



**STANISLAUS LAFCO  
LOCAL AGENCY FORMATION COMMISSION**

**Sara Lytle-Pinhey, Executive Officer**  
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**Chair Terry Withrow**, County Member  
Jim DeMartini, County Member  
Bill Berryhill, Public Member  
Amy Bublak, City Member  
Vacant, City Member  
Michael Van Winkle, Alternate City Member  
Brad Hawn, Alternate Public Member  
Vito Chiesa, Alternate County Member

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**AGENDA  
Wednesday, August 22, 2018  
6:00 P.M.  
Joint Chambers—Basement Level  
1010 10<sup>th</sup> 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 10<sup>th</sup> Street, 3<sup>rd</sup> 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 June 27, 2018 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.
- B. Informational Correspondence.
- C. "In the News."

**5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

## 6. PUBLIC HEARINGS

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than three (3) minutes, unless additional time is permitted by the Chair. All persons wishing to speak during this public hearing portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk prior to speaking.

- A. **LAFCO APP. NO. 2018-03 - ORCHARD VILLAGE MOBILE HOME PARK CHANGE OF ORGANIZATION TO KEYES COMMUNITY SERVICES DISTRICT.**  
Request to annex an 8.45 acre mobile home park to the Keyes Community Services District (CSD). The annexation will include the abandonment of two existing wells and connection to the Keyes CSD public water system in order to address high levels of arsenic. The proposed project is located at 4920 Faith Home Road on the east side of Faith Home Road, south of and adjacent to TID Lateral No. 2 ½, within the Keyes CSD Sphere of Influence. The proposal is considered exempt for purposes of the California Environmental Quality Act (CEQA) pursuant to §15303 as determined by the Keyes CSD as lead agency. (Staff Recommendation: Approve the proposal and adopt Resolution No. 2018-13.)

## 7. OTHER MATTERS

- A. **RESPONSE TO THE 2017-2018 CIVIL GRAND JURY REPORT RELATED TO THE RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT.** (Staff Recommendation: Authorize the Chairperson to sign and submit a response letter.)
- B. **FEE WAIVER REQUEST FOR PROPOSED DETACHMENT FROM THE NEWMAN DRAINAGE DISTRICT.** (Staff Recommendation: Authorize a fee waiver or reduction for the upcoming application for detachment.)

## 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. CLOSED SESSION – EXECUTIVE OFFICER ANNUAL EVALUATION

Pursuant to Government Code Section 54957, a closed session will be held to consider the following item: Public Employee Performance Evaluation – Title: LAFCO Executive Officer

## 12. ADJOURNMENT

- A. Set the next meeting date of the Commission for September 26, 2018.
- B. Adjourn.

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**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.

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## **STANISLAUS LOCAL AGENCY FORMATION COMMISSION**

### **MINUTES**

**June 27, 2018**

#### **1. CALL TO ORDER**

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

- A. Pledge of Allegiance to Flag. Chair Withrow led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. Chair Withrow led in the introduction of the Commissioners and Staff.

Commissioners Present: Terry Withrow, Chair, County Member  
Tom Dunlop, Vice-Chair, City Member  
Amy Bublak, City Member  
Bill Berryhill, Public Member  
Vito Chiesa, Alternate County Member  
Brad Hawn, Alternate Public Member  
Michael Van Winkle, Alternate City Member

Staff Present: Sara Lytle-Pinhey, Executive Officer  
Javier Camarena, Assistant Executive Officer  
Jennifer Goss, Commission Clerk  
Robert J. Taro, LAFCO Counsel

Commissioners Absent: Jim DeMartini, County Member

#### **2. PUBLIC COMMENT**

None.

#### **3. APPROVAL OF MINUTES**

- A. Minutes of the May 23, 2018 Meeting.

Motion by Commissioner Bublak, seconded by Commissioner Berryhill and carried with a 5-0 vote to approve the Minutes of the May 23, 2018 meeting by the following vote:

Ayes:	Commissioners: Bublak, Berryhill, Chiesa, Dunlop and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: Hawn & Van Winkle
Absent:	Commissioners: DeMartini
Abstention:	Commissioners: None

#### 4. CORRESPONDENCE

A. Specific Correspondence.

1. Item 7A – Email from David Roche, dated June 21, 2018.
2. Item 7A – Email from Janet Orvis, dated June 26, 2018.
3. Item 7A – Letter from Patrick Cavanah, Stanislaus ERC, dated June 26, 2018.
4. Item 7A – Email from Susan Harper, dated June 26, 2018.
5. Item 7A – Email from Wayne McCurley, dated June 26, 2018.
6. Item 7A – Letter from Evelyn Starman, on behalf of Supervisor Olsen, dated June 27, 2018.

B. Informational Correspondence.

1. CALAFCO Board Nominations and Achievement Award Nominations Packet.

C. “In the News”

#### 5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

#### 6. CONSENT ITEMS

- A. **MUNICIPAL SERVICE REVIEW 2018-02 AND SPHERE OF INFLUENCE 2018-03 UPDATE FOR THE ROCK CREEK WATER DISTRICT.** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Rock Creek Water District. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15601(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2018-11.)

Motion by Commissioner Bublak, seconded by Commissioner Dunlop, and carried with a 5-0 vote approving Resolution No. 2018-11, by the following vote:

Ayes:	Commissioners: Berryhill, Bublak, Chiesa, Dunlop and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: Hawn and Van Winkle
Absent:	Commissioners: DeMartini
Abstention:	Commissioners: None

#### 7. PUBLIC HEARINGS

- A. **LAFCO APP. NO. 2017-03 & SOI MODIFICATION NO. 2017-07 – DIVISION 1 NORTH AREA CHANGE OF ORGANIZATION TO OAKDALE RURAL FIRE PROTECTION DISTRICT - CONTINUED FROM APRIL 25, 2018.** The Commission

will consider a request to modify the Sphere of Influence and annex approximately 57,595 acres to Oakdale Rural Fire Protection District. The project area is located in the northernmost area of Stanislaus County, adjacent to San Joaquin and Calaveras Counties. LAFCO Staff has determined that the proposal is exempt for the purposes of the California Environmental Quality Act (CEQA) pursuant to Sections 15320 and 15061(b)(3) as the District currently provides services to the area and there is no possibility that the proposed change of organization may have a significant effect on the environment. (Staff Recommendation: Approve the proposal and adopt Resolution No. 2018-05.)

Sara Lytle-Pinhey, Executive Officer, presented the item with a recommendation of approval.

Chair Withrow opened the Public Hearing at 6:13 p.m.

In Favor: Evelyn Starman on behalf of Supervisor Olsen; Vincent Victorine, Board member of Oakdale Rural Fire Protection District; and Sally Goehring, resident of Knights Ferry.

Opposed: David Zwald, resident of Eugene.

Chair Withrow closed the Public Hearing at 6:22 p.m.

Mike Wapnowski, acting chief of Stanislaus Consolidated Fire Department answered questions of the commission.

Motion by Commissioner Dunlop, seconded by Commissioner Berryhill, and carried with a 5-0 vote to approve the proposal and adopt Resolution No. 2018-05, by the following vote:

Ayes:	Commissioners: Berryhill, Bublak, Chiesa, Dunlop and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: Hawn and Van Winkle
Absent:	Commissioners: DeMartini
Abstention:	Commissioners: None

## 8. OTHER BUSINESS

### A. **RESPONSE TO THE 2017-2018 CIVIL GRAND JURY REPORTS RELATED TO FIRE DISTRICTS.** (Staff Recommendation: Authorize the Chairperson to sign and submit a response letter.)

Motion by Commissioner Chiesa, seconded by Commissioner Berryhill, and carried with a 5-0 vote to authorize the Chairperson to sign and submit the response letter, by the following vote:

Ayes:	Commissioners: Berryhill, Bublak, Chiesa, Dunlop and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: Hawn and Van Winkle
Absent:	Commissioners: DeMartini
Abstention:	Commissioners: None

**9. COMMISSIONER COMMENTS**

None.

**10. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

None.

**11. EXECUTIVE OFFICER'S REPORT**

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

- As stated at the May 23rd meeting, the July 25, 2018 meeting has been canceled, as the chambers will be closed for audio/visual upgrades.
- Currently LAFCO has received two applications from Keyes Community Services District and one for the Northwest Newman Master Plan. Newman has been sent an incomplete letter and we are working with them to complete the application.

**11. ADJOURNMENT**

A. Chair Withrow announced that the next meeting date and time will be August 22, 2018 at 6:00 p.m.

B. The meeting was adjourned at 6:34 p.m.

**SIGNED COPY ON FILE**

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Sara Lytle-Pinhey, Executive Officer

CORRESPONDENCE – IN THE NEWS

Newspaper Articles

- The Modesto Bee, June 26, 2018, "Modesto Irrigation District removes roadblock to water plant for Turlock and Ceres."
- The Modesto Bee, June 30, 2018, "Dismantle Burbank-Paradise Fire District? No, LAFCO says"
- The Modesto Bee, June 30, 2018, "Fire crews making progress on 12,300-acre blaze that sent smoke into Central Valley."
- West Side Index, July 5, 2018, "Brazil steps down from ambulance board."
- The Modesto Bee, June 6, 2018, "Job losses, farm cuts and other devastating impacts predicted from state's water plan."
- Riverbank News, July 11, 2018, "Region rallies for fight against state water grab."
- The Modesto Bee, July 11, 2018, "Modesto councilman rallying support to contribute in effort to fight state water plan."
- West Side Index, July 12, 2018, "Ambulance board eyes site for new quarters."
- Oakdale Leader, July 25, 2018, "Fire Board to talk special assessments."
- Ceres Courier, July 25, 2018, "Water fight attracts federal interest."
- West Side Index, July 26, 2018, "Mid-summer mosquito abatement continuing."
- The Modesto Bee, July 27, 2018, "What every Stanislaus County area resident needs to know about state water plan."
- Ceres Courier, August 1, 2018, "City takes stand against water grab."
- The Modesto Bee, August 2, 2018, "Stanislaus, Merced county leaders spend \$100k to expand 'fish vs, farmers' water fight."



## **Modesto Irrigation District removes roadblock to water plant for Turlock and Ceres**

**By Garth Stapley**

Modesto Irrigation District leaders on Tuesday backed off previous opposition to a future treatment plant supplying tap water to homes and businesses in Turlock and Ceres.

MID a month ago objected to the cities' plan, saying that diverting water normally meant for farming could harm MID's water rights to the Tuolumne River. That opposition could have killed the plan and harmed MID's relationship with the Turlock Irrigation District, which shares MID's water rights and which aims to build and operate the treatment plant for the cities.

On Tuesday, both water boards unanimously approved a "clarification agreement" guaranteeing that the plant won't be "injurious to MID's water rights." The document says MID's opposition has been "satisfactorily addressed and MID now considers these concerns and objections moot."

"I'm glad to see this resolved in a very happy manner for both MID and TID," said Nick Blom, MID board chairman.

The partnership of Turlock and Ceres, known as the Stanislaus Regional Water Authority, hopes to begin construction in 2020 at a site along the river near Hughson, and the plant is expected to cost up to \$200 million. For more than 20 years, MID has operated its own treatment plant near Waterford, supplying tap water for Modesto and the city's customers in Salida, Empire, Grayson, Del Rio and parts of Ceres and Turlock.

# **Dismantle Burbank-Paradise Fire District? No, LAFCO says**

**By Garth Stapley**

The idea of getting rid of west Modesto's Burbank-Paradise Fire District — floated by grand jurors in a scathing report — doesn't make much sense, when several less drastic steps might first be taken.

That's the gist of a response, by an agency dealing with such matters, to the Stanislaus County civil grand jury.

"Dissolution or consolidation is typically the last resort ... when there is no other feasible option," leaders with the Stanislaus Local Agency Formation Commission said in a letter approved Wednesday. It will go to the presiding judge of Stanislaus courts, who oversees the grand jury.

Grand jurors in May blasted the Burbank-Paradise Fire District board as dysfunctional, lacking training and violating state open-meeting requirements. Twice last year, sheriff's deputies were called to board meetings to settle fierce arguments between board members, and the former chief was married to a board member who did not recuse herself from discussing whether to fire him.

A married couple, Rudy Caro and Dianne Culwell-Caro, serve on that board as well as on a water board in the Riverdale community southwest of Modesto, which also drew blistering criticism from grand jurors in a separate report. LAFCO on Wednesday treated the Burbank-Paradise censure only, and may address the Riverdale situation at a later meeting.

As for Burbank-Paradise, "the first priority is to correct these issues rather than eliminate the district," reads LAFCO's letter.

"I think things are on the right track now," said Terry Withrow, a LAFCO commissioner who also is a county supervisor; Burbank-Paradise is within the county area he represents.

"A lot of good things are happening out there," Withrow continued, noting new management under Peter Golling, the recently installed fire chief. Golling has said that the board made several changes to comply with state law and to correct problems in response to the grand jury investigation.

## **Fire crews making progress on 12,300-acre blaze that sent smoke into Central Valley**

**By Marijke Rowland**

Firefighters continue to battle a vegetation fire that filled Central Valley skies with smoke late this week.

The Waverly Fire began a little after 3 p.m. Friday near the Calaveras County border off North Waverly and North Shelton roads, east of Linden. By Friday evening it had progressed into eastern San Joaquin County and a massive plume of smoke was visible throughout Modesto, Turlock and much of Stanislaus County.

The fire doubled in size overnight, from 3,500 acres at nightfall to a reported 7,000 acres Saturday morning. That estimate was changed to 12,300 by early evening due to better mapping. Dry, hot and windy conditions contributed to swift growth. Firefighters made good progress Saturday and Cal Fire reported that the blaze was 65 percent contained. Crews were able to stop it from progressing south toward Highway 4 and forcing a road closure.

On Friday Cal Fire Tuolumne-Calaveras Unit closed Milton Road and evacuations were underway in the communities of Milton, Salt Springs Valley and Rock Creek Road. The Red Cross opened an evacuation center at Jenny Lind Elementary School in Valley Springs, north of New Hogan Lake. Displaced residents could seek shelter, food, water, mental health services, health services and casework at the facility.

But my Saturday evening all evacuation and road closures were lifted.

A type 3 strike team from Stanislaus County was sent to assist with this incident. The strike team includes engines from Keyes Fire Protection District, Turlock Rural Fire Department, Modesto Fire Department, Burbank-Paradise Fire Dept and Stanislaus Consolidated Fire Protection District.

No injuries have been reported.

## Brazil steps down from ambulance board

Resignation follows vote on leadership post

The board which oversees West Side Community Ambulance last week elected a board president for the remainder of the year - an action which typically would be finalized in January - and lost a member in the aftermath.

Board member Dennis Brazil told Mattos Newspapers that he stepped down over concerns surrounding the board's leadership and direction.

Brazil's resignation followed a split vote last Tuesday in which Rick Daniel was elected to continue as board president for the remainder of the year - a position Brazil said he believed had been designated as his to fill during a prior board action.

Brazil and Daniel were each nominated for the board presidency for the remainder of the year. Daniel, the sitting board president, won re-election by a 3-2 vote. He, David Varnell and Charles Tanner voted to keep Daniel as president while Brazil and George Schmidt favored a change in leadership.

Brazil subsequently resigned.

"I made it very clear to everybody that I was interested in being on this board if I could chair it and change the leadership and direction of the district, and bring some stability and experience to how the meetings should be run," Brazil told Mattos Newspapers. "I am not going to stay on the board through the status quo and the possibility of nothing changing in terms of how they run the meetings."

"I was really looking forward to being part of this, and bringing some light to some of the things that (the board) struggles with all the time," he added.

Brazil said he believed that a decision had been reached in January that he would succeed Daniel as board president after a new ambulance management contract with AMR had been ironed out. The time frame was extended when the board chose to revise its by-laws, essentially reducing the authority held by the president.

"Somehow it shifted to voting on it, which I didn't agree with," he told Mattos Newspapers.

But the minutes of the board's Jan. 23 meeting, which normally would have included election of a president for the year to come, did not reflect such an agreement.

After the typically routine process of electing a president became muddled, the board approved a motion that Daniel remain board president and that the board revisit the nomination in March, according to the minutes.

Schmidt, who made the motion, said he was "under the impression" that Brazil would become president. But, he acknowledged, that was "more of a suggestion" than explicitly stated.

Daniel concurred that the decision of the board in January was simply to revisit the election of a board president at the later date.

He said he would have willingly turned over the gavel to Brazil.

"If I had thought staying in this position through the end of the term would result in him resigning, I would have let him have it (the leadership position) for the sake of the board," Daniel told Mattos Newspapers. "If it is that important to him, let him have it."

Brazil indicated that he may not be entirely finished with the ambulance board.

## **IN THE NEWS – West Side Index, July 5, 2018 (Continued Page 2)**

Brazil, who was appointed to the ambulance board last November to fill a vacant rural Newman zone seat, actually resides in the board zone currently represented by Daniel.

That seat is up for election in November, and Brazil told Mattos Newspapers that he will consider running.

New leadership, he reiterated, is critical to the future of the ambulance.

"This board has put themselves in a lot of situations that could have been avoided. It is not going to change on its own," Brazil said. "I think people in both communities would tell you that they are ready for new leadership."

Roberta Casteel, administrative supervisor for West Side Community Ambulance, confirmed Brazil's resignation. She said the vacant seat will be added to the November ballot as a two-year term up for election.

IN THE NEWS – The Modesto Bee, July 6, 2018

# **Job losses, farm cuts and other devastating impacts predicted from state's water plan**

**By Ken Carlson**

A final state water board plan released Friday came as no surprise to local irrigation districts and county and city elected officials battling what they call a state water grab.

The State Water Resources Control Board wants dams such as Don Pedro to release 40 percent of natural river flows to the Sacramento-San Joaquin Delta to address what the state calls an "ecological crisis."

Farmers along with Modesto and Turlock irrigation districts, business leaders and elected officials expect devastating impacts to the agriculture industry, the economy, groundwater and the quality of life.

The state's Bay-Delta plan could take as much as 50 percent of river flows in some years and 30 percent in others, depending on whether there are agreements with local water users for improving conditions for fisheries. A goal of the plan is restoring severely depleted salmon migrations in the Stanislaus, Tuolumne and Merced rivers.

"The San Francisco Bay-Delta is an ecosystem in crisis," State Water Board Chairwoman Felicia Marcus said.

Officials in Stanislaus County said that if the state takes the water, the result will be thousands of acres of fallowed farmland, overdrafted groundwater and spikes in unemployment for a region with an historic reliance on water stored in Sierra reservoirs.

The local agencies organized in the "Worth Your Fight" campaign to resist the water grab cite doubts by experts that larger flows will have much affect on the severely impaired Delta ecosystem.

The Modesto Bee will have more on this story.

## REGION RALLIES FOR FIGHT AGAINST STATE WATER GRAB

What the Save The Stan organization has advocated against for years occurred Friday, as the State Water Resources Control Board announced plans to divert billions of gallons of water a year from the Stanislaus, Tuolumne and Merced rivers.

"It is an unfortunate plan that ignores our region's economic concerns, ecosystem science and many good ideas we have proposed for responsible resource management," Save The Stan officials noted on their Facebook page. "Despite united and widespread opposition from the South San Joaquin and Oakdale Irrigation Districts, other water agencies, local governments, farming experts, economists and business leaders, and thousands of everyday citizens, the state insists on taking water that it has no legal right to.

"The purpose, it contends, is to help restore native salmon populations in the three rivers and improve water quality in the Delta. We believe there are other ways to accomplish those goals without hijacking our water."

Local legislators were also quick to respond, pointing to the negative impact they see as coming from the so-called 'state water grab.'

"Under Sacramento's new plan, residents and farmers alike will suffer skyrocketing rates that will cripple our local economy, farms, and communities," said Congressman Jeff Denham. "The board has ignored scientific evidence and the input of Valley residents and we must fight back to protect our Valley water rights and save our economy, farms, and communities."

Denham noted that the State Water Resources Control Board's Bay-Delta plan would essentially flush away 40 percent or more of water for local farmers with devastating impacts for the Central Valley economy.

"The State Resources Control Board's Bay-Delta plan would mandate 40 percent of unimpaired flows along the Stanislaus, Tuolumne and Merced Rivers from February 1 to June 30 annually under the guise of improving river conditions for salmon. However, it blindly follows the more flow equals more fish mantra while failing to recognize the true threats to endangered fish in our rivers – predation and inadequate habitat restoration. These are two issues our local community and Irrigation Districts are working to actually address."

The Save The Stan statement also indicates how big a financial impact the decision would have, noting "The ripple effect could cause as much as \$12.9 billion in annual losses to agribusiness, food processing and related industries. If you live in the Northern San Joaquin Valley, you will feel the pain."

Assemblyman Heath Flora, representing this area in the 12th Assembly District, said "The State Water Board thinks this plan will have a limited impact on Valley residents. But last year I joined the thousands of you who showed up to voice your concerns when the Water Board came looking for public comment."

In March 2017 Modesto Irrigation District (MID) and Turlock Irrigation District (TID) filed joint comments addressing a number of technical and legal issues surrounding the State Water Board's proposal. During that same time, thousands of residents filed public comment at a number of hearings held across the region. MID and TID have asked for an extension of the 21-day public comment period for the final version of the plan released on July 6.

"It's no coincidence that the Water Board released their outrageous proposal on the first day of the Legislature's summer recess," continued Flora. "The Legislature does not re-convene again until after the 21-day public comment period is over, and therefore cannot use the Legislative process to bring awareness to any of it."

## **IN THE NEWS – Riverbank News, July 11, 2018 (Continued Page 2)**

Denham, meanwhile, said he strongly supports the Tuolumne River Management Plan developed by Turlock and Modesto Irrigation Districts as a science-based plan that will meet the state's ecological development goals without sacrificing Central Valley water. The plan was constructed using the latest science conducted on the Tuolumne as part of the federal relicensing of the Don Pedro Hydropower Project and maintains water supply reliability for agriculture and urban users, identifies measures to protect fish populations and supports new recreational opportunities.

Friday's release of the third and final draft of the Bay-Delta Water Quality Control Plan update comes after a nine-year process which included public hearings in the area, review of more than 1,400 comment letters and the study and analyzing of options by the board. Consideration of the final draft plan is due by the State Water Board in August.

"A public hearing is scheduled for Aug. 21 in Sacramento," said Save The Stan officials. "We will keep you posted on how you can register your opposition and let the water board know that what it is doing is wrong."

A joint statement issued by the Turlock and Modesto irrigation districts railed against the state as well.

"Despite having well over a year to adequately address thousands of public comments from our region – 6,589 from the Worth Your Fight campaign alone – the State Water Resources Control Board today (Friday) doubled down on its proposal to mandate 40 percent of unimpaired flows along the Tuolumne River from February 1 to June 30 annually. The State Water Board thinks this plan will have limited harmful effects. But we know this water grab will have devastating impacts to our region, which is why thousands showed up and voiced frustrations when the State Water Board came to our communities."

Officials added that they were "disappointed, but unfortunately not surprised" when a new study they prepared with other viable options was "ignored" by the State Water Board.

"Apparently after a year of review and edits, the State Water Board feels it only needs to give our region 21 days to review and comment on the latest draft," the joint statement reads. "The Districts are joining other water agencies to petition the State Water Board to give us more time to comment on this proposal that will drastically impact our communities."



## Modesto councilman rallying support to contribute in effort to fight state water plan

By Ken Carlson

A Modesto councilman called on the city to contribute toward efforts to resist a state water grab that's become an emotionally charged issue in the region.

Councilman Mani Grewal said at Tuesday's council meeting the state plan to take large amounts of Tuolumne River water to rejuvenate the Sacramento-San Joaquin River delta would create a "regulatory drought" in Stanislaus County.

City leaders didn't say how much could be spent opposing the state proposal. The matter will be brought back for discussion.

"We cannot afford this plan," Grewal said. "We cannot afford it for our region and we cannot afford it for our citizens."

Grewal mentioned potential litigation as one way of fighting the state water grab. The Modesto and Turlock irrigation districts, which are co-owners of Don Pedro Dam, and other water districts would most likely take the lead in an anticipated lawsuit to challenge the proposal.

The State Water Resources Control Board proposal released Friday would set an unimpeded flow of 40 percent from February to June on the Tuolumne, Stanislaus and Merced rivers, which are tributaries of the San Joaquin River course that feeds the south delta. In other words, Don Pedro and other Sierra dams would not retain 40 percent of the rivers' natural flow but would let it run to the delta.

That would leave far less water for irrigated farmland and other users in the Northern San Joaquin Valley. A state staff report said the proposal would take an average of 288,000 acre feet of water a year for environmental purposes, including attempts to restore salmon in the rivers.

The proposed shift in water allocations also coincides with the Delta tunnels project and plans for sending more water to Southern California, further stirring emotions.

Local irrigation districts, cities and the county predict severe impacts in terms of agricultural losses, stepped up groundwater pumping, depressed land values and economic losses. One estimate has put potential job losses at 6,500.

In an agreement with MID, Modesto since the 1990s has supplied treated Tuolumne River water to homes and businesses, serving to stabilize the groundwater underneath the city of 215,000, Grewal said.

The councilman said the city should help with fighting the water grab regardless of whether it affects the city's surface water agreement with MID. He cited estimates of billions of dollars in economic losses from the proposal.

City Attorney Adam Lindgren said he's had detailed conversations with MID's legal staff about responding to the state plan. The MID has joined with Turlock Irrigation District in the Worth Your Fight campaign opposing the Bay Delta plan..

County Supervisor Vito Chiesa said he favors a broader information campaign to educate state lawmakers and the public on the ramifications of the state proposal. He talked with the city councils of Turlock and Hughson, which could possibly support the cause along with other cities.

The county Board of Supervisors is expected to see a request Tuesday for \$50,000 that could be spent on public education and additional costs of fighting the water grab. The county would be more of a cheerleader, rather than a plaintiff, in a lawsuit against the state.

**IN THE NEWS – The Modesto Bee, July 11, 2018 (Continued Page 2)**

"We need to broaden our audience," Chiesa said.

Local entities have until July 27 to submit comments on the final proposal, though elected officials have said more than 6,500 comments on a 2016 Bay Delta update were virtually ignored by the state water board.

The state board could vote in August to approve the sweeping decision on water allocations, which also affects the Sacramento River.

## Ambulance board eyes site for new quarters

West Side Community Ambulance officials have opened a search for a new location to house its crews and vehicles, and are eyeing the former Marty's Inn site at the south edge of Newman as a prime possibility.

Crews and vehicles are currently housed at the former West Side Community Hospital building under a lease agreement with the physician who purchased that property, but that location is not considered a viable long-term option for the quarters.

An ambulance board sub-committee of George Schmidt and Dennis Brazil (who has since resigned) reported to the full board at its June 26 meeting that they have met with a representative of the DiMare family, which owns the former Marty's site, about the possibility of developing ambulance crew quarters at that site.

Each said they hope to have a response to present to the board for consideration at its July 24 meeting.

Schmidt and Brazil said they are looking into crew quarters for up to six people using modular buildings, as well as ambulance bays and perhaps an administrative office for operations management.

"We are looking for crew quarters for at least two ambulances, and I can see in the future where we are going to need at least a part-time (third)," Schmidt told Mattos Newspapers.

The ambulance service has more than two years remaining on its current agreement to use the former hospital, according to Schmidt.

While an ambulance may at some point be based in Gustine, Schmidt and Brazil said, the potential location at the south edge of Newman is ideal for serving both communities in the meantime.

"We can make our response times into Gustine from Newman, but we can't make Newman from Gustine," Schmidt explained, noting that the mandated response time on calls into Newman is shorter than that on calls into Gustine.

The growth of the city of Newman has made response time compliance challenging from the hospital quarters, noted Rick Daniel, president of the ambulance board.

"There was a time when you could get across Newman in seven and a half minutes with no problem," he reflected.

While awaiting a response from DiMare, the board and staff is going to lay the groundwork by getting quotes on modular buildings and checking with the city of Newman to determine if zoning would allow an ambulance base at that site.

"There is no point in pursuing it if you cannot operate the ambulance on that piece of property," noted Cindy Woolston, Stanislaus/Tulare county general manager for AMR, the firm which manages West Side Ambulance.

Another consideration would come into play as well if the district was able to reach an agreement to use the property, said board President Rick Daniel.

"We found out that where Marty's used to be, that parcel is kind of pie-shaped. What was the parking lot area for Marty's in reality belongs to the state of California," he stated. "If we are successful, we will have to follow up with a request to the state to ask if they would cede that to us."

Daniel agreed that the formal Marty's site is ideal - but added that the ultimate plan is to station one ambulance in Gustine and one in Newman.

**IN THE NEWS – West Side Index, July 12, 2018 (Continued Page 2)**

If the former Marty's site does not materialize as a new home for the ambulance quarters, Brazil and Schmidt said, no alternate sites immediately come to mind.

"That old Marty's site is a pretty good location for everyone, in my opinion," said Brazil.

"I don't know any other place where we could do it that the city has zoned commercial," Schmidt concluded.

"I'm optimistic that this will work out," he added.

## Fire Board To Talk Special Assessments

A special meeting of the Stanislaus Consolidated Fire Protection District Board of Directors is scheduled for Thursday, July 26 at 7 p.m.

The session will be hosted at the Station 26 Meeting Room at 3318 Topeka St., in Riverbank.

Main item on the agenda for the special session is considering adoption of a resolution to levy and collect charges within the Stanislaus Consolidated Fire Protection District Special Benefit Assessment Rate for fiscal year 2018-2019. The board is expected to discuss the assessment rate and potential implications on the preliminary budget/final budget for the District.

The board is required to annually review and set rates for the Special Benefit Assessment program. The Special Benefit Assessment started in fiscal year 2005-2006 and “continues to be the most prominent and secure revenue source for the District,” according to officials. It provides the majority of the revenue needed by the District to provide the “required and expected services” to the communities it serves.

The board is expected to consider a 3 percent increase but it could also choose to budget for no increase in the assessment.

IN THE NEWS – The Ceres Courier, July 25, 2018

## WATER FIGHT ATTRACTS FEDERAL INTEREST

By Angelina Martin

In the midst of a state decision that the Turlock Irrigation District says could "drastically impact our communities," U.S. Interior Secretary Ryan Zinke visited the two reservoirs on Friday that are in the middle of California's water war.

Zinke was invited by Congressmen Jeff Denham and Tom McClintock to tour both Don Pedro and New Melones reservoirs just weeks after the State Water Resources Control Board released its final draft of the Bay-Delta Water Quality Control Plan update, which calls for allocation of 40 percent of unimpaired flows along the lower San Joaquin River and its tributaries — the Stanislaus, Tuolumne and Merced rivers — to help rehabilitate the area's native fish species.

"Our goal here today is to show him not only the opportunities we have for more water storage for a growing state, but to also show him the devastation that can happen if you push all of our water out to the ocean," said Denham, whose two amendments to stop part of the state's plan passed the House of Representatives on Thursday. "It will dry up agriculture. It will dry up our communities."

Farmers and Valley residents fear that the state's plan would significantly reduce the amount of water available for irrigation, consumption, recreation and power supply. The visit from the high-ranking Trump Administration official has likely lifted their spirits, as Zinke expressed interest in attempting to solve the problem at the federal level.

"It's not a Republican or Democrat issue, it's an American issue," said Zinke. "We want to restore trust and be a partner in a solution."

The secretary, who oversees the nation's million acres of public land, believes that storage is a main factor in finding a solution to the state's water allocation woes, and McClintock pointed out that no new infrastructure has been built in the area since New Melones was completed in 1979. Zinke was also shocked that the \$25 million Turlock and Modesto irrigation district ratepayers have provided for scientific studies in Don Pedro's relicensing process, which includes alternate methods for protecting endangered fish, has been largely ignored by the state.

Known as the Tuolumne River Management Plan, the alternate methods include stream-bed gravel restoration, the removal of invasive plant species and predator control, to name a few.

"You've put \$25 million into studies, but the two sides are not together. My interest is bringing all the sides together and reducing the process, and making sure all stakeholders have a say," Zinke said. "Some of the demise of the species is not just water flow, it somewhat has been predation...but the different bureaus have to align."

Denham said that Congress is working with the Trump Administration to develop "one agency, one decision," for water allocation.

"We should not be seeing our local irrigation districts take 10 years on a relicensing, nor should we see hundreds of millions of dollars that go into changes and other studies in our water system that don't help our ratepayers," Denham said.

As Denham, Zinke and McClintock spoke with the media at Don Pedro, back in Modesto, an environmental coalition comprised of Restore the Delta, Sierra Club, Friends of the River and Save California Salmon gathered outside of Denham's office in protest of the secretary's visit.

**IN THE NEWS – The Ceres Courier, July 25, 2018 (continued)**

In a released statement, the coalition called Denham's previously mentioned amendments to the Interior spending bill "aims to curtail ample flows through the San Joaquin River and its tributaries to the San Francisco Bay-Delta in favor of big corporate almond growers."

"California's iconic salmon are facing extinction due to bad water management and waste. Salmon have been part of California's economy and culture long before its official statehood," said Save California Salmon's tribal water organizer Morning Star Gali. "The Trump Administration's meddling in California's state rights threatens our economies, jobs, and livelihoods. It also threatens the rights of native people, who are the real senior water rights holders, and are leading the effort to restore California's rivers for all people."

Zinke will work to find a solution for all people, he said, adding that the next steps upon returning to Washington, D.C., include making sure that he, Secretary of Commerce Wilbur Ross and Secretary of Agriculture Sonny Perdue are all "on the same page."

"If the administration works together, we'll have a solution fairly quick," Zinke said.

## Mid-summer mosquito abatement continuing

NEWMAN - Officials with the Turlock Mosquito Abatement District are conducting an aggressive mid-summer campaign with an eye on both the present and the future.

General Manager David Heft said that keeping mosquitoes in check to the greatest degree possible through the summer months should in turn lessen the severity of the West Side's peak time for mosquitoes, which is in the fall.

Heft told Mattos Newspapers recently that both mosquito populations and virus activity affiliated with the insects have been below average this summer - but cautioned that both were likely to increase with the July heat.

The district recently picked up its first sign of West Nile Virus activity on the West Side when mosquitoes collected from the Patterson and Grayson areas turned up positive for the virus, he said.

"It is going to continue," Heft stated. "With the 100-degree heat, it is going to start ramping up quickly."

No virus activity had been detected in the Newman area, Heft said in mid-July.

Heft said the district is conducting aerial applications as part of its efforts.

"We are already scheduling the aircraft. It will fly on the west side of the county toward the end of the month," he explained. "We are trying to get out ahead and keep those mosquito numbers down."

An aerial application was scheduled for last Sunday evening in the Hills Ferry area, according to the district website.

The district is also conducting aerial surveillance in an effort to identify neglected pools, which are a prime breeding source for mosquitoes.

The district conducted a flyover earlier this year, Heft said, with a second one planned.

He said the district is working with a company which will provide faster identification of problem pools.

"Right now there are a lot of employee hours that go into getting those pictures and locating the properties. We are trying to reduce that time. Every day that we can get to the pool faster means fewer mosquitoes entering the community," Heft explained.

The district is finding fewer neglected pools than during the depths of the recession, he said, but they remain a concern which must be addressed.

"We still identify a number of new (neglected) pools each year. This is something we can't stop doing," Heft stated.

In addition to monitoring virus activity, Heft said, the district is keeping watch for the presence of an invasive mosquito which was discovered in Merced last year.

Commonly known as the yellow fever mosquito, that insect carries viruses such as Zika and dengue.

None have been detected in the district - but Heft said its arrival is most likely only a matter of time.



"We are expecting that to be here shortly, if it is not here already," he commented. "If residents are being bitten by mosquitoes around their home during the daytime, that is something we want to know about. That is not typical for our native mosquitoes."

The pre-dawn and evening applications geared toward native mosquitoes will not impact the invasive variety, Heft added, because they are active at other times of day.

"It becomes a situation where, if we have to spray a neighborhood, it is going to be in the middle of the day, in the back yards. It is a much closer interaction," he said.

Residents are urged to report mosquito problems to the district, avoid being outdoors when the mosquitoes are most active, use insect repellents containing active ingredients such as DEET and remove any standing water from their property.

Typically, Heft reiterated, the peak mosquito activity on the West Side occurs in September and October, when the wetlands are flooded up.

"The later we can push the beginning of that peak period, the less time we have where the (increase in activity) is significant," he pointed out. "We want to reduce that window of time when there are a lot of mosquitoes."

# What every Stanislaus County area resident needs to know about state water plan

By Ken Carlson

Don Barton of Barton Ranch near Escalon is not mincing words over a state water board proposal. He says the plan to raise flows in the Stanislaus River is a disaster waiting to happen for farms on the river's north side from Ripon to Oakdale.

As "unimpaired flows" are released from New Melones Dam located far upstream, more than 300 acres of the family's walnut trees will be flooded for months during above-average water years and destroyed, he said. With a temporary "pulse flow" this year, pushing water over the bank, walnut trees owned by Barton stood in water 3 feet deep, killing 45 trees.

His brother, Gary, said Friday that vineyards and orchards owned by multiple growers upstream of the Ripon ranch also will sustain flood damage, thanks to the state's plan to provide higher river flows for the Sacramento-San Joaquin River Delta.

Along with 110 acres of walnuts owned by Barton in the floodplain near Ripon, about 200 acres of mature walnuts will be flooded on Barton Ranch property across the Stanislaus from Riverbank, the brothers said. Two other growers with crops near the Stanislaus said Monday they're concerned about potential flood damage from the state proposal.

"It is going to have a huge impact on our business," Don Barton said, noting the family's walnut growing and processing business has 60 employees year-round.

The Bartons and many other farmers are caught in a battle over the State Water Resources Control Board's final Bay Delta Plan, released in early July, which proposes that dams release 40 percent of the natural flows in rivers to benefit the Sacramento-San Joaquin Delta from February through June. Unlike the Barton's situation, water shortages are the primary threat to agriculture in Stanislaus, Merced and southern San Joaquin County.

What follows is important information on questions posed by readers about elements of the water board plan, which could bring profound changes to the Northern San Joaquin Valley. The board could approve the plan following hearings Aug. 21-22 in Sacramento.

## 1. Why are local leaders upset about the plan?

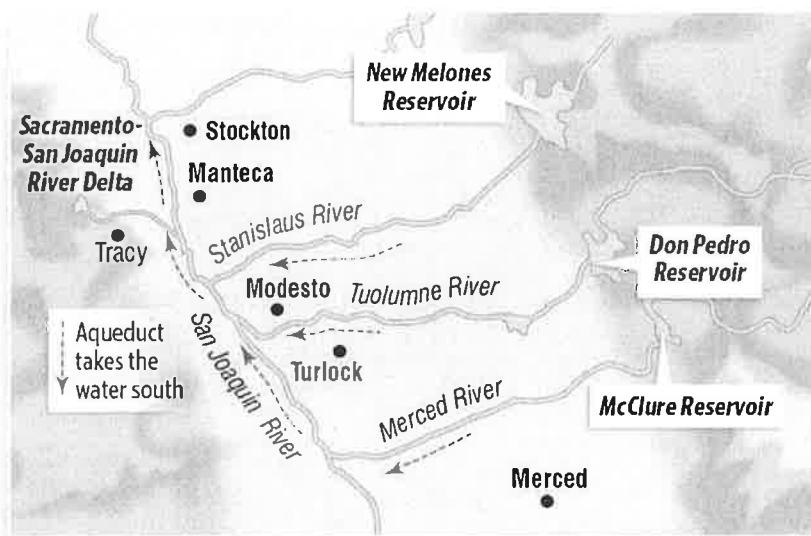
The proposed releases from Don Pedro, New Melones and New Exchequer (McClure Reservoir) dams will send water running past cities and farms to the Delta and San Francisco Bay, leaving far less storage in reservoirs for agriculture and cities.

To use those time-honored words on the Modesto arch, an old symbol for a city built on dam construction, it's expected to diminish the region's "water wealth" or reservoir storage that's a hedge against frequent droughts in the Central Valley. It could eliminate the "contentment" of reliable paychecks for thousands and pose a threat to "health" in a region that boasts impressive agriculture but also houses more than 1 million people.

"I can't think of an issue that is more important than this," County Supervisor Terry Withrow said recently in urging local agencies to go to war over the state plan.

## Bay Delta plan

*The California Water Board's final Bay Delta plan, released in early July, proposes that dams release 40 percent of the natural flows in the Stanislaus, Tuolumne and Merced rivers to benefit the Sacramento-San Joaquin River Delta. There have been strong opinions supporting and opposing the plans.*



### Potential detriments:

- **Economy:** \$5.6 billion in annual economic losses
- **Agriculture:** 210,000 acres of land fallowed
- **Employment:** 6,500 job losses
- **Public services:** Lost revenue from declining land values

### Potential benefits:

- **Delta:** Better water quality
- **Fish:** Restored salmon, steelhead trout fisheries
- **Farming:** Flush harmful salts that threaten Delta growers

Sources: Stanislaus County Agricultural Commissioner's Office; State Water Resources Control Board

LAURIE MCADAM THE MODESTO BEE

The utilities district serving San Francisco and sister cities in the Bay Area, which receive Tuolumne River water, says the plan will strain its ability to meet the water needs of homes and businesses.

Some have suggested that irrigation districts have exaggerated the impact of 40 percent unimpaired flows in the rivers, with claims of billions of dollars in economic losses and job losses in the thousands. But groups bent on protecting the Delta say 40 percent won't restore the fish and that's expected to exert pressure on Modesto, Turlock and other irrigation districts to give up 50 percent or even 60 percent of natural flows from February through June.

"Let's hope we don't have to go there because the impacts just get worse," said Peter Rietkerk, general manager of South San Joaquin Irrigation District.

Stanislaus County officials, who claim the plan is deeply flawed, say state leaders are dangerously applying environmental law to muscle the water from irrigation districts that have historic water rights. Most everyone believes this battle over these rights will be decided in the courts.

Some, including Delta advocates, are suspicious the water is desired to replace Sacramento River water in the estuary after Gov. Jerry Brown's tunnels are built to send large amounts of water to the southern San Joaquin Valley and Southern California.

Water board Chairwoman Felicia Marcus says the increased flows in the Tuolumne, Stanislaus and Merced rivers are needed to support fish that have been pushed to the brink of extinction. In her opinion, water users can adapt by switching crops, becoming more efficient and storing more water in wet times.

**2. How much water will be released from Don Pedro and the two other reservoirs to meet the proposed requirements?**

According to the plan, the state wants to use 40 percent of the February-to-June Sierra runoff in the Tuolumne, Stanislaus and Merced rivers, which are tributaries of the San Joaquin, to restore fisheries and improve conditions in the Delta. Normally, Don Pedro and New Exchequer dams release varying amounts from 21 percent to 28 percent.

The state has estimated the total releases for salmon will average 300,000 acre feet a year for the three rivers. But irrigation districts say the plan will take a larger amount of water. Last week, the MID said the average releases in the Tuolumne will more than triple from 216,000 to 673,000 acre feet, resulting in the loss of 457,000 acre feet a year that could be used for crop irrigation or drinking water.

To visualize that amount, you can fill Turlock Lake almost 10 times with 457,000 acre feet of water, and it's enough to provide water for 1.3 million families a year, MID said. The Department of Interior said last week the state plan will reduce storage in New Melones by an estimated 315,000 acre feet a year. Merced Irrigation District expects to see a 200,000-acre-foot drop in water supplies in dry years.

Because of other requirements deeper in the plan, some predict that New Melones will be virtually empty in one out of seven years. Merced Irrigation District has called the Bay Delta Plan a "completely irresponsible water grab" that will make drought conditions more commonplace at Lake McClure, a recreation mecca.

In 2016, Stanislaus County Agricultural Commissioner Milton O'Haire estimated \$5.6 billion in annual economic losses as 210,000 acres of farmland are fallowed due to water shortage, reducing harvests by 22 percent. On top of the \$1.6 billion in reduced farm income, other factors including job losses and reduce spending would account for \$3.5 billion in losses.

In a region dominated by agriculture and food and beverage processors, one estimate puts job losses at 6,500.

### **3. Would Modesto residents have less water for drinking, taking showers and watering lawns?**

Modesto is supplied with treated Tuolumne River water for homes and businesses through an agreement with Modesto Irrigation District. That water runs through pipes from a Modesto Reservoir treatment plant to city customers.

In a drought, the city takes the same cuts as farmers who may receive shorter water allocations from the irrigation district, said Modesto Utilities Director William Wong.

If farmers are cut by 50 percent, the MID will reduce the water delivered to Modesto by the same rate, Wong said. If farmers are given no water, the city won't see a drop.

With less water at Don Pedro Reservoir, "we will see drought conditions more often where we reduce the watering schedule for residents and have more enforcement so people are not watering on the wrong days," Wong said.

When conservation measures are in place, residential customers use less water and the city takes in less revenue, Wong said.

Modesto's use of surface water since the 1990s has served to stabilize the groundwater under the city. But more pumping will be necessary if cuts to surface water allocations are frequent, and that could draw down the aquifer and lead to ground subsidence.

"The way the trends look over the last few years, we will have more and more dry years," Wong said. "With proper water management, Modesto can weather a dry period fairly well. When they take away our surface water resources, it creates an imbalance."

Cities like Manteca in south San Joaquin County get about half their water from the SSJID treatment plant at Woodward Reservoir. Dry conditions forced SSJID to reduce allocations for agricultural customers and the cities by 25 percent in 2015.

Those customers could face dry-year reductions closer to 65 percent with full implementation of the state water plan, forcing the cities to pump more groundwater and face the costs of tougher drinking water standards, Rietkerk said.

#### **4. Why are some predicting serious groundwater impacts that will threaten public health?**

Local experts say the Modesto and Turlock area has avoided severe depletion of groundwater aquifers because of irrigation with surface water on 200,000 acres of farmland and Modesto's use of treated water.

By leaving less water in reservoirs, the state plan could result in cuts to surface water irrigation and water allocations for the cities, triggering more groundwater pumping on a regular basis.

Of the 1.25 million people living in the broader region, no less than 130,000 rely on private wells for drinking water, according to the 2010 census.

If the state forces farms and cities to use less surface water and pump more from the ground, Stanislaus County fears widespread well failures, which will hit hard on seniors and disadvantaged residents who can't afford to dig deeper wells.

County officials point to the well failures during the 2012-2015 drought that occurred under the current system of water allocations.

Walter Ward, county water resources manager, said there were hundreds of dry wells across Stanislaus County and many more in the region. County leaders heard continual reports of people living in homes for weeks or months without water for drinking, taking showers and flushing toilets.

After living in unsanitary conditions, 80 households were able to get temporary assistance from a county program that provided hookups to a portable tank plus water deliveries to refill the tank. Others waited for more than a year to have new wells sunk. Residents with dry wells in San Joaquin County called county offices only to find temporary assistance wasn't available.

Officials predict a far more severe problem with dry residential wells if the state takes large amounts of water from the irrigation districts.

An environmental review on the water board plan recognized impacts to residential wells, which often draw from shallow aquifers and are subject to "degraded water quality, including the migration of contaminant plumes that impair water supplies."

In comments on the environmental document, the MID said the water shortages will create a public health crisis by contaminating domestic wells in an area that is 75 percent comprised of disadvantaged communities.

#### **5. How will farmers respond when water districts cut back on deliveries for irrigating 435,000 acres of farmland in the three counties?**

Stan Chance, whose family grows almonds in Denair, said with the state plan, Turlock Irrigation District will cut irrigation deliveries for growers in dry years and farmers will pump groundwater to keep their trees alive. Almonds require 36 to 42 inches of water each year.

If the TID regularly cuts allocations from 48 inches to 18 inches in dry years, as was done in 2015, farmers will make hard decisions about fallowing ground or switching to crops that require less water, Chance said.

Conversion to lower-value crops causes property values to sink, reducing tax revenue that pays for law enforcement and other public services.

Darrell Cordova of Denair said there are strong incentives for growers to stick with almonds, even though groundwater pumping makes the electrical meter spin. He said strong almond prices were the only way to continue a farm his wife inherited and trying to switch to field crops may not be a good alternative.

"We used to grow grain and beans, and there was a lot of labor and the market wasn't good," Cordova said. "You need to have crops that keep you going."

Cordova, who's president of the Stanislaus County Farm Bureau, predicted water shortages under the state plan will force people out of business. He sees the water grab as a threat to a near century-old way of life created by construction of the original Don Pedro Dam in 1923 and the New Don Pedro Project completed in 1971.

Cordova said one of their two grown sons, who attended local schools, has returned to the 700-acre farm to learn the ropes and his wife, Norma, served on the Denair school board.

The Cordovas conserve water with micro-sprinklers in orchards and special planting techniques for corn silage.

Valley farmers like Chance and Cordova fear a regulatory vice grip, in which the state takes more surface water for the Delta and then restricts use of groundwater under the Sustainable Groundwater Management Act of 2014.

Increased pumping by farmers and cities will make the groundwater unsustainable, and "then you are out of compliance with the state groundwater law," Cordova noted.

To prepare for the March-to-October irrigation season, water stored in Don Pedro is sent to La Grange Dam and then funneled into Modesto and Turlock reservoirs. From there, it's distributed through canals to agricultural customers; gates are opened to deliver the canal water to individual properties.

With the Bay Delta Plan, Justin Gioletti is afraid TID would provide less water for his dairy west of Turlock in a multiyear drought. Shorter allocations during the last four-year drought prompted the dairy to fallow almost 100 acres and move the irrigation water from that piece of ground to another and supplement with pump water.

If no TID water is available for agriculture in drought years, it could stunt local production of corn silage feed that requires 30-plus inches of irrigation water, Gioletti said. He might stop renting land and incur the extra costs of making a 50-mile trip to purchase feed from growers in the Delta. "The dairy business is tough in California," Gioletti said. "If you add water restrictions, it makes it that much harder. It has the potential to put us out of business."

## **6. Why do groups trying to protect the Delta support the increase in river flows?**

Barbara Barrigan-Parrilla, director of Restore the Delta in Stockton, said inflows of freshwater are necessary for an estuary that suffers from a collapsing food web and devastated fisheries. During the last drought, toxic algal blooms spread in the warm waters and created pollutants near Stockton that were a danger to children, she said.

Restore the Delta was grateful the final water board proposal released in July assures that additional flows in the lower San Joaquin are not soon exported to entities south of the Delta, but will increase the outflow to San Francisco Bay. The group, however, wants to see stronger language on the subject.

Barrigan-Parrilla said there's a scientific basis for 50- to 60-percent flows from the lower San Joaquin tributaries "if we have any hope of species recovery."

She is sympathetic to the Stanislaus-area water districts in one regard. It isn't fair the total burden of Delta restoration has fallen on those water districts, she stressed.

Friant Dam water users near Fresno and other districts with political clout in the upper San Joaquin should be required to contribute to a solution, she said. "If we take a step back and look at the whole

picture, the process started in 2009 was based on a bad assumption that has required all the sacrifice to fall on those (eastern tributary) districts,” she said.

State water board staff said the upper San Joaquin districts are not participating because that arm of the river is not a salmon-bearing stream. Water from the upper San Joaquin is heavily allocated and efforts are under way to “rewater” virtually dry sections.

Peter Drekmeier, policy director for Tuolumne River Trust, said more water in the Tuolumne will boost salmon and steelhead trout.

By impounding runoff from the Sierra Nevada and releasing small amounts, construction of dams like Don Pedro turned cold, fast-moving streams in the Delta into warm, slow-moving channels that don’t support salmon, he said.

Stronger flows in spring would help young salmon hatching in the rivers to migrate to the ocean and restore the population to benefit the fishing industry and recreational angling, supporters of the plan say.

In advocating for higher flows, Drekmeier said the historic wet year of 1983 produced the return of 40,000 spawning salmon in the Tuolumne some 2 ½ years later, and the winter floods of 1997-98 set the stage for 18,000 returning adults.

“The big question is how much flow is necessary,” Drekmeier said. “Even with 40 percent, you could see improvement and it really matters how it is managed. You need Tuolumne pulse flows to get young fish to the ocean and fall attraction flows to cue adult salmon to come back to spawn.”

Drekmeier said one proposal from an irrigation district called for small changes in river flow combined with habitat restoration, but “it is virtually the status quo.”

TID maintains that more than 90 percent of juvenile salmon on the 52-mile stretch of the Tuolumne, between La Grange and Grayson, are eaten by nonnative bass before reaching the San Joaquin River.

That’s primarily based on a 2012 predation study by Fishbio consultants. An abundance of largemouth and striped bass fed on an estimated 62,000 juvenile salmon and about 2,300 made it to the San Joaquin, according to the study.

From there, less than 5 percent of the survivors would make it through the bass-infested Delta channels to the Bay, Fishbio Vice President Andrea Fuller said. The biologist said the effects of higher flows in 2006 and 2011 on the salmon population were not that impressive.

Drekmeier acknowledged predation is a factor, but nonnative bass in the Delta are a symptom of an altered ecosystem tied to the dams. Delta groups hope the wet conditions in 2017 produce a strong return of adult salmon in fall 2019.

Fuller said any attempts to help young salmon navigate the tributaries should include reducing the bass population. A bounty was offered for catching predatory fish from the salmon-depleted Columbia River in the Northwest.

Generous permitting for catching adult salmon in the ocean outside the Golden Gate are reversing gains in growing the chinook salmon runs, Fuller said, citing a study done for SSJID.

To benefit fishery resources, the TID’s Tuolumne River Management Plan proposes well-timed flows along with predator suppression, water hyacinth removal, gravel cleaning and sediment management, and a hatchery near the La Grange diversion dam.

IN THE NEWS – The Ceres Courier, August 1, 2018

## CITY TAKES STAND AGAINST WATER GRAB

By Jeff Benziger

A state plan to take more water from local reservoirs and flush it down the river – thereby denying use for farming and cities – was met with opposition by the Ceres City Council last week.

The four present council members voted for a resolution condemning the State Water Resources Control Board's Bay-Delta Plan and its Draft Substitute Environmental Document (SED) which call for the drastic water grab, which has been universally condemned by local elected officials.

The plan would affect how much water is released from the Don Pedro Reservoir dam on the Tuolumne River, the New Melones dam on the Stanislaus River and the McClure Dam on the Merced River.

The city resolution notes the loss of hundreds of thousands of acre-feet of river water would result in the fallowing of some of the most prime farmland. It also noted that if the state plan had been in effect in 2015, in addition to already-incurred impacts from the fourth year of a drought, the economic impacts would have included \$1.6 billion in economic output loss, \$167 million farm-gate revenue loss, \$330 million in labor income loss, and 6,576 jobs would have been lost, in the Modesto and Turlock irrigation districts alone.

The Bay-Delta Plan could also adversely impact plans of the cities of Ceres and Turlock to build a surface water plant and delivery system that uses water drawn from the Tuolumne River at Fox Grove.

Josh Weimer, a legislative analyst with the Turlock Irrigation District, spoke to the council said the state agency came out with the plan in 2012 and calling for 35 percent unimpaired flows down the river and ultimately to the Delta for fish habitat purposes. He said the community rallied against the "very flawed" plan while the board came back with a water grab of 40 percent.

He said Turlock and Modesto irrigation districts conducted an education campaign and generated over 7,000 comments against the plan with 3,000 from cities and businesses.

"There were four public hearings, over 40 hours of public testimony and the state took all that information and a year and a half later, came out of July 6 of this year and essentially changed nothing in the document," said Weimer. "Unfortunately they didn't care."

Weimer said TID is trying to rally a coalition of cities to go to Sacramento on Aug. 21-22 to voice opposition to the plan.

"Let them know how this is going to impact the area," Weimer told the council.

He said state officials have a "huge misconception" that the plan is needed "because farmers and growers are taking too much water out of the system."

"This is going to impact way more than just growers. This is going to impact our cities, our junior water customers, our schools, our businesses."

*Josh Weimer, TID representative*

"This is going to impact way more than just growers," said Weimer. "This is going to impact our cities, our junior water customers, our schools, our businesses."



## IN THE NEWS – The Ceres Courier, August 1, 2018 (continued)

He noted that the state will only accept testimony on new or redacted eight pages of the 3,500-page document.

TID and MID are filing an amended license application to Federal Energy Regulatory Commission (FERC), which licenses an agency's ability to run a dam and power generation facility. It offers what Weimer calls "better science, better solutions" to resolve the matter of fish preservation.

"If the state really cares about the fish and about improving the habitat, then they will use our plan. Our plan produces the environment where fish can thrive in the river at substantially less impact to water customers."

It's unknown if the water board will try to pass the plan this month or next.

He criticized the plan by not considering what happens to the region in drought years.

"If this plan was in place in 2015, TID would have provided zero inches to our growers – the first time ever," said Weimer.

He said 2017 was a wet year in which 4 million acre-feet were flushed out of Don Pedro which was much higher than 40 percent released.

"They only look at dry years for unimpaired flow."

The worst part of the plan, he said, is what is called a "cold water carryover storage requirement" which requires districts to not use 800,000 acre-feet, or half, of the water in Don Pedro Reservoir "which removes the entire reason that Don Pedro was built."

Weimer said the state has no rights to the water contained by a facility that was jointly built by TID and MID.

From noon to 2 p.m. on Aug. 20 a coalition of county supervisors, state legislators and others are holding a rally outside the State Capitol. Assemblyman Adam Gray is spearheading the effort.

"His ultimate goal is to pack the Capitol, show people this impacts people up and down the state," said Weimer.

City Attorney Tom Hallinan said he couldn't prove it in court but he said supports of the Bay-Delta plan frame the argument as farmers versus fish "when they completely and utterly refuse to acknowledge a scintilla of the science we've presented. The only logical implication to me is that this water is really intended to source the Twin Tunnels."

County Supervisor Jim DeMartini, a Westport area farmer, said the plan is the most important issue facing the area.

"The Water Resources Board has ignored all science," said DeMartini. "Irrigation districts have done about 35 studies. There has been hundreds of people testify ... they've ignored all of it."

"The theft of this water will affect all of us. If you drink water or have any property, you're going to be affected."

He charged the members of the state board of being unfamiliar with farming and only environmentalists.

"Their goal there is just to steal the water," said DeMartini. "That's what it is – it's the theft of water from a privately owned dam."

**IN THE NEWS – The Ceres Courier, August 1, 2018 (continued)**

He said 97 percent of the salmon who make their way downstream out to the Bay get eaten up by striped bass, which are not native.

"The salmon are really not the issue here – they are the excuse to steal the water."

## Stanislaus, Merced county leaders spend \$100K to expand 'fish vs. farmers' water fight

By Ken Carlson

Stanislaus County leaders hope that broader outreach will help win a battle against a powerful state board's plan to take water rights from local irrigation districts.

"We are moving the message from fish-against-farmers to broader issues," Assistant Chief Executive Officer Keith Boggs said Thursday.

County officials say the state proposal to reduce storage in reservoirs will have far-reaching impacts on groundwater, the economy, employment, business owners, public safety and disadvantaged communities.

The State Water Resources Control Board will hold hearings on its final proposal for the Bay Delta plan Aug. 21-22. County officials hope at least 1,000 people attend a rally outside the Capitol building in Sacramento on Aug. 20. The rally is set for noon on the north steps.

In July, the Stanislaus County Board of Supervisors approved \$50,000 to cover the costs of preparing written comments and giving testimony at hearings and for educational outreach. The county received help Tuesday from supervisors in Merced County, who approved \$50,000 for the education and outreach effort, led by Stanislaus.

Other cities and irrigation districts may contribute to the effort.

Mike North, a management analyst for Merced County, said the county is using social media and working with the Farm Bureau and other partners to spread the word about the Aug. 20 rally in Sacramento.

Two years ago, Merced chipped in \$20,000 to help Stanislaus and San Joaquin counties pay for an economic impact study called the Stratecon Report, which outlined the economic consequences of losing water allocations for agriculture and cities.

Boggs said Stanislaus County is developing information on how the water board plan would create hardships for different sectors and other groups of people, such as the poor and disadvantaged communities that struggle to provide clean water for residents.

At a meeting last month, County Supervisor Kristin Olsen, who previously served in the Legislature, sharply criticized the state water board for disregarding local comments about the Bay Delta plan. "I have never seen such a sinister, arrogant attitude from a state agency," Olsen said. "In the 14 years I have been in public service, I have never seen such a threat to our community. It's time to go to war."

County Supervisor Vito Chiesa favors reaching out to districts and public officials in other areas of the state, such as the Sacramento Valley, that may also be expected to contribute increased flows to the Delta. "This may affect our three counties first but anyone who has a water right in Northern California is getting nervous," Chiesa said.

The state water board, whose members are appointed by the governor, says it's amending the Bay Delta Water Quality Control Plan to reasonably protect fish and wildlife habitat while balancing the needs of agriculture and cities. The board asserts that the salmon fishery has been devastated by a lack of water flow in the tributaries of the San Joaquin River and the Delta. The proposed requirements call for increased unimpaired flows within a range of 30 to 50 percent.

**EXECUTIVE OFFICER'S AGENDA REPORT  
AUGUST 22, 2018**

**TO: LAFCO Commissioners**

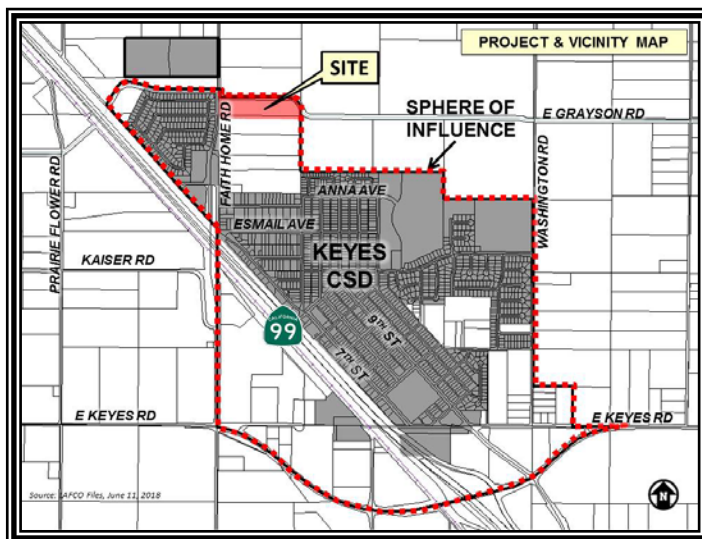
**FROM: Javier Camarena, Assistant Executive Officer**

**SUBJECT: LAFCO APPLICATION NO. 2018-03 – ORCHARD VILLAGE MOBILE HOME PARK CHANGE OF ORGANIZATION TO KEYES COMMUNITY SERVICES DISTRICT**

**PROPOSAL**

The project is a proposal to annex an 8.45 acre mobile home park to the Keyes Community Services District (CSD). The annexation will include the abandonment of two existing wells and connection to the Keyes CSD public water system in order to address high levels of arsenic.

1. Applicant: Keyes Community Services District (Keyes CSD)
2. Location: The project area is located at 4920 Faith Home Road on the east side of Faith Home Road, south of and adjacent to TID Lateral No. 2 ½, within the Keyes CSD Sphere of Influence (See Project & Vicinity Map)
3. Parcels Involved and Acreage: The project includes Assessor's Parcel Number (APN) 045-002-003 totaling approximately 8.45 acres (See Exhibit "A" maps and Legal Description).
4. Reason for Request: The project is requested in order to annex the Orchard Village Mobile Home Park into the Keyes CSD. The annexation will address health and safety issues related to the existing water system exceeding maximum contaminant levels for arsenic.



**ENVIRONMENTAL REVIEW**

The Keyes CSD, as "Lead Agency" under the California Environmental Quality Act (CEQA) filed a Notice of Exemption for the project based on Government Code Section 15303(d). LAFCO, as a Responsible Agency, must consider the environmental documentation prepared by the Keyes CSD. The proposed annexation will not result in a change of land use under the current zoning, which is under Stanislaus County jurisdiction.

**BACKGROUND**

The Orchard Village Mobile Home Park (MHP) was issued a violation for the exceedance of arsenic maximum contaminant level (MCL) by the State Water Resources Control Board. Due to the emergency health and safety situation, LAFCO approved an out-of-boundary request for the MHP with the understanding that the MHP would apply for annexation within a year. The Keyes CSD is currently out to bid for construction of the water connection and is scheduled to

begin construction in October of 2018.

## **FACTORS**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires several factors to be considered by a LAFCO when evaluating a proposal. The following discussion pertains to the factors, as set forth in Government Code Section 56668 and 56668.3:

- a. ***Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.***

The proposed annexation will serve the existing Orchard Village Mobile Home Park (MHP). The MHP has approximately 125 residents and 50 mobile home units on 8.45 acres.

The extension of Keyes CSD water will not induce any further growth. The annexation and water extension is being proposed in order to address arsenic levels exceeding required standards.

The project site is zoned A-2-10 (General Agriculture) in the Stanislaus County Zoning Ordinance and is designated Urban Transition in the County's General Plan. The existing MHP is a legal non-conforming use. Annexation to the District will not change or lead to change in the zoning. The subject parcel is located in Tax Code Area: 072-011. The current total assessed value for the parcel within the proposed annexation area is \$2,291,567.

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

The proposed annexation will provide water service to the existing Orchard Village Mobile Home Park (MHP). The water service improvement project is funded by the California State Water Resources Control Board Drinking Water State Revolving Fund Project No. 5010009-003C and 5010009-004C. The Keyes CSD has indicated that it has the capacity to serve the MHP with the requested water service.

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

There are no social or economic communities of interest as defined by the Commission in the area. The proposal is consistent with adopted Commission policies to encourage efficient and effective delivery of governmental services.

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

The parcel is located within an area that is zoned A-2-10 (General Agriculture) by Stanislaus County. The existing use is legal non-conforming to the County's Zoning Ordinance. The proposed annexation will provide water service to the Orchard Valley Mobile Home Park. There are no plans to change the land uses.

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

The proposal will not result in the loss of agricultural land and will not affect the physical and economic integrity of agricultural land. The land is currently zoned for agricultural uses by Stanislaus County; however, the existing mobile home park is a non-conforming and allowed use.

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

Government Code section 61000 et seq., the principal enabling act for community services districts (CSDs), allows CSDs to include lands that are contiguous or non-contiguous to existing district boundaries upon approval of the Commission. The proposed boundary includes one parcel that is contiguous the existing District boundary on one side, creating a slight peninsula; however, the proposal is fully within the current Sphere of Influence of the District and is clearly defined.

**g. *A regional transportation plan adopted pursuant to Section 65080***

The Regional Transportation Plan (RTP) is prepared and adopted by the Stanislaus Association of Governments (StanCOG) and is intended to determine the transportation needs of the region as well as the strategies for investing in the region's transportation system. The annexation will not change traffic or transportation routes for the area as the use of the property will remain the same.

**h. *The proposal's consistency with city or county general and specific plans***

The proposal is consistent with the Stanislaus County General Plan's "Urban Transition" land use designation and will continue serving as a non-conforming use in the A-2-10 (General Agriculture) Zoning District.

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

The territory is within the Keyes Community Services District's Sphere of Influence. The proposal is consistent with those adopted spheres of influence and Commission policies.

**j. *The comments of any affected local agency or other public agency.***

All affected agencies and jurisdictions have been notified pursuant to State law requirements and the Commission adopted policies. A letter of support was received from

the State Water Resources Control Board and a "No Comment" letter was received from the Stanislaus County Environmental Review Committee. No additional comments have been received from any other local or public agencies.

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

As mentioned previously, the water service improvement project is being funded by the California State Water Resources Control Board Drinking Water State Revolving Fund Project No. 5010009-003C and 5010009-004C. Service and maintenance will be financed through the collection of water charges.

- l. Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5.***

Keyes CSD has indicated that in conjunction with the planned water service improvement project, it has the necessary contractual and design capacity to provide water service to the proposed area.

- m. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.***

The mobile home park provides a supply of land and adequate sites suitable, feasible, and available for housing sufficient to help meet housing needs for all income levels and is essential to achieving the state's housing goals.

- n. Any information or comments from the landowner or owners, voters, or residents of the affected territory.***

The owner of the mobile home park property has consented to the proposed annexation. No information or comments, other than what was provided in the application, have been received as of the drafting of this report.

- o. Any information relating to existing land use designations.***

The property within the proposal is zoned A-2-10 (General Agriculture) within the Stanislaus County Zoning Ordinance and is designated as "Urban Transition" in the General Plan. The mobile home park is considered a legal non-conforming use. There are currently no plans to change the land uses.

- p. The extent to which the proposal will promote environmental justice.***

As defined by Government Code §56668, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. Staff has determined that approval of the proposal would not result in the unfair treatment of any person based on race, culture or income with respect to the provision of services within the proposal area.

## **DISCUSSION**

Based on the information provided by the Keyes CSD, annexation of the Orchard Village Mobile Home Park can be considered a logical extension of the District's boundaries. Staff has determined that the proposed annexation is consistent with Government Code and LAFCO policies.

### **Waiver of Conducting Authority Proceedings**

Pursuant to Government Code Section 56663, the Commission may waive conducting authority proceedings entirely when the following conditions apply:

1. Landowners and registered voters within the affected territory have been notified via mail pursuant to section 56157 of the Cortese/Knox/Hertzberg (CKH) Act.
2. The mailed notice discloses that unless written opposition to the proposal is received prior to the commission proceedings that the commission intends to waive the protest proceedings.
3. No written opposition to the proposal from landowners or registered voters is received.

As all the above conditions for the waiver of conducting authority proceedings have been met, the Commission may waive the conducting authority proceedings in their entirety.

## **ALTERNATIVES FOR COMMISSION ACTION**

Following consideration of this report and any testimony or additional materials that are submitted at the public hearing for this proposal, the Commission may take one of the following actions:

**Option 1**      APPROVE the proposal, as submitted by the applicant.

**Option 2**      DENY the proposal.

**Option 3**      CONTINUE this proposal to a future meeting for additional information.

## **STAFF RECOMMENDATION**

Approve Option 1. Based on the information and discussion contained in this staff report, and the evidence presented, it is recommended that the Commission adopt attached Resolution No. 2018-13, which:

- a. Certifies, as a Responsible Agency under CEQA, that the Commission has considered the environmental documentation prepared by the Keyes Community Services District as Lead Agency;



- b. Finds the proposal to be consistent with State law and the Commission's adopted Policies and Procedures;
- c. Waives protest proceedings pursuant to Government Code Section 56663; and,
- d. Approves LAFCO Application 2018-13 – Orchard Village Mobile Home Park Change of Organization to the Keyes Community Services District as outlined in the resolution.

Respectfully submitted,

*Javier Camarena*

Javier Camarena  
Assistant Executive Officer

Attachments - Exhibit A: Maps and Legal Description  
Exhibit B: Notice of Exemption  
Exhibit C: Keyes CSD Will Serve Letter  
Exhibit D: LAFCO Resolution No. 2018-13

## **EXHIBIT A**

### **Maps and Legal Description**

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

ALL that certain real property, being a portion of and situate in the southwest quarter of Section 19, Township 4 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particular described as follows:

COMMENCING at the southwest corner of said Section 19; thence along the South line of said southwest quarter, South 89°27'19" East 30.00 feet to a point on the East right-of-way line of Faith Home Road, being also the southwest corner of Parcel D, as said parcel is shown on that certain map, filed for record in Book 3 of Parcel Maps, at Page 12, Stanislaus County Records, and the TRUE POINT OF BEGINNING;

1. thence along said right-of-way line, being also the West line of said Parcel D, North 00°17'15" West 274.09 feet to the Northwest corner of said Parcel D;
2. thence along the North line of said Parcel D South 89°37'30" East 1170.42 feet;
3. thence continuing along said North line southeasterly 206.18 feet along the arc of a curve concave to the southwest having a radius of 175.00 feet through a central angle of 67°30'10";
4. thence continuing along said North line along a non-tangent line South 22°07'22" East 121.45 feet to a point on the East line of the southwest quarter of said southwest quarter;
5. thence along last said East line South 00°40'06" West 57.91 feet, more or less, to the southeast corner of said Parcel D, being also a point on said South line of the southwest quarter;
6. thence along the South line of said Parcel D, being also said South line of the southwest quarter, North 89°27'19" West 1377.87 feet to the Point of Beginning.

Containing 8.45 acres (NET), more or less.

The Basis of Bearings for this description is South 00°17'15" West for the centerline of Faith Home Road, as shown on that certain map, filed for record on March 3, 1967 in Book 3 of Parcel Maps, at Page 12, Stanislaus County Records.

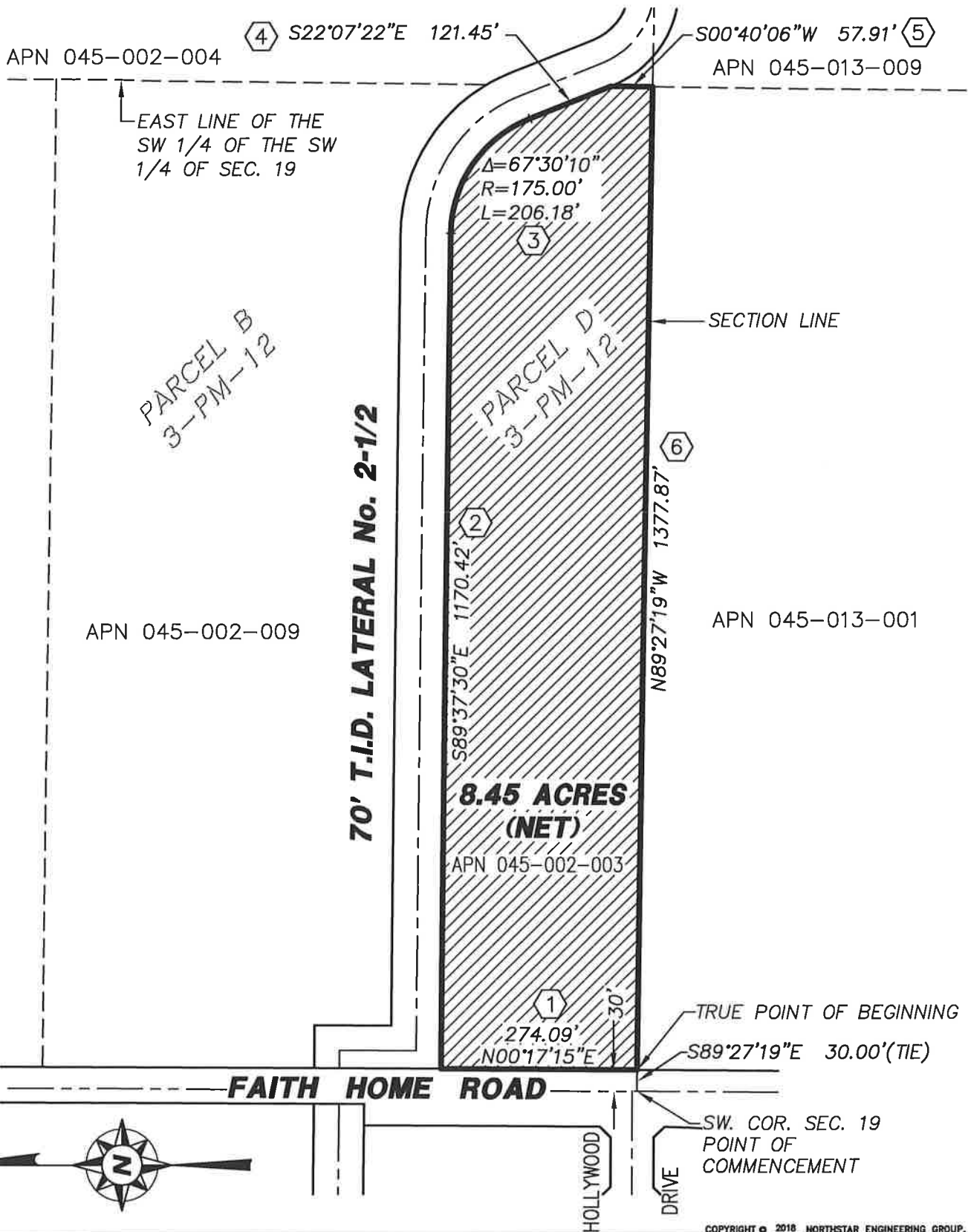
All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.



Rien Groenewoud, P.L.S. 6946



4/16/18



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Engineering Group, Inc.

• CIVIL ENGINEERING • SURVEYING • PLANNING •

620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

### EXHIBIT 'B'

BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 19,  
TOWNSHIP 4 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN  
**STANISLAUS COUNTY CALIFORNIA**

JOB: J18-2139  
DATE: 04/13/18  
SCALE: 1"=200'  
DRAWN: RG  
DESIGN: RG  
CHK'D: RG

SHEET  
**01**  
OF 01

**EXHIBIT B**

**Keyes Community Services District  
Notice of Exemption**

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## NOTICE OF EXEMPTION

2017128439

TO: ☒ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

FROM: (Public Agency)

Keyes Community Services District  
5601 7th Street  
Keyes, CA 95328

☒ County Clerk/Recorder  
County of Stanislaus  
1021 I Street, Suite 101  
Modesto, CA 95354

### FILING OF NOTICE OF EXEMPTION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

PROJECT TITLE: Keyes Community Service District Consolidation Project

PROJECT LOCATION: Keyes, Stanislaus County, CA

Mobile Plaza Mobile Home Park: 4812 Esmar Road, Ceres 95307

Green Run Mobile Estates: 5061 Nunes Road #1, Turlock 95382

Countryside Mobile Home Park: 4124 W Barnhart Road, Turlock 95382

Faith Home Teen Ranch: 3855 Warner Road, Ceres 95307

Orchard Village Mobile Home Park: 4920 Faith Home Road, Ceres 95307

PROJECT DESCRIPTION: Consolidation of the following water systems with Keyes Community Service District: Mobile Plaza Mobile Home Park (0.5 mi); Green Run Mobile Estates (0.31 mi); Countryside Mobile Home Park (0.85 mi); Faith Home Teen Ranch (0.72 mi); Orchard Village Mobile Home Park (<0.5 mi), in order to provide potable water compliant with State regulations by extension of existing water service by construction of water main pipelines ranging from 8-inches to 12-inches in diameter to each project location. Each segment of pipeline extension consists of less than one mile of pipeline construction. There is no significant impact to the environment from the project, as construction will occur within existing pre-disturbed, developed County right of way and private property.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Keyes Community Services District

EXEMPT STATUS: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption: Section 15303(d) New Construction or Conversion of Small Structures
- ☐ Statutory Exemption

REASONS WHY PROJECT IS EXEMPT: The project is exempt because it is a project for extension of water mains of reasonable length, under Class 3 Categorical Exemption Section 15303(d).

LEAD AGENCY CONTACT PERSON: Ernie Garza, General Manager

AREA CODE/TELEPHONE/EXTENSION: (209) 668-8341

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

Signature: Ernie Garza

Date: 12-10-17

Title: General Manager

☒ Signed by Lead Agency ☐ Signed by Applicant

DEC 19 2017

STATE CLEARINGHOUSE



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## **EXHIBIT C**

### **Keyes Community Services District Will Serve Letter**

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**KEYES COMMUNITY SERVICES DISTRICT  
5601 7<sup>TH</sup> STREET  
P O BOX 699  
KEYES, CA 95328**

November 22, 2017

Orchard Village Mobile Home Park  
c/o Storz Management  
9152 Greenback Lane  
Orangevale, CA 95662

Re: Will Serve Letter Request For Orchard Village MHP, 4920 Faith Home Road,  
Ceres, CA 95307, APN: 045-002-003-000

Dear Mr. O'Brien:

The Keyes Community Services District is willing to provide the requested water service on the following conditions:

1. All water service lines must be installed to District standards and according to plans approved by the District, at the expense of the owner.
2. All applicable District connection, facilities and inspection fees must be paid upon application for connections.
3. The owner must comply with all District rules and regulations.
4. This will-serve commitment will expire on November 22, 2018 unless construction has commenced by that date.
5. This Will Service Letter is valid only upon approval by Stanislaus County Local Agency Formation Commission (LAFCO) and compliance with all LAFCO stipulations regarding this request.

Sincerely,



Ernie Garza  
General Manager

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**EXHIBIT D**

**Draft LAFCO Resolution  
No. 2018-13**

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**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** August 22, 2018

**NO.** 2018-13

**SUBJECT:** LAFCO Application No. 2018-03 – Orchard Village Mobile Home Park Change of Organization to the Keyes Community Services 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**, the applicant has requested to annex acreage located at 4920 Faith Home Road within the Keyes Community Services District Sphere of Influence;

**WHEREAS**, the Keyes Community Services District has provided a “Will Serve Letter” stating that the District is willing to provide water service to the project site;

**WHEREAS**, the Commission has conducted a public hearing to consider the proposal on August 22, 2018, and notice of said hearing was given at the time and in the form and manner provided by law;

**WHEREAS**, the territory is considered inhabited as it contains more than 12 registered voters;

**WHEREAS**, Stanislaus County, as Lead Agency, prepared and subsequently approved Mitigated Negative Declarations for the proposal in compliance with the California Environmental Quality Act (CEQA);

**WHEREAS**, the proposal would not result in the loss of agricultural land, as the development is already an existing use; and,

**WHEREAS**, the Commission has, in evaluating the proposal, considered the report submitted by the Executive Officer, the factors set forth in Government Code Section 56668 and 56668.3, and testimony and evidence presented at the meeting held on August 22, 2018.

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

1. Certifies, in accordance with CEQA, as a Responsible Agency, that it has considered the Notice of Exemption prepared by Keyes Community Services District.



2. Determines that: (a) the subject territory is within the Keyes Community Services District's Sphere of Influence; (b) approval of the proposal is consistent with all applicable spheres of influence, overall Commission policies and local general plans; (c) there are more than twelve (12) registered voters within the territory and it is considered inhabited; (d) all the owners of land within the subject territory have given their written consent to the annexation; (e) no subject agencies have submitted written protest to a waiver of protest proceedings; and (f) the proposal is in the interest of the landowners within the territory.
3. Approves the proposal subject to the following terms and conditions:
  - a. The applicant shall pay State Board of Equalization fees, pursuant to Government Code Section 54902.5.
  - b. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void or annul LAFCO's action on a proposal or any action relating to or arising out of such approval, and provide for the reimbursement or assumption of all legal costs in connection with that approval.
  - c. In accordance with Government Code Sections 56886(t) and 57330, the subject territory shall be subject to the levying and collection of all previously authorized charges, fees, assessments or taxes of the Keyes Community Services District.
  - d. The effective date of the change of organization shall be the date of recordation of the Certificate of Completion.
  - e. The application submitted has been processed as a change of organization consisting of annexation to the Keyes Community Services District.
4. Designates the proposal as the "Orchard Village Mobile Home Park Change of Organization to the Keyes Community Services District".
5. Waives the protest proceedings pursuant to Government Code Section 56663 and orders the change of organization subject to the requirements of Government Code Section 57200 et. seq.
6. Authorizes and directs the Executive Officer to prepare and execute a Certificate of Completion in accordance with Government Code Section 57203, upon receipt of a map and legal description prepared pursuant to the requirements of the State Board of Equalization and accepted to form by the Executive Officer, subject to the specified terms and conditions.

**ATTEST:**

\_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer

**EXECUTIVE OFFICER'S AGENDA REPORT  
AUGUST 22, 2018**

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: RESPONSE TO THE 2017-2018 CIVIL GRAND JURY REPORT RELATED TO  
THE RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT**

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**RECOMMENDATION**

Staff recommends that the Commission authorize the Chairperson to sign and submit a letter in response to the 2017-2018 Civil Grand Jury Report regarding the Riverdale Park Tract Community Services District.

**DISCUSSION**

The Stanislaus County Civil Grand Jury recently released a report of interest to the Commission regarding the Riverdale Park Tract Community Services District (CSD) that is attached for the Commission's review. Stanislaus LAFCO was invited to respond to the report. The focus of the report is on the struggles of the District's Board of Directors and Brown Act compliance issues.

Community service districts, like the Riverdale Park Tract CSD, are governed by an independent board or directors. A special district's establishment is as a result of local demand for a particular service in an area where residents are willing to pay for such service. Regardless of size or level of staffing, special districts are required and expected to function as a local government entity subject to the Brown Act, and a variety of other requirements to ensure they function in a transparent fashion. Neither the Board of Supervisors nor LAFCO have authority over an independent special district's policies, procedures, finances, or Brown Act compliance. It is worth noting, however, that there are a number of free and low-cost resources that special districts may benefit from, including training offered by the Institute for Local Government and the California Special Districts Associations. Both are non-profit entities that regularly advocate for good local governance.

As the title of the Civil Grand Jury's report indicates, one of the many challenges facing the Riverdale Park Tract CSD is water quality. The District and the City of Modesto are currently exploring what improvements would be required to connect to the City's water supply. Should the District and the City of Modesto reach an agreement for water service, the extension of such services would not require LAFCO review, pursuant to Government Code Section 56133(e). LAFCO Staff has been coordinating with Self-Help Industries (currently assisting the District), City of Modesto staff, and the State Water Resources Control Board to discuss various options for the District.

**CONCLUSION**

While the Commission is not required to respond to the reports, Staff recommends providing the aforementioned discussion as LAFCO's response to the Civil Grand Jury.

**EXECUTIVE OFFICER'S AGENDA REPORT**  
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*Attachments:*

- Draft Response Letter from Stanislaus LAFCO
- 2017-2018 Stanislaus County Civil Grand Jury Report: "Is Modesto City Water in Riverdale's Future?" (Case #18-25C)

August 22, 2018

The Honorable Ricardo Cordova, Presiding Judge  
Stanislaus County Superior Court  
PO Box 3488  
Modesto, CA 95353

**SUBJECT: Invited Response to 2017-2018 Stanislaus County Civil Grand Jury Report: "Is Modesto City Water in Riverdale's Future?" (Case #18-25C)**

Dear Judge Cordova:

The Stanislaus Local Agency Formation Commission (LAFCO) is in receipt of the 2017-2018 Civil Grand Jury report related to the Riverdale Park Tract Community Services District (CSD). On behalf of Stanislaus LAFCO, this letter provides an invited response to the report.

Community service districts, like the Riverdale Park Tract CSD, are governed by an independent board or directors. A special district's establishment is as a result of local demand for a particular service in an area where residents are willing to pay for such service. Regardless of size or level of staffing, special districts are required and expected to function as a local government entity subject to the Brown Act, and a variety of other requirements to ensure they function in a transparent fashion. Neither the Board of Supervisors nor LAFCO have authority over an independent special district's policies, procedures, finances, or Brown Act compliance. It is worth noting, however, that there are a number of free and low-cost resources that special districts may benefit from, including training offered by the Institute for Local Government and the California Special Districts Associations. Both are non-profit entities that regularly advocate for good local governance.

As the title of the Civil Grand Jury's report indicates, one of the many challenges facing the Riverdale Park Tract CSD is water quality. The District and the City of Modesto are currently exploring what improvements would be required to connect to the City's water supply. Should the District and the City of Modesto reach an agreement for water service, the extension of such services would not require LAFCO review, pursuant to Government Code Section 56133(e). LAFCO Staff has been coordinating with Self-Help Industries (currently assisting the District), City of Modesto staff, and the State Water Resources Control Board to discuss various options for the District.

Stanislaus LAFCO appreciates the Civil Grand Jury's invitation to respond to the report. Should you or the Civil Grand Jury have any questions, please contact our office at (209) 525-7660.

Sincerely,

Terrance P. Withrow, Chairperson  
Stanislaus Local Agency Formation Commission

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**2017 – 2018 Stanislaus County Civil Grand Jury  
Is Modesto City Water in Riverdale’s Future?  
Case # 18-25C**

**SUMMARY**

In early December the 2017-2018 Stanislaus Civil Grand Jury (SCCGJ) received a complaint from a resident in the Riverdale Park Tract Community Services District (RPTCSD) accusing the current RPTCSD Board of Directors (BOD) chairperson of certain abuses, such as the inappropriate use of authority and allowing Brown Act violations to occur. In late January the complainant submitted additional documentation alleging additional improprieties against the RPTCSD board chairperson.

The SCCGJ investigated these complaints by interviewing RPTCSD board members and attending two RPTCSD BOD monthly meetings. During this investigation the SCCGJ found the RPTCSD board meetings to be chaotic, with little or no leadership. Meetings lack effective parliamentary procedures that results in screaming arguments. The SCCGJ was also concerned that certain members might have what appeared to be conflicts of interest. It was also determined that several Brown Act violations did occur. Additionally the RPTCSD has no approved bylaws by which to govern meetings, fill board member vacancies, and eliminate conflicts of interest.

As a result of the investigation, the SCCGJ recommends all members of the RPTCSD receive training in all aspects of conducting public meetings. Training should include, but not be limited to, Brown Act, parliamentary procedures, proper taking of meeting minutes, and leadership. The RPTCSD should also adopt bylaws that will provide guidelines as to how this board will govern itself. RPTCSD must increase residential and business water rates to expand operating reserves and create financial stability in this service district.

**GLOSSARY**

BOD	Board of Directors
CSDA	California Special District Association
LAFCO	Local Agency Formation Commission
RPTCSD	Riverdale Park Tract Community Services District
SCCGJ	Stanislaus County Civil Grand Jury

## **BACKGROUND**

The RPTCSD was formed on December 18, 1984 and provides water services to residents and businesses within its boundaries. The district is located in rural Stanislaus County, southwest of the City of Modesto, and its boundaries are defined by the Tuolumne River on the north, Parkdale Drive on the west, Hatch Road on the south, and Carpenter Road on the east. The district encompasses an area of approximately fifty-eight acres. Five board members, elected by the registered voters within the district boundaries, govern the district. Meetings are held on the first Thursday of each month at 6:00 P.M. at the Veterans of Foreign Wars hall located at 2801 W. Hatch Rd.

The SCCGJ interviewed two BOD members and attended RPTCSD board meetings. During the investigation the SCCGJ concluded that RPTCSD has no bylaws which to govern itself, does not apply parliamentary procedures, and allows a tumultuous board environment requiring a security guard be present to prevent physical altercations between board members. BOD meetings are unproductive due to personality conflicts. Water rates were established at inception in 1984 and have not been raised despite increased governance and operating costs.

## **METHODOLOGY**

The SCCGJ used the following methodology in investigating this complaint:

- Interviewed complainant.
- Interviewed RPTCSD board members.
- Attended January and February 2018 board meetings.
- Reviewed LAFCO website.
- Reviewed LAFCO Municipal Service Review and Sphere of Influence Update for RPTCSD adopted May 24, 2017.
- Reviewed Brown Act.
- Reviewed all meeting agendas and minutes for the year 2017.
- Reviewed check register for the year 2017.
- Reviewed Stanislaus County Human Resources Nepotism Policy.
- Reviewed California Special District Association website.
- Reviewed 2015 - 2016 RPTCSD Financial Audit.
- Reviewed original ordinance establishing RPTCSD as a service district.

## DISCUSSION

The SCCGJ interviewed two board members. The interviews could not have been more different. The first interviewee could not mention one positive aspect about the meetings or board members and believed the current chairperson is the cause of all RPTCSD's troubles. This board member also mentioned two board members are married but felt this did not cause a conflict of interest. However, he mentioned two issues during the interview that raised concerns for the SCCGJ. One issue related to the fact that a board member's daughter was not hired as RPTCSD's accountant. The second issue dealt with "emergency" on-call. The RPTCSD BOD appoints several of the board members for emergency call-out responsibilities. The on-call duty requires a certain level of physical strength and agility. The board member's spouse had "emergency" responsibilities removed by the chairperson due to an inability to complete certain required job duties without assistance. Both of these issues raised multiple questions and concerns of the SCCGJ.

The second interviewee had a very positive attitude and was very proud of the commitment each board member makes to the RPTCSD community. The member was also disappointed that personality conflicts dominate each meeting making it nearly impossible to accomplish the simplest of required meeting tasks.

The first interviewee stated the following complaints:

- Failure of the clerk to record complete and proper meeting minutes by not including all board discussions.
- Governance procedures "bylaws" discussed and approved in meetings are not recorded in the minutes.
- Meeting minutes are not approved, and some are missing.
- Not following the Brown Act.
- Not following board agenda.
- Chairperson removed emergency responsibilities from board member.
- Unfair on-call emergency rules where both married board members should be paid the stipend if both report to an urgent issue.

The second interviewee felt that if the board could resolve the personality issues, they would be on their way to conducting successful board meetings. He admitted that board meetings are difficult to control, and board members would benefit from leadership training. The interviewee is willing to take any training needed in order to achieve the BOD goals. Additionally, the board has received mentorship support from Stanislaus County Chief Executive's Office, but this did not include any formal training.

Both interviewees stated they have never attended formal training in conducting public meetings.

Having such disparate interviews, the SCCGJ decided to attend some RPTCSD BOD meetings and let these meetings guide them in which complaints to investigate. Some complaints were not investigated due to the late date this complaint was submitted.



## **Board Meeting Observations**

Multiple members of the SCCGJ observed the February 1, 2018 and March 1, 2018 RPTCSD board meetings. Each board meeting met quorum requirements. Below are observations from both meetings:

- Meeting agendas were not posted the required 72 hours in advance in accordance with the Brown Act.
- No agenda or prior months meeting minutes were available and shared with public attendees.
- Board members and the public were having sidebar conversations loud enough to disrupt the board meetings. The board and public ignored the chairperson's request for silence.
- The agenda was not followed.
- Parliamentary procedures were not followed in calling meetings to order, motions, discussions, and voting.
- No BOD member was responsible for taking meeting minutes. Various board members and the clerk digitally recorded the meeting at different times using their phones. The chairperson video recorded an argument between board members.
- The chairperson requested board approval to fill a board vacancy. Other board members objected, and a loud argument began. The matter was tabled.
- At the conclusion of the meeting one board member abruptly stood and a walking cane fell from the member's hand and touched the clerk who claimed this was intentional.
- The meeting was never officially adjourned.

## **Documentation Reviewed**

The SCCGJ reviewed the documentation package that included all twelve meeting agendas for the year 2017. Eleven meeting minutes were provided; July 2017 minutes were missing but a cover letter noted that other board members might have recorded the meeting. SCCGJ did not pursue requesting the missing July minutes.

A review of meeting minutes demonstrated just how chaotic RPTCSD BOD meetings are. The minutes are voice recorded by the clerk and later transcribed almost verbatim. SCCGJ compared meeting agendas and minutes and noted most meetings did not follow the agenda, and additional topics not on the agenda were discussed. The Brown Act requires prior notice of agenda topics in addition to the time and place of meetings. This is so the public can decide if there is something relevant. When topics are addressed/decided/voted upon, citizens are denied the right to participate in the process thus violating the Brown Act. Some agenda topics were never discussed or properly tabled, and minutes noted numerous interruptions by board and public individuals. Additionally many minutes have yet to be approved.

Many motions were made to create or update bylaws, but there are no existing bylaw documents to update, thereby making the meeting minutes the sole repository for changes to governance procedures. The "bylaws" provided were not in fact bylaws but the original

operating procedures approved by Stanislaus County Board of Supervisors at the inception of the district.

RPTCSD has not been compliant with their audits since fiscal year 2011-2012. Charles E. Strand CPA conducted the Financial Audit for June 30, 2016 and 2015. RPTCSD is now current.

The check register listing all checks for year 2017 was of little help in this investigation due to the lack of information on the register. SCCGJ did not request further clarification.

Review of RPTCSD's financial audit, financial information provided with meeting minutes, and the LAFCO Municipal Service Review all indicate operating reserves have significantly decreased in recent years. Monthly water rates (\$25 residential and \$50 business) have not increased since RPTCSD was established in 1984. These revenues are not sufficient to meet governance and operating expenses, and the RPTCSD BOD must consider increasing rates immediately to keep this service district solvent.

RPTCSD has not created a website to communicate with its constituents. The simplest of websites would allow residents of this service district to easily view documents that would educate them on the various issues and encourage more public participation.

## **FINDINGS**

- F1. The RPTCSD BOD has no bylaws on how to conduct meetings or resolve the simplest issues regularly causing dissension and division within the board.
- F2. The governance and operating expenses are outpacing revenues and significantly reducing operating reserves.
- F3. RPTCSD BOD has failed to properly post its monthly meetings to the public in violation of §54954.2 of the Government Code (part of the Brown Act).
- F4. Nepotism exists on the RPTCSD BOD.
- F5. The RPTCSD BOD has one vacancy that often results in a tie vote on motions, thus preventing completion of unfinished business.
- F6. Stanislaus Chief Executive's Office provided support to the RPTCSD BOD but had little impact on improving Brown Act compliance, meeting effectiveness, and internal discord within the board.
- F7. The chairman of the board has no control of the meetings. Attempts to control outbursts and interruptions are unsuccessful.
- F8. Financials are not discussed during board meetings. Checks are passed down the table to each board member to review and sign, but no voting or discussion is done to approve expenditures.

- F9. Board agendas and minutes are not provided to the general audience during board meetings unless requested.
- F10. No set policy of minimum physical requirements, procedures, or responsibilities has been agreed upon for on-call pay and emergency duties.
- F11. RPTCSD does not have a website to provide the general public with meeting agendas, minutes, or other documents to encourage public participation.
- F12. The biennial financial audit is current.

## **RECOMMENDATIONS**

- R1. RPTCSD should seek organizations that provide training, mentorship, website, and personnel support to facilitate their transition to an effective and productive board by December 31, 2018. One such organization is California Special Districts Association – [www.csda.net](http://www.csda.net).
- R2. RPTCSD residential and business water rates should be increased no later than December 31, 2018 in order to maintain a positive cash flow position.
- R3. RPTCSD shall create a conflict of interest policy as required by law to minimize board meeting issues by October 1, 2018.
- R4. Each RPTCSD board member should attend training by March 31, 2019 in the following areas: Brown Act, parliamentary procedures, conducting efficient meetings, and team building.
- R5. RPTCSD BOD should adopt bylaws by July 1, 2019 that provide written procedures specific but not limited to conducting BOD business, job descriptions, filling board vacancies, and emergency contacts.
- R6. RPTCSD should create a website in order to improve transparency by December 31, 2018. Meeting agendas, minutes, special reports, financial audits, bylaws, and the governing ordinance are examples of documents that foster increased trust and communication within this community.
- R7. RPTCSD should insure by July 31, 2018 that the meeting agendas are posted pursuant to Brown Act regulations.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

- Riverdale Park Tract Community Board of Directors

## **INVITED RESPONSES**

- Stanislaus County Board of Supervisors
- Stanislaus Local Agency Formation Commission

**EXECUTIVE OFFICER'S AGENDA REPORT  
AUGUST 22, 2018**

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: FEE WAIVER REQUEST FOR PROPOSED DETACHMENT FROM THE  
NEWMAN DRAINAGE DISTRICT**

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**RECOMMENDATION**

Staff recommends that the Commission authorize a fee waiver or reduction for an upcoming application for detachment from the Newman Drainage District.

**DISCUSSION**

Staff has received a request from a property owner seeking a fee waiver for a detachment application from the Newman Drainage District (see attached letter from Georgia M. Cerutti dated June 29, 2018). Pursuant to Government Code Section 56383, the Commission may reduce or waive a filing fee if it finds that payment would be detrimental to the public interest. Commission Policy 12 further describes circumstances that may support granting of a fee waiver or reduction, including the following: Correction of a technical boundary alignment problem (split parcel, boundary overlap, etc).

The filing fee for a district detachment is a \$3,000 deposit. The majority of this is typically expended on Staff time, with a smaller portion covering copy costs, mailing of notices, etc. It should be noted that the Commission cannot waive fees for outside agencies. In this case, if approved, the applicant would be responsible for a filing fee with the State Board of Equalization. (Their fee is currently \$300, but is subject to change.)

Ms. Cerutti's reason for requesting the fee waiver is based on an ongoing issue with an erroneous assessment applied to her 0.22-acre property located at 26118 McClintock Road. The property owner has contacted the District and made numerous attempts to correct the assessment. The District has been unable to locate documents substantiating the assessment. At this time, the property owner feels they have no other manner to stop this assessment other than to detach (remove) the property from the District and no longer be subject to the misplaced assessment.

**COMMISSION OPTIONS**

The Commission could consider this a unique request, meeting one of the scenarios described in its policy for fee waiver or reduction. The Commission has the following options:

1. Approve a full fee waiver request.
2. Approve a fee reduction and ask that the applicant provide a non-refundable \$125 deposit to cover the cost of copies and postage.
3. Deny the fee waiver request.

Staff has estimated costs for postage and copies for processing the detachment proposal to be

**EXECUTIVE OFFICER'S AGENDA REPORT**  
**AUGUST 22, 2018**  
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approximately \$125. Staff would recommend that should the applicant wish to proceed with the detachment, that a non-refundable \$125 be collected, with the intent of covering the cost of copies and postage. Should the Commission authorize the fee reduction, Staff will inform the applicant.

*Attachment:*

- Letter from Georgia M. Cerutti dated June 29, 2018

Georgia M. Cerutti  
26118 McClintock Road  
Newman, CA 95360

June 29, 2018

RE: LETTER OF WAIVER

Dear LAFCO,

I want to formally request that LAFCO consider waiving the filing fees regarding APN 049-039-004 district detachment.

I would like to briefly explain what took place with the 26118 McClintock Road property. Patrick Cerutti obtained a Certificate of Compliance on October 10, 2011. He resurveyed and separated the single family residential property (004) from the (008) 38.7 acres February 15, 2013. The land (008) is farmed by Cerutti Brothers Inc., currently owned by Patrick Cerutti, who is a Newman Drainage District Board Member. The NDD Taxes were never corrected/adjusted after the new survey. I am stuck having to pay for a large portion of the (008) farmland NDD Taxes. I have tried for years to correct this matter with the Newman Drainage District. I have sent numerous letters and several phone calls were made and no results in correcting/adjusting this NDD Tax matter. The (004) has been separated since 2013 and is strictly a single family residential property that does not drain anything. It is (0.222) not even a quarter of an acre. I have the smallest lot and the other two addresses (009) and (005) on the 38.7 acres do not even to pay more than \$8. per year. I have had to pay thousands of dollars in NDD Taxes due to the NDD not correcting this matter.

This is a Conflict of Interest. The NDD Board Member has been well aware of this matter and stalling for years. He will not make the necessary NDD Tax corrections, continues to profit for years while I am being forced to pay these taxes and the NDD Board

Member owns the surrounding land. This was subject in Stanislaus County Superior Court Case Number: 672371. The court case was final in May 2013. I also realized the other NDD Board Members were not aware of this matter until September 2017.

Thank you for your consideration and I eagerly wait for your reply.

Sincerely,

*Georgia M. Cerutti*

Georgia M. Cerutti