

# LOCAL AGENCY FORMATION COMMISSION MINUTES

## CITY MEMBERS

Lois Wynne – Vice Chair  
Harlin Casida  
Sid Palmerin - Alternate

## COUNTY MEMBERS

Joe Neves – Chair  
Doug Verboon  
Richard Valle - 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 3:00 p.m., on August 24, 2016 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, Doug Verboon, Paul Thompson, Harlin Casida, Lois Wynne

## COMMISSIONERS ABSENT:

## STAFF PRESENT:

Greg Gatzka – Executive Officer, Chuck Kinney – Assistant Executive Officer, Erik Kaeding – County Counsel, Terri Yarbrough – Clerk

## VISITORS PRESENT:

Darlene Mata, Julie Semas, Paul Van Loon, Michael Tellian, Alex Dwiggins

**UNSCHEDULED APPEARANCES:** Mr. Paul Van Loon, Superintendent for Pioneer Union Elementary School District, stated the school district is in favor of the annexation. He stated the school district made offsite upgraded capital improvements as required by the city in order to accommodate the proposed development along Frontier Street with the understanding that they would be reimbursed once development began. Michael Tellian, architect for Frontier Middle School, wanted to give a history of what transpired at the time of construction. Mr. Kaeding suggested that it might be better to provide this information at the time the item is heard. Mr. Tellian waited to present under the item.

## APPROVAL OF MINUTES:

A motion was made and seconded (Verboon/Thompson) to approve the minutes of the July 27, 2016 meeting. Motion carried unanimously with Wynne abstaining.

## OLD BUSINESS:

### LAFCO Case No. 16-01, Hanford Reorganization No. 151

Mr. Kinney provided an overview of a proposal by the City of Hanford to annex two parcels totaling 51.58 acres of County unincorporated area into the city limits. He also provided an overview of what transpired at the meeting on July 27, 2016. Mr. Kinney stated that staff had been in contact with representatives from the City of Hanford and Pioneer Elementary School District. He reported that the representatives have met with each other and are in the audience. Mr. Kaeding stated that the Commission was informed at the July 27, 2016 meeting that when the school was constructed, utility pipelines were upsized to meet the needs of a proposed housing development. It appears that school officials may have been told or led to believe that they would be reimbursed for the cost of upsizing if the housing development was ever developed. He advised the Commission they needed to determine if there was excess capacity and if there was excess capacity was it required by the City. He stated that if the City had no hand in requiring excess capacity, then any determination of reimbursement is beyond LAFCO's jurisdiction. If the City had a role in requiring excess capacity, it is within LAFCO's jurisdiction to determine whether there was a written, oral, or implied

agreement for reimbursement. A determination needs to be made as to whether the District already received reimbursement and how much extra the District paid to upsize utilities. Mr. Kaeding stated that the Commission needed to determine if there is excess capacity and if so did the City have a role in requiring the excess capacity, has the District already been reimbursed for excess capacity, and if they haven't been reimbursed did an oral or implied agreement for reimbursement exist. Mr. Kaeding advised the Commission if there was an oral or implied agreement, they could do nothing and approve the annexation as proposed, require the District and City to come to some written agreement to resolve the issue, or impose a solution.

Chairman Neves continued the public hearing from July 27, 2016 and asked if there was anyone wanting to testify. Michael Tellian, architect for Frontier Middle School, provided the history of the construction of the school. He stated the only impact fees that were lowered were the traffic impact fee since the school had done a traffic impact study. He reported that he did locate a reimbursement agreement for \$314,000 between the City of Hanford and Pioneer Elementary School District. Although the document had not been signed or recorded he stated that the document shows an implied reimbursement agreement. Mr. Kaeding stated that the payment could be paid through a lump sum, paid by the City out of future fees, or by the property owners. He also stated that the excess capacity could only be considered on the property that is being considered for annexation. Commissioner Verboon stated that he believed the school should be reimbursed for the increased capacity. Commissioner Wynne asked if the annexation was being heard because there was a builder who was ready to build. Ms. Darlene Mata, representing the City of Hanford, stated that she indicated to the School District and Mr. Tillian that they could request the reimbursement up to the expiration of ten years. She stated they would need to submit the request and that the school would have approximately a year and a half to collect and if no homes were built within the 10 year time frame, there would be no reimbursement. Mr. Alex Dwiggins, representing Zumwalt-Hansen, provided technical history on the construction. He stated there was clearly oversizing for the storm water but there was no oversizing designed for the water and sewer line for the development and the depth of the sewer may have been oversized. Chairman Neves asked if there was anyone else wanting to testify. Seeing none, he closed the public hearing. Commissioner Thompson asked what happens if there is an agreement but no construction. Ms. Mata stated the School District can request a reimbursement for up to ten years and the school district would have one year beyond that to collect the reimbursement. She stated if there was no development within the ten years, the school district wouldn't be entitled to any reimbursement. Mr. Kaeding again advised the Commission on the options available to them.

A motion was made and seconded (Verboon/Wynne) to allow up until the next scheduled LAFCO meeting for the School District and the City of Hanford to come up with a solution. Motion carried unanimously.

## **NEW BUSINESS**

None

## **LEGISLATION**

None

## **MISCELLANEOUS**

- A. Correspondence** – None
- B. Items from the Commission** – None
- C. Staff Comments** – None

**ADJOURNMENT** – With no further business before the Commission, the meeting was adjourned at 3:49 p.m.

**A. A meeting is scheduled for September 28, 2016 at 3:00 p.m.**

Respectfully submitted,

**LOCAL AGENCY FORMATION COMMISSION  
OF KINGS COUNTY**



Gregory R. Gatzka, Executive Officer

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