

# BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF RESOLUTION OF APPLICATION )  
FOR THE DIVESTITURE FROM THE EAST OROSI ) Resolution No. 2024-0818  
COMMUNITY SERVICES DISTRICT OF THE POWER )  
TO PROVIDE DOMESTIC WATER SERVICES AND )  
ANNEXATION OF A PART OF THE TERRITORY OF THE )  
EAST OROSI COMMUNITY SERVICES DISTRICT INTO )  
THE OROSI PUBLIC UTILITY DISTRICT )

**WHEREAS**, the County of Tulare desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000, of the California Government Code, for the divestiture from the East Oroshi Community Services District (“EOCSD”) of the power to provide domestic water services and annexation of a part of the territory of the EOCSD into the Oroshi Public Utility District (“OPUD”) for the purposes of providing improved domestic water service, (collectively, the “Proposal”); and

**WHEREAS**, the territory proposed to be annexed is inhabited, and a legal description of the external boundary of the territory is set forth in the attached **Exhibit A** and depicted in the map attached hereto as **Exhibit B**, and by this reference incorporated herein; and

**WHEREAS**, effective on November 1, 2023, the State Water Resources Control Board appointed the County of Tulare (the “County”) as the administrator of the EOCSD, giving the County full administrative, technical, operational, legal, financial and managerial control of the EOCSD’s domestic water system; and

**WHEREAS**, as an “affected local agency,” the County is empowered by Government Code §56654(a) to initiate an application to the Local Agency Formation Commission of Tulare County (“LAFCo”) for the annexation of part of the territory of EOCSD into OPUD; and

**WHEREAS**, in its capacity as administrator of the EOCSD, the County is empowered by Government Code §§56654(b) and 56824.12 to submit a proposal to divest the EOCSD of its power to provide domestic water service within the territory of the District; and

**WHEREAS**, the assets and liabilities of the EOCSD’s domestic water system shall be transferred to the OPUD, once the proposed divestiture of power and annexation are effective; and

**WHEREAS**, the Proposal includes a request to update the OPUD’s “Sphere of Influence” to include the territory proposed for annexation; and

**WHEREAS**, the Proposal does not affect and the EOCSD will continue to provide sewer services within its jurisdiction; and

**WHEREAS**, the reasons for the Proposal are as follows: the EOCSD Public Water System is subject to an order of Mandatory Consolidation with the OPUD through the State Water Resources Control Board (SWRCB) Compliance Orders No. 03\_24\_20R\_002 (October 27, 2020) and No. 24\_E1\_22R\_004 (January 24, 2023). These Orders came about due to findings by the SWRCB that the EOCSD is unable to effectively manage its domestic water supply system and the failure to provide safe drinking water due to high nitrate levels.; and

**WHEREAS**, the East Orosi Water Supply and Infrastructure Project will provide a safe and improved domestic water service for the territory that will physically consolidate the EOCSD's domestic water system with the OPUD's domestic water system; and

**WHEREAS**, the proposed annexation and associated divestiture of power will not be effective until the completion of the East Orosi Water Supply Project, currently projected by early 2027; and

**WHEREAS**, the Proposal is also be subject to the condition that a successful Proposition 218 fee setting process must be conducted to ensure that OPUD can collect sufficient rates from the annexed East Orosi territory to cover the costs of providing domestic water services to the annexed parcels; and **WHEREAS**, on February 6, 2024, this Board adopted Resolution Number 2024-0118 certifying a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program Guidelines for the EOCSD Water Supply and Infrastructure Project as complete and adequate and in compliance with the California Environmental Quality Act ("CEQA") and the State California Environmental Quality Act Guidelines. The document identifies consolidation and annexation as potential outcomes. Thus, the already certified CEQA documentation is sufficient for this action, and the Proposal does not constitute, nor will it cause, a change in the physical environment, and, equally important, it is not foreseeable at this time that the Proposal will result in any change thereto, significant or otherwise, on the ground; and

**WHEREAS**, this Board held a public hearing on the Proposal as part of its regular meeting of September 10, 2024, notice of which was provided to each of the interested agencies, subject agencies, and the general public as required by Government Code §§56654(c) and 56824.12; and

**WHEREAS**, the Board, having heard and considered all public comments from and written and verbal testimony offered by or received from representatives of the interested agencies, subject agencies, and the general public before the end of said public hearing, then deliberated upon the matter and has determined to approve submission of the application for the Proposal.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Tulare hereby finds, determines, and orders as follows:

1. Each of the recitals shown above are true and correct, and they are incorporated into this Resolution of Application by this reference as if set forth herein in full.

2. Subject to approval of the requested update of the OPUD's Sphere of Influence to include the territory proposed for annexation into OPUD, the Proposal is consistent with the Spheres of Influence of any affected district.

3. This Resolution of Application is hereby adopted and approved.

4. The Local Agency Formation Commission of Tulare County is hereby requested to take proceedings for approval of the Proposal, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**THE FOREGOING RESOLUTION WAS ADOPTED** upon motion of Supervisor Valero, seconded by Supervisor Vander Poel, at a regular meeting on September 10, 2024, by the following vote:

AYES: SUPERVISORS MICARI, VANDER POEL, AND VALERO  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: SUPERVISORS SHUKLIAN AND TOWNSEND



ATTEST: JASON T BRITT  
COUNTY ADMINISTRATIVE  
OFFICER/CLERK BOARD OF  
SUPERVISORS

BY:

Deputy Clerk