

# LOCAL AGENCY FORMATION COMMISSION MINUTES

## CITY MEMBERS

David Ayers  
Jim Wadsworth  
Sid Craighead - Alternate

## COUNTY MEMBERS

Joe Neves – Chair  
Jon Rachford - Vice Chair  
Alene Taylor - Alternate

## PUBLIC MEMBERS

Paul Thompson  
Vacant - 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 4:00 p.m., on October 26, 2005, in the Board of Supervisors Chambers of the Kings County Government Center, located at 1400 W. Lacey Blvd., in Hanford, California.

**COMMISSIONERS PRESENT:** Joe Neves, Jon Rachford, David Ayers, Jim Wadsworth

**COMMISSIONERS ABSENT:** Paul Thompson

**STAFF PRESENT:** Bill Zumwalt, Greg Gatzka, Marti Seniff

**VISITORS PRESENT:** Jan Kahn

**UNSCHEDULED APPEARANCES:** None

## MINUTES OF September 28, 2005:

The minutes of September 28, 2005 were unanimously approved by the members present on a motion by Commissioners (Ayers / Rachford) with Commissioner Wadsworth abstaining.

## I. OLD BUSINESS:

### A. LAFCO Case No. 05-07 – Tulare Lake Reclamation District No. 761 Detachment

Mr. Gatzka stated the item is continued from the last meeting to hold a public hearing regarding the District's proposal to detach one parcel and a portion of another from the District, which total 157.51 acres. He stated that the territory is located approximately 1 mile east of the Kettleman City Community. Mr. Gatzka also clarified that LAFCO received consent from only one property owner, and that the other property owner, Franklin Tract Landowners Association, did not formally consent to the detachment. Mr. Gatzka explained that since the application does not represent 100 percent consent of the land owners, the Commission must hold a public hearing and commence protest proceedings with a noticed protest hearing occurring at the next scheduled LAFCO meeting.

Mr. Gatzka stated that a resolution of approval has been prepared for the Commission, and that if the Commission approves Resolution 05-14, the next step would be to conduct a protest hearing. A subsequent Resolution would then result from the determination of the valid protest(s) to finalize the action.

Chairman Neves opened the public hearing to receive testimony regarding the proposed detachment. Mr. Jan Kahn, attorney representing the Westlake Farms and associated ranches, asked the Commissioners to approve the detachment. He stated that the parcel owned by Franklin Tract Landowners has no water rights and that the property does not receive any benefit from the District assessment they are charged. He stated that Rancho Lago is not protesting the detachment.

Commissioner Neves asked if any one else would like to give testimony. Mr. Gatzka stated that staff had spoken to Norma Rulison, representing the Franklin Tract Landowners Association, and asked if they were in consent of the detachment. Ms. Rulison stated that they would not like to consent at this time and would consider the matter before the conclusion of the protest hearing. Chairman Neves closed the public hearing.

After Commission members discussed the proposal a motion was made and seconded by Commissioners (Wadsworth / Rachford) to make the necessary findings and approve LAFCO Resolution No. 05-14. Motion carried unanimously.

AYES: Commissioners: Wadsworth, Rachford, Neves, Ayers  
NOES: None  
ABSENT: Commissioners: Thompson

## **II. NEW BUSINESS:**

### **A. LAFCO Case No. 05-13 – City of Corcoran Reorganization 2005-A**

Mr. Gatzka stated that the item needs to be postponed to hold a public hearing since the proposal is for an island annexation and substantially surrounded areas and do not constitute 100 percent consent of all property owners. He stated that a 21 day notice of the public hearing is required and will go out to all property owners and registered voters in the project area and within 300 feet of the subject properties. The City is proposing annexation under the new state law (Government Code Section 56375.3) change which allows annexation to proceed without a protest hearing if certain criteria are met. Mr. Zumwalt stated that the Commission will hold the public hearing so the Commissioners could consider testimony concerning the six required findings necessary to approve the annexation without protest. Mr. Zumwalt read the six findings that would need to addressed to approve the annexation.

The commissioners discussed the notification of the public hearing and directed staff to prepare the notice with a good clear explanation of the public hearing, and send different notices for those properties included in the annexation and a different notice for those not included but notified under the 300 foot notification requirement.

### **B. Informational – Transfer of Territory between Pioneer Union Elementary School District and Hanford Elementary School District**

Mr. Zumwalt stated that the Education Code was amended requiring School Districts to notify LAFCO of changes in boundaries. He stated that Pioneer Union Elementary School District and Hanford Elementary School District have agreed on three proposed changes. He read the three proposed changes: Block Number One located at south of Grangeville, east of 13<sup>th</sup> Avenue and extending east of 12<sup>th</sup> Avenue which is currently in Pioneer and will be transferred to HESD. Block Number Two located north of Grangeville Avenue, west of 12<sup>th</sup> Avenue and extending north to Fargo Avenue which is currently in HESD and will be transferred to Pioneer. Block Number Three north of Fargo Avenue between 10<sup>th</sup> Avenue and Michael Way which is currently in HESD and will be transferred to Pioneer. Mr. Zumwalt stated to the Commission that this is only informational. The Commissioners discussed the matter.

### **III. LEGISLATION –**

#### **SB 967 (October 6, 2005) Kern LAFCO Commission Changes**

Mr. Gatzka provided a brief overview of Senate Bill 967. He stated that the bill changed the composition of the current Kern LAFCO from 7 members to add two additional members. He stated that the one additional City member would result in the largest City having a permanent spot and the other would be for an additional public member. He stated that this is currently for Kern LAFCO only but it could be a precursor for change in other county LAFCO's.

#### **SB 135 Community Services District Law**

Mr. Gatzka provided a brief overview of Senate Bill 135. He stated that the bill is a consolidation of district related laws which are not revised into the Community Services District Law which takes affect January 1, 2006. He stated that Senate Bill 135 consolidates the provisions into a list of 31 services and facilities. He stated that the bill defines "latent powers" as those services and facilities that LAFCO determines that a CSD did not provide before January 1, 2006. Mr. Gatzka stated that starting January 1, 2006, if an existing CSD wants to activate a latent power, the district must get LAFCO approval.

### **IV. MISCELLANEOUS**

- A. Correspondence** – None
- B. Unscheduled Public Comments** – None
- C. Items from the Commission** – None
- D. Staff Comments** – Mr. Gatzka suggested that the next LAFCO meeting on December 7, 2005, start at 3:00 p.m. to accommodate the scheduled public hearings. After discussion of the matter the Commission directed staff to schedule the next meeting for 3:00 p.m.

### **V. ADJOURNMENT**

- A. Next scheduled meeting is December 7, 2005 at 3:00 p.m.**

Respectfully submitted,

**LOCAL AGENCY FORMATION COMMISSION  
OF KINGS COUNTY**

William R. Zumwalt, Executive Officer