AGENDA
Wednesday, December 2, 2015
6:00 P.M.
Joint Chambers—Basement Level
1010 10th Street, Modesto, California 95354

The Stanislaus Local Agency Formation Commission welcomes you to its meetings. As a courtesy, please silence your cell phones during the meeting. If you want to submit documents at this meeting, please bring 15 copies for distribution. Agendas and staff reports are available on our website at least 72 hours before each meeting. Materials related to an item on this Agenda, submitted to the Commission or prepared after distribution of the agenda packet, will be available for public inspection in the LAFCO Office at 1010 10th Street, 3rd Floor, Modesto, during normal business hours.

1. CALL TO ORDER
   A. Pledge of Allegiance to the Flag.
   B. Introduction of Commissioners and Staff.

2. PUBLIC COMMENT PERIOD
   This is the period in which persons may speak on items that are not listed on the regular agenda. All persons wishing to speak during this public comment portion of the meeting are asked to fill out a “Speaker’s Card” and provide it to the Commission Clerk. Each speaker will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented during the public comment period.

3. APPROVAL OF MINUTES
   A. Minutes of the October 28, 2015 Meeting.

4. CORRESPONDENCE
   No correspondence addressed to the Commission, individual Commissioners or staff will be accepted and/or considered unless it has been signed by the author, or sufficiently identifies the person or persons responsible for its creation and submittal.
   A. Specific Correspondence.
      None.
   B. Informational Correspondence.
      1. CALAFCO Quarterly – November 2015.
   C. “In the News”.
5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

6. CONSENT ITEMS

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the discussion of the matter.

A. **ANNUAL CITY ANNEXATION SUMMARY.** (Staff Recommendation: Accept Report.)

B. **MSR No. 14-05 & SOI No. 2014-05: MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE ORESTIMBA CREEK AND SAND CREEK FLOOD DISTRICTS.** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Orestimba Creek and Sand Creek Flood Control Districts. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to Regulations §15306 and §15061(b)(3). (Staff Recommendation: Approve Resolution Nos. 2015-15 and 2015-16.)

7. OTHER BUSINESS

A. **2016 WORK PROGRAM - MUNICIPAL SERVICE REVIEW & SPHERE OF INFLUENCE UPDATES.** (Staff Recommendation: Adopt work program and direct staff as needed.)

8. COMMISSIONER COMMENTS

Commission Members may provide comments regarding LAFCO matters.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

The Commission Chair may announce additional matters regarding LAFCO matters.

10. EXECUTIVE OFFICER'S REPORT

The Commission will receive a verbal report from the Executive Officer regarding current staff activities.

A. On the Horizon.

11. ADJOURNMENT

A. Set the next meeting date of the Commission for January 27, 2016.

B. Adjourn.
LAFCO Disclosure Requirements

Disclosure of Campaign Contributions: If you wish to participate in a LAFCO proceeding, you are prohibited from making a campaign contribution of more than $250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than $250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than $250 to any commissioner or alternate during the twelve (12) months preceding the decision, that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

Lobbying Disclosure: Any person or group lobbying the Commission or the Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. Any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings: If the proponents or opponents of a LAFCO proposal spend $1,000 with respect to that proposal, they must report their contributions of $100 or more and all of their expenditures under the rules of the Political Reform Act for local initiative measures to the LAFCO Office.

LAFCO Action in Court: All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 24 hours before the hearing will be distributed to the Commission.

Reasonable Accommodations: In compliance with the Americans with Disabilities Act, hearing devices are available for public use. If hearing devices are needed, please contact the LAFCO Clerk at 525-7660. Notification 24 hours prior to the meeting will enable the Clerk to make arrangements.

Alternative Formats: If requested, the agenda will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the Federal rules and regulations adopted in implementation thereof.

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedure Section 185 which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the Local Agency Formation Commission shall be in English and anyone wishing to address the Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.
1. CALL TO ORDER

Chair DeMartini called the meeting to order at 6:00 p.m.

A. Pledge of Allegiance to Flag. Chair DeMartini led in the pledge of allegiance to the flag.

B. Introduction of Commissioners and Staff. Chair DeMartini led in the introduction of the Commissioners and Staff.

Commissioners Present: Jim DeMartini, Chair, County Member
Amy Bublak, City Member
Tom Dunlop, City Member
William O’Brien, Alternate County Member
Michael Van Winkle, Alternate City Member
Annabel Gammon, Alternate Public Member

Commissioners Absent: Brad Hawn, Vice Chair, Public Member
Terry Withrow, County Member

Staff Present: Sara Lytle-Pinhey, Executive Officer
Javier Camarena, Assistant Executive Officer
Jennifer Goss, Commission Clerk
Thomas E. Boze, Alternate LAFCO Counsel

2. PUBLIC COMMENT

None.

3. APPROVAL OF MINUTES

A. Minutes of the August 26, 2015 Meeting.

Motion by Commissioner Bublak, seconded by Commissioner Dunlop and carried with a 5-0 vote to approve the Minutes of the August 26, 2015 meeting by the following vote:

Ayes: Commissioners: Bublak, DeMartini, Dunlop, Gammon and O’Brien
Noes: Commissioners: None
Ineligible: Commissioners: Van Winkle
Absent: Commissioners: Hawn and Withrow
Abstention: Commissioners: None
4. **CORRESPONDENCE**

A. Specific Correspondence.

None.

B. Informational Correspondence.

1. CALAFCO Quarterly – September 2015.
3. LAFCO 101 Handout from CALAFCO 2015 Annual Conference.

C. “In the News”

5. **DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

None.

6. **CONSENT ITEM**

A. **OUT-OF-BOUNDARY SERVICE EXTENSION: 1001 MONTANA AVENUE.**

Request by the City of Turlock to provide water and sewer services outside its boundaries for a proposed park located at 1001 Montana Avenue, within an unincorporated island. The City of Turlock, as Lead Agency, determined that the proposal is exempt from the California Environmental Quality Act (CEQA). LAFCO, as a Responsible Agency, will consider this environmental determination as part of its action. (Staff Recommendation: Approve Resolution No. 2015-14).

Motion by Commissioner Bublak, seconded by Commissioner O’Brien and carried with a 5-0 vote to adopt Resolution No. 2015-14 approving the Out-Of-Boundary Service Extension request as recommended by Staff by the following vote:

Ayes: Commissioners: Bublak, DeMartini, Dunlop, Gammon and O’Brien
Noes: Commissioners: None
Ineligible: Commissioners: Van Winkle
Absent: Commissioners: Hawn and Withrow
Abstention: Commissioners: None

7. **OTHER BUSINESS**

A. Legislative Update.

Executive Officer Sara Lytle-Pinhey gave a brief overview of the new legislative updates and recommended that the Commission accept and file the update.

Motion by Commissioner O’Brien, seconded by Commissioner Gammon and carried with a 5-0 vote to accept the Legislative Update by the following vote:

Ayes: Commissioners: Bublak, DeMartini, Dunlop, Gammon and O’Brien
Noes: Commissioners: None
Ineligible: Commissioners: Van Winkle  
Absent: Commissioners: Hawn and Withrow  
Abstention: Commissioners: None

B. Proposed LAFCO Meeting Calendar for 2016.

Motion by Commissioner Bublak, seconded by Commissioner Dunlop and carried with a 5-0 vote to accept the 2016 Calendar by the following vote:

Ayes: Commissioners: Bublak, DeMartini, Dunlop, Gammon and O’Brien  
Noes: Commissioners: None  
Ineligible: Commissioners: Van Winkle  
Absent: Commissioners: Hawn and Withrow  
Abstention: Commissioners: None

8. COMMISSIONER COMMENTS

Commissioner Bublak stated that she attended the 2016 Annual CALAFCO Conference in Sacramento. She said it was very beneficial and she made a lot of new contacts. Chair DeMartini stated he also attended the conference and enjoyed it as well, including the Mobile workshop tour of the Delta.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

None.

10. EXECUTIVE OFFICER’S REPORT

A. On the Horizon. The Executive Officer informed the Commission of the following:

- Staff has processed several Out-Of-boundary applications recently. Most have been for health and safety reasons.

- Staff has also attended a few pre-application meetings, including one for an upcoming annexation to the Keyes Community Service District.

- Staff is in the process of working on several Municipal Service Review updates for the Commission’s review.

- As a reminder, the November and December LAFCO meeting is combined and will be on December 2, 2015.

11. ADJOURNMENT

A. Chair DeMartini announced that the next meeting date and time will be December 2, 2015 at 6:00 p.m.

B. The meeting was adjourned 6:12 p.m.
**CALAFCO Board 2016 Committees**

At their November 13 meeting, the CALAFCO Board appointed members to the 2016 standing committees as follows:

**Legislative Committee**
- Jim Curatalo (South)
- Shiva Frentzen (Central)
- William Kirby (At-Large)
- John Leopold (Coastal)
- Mike McGill (At-Large)
- Ricky Samayoa (North)

**Nominations Committee**
- Bill Connelly
- James Curatalo (Chair)
- John Marchand
- Anita Paque

**Awards Committee**
- Cheryl Brothers
- Larry Duncan (Chair)
- Michael Kelley
- William Kirby
- John Leopold

**2016 Annual Conference**
- Gay Jones
- Gerard McCallum
- Sblend Sblendorio (Chair)
- Josh Susman

**Conferences and Workshops Update**

**2015 ANNUAL CONFERENCE A SUCCESS**

A final Conference report was provided to the Board on November 13. Participant evaluations rated the overall experience a 5.2 out of 6.0, and there was an evaluation return rate of approximately 38%, which is the highest ever received. Financially, the Conference was successful in that revenues slightly exceeded budget and expenses were lower than budgeted. Overall, it appears a net profit of approximately 34% was earned, which exceeds the Association’s policy of 15%. This year, $18,738 was received in Conference Sponsorships.

Total attendance was 252 registrants with 11 guests and 17 guest speakers, for a total of 280. CALAFCO wishes to once again thank our Conference host, Sacramento LAFCo, and program committee chair David Church, along with everyone who helped to plan and execute this year’s Annual Conference. All Conference materials are posted on the CALAFCO website.

**2016 STAFF WORKSHOP**

Plans are underway for the 2016 Staff Workshop. Our host this year is Los Angeles LAFCo and we will be at the Hilton Universal City. The Workshop is set for March 30 – April 1. The theme is **JEOPARDY: What is the Evolving Role of LAFCo?**

A special Mobile Workshop panel and tour is planned at Universal Studios to learn about the NBC Universal Evolution Plan, Alt. No. 10: No Residential Alternative, and the program planning committee and host LAFCo are planning a fun surprise for our luncheon and dinner entertainment! Look for program and registration details coming soon.

**2016 ANNUAL CONFERENCE**

The program planning committee is being formed to begin planning the program for the next Annual Conference. The dates are October 26 – 28, 2016. We will be hosted by the Santa Barbara LAFCo and will be at the Fess Parker DoubleTree by Hilton. Planning for this conference will get underway shortly.

**CALAFCO U Update**

The final CALAFCO U for 2015 was held in Sacramento on November 9. The topic was Implementing SB 88 – Water System Consolidations: What Does It Mean For LAFCo? Panelists included staff from the State Water Resources Control Board (SWRCB) and the Governor’s Office of Planning and Research (OPR). After hearing about the functions of the SWRCB, an overview of SB 88 and how the SWRCB plans to implement the legislation, attendees had an opportunity, in small group discussions, to provide the panel feedback on potential issues, how we see LAFCo involved in the implementation, and what would be needed in order to make that work. This information is being collated and will be presented back to the SWRCB and OPR, and used by CALAFCO to work on clean-up legislation this coming year. There were a total of 34 people in attendance. Initial evaluation results indicate the session was very well received.

**CALAFCO Board Actions**

The Board met on November 13 and took the following administrative actions:

- Made Board Committee appointments as noted above;
- Received and filed the 1st Quarter financial reports indicating the Association continues to be in strong fiscal health;
- Renewed the contract of CALAFCO’s Administrator Jeni Tickler for another three years;
- Renewed the Executive Director’s contract for three years, and approved the change in compensation to account for an average of 32 hrs. week as part of that contract renewal (as previously approved by the Board and reported to the membership);
- Adopted a revised FY 2015-16 budget based on all of the Board’s organizational changes made at their July 31 meeting;
- Approved the recommended 2016 Legislative Committee staff appointments;
- Reviewed the Association’s current Legislative Policies, which resulted in no recommendations for potential changes and
Received the request for consideration of a CALAFCO Code of Ethics Policy, and supported the idea of a subcommittee creating a draft policy for the Board’s review and consideration at their February 2016 meeting.

**CALAFCO Legislative Update**

2016 will be the second year of the two-year legislative cycle. The Legislative Committee (Committee) held its first meeting via conference call November 6 with the first in-person meeting set for December 11 in Sacramento. While the legislature is currently out of session, there is a lot of work going on behind the scenes.

During the legislative recess, CALAFCO’s work with OPR and the SWRCB continues. OPR has been holding a series of land use and water workshops along with rural communities workshops, planning six across the state over the past two months or so. While attendance to these workshops is by OPR invitation only, CALAFCO has ensured at least one LAFCo has been present at each event.

CALAFCO conducted a two-part series of LAFCO 101 in the Capitol for legislative staff the first two weeks of November. While attendance was lower than anticipated, those that did attend took away an enlightened understanding of LAFCo authority.

During their November meeting, the Board took a great deal of time deliberating the Legislative Committee’s feedback of potential legislative priorities for 2016 during their November 13 meeting. The outcome of those deliberations was a general consensus of the priorities for 2016 which will be reported back to the Legislative Committee during their December 11 meeting. Those priorities include maintaining a focus on potential legislation to strengthen the relations between LAFCos and JPAs, limiting the number of items that are contained within the 2016 annual Omnibus bill, and focusing efforts in participating in (but not sponsoring) legislation to clean up SB 88. The Board further restated their intention to sponsor legislation on amending Protest Provisions, with the focus as a priority for the 2017-2018 legislative session (rather than in 2016). The Board acknowledged other priorities are not able to be considered at this time due to CALAFCO’s resource limitations.

A full detailed legislative tracking report can be found on the CALAFCO website in the Members Only section.

**CALAFCO Associate Members’ Corner**

This section highlights our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

Earlier this year CALAFCO highlighted three of our Gold Associate Members. In this edition we highlight the rest of our current Gold Associate Members.

- **Meyers Nave**
  Meyers Nave is a law firm dedicated to providing California’s public agencies both general counsel and specialized services in matters involving land use, annexations, incorporations, labor and employment, Brown Act, telecommunications, eminent domain and other critical areas. Meyers Nave has been a Gold Associate Member since February 2006. Learn more about Meyers Nave at [www.meyersnave.com](http://www.meyersnave.com).

- **Project Resource Specialists**
  Project Resource Specialists provides management and legislative support to all levels of local government including LAFCo for Municipal Service reviews, agency organization and project management support. Beginning as a Silver Associate Member in May 2007, they became a Gold Associate Member in July 2014. Learn more about Project Resource Specialists by emailing them at ehrichprs@gmail.com.

CALAFCO wishes to thank all of our Associate Members for your support and partnership. We look forward to continuing to highlight our Associate Members in each Quarterly Report.

**Mark Your Calendars For These Upcoming CALAFCO Events**

- CALAFCO Legislative Committee meeting, December 11, 2015, Sacramento
- CALAFCO Legislative Committee meeting, January 22, 2016, San Diego
- CALAFCO Board of Directors meeting, February 5, 2016, Irvine

Look for a 2016 calendar of events coming in December.
CORRESPONDENCE – IN THE NEWS

Newspaper Articles

➢ The Modesto Bee, October 21, 2015, “Measure H Consolidates sewer extension votes for county islands in Modesto”.

➢ The Turlock Journal, October 31, 2015, “Public get involved in Groundwater Act implementation”.

➢ The Modesto Bee, November 4, 2015, “Anti-sprawl initiative in Modesto could pass by small margin”.

➢ The Modesto Bee, November 12, 2015, “Modesto’s Measure I is defeated as final results are tabulated”.

➢ The Modesto Bee, November 13, 2015, “Many surprised by failure of Anti-sprawl Measure I in Modesto”.

➢ The Modesto Bee, November 15, 2015, “Modesto wants to end water partnership with Ceres, Turlock”.

➢ The Modesto Bee, November 17, 2015, “Groundwater recharge east of Turlock could get OK”.

Measure H consolidates sewer extension votes for county islands in Modesto

By Ken Carlson

An advisory measure on the Nov. 3 ballot asks if Modesto voters approve of sewer line extensions to 10 county islands.

Measure H includes the remaining county residential areas in Modesto that have never been subject to a sewer extension vote, officials have said. Most of the neglected unincorporated areas are on the west and south sides of Modesto.

County islands were typically created when residential areas were built in the Stanislaus County jurisdiction many years ago and the city grew around them.

Measure H was put on the ballot to hold a single vote on the county pockets, thereby reducing election costs. Since 1979, Modesto has required the nonbinding votes before sewer lines are extended for urban development.

The city and county are splitting the election cost for Measure H, which was originally estimated at $90,000 or less. The ballot measure is an initial step before the county can seek grants for improvements to the disadvantaged neighborhoods. The county is required to build sidewalks and other upgrades before the city provides sewer service.

Officials say most of the islands are residential neighborhoods on septic tanks, which can contaminate the groundwater.

The formal argument in favor of Measure H says it will improve health conditions for residents. The argument was signed by Mayor Garrad Marsh and City Council members Jenny Kenoyer and Bill Zoslocki. There is no argument against the ballot measure.

Eight of the county islands, totaling 1,250 acres, are in west and south Modesto. The other two include 15 acres on the east side of McHenry Avenue, just south of Claratina Avenue, and a 90-acre area near Coffee Road and Sylvan Avenue. The county islands are shown on a map in the sample ballots mailed to registered voters.

One island includes 80 acres, bordered by Woodland Avenue and Mercy Avenue, west of Carpenter Road, in Board of Supervisors Chairman Terry Withrow's district. Withrow said those residents have never asked him about receiving city services. Still, he agreed with focusing attention on the county pockets.
County Public Works Director Matt Machado said the 10 islands are not on a schedule for improvements. Those neighborhoods where average incomes are lower should be eligible for grants to pay for upgrades.

“Once this advisory measure happens, we can start looking at these islands,” Machado said. Some neighborhoods may not qualify for grant assistance if incomes are higher, he said.

The county is currently working on urban improvements for the airport neighborhood. Residents of Parklawn, a county pocket in south Modesto, are starting the process of connecting their homes to sewer service five years after a sewer extension vote. Another example of a county island makeover is the 145-acre Shackelford area, which was annexed to Modesto in 2012.

A map showing the county islands can be viewed at www.stanvote.com/sample-ballot.shtm, under “view your e-sample ballot pamphlet.” Type in your street address to see your ballot pamphlet and polling site.
Public gets involved in Groundwater Act implementation

By Alysson Aredas

A group of Turlock Subbasin stakeholders gathered at the first Sustainable Groundwater Management Act Workshop on Thursday to learn more about the requirements of the historic legislation and more importantly how they can assume an active role in its local implementation.

"Get information, get on mailing lists and go to public meetings," said Turlock Irrigation District Water Resources Analyst Herb Smart. "Start a conversation with us, ask questions. If GSAs [Groundwater Sustainability Agencies] get formed and GSPs [Groundwater Sustainability Plans] get adopted and stakeholders aren’t involved in the process, everything is moot."

Hosted by the Turlock Groundwater Basin Association, this inaugural workshop educated the public about groundwater and groundwater resources in the region, the requirements of SGMA and ways they can stay informed and engaged in future subbasin management processes.

Smart said that stakeholders include holders of agricultural and domestic groundwater rights, municipal well operators, public water systems, local land use planning agencies, environmental users of groundwater, surface water users, the federal government and disadvantaged communities.

"The fact of the matter is if you drink water around here in the subbasin—and I’m sure we all do—you’re a stakeholder," said Smart. "Because around here, most of the domestic water that we drink comes from groundwater."

In addition to learning more about resources and what the next steps are for SGMA’s local implementation, those who attended the workshop received information on the SGMA, TGBA, the geology of the Turlock subbasin and data gathering required for SGMA.

Representatives from surrounding agencies that attended Thursday’s meeting included Al Rossini from Eastside Water District, TGBA vice chairperson Debbie Liebersbach from TID, Garner Reynolds from the City of Turlock, Glenn Prasad from the City of Modesto, Ron Rowe from Merced County, Walt Ward from Stanislaus County, Larry Ernst from Wood Rogers, Inc., Phyllis Stanin from Todd Groundwater and TGBA chairperson Michael Cooke from City of Turlock.

SGMA, which took effect earlier this year, requires the formation of local Groundwater Sustainability Agencies covering the Turlock Subbasin before June 30, 2017 to avoid probationary state intervention. The GSAs are to be formed by local public agencies that have water supply, water management, or land-use responsibilities within a groundwater basin.

SGMA also requires the GSAs—once established—to develop and adopt a Groundwater Sustainability Plan or multiple coordinated GSPs covering the entire Subbasin prior to Jan. 31, 2022. If the GSA fails to meet this deadline, the Subbasin will be subject to state intervention measures.

Furthermore, the Subbasin can also be subject to state intervention after plan adoption if plans are deemed inadequate or are not being implemented in a manner likely to achieve the groundwater sustainability goals outlined in the GSP.

Stanislaus County Walt Ward said that "sustainable groundwater management" is defined as the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results. These undesirable results can include significant and unreasonable reduction of groundwater storage or chronic lowering of groundwater levels of significant and unreasonable degraded water quality.
IN THE NEWS – The Turlock Journal, October 31, 2015 (continued Page 2)

The California Department of Water Resources, in consultation with the State Water Resources Control Board, is charged with implementing SGMA and is required by law to develop a series of regulations and documents to aid local agencies in complying with SGMA.

DWR is responsible for developing GSP regulations before June 1, 2016 that will be used to evaluate GSP submittals and GSP implementation. For GSAs, SGMA compliance will consist of adhering to SGMA statutes and complying with regulations developed and implemented by DWR.

The next TGBA meeting is scheduled for 2 p.m. on Nov. 11 at TID, 333 E. Canal Dr. in Turlock. For more information on TGBA, visit TurlockGBA.org.
Anti-sprawl initiative in Modesto could pass by small margin

By Ken Carlson

The day after Tuesday's election, the incomplete results showed voters were divided over Measure I, the landmark initiative that proposes an urban boundary for Modesto.

As of Wednesday afternoon, the vote in favor of Measure I was 50.33 to 49.67 percent opposed. The proponents held onto an 83-vote lead.

Stanislaus County Registrar of Voters Lee Lundrigan said there are thousands of uncounted ballots at the elections office, plus ballots mailed a few days before the election and provisional ballots. Lundrigan said almost 14,500 ballots countywide remain to be processed and counted.

Unless the outcome changes dramatically, as the remaining ballots are tallied this week, the election did not reveal a clear consensus on the issue.

"I don't think it's a clear victory or loss for anyone," said Cecil Russell, chief executive officer of Modesto Chamber of Commerce, which opposed the measure. "If it wins, we are very disappointed. We tried to educate the voters. Win, lose or draw, we have to live with the results."

Jake Wenger, who's on the Stamp Out Sprawl committee, said he expects the lead will hold up.

"Everybody would want to see a big win," Wenger said. "The reality is, when you get into these issues it shows that people are really thinking about it. It was an important issue for everyone in Modesto."

Stamp Out Sprawl held a voter petition drive that placed the measure on the ballot, in hopes of setting a permanent boundary for development and farmland protection. If the binding measure passes, the city won't allow development outside the limit unless voters approve.

The Measure I boundary roughly follows Kiernan Avenue and Claribel Road on the north, Whitmore Avenue and the Tuolumne River on the south, and an extension of Morse Road on the west. Housing subdivisions and other development would be allowed on marginal farmland east of Claus Road and north of Dry Creek.

The measure was supported by farmland advocates and those opposed to large-scale development, as well as city residents sympathetic to the cause of preserving Wood Colony, west of the city.

The backers of Measure I were criticized for drawing a hard-to-read map of the urban boundaries and including a piece of Ceres in the proposed urban area for Modesto.

Wenger said he didn't think those flaws were a factor for voters. He suggested the well-funded campaign against the measure affected the results.
The No on Measure I committee, which raised more than $30,000 dollars, sent out three mailers to homes, while Stamp Out Sprawl could afford only one. The proponents raised $15,400 this year.

The opponents claimed the urban limit was a job killer and would stunt the city's tax base that funds police and fire services, making the city less safe.

"The opponents put together an aggressive campaign in a short period of time," Wenger said. "We were not able to mount a response to that. We could not send multiple mailers."
Modesto's Measure I is defeated as final results are tabulated

By Ken Carlson

After the public was left up in the air for almost a week, final election results Thursday showed the Measure I farmland preservation initiative was defeated by 215 votes.

The Stamp Out Sprawl initiative in Modesto held a slight lead in the incomplete count after the polls closed Nov. 3, but the tables turned in the last nine days as about 16,000 additional ballots in Stanislaus County were processed and tabulated.

The final margin was 50.47 percent opposed to Measure I and 49.57 in favor. The numerical count was 11,526 "no" to 11,311 "yes."

"We are very pleased at the outcome," said Chief Executive Officer Cecil Russell of the Modesto Chamber of Commerce. The chamber led a coalition that campaigned against the urban limit proposed in Measure I.

"The majority of the people believed what we were saying," Russell said. "We think it is great for Modesto and Modesto's future."

Former City Councilman Denny Jackman, the primary author of Measure I, did not return a message seeking comment.

The initiative proposed an urban boundary on three sides of Modesto to protect fertile cropland and areas where groundwater recharge is considered effective.

The No on Measure I committee claimed the urban limit would stifle economic growth and lead to higher taxes to pay for public safety services. Measure I backers said it would permanently limit sprawl and protect the historic Wood Colony area west of the city against annexation proposals.

A public vote would have been required for development proposed outside the urban boundary.

Russell said that Stamp Out Sprawl would have added another requirement on beneficial annexation projects, which already are subject to sewer extension votes, environmental review, public hearings, landowner votes and requirements of the Local Agency Formation Commission.

He suggested that Wood Colony is not in danger of being paved for development. "Farmland is still safe; Wood Colony is still safe; so everyone should be happy," Russell said.

Most of this week passed without a final count for the farmland preservation issue, considered by some as the most important ballot issue for Modesto in years.
IN THE NEWS – The Modesto Bee, November 12, 2015 (Continued Page 2)

Efforts to make the voting process easier for people created challenges to providing timely results for the Nov. 3 election. More than 80 percent of people who voted used mail ballots.

Following the last incomplete tally early on Nov. 4, county election workers spent the rest of last week processing and then counting about 14,000 ballots for an update last Friday. They were not finished.

Late-arriving mail ballots postmarked on or before Election Day are now valid under California law. About 500 provisional ballots, which guarantee registered voters can cast ballots if their names are missing from the polling place roster, also required a careful a review to ensure those people didn’t vote twice.

County Supervisor Jim DeMartini, who has served as an election observer for years, said the vote-by-mail ballots created a lot of extra work. “This was the first election where you could count (mail ballots) if they were postmarked on Election Day, and they came in for three more days,” DeMartini said.

The supervisor added, “It used to be you voted on Election Day and it was pretty much over that night. Now it goes on for days.”

DeMartini was among county leaders who supported Measure I. He said the same building interests that opposed the urban limit also fight against requirements in the county to mitigate farmland that is covered for development.

County Registrar of Voters Lee Lundrigan was duty-bound to follow the rules for processing ballots, while trying to satisfy the public’s appetite for election results. There was no word on whether things could be done differently in future elections.

The turnout for the election was 22 percent, which is typical for off-year elections in Stanislaus County.

On Tuesday, Lundrigan released a list of tasks that her office had completed. It was everything from organizing trays of vote-by-mail ballots to processing seven-day ballots voted at the office, to finishing a hand count for an Oakdale Joint Unified School District contest that overlapped territory in Stanislaus and San Joaquin counties, and preparing stipends for volunteer election officers.

The last item on the list was running the uncounted ballots through high-speed scanning equipment to finish the count.
Many surprised by failure of anti-sprawl Measure I in Modesto

By Ken Carlson

There were reasons to predict that a farmland preservation ballot measure would sail to victory in Modesto.

Previous sewer-extension votes in Modesto went against large annexation proposals, and Stanislaus County voters approved the original Stamp Out Sprawl initiative with a 68 percent "yes" vote in 2008.

But Measure I on the Nov. 3 ballot failed, falling short by 215 votes.

That surprised some city office seekers who talked with plenty of Measure I supporters as they knocked on doors to meet voters. Measure I's failure left supporters and opponents to ponder what tipped the balance against the anti-sprawl initiative.

Kristi Ah You, who won the City Council seat in District 3, said she saw as many "Yes on I" signs on college-area lawns as her own campaign signs. When she talked with residents, it was the first question they asked and they wanted to know her opinion on Measure I, she said.

"Even though I voted 'no,' I felt like it was going to pass," she said Friday. "I was surprised by the outcome."

Councilman Dave Lopez, who finished third in the mayor's race, expected the anti-sprawl measure to win easily after he started knocking on doors. "It seemed like Measure I was going to pass by a huge margin," Lopez said. "There was a move against Measure I that started pretty late. I think that got some folks to show up at the polls."

Measure I proposed a growth limit on three sides of the city and would have required a public vote on approving development outside the boundary line.

The Modesto Chamber of Commerce led a group that opposed the ballot measure, including city public safety unions and development interests, filing a statement of organization for the "No on Measure I" committee Sept. 24, just six weeks before Election Day.

The committee's disclosures show it spent $32,500 on the campaign, urging a "no" vote in mailers that warned of stunted economic growth and higher taxes for city residents.

Former Councilman Denny Jackman's Stamp Out Sprawl campaign reported spending half that much.

On Friday, Jackman said he filed a voter complaint charging the city with violating the state Election Code by omitting language of the Measure I initiative in sample ballots. Jackman said
he sent the complaint to the secretary of state and emailed copies to Mayor Garrad Marsh and council members.

"The voters only could review the city's summary that was biased against the measure," Jackman’s email said. He said the complaint asks the state to nullify the vote on Measure I.

Marsh did not return phone messages regarding Jackman’s complaint or the outcome of the anti-sprawl measure. Reached Friday evening, the city attorney said he had not seen Jackman’s complaint and would comment after reviewing it.

George Petrulakis, a Modesto land-use attorney who opposed the measure, said he tries not to draw big conclusions from close elections. He said he believes the coalition was able to raise concerns about Modesto’s economic future if the measure had been approved.

"I think the takeaway for people is that no one faction should dictate Modesto’s future when you are trying to decide on economic development," the attorney said. "Developers should not have the final say, but neither should a strident anti-growth activist."

Measure I’s supporters included city residents who sympathized with Wood Colony residents, who came out strong at City Council meetings in early 2014 to oppose a general plan update that proposed large business parks west of the city.

Wood Colony resident Steve Goldstein said homeowners in the rural area supported the anti-sprawl initiative by distributing signs, walking precincts to put the issue on the ballot and spreading the word on social media.

Residents of the county unincorporated area could not vote on the city ballot issue.

"We are really in shock," Goldstein said. "With everything we did, we felt tremendous support from the local community. Maybe we fell asleep at the wheel. Maybe we were too confident and did not do enough."

Other local leaders were cognizant of public sentiment toward Wood Colony and against large-scale sprawl. Last month, Ceres officials were reluctant to protest loudly after Jackman – for whatever reason – included a piece of Ceres within the proposed urban area for Modesto.

With more than 22,000 voters divided over the growth-control issue, the debate could be a factor in the mayoral runoff set for early February.

Ted Brandvold, who faces Marsh in the runoff, shared a written statement when asked to comment on the result for Measure I. "It is a shame our citizens had to deal with such a decisive issue, especially since it was unnecessary," Brandvold wrote. "We must work together both to save agricultural land and provide prosperity for the citizens of Modesto."
Without an artificial boundary to limit development, people are likely to watch for any proposals to emerge in Wood Colony or on the north side of Kiernan Avenue, north of the city.

City Planning Manager Patrick Kelly said no current proposals have been brought to the city. The City Council scaled back study areas for industrial parks west of the city after the Wood Colony protest. Development in Wood Colony would require an application to the Local Agency Formation Commission for a “sphere of influence” change, he said.

Goldstein said there is talk of a retail commercial project in the so-called Dakota Avenue triangle west of Highway 99. He suggested the owner of about 211 acres is eager to develop the area.

Petrulakis said Wood Colony is not very conducive to urban development because of the large number of ranchettes, which would need to be cobbled together for significant projects.

Ah You, who soon will join the council, said: “I am not in favor of development on prime farmland. I won’t be a person who thinks that is necessary.”

Lopez, who has reached the term limit for council members, said, “I can’t imagine that conversation would start anytime soon.”
Modesto wants to end water partnership with Ceres, Turlock

Bee Staff Reports

Modesto has decided it wants to end its partnership with Ceres and Turlock in a project to build a drinking water plant near the Tuolumne River.

The City Council on Tuesday gave direction to staff members to have Modesto leave the Stanislaus Regional Water Authority, the joint powers agency the three cities formed. The SRWA board members are Modesto Councilman Bill Zoslocki, Turlock Mayor Gary Soiseth and Ceres Mayor Chris Vierra.

Vierra said the SRWA board could meet as soon as Friday to start the process of having Modesto leave the joint powers authority. He said Ceres and Turlock would continue with the project, which he said would need to be redesigned. Soiseth could not be reached for comment, but he and other Turlock officials have said the project would continue without Modesto.

Unlike Modesto, which gets its drinking water from wells and the Tuolumne River through a Modesto Irrigation District drinking water plant, Ceres and Turlock rely completely on wells. Officials with those two cities have said this project is critical for their cities to diversify their water supply and improve water quality.

Modesto officials have said a recent analysis shows the city no longer needs the water from the project and has a less expensive option of serving the future needs of south Modesto. The SRWA project has been estimated to cost $150 million to $200 million, but that estimate is several years old. Modesto officials have said their costs would be at least $55 million, while they could serve south Modesto by expanding their own infrastructure for $20 million.

The SRWA board in July entered into an agreement with the Turlock Irrigation District to have it provide the proposed plant with as much as 30,000 acre-feet of river water annually. Modesto's reversal had caused frustration among Ceres and Turlock officials, but Vierra said that has gone away as officials with the three cities have engaged in talks.

The three cities formed the joint powers authority in 2011. It would take several years to build the plant, and that includes TID getting state permission to change the use of the water it has agreed to sell to the SRWA from agricultural to urban use.
Groundwater recharge east of Turlock could get OK

Bee Staff Reports

A vote Thursday could launch a groundwater recharge project that aims to reduce the overdraft in the Eastside Water District by a tenth.

The district, which serves about 61,000 acres in eastern Stanislaus and Merced counties, proposes a $6 million project funded by assessments on 320 or so parcel owners. Under state law, it could not go through if a majority of them file protests at or before Thursday's public hearing.

The plan is to build a few shallow basins that would hold excess water from a Turlock Irrigation District canal, as well as Mustang and Sand creeks, in wet years. The water would seep into the ground and be available for use in Eastside, which depends almost entirely on wells. Recharge also could take place on farmland that is purposely flooded during winter.

Eastside farmers would pay up to $30 per acre per year to build the project to start. The figure would be adjusted for inflation over the 10-year buildout. The charges would be roughly $20 to $30 per year in the ensuing 15 years.

The system would capture up to 6,500 acre-feet of water in a year. This is a small part of the 70,000 to 75,000 acre-feet needed to stabilize the aquifer, but backers see it as a good start.

The district has identified four sites, ranging from 7 to 49 acres, where recharge basins could be created with levees up to about 10 feet tall. The sites have soil and rock suited to percolation.
Each year, Staff provides the Commission with a summary of annexations that have occurred over the past year and the current acreages for each city. This report is provided for the Commission’s information and also made available on the LAFCO website (www.stanislauslafco.org) under the “Information & Maps” section.

In 2015, the City of Oakdale annexed 99 acres as part of the Crane Crossing Change of Organization. The City’s Sphere of Influence was also expanded by 82 acres. Below are the current acreages for the spheres of influence and city limits for each of the nine cities. The column on the right represents the remaining acreage within each city’s sphere of influence.

### 2015 CITY LIMIT & SPHERE OF INFLUENCE ACREAGES

**(Rounded to the Nearest Acre)**

<table>
<thead>
<tr>
<th>CITY</th>
<th>SPHERE OF INFLUENCE (SOI) INCLUDING CITY LIMITS</th>
<th>CITY LIMITS</th>
<th>REMAINDER OUTSIDE CITY (WITHIN SOI)</th>
</tr>
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<tbody>
<tr>
<td>Ceres</td>
<td>8,487</td>
<td>5,989</td>
<td>2,498</td>
</tr>
<tr>
<td>Hughson</td>
<td>2,029</td>
<td>1,239</td>
<td>790</td>
</tr>
<tr>
<td>Modesto</td>
<td>40,512</td>
<td>28,768</td>
<td>11,744</td>
</tr>
<tr>
<td>Newman</td>
<td>3,980</td>
<td>1,397</td>
<td>2,583</td>
</tr>
<tr>
<td>Oakdale</td>
<td>6,706</td>
<td>3,993</td>
<td>2,713</td>
</tr>
<tr>
<td>Patterson</td>
<td>6,149</td>
<td>5,112</td>
<td>1,037</td>
</tr>
<tr>
<td>Riverbank</td>
<td>3,371</td>
<td>2,663</td>
<td>708</td>
</tr>
<tr>
<td>Turlock</td>
<td>13,088</td>
<td>10,701</td>
<td>2,387</td>
</tr>
<tr>
<td>Waterford</td>
<td>2,734</td>
<td>1,560</td>
<td>1,174</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>87,056</strong></td>
<td><strong>61,422</strong></td>
<td><strong>25,634</strong></td>
</tr>
</tbody>
</table>

*Source: Stanislaus LAFCO, 12/2/2015*

Attached to this report is an updated chart reflecting annexations to each city over the past decade, as well as maps for each of the nine cities reflecting their current boundaries, spheres of influence, and primary areas of influence. These maps are also available on the LAFCO website and are updated as boundary changes occur.

**Other Application Activity in 2015**

The past year has been very active for out-of-boundary service applications. These are requests to provide services outside of an agency’s boundaries, as an alternative to annexation. LAFCO received and processed 12 out-of-boundary applications as of the drafting of this report. (In prior years, only a handful of applications were processed.) The majority of the out-of-boundary applications were to respond to health and safety concerns for existing development. It is anticipated that this trend will continue into 2016.
Further Information

Prior reports of interest to the Commission are also available on the LAFCO website and include:

- 50-Year Summary of City Annexations
- Sphere of Influence Report (with an inventory of important farmlands around each city)
- Special Districts' Sphere of Influence Maps

Attachments:  Annual City Annexation Summary (2006-2015)
               Maps for the Cities
## Stanislaus LAFCO
### ANNUAL CITY ANNEXATION SUMMARY
#### 2006-2015

<table>
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<tr>
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<td>1.00</td>
<td>23.48</td>
<td>58.08</td>
<td>10.09</td>
<td>961.00</td>
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<td>1,053.65</td>
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<td>26.57</td>
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<td>33.00</td>
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<td>187.05</td>
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<td>32.08</td>
<td>4,707.11</td>
<td>138.71</td>
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<td>88.53</td>
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<td>5,443.34</td>
<td>28,768.35</td>
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<td>--</td>
<td>0.00</td>
<td>1,396.57</td>
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<td>98.73</td>
<td>787.31</td>
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<td>703.57</td>
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<td>173.20</td>
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<td>--</td>
<td>--</td>
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<td>--</td>
<td>173.20</td>
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<td>1,119.00</td>
<td>150.60</td>
<td>2,662.60</td>
<td>6.00%</td>
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<tr>
<td>Turlock</td>
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<td>1,312.66</td>
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<td>--</td>
<td>--</td>
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<td>--</td>
<td>--</td>
<td>1,429.55</td>
<td>10,701.24</td>
<td>15.42%</td>
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<td>Waterford</td>
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<td>474.30</td>
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<td>474.30</td>
<td>474.30</td>
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<td>295.06</td>
<td>2,855.77</td>
<td>951.21</td>
<td>123.16</td>
<td>173.20</td>
<td>4,717.20</td>
<td>1,099.71</td>
<td>0.00</td>
<td>1,207.53</td>
<td>98.73</td>
<td>11,521.57</td>
<td>61,422.28</td>
<td>23.09%</td>
</tr>
</tbody>
</table>

Source: Stanislaus LAFCO Files
Report Date: 12/2/2015
Ceres

Sphere of Influence (SOI) Adopted: February 22, 2012

Ceres City Limits: 5,989+/- acres

Sphere of Influence: 8,487+/- acres including City
(2,498+/- acres remaining outside City)

Primary Area: 7,849+/- acres including City
(1,860+/- acres remaining outside City)

Source: LAFCO Files, Dec. 2, 2015
Hughson

Sphere of Influence (SOI) Adopted: September 23, 2009

Hughson City Limits: 1,239+/- acres

Primary Area: 1,310+/- acres including City
(71+/- acres remaining outside City)

Sphere of Influence: 2,029+/- acres including City
(790+/- acres remaining outside City)

Source: LAFCO Files, Dec. 2 2015
Modesto

Sphere of Influence (SOI) Adopted: December 1, 2010

Modesto City Limits
28,768 +/- acres

Sphere of Influence:
40,512 +/- acres including City Limits
(11,744 +/- acres remaining outside City Limits)

Primary Area:
37,499 +/- acres including City Limits
(8,731 +/- acres remaining outside City Limits)

Source: LAFCO Files, Dec. 2, 2015
Newman

Sphere of Influence (SOI) Adopted: January 28, 2009

Newman City Limits: 1,397+/- acres

Sphere of Influence: 3,980+/-ac including City
(2,583+/-ac remaining outside City)

Primary Area: 2,430+/-ac including City
(1,033+/-ac remaining outside City)

Source: LAFCO Files, Dec. 2, 2015
Oakdale
Sphere of Influence (SOI) Adopted: July 22, 2015

Oakdale City Limits: 3,993+/- acres
Sphere of Influence: 6,706+/- acres including City
(2,713+/-ac remaining outside City)
Primary Area: 6,706+/-ac including City
(2,713+/-ac remaining outside City)

Source: LAFCO Files, Dec. 2, 2015
Riverbank
Sphere of Influence (SOI) Adopted: May 28, 1997

Riverbank City Limits: 2,663+/- acres

Sphere of Influence: 3,371+/- acres including City
(708+/-ac remaining outside City)

Primary Area: 2,970+/- acres including City
(307+/-ac remaining outside City)

Source: LAFCO Files, Dec. 2, 2015
Turlock
Sphere of Influence (SOI) Adopted: September 26, 2007

Turlock City Limits: 10,701+/- acres

Sphere of Influence: 13,088+/- acres including City
(2,387+/- acres remaining outside City)

Primary Area: 11,713+/- acres including City
(1,012+/- acres remaining outside City)

Source: LAFCO Files, Dec. 2, 2015
Waterford

Sphere of Influence (SOI) Adopted: August 22, 2007

City Limits: 1,560+/- acres
Sphere of Influence: 2,734+/- acres including City
(1,174+/- acres remaining outside City)

Primary Area: 2,734+/- acres including City
(1,174+/- acres remaining outside City)

Source: LAFCO Files, Dec. 2, 2015
INTRODUCTION

This proposal was initiated by the Local Agency Formation Commission in response to State mandates that require the Commission to conduct municipal service reviews and sphere of influence updates for all cities and special districts every five years, as needed. The current review covers the two flood control districts in Stanislaus County: Orestimba Creek Flood Control District and Sand Creek Flood Control District. The previous update for these districts was adopted December 3, 2008.

DISCUSSION

The two flood control districts were organized under the Stanislaus County Flood Control Enabling Act of 1981 for the control of flood, storm, and drainage waters in their boundaries. The Districts are considered “landowner voter districts” as board members are elected by landowners residing within the district boundaries.

The Municipal Service Review and Sphere of Influence Update process provides an opportunity for districts to share accurate and current data, accomplishments and information regarding the services they provide. LAFCO Staff sent each District an information request along with the previously-approved Municipal Service Review and Sphere of Influence document for their comments, revisions and updates. LAFCO Staff also reviewed the Districts’ most recent audits, and previous five years of financial reports from the State Controller’s office. Once this data was collected, a revised Municipal Service Review and Sphere of Influence Update document was drafted and circulated for comments. As of preparation of this staff report, no comments have been received.

Minor changes have been made to the document since the previous update to reflect recent additions to State law, including the requirement that LAFCOs identify “disadvantaged unincorporated communities” within or contiguous to city and district spheres of influence. Pursuant to Government Code §56033.5, a “disadvantaged unincorporated community” is defined as inhabited territory (12 or more registered voters), or as determined by commission policy, that constitutes all or a portion of a community with an annual median household income that is less than 80% of the statewide annual median household income. Staff utilizes available information from the Census, including American Community Survey data, as well as a mapping tool developed by the Department of Water Resources that identifies known Census Designated Places that meet the income criteria for disadvantaged communities. In this case, as the flood control districts do not provide drinking water, sewer, or fire protection services, the discussion regarding the disadvantaged unincorporated communities is limited to their identification.

The proposed Municipal Service Review and Sphere of Influence document is attached to this report as Exhibit 1. The relevant factors as set forth by the Cortese-Knox-Hertzberg Act are discussed for each District. No changes are being proposed for the Districts’ Spheres of Influence at this time. The document serves to affirm the Districts’ current Spheres of Influence.
For the Flood Control Districts, this is the third Municipal Service Review and Sphere of Influence Update that the Commission has approved. Since the previous MSR-SOI update, a feasibility study was completed that analyzed potential flood control measures for the Orestimba Creek area. The study recommended construction of a chevron levee. The project would be funded partly through federal funds and partly through a local match and could take two-to-five years to complete. This information has been incorporated into the updated MSR-SOI document.

As a municipal service review is considered a “snapshot in time,” LAFCO Staff will continue to monitor the Flood Control Districts, as it does with all of the special districts, and offer itself as a resource to the Districts where possible.

ENVIRONMENTAL REVIEW RECOMMENDATIONS

Pursuant to the California Environmental Quality Act (CEQA), the adoption of a municipal service review is considered to be categorically exempt from the preparation of environmental documentation under a classification related to information gathering (Class 6 - Regulation §15306). Further, LAFCO’s concurrent reaffirmation of an existing sphere of influence qualifies for a General Exemption as outlined in CEQA Regulation §15061(b)(3), which states:

The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

As there are no land use changes, boundary changes, or environmental impacts associated with the Municipal Service Review and Sphere of Influence Update, an exemption from further environmental review is appropriate.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted, the Commission should consider choosing one of the following options:

Option 1: APPROVE the Municipal Service Review and Sphere of Influence Update for the Orestimba Creek and Sand Creek Flood Control Districts.

Option 2: DENY one or more of the updates.

Option 3: If the Commission needs more information, it should CONTINUE this matter to a future meeting (maximum 70 days).

RECOMMENDED ACTION

Approve Option 1. Based on the information presented, Staff recommends approval of Municipal Service Review and Sphere of Influence Update for the Orestimba Creek and Sand Creek Flood Control Districts. Therefore, Staff recommends that the Commission adopt Resolution Nos. 2015-15 and 2015-16, each of which:

1. Determines that the Municipal Service Review and Sphere of Influence Update qualifies for a General Exemption from further California Environmental Quality Act (CEQA) review
based on CEQA Regulations Sections 15306 and 15061(b)(3).

2. Makes determinations related to the Municipal Service Review and Sphere of Influence Update as required by Government Code Sections 56425 and 56430.

3. Determines that the Spheres of Influence for Orestimba Creek and Sand Creek Flood Control Districts should be affirmed as they currently exist.

4. Directs Staff to circulate the subject resolutions depicting each of the Districts’ adopted Sphere of Influence to all affected agencies.

Attachments:

Exhibit 1 - Draft Municipal Service Review and Sphere of Influence Update for the Orestimba Creek and Sand Creek Flood Control Districts

Exhibit 2 - Draft Resolution No. 2015-15 (Orestimba Creek Flood Control District)
Draft Resolution No. 2015-16 (Sand Creek Flood Control District)
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MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATES FOR

ORESTIMBA CREEK FLOOD CONTROL DISTRICT

SAND CREEK FLOOD CONTROL DISTRICT

Prepared By:

Stanislaus Local Agency Formation Commission
1010 Tenth Street, Third Floor
Modesto, CA 95354
Phone: (209) 525-7660

Adopted: __________
COMMISSIONERS
Jim DeMartini, Chair, County Member
Brad Hawn, Vice Chair, Public Member
Amy Bublak, City Member
Terry Withrow, County Member
Tom Dunlop, City Member
Michael Van Winkle, Alternate City Member
William O’Brien, Alternate County Member
Annabel Gammon, Alternate Public Member

STAFF
Sara Lytle-Pinhey, Executive Officer
Javier Camarena, Assistant Executive Officer
Jennifer Goss, Commission Clerk
Robert J. Taro, Legal Counsel
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Municipal Service Review and Sphere of Influence Updates
For the Orestimba Creek and Sand Creek Flood Control Districts

Introduction

The Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 Act (CKH Act) requires the Local Agency Formation Commission (LAFCO) to update the spheres of influence (SOI) for all applicable jurisdictions in the County. A sphere of influence is defined by Government Code 56076 as “...a plan for the probable physical boundary and service area of a local agency, as determined by the Commission.” The Act further requires that a municipal service review (MSR) be conducted prior to or, in conjunction with, the update of a sphere of influence (SOI).

The legislative authority for conducting a municipal service review is provided in Government Code Section 56430 of the CKH Act. The Act states, that “in order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area...” MSRs must have written determinations that address the following factors in order to update a Sphere of Influence. These factors were recently amended to include the consideration of disadvantaged unincorporated communities within or contiguous to the sphere of influence of an agency.

Municipal Service Review Factors to be Addressed

1. Growth and Population Projections for the Affected Area

2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence

3. Present and Planned Capacity of Public Facilities, Adequacy of Public Services, and Infrastructure Needs or Deficiencies Including Needs or Deficiencies Related to Sewers, Municipal and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence

4. Financial Ability of Agencies to Provide Services

5. Status of, and Opportunities for, Shared Facilities

6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies

7. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy

This MSR will analyze the Orestimba Creek and Sand Creek Flood Control Districts. It will also

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1 Under Government Code Section 56033.5, “disadvantaged unincorporated community” is defined as an inhabited territory (12 or more registered voters), or as determined by commission policy, that constitutes all or a portion of a community with an annual median household income that is less than 80% of the statewide annual median household income.
provide a basis for LAFCO to reaffirm the Spheres of Influence for the Districts.

**Sphere of Influence Update Process**

A special district is a government agency that is required to have an adopted and updated sphere of influence. Section 56425(g) of the CKH Act calls for spheres of influence to be reviewed and updated every five years, as necessary. Stanislaus LAFCO processes municipal service reviews and sphere of influence updates concurrently to ensure efficient use of resources. For rural special districts, which do not have the typical municipal-level services to review, this document will be used to determine what type of services each district is expected to provide and the extent to which they are actually able to do so. For these special districts, the spheres will delineate the service capability and expansion capacity of the agency, if applicable.

Spheres of Influence for the Orestimba Creek and Sand Creek Flood Control Districts were originally adopted by the Commission in 1985. The most recent update, adopted in 2008, proposed no changes to the Districts’ SOIs. The current update serves to comply with Government Code Section 56425 and will reaffirm the SOIs for each district.

**Background**

Because of the importance of flood control, especially in the Central Valley, cities and counties throughout the State generally do not provide flood control services. Flood control is typically provided by independent flood control districts and/or reclamation districts. These districts quite often do not conform to political boundaries. The rationale for such special purpose districts is that they are able to provide a high degree of focus on public safety for areas that are subject to flooding. General governments, whether cities or counties, typically include both lands subject to flooding and lands that are unlikely to be flooded. By focusing on lands subject to flooding, special districts are able to provide a more targeted public service and impose the costs of that service only on those benefited.

**Authority**

There are two flood control districts in Stanislaus County: Orestimba Creek and Sand Creek. Both Flood Control Districts are “single purpose special districts” organized under the Stanislaus County Flood Control Enabling Act (1981). Each District has a locally elected Board of Directors made up of landowners in that district. Under the Code, a Flood Control District may be formed for the control of flood, storm and drainage waters to protect property and its inhabitants.

**Purpose**

Both the Orestimba Creek and Sand Creek Flood Control Districts were established to provide for the control of flood and storm waters within the Districts, and of the flood and storm waters that flow into the Districts. According to the State Water Code, Section 8110, the Districts were organized for the following purposes:

a. To protect and preserve the banks of rivers and streams and lands lying contiguous to the district from injury by overflow or washing.

b. To provide for the improvement of rivers and streams.
c. To prevent the obstruction of rivers and streams.

d. To assess, levy and collect within each district a tax for the district.

Classification of Services

As part of the original MSR completed for the Districts, each District provided a listing of services provided within their boundaries. The Flood Control Districts are authorized to provide the functions or classes of flood control services as identified in this report. State Law requires that the Districts seek LAFCO approval in order to exercise any other latent powers not currently provided.

Municipal Service Review – Orestimba Creek Flood Control District

Formation

The Orestimba Creek Flood Control District was formed on November 20, 1984.

Objective

The District’s principal objective is to provide for the protection of land, property, and persons within the District from flood, storm and drainage waters which originate both within and outside the District, but which also flow into the District.

Location and Size

The District encompasses approximately 17,600 acres along Orestimba Creek and a tributary, Crow Creek. The unincorporated community of Crows Landing is located on the northern border of the District. The City of Newman is located to the southeast of the District.

Governance

The governing board of the Orestimba Creek Flood Control District consists of five directors elected by landowner election to 4-year terms. Directors must hold title to land within the District. Meetings are held at the Perez Brothers Office, located at 22001 E. Street, Crows Landing, on an as-needed basis.

Personnel

There are no employees employed by the District. The District relies on its volunteer Board members to run the day-to-day operations.

Support Agencies

The District maintains a positive collaborative relationship with other local, state and federal agencies, including: U.S. Army Corps of Engineers, Stanislaus County Public Works Department, Central California Irrigation District (CCID), Del Puerto Water District, City of Newman and Department of Water Resources.
Funding Sources

The District receives a limited amount of the shared property tax revenues from Stanislaus County. The District is also empowered to levy benefit assessments, based on the degree of benefit received by each parcel within the District boundaries, when necessary.

Services

The District provides the following authorized services within its service area:

- Maintaining flood control facilities, including clearing of creek channels and removal of debris to prevent flooding.

Determinations – Orestimba Creek Flood Control District

The following provides an analysis of the seven categories or components required by Section 56430 for a Service Review for the Orestimba Creek Flood Control District:

1. Growth and Population Projections for the Affected Area

The District serves an area that is unincorporated and agricultural, located between the unincorporated community of Crows Landing and the City of Newman. Little to no growth is projected within the District’s boundaries. Growth in the area generally occurs within the City of Newman, just outside the District’s boundaries to the southeast, as projected in the City’s General Plan.

2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence

Upon review of available Census data, there are no known disadvantaged unincorporated communities within the District’s Sphere of Influence. The unincorporated community of Crows Landing, which lies contiguous to the District’s Sphere of Influence, just north of the District’s boundary, is considered disadvantaged, as the median household income falls below the 80% statewide median.

3. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies Related to Sewers, Municipal Water and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence

The U.S. Army Corps of Engineers and Stanislaus County, in partnership with the Orestimba Creek Flood Control District and the City of Newman, completed a feasibility study in 2012 intended to assist in finalizing the selection of a flood damage reduction plan for Orestimba Creek. The study recommended construction of a 4.7 mile chevron levee along the east bank of the Central California Irrigation District (CCID) Main Canal and a 1-mile cross levee to reduce flood risk to adjacent agricultural areas within the District as well as surrounding areas and the City of Newman.

The feasibility study estimated that completion of the project could take 2-5 years. At its completion, the project would provide protection from a 200-year flood event to the City of Newman.
The District does not provide services related to sewer, municipal and domestic water, or structural fire protection.

4. **Financial Ability of Agencies to Provide Services**

   The District has limited financial resources to fund flood control projects. The District utilizes a special benefit assessment method of financing to maintain existing flood control facilities for parcels within the District’s boundary.

   Federal funding in the amount of $23 million has been dedicated towards the completion of the chevron levee project, with a remaining local match of approximately $22 million.

5. **Status of, and Opportunities for, Shared Facilities**

   At this time the District does not share any facilities with other agencies or Districts.

6. **Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies**

   A five-member Board of Directors, elected by the landowners within the District, governs the District. The District is subject to the provisions of the Brown Act requiring open meetings. No other relevant issues concerning this factor have been identified.

7. **Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy**

   None.
Municipal Service Review – Sand Creek Flood Control District

**Formation**

The Sand Creek Flood Control District was formed on April 26, 1988.

**Location and Size**

The Sand Creek Flood Control District covers an approximate 11,600-acre watershed area, with outlets into the Turlock Irrigation District (TID) Main Canal, located about one mile east of the community of Denair. The floodplain is located between the Highline and TID Main Canals. The upper watershed area above the Highline Canal is gently rolling, with an average slope of about 2.5 percent. The soils are predominately sandy loams underlain by soft sandstone. Most of this upper watershed was converted from rangeland to irrigated vineyards and orchards. The lower watershed, below the Highline Canal contains a variety of agricultural uses including cropland, pastureland and orchards.

**Governance**

The governing board of the Sand Creek Flood Control District consists of 5 directors elected by landowner election to 4-year terms. Directors must hold title to land within the District. Meetings are held quarterly on the third Wednesday (March, June, September, and December), at the Turlock Irrigation District (TID) Conference Room, 333 E. Canal Drive, Turlock.

**Personnel**

The District relies on its volunteer Board members to run the day-to-day operations and contracts for other services as needed (e.g. a part-time secretary and auditor).

**Support Agencies**

The District maintains a positive collaborative relationship with other local, state and federal agencies, as necessary. These agencies may include the: Turlock Irrigation District (TID), State Department of Water Resources (DWR), State Regional Water Quality Control Board (RWQCB) and the Federal Emergency Management Agency (FEMA).

**Funding Sources**

The District receives a limited amount of special benefit assessments to fund its services. The special assessments are based upon the degree of benefit received by each parcel within the District boundaries.

**Services**

The District provides the following authorized services within its service area:

- Prevention of flooding, via monitoring of drain ditch lines to prevent overflow and flooding. This includes spraying of weeds to keep the Sand Creek Drain clear from any debris.
- Monitoring of discharges into the TID canal.
Determinations – Sand Creek Flood Control District

The following provides an analysis of the seven categories or components required by Section 56430 for a municipal service review for the Sand Creek Flood Control District:

1. Growth and Population Projections for the Affected Area

The District serves an area that is unincorporated and agricultural, east of the community of Denair. Little to no growth is projected within the District’s boundaries.

2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence

Upon review of available Census data, there are no known disadvantaged unincorporated communities within or contiguous to the District’s Sphere of Influence.

3. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies Related to Sewers, Municipal Water and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence

It appears that the District currently has both the ability and the capacity to provide monitoring and maintenance in its service area. The District does not provide services related to sewer, municipal and domestic water, or structural fire protection.

4. Financial Ability of Agencies to Provide Services

At present time, the District appears to have limited financial resources to fund sufficient levels of service within the District’s boundaries. There are no overlapping or duplication of services within the District boundaries. The District does not charge rates for services. However, the District’s special benefit assessment method of financing is reasonable for flood control services for specific parcels that benefit from the flood control services provided by the District.

5. Status of, and Opportunities for, Shared Facilities

When necessary, the District shares facilities with other agencies (e.g. Turlock Irrigation District).

6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies

It is reasonable to conclude that the District can adequately serve the areas under its jurisdiction. A five-member Board of Directors, elected by the landowners within the District, governs the District. The Board conforms to the provisions of the Brown Act requiring open meetings.

7. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy

None.
Sphere of Influence Updates for the Orestimba Creek and Sand Creek Flood Control Districts

In determining a sphere of influence (SOI) of each local agency, the Commission shall consider and prepare determinations with respect to each of the following factors, pursuant to Government Code Section 56425:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

The following determinations are made consistent with Government Code Section 56425 and local Commission policy for the Cemetery Districts in Stanislaus County.

**SOI Update – Orestimba Creek Flood Control District**

The following determinations for the Orestimba Creek Flood Control District’s Sphere of Influence update are made in conformance with Government Code Section 56425 and local Commission policy.

**Determinations:**

1. **Present and Planned Land Uses in the Area, Including Agricultural and Open-Space Lands**

   The Orestimba Creek Flood Control District’s Sphere of Influence (SOI), which is coterminous with the District’s boundaries, includes approximately 17,000 acres along Orestimba Creek and a tributary, Crow Creek. The unincorporated community of Crows Landing is located on the northern border of the District. The city of Newman is located just to the southeast of the District.

   The predominate land use within the District is agriculture and this is not expected to change. The District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land uses decisions within the District boundaries is retained by the County, whose General Plan identifies the area as agriculture.
2. **Present and Probable Need for Public Facilities and Services in the Area**

The need for flood protection and maintenance of the Creek channels within the District boundaries is critical and will not change. Flood protection is necessary to protect residents and property now and into the future. At this time there are no other cost-effective alternatives available for the provision of continued flood protection. The existing flood control system must be continually monitored, maintained and improved.

3. **Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide**

The District operates with limited funding in order to provide basic maintenance to existing flood control facilities. Completion of the large-scale, chevron levee project would allow the District to continue its efforts to maintain and improve its ability to keep potential flooding from occurring within and/or around the District boundaries.

4. **The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines That They are Relevant to the Agency**

The District’s territory and sphere of influence is within unincorporated agricultural areas of the County. As identified previously, the unincorporated community of Crows Landing lies to the immediate north of the District. The City of Newman, located southeast of the District, is a community of interest, as the City experiences periodic flooding and would greatly benefit from improvements identified in the USACE Feasibility Study.

5. **For an Update of a Sphere of Influence of a City or Special District That Provides Public Facilities or Services Related to Sewers, Municipal and Industrial Water, or Structural Fire Protection, the Present and Probable Need for Those Public Facilities and Services of Any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence**

As the District does not provide services related to sewers, municipal and industrial water or structural fire protection, this factor is not applicable.
SOI Update – Sand Creek Flood Control District

The following determinations for the Sand Creek Flood Control District’s Sphere of Influence update are made in conformance with Government Code Section 56425 and local Commission policy.

**Determinations:**

1. **Present and Planned Land Uses in the Area, Including Agricultural and Open-Space Lands**

   The Sand Creek Flood Control District’s Sphere of Influence (SOI), which is coterminous with its current boundaries, covers an approximate 11,600-acre watershed area, with outlets into the Turlock Irrigation District (TID) Main Canal, located about one mile east of the community of Denair.

   The predominate land use is agriculture, as the District is agriculturally based. It is expected that the present and planned land uses will continue to remain agricultural. The District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land uses decisions within the District boundaries is retained by the County.

2. **Present and Probable Need for Public Facilities and Services in the Area**

   The need for flood protection and maintenance of drain ditch lines within the District boundaries is important and will not change. At this time there are no other cost-effective alternatives to drain ditch lines available for the provision of continued flood protection. The existing levee and flood control system must be continually monitored, maintained and improved.

3. **Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide**

   Currently, the District is constructing improvements to improve the reliability of the levee system. It is also developing a plan, per the Department of Water Resources, with regards to discharge requirements.

4. **The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines That They are Relevant to the Agency**

   The unincorporated community of Denair lies west of the District’s boundaries and may be considered a community of interest in the area.

5. **For an Update of a Sphere of Influence of a City or Special District That Provides Public Facilities or Services Related to Sewers, Municipal and Industrial Water, or Structural Fire Protection, the Present and Probable Need for Those Public Facilities and Services of Any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence**

   As the District does not provide services related to sewers, municipal and industrial water or structural fire protection, this factor is not applicable.
APPENDIX “A”
DISTRICT SUMMARY PROFILE

District: ORESTIMBA CREEK FLOOD CONTROL DISTRICT

Location: Orestimba Creek, near the unincorporated community of Crows Landing and the City of Newman.

Service Area: Approximately 17,600 acres

Population: 400*

Households: 134*

Land Use: Rural and Agricultural

Date of Formation: November 20, 1984

Enabling Act: Stanislaus County Flood Control Enabling Act, Water Code Appendix, Section 120 et seq.

Governing Body: Five Directors – Elected by Landowners, must hold title to land within the District.

Administration: There are no paid staff members

District Services: Maintenance of existing flood control facilities within District boundaries.

Total Revenues: $15,642 (Fiscal Year 2013-2014)

*Source: Estimated using 2010 Census data and GIS address point file
APPENDIX “B”
DISTRICT SUMMARY PROFILE

District: SAND CREEK FLOOD CONTROL DISTRICT

Location: Sand Creek Watershed, located one mile east of the unincorporated community of Denair

Service Area: Approximately 11,600 acres

Population: 378*

Households: 126*

Land Use: Rural and Agricultural

Date of Formation: April 26, 1988

Enabling Act: Stanislaus County Flood Control Enabling Act, Water Code Appendix, Section 120 et seq.

Governing Body: Five Directors – Elected by Landowners, must hold title to land within the District.

Administration: The District is administered by 5 Directors, elected by the property owners within the District. Contracted staff services (e.g. secretary, auditor) are used on an as-needed basis.

District Services: Maintenance of existing flood control facilities within District boundaries.

Total Revenues: $12,619 (Fiscal year 2013-2014)

*Source: Estimated using 2010 Census data and GIS address point file
REFERENCES


9. Stanislaus LAFCO. *Executive Officer’s Agenda Report: Consideration and Adoption of a Sphere of Influence for the Orestimba Creek Flood Control District.* March 20, 1985.

10. Stanislaus LAFCO. *Municipal Service Review and Sphere of Influence Update for the Orestimba Creek Flood Control District and Sand Creek Flood Control District.* December 3, 2008.


STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION

RESOLUTION

DATE: December 2, 2015

NO. 2015-15

SUBJECT: MSR No. 14-05, SOI Update 2014-05: Municipal Service Review and Sphere of Influence Update for the Orestimba Creek Flood Control District

On the motion of Commissioner _______, seconded by Commissioner _______, and approved by the following vote:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:
Ineligible: Commissioners:

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, a Municipal Service Review mandated by California Government Code Section 56430 and a Sphere of Influence Update mandated by California Government Code Section 56425, has been conducted for the Orestimba Creek Flood Control District, in accordance with the Cortese-Knox-Hertzberg Reorganization Act of 2000;

WHEREAS, at the time and in the form and manner provided by law, the Executive Officer has given notice of the December 2, 2015 public hearing by this Commission on this matter;

WHEREAS, the subject document is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines;

WHEREAS, Staff has reviewed all existing and available information from the District and has prepared a report including recommendations therein, and related information as presented to and considered by this Commission;

WHEREAS, at the hearing, all persons present were given an opportunity to hear and be heard in respect to any matter in relation to the review, in evidence presented at the hearing;

WHEREAS, the following determinations are made in conformance with Government Code Section 56430 and local Commission policy for the Orestimba Creek Flood Control District:

1. Growth and Population Projections for the Affected Area: The District serves an area that is unincorporated and agricultural, located between the unincorporated community of Crows Landing and the City of Newman. Little to no growth is projected within the District’s boundaries. Growth in the area generally occurs within the City of Newman, just outside the District’s boundaries to the southeast, as projected in the City’s General Plan.

2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence: Upon review of available Census data,
there are no known disadvantaged unincorporated communities within the District’s Sphere of Influence. The unincorporated community of Crows Landing, which lies contiguous to the District’s Sphere of Influence, just north of the District’s boundary, is considered disadvantaged, as the median household income falls below the 80% statewide median.

3. Present and Planned Capacity of Public Facilities, Adequacy of Public Services, and Infrastructure Needs or Deficiencies Including Needs or Deficiencies Related to Sewers, Municipal and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence: The U.S. Army Corps of Engineers and Stanislaus County, in partnership with the Orestimba Creek Flood Control District and the City of Newman, completed a feasibility study in 2012 intended to assist in finalizing the selection of a flood damage reduction plan for Orestimba Creek. The study recommended construction of a 4.7 mile chevron levee along the east bank of the Central California Irrigation District (CCID) Main Canal and a 1-mile cross levee to reduce flood risk to adjacent agricultural areas within the District as well as surrounding areas and the City of Newman. The feasibility study estimated that completion of the project could take 2-5 years. At its completion, the project would provide protection from a 200-year flood event to the City of Newman. The District does not provide services related to sewer, municipal and domestic water, or structural fire protection.

4. Financial Ability of Agencies to Provide Services: The District has limited financial resources to fund flood control projects. The District utilizes a special benefit assessment method of financing to maintain existing flood control facilities for parcels within the District’s boundary. Federal funding in the amount of $23 million has been dedicated towards the completion of the chevron levee project, with a remaining local match of approximately $22 million.

5. Status of, and Opportunities for, Shared Facilities: At this time the District does not share any facilities with other agencies or Districts.

6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies: A five-member Board of Directors, elected by the landowners within the District, governs the District. The District is subject to the provisions of the Brown Act requiring open meetings. No other relevant issues concerning this factor have been identified.

7. Any other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy: None.

WHEREAS, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy in determining a sphere of influence for the Orestimba Creek Flood Control District:

1. Present and Planned Land Uses in the Area, Including Agricultural and Open-Space Lands: The Orestimba Creek Flood Control District’s Sphere of Influence (SOI), which is coterminous with the District’s boundaries, includes approximately 17,000 acres along Orestimba Creek and a tributary, Crow Creek. The unincorporated community of Crows Landing is located on the northern border of the District. The city of Newman is located just to the southeast of the District. The predominate land use within the District is agriculture
and this is not expected to change. The District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land uses decisions within the District boundaries is retained by the County, whose General Plan identifies the area as agriculture.

2. Present and Probable Need for Public Facilities and Services in the Area: The need for flood protection and maintenance of the Creek channels within the District boundaries is critical and will not change. Flood protection is necessary to protect residents and property now and into the future. At this time there are no other cost-effective alternatives available for the provision of continued flood protection. The existing flood control system must be continually monitored, maintained and improved.

3. Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide: The District operates with limited funding in order to provide basic maintenance to existing flood control facilities. Completion of the large-scale, chevron levee project would allow the District to continue its efforts to maintain and improve its ability to keep potential flooding from occurring within and/or around the District boundaries.

4. The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines That They are Relevant to the Agency: The District’s territory and sphere of influence is within unincorporated agricultural areas of the County. As identified previously, the unincorporated community of Crows Landing lies to the immediate north of the District. The City of Newman, located southeast of the District, is a community of interest, as the City experiences periodic flooding and would greatly benefit from improvements identified in the USACE Feasibility Study.

5. For an Update of a Sphere of Influence of a City or Special District That Provides Public Facilities or Services Related to Sewers, Municipal and Industrial Water, or Structural Fire Protection, the Present and Probable Need for Those Public Facilities and Services of Any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence: As the District does not provide services related to sewers, municipal and industrial water or structural fire protection, this factor is not applicable.

WHEREAS, no changes to the District’s Sphere of Influence are proposed or contemplated through this review.

NOW, THEREFORE, BE IT RESOLVED by the Commission:

1. Certifies that the project is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and 15306 of the State CEQA Guidelines.

2. Approves the Municipal Service Review prepared in compliance with State law for the review and update of the Orestimba Creek Flood Control District Sphere of Influence, and written determinations prepared by the Staff and contained herein.

3. Determines that except as otherwise stated, no new or different function or class of services shall be provided by the District, unless approved by the Commission.
4. Determines, based on presently existing evidence, facts, and circumstances filed and considered by the Commission, that the Sphere of Influence for the Orestimba Creek Flood Control District should be affirmed as it currently exists, as more specifically described on the map contained within the Municipal Service Review document and attached to this Resolution.

ATTEST:
Sara Lytle-Pinhey
Executive Officer
Orestimba Creek Flood Control District Sphere of Influence

District Boundary
(17,600± acres or 27.5 sq. miles)

Sphere of Influence
(Coterminous with District Boundary)

Outside of District
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RESOLUTION

DATE: December 2, 2015

NO. 2015-16

SUBJECT: MSR No. 14-05, SOI Update 2014-05: Municipal Service Review and Sphere of Influence Update for the Sand Creek Flood Control District

On the motion of Commissioner _______, seconded by Commissioner _______, and approved by the following vote:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:
Ineligible: Commissioners:

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, a Municipal Service Review mandated by California Government Code Section 56430 and a Sphere of Influence Update mandated by California Government Code Section 56425, has been conducted for the Sand Creek Flood Control District, in accordance with the Cortese-Knox-Hertzberg Reorganization Act of 2000;

WHEREAS, at the time and in the form and manner provided by law, the Executive Officer has given notice of the December 2, 2015 public hearing by this Commission on this matter;

WHEREAS, the subject document is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15306 of the State CEQA Guidelines;

WHEREAS, Staff has reviewed all existing and available information from the District and has prepared a report including recommendations therein, and related information as presented to and considered by this Commission;

WHEREAS, at the hearing, all persons present were given an opportunity to hear and be heard in respect to any matter in relation to the review, in evidence presented at the hearing;

WHEREAS, the following determinations are made in conformance with Government Code Section 56430 and local Commission policy for the Sand Creek Flood Control District:

1. Growth and Population Projections for the Affected Area: The District serves an area that is unincorporated and agricultural, east of the community of Denair. Little to no growth is projected within the District’s boundaries.

2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence: Upon review of available Census data, there are no known disadvantaged unincorporated communities within or contiguous to the District’s Sphere of Influence.
3. **Present and Planned Capacity of Public Facilities, Adequacy of Public Services, and Infrastructure Needs or Deficiencies Including Needs or Deficiencies Related to Sewers, Municipal and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence:** It appears that the District currently has both the ability and the capacity to provide monitoring and maintenance in its service area. The District does not provide services related to sewer, municipal and domestic water, or structural fire protection.

4. **Financial Ability of Agencies to Provide Services:** At present time, the District appears to have limited financial resources to fund sufficient levels of service within the District's boundaries. There are no overlapping or duplication of services within the District boundaries. The District does not charge rates for services. However, the District's special benefit assessment method of financing is reasonable for flood control services for specific parcels that benefit from the flood control services provided by the District.

5. **Status of, and Opportunities for, Shared Facilities:** When necessary, the District shares facilities with other agencies (e.g. Turlock Irrigation District).

6. **Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies:** It is reasonable to conclude that the District can adequately serve the areas under its jurisdiction. A five-member Board of Directors, elected by the landowners within the District, governs the District. The Board conforms to the provisions of the Brown Act requiring open meetings.

7. **Any other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy:** None.

**WHEREAS,** the following determinations are made in conformance with Government Code Section 56425 and local Commission policy in determining a sphere of influence for the Sand Creek Flood Control District:

1. **Present and Planned Land Uses in the Area, Including Agricultural and Open-Space Lands:** The Sand Creek Flood Control District’s Sphere of Influence (SOI), which is coterminous with its current boundaries, covers an approximate 11,600-acre watershed area, with outlets into the Turlock Irrigation District (TID) Main Canal, located about one mile east of the community of Denair. The predominate land use is agriculture, as the District is agriculturally based. It is expected that the present and planned land uses will continue to remain agricultural. The District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land uses decisions within the District boundaries is retained by the County.

2. **Present and Probable Need for Public Facilities and Services in the Area:** The need for flood protection and maintenance of drain ditch lines within the District boundaries is important and will not change. At this time there are no other cost-effective alternatives to drain ditch lines available for the provision of continued flood protection. The existing levee and flood control system must be continually monitored, maintained and improved.

3. **Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide:** Currently, the District is constructing improvements to
improve the reliability of the levee system. It is also developing a plan, per the Department of Water Resources, with regards to discharge requirements.

4. **The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines That They are Relevant to the Agency**: The unincorporated community of Denair lies west of the District’s boundaries and may be considered a community of interest in the area.

5. **For an Update of a Sphere of Influence of a City or Special District That Provides Public Facilities or Services Related to Sewers, Municipal and Industrial Water, or Structural Fire Protection, the Present and Probable Need for Those Public Facilities and Services of Any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence**: As the District does not provide services related to sewers, municipal and industrial water or structural fire protection, this factor is not applicable.

**WHEREAS**, no changes to the District’s Sphere of Influence are proposed or contemplated through this review.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission:

1. Certifies that the project is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and 15306 of the State CEQA Guidelines.

2. Approves the Municipal Service Review prepared in compliance with State law for the review and update of the Sand Creek Flood Control District Sphere of Influence, and written determinations prepared by the Staff and contained herein.

3. Determines that except as otherwise stated, no new or different function or class of services shall be provided by the District, unless approved by the Commission.

4. Determines, based on presently existing evidence, facts, and circumstances filed and considered by the Commission, that the Sphere of Influence for the Sand Creek Flood Control District should be affirmed as it currently exists, as more specifically described on the map contained within the Municipal Service Review document and attached to this Resolution.

**ATTEST**: ____________________________
Sara Lytle-Pinhey
Executive Officer
TO: LAFCO Commissioners
FROM: Sara Lytle-Pinhey, Executive Officer
SUBJECT: 2016 WORK PROGRAM - MUNICIPAL SERVICE REVIEW & SPHERE OF INFLUENCE UPDATES

RECOMMENDATION

Staff recommends that the Commission consider adoption of a work program to guide completion of Municipal Service Reviews (MSRs) and Sphere of Influence (SOI) updates. The Commission may direct Staff to prioritize certain updates as needed.

DISCUSSION

One of LAFCO’s responsibilities includes a periodic review of spheres of influence for each city and special district. As part of this process a municipal service review must also be completed, outlining the services provided by the agency and making a series of determinations. Stanislaus LAFCO typically combines these into one document (referred to as a MSR-SOI) for better use of staff time and resources.

The requirement for reviewing and updating a sphere of influence is outlined in Government Code Section 56425(g) which states, “on or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence.”

Consistent with the above, Stanislaus LAFCO has generally made it a goal to initiate MSR-SOI updates for the special districts every five years, as these serve as a means for the Commission to check-in with various districts and service demands throughout the County.

For cities, the Commission has interpreted the “as necessary” provision in the above code section as coinciding with a city’s General Plan update. City MSR-SOI updates are generally more detailed and time consuming than those of special districts and are often completed by a consultant in conjunction with an application to LAFCO.

The Commission’s policies state that it is preferred that municipal service reviews be completed by LAFCO staff where possible to avoid additional costs of using outside consultants. The Commission’s policies also state that in order to be cost-effective, MSR-SOI updates will be completed using existing information and documents that are available (e.g. master plans, general plans, budgets, etc) and are not intended to initiate new analyses.

2016 Goals - Special Districts

Staff has identified the following special districts whose current MSR-SOI documents exceed the five-year update goal and would benefit from updates. Initial information gathering has already begun for these districts, with the goal of having the MSR-SOI updates presented to the Commission for adoption in 2016.
• Fire Protection Districts (14 total)

The previous MSR-SOI document for the fire districts was completed in 2007 by a consultant. As a compilation of fire district information for the County, the MSR-SOI is often referenced by other agencies and is a valuable resource. An update was initiated by the former Executive Officer in 2012 but never completed. The districts have experienced numerous changes during this time and LAFCO Staff intends to meet with each district to discuss inclusion of current information for the document.

• County Service Areas (CSAs - 24 total)

The previous MSR-SOI document for the CSAs was adopted in 2010 and identified three inactive CSAs. An updated MSR-SOI is recommended in order to allow for the Commission to examine the current status of these districts and make appropriate recommendations.

• Westside Agricultural Water Providers (6 total)

The previous MSR-SOI document for westside irrigation and water districts (agricultural) was adopted in 2009. Due to drought conditions since that time and reduced water allocations, an update to the document would be beneficial to provide the status of each of the districts.

• Western Hills Water District

The Western Hills Water District provides water, sewer, and storm drainage services to the Diablo Grande area. The previous MSR-SOI document was adopted in 2010 and would benefit from updated information regarding the District’s water supply and services.

• Knights Ferry Community Services District

The previous MSR-SOI for the Knights Ferry Community Services District was adopted in 2009. The document would benefit from more detailed information regarding the District’s water supply and infrastructure.

• Monterey Park Tract Community Services District

Since the previous update for the Monterey Park Tract Community Services District in 2010, the District and City of Ceres reached an agreement regarding provision of water service to the District. This new information would be a valuable addition to the Commission’s determinations related to service delivery in the MSR-SOI document.

A draft schedule for all the special districts, organized by the date of the prior update is attached. The special districts are grouped together by the target year for adoption of a new MSR-SOI update. Should the special districts in the 2016 group be adopted prior to the end of the year, MSR-SOI updates for the 2017 group will be initiated in order to bring these closer to the 5-year goal.
Upcoming City Updates

In addition to the above special districts, the following cities would also benefit MSR-SOI updates in the near future:

- **City of Hughson**

  The City of Hughson’s previous MSR-SOI update was completed in 2005. Although no general plan or sphere of influence amendments are currently being processed by the City, the document should be updated to reflect more current data regarding the City’s services. LAFCO Staff will consult with the City to develop a strategy to update the document.

- **City of Modesto**

  The City’s previous MSR-SOI update was completed in 2004. The City is currently in the process of a General Plan update and has been informed of the need for an updated MSR-SOI document. It is anticipated that the City will initiate completion of an MSR-SOI update in association with an application to the Commission. LAFCO Staff will offer assistance as needed for the completion of the update.

As noted previously, city MSR-SOI updates are typically initiated by the cities and/or their consultant in conjunction with a general plan update and/or a proposed sphere of influence amendment. A list of each city and the adoption date of its current MSR-SOI document is also attached to this report.

**CONCLUSION**

The 2016 Work Program is an ambitious schedule, as paid applications (e.g. annexations, out-of-boundary service extensions) have required timeframes that are given precedence over Municipal Service Reviews and Sphere of Influence updates.

Likewise, other tasks that involve upcoming projects (e.g. responses to environmental referrals, pre-application meetings, etc.) may also delay MSR-SOI goals. Staff will continue to keep the Commission apprised of the progress in meeting its MSR-SOI goals during preparation of LAFCO’s Fiscal Year 2016-2017 budget.

Attachments:

*Special Districts MSR & SOI Update Schedule*
*Cities MSR & SOI Updates*
<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>LAST MSR COMPLETED</th>
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<tbody>
<tr>
<td>Fire Protection Districts -</td>
<td></td>
</tr>
<tr>
<td>Burbank-Paradise, Ceres Rural, Denair, Mountain View, Turlock Rural, Westport, Woodland, Hughson, Industrial, Keyes, Salida, Stanislaus Consolidated, West Stanislaus and Oakdale Rural</td>
<td>April 25, 2007</td>
</tr>
<tr>
<td>Community Services District -</td>
<td></td>
</tr>
<tr>
<td>Knights Ferry</td>
<td>July 22, 2009</td>
</tr>
<tr>
<td>Westside Irrigation &amp; Water Districts -</td>
<td></td>
</tr>
<tr>
<td>Patterson and West Stanislaus IDs</td>
<td>July 22, 2009</td>
</tr>
<tr>
<td>Eastin, El Solyo, Del Puerto, Oak Flat WDs</td>
<td>July 22, 2009</td>
</tr>
<tr>
<td>County Service Areas (CSAs) -- 24 total</td>
<td>May 26, 2010</td>
</tr>
<tr>
<td>Water District -</td>
<td></td>
</tr>
<tr>
<td>Western Hills</td>
<td>June 23, 2010</td>
</tr>
<tr>
<td>Community Services District -</td>
<td></td>
</tr>
<tr>
<td>Monterey Park Tract</td>
<td>June 23, 2010</td>
</tr>
<tr>
<td>Irrigation District -</td>
<td></td>
</tr>
<tr>
<td>Modesto Irrigation District</td>
<td>January 26, 2011</td>
</tr>
<tr>
<td>Turlock Irrigation District</td>
<td>May 25, 2011</td>
</tr>
<tr>
<td>Drainage District -</td>
<td></td>
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<tr>
<td>Newman Drainage District</td>
<td>July 27, 2011</td>
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<tr>
<td>Sanitary District</td>
<td></td>
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<tr>
<td>Empire Sanitary District</td>
<td>August 24, 2011</td>
</tr>
<tr>
<td>Community Services District -</td>
<td></td>
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<tr>
<td>Riverdale Park Tract</td>
<td>December 7, 2011</td>
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<tr>
<td>Sanitary District -</td>
<td></td>
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<tr>
<td>Salida Sanitary District</td>
<td>January 25, 2012</td>
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<tr>
<td>Water District -</td>
<td></td>
</tr>
<tr>
<td>Eastside Water District</td>
<td>March 28, 2012</td>
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<tr>
<td>Water District -</td>
<td></td>
</tr>
<tr>
<td>Rock Creek Water District</td>
<td>June 26, 2013</td>
</tr>
<tr>
<td>Mosquito Abatement Districts -</td>
<td></td>
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<tr>
<td>Turlock and Eastside</td>
<td>July 24, 2013</td>
</tr>
<tr>
<td>Irrigation District -</td>
<td></td>
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<tr>
<td>Oakdale Irrigation District</td>
<td>July 24, 2013</td>
</tr>
<tr>
<td>Community Services District -</td>
<td></td>
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<tr>
<td>Denair and Keyes</td>
<td>August 27, 2014</td>
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<tr>
<td>Resource Conservation Districts -</td>
<td></td>
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<tr>
<td>East Stanislaus and West Stanislaus</td>
<td>August 27, 2014</td>
</tr>
<tr>
<td>Cemetery Districts -</td>
<td></td>
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<tr>
<td>Hills Ferry, Knights Ferry and Patterson</td>
<td>September 24, 2014</td>
</tr>
<tr>
<td>Community Services District -</td>
<td></td>
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<tr>
<td>Crows Landing, Grayson, Westley</td>
<td>December 4, 2014</td>
</tr>
<tr>
<td>Healthcare &amp; Hospital Districts -</td>
<td>Comm. Review:</td>
</tr>
<tr>
<td>Del Puerto Healthcare, Westside Community Healthcare, and Oak Valley Hospital Districts</td>
<td>January 28, 2015</td>
</tr>
<tr>
<td>Flood Control Districts -</td>
<td></td>
</tr>
<tr>
<td>Orestimba Creek and Sand Creek</td>
<td>December 2, 2015</td>
</tr>
</tbody>
</table>
## CITIES

**ADOPTED MUNICIPAL SERVICE REVIEWS (MSRs) & SPHERE OF INFLUENCE (SOI) UPDATES**

<table>
<thead>
<tr>
<th>CITY</th>
<th>MSR-SOI ADOPTION</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ceres</td>
<td>February 22, 2012</td>
<td><em>City has begun General Plan Update process</em></td>
</tr>
<tr>
<td>Hughson</td>
<td>August 24, 2005</td>
<td>-</td>
</tr>
<tr>
<td>Modesto</td>
<td>September 22, 2004</td>
<td><em>City is working on Draft EIR for General Plan Update</em></td>
</tr>
<tr>
<td>Newman</td>
<td>January 28, 2009</td>
<td><em>City is working on environmental documentation for Northwest Master Plan</em></td>
</tr>
<tr>
<td>Oakdale</td>
<td>July 22, 2015</td>
<td><em>Just completed SOI modification (with simultaneous annexation)</em></td>
</tr>
<tr>
<td>Patterson</td>
<td>December 4, 2013</td>
<td>-</td>
</tr>
<tr>
<td>Riverbank</td>
<td>June 26, 2013</td>
<td><em>City is working on a draft MSR-SOI Update to be presented to City Council in Dec. 2015</em></td>
</tr>
<tr>
<td>Turlock</td>
<td>September 26, 2007</td>
<td>-</td>
</tr>
<tr>
<td>Waterford</td>
<td>August 22, 2007</td>
<td>-</td>
</tr>
</tbody>
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*Stanislaus LAFCO - 12/2/2015*