><b>COMMENTS:</b> <i>The City of Hanford is in the San Joaquin Valley Air Basin, which has been designated as non-attainment for ozone and respirable particulate matter. The annexation and rezoning does not have any impact on air quality. However, regional emission levels would change in the future as a result of urban expansion. Over the long-term, emissions from planned growth has the potential to degrade local carbon monoxide concentrations along roads that would serve the City and could result in air emissions or deterioration of ambient air quality. However, any future project will follow mitigation measures found in the Hanford General Plan EIR. An overriding environmental consideration was adopted as part of the General Plan EIR based on cumulative impacts.</i></p>				

### Biological Resources

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				<b>X</b>
b.) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				<b>X</b>
c.) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.				<b>X</b>
d.) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				<b>X</b>
e.) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				<b>X</b>

f.)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				<b>X</b>
<p>COMMENTS: <i>Data available from the Department of Fish and Game indicates the potential for sensitive plant or wildlife communities, jurisdictional wetlands, wildlife and plant species to exist within the Hanford Planning Area. There are no known natural habitats on the project site. The project site has not been identified as a wetlands area nor does it have any natural waterways. The Hanford General Plan designates the project area for urban development. This area was reviewed in the context of the General Plan EIR. Further, no development is proposed for the subject site. There will be additional environmental review for any future development.</i></p>					

### Cultural Resources

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				<b>X</b>
b.) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?				<b>X</b>
c.) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				<b>X</b>
d.) Disturb any human remains, including those interred outside of formal cemeteries?				<b>X</b>
<p>COMMENTS: <i>There is no record evidence of any historic or archaeological site significance. Further, no development is proposed for the subject site. There will be additional environmental review for any future development.</i></p>				

### Geology and Soils

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				<b>X</b>
ii Strong seismic ground shaking?				<b>X</b>
iii Seismic-related ground failure, including liquefaction?				<b>X</b>
iv Landslides?				<b>X</b>
b.) Result in substantial soil erosion or the loss of topsoil?				<b>X</b>

c.)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
d.)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
<p>COMMENTS: <i>The Hanford General Plan designates the project area for urban development. This area was reviewed in the context of the General Plan EIR. There will be additional environmental review for any future development</i></p>					

### Hazards and Hazardous Materials

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b.) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c.) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d.) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e.) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f.) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g.) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h.) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p>COMMENTS: <i>No significant adverse impacts would result from the approval of the annexation or rezoning. The project area is within two miles of a public or private airport and the area's land use designations are compatible with the Airport Master Plan. The Hanford General Plan designates the project area for urban development. This area was reviewed in the context of the General Plan EIR. There will be additional environmental review for any future development</i></p>				

### Hydrology and Water Quality

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Violate any water quality standards or waste discharge requirements?			<b>X</b>	
b.) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				<b>X</b>
c.) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				<b>X</b>
d.) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				<b>X</b>
e.) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				<b>X</b>
f.) Otherwise substantially degrade water quality?				<b>X</b>
g.) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				<b>X</b>
h.) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				<b>X</b>
i.) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				<b>X</b>
j.) Inundation by seiche, tsunami, or mudflow?				<b>X</b>
<p><b>COMMENTS:</b> <i>The Hanford General Plan designates the project area for urban development. This area was reviewed in the context of the General Plan EIR and there should be no significant environmental impact from this project which has not already been addressed. There will be additional environmental review for any future development</i></p> <p><i>The project site has been identified by the United States Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map for Hanford (Community Panel Number 06031C 0195C, June 16, 2009) as within Zone X, an area determined to be outside the 500 year flood plain. No significant impact is anticipated.</i></p>				



### Land Use and Planning

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Physically divide an established community?				<b>X</b>
b.) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				<b>X</b>
c.) Conflict with any applicable habitat conservation plan or natural community conservation plan?				<b>X</b>
<p><b>COMMENTS:</b> <i>The General Plan designates the property as Medium Density Residential and Service Commercial. The current County zoning is "RM-3" Multi-Family Residential, "R-1-6" Single Family Residential, and "CS" Service Commercial. The proposed rezoning to "RM-3" Multi-Family Residential and "SC" Service Commercial is in conformance with the Hanford General Plan.</i></p>				

### Mineral Resources

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				<b>X</b>
b.) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				<b>X</b>
<p><b>COMMENTS:</b> <i>There are no known mineral resources in the project area based on the EIR for Hanford's General Plan. Further, no development is proposed. No significant impacts are anticipated.</i></p>				

### Noise

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				<b>X</b>
b.) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				<b>X</b>
c.) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				<b>X</b>
d.) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				<b>X</b>
e.) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				<b>X</b>
f.) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				<b>X</b>
<p>COMMENTS: <i>The annexation and rezoning alone has no significant noise impacts. The Hanford General Plan designates the project area for urban development. This area was reviewed in the context of the General Plan EIR and there should be no significant environmental impact from this project which has not already been addressed. There will be additional environmental review for any future development</i></p>				

### Population and Housing

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Induce substantial population growth in the area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			<b>X</b>	
b.) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				<b>X</b>
c.) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				<b>X</b>
<p>COMMENTS: <i>The annexation and rezoning alone has no significant impacts on population and housing. However, it does provide the land for future development that can bring increased population. The Hanford General Plan designates the project area for urban development. This area was reviewed in the context of the General Plan EIR and there should be no significant environmental impact from this project which has not already been addressed. There will be additional environmental review for any future development.</i></p>				

### Public Services

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			<b>X</b>	
Police protection?			<b>X</b>	
Schools?			<b>X</b>	
Parks?			<b>X</b>	
Other public facilities?			<b>X</b>	
<p>COMMENTS: <b>A. Fire Protection:</b> <i>The project site will receive fire protection service from the City of Hanford Fire Department. The department has indicated that the proposed project will not have a significant impact on its ability to respond to emergencies with its current personnel and equipment.</i></p> <p><b>B. Police:</b> <i>The project site will receive police protection service from the City of Hanford Police Department. The department has indicated that they will be able to service the development. No significant impact is anticipated.</i></p> <p><b>C. Schools:</b> <i>Any future development will be subject to per sq. ft. development fee paid when building permits are obtained. No new environmental impacts other than those addressed in the General Plan Program E.I.R. will occur.</i></p> <p><b>D. Parks or other recreational facilities:</b> <i>The impact of the annexation/rezoning on existing recreational opportunity is not anticipated to be significant.</i></p> <p><b>E. Maintenance of Public facilities including roads:</b> <i>Public Works Department has reviewed the proposal and stated there should be no significant impact to public facilities due to the approval of the annexation/rezoning.</i></p> <p><b>F. Other Governmental Services:</b> <i>The various public service departments and agencies have reviewed this proposal and stated that the development will not significantly affect their services.</i></p> <p><i>The Hanford General Plan designates the project area for urban development. This area was reviewed in the context of the General Plan EIR and there should be no significant environmental impact from this project which has not already been addressed. There will be additional environmental review for any future development.</i></p>				

### Recreation

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				<b>X</b>
b.) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.				<b>X</b>
<p>COMMENTS: <i>The impact of the annexation and rezoning on existing recreation opportunity is not anticipated to be significant. The Hanford General Plan designates the project area for urban development. This area was reviewed in the context of the General Plan EIR and there should be no significant environmental impact from this project which has not already been addressed. There will be additional environmental review for any future development</i></p>				

### Transportation / Traffic

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				<b>X</b>
b.) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				<b>X</b>
c.) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				<b>X</b>
d.) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				<b>X</b>
e.) Result in inadequate emergency access?				<b>X</b>
f.) Result in inadequate parking capacity?				<b>X</b>
g.) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				<b>X</b>
<p>COMMENTS: <i>The Hanford Circulation Element has already addressed the issue of traffic concerns for the area in general. The Hanford General Plan designates the project area for urban development. This area was reviewed in the context of the General Plan EIR and there should be no significant environmental impact from this project which has not already been addressed. There will be additional environmental review for any future development that may include a traffic impact study.</i></p>				

### Utilities and Service Systems

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				<b>X</b>
b.) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				<b>X</b>
c.) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				<b>X</b>
d.) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			<b>X</b>	
e.) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				<b>X</b>
f.) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				<b>X</b>
g.) Comply with federal, state, and local statutes and regulations related to solid waste?				<b>X</b>
<p><b>COMMENTS:</b> <i>The Hanford General Plan designates the project area for urban development. This area was reviewed in the context of the General Plan EIR and the 2005 Urban Water Management Plan (UWMP).</i></p> <p><i>The City wastewater treatment facility has a capacity of 8 million gallons per day, which is projected to be sufficient for the City's entire growth needs to the year 2020.</i></p> <p><i>The water demands associated with the annexation area have already been accounted for in the 2005 UWMP, and there should be no significant environmental impact from this project which has not already been addressed. There will be additional environmental review for any future development.</i></p> <p><i>The Kings County Waste Management Authority was formed in September, 1989, by agreement between the cities of Hanford, Lemoore, Corcoran and the County of Kings in order to provide a reasonable approach to all waste management activities in Kings County. A materials recovery facility (MRF) was constructed at the southeast corner of Hanford-Armona Road and 8th Avenue, which serves the Hanford area. Hanford's General Plan EIR states that the Kings County Waste Management Authority is anticipating future growth and is responding for disposal at land fills during the planning period of the General Plan.</i></p>				

**Mandatory Findings of Significance**

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				<b>X</b>
b.) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			<b>X</b>	
c.) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				<b>X</b>
<p><b>COMMENTS:</b> <i>The proposed annexation/prezoning will not degrade the quality of the environment, nor will it significantly impact any specific element of the environment except as otherwise discussed within this document. The proposal will not create cumulative impacts that are disadvantageous to long-term environmental goals beyond Air Quality and Agricultural Resources, which were evaluated in the Hanford General Plan EIR and have a Statement of Overriding Considerations adopted for cumulative impacts. No additional cumulative impacts are anticipated to cause any substantial impact to human beings, directly or indirectly. The project site and the surrounding area have been designated, and planned for urban uses by the Hanford General Plan.</i></p>				

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

\* \* \* \* \*

**IN THE MATTER OF APPROVING HANFORD )**  
**REORGANIZATION NO. 149 )**

**Resolution No. 11-04**  
**Re: LAFCO Case No. 11-03**

**WHEREAS**, on July 20, 2011, a complete application was accepted for filing by the City of Hanford with the Executive Officer, to annex certain territory to the City of Hanford and detach the same territory from the Kings River Conservation District and Excelsior-Kings River Resource Conservation District; and

**WHEREAS**, the reorganization represents 100 percent consent of all landowners within the subject territory; and

**WHEREAS**, the Executive Officer's report, with recommendations, was forwarded to officers, persons, and public agencies as prescribed by law and was reviewed at said public meeting; and

**WHEREAS**, the Commission has duly considered the Executive Officer's Report, testimony, and the proposal; and

**WHEREAS**, the proposed reorganization is considered within the scope of the 2002 Hanford General Plan and its associated Environmental Impact Report (EIR); and

**WHEREAS**, on July 19, 2011 the City of Hanford adopted Negative Declaration No. 2011-02 which further determined that no new impacts would result from the reorganization beyond those already addressed under the General Plan Program EIR.

**NOW, THEREFORE, THE LOCAL AGENCY FORMATION COMMISSION OF KINGS COUNTY RESOLVED AS FOLLOWS:**

1. The Commission finds that:
  - a) It is a Responsible Agency under the California Environmental Quality Act Guidelines, Section 15096, and finds that:
    - 1) The certified EIR for the 2002 Hanford General Plan has made the findings as required by Section 15091, and identified loss of agricultural land as a significant unavoidable impact; and
    - 2) The City of Hanford, in accordance with Section 15093, adopted a "Statement of Overriding Consideration." Impact to agricultural land was considered "acceptable" under the City's adopted 2002 General Plan; and
    - 3) The reorganization is consistent with the 2002 Hanford General Plan, and the environmental impacts have been sufficiently addressed in the City's above referenced EIR and Statement of Overriding Considerations and additionally relies upon the City adopted Negative Declaration No. 2011-02 which determined that no new impacts would result from the reorganization beyond those addressed in the General Plan Program EIR.

- b) The reorganization is being taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
  - c) The distinctive short form designation of the reorganization is "Hanford Reorganization No. 149."
  - d) The City of Hanford is the applicant who requested annexation of APN 018-150-050, 020 and 021 (hereinafter the "subject territory") to proceed.
  - e) The subject territory represents 100 percent consent of all property owners.
  - f) The proposed reorganization conforms to the adopted Sphere of Influence for the City of Hanford as adopted by LAFCO of Kings County and became effective January 1, 2008.
  - g) The subject territory is not considered inhabited.
  - h) All of the factors required by Government Code Section 56668 have been considered by the Commission before rendering a decision.
  - i) The reorganization is necessary to provide services to planned, well-ordered, and efficient urban development patterns that include appropriate consideration of the preservation of open-space lands within those urban development patterns.
  - j) The regular county assessment roll will be utilized for this reorganization.
  - k) The affected territory will not be taxed for existing general bonded indebtedness.
2. The Commission relies upon the 2002 Hanford General Plan Program EIR and associated Statement of Overriding Consideration as the environmental documentation for the project and additionally relies upon the City adopted Negative Declaration No. 2011-02.
  3. The Commission approves LAFCO Case No. 11-03, Hanford Reorganization No. 149 by adopting Resolution No. 11-04 and orders the reorganization to the City of Hanford and detachment from the Kings River Conservation District and Excelsior-Kings River Resource Conservation District subject to the following conditions:
    - a) The Kings County Local Agency Formation Commission be designated as the conducting authority for the "Hanford Reorganization No. 149" and be authorized to proceed with legal steps necessary to complete the annexation.
    - b) The annexation will not become effective until the City of Hanford has obtained pre-clearance of the annexation from the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.
    - c) The City prepare a final map for recordation with an accompanying legal description that meets Board of Equalization Standards.
    - d) The City shall provide a sufficient fee deposit with LAFCO to cover all administrative processing prior to final recording of the Certificate of Completion.
  4. The legal description for the annexation to the City of Hanford is attached as Exhibit A and the same area would be removed from the Kings River Conservation District and Excelsior-Kings River Resource Conservation District.

The foregoing Resolution was adopted upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at a regular meeting held July 27, 2011 by the following vote:

**AYES:** Commissioners  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**



**LOCAL AGENCY FORMATION  
COMMISSION OF KINGS COUNTY**

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**Joe Neves, Chairman**

WITNESS, my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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**Gregory R. Gatzka, Executive Officer**

**ANNEXATION NO \_\_\_\_\_**  
**ANNEXATION TO THE CITY OF HANFORD**  
**GEOGRAPHIC DESCRIPTION**

All that certain property, being a portion of Section 1, T 19 S, R 21 E, MDB&M according to approved government township plats thereof, in Kings County, State of California, described as follows:

**Beginning** at the Northwest corner of the Southwest Quarter, of the Northeast Quarter of said Section 1, being near the center of 10 ½ Avenue , also being on the boundary of the existing city limits of the City of Hanford;

Thence along the boundary of the existing city limits of the City of Hanford, (1) North 87°52'03" East (basis of bearing: is the east line of the Southeast Quarter of section 1 which bears North) a distance of 664.50 feet to the Southeast corner of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 1;

Thence (2) North 0°01'06" West along the boundary of the existing city limits of the City of Hanford, a distance of 752.61 feet;

Thence (3) South 89°46'26" East, along the boundary of the existing city limits of the City of Hanford, a distance of 332.05 feet;

Thence (4) North 0°01'00" West, along the boundary of the existing city limits of the City of Hanford, a distance of 663.00 feet to a point on the North line of said section 1, also being near the center of Hanford Armona Rd;

Thence (5) South 89°46'26" East, along the North line of said Section 1 and the approximate center of Hanford Armona Rd, also being along the boundary of the existing city limits of the City of Hanford, a distance of 332.07 feet to the Northeast corner of the East Half of the Northwest Quarter, of said Northeast Quarter of Section 1;

Thence (6) South 0°00'55" East, along the East line of the East Half of said Northwest Quarter, of the Northeast Quarter of Section 1, also being along the boundary of the existing city limits of the City of Hanford, a distance of 1388.26 feet to the Northeast corner of the Southwest Quarter, of the Northeast Quarter of said section 1;

Thence along the boundary of the existing city limits of the City of Hanford, (7) North 87°52'03" East, along the North line of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of said section 1, a distance of 664.50 feet to the Northeast corner thereof;

Annexation No \_\_\_\_\_  
Annexation to the city of Hanford  
Geographic description  
Page 2 of 2

Thence leaving the existing City of Hanford boundary,(8) South 0°00'43" East along the East line of the West Half of the Southeast Quarter of the Northeast Quarter of said section 1, a distance of 999.72 feet, to the Southeast corner of the North Half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of said section 1;

Thence (9) South 87°54'22" West along the south line of last said North Half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of said section 1, a distance of 664.43 feet to the Southwest corner thereof;

Thence (10) South 0°00'54" East, along the east line of the Southwest Quarter of the Northeast Quarter of said Section 1, a distance of 333.09 feet, to the Southeast corner thereof;

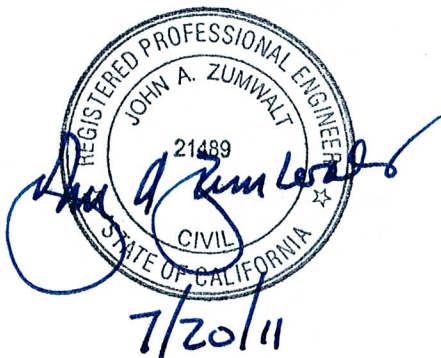
Thence (11) South 0°12'58" East, along the east line of the Northwest Quarter of the Southeast Quarter of said Section 1, a distance of 1,328.96 feet to the Southeast corner thereof;

Thence (12) South 88°06'10" West, along the South line of last said Northwest Quarter of the Southeast Quarter of said Section 1, a distance of 1323.65 feet to the Northwest corner thereof, also being near the center of 10 ½ Ave;

Thence (13) North 0°26'01" West, along the West line of said Southeast Quarter of said Section 1, also being along the approximate center of 10 ½ Ave, a distance of 1324.55 feet to the Northwest corner thereof;

Thence (14) North 0°01'17" West, along the west line of said Northeast Quarter of Section 1, also being along the approximate center of 10 ½ Ave, a distance of 1,331.15 feet to the **Point of Beginning**, and containing 112.53 Acres more or less.

*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer of sale of the land described.*



# Local Agency Formation Commission OF KINGS COUNTY

MAILING ADDRESS:  
1400 W. LACEY BLVD. BLDG 6, HANFORD, CA 93230  
(559) 582-3211, EXT. 2670, FAX: (559) 584-8989

## STAFF REPORT July 27, 2011

### EXECUTIVE OFFICER'S REPORT

### Grand Jury Investigation

The Kings County Grand Jury recently completed a report on their investigation of the Local Agency Formation Commission (LAFCo) of Kings County and the report contained one finding. If a Grand Jury report contains a finding, then the California Penal Code Section 933(c) requires the investigated entity to provide a response letter to the California Superior Court within 90 days of receiving the Grand Jury Investigation Report, which LAFCo received on June 15, 2011. Attached is a copy of the following documents:

Grand Jury Report on LAFCo  
California Superior Court Response Letter  
Memo to the Grand Jury

### EXECUTIVE OFFICER'S RECOMMENDATION

Direct the Executive Officer to sign the attached response letter and deliver it to the California Superior Court no later than September 15, 2011.

## **LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

### **SYNOPSIS**

In 1963, the State Legislature created LAFCO. It was established by state law as an independent regulatory agency with county-wide jurisdiction. The five member board is made up of two County Supervisors, two City Council Members, and one member from the general public.

### **WHY THE GRAND JURY INVESTIGATED**

Public interest

### **AUTHORITY**

California Penal Code Section 925

The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments or functions of the county.

### **METHOD OF INVESTIGATION**

The Director of LAFCO appeared before the grand jury for an interview and presented handouts and background facts regarding the operation of LAFCO. LAFCO Municipal Service Reviews were studied and the Grand Jury attended a LAFCO Board meeting.

### **BACKGROUND AND FACTS**

LAFCO is the sole and exclusive authority over the initiation, conduct, and completion of boundary changes proposed by public agencies or individuals through approval or denial. LAFCO does not have the power to initiate boundary changes on its own nor impose any conditions that would directly regulate land use density or intensity, property development or subdivision requirements. However, since July 1994, LAFCO has the power to make proposals involving small island annexations, the dissolution or consolidation of special districts, and the merging of subsidiary districts.

LAFCO is responsible for establishing "spheres of influence." A "sphere of influence" is plan for the probable physical boundary and service area that a governmental agency is expected to serve. Establishment and updating of this boundary is based on the results of a Municipal Service Review study, and is necessary to determine which governmental agencies can provide services in the most efficient way to the people and property in any given area.

Through special studies, LAFCO encourages governments to evaluate their current operations and options for reorganization. Local agencies often overlap and have the potential of duplicating services.

Cities and districts are required to obtain LAFCO's approval prior to entering into contracts with private individuals to provide services outside of the agencies' boundaries.

Citizens are welcome and are encouraged to attend regular LAFCO meetings and state their views during public hearings on proposals before the Commission. Meetings are held at 3:30 PM on the fourth Wednesday of each month in the Administration Building in the Kings County complex unless there is no agenda. Copies of the minutes, meeting agendas, and staff reports are available by contacting the LAFCO offices, and on LAFCO's web-site at [www.kingslafco.com](http://www.kingslafco.com). In checking the website the Grand Jury found it to be out of date.

The Kings County Department of Finance provides accounting services to LAFCO, and this budget is included in the County's budget as a General Fund Program for this purpose. The County's portion of the LAFCO budget is shown under General Fund Program. Each city's portion is shown as Intergovernmental Revenue.

## **FINDING**

The LAFCO web-site is not up to date.

## **RECOMMENDATION**

The web-site should be updated and kept current.

## **RESPONSE REQUIREMENT**

California Penal Code Section 933(c) No later than 90 days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations.

# Local Agency Formation Commission OF KINGS COUNTY

MAILING ADDRESS:  
1400 W. LACEY BLVD. BLDG 6, HANFORD, CA 93230  
(559) 582-3211, EXT. 2670, FAX: (559) 584-8989

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July 28, 2011

Superior Court of California - County of Kings  
Attn: Judge George Orndoff  
1426 S. Drive  
Hanford, CA 93230

**SUBJECT:** Comments to the Grand Jury Report on LAFCo

Dear Judge Orndoff;

The Kings County Grand Jury recently completed a report on their investigation of the Local Agency Formation Commission (LAFCo) of Kings County. The annual report investigating LAFCo contained a finding that the LAFCo website was not up to date. A recommendation in the report stated that the website should be updated and kept current. As required by California Penal Code Section 933(c), LAFCo is providing comments concerning the findings and recommendation of the report.

Upon review of the LAFCo website, staff noticed two items that could be improved. First, meeting agendas listing did not notify the public when meetings are cancelled due to there being no business from LAFCo. The LAFCo commission holds monthly meetings on the fourth Wednesday of the month. However, the commission only convenes when there is business at hand to administer. This results in LAFCo holding approximately 7-8 meetings annually. In our evaluation, we determined that all meeting agendas and staff reports from actual meetings that occurred were posted to the website prior to the meeting. However, due to the lack of meetings over the past year the public may have perceived that the website was not up to date. LAFCo notification protocol for a canceled meeting was previously to provide written notice of the cancellation to the commission members, commission council and County administration staff in addition to posting the notice with the County Clerk, at the LAFCo meeting location, and at the LAFCo administration office. To better inform the public, staff will now include a new noticing practice to also insert a placeholder on the website stating that the meeting was canceled or provide a link to the meeting cancellation notice. This will prevent any confusion by the public when viewing LAFCo website meeting information.

Second, upon review of the LAFCo website staff realized the commissioner names were not updated after the last election for city council seats in January 2011. The website has now been updated with the two new city council members' names.

LAFCo continues to endeavor to respond to public requests for information and maintain updated information on the LAFCo website for public access. We appreciate the Grand Jury's interest in

LAFCo activities as it is one of the lesser known agencies within the County and for their informing LAFCo of areas where we can provide better public service.

If you have any questions concerning LAFCo's comments please contact me at your convenience.

**LOCAL AGENCY FORMATION COMMISSION  
OF KINGS COUNTY**

---

Gregory R. Gatzka, Executive Officer

Cc: Grand Jury  
LAFCo Commission  
Kings County Administration



# Local Agency Formation Commission OF KINGS COUNTY

MAILING ADDRESS:  
1400 W. LACEY BLVD. BLDG 6, HANFORD, CA 93230  
(559) 582-3211, EXT. 2670, FAX: (559) 584-8989

## MEMO

To: Kings County Grand Jury

From: Jeremy Kinney, LAFCO Staff

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Grand Jury Members,

Thank you for your thoughtful participation in the investigation of the Local Agency Formation Commission (LAFCo) of Kings County. California Penal Code Section 925 requires the Grand Jury to "...investigate and report on the operations, accounts, and records of the officers, departments or functions of the county." This task is vitally important to ensure government agencies and entities are operating according to law.

The annual report investigating LAFCo contained a finding that the website was not up to date. A recommendation in the report stated that the website should be updated and kept current. As required by California Penal Code Section 933(c), LAFCo's response has been provided to Supreme Court Judge Orndoff, and a copy of the letter is attached.

The LAFCo commission convenes only when the commission needs to administer LAFCo business. This results in LAFCo holding approximately 7-8 meetings annually. All meeting agendas and staff reports are current on the website; however, due to the sporadic nature of the meetings the public may perceive the website is not up to date since cancelled meetings are not listed on the website. To fix this, staff will either insert a placeholder on the website stating that the meeting was canceled or provide a link to the meeting cancellation notice. This will result in the status of each monthly meeting being provided on the website.

Upon review of the website LAFCo staff realized the commissioner names were not updated after the last election for city council seats. The names of the two new members were updated on the website.

Once again, thank you for your review of LAFCo and for your insightful recommendation.

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Jeremy Kinney, LAFCo Staff

Attachment: Letter Addressed to Supreme Court Judge Orndoff

# Local Agency Formation Commission OF KINGS COUNTY

WILLIAM R. ZUMWALT, EXECUTIVE OFFICER  
MAILING ADDRESS: 1400 W. LACEY BLVD., HANFORD, CA 93230  
OFFICES AT: ENGINEERING BUILDING, KINGS COUNTY GOVERNMENT CENTER, HANFORD  
(559) 582-3211, EXT. 2670 • FAX: (559) 584-8989 • WWW.KINGSLAFCO.COM

**TO:** LAFCO of Kings County Commissioners  
**FROM:** Greg Gatzka, Executive Officer  
**DATE:** July 20, 2011

**SUBJECT:** LAFCO Commissioner Terms – Public Member

## **INTRODUCTION**

Commissioners serving on the Local Agency Formation Commission of Kings County (LAFCO) serve four year terms. LAFCO Commissioners' terms expire on the first Monday in May of the fourth year of their respective term (Government Code Section 56334). This past May, the LAFCO Public Member's (Paul Thompson) term expired. Based upon past practice, the existing Public Member continues to serve until replaced. The Clerk of the Board, Catherine Venturella, published a notice of vacancy for the Public Member term on December 21, 2010. Mr. Thompson is eligible to reapply for that seat.

City and County Members will be able to act on the appointment to that Public Member seat after applications are received.

## **SUMMARY**

The City and County Members of the Commission are the appointing authority for the public member (Government Code Section 56325 (d)). Certain restrictions apply to candidates for Public member and alternate public member (see Attachment 2). Staff recommends that LAFCO advise the public of the vacancy and seek applications. Once an application(s) are received the appointment will be scheduled on the Commission's next available agenda for action. All interviews of candidates must be held in open session.

Attachments (2)

## ATTACHMENT No. 1

### **SECTION II: KINGS COUNTY LAFCO**

#### **1. LOCAL AGENCY FORMATION COMMISSION OF KINGS COUNTY (LAFCO)**

##### **MEMBERS**

##### **EXPIRATION OF TERM - FIRST MONDAY IN**

##### **MAY**

##### **CITY MEMBERS <sup>1</sup>:**

<b>Dan Chin</b> (Hanford)	2015
<b>Jim Wadsworth</b> (Corcoran)	2012
<b>John Plourde</b> (Lemoore) <b>Alternate</b> City Member	2013

##### **COUNTY MEMBERS <sup>2</sup>:**

<b>Joe Neves</b> (Lemoore-Stratford area) *	2014
<b>Tony Barba</b> (West Hanford – Armona area) **	2015
<b>Doug Verboon</b> (North Lemoore – North Hanford area) <b>Alternate</b> County Member	2014

##### **PUBLIC MEMBER <sup>3</sup>:**

<b>Paul Thompson</b>	2011
<b>Alan Burke</b> <b>Alternate</b> Public Member	2013
* Chairman	** Vice-Chairman

**Terms of Commissioner:** Four Years (G.C. Section 56334)

##### **Staff:**

Greg Gatzka	Executive Officer
Vacant	Assistant Executive Officer
Johannah Hartley	Legal Counsel
Jeremy Kinney	LAFCo Staff
Terri Yarbrough	LAFCo Clerk

##### **Appointing Authority:**

<sup>1</sup> City Members:	Appointed by: City (Mayors) Selection Committee
<sup>2</sup> County Members:	Appointed by Board of Supervisors
<sup>3</sup> Public Member:	Appointed by LAFCO City & County Members

**Meeting Dates and Location:** Fourth Wednesday of each month at 3:30 P.M., held in the Board of Supervisors Chambers, Administration Building, (Bldg. #1) Kings County Government Center, Hanford CA.

Revised: 2/2/2011

## ATTACHMENT No. 2

Government Code Section 56325(d), Public Member Appointment:

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

Government Code Section 56331, Public Member Restrictions:

56331. When appointing a public member pursuant to Sections 56325, 56326, and 56329, the commission may also appoint one alternate public member who may serve and vote in place of a regular public member who is absent or who disqualifies himself or herself from participating in a meeting of the commission.

If the office of a regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy.

No person appointed as a public member or alternate public member pursuant to this chapter shall be an officer or employee of the county or any city or district with territory in the county, provided, however, that any officer or employee serving on January 1, 1994, may complete the term for which he or she was appointed.

h:\lafco\admin\commissioners\public member term 2011.doc

**LOCAL APPOINTMENT LIST  
FOR CALENDAR YEAR 2011**

In accordance with California Government Code 54972 (Maddy Act) the following is a local appointment list of all known vacancies that currently exist and/or will occur in 2011 which is required to be posted by December 31<sup>st</sup> of each calendar year. The name of the incumbents, date of appointment, their current term expiration and any necessary qualifications are listed. The names on the list are subject to change based on term expirations and resignations that occur during the year. This list includes all Boards, Commissions, and Committees whose members serve at the pleasure of the Board of Supervisors & the necessary qualifications for appointment to each position. The list also includes those Special Districts within Kings County that the Board of Supervisors has jurisdiction over member appointments and are required to include as part of this listing. For a current list of members, please contact the Office of the Clerk of the Board at 559-582-3211, ext. 2362.

**Posting Date: December 21, 2010**

**LOCAL AGENCY FORMATION COMMISSION**

Two (2) representatives, position and/or vacancies currently exists or will occur in 2011 on this Commission. The incumbent name, date of appointment and date their current term expires are as follows:

First Name	Last	Representative/position	Original appt date	Term Ends
Dan	Chin	City rep/Hanford	12/02/10	05/01/11
Paul	Thompson	Public Member	01/26/00	05/01/10

**Criteria for appointment: The Commission shall consist of eight (8) members:**

- The Board of Supervisors shall appoint two (2) primary members and one (1) alternate member.
- **The City Selection Committee shall appoint two (2) members and one (1) alternate each of whom shall be a City Officer.**
- *The established four (4) Commission members shall appoint one (1) public member and one (1) alternate public member to represent the general public.*

*The purpose of this Commission is to discourage urban sprawl and encourage orderly formation and development of local government agencies.*

---

**Local Agency Formation Commission  
Of Kings County  
Public Member/Alternate Member Application**

I hereby express an interest in being nominated for appointment to the LAFCO of Kings County Commission as:

- Public Member
- Alternate Public Member

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

City/St/Zip: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Length of Residency in Kings County: \_\_\_\_\_

Occupation: \_\_\_\_\_

Education: \_\_\_\_\_

Current Membership on other Boards/Commissions: \_\_\_\_\_

Affiliations: \_\_\_\_\_

Reason(s) for seeking appointment: \_\_\_\_\_

\_\_\_\_\_  
Signature

Return completed form to:

Kings County LAFCO  
1400 W. Lacey Blvd. #6  
Hanford, CA 93230

For inquiries, phone:

(559) 582-3211, ext. 2680





2011  
Board of Directors

**Chair**  
SUSAN VICKLUND WILSON  
Santa Clara LAFCo

**Vice Chair**  
JERRY GLADBACH  
Los Angeles LAFCo

**Secretary**  
THEODORE NOVELLI  
Amador LAFCo

**Treasurer**  
MARY JANE GRIEGO  
Yuba LAFCo

JULIE ALLEN  
Tulare LAFCo

LARRY R. DUNCAN  
Butte LAFCo

JON EDNEY  
Imperial LAFCo

KAY HOSMER  
Colusa LAFCo

JULIANA INMAN  
Napa LAFCo

GAY JONES  
Sacramento LAFCo

JOHN LEOPOLD  
Santa Cruz LAFCo

BRAD MITZELFELT  
San Bernardino LAFCo

CATHY SCHLOTTMANN  
Santa Barbara LAFCo

STEPHEN SOUZA  
Yolo LAFCo

JOSH SUSMAN  
Nevada LAFCo

ANDY VANDERLAAN  
San Diego LAFCo

**Staff**

WILLIAM S. CHIAT  
Executive Director

SR JONES  
Executive Officer

CLARK ALSOP  
Legal Counsel

KATE MCKENNA  
Deputy Executive Officer

JUNE SAVALA  
Deputy Executive Officer

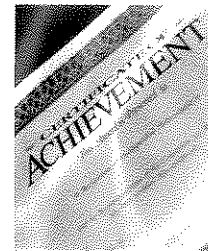
LOU ANN TEXEIRA  
Deputy Executive Officer

**Date:** 17 May 2011

**To:** LAFCo Commissioners and Staff

**From:** Ted Novelli, Chair  
CALAFCO Achievement Awards Committee

**RE: 2011 CALAFCO Achievement Award Nominations**



Each year, at the annual conference, CALAFCO announces awards that recognize outstanding achievements by dedicated and committed individuals to LAFCo and LAFCo principles throughout the State.

Recognizing individual and organizational achievements is an important responsibility. It provides visible recognition and support to those who go above and beyond in their work to advance the principles and goals of Cortese-Knox-Hertzberg and LAFCo. I invite you to use this opportunity to nominate the people and agencies that you feel deserve this important recognition.

To make a nomination, please use the following procedure:

1. Nominations may be made by an individual, a LAFCo, a CALAFCO Associate Member, or other organization. There is no limit to the number of nominations.
2. Please use a separate form for each nomination (attached). Nominations must be submitted with a completed nomination form. The form is your opportunity to summarize the most important points of your nomination.
3. All nomination materials must be submitted at one time and must be received by the deadline. Electronic submittals are encouraged.
4. All supporting information (e.g. reports, newspaper articles, etc.) must be submitted with the nomination. Endorsement letters from third parties are not necessary.
5. **Nominations and supporting materials must be received no later than 5:00 PM, Wednesday, 20 July 2011.** Send nominations via e-mail, fax, or U.S. mail to:

Roseanne Chamberlain  
Amador LAFCo  
Post Office Box 22-1292  
Sacramento, CA 95822-1292  
Fax (916) 454-5028  
E-mail: amador.lafco@gmail.com

Please contact Roseanne with any questions at (209) 418-9377. A list of the previous Achievement Award recipients is attached to this notice.



## Nomination Form

### NOMINEE

Person or Agency Being Nominated:

Name  
Organization  
Address  
Phone/E-mail

**NOMINATION CATEGORY** (check one – see category detail on attached sheet)

- |   |   |
|---|---|
| <input type="checkbox"/> Outstanding CALAFCO Member     | <input type="checkbox"/> Project of the Year  |
| <input type="checkbox"/> Distinguished Service Award    | <input type="checkbox"/> Government Leadership Award                                    |
| <input type="checkbox"/> Most Effective Commission      | <input type="checkbox"/> Legislator of the Year   |
| <input type="checkbox"/> Outstanding Commissioner       | <input type="checkbox"/> Mike Gotch Courage and Innovation<br>in Local Government Award |
| <input type="checkbox"/> Outstanding LAFCo Professional |   |
| <input type="checkbox"/> Outstanding LAFCo Clerk        |   |

### NOMINATION SUBMITTED BY:

Name:  
Address:  
Phone:  
E-mail:

### ACHIEVEMENTS

Please indicate the reasons why this person or agency deserves to be recognized (Use additional sheets as needed):



**CALAFCO ACHIEVEMENT AWARD CATEGORIES**

CALAFCO recognizes excellence within the LAFCo community by presenting the *Achievement Awards* at the CALAFCO Annual Conference. Nominations are being accepted until 2 October 2009 in the following categories:

- |  |  |
|--|--|
| <b>Outstanding CALAFCO Member</b>                                  | Recognizes a CALAFCO Board Member or staff person who has provided exemplary service during the past year.   |
| <b>Distinguished Service Award</b>                                 | Given to a member of the LAFCo community to recognize long-term service by an individual.  |
| <b>Most Effective Commission</b>                                   | Presented to an individual Commission to recognize innovation, streamlining, and/or initiative in implementing LAFCo programs; may also be presented to multiple Commissions for joint efforts.  |
| <b>Outstanding Commissioner</b>                                    | Presented to an individual Commissioner for extraordinary service to his or her Commission.  |
| <b>Outstanding LAFCo Professional</b>                              | Recognizes an Executive Officer, Staff Analyst, or Legal Counsel for exemplary service during the past year.   |
| <b>Outstanding LAFCo Clerk</b>                                     | Presented to a LAFCo Clerk for service above and beyond the call of duty.  |
| <b>Project of the Year</b>   | Recognition for a project-specific program that involved complex staff analysis, community involvement, or an outstanding solution.  |
| <b>Government Leadership Award</b>                                 | Presented to a decision-making body at the city, county, special district, regional or state level which has furthered good government efforts in California.  |
| <b>Legislator of the Year</b>                                      | Presented to a member of the California State Senate or Assembly in recognition of leadership and valued contributions in support of LAFCo goals. Selected by CALAFCO Board.   |
| <b>Mike Gotch Courage and Innovation in Local Government Award</b> | Presented to an individual who has taken extraordinary steps to improve and innovate local government. This award is named for Mike Gotch: former Assembly Member, LAFCo Executive Officer and CALAFCO Executive Director responsible for much of the foundations of LAFCo law and CALAFCO. He is remembered as a source of great inspiration for staff and legislators from throughout the state. |



**CALAFCO ACHIEVEMENT AWARD RECIPIENTS****2010**

Mike Gotch Courage & Innovation in  
Local Government Leadership Award  
Distinguished Service Award

Most Effective Commission  
Outstanding CALAFCO Member  
Outstanding Commissioner  
Outstanding LAFCo Professional  
Outstanding LAFCo Clerk  
Project of the Year

Government Leadership Award

Special Achievement

Helen Thompson, Commissioner, Yolo LAFCo

Kathleen Rollings-McDonald, Executive Officer, San  
Bernardino LAFCo  
Bob Braitman, Executive Officer, Santa Barbara LAFCo  
Tulare LAFCo

Roger Anderson, Ph.D., CALAFCO Chair, Santa Cruz LAFCo  
George Lange, Ventura LAFCo

Harry Ehrlich, Government Consultant, San Diego LAFCo  
Candie Fleming, Fresno LAFCo

Butte LAFCo  
Sewer Commission - Oroville Region Municipal Service Review

Nipomo Community Services District and the County of  
San Luis Obispo

Chris Tooker, Sacramento LAFCo and CALAFCO Board of  
Directors

**2009**

Mike Gotch Courage & Innovation in  
Local Government Leadership Award  
Distinguished Service Award

Most Effective Commission  
Outstanding CALAFCO Member

Outstanding Commissioner  
Outstanding LAFCo Professional  
Outstanding LAFCo Clerk  
Project of the Year

Government Leadership Award

Legislator of the Year Award

Paul Hood, Executive Officer, San Luis Obispo LAFCo

William Zumwalt, Executive Officer, Kings LAFCo  
Napa LAFCo

Susan Vicklund Wilson, CALAFCO Vice Chair  
Jerry Gladbach, CALAFCO Treasurer

Larry M. Fortune, Fresno LAFCo

Pat McCormick, Santa Cruz LAFCo Executive Officer

Emmanuel Abello, Santa Clara LAFCo

Orange LAFCo  
Boundary Report

Cities of Amador City, Jackson, Ione, Plymouth & Sutter  
Creek; Amador County; Amador Water Agency; Pine Grove  
CSD - Countywide MSR Project

Assembly Member Jim Silva

**2008**

Distinguished Service Award

Most Effective Commission  
Outstanding Commissioner  
Outstanding LAFCo Professional

Outstanding LAFCo Clerk  
Project of the Year

Government Leadership Award

Legislator of the Year Award

Peter M. Detwiler, Senate Local Government Committee  
Chief Consultant

Yuba LAFCo

Dennis Hansberger, San Bernardino LAFCo

Michael Ott, San Diego LAFCo Executive Officer  
Martha Poyatos, San Mateo Executive Officer

Wilda Turner, Los Angeles LAFCo

Kings LAFCo

City and Community District MSR and SOI Update

San Bernardino Board of Supervisors

Assembly Member Anna M. Caballero

**2007**

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Outstanding CALAFCO Member	<b>Kathy Long</b> , Board Chair, Ventura LAFCo
Distinguished Service Award	<b>William D. Smith</b> , San Diego Legal Counsel
Most Effective Commission	<b>Santa Clara LAFCo</b>
Outstanding Commissioner	<b>Gayle Uilkema</b> , Contra Costa LAFCo
Outstanding LAFCo Professional	<b>Joyce Crosthwaite</b> , Orange LAFCo Executive Officer
Outstanding LAFCo Clerk	<b>Debby Chamberlin</b> , San Bernardino LAFCo
Project of the Year	<b>San Bernardino LAFCo and City of Fontana</b> Islands Annexation Program
Government Leadership Award	<b>City of Fontana</b> Islands Annexation Program
Lifetime Achievement	<b>John T. "Jack" Knox</b>

**2006**

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Outstanding CALAFCO Member	<b>Everett Millais</b> , CALAFCO Executive Officer and Executive Officer of Ventura LAFCo
Distinguished Service Award	<b>Clark Alsop</b> , CALAFCO Legal Counsel
Most Effective Commission Award	<b>Alameda LAFCo</b>
Outstanding Commissioner Award	<b>Ted Grandsen</b> , Ventura LAFCo <b>Chris Tooker</b> , Sacramento LAFCo
Outstanding LAFCo Professional Award	<b>Larry Calemine</b> , Los Angeles LAFCo Executive Officer
Outstanding LAFCo Clerk Award	<b>Janice Bryson</b> , San Diego LAFCo <b>Marilyn Flemmer</b> , Sacramento LAFCo
Project of the Year Award	<b>Sacramento Municipal Utility District</b> Sphere of Influence Amendment and Annexation; <b>Sacramento LAFCo</b>
Outstanding Government Leadership Award	<b>Cities of Porterville, Tulare, and Visalia and Tulare LAFCo</b> Island Annexation Program
Legislator of the Year Award	<b>Senator Christine Kehoe</b>

**2005**

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Outstanding CALAFCO Member	<b>Peter Herzog</b> , CALAFCO Board, Orange LAFCo
Distinguished Service Award	<b>Elizabeth Castro Kemper</b> , Yolo LAFCo
Most Effective Commission Award	<b>Ventura LAFCo</b>
Outstanding Commissioner Award	<b>Art Aseltine</b> , Yuba LAFCo <b>Henri Pellissier</b> , Los Angeles LAFCo
Outstanding LAFCo Professional Award	<b>Bruce Baracco</b> , San Joaquin LAFCo
Outstanding LAFCo Clerk Award	<b>Danielle Bail</b> , Orange LAFCo
Project of the Year Award	<b>San Diego LAFCo</b> MSR of Fire Protection and Emergency Medical Services
Outstanding Government Leadership Award	<b>Sacramento Area Council of Governments (SACOG)</b>



**2004**

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Outstanding CALAFCO Member	<b>Scott Harvey</b> , CALAFCO Executive Director
Distinguished Service Award	<b>Julie Howard</b> , Shasta LAFCo
Most Effective Commission Award	<b>San Diego LAFCo</b>
Outstanding Commissioner Award	<b>Edith Johnsen</b> , Monterey LAFCo
Outstanding LAFCo Professional Award	<b>David Kindig</b> , Santa Cruz LAFCo
Project of the Year Award	<b>San Luis Obispo LAFCo</b> Nipomo CSD SOI Update, MSR, and EIR

**2003**

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Outstanding CALAFCO Member	<b>Michael P. Ryan</b> , CALAFCO Board Member
Distinguished Service Award	<b>Henri F. Pellissier</b> , Los Angeles LAFCo
Most Effective Commission Award	<b>San Luis Obispo LAFCo</b>
Outstanding Commissioner Award	<b>Bob Salazar</b> , El Dorado LAFCo
Outstanding LAFCo Professional Award	<b>Shirley Anderson</b> , San Diego LAFCo
Outstanding LAFCo Clerk Award	<b>Lori Fleck</b> , Siskiyou LAFCo
Project of the Year Award	<b>Napa LAFCo</b> Comprehensive Water Service Study
Special Achievement Award	<b>James M. Roddy</b>

**2002**

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Outstanding CALAFCO Member	<b>Ken Lee</b> , CALAFCo Legislative Committee Chair
Most Effective Commission Award	<b>San Diego LAFCo</b>
Outstanding Commissioner Award	<b>Ed Snively</b> , Imperial LAFCo
Outstanding LAFCo Professional Award	<b>Paul Hood</b> , San Luis Obispo LAFCo
Outstanding LAFCo Clerk Award	<b>Danielle Ball</b> , Orange LAFCo
Project of the Year Award	<b>San Luis Obispo LAFCo</b>
Outstanding Government Leadership Award	<b>Napa LAFCo, Napa County Farm Bureau, Napa Valley Vintners Association, Napa Valley Housing Authority, Napa County Agricultural Commissioner's Office, Napa County Counsel Office, and Assembly Member Patricia Wiggins</b>

**2001**

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Outstanding CALAFCO Member	<b>SR Jones</b> , CALAFCO Executive Officer
Distinguished Service Award	<b>David Martin</b> , Tax Area Services Section, State Board of Equalization
Outstanding Commissioner Award	<b>H. Peter Faye</b> , Yolo LAFCo
Outstanding LAFCo Professional Award	<b>Ingrid Hansen</b> , San Diego LAFCo
Project of the Year Award	<b>Santa Barbara LAFCo</b>
Outstanding Government Leadership Award	<b>Alameda County Board of Supervisors, Livermore City Council, Pleasanton City Council</b>
Legislator of the Year Award	<b>Senator Jack O'Connell</b>

### 2000

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Outstanding CALAFCO Member	Ron Wootton, CALAFCO Board Chair
Distinguished Service Award	Ben Williams, Commission on Local Governance for the 21st Century
Most Effective Commission Award	Yolo LAFC
Outstanding Commissioner	Rich Gordon, San Mateo LAFCo
Outstanding LAFCo Professional Award	Annamaria Perrella, Contra Costa LAFCo
Outstanding LAFCo Clerk Award	Susan Stahmann, El Dorado LAFCo
Project of the Year Award	San Diego LAFCo
Legislator of the Year Award	Robert Hertzberg, Assembly Member

### 1999

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Distinguished Service Award	Marilyn Ann Flemmer-Rodgers, Sacramento LAFCo
Most Effective Commission Award	Orange LAFCo
Outstanding Executive Officer Award	Don Graff, Alameda LAFCo
Outstanding LAFCo Clerk Award	Dory Adams, Marin LAFCo
Most Creative Solution to a Multi-Jurisdictional Problem	San Diego LAFCo
Outstanding Government Leadership Award	Assembly Member John Longville
Legislator of the Year Award	Assembly Member Robert Hertzberg

### 1998

---

Outstanding CALAFCO Member	Dana Smith, Orange LAFCo
Distinguished Service Award	Marvin Panter, Fresno LAFCo
Most Effective Commission Award	San Diego LAFCo
Outstanding Executive Officer Award	George Spiliotis, Riverside LAFCo
Outstanding Staff Analysis	Joe Convery, San Diego LAFCo Joyce Crosthwaite, Orange LAFCo
Outstanding Government Leadership Award	Santa Clara County Planning Department

### 1997

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Most Effective Commission Award	Orange LAFCo
Outstanding Executive Officer Award	George Finney, Tulare LAFCo
Outstanding Staff Analysis	Annamaria Perrella, Contra Costa LAFCo
Outstanding Government Leadership Award	South County Issues Discussion Group
Most Creative Solution to a Multi-Jurisdictional Problem	Alameda LAFCo and Contra Costa LAFCo
Legislator of the Year Award	Assembly Member Tom Torlakson

2011  
Board of Directors

**Chair**  
SUSAN VICKLUND WILSON  
Santa Clara LAFCo

**Vice Chair**  
JERRY GLADBACH  
Los Angeles LAFCo

**Secretary**  
THEODORE NOVELLI  
Amador LAFCo

**Treasurer**  
MARY JANE GRIEGO  
Yuba LAFCo

JULIE ALLEN  
Tulare LAFCo

LARRY R. DUNCAN  
Butte LAFCo

JOHN EDNEY  
Imperial LAFCo

KAY HOSMER  
Colusa LAFCo

JULIANA INMAN  
Napa LAFCo

GAY JONES  
Sacramento LAFCo

JOHN LEOPOLD  
Santa Cruz LAFCo

BRAD MITZELFELT  
San Bernardino LAFCo

CATHY SCHLOTTMANN  
Santa Barbara LAFCo

STEPHEN SOUZA  
Yolo LAFCo

JOSH SUSMAN  
Nevada LAFCo

ANDY VANDERLAAN  
San Diego LAFCo

**Staff**

WILLIAM S. CHIAT  
Executive Director

SR JONES  
Executive Officer

CLARK ALSOP  
Legal Counsel

KATE MCKENNA  
Deputy Executive Officer

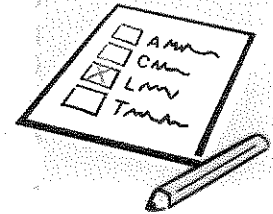
JUNE SAVALA  
Deputy Executive Officer

LOU ANN TEXEIRA  
Deputy Executive Officer

20 May 2011

**To:** Local Agency Formation Commission  
Members and Alternate Members

**From:** Gay Jones , Co-Chair  
Cathy Schlottmann, Co-Chair  
Recruitment Committee  
CALAFCO Board of Directors



**RE: Nominations for 2012 CALAFCO Board of Directors**

Nominations are now open for the fall elections of the Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four times each year at alternate sites around the state. The time commitment is small and the rewards great! Any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat.

The following offices on the CALAFCO Board of Directors are open for nominations.

<u>Northern Region</u>	<u>Central Region</u>	<u>Coastal Region</u>	<u>Southern Region</u>
County Member	City Member	City Member	County Member
District Member	Public Member	Public Member	District Member

The election will be conducted during regional caucuses at the CALAFCO annual conference prior to the Annual Membership Meeting held on Thursday, September 1st, 2011 at the Silverado Resort in Napa.

Please inform your Commission that the CALAFCO Recruitment Committee is accepting nominations for the above-cited offices until Tuesday, 2 August 2011. Incumbents are eligible to run for another term. Nominations received by August 2nd will be included in the Recruitment Committee's Report, copies of which will be available at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

The Board has made several changes to the elections process to be more inclusive for all members. For those member LAFCos who cannot send a representative to the Annual Meeting, a new electronic ballot will be made available. In the past nominees receiving the most votes were elected. With the smaller number of voters in the regional system that could result in members elected with less than majority support. Therefore the system has been changed to a majority election with run offs in the

event of a tie or no majority. These two changes to the process are underlined in the attached procedures.

Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Resume Form, or provide the specified information in another format other than a resume. Commissions may also include a letter of recommendation or resolution in support of their nominee. ***The nomination forms and materials must be received by the Recruitment Committee Chair no later than Tuesday, 2 August 2011.***

Please forward nominations to:

CALAFCO Recruitment Committee  
c/o Sacramento LAFCo  
1112 I St, Suite 100  
Sacramento, California 95814-2836  
FAX: 916/874-2939

Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to [Diane.Thorpe@saclafo.org](mailto:Diane.Thorpe@saclafo.org). Alternatively, nomination forms and materials can be mailed or Faxed to the above address.

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures. Members of the 2011 CALAFCO Recruitment Committee are:

Gay Jones, Co-Chair, Sacramento LAFCo (Central Region)  
Cathy Schlottmann, Santa Barbara LAFCo (Coastal Region)  
Kay Hosmer, Colusa LAFCo (Northern Region)  
Jon Edney, Imperial LAFCo (Southern Region)

If you have any questions, please contact Gay at (916) 208-0736 or Cathy at (805) 733-2964.

*Please consider joining us!*

Enclosures

## **Board of Directors Nomination and Election Procedures and Forms**

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

### **1. APPOINTMENT OF A RECRUITMENT COMMITTEE**

- a. Following the Annual Membership Meeting the Board shall appoint a Committee of four members of the Board. The Recruitment Committee shall consist of one member from each region whose term is not ending.
- b. The Board shall appoint one of the members of the Recruitment Committee to serve as Chairman. The CALAFCO Executive Officer shall appoint a CALAFCO staff member to serve as staff for the Recruitment Committee in cooperation with the CALAFCO Executive Director.
- c. Each region shall designate a regional representative to serve as staff liaison to the Recruitment Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFCoS across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

### **2. ANNOUNCEMENT TO ALL MEMBER LAFCoS**

- a. No later than three months prior to the Annual Membership Meeting, the Recruitment Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:
  - i. A statement clearly indicating which offices are subject to the election.
  - ii. A regional map including LAFCoS listed by region.
  - iii. The dates by which all nominations must be received by the Recruitment Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Nominations Committee action."
  - iv. The names of the Recruitment Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.
  - v. The address to send the nominations forms.
  - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
- b. No later than four months before the annual membership meeting, the Recruitment

**Key Timeframes for  
Nominations Process**

Days*	
90	Nomination announcement
30	Nomination deadline
14	Committee report released

\*Days prior to annual membership meeting

Committee Chair shall send an announcement to the Executive Director for distribution to each member LAFCo and for publication in the newsletter and on the website. The announcement shall include the following:

- i. A statement clearly indicating which offices are subject to the election.
  - ii. The specific date by which all nominations must be received by the Recruitment Committee. Nominations received after the closing dates shall be returned to the proposing LAFCo marked "Received too late for Recruitment Committee action."
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  - iv. Requirement that nominated individual must be a commissioner or alternate commissioner from a member in good standing within the region.
- c. A copy of these procedures shall be posted on the web site.

### **3. THE RECRUITMENT COMMITTEE**

- a. The Recruitment Committee and the regional representatives have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Recruitment Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nominations the Recruitment Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated seats. Caucus elections must be held prior to the annual membership meeting at the conference. The Executive Director or assigned staff along with a member of the Recruitment committee shall tally ballots at each caucus and provide the Recruitment Committee the names of the elected Board members and any open seats. In the event of a tie, the staff and Recruitment Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Member by the beginning of the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Annual Conference Planning Committee to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Post the candidate statements/resumes organized by region on a bulletin board near the registration desk.
- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Recruitment Committee shall serve as the Presiding Officer for the purpose of the caucus election.
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Recruitment Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

**4. ELECTRONIC BALLOT FOR LAFCo IN GOOD STANDING NOT ATTENDING ANNUAL MEETING**  
**Limited to the elections of the Board of Directors**

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCos voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCos voting under this provision may only vote for the candidates nominated by the Recruitment Committee and may not vote in any run-off elections.

**5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING**

- a. The Recruitment Committee Chairman, another member of the Recruitment Committee, or the Chair's designee (hereafter called the Presiding Officer) shall:
  - i. Review the election procedure with the membership.
  - ii. Present the Recruitment Committee Report (previously distributed).
  - iii. Call for nominations from the floor by category for those seats subject to this election:
    1. For city member.
    2. For county member.
    3. For public member.
    4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
  - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
    1. Name the nominees and offices for which they are nominated.

2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
1. Poll the LAFCoS in good standing by written ballot.
  2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
  3. With assistance from CALAFCO staff, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
1. The nominee receiving the majority of votes cast is elected.
  2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election.
  3. In case of tie votes:
    - a. A second run-off election shall be held with the same two nominees.
    - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
  4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.
    - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
    - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
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## 6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Recruitment Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.









## Board of Directors Nominations Form

### *Nomination to the CALAFCO Board of Directors*

In accordance with the Nominations and Election Procedures of CALAFCO,

\_\_\_\_\_ LAFCo of the \_\_\_\_\_ Region

Nominates \_\_\_\_\_

for the (check one)     City     County     Special District     Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual  
Membership Meeting of the Association.

\_\_\_\_\_  
LAFCo Chair

\_\_\_\_\_  
Date

#### **NOTICE OF DEADLINE**

Nominations must be received by **August 2, 2011** to be considered by the Recruitment Committee. Send completed nominations to:

CALAFCO Recruitment Committee  
c/o Sacramento LAFCo  
1112 I St., Suite 100  
Sacramento, CA 95814-2836



## Board of Directors Candidate Resume Form

Nominated By: \_\_\_\_\_ LAFCo Date: \_\_\_\_\_

Region (please check one):  Northern  Coastal  Central  Southern

Category (please check one):  City  County  Special District  Public

Candidate Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Office \_\_\_\_\_ Mobile \_\_\_\_\_

e-mail \_\_\_\_\_ @ \_\_\_\_\_

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

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**2011  
Board of Directors**

**Chair**  
SUSAN VICKLUND WILSON  
Santa Clara LAFCo

**Vice Chair**  
JERRY GLADBACH  
Los Angeles LAFCo

**Secretary**  
THEODORE NOVELLI  
Amador LAFCo

**Treasurer**  
MARY JANE GRIEGO  
Yuba LAFCo

JULIE ALLEN  
Tulare LAFCo

LARRY R. DUNCAN  
Butte LAFCo

JON EDNEY  
Imperial LAFCo

KAY HOSMER  
Colusa LAFCo

JULIANA INMAN  
Napa LAFCo

GAY JONES  
Sacramento LAFCo

JOHN LEOPOLD  
Santa Cruz LAFCo

BRAD MITZELFELT  
San Bernardino LAFCo

CATHY SCHLOTTMANN  
Santa Barbara LAFCo

STEPHEN SOUZA  
Yolo LAFCo

JOSH SUSMAN  
Nevada LAFCo

ANDY VANDERLAAN  
San Diego LAFCo

**Staff**

WILLIAM S. CHIAT  
Executive Director

SR JONES  
Executive Officer

CLARK ALSOP  
Legal Counsel

KATE MCKENNA  
Deputy Executive Officer

JUNE SAVALA  
Deputy Executive Officer

LOU ANN TEXEIRA  
Deputy Executive Officer

1215 K Street, Suite 1650  
Sacramento, CA 95814

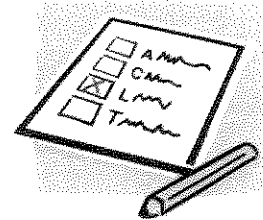
Voice 916-442-6536  
Fax 916-442-6535

[www.calafco.org](http://www.calafco.org)

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**Key Timeframes for  
Nominations Process**

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- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Recruitment Committee shall serve as the Presiding Officer for the purpose of the caucus election.
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Recruitment Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

**4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING**  
**Limited to the elections of the Board of Directors**

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCos voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
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**5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING**

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  - ii. Present the Recruitment Committee Report (previously distributed).
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    - 1. For city member.
    - 2. For county member.
    - 3. For public member.
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- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
  - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
    - 1. Name the nominees and offices for which they are nominated.

2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
    1. Poll the LAFCoS in good standing by written ballot.
    2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
    3. With assistance from CALAFCO staff, tally the votes cast and announce the results.
  - iii. Election to the Board shall occur as follows:
    1. The nominee receiving the majority of votes cast is elected.
    2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election.
    3. In case of tie votes:
      - a. A second run-off election shall be held with the same two nominees.
      - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
    4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.
      - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
      - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
      - c. In the event of a tie, a second run-off election shall be held with the tied nominees. If there remains a tie after the second run-off election the winner shall be determined by a draw of lots.

## 6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Recruitment Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.

- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

**7. LOSS OF ELECTION IN HOME LAFCO**

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

**8. FILLING BOARD VACANCIES**

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

*These policies and procedures were adopted by the CALAFCO Board of Directors on 12 January 2007 and amended on 9 November 2007, 8 February 2008, 13 February 2009, 12 February 2010, 18 February 2011, and 29 April 2011. They supersede all previous versions of the policies.*

**CALAFCO Regions**





## Board of Directors Nominations Form

### *Nomination to the CALAFCO Board of Directors*

In accordance with the Nominations and Election Procedures of CALAFCO,

\_\_\_\_\_ LAFCo of the \_\_\_\_\_ Region

Nominates \_\_\_\_\_

for the (check one)     City     County     Special District     Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual  
Membership Meeting of the Association.

\_\_\_\_\_  
LAFCo Chair

\_\_\_\_\_  
Date

#### **NOTICE OF DEADLINE**

Nominations must be received by **August 2, 2011** to be considered by the Recruitment Committee. Send completed nominations to:

CALAFCO Recruitment Committee  
c/o Sacramento LAFCo  
1112 I St., Suite 100  
Sacramento, CA 95814-2836

Date Received _____
------------------------

## Board of Directors Candidate Resume Form

Nominated By: \_\_\_\_\_ LAFCo Date: \_\_\_\_\_

Region (please check one):  Northern  Coastal  Central  Southern

Category (please check one):  City  County  Special District  Public

Candidate Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Office \_\_\_\_\_ Mobile \_\_\_\_\_

e-mail \_\_\_\_\_ @ \_\_\_\_\_

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

**NOTICE OF DEADLINE**

Nominations must be received by **August 2, 2011** to be considered by the Recruitment Committee. Send completed nominations to:

CALAFCO Recruitment Committee  
c/o Sacramento LAFCo  
1112 I St., Suite 100  
Sacramento, CA 95814-2836



June 21, 2011

**2011  
Board of Directors**

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Santa Clara LAFCo

**Vice Chair**  
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Los Angeles LAFCo

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Deputy Executive Officer

JUNE SAVALA  
Deputy Executive Officer

LOU ANN TEXEIRA  
Deputy Executive Officer

**TO:** LAFCo Executive Officers  
**FROM:** CALAFCO Legislative Committee  
**REPORT BY:** Keene Simonds, Napa LAFCo  
**SUBJECT:** Board-Approved Amendments to Government Code Section 56133

On April 29, 2011, the CALAFCO Board unanimously approved a proposal from the Legislative Committee to amend Government Code (G.C.) Section 56133 and its provisions governing the LAFCo approval process for cities and special districts to provide new and extended outside services. Three substantive changes underlie the Board-approved amendments. The first change expands LAFCos' existing authority in approving new and extended services beyond agencies' spheres of influence irrespective of public health and safety threats. The second change clarifies LAFCos' sole authority in determining the application of the statute. The third change deemphasizes the approval of contracts or agreements in favor of emphasizing the approval of service extensions.

The Board-approved amendments would – if passed into law – significantly expand LAFCos' individual discretion in administering G.C. Section 56133. Markedly, enhancing discretion highlights the Legislative Committee's principal motive in proposing the amendments given the current statute limits LAFCos' ability to accommodate new and extended services beyond spheres of influence that are otherwise logical given local conditions unless addressing public health or safety threats. The Legislative Committee, nevertheless, recognizes the importance of establishing specific safeguards to help uniformly guide LAFCos in exercising their expanded discretion consistent with our collective responsibilities to facilitate orderly and efficient municipal growth and development. Most notably, this includes explicitly tying the expanded discretion with the municipal service review process.

Additional materials are attached to this communication further detailing the Board-approved amendments to G.C. Section 56133. This includes a one-page informational flyer summarizing the key changes with implementing examples as well as addressing frequently asked questions that have been raised in the two plus years the Legislative Committee has expended on this important rewrite. The Legislative Committee welcomes your questions and comments. Towards this end, to help expedite follow up, these regional coordinators are available to discuss the Board-approved amendments as well as make presentations to individual LAFCos if interested:

<b>Northern:</b>	Scott Browne, Nevada Steve Lucas, Butte	<b>Coastal:</b>	Neelima Palacherla, Santa Clara Keene Simonds, Napa
<b>Central:</b>	Marjorie Blum, Stanislaus Ted Novelli, Amador	<b>Southern:</b>	Kathy McDonald, San Bernardino George Spiliotis, Riverside

Thank you again for your attention to this matter and the Legislative Committee looks forward to working with you on any questions or comments.

1215 K Street, Suite 1650  
Sacramento, CA 95814

Voice 916-442-6536  
Fax 916-442-6535

[www.calafco.org](http://www.calafco.org)

Attachments: 1) Informational Flyer on the Board-Approved Amendments to G.C. Section 56133  
2) Board Approved Amendments to G.C. Section 56133 (Track-Changes)  
3) Legislative History of G.C. Section 56133

June 2011

### The Proposal: Three Changes ...

The CALAFCO Board has unanimously approved a proposal from the Legislative Committee to amend Government Code (G.C.) Section 56133 and its provisions governing the LAFCo approval process for cities and districts to provide new and extended outside services. Three key changes underlie the Board-approved amendments. The **first** and most significant change expands LAFCo's existing authority in approving new and extended services beyond agencies' spheres of influence irrespective of public health and safety threats so long as LAFCo make three findings at noticed public hearings. These findings involve determining the extension 1) was contemplated in a municipal service review and 2) will not result in adverse impacts on open-space and agricultural lands or growth nor is a 3) later change of organization expected or desired based on local policies. The **second** change clarifies LAFCo's sole authority in determining the application of the statute. The **third** change deemphasizes the approval of contracts and emphasizes the approval of service extensions.

### Why the Changes ...

The CALAFCO Board and Legislative Committee believes the three changes proposed for G.C. Section 56133 will measurably strengthen a LAFCo's ability to effectively regulate outside service extensions in concert with our evolving role in regional growth management. Specifically, if passed into law, the changes will provide LAFCo more flexibility in accommodating service extensions lying beyond spheres of influence that are otherwise sensible given local conditions while clarifying the determination of when the statute and its exemptions apply rests solely with LAFCo. The changes would also strike unnecessary references to "contract or agreement approval" given these documents are generally prepared only after the proposed service extensions have been considered and approved by LAFCo. Examples showing how these changes could be implemented follow.

- LAFCo would have the authority, subject to making certain findings, to approve new or extended outside services beyond spheres of influence for public facilities, such as fire stations and schools, where the connection to the affected agency's infrastructure is a potential option.
- LAFCo would have the authority, subject to making certain findings, to approve new or extended outside services beyond spheres of influence for private uses supporting permitted intensity increases, such as residential construction or commercial additions.
- LAFCo would avoid delays and other transaction costs tied to disagreements with agencies regarding the constitution of "new" and "extended" services as well as determining when exemptions apply. Notably, this includes determining when a contract service proposed between two public agencies qualifies for exemption if it is "consistent with the level of service contemplated by the existing provider."

### FAQs

**Does providing LAFCo with more flexibility to approve services beyond spheres of influence undermine LAFCo's ability to curb sprawl?**

No. The proposed changes include measured safeguards to protect against inappropriate urban development by requiring LAFCo to make three specific findings (consistency with a municipal service review, no adverse agricultural or growth inducing impacts, and no expectation of future annexation) at noticed hearings before approving new or extended services beyond spheres.

**Will these changes create new pressures on LAFCo to accommodate development beyond agencies' spheres they would otherwise reject?**

The proposed changes do not effect LAFCo's existing right and duty to deny outside service requests deemed illogical and inconsistent with their policies.

**How long has CALAFCO been discussing the proposal?**

The Legislative Committee has spent two plus years working on the proposal before Board approval in April 2011.

### Questions or Comments

The following regional coordinators are available for questions or comments on the proposed changes to G.C. Section 56133. The regional coordinators are also available to make presentations to interested LAFCos.

- Scott Browne, Nevada
- Steve Lucas, Butte
- Marjorie Blom, Stanislaus
- Ted Novelli, Amador
- Neelima Palacherla, Santa Clara
- Keene Simonds, Napa
- Kathy McDonald, San Bernardino
- George Spiliotis, Riverside

**Contact:** William Chiat, Exec. Dir.  
(916) 442-6536  
wchiat@calafco.org

**Proposed Amendments to G.C. Section 56133  
(Approved by the CALAFCO Board on April 29, 2011)**

~~(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries-boundary only if it first requests and receives written approval from the commission-in the affected county. The commission may delegate approval of requests made pursuant to subdivisions (b) and (c)(1) below to the Executive Officer.~~

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries-boundary but within its sphere of influence in anticipation of a later change of organization.

~~(c) If consistent with adopted policy, (The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries-boundary and outside its sphere of influence under any of the following circumstances:~~

~~(1) To respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:~~

~~(1A) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.~~

~~(1B) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.~~

~~(2) To support existing or planned uses involving public or private properties subject to approval at a noticed public hearing that includes all of the following determinations:~~

~~(A) The extension of service or service deficiency was identified and evaluated in a municipal service review prepared by the commission pursuant to section 56430.~~

~~(B) The effect of the extension of service would not result in adverse impacts on open space or agricultural lands or result in adverse growth inducing impacts.~~

~~(C) A later change of organization involving the subject property and the affected agency is not feasible or desirable based on the adopted policies of the commission.~~

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district of a contract to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of these requests made under this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the contract for extended services. If the extended services are contract is disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to contracts or agreements solely involving two or more public agencies where the commission determines the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

(f) This section does not apply to contracts for the transfer of nonpotable or nontreated water.

(g) This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

(h) This section does not apply to an extended service that a city or district was providing on or before January 1, 2001.

(i) This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.

(j) The application of this section rests solely within the jurisdiction of the commission in the county in which the extension of service is proposed.

ATTACHMENT TWO  
(PREPARED BY PAT McCORMICK)

Government Code Section 56133  
Outside agency service/Extraterritorial service

Legislative History (new language underlined, deleted language crossed-out)

Introduced on March 3, 1993 in AB 1335 (Gotch). "The Gotch Bill" as drafted by CALAFCO.

A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county. This section does not apply to contracts or agreements solely involving two or more public agencies.

Added, Statutes of 1993, chapter 1307, section 2, AB 1335 (Gotch). "The Gotch Bill" as adopted by Legislature. Effective January 1, 1994.

*A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county. The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization. This section does not apply to contracts or agreements solely involving two or more public agencies. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section shall not apply to an extended service that a city or district was providing on January 1, 1993.*

Amended, Statutes of 1994, chapter 654, section 2, AB 3350 (Gotch). One-year clean up of the Gotch Bill. Changing effective date of grandfathering clause to effective date of original Gotch Bill. Effective September 20, 1994.

*A city or district may provide new or extended*

*services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county. The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization. This section does not apply to contracts or agreements solely involving two or more public agencies. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section shall not apply to an extended service that a city or district was providing on January 1, ~~1993~~ 1994.*

Amended, Statutes of 1997, chapter 175, section 1, AB 637 (Alby)  
Exempts local publicly owned power utility where no acquisition or construction of electrical facilities outside agency boundaries. Effective January 1, 1998.

*A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county. The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization. This section does not apply to contracts or agreements solely involving two or more public agencies. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any*

*project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section shall not apply to an extended service that a city or district was providing on January 1, 1994. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services, which do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.*

Amended, Statutes of 1999, chapter 779, section 1, SB 807 (Committee on Agriculture and Water Resources). Health or safety threats outside spheres.

**New formant with sub-sections.**

*(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.*

*(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.*

*(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:*

*(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.*

*(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.*

*(d) This section does not apply to contracts or agreements solely involving two or more public agencies. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section does not apply to an extended service that a city or district was providing on January 1, 1994. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.*

Amended, Statutes of 2000, chapter 761, section 47 AB 2838 (Hertzberg). The Local Governmental Reorganization Act of 2000. Effective January 1, 2001.

*(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.*

*(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.*

*(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:*

(1) *The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.*

(2) *The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.*

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district of a contract to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of those requests to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the contract for extended services. If the contract is disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water



*to agricultural lands for projects that serve conservation purposes and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section does not apply to an extended service that a city or district was providing on January 1, 1994. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.*

Amended, Statutes of 2002, chapter 548, section 6, AB 2227. Harman. Change of grandfathering date. Effective January 1, 2003.

*(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.*

*(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.*

*(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:*

*(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety*

*of the public or the affected residents.*

*(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.*

*(d) The executive officer, within 30 days of receipt of a request for approval by a city or district of a contract to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of those requests to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the contract for extended services. If the contract is disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.*

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**Proposed Amendments to G.C. Section 56133  
(Approved by the CALAFCO Board on April 29, 2011)**

(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional ~~boundaries-boundary~~ only if it first requests and receives written approval from the commission ~~in the affected county~~. The commission may delegate approval of requests made pursuant to subdivisions (b) and (c)(1) below to the Executive Officer.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional ~~boundaries-boundary~~ but within its sphere of influence in anticipation of a later change of organization.

(c) ~~If consistent with adopted policy,~~ The commission may authorize a city or district to provide new or extended services outside its jurisdictional ~~boundaries-boundary~~ and outside its sphere of influence under any of the following circumstances:

(1) ~~To~~ respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:

(4A) The entity applying for the ~~contract~~ approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2B) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(2) To support existing or planned uses involving public or private properties subject to approval at a noticed public hearing that includes all of the following determinations:

(A) The extension of service or service deficiency was identified and evaluated in a municipal service review prepared by the commission pursuant to section 56430.

(B) The effect of the extension of service would not result in adverse impacts on open space or agricultural lands or result in adverse growth inducing impacts.

(C) A later change of organization involving the subject property and the affected agency is not feasible or desirable based on the adopted policies of the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district ~~of a contract~~ to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of ~~these requests~~ made under this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the ~~contract for~~ extended services. If the ~~extended services are contract~~ is disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to ~~contracts or agreements solely involving~~ two or more public agencies where the commission determines the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

(f) This section does not apply to ~~contracts for~~ the transfer of nonpotable or nontreated water.

(g) This section does not apply to ~~contracts or agreements solely involving~~ the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

(h) This section does not apply to an extended service that a city or district was providing on or before January 1, 2001.

(i) This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.

(j) The application of this section rests solely within the jurisdiction of the commission in the county in which the extension of service is proposed.

ATTACHMENT TWO  
(PREPARED BY PAT McCORMICK)

Government Code Section 56133  
Outside agency service/Extraterritorial service

Legislative History (new language underlined, deleted language ~~crossed-out~~)

Introduced on March 3, 1993 in AB 1335 (Gotch). "The Gotch Bill" as drafted by CALAFCO.

A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county. This section does not apply to contracts or agreements solely involving two or more public agencies.

Added, Statutes of 1993, chapter 1307, section 2, AB 1335 (Gotch). "The Gotch Bill" as adopted by Legislature. Effective January 1, 1994.

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Amended, Statutes of 1994, chapter 654, section 2, AB 3350 (Gotch). One-year clean up of the Gotch Bill. Changing effective date of grandfathering clause to effective date of original Gotch Bill. Effective September 20, 1994.

*A city or district may provide new or extended*

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Amended, Statutes of 1999, chapter 779, section 1, SB 807 (Committee on Agriculture and Water Resources). Health or safety threats outside spheres.

**New formant with sub-sections.**

*(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.*

*(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.*

*(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:*

*(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.*

*(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.*

*(d) This section does not apply to contracts or agreements solely involving two or more public agencies. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section does not apply to an extended service that a city or district was providing on January 1, 1994. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.*

Amended, Statutes of 2000, chapter 761, section 47 AB 2838 (Hertzberg). The Local Governmental Reorganization Act of 2000. Effective January 1, 2001.

*(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.*

*(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.*

*(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:*



(1) *The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.*

(2) *The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.*

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district of a contract to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of those requests to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the contract for extended services. If the contract is disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water

*to agricultural lands for ~~projects that serve conservation purposes~~ and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section does not apply to an extended service that a city or district was providing on January 1, 1994. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.*

Amended, Statutes of 2002, chapter 548, section 6, AB 2227. Harman. Change of grandfathering date. Effective January 1, 2003.

*(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.*

*(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.*

*(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:*

*(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety*

*of the public or the affected residents.*

*(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.*

*(d) The executive officer, within 30 days of receipt of a request for approval by a city or district of a contract to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of those requests to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the contract for extended services. If the contract is disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.*

*(e) This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural*

*industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section does not apply to an extended service that a city or district was providing on or before January 1, ~~1994~~ 2001. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.*