



**STANISLAUS LAFCO
LOCAL AGENCY FORMATION COMMISSION**

Sara Lytle-Pinhey, Executive Officer
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Chair Terry Withrow, County Member
Vice Chair Richard O'Brien, City Member
Amy Bublak, City Member
Vito Chiesa, County Member
Ken Lane, Public Member
Javier Lopez, Alternate City Member
Mani Grewal, Alternate County Member
Bill Berryhill, Alternate Public Member

AGENDA
Wednesday, January 25, 2023
6:00 P.M.
Joint Chambers—Basement Level
1010 10th Street, Modesto, California 95354

- Members of the public may attend this meeting in person.
- You can also observe the live stream of the LAFCO meeting at:
<http://www.stancounty.com/sclive/>
- In addition, LAFCO meetings are broadcast live on local cable television. A list of cable channels is available at the following website:
<http://www.stancounty.com/planning/broadcasting.shtm>

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 comment 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 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. 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.

1. 2023 CALAFCO Calendar.

2. CALAFCO Quarterly – December 2022

C. "In the News."

4. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

5. CONSENT ITEMS

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

A. **MINUTES OF THE OCTOBER 26, 2022 LAFCO MEETING**
(Staff Recommendation: Accept the Minutes.)

B. **2023 WORK PROGRAM – MUNICIPAL SERVICE REVIEW & SPHERE OF INFLUENCE UPDATES.** (Staff Recommendation: Adopt the 2023 Work Program.)

6. PUBLIC HEARING

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 are asked to fill out a "Speaker Card" and provide it to the Commission Clerk.

A. **LAFCO APPLICATION NO. 2022-04 – NEWMAN DETACHMENT OF TERRITORY FROM THE CENTRAL CALIFORNIA IRRIGATION DISTRICT (CCID):** The Commission will consider a request to detach areas from the Central California Irrigation District (CCID) that overlap the current City Limits of Newman. Properties within CCID are typically detached simultaneously upon annexation to the City of Newman. There are currently multiple properties that were not detached, leaving CCID with overlapping areas that are no longer receiving CCID services. Detachment from CCID would eliminate the District/City overlap. The Commission will also consider an exemption from the California Environmental Quality Act (CEQA) pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the proposal and adopt Resolution No. 2023-02.)

7. OTHER BUSINESS

A. **ANNUAL ELECTION OF OFFICERS.** (Staff Recommendation: Appoint a Chairperson and Vice-Chairperson and adopt Resolution No. 2023-01a and 2023-01b.)

8. COMMISSIONER COMMENTS

Commission Members may provide comments regarding LAFCO matters.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

The Commission Chair may announce additional matters regarding LAFCO matters.

10. EXECUTIVE OFFICER'S REPORT

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

A. On the Horizon.

11. ADJOURNMENT

- A. Set the next meeting date of the Commission for February 22, 2023.
- B. Adjournment.

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.

2023 Events Calendar

JANUARY

- 13** CALAFCO Legislative Committee (Virtual)
18-20 League New Mayor & Council Academy
25-27 CA Assn. of Sanitation Agencies Winter Conference (Palm Springs)

FEBRUARY

- 16** CALAFCO Board of Directors Strategic Planning (Sacto.)
17 CALAFCO Board of Directors Meeting (Sacto.)
23 CALAFCO U Webinar
24 CALAFCO Legislative Committee (Sacto.)

MARCH

- 14-17** Fire District Assn. Annual Meeting (Napa)
31 CALAFCO Legislative Committee (Virtual)

APRIL

- 20-21** CA State Assn. of Counties Leg Days (Sacto.)
21 CALAFCO Board of Directors Meeting (Virtual)
26-28 CALAFCO Staff Workshop (Murphys)

MAY

- 3-5** Assn. of CA Water Agencies Conference (Sacto.)
5 CALAFCO Legislative Committee (Virtual)
16-17 CA Special Districts Assn. Leg Days (Sacto.)

JUNE

- 16** CALAFCO Legislative Committee (San Diego)

JULY

- 14** CALAFCO Board of Directors Meeting (Virtual)
28 CALAFCO Legislative Committee (Virtual)

AUGUST

- 9-11** CA Assn. of Sanitation Agencies Annual Conference (San Diego)
25 CALAFCO Legislative Committee (Virtual)
28-31 CA Special Districts Assn. Conference (Monterey)

SEPTEMBER

- 20-22** Regional Council of Rural Counties Annual Meeting (Monterey)
20-23 League Annual Conference (Sacto.)

OCTOBER

- 18-20** CALAFCO Annual Conference (Monterey)
19 CALAFCO Annual Business Meeting (Monterey)
20 CALAFCO Board of Directors Meeting (Monterey)

NOVEMBER

- 3** CALAFCO Legislative Committee (Virtual)
13-17 CA State Assn. of Counties Annual Conference (Alameda)
28-30 Assn. of CA Water Agencies Conference (Indian Wells)

DECEMBER

- 1** CALAFCO Board of Directors Meeting (Virtual)
8 CALAFCO Legislative Committee (Sacto.)

2023



BOARDROOM Brief

OCTOBER found us in Newport Beach for the annual conference, the regional elections on October 20th, and the October 21st Board meeting.

Regional elections saw a return of all directors except for Directors Blake Inscore (Northern) and Daron McDaniel (Central), who chose not to run again. Our sincere thanks to them for their service and many contributions to CALAFCO.

Taking their places are new Directors, Tom Cooley, our new city member for the Northern Region (Plumas), and Rodrigo Espinosa, the new County rep for the Central Region (Merced). Welcome!

With the elections completed, the CALAFCO Board members for the next year are:

Central:

Rodrigo Espinosa (Merced)
Gay Jones (Sacramento)
Anita Paque (Calaveras) and
Daniel Parra (Fresno)

Coastal:

Chris Lopez (Monterey)
Mike McGill (Contra Costa)
Margie Mohler (Napa) and
Shane Stark (Santa Barbara)

Northern:

Bill Connelly (Butte),
Tom Cooley (Plumas)
Debra Lake (Humboldt) and
Josh Susman (Nevada)

Southern:

Mike Kelley (Imperial),
Jo MacKenzie (San Diego)
Derek McGregor (Orange) and
Acquanetta Warren (San Bernardino)

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New Gold Associate

Thank you to RSG, Inc. for upgrading to a Gold Membership!

RSG performs fiscal and reorganizational studies for LAFCOs and applicants with the goal of

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CELEBRATING EXTRAORDINARY!



Left to Right: Don Saylor (Yolo), Carolyn Emery (Orange), Christine Crawford (Yolo), and Amanda Ross (Southfork Consulting) and Erica Sanchez (El Dorado)

On October 20, 2021, CALAFCO held its much anticipated Achievement Awards Dinner in the glittering Pacific Ballroom at the Hyatt Regency John Wayne hotel in Newport Beach, California. The prestigious awards are given annually as a way of highlighting exceptional people or projects that have advanced the principles and goals of the Cortese-Knox-Hertzberg Act over the past year.

Honoring extraordinary efforts, the awards begin as nominations submitted by members from among eight categories. Those nominations then undergo a thorough consideration by the Achievement Awards Committee, with the final award recipients unveiled during the Awards Dinner at the annual conference.

CALAFCO wishes to extend congratulations to this year's phenomenal winners:

- ◆ *Outstanding Commissioner:*
DON SAYLOR (Yolo)
- ◆ *Outstanding LAFCo Professional:*
CAROLYN EMERY (Orange)
- ◆ *Mike Gotch Excellence in Public Service Award for Innovation (two-way tie) between:*
CHRISTINE CRAWFORD (Yolo),
and the dynamic duo of **ERICA SANCHEZ (El Dorado)** and **AMANDA ROSS (South Fork Consulting, LLC).**

Congratulations to all!



A Message from the
Executive Director

Whirlwind Journey

There is something about December that soothes my soul. Maybe it's the changing weather, the holiday sights and sounds, the children oozing with excitement, or maybe it is just knowing that the upcoming change of years allows a little downtime and an opportunity to reflect, rejuvenate, and regrow. That is particularly true this year as December also marks my tenth month as the CALAFCO Executive Director. It has been a bit of a whirlwind journey, but I have been SO glad to have you all by my side.

With the disruption of the pandemic, it's no wonder that the last two years have been challenging for CALAFCO – as with many nonprofits across the country. However, the experience caused us not only to re-examine how we conduct business but to streamline some areas. While it was a painful period, we survived, adjusted, and even developed some new offerings – all in spite of the global conditions.

Then, just when we thought we were normalizing, the year took a bumpy turn due to a spike in COVID-19 cases. That not only forced the cancellation of the spring workshop but also transferred some of its financial obligations to the fall conference. However, despite that, we ended up hosting a successful and well-received conference. Simply put, that success is due to the army of volunteers who assisted in the planning, the presentations, the staffing, and the fundraising that all helped get us there. Because of those combined efforts, we actually made a small profit of approximately \$5,000 on the conference – something I did not think possible back in May. Truly an astounding success, this was a stellar example of the teamwork that made the dream work! Thank you to everyone who offered a helping hand to make it work. (I don't dare try to name you all for fear of missing someone!)

But, that's behind us and we are already looking forward to building on that success in 2023. Of course, we have our next Staff Workshop planned for April 26th-28th in Murphys, California. The planning committee is currently being formed and we will, again, need many hands. Please contact Michelle McIntyre if you would like to help out. Similarly, if you have an idea for a session, please send that to Michelle and me as soon as possible so that the committee has ample time to consider it. Emails to Michelle should be sent to mmcintyre@placer.ca.gov while those to me should go to rlaroche@calafco.org. Look for a flyer for that workshop to go out in January.

Other things expected to occur in 2023 are the selection of a new accountant for CALAFCO, and the build-out of a new website. The need to identify a new accountant rose in June of this year when Jim Gladfelter, our current C.P.A., informed us that he is partially retiring and will no longer be preparing tax returns after this year. Since that preparation is a substantial portion of what he does for CALAFCO, the Board approved an RFP seeking a new accountant with nonprofit expertise. That RFP was issued on December 11th and is currently open. The RFP was transmitted to the EOs who, in turn, have distributed it to their networks and I'm pleased to report

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FROM THE BOARD CHAIR



Dear CALAFCO members,

As the newly elected Board Chair, let me first say how honored and proud I am to have been selected as your Board Chair. I have always recognized the importance of the work that LAFCos do and, by extension, the importance of the support that CALAFCO provides.

Secondly, I want to offer my sincere thanks to my fellow Board members who elected me to this position. Your trust is appreciated and I, of course, will always do my best to be a thoughtful leader and good steward for CALAFCO.

And, lastly, I want to take a moment to recognize Anita Paque, our former Board Chair, for her leadership. While all of the Board positions come at the expense of one's time, the Board Chair position is more intense, so thank you, Anita, for your service to the Association during a difficult year!

As we close the door on 2022, I want to wish Happy Holidays to everyone. I look forward to a rewarding 2023 at CALAFCO!

Bill Connelly



CONFERENCE CANDIDS

Newport Beach, October, 2022



FAREWELL to Two Contra Costa LAFCo Commissioners - Rob Schroder and Tom Butt

Submitted by Contra Costa LAFCo

Following 20 years as a Contra Costa LAFCo Commissioner, six years as Martinez City Council member, and 20 years as Mayor of the City of Martinez, Rob Schroder is retiring. During his tenure, Rob served on various committees and regional government agencies and boards, including the Contra Costa Transportation Authority (CTTA) (22 years), Central Contra Costa Identification Bureau (19 years), Marin Clean Energy (MCE) (3 years), and was an active member of the Contra Costa Mayors Conference. Commissioner Schroder began his LAFCo career in 2003 and is currently one of our longest serving Commissioners. During Rob's tenure, LAFCo processed 330 applications, including four district formations and seven district dissolutions, and most recently, a large fire district reorganization. LAFCo also completed 1st and 2nd round municipal service reviews (MSRs)/sphere of influence (SOI) updates covering all municipal services.

Commissioner Schroder attended many CALAFCO conferences and says "serving as a LAFCo commissioner gave me an opportunity to understand the relationship between various governmental agencies and how the services they provide intertwine and rely on each other. The MSR process, although confusing when we first started the process many years ago, became a valuable tool in analyzing the efficient delivery of service and identifying deficiencies, areas, and entities that need to be improved or dissolved. Being a LAFCo commissioner made me a better Mayor with the knowledge of the annexation process and the efficient delivery of services."

Following nearly 12 years as a LAFCo Commissioner, 27 years as City of

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IN MEMORIAM

It is with sadness that we report the passing of Riverside LAFCo Commissioner, Phil Williams, on November 20th.

Commissioner Williams was a Special District Member from the Elsinore Valley Municipal Water District and had served on that board since 2001. He was also a local real estate broker and lifelong resident of Lake Elsinore.

Known for his servant heart, he worked tirelessly with local, state, and federal agencies on behalf of his community.

CALAFCO sends its condolences to our colleagues at Riverside LAFCo and to Commissioner Williams' family and friends.



NEW Roles

BRIAN SPAUNHURST, New Fresno EO

Departing EO, David Fey, reported that Brian Spaunhurst was appointed in late May as his replacement. Somehow Brian got missed in the August newsletter but we are rectifying that omission now! Brian has thrown himself into the role and CALAFCO, and has attended the conference (where he could be seen serving time at the registration desk), and has also volunteered to serve on the Legislative Committee. Welcome aboard, Brian!

SHIVA FRENTZEN Appointed El Dorado EO

El Dorado LAFCo reported that its commission took action on September 28th to appoint Shiva Frentzen as Executive Officer. If Shiva's name is familiar, it's because she was previously an El Dorado LAFCo Commissioner who served on the CALAFCO Board of Directors. Welcome (again),

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BOARDROOM

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The new members were seated during the October 21st meeting, followed by the election of the following Executive Officers:

- Bill Connelly** (Chair)
- Margie Mohler** (Vice Chair)
- Acquanetta Warren** (Treasurer)
- Daniel Parra** (Secretary)

With **Anita Paque** rotating into the Immediate Past Chair position. Thank you to all for your service!

With those changes, the first "regular" Board meeting occurred on **December 9, 2022**, with Chair Connelly at the helm. At that time, the Board chose committee members for the new year (staff members for the Leg Committee had been appointed on October 21st.) Committees and members are:

LEGISLATIVE COMMITTEE

Board Appointees - Bill Connelly, Gay Jones, Mike Kelley, Chris Lopez, Jo Mackenzie, Mike McGill, Margie Mohler, Anita Paque, Daniel Parra and Josh Susman.

Staff Voting Members - Clark Alsop, Gary Bell, Mark Bramfitt, Scott Browne, Carolyn Emery, Steve Lucas, Kai Luoma, Jennifer Stephenson, and Gary Thompson.

Staff Alternates - Rob Fitzroy, Paula Graf, Joe Serrano, and Paula de Sousa.

Advisory - Tara Bravo, Crystal Craig, Brandon Fender, Sara Lytle-Pinhey, Priscilla Mumpower, Erica Sanchez, Jim Simon, and Luis Tapia.

ACHIEVEMENT AWARDS COMMITTEE

Mike Kelley, Debra Lake, Margie Mohler, Anita Paque, and Shane Stark.

ELECTIONS COMMITTEE

Rodrigo Espinosa, Chris Lopez, Derek McGregor, and Josh Susman.

Continued in next column

CONFERENCE PLANNING COMMITTEE

Gay Jones, Derek McGregor, Margie Mohler, Anita Paque (Chair), and Josh Susman.

Other matters on the Board's December 9th agenda included receipt of the Investment and Financial Reports for the First Quarter, adoption of the Board's meeting schedule for the next year, approval of an RFP for Accounting Services, and receipt of the Conflict of Interest forms, Legislative Committee report, and Conference Overview.

Speaking of the conference, we must express thanks and gratitude to Paul Novak (Los Angeles) and Carolyn Emery (Orange), for their extraordinary fundraising. Because of their efforts, the conference posted a small profit of approximately \$5,000 - despite the nearly \$32,000 in additional fees that we were obligated to pay due to the cancellation of the spring workshop. Hopefully, we can keep these efforts going next year!!

The last item of the meeting was a closed session evaluation of the Executive Director's (ED) performance. At it's conclusion, the Board announced that the term of the ED's employment contract was extended to June 30, 2026, that they had formally approved a 4.9% cost of living increase (the allocation for which had been approved in April with the adopted budget) and, due to security concerns at the current CALAFCO office, approved the ED working remotely from any location, subject to approval by the Executive Committee. For full particulars of public items, please see the agenda packet.

The biennial Strategic Planning session is scheduled for February 16th at the Sacramento offices of Best & Krieger located at 500 Capitol Mall. The Board meeting will be held the next day (February 17th) at the same location.

All agendas, staff reports, and minutes can be found on the CALAFCO website at www.calafco.org. Any questions should be directed to the Executive Director at rlaroche@calafco.org.



CONTRA COSTA FAREWELLS

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Richmond Council member, and the past eight years as the City's Mayor, Tom Butt is retiring. Tom served on multiple boards and committees including MCE, CCTA, San Francisco Bay Conservation and Development Commission, West Contra Costa Transportation Advisory Committee, Association of Bay Area Governments, US Conference of Mayors, Climate Mayors, League of California Cities, and was an active member of the Contra Costa Mayors Conference. Commissioner Butt notes that these regional and statewide appointments have been critical in bringing many benefits to the community including hundreds of millions of dollars in grants, public works projects, legislation, and a seat at the larger table. During Tom's tenure, LAFCo processed 95 applications, including numerous boundary changes/reorganizations, five dissolutions, and most recently, a large fire district reorganization and an out of agency service contract for fire services. During Commissioner Butt's tenure, LAFCo completed 1st and 2nd round MSR/SOI updates covering all municipal services.

In 2019, both commissioners shared in receipt of CALAFCO's "Most Effective Commission" award. Contra Costa LAFCo Commissioners were recognized for their leadership, diligence, and endeavors to promote healthy and sustainable local agencies. Since 2010, Contra Costa LAFCo Commissioners assisted three special districts to improve their operations and transparency, encouraged several districts to revise its governance structure, reorganized one special district, and dissolved four special districts.

Congratulations and best wishes to Commissioners Schroder and Butt for their valuable and dedicated service to their communities and to Contra Costa LAFCo!

ALAMEDA CONDUCTS MEASURE D STUDY

Submitted By Rachel Jones, Executive Officer, Alameda LAFCo

Alameda LAFCo recently conducted a special study regarding ballot Measure D that was passed in November of 2000 and did the following:

- Amending the County's Urban Growth Boundary
- Increasing restrictions on building intensity, minimum parcel sizes and permitted uses in rural areas of the County
- Establishing that all County planning policies and zoning regulations must be consistent with provisions of Measure D, and
- Mandating that any changes to the land use designations, building intensity or minimum parcel sizes as established by Measure D be subject to a new vote of the County electorate

The study's purposes were to review how Measure D has affected agricultural and open space lands and the surrounding communities, and to consider how implementation of Measure D has or has not met its own LAFCo policies pertaining to agriculture and open space. The study found that since the measure's passing, the agricultural and equestrian communities of Alameda County argue that the strict square footage limitations hinders their business performance. Alameda LAFCo recommended proposed amendments to the County to allow equestrian centers, greenhouses and wineries more flexibility in their building plans.

This November, Alameda County voters approved the recommended amendments on Measure D, or the "Save Agriculture and Open Space Lands" initiative, that aimed at increasing profits for agriculture business while simultaneously preserving the county's open land.

For more information see: <https://dailycal.org/2022/10/31/preserve-open-land-alameda-county-to-vote-on-amended-measure-d>

**Upcoming
EVENTS** 



2023 STAFF WORKSHOP
April 26 - 28, 2023

Learn technical topics in a scenic setting! Don't miss the Staff Workshop to be held on the beautiful grounds of Ironstone Vineyards in Murphys, California.

2023 ANNUAL CONFERENCE
October 18-20, 2023

Hyatt Regency Hotel, Monterey, California



CALAFCO U explores topics of interest to LAFcos and are offered at no cost to our members.

Feb. 23, 2023: *The Dirty Dozen: Things I Wish I Knew About The Act*

BOARD MEETINGS:

- Feb. 16, 2023** (Strategic Planning) LOCATION: Sacramento
- Feb. 17, 2023** LOCATION: Sacramento
- Apr. 21, 2023** LOCATION: Virtual
- Jul. 14, 2023** LOCATION: Virtual
- Oct. 20, 2023** LOCATION: Monterey
- Dec. 1, 2023** LOCATION: Virtual

LEGISLATIVE COMMITTEE MEETINGS:

- Jan. 13, 2023** LOCATION: Virtual (9 AM)
- Feb. 24, 2023** LOCATION: Sacramento (10 AM)
- Mar. 31, 2023** LOCATION: Virtual (9 AM)
- May. 5, 2023** LOCATION: Virtual (9 AM)
- Jun. 16, 2023** LOCATION: San Diego (10 AM)
- Jul. 28, 2023** LOCATION: Virtual, as needed (9 AM)
- Aug. 25, 2023** LOCATION: Virtual, as needed (9 AM)
- Nov. 3, 2023** LOCATION: Virtual, as needed (9 AM)
- Dec. 8, 2023** LOCATION: Virtual, as needed (9 AM)

ED WHIRLWIND

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that we've already begun fielding questions from potential bidders.

The second large administrative undertaking for 2023 will be the website. We have known since March of this year that the platform on which our website has been built is being retired. So far, our vendor has been able to keep the website functioning at an increasing cost. However, the underlying computer language that it uses will not be supported at all after November, 2023. Given that we have no choice but to rebuild the website, it presents the ideal opportunity to upgrade it to an Association Management System (AMS) which will provide more features to the membership, while reducing some of the repetitive administrative things that Jeni does behind the scenes. We are currently in the process of comparing costs and features between available AMS systems and hope to be able to bring something before the Board in the first part of 2023.

While that's a lot, we're also planning for the Fall Conference. Our October event was so successful that I have already begun hearing from sponsors who are interested in the Monterey conference.

Beyond that administrative matrix, we also foresee a busy year for the Legislative Committee who will be working through some of the back-end things needed to get the GC 56133 proposal moving. Now that our new White Paper has been published ("Planning for a Sustainable and Predictable Future: Clarifying LAFco Authority to Determine Government Code Section 56133(e) Exemption Eligibility"), we can begin the process of reaching out to stakeholders.

Lastly, I am pleased to report that at its December 9th meeting, the Board approved an extension to my employment contract through June 30, 2026. I am gratified beyond measure at the faith they, and you, have placed in me and I hope to continue to be worthy of it in the years to come.

Hopefully, you can tell that I am exhilarated by the opportunities and prospects before us. While the year has been a bumpy one, it has led to good friendships, great partnerships, and the start of some wonderful things. I call that a winning year!

Happy Holidays to each of you! May the season ahead bring you love and laughter. May the year to come bring you prosperity and contentment. Happy New Year, everyone!!



CONNECTIONS

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Shiva!

J.D. HIGHTOWER takes the EO rein in San Joaquin

J.D. Hightower has taken the EO reins in San Joaquin. Jim Glaser hung around for a month or two to assist with the transition (and even made an appearance at the conference) but is looking forward to indulging in some traveling.

Welcome aboard, J.D.!

KRIS BERRY now with San Benito

Kris Berry has reported that she has accepted a contract to be San Benito's EO. This makes the second LAFCo in Kris' belt, as she is also EO for Amador LAFCo. Looks like lots of travel is in Kris' future. Congratulations, Kris!

STEVE ENGFER appointed Interim EO in Mariposa

Long-time EO, Sarah Williams, has retired after

33 years with Mariposa County. In her place, the Board of Supervisors has appointed Assistant Planning Director Steve Engfer as both the Interim Planning Director and the Interim LAFCo EO. Welcome, Steve!

LORI ZINN hired as San Diego's new Clerk/Analyst

San Diego LAFCo is pleased to welcome Lori Zinn who joined them as their new Clerk/Analyst. Her first day there was October 24th. Congratulations, Lori!

STEPHANIE PRATT welcomed as Marin Clerk/Jr. Analyst

In August, Marin welcomed Stephanie Pratt to the LAFCo family. She comes to Marin from the private sector so is learning not just about LAFCo but the public sector. Hang in there, Stephanie, and welcome!

Congratulations to you all!

RSG, Inc. Continued from page 1

establishing a factual, transparent and credible basis for our clients to make informed decisions. RSG prepared Placer LAFCo's comprehensive fiscal analysis for the 2017 incorporation proposal for Olympic Valley, the preliminary feasibility studies for a 2018 incorporation in Malaga (Fresno County), as well as several reorganization proposals and municipal service reviews.

To learn more about RSG, Inc, visit their website at www.webrsg.com or contact Jim Simon at: jsimon@webrsg.com.

Associate Member SPOTLIGHT



CITY OF RANCHO MIRAGE

Located in the geographic center of the Coachella Valley, Rancho Mirage enjoys sunshine nearly every day with clean air. Resort living, superb dining, outdoor recreation, cultural and business opportunities all contribute to a superior quality of life.

To learn more about the City of Rancho Mirage, visit their website at: <https://ranchomirageca.gov/>



QK (formerly Quad Knopf) provides planning, engineering, biology, environmental, and survey services to public and private clients. Our planners have previous experience working for public agencies, including serving as LAFCo Analysts. We specialize in the San Joaquin Valley and Sacramento Valley regions.

To learn more about QK visit their website at www.qkinc.com, or contact Trevor Stearns at tstearns@qkinc.com

All information is provided by the Associate upon joining the Association. All Associate Member information can be found in the CALAFCO Member Directory.

CALAFCO wishes to thank all of our Associate Members for their ongoing support and partnership. We look forward to highlighting other Associate Members in future Newsletters.

IN THE NEWS

Newspaper Articles

- The Modesto Bee, December 7, 2022, “Stanislaus, water district lack accord on future of recreation at Woodward Reservoir.”
- The Modesto Bee, December 12, 2022, “As mud, puddles leave south Modesto children frustrated, officials finalize sidewalk plans.”
- The Modesto Bee, December 14, 2022, “California will pay farmers to reduce groundwater use near drought-stressed residential wells.”
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IN THE NEWS – The Modesto Bee, December 7, 2022

Stanislaus, water district lack accord on future of recreation at Woodward Reservoir

BY Ken Carlson

Six months of talks between Stanislaus County and South San Joaquin Irrigation District haven't produced an extended agreement for recreation at Woodward Reservoir near Oakdale.

An SSJID staff member told Stanislaus County's board of supervisors Tuesday that county staff members were not inclined to accept a six-month extension of the negotiation period to July 1, but the parties were OK with a three-month period for more negotiations.

The regional park is considered a gem for people who enjoy camping, boating, swimming and picnicking near the water and also has attracted thousands for an annual July Fourth fireworks show, concerts and festivals.

Under a long-standing agreement, the county has operated the 6,700-acre regional park for the public at Woodward Reservoir. The Manteca-based SSJID has owned and operated the dam and reservoir, supplying irrigation water to farms and treated drinking water to Escalon, Manteca, Lathrop and Tracy in south San Joaquin County.

The license agreement was last amended in 2005 to address water quality concerns and allow recreation to continue while meeting the standards of a municipal water source.

The 2005 amendment included a timetable for the county and SSJID to negotiate new amendments in the last six months of 2022. Negotiations were held June 21, July 28, Aug. 24 and Oct 20, but the talks did not progress far enough to complete negotiations by Dec. 31, said SSJID General Manager Peter Rietkerk.

Jody Hayes, county chief executive officer, said he talked with SSJID's general manager Tuesday. "I feel like we will reach an agreement with them, but it will take a few more months to do it," Hayes said. "We don't have a proposal for them for amendments. I think that is part of the challenge."

Representatives of the county and SSJID have not seen eye-to-eye when the discussions have centered on park revenue and expenses. County parks rebuffed SSJID's proposal for a six-month extension of the negotiation period to July 1.

"The county needs to move amendment of this agreement forward now and without further delay," county Parks Director Tera Chumley wrote in a Dec. 2 reply to SSJID. "For both parties it would be detrimental to our constituents to delay this process any further."

Chumley said Tuesday the SSJID has focused attention on park revenue and financial data during the negotiations. So far, the district has not made a proposal to get a share of the revenue from park use, Chumley said, though such a proposal would not surprise the county.

COUNTY PAYS \$1 A YEAR TO SSJID

At present, the county pays \$1 a year to SSJID under the agreement to provide recreational services at Woodward. The county, which also manages the recreation area at Modesto Reservoir, pays nothing to Modesto Irrigation District, Chumley said.

IN THE NEWS – The Modesto Bee, December 7, 2022, Page 2

Rietkerk said Tuesday he could not discuss all details of the negotiations. He said staff turnover in the county parks department earlier this year caused delays and not much time remained this year for completing the talks.

Rietkerk said the SSJID has sought information from the county to make sure the recreation activities are on a solid footing. According to Rietkerk's letter to county parks and recreation Nov. 8, the outstanding issues in the negotiations included the term of the license agreement, fee structures, capital investments and protections to prevent adverse impacts on the water.

His letter to the county said a six-month extension of negotiations would allow for a thorough evaluation of the issues and available data and time to properly craft proposed amendments.

"We have a long history of doing this with the county," Rietkerk said. "Woodward has been a great asset for water supply and recreation for the region. ... We are asking for additional time."

The COVID-19 pandemic, affecting the county since March 2020, has muddled the financial picture for recreation at Woodward Reservoir, which can get around 400,000 visitors a year.

A county annual report for the 2020-21 fiscal year said Woodward and Modesto reservoirs took in \$3.15 million in combined revenue. A monthly parks and recreation report for June 2020 said Woodward's revenue was \$183,000 that month. It was \$552,000 in June 2019, the report said.

Chumley said the county has historically made infrastructure improvements for the regional park and is faced with making a significant investment in Americans with Disabilities Act improvements. It also needs to upgrade restrooms built in the 1960s and comply with a state requirement to replace a few testing wells.

To qualify for grants to fund improvements, the county has said it needs a 20-year extension of the license agreement with SSJID.

"The county is interested in continuing our partnership with SSJID," Chumley assured. "I don't have any reason to believe they don't feel the same way."

IN THE NEWS – The Modesto Bee, December 12, 2022

As mud, puddles leave south Modesto children frustrated, officials finalize sidewalk plans

BY ADAM ECHELMAN AND JOHN HOLLAND

Sidewalks are coming to a dozen south Modesto blocks where residents have long slogged through mud.

Stanislaus County got a \$2.38 million state grant to upgrade Glenn and Butte avenues between Crows Landing Road and Las Vegas Street. The sidewalks will improve access to Bret Harte Elementary School and Hanshaw Middle School, both on Las Vegas.

The work could be completed during the summer 2023 school break, Public Works Director David Leamon said.

The project is one of several in a decades-long effort to bring sidewalks to south and west Modesto and the Airport District. Those neighborhoods, home to many Latino families, began as Dust Bowl settlements in the 1930s.

Maria Murillo lives on Imperial Avenue. Every school day, she walks 10 minutes to Bret Harte to pick up three of her grandchildren after classes end.

“We have to cling to the fences because there’s no way to cross,” she said as cars zoomed by.

Her grandson Armando described the conditions as they walked home Tuesday.

“It’s kind of annoying because we’re used to just going straight home,” the 8-year-old said. He pointed to a section of the road that had flooded a day earlier. Sometimes, his grandmother added, the puddles are so large that they have to take a different route home, which takes twice as long.

With that, Armando and older sisters Yazmannie and Jaylannie joined their grandmother in stepping gingerly along the muddy street shoulder.

The upcoming project will give the Murillo family a sidewalk, but only for two of the four blocks along their walk to school. The other roads they travel, Dallas Street and Imperial Avenue, fall outside the scope of the grant. The funding does not include storm drains, which would help clear the puddles.

The grant also will pay for more visible striping at five crosswalks and for roadway markings that tell motorists that these are bicycle routes.

Leamon said the county has worked with the state for three or four years on the grant. Final approval came Thursday from the California Transportation Commission.

The grant is from the Active Transportation Program, which seeks to make life easier for people on foot, bicycles and other non-motorized modes. It gives most of its money to lower-income areas such as south Modesto. A separate \$4.9 million grant covered most of the cost of new sidewalks and bike paths nearing completion in part of the Airport District.

Supervisor Chance Condit has identified these sidewalks and street improvements as key priorities for his office. This August, the Board of Supervisors allocated \$16.9 million in Covid-relief dollars to infrastructure projects in his district, which includes unincorporated areas like south Modesto. He wants to see sidewalks, storm drainage, curbs, gutters and lighting along all the streets where Murillo and her grandchildren walk, not just sidewalks along the few blocks covered by the Active Transportation Program.

IN THE NEWS – The Modesto Bee, December 12, 2022, Continued

He expects these additional improvements to start in the next two years. “With the cost of living and inflation going up, we have to move on this as soon as possible,” he said.

He wants “to make our money stretch as far as we can” and pointed to recent projects like the Bonita Pool in Crows Landing as a warning. The pool faced delays as costs climbed due to inflation.

The ultimate goal, he said, is to upgrade the infrastructure in this unincorporated neighborhood so that the city of Modesto can annex it.

Until then, neighbors like Jose Vasquez are taking the matter into their own hands. On Tuesday, he shoveled dirt off the street after water and mud left the routes around his home in disarray.

“I see the kids walking to school, and I come here to clean up a little, thinking of them and the old folks who use their walkers,” he said.

Vasquez lives at Glenn Avenue and Seattle Street. He’ll get a sidewalk on the side of his home that is adjacent to Glenn Avenue as early as next summer, but the other side of his house will have to wait until Condit’s projects come through.

IN THE NEWS – The Modesto Bee, December 14, 2022

California will pay farmers to reduce groundwater use near drought-stressed residential wells

BY John Holland

The state has launched a pilot program to compensate farmers who reduce groundwater pumping near “vulnerable” residential wells stressed by drought.

The LandFlex program will involve a tiny slice of California’s water supply, but it could be a start toward larger efforts of this type. The partners include Modesto-based groups supporting the dairy and almond industries.

The California Department of Water Resources has \$25 million for the program. Farmers can receive up to \$2.5 million each to pause or end their pumping.

LandFlex has three parts:

- \$450 per acre-foot of water not pumped during a single dry year. Farmers typically use three to four acre-feet to grow a crop. This portion will mostly involve annual crops rather than orchards or vineyards.
- \$750 per acre-foot of water removed permanently from farm use.
- \$250 to \$2,500 per acre for land retired from farming. The payment depends on proximity to residential wells and a crop’s water consumption.

LandFlex is aimed at small- and medium-size farms. They must have an average annual gross income of \$2.5 million or less over three years.

DWR partnered on the program with the Almond Alliance of California, the Western United Dairies Foundation, Self-Help Enterprises and the Community Alliance with Family Farmers. It will be carried out through local agencies established as part of a 2014 law mandating sustainable pumping by about 2040.

“Farmers, underrepresented communities and Groundwater Sustainability Agencies share a common interest in the immediate ending of groundwater overdraft on lands near vulnerable drinking water wells,” said Anja Raudabaugh, CEO of the dairy group, in a news release.

Self-Help Enterprises is based in Visalia and works on water, housing and other issues affecting low-income people. The Community Alliance with Family Farmers operates out of Davis on sustainable food production.

Almond Alliance CEO Aubrey Bettencourt said LandFlex will “leave water in the ground to stabilize aquifers and allow our farmers to stay in operation and have operating capital on a voluntary and annual basis while supporting our communities and ensuring a secure food supply for next year.”

IN THE NEWS – The Modesto Bee, December 14, 2022

Riverbank council OKs big hikes in sewer rates. Here's why they might not get so high

BY John Holland

Sewer rates will more than double in Riverbank by 2027 under a plan approved Tuesday night by the City Council.

The unanimous vote will allow the city to collect more money toward the estimated \$90 million cost of upgrading the sewage treatment plant. But council members said they might reduce the hikes after 2023 if Riverbank secures grants for the project.

Starting Jan. 1, homes will see their monthly charge rise from \$49.48 to \$58.39. Assuming no grants, it will be \$68.90 in 2024, \$81.30 in 2025, \$95.12 in 2026 and \$109.39 in 2027. Rates also will rise for business customers.

Under state Proposition 218, the rate increases could not go through if a majority of affected customers filed protests at or before Tuesday's hearing. The city received 960 protests out of the 3,419 notices mailed out.

About a dozen residents spoke against the increases in the council chambers or over Zoom, many of them citing the overall cost of living.

Real estate agent Diego Hernandez said the city is assuming too much income for the plant upgrade from connection fees on new homes.

"We're not going to get that growth, but we are going to get stuck with the bill," he said. The council might set new connection fees in 2023.

TRIMMING THE RATE HIKES

A consultant told the council in September that the \$109.39 monthly rate in 2027 could be reduced to \$100.98 if grants provide \$15 million toward the project. The charge would be \$86.70 if grants totaled \$40 million.

Riverbank hopes to tap grant programs that are well-funded thanks to the state \$97 billion budget surplus and the \$1.2 trillion infrastructure bill signed by President Joe Biden last year.

"Right now, money is available," Mayor Richard O'Brien said before the vote. "That's why we have to move now."

City officials have said grant programs are especially interested in sewer projects that recycle water for use on crops. Riverbank plans to do this for a small expanse of farmland near the plant, just across the San Joaquin County line. The farmers would pay a yet-to-be-determined rate.

UPGRADES MAYBE IN 2026

The council Tuesday also unanimously approved the environmental impact report for the project, which allows detailed engineering to move forward. Construction could finish in 2026 under the current schedule.

IN THE NEWS – The Modesto Bee, December 14, 2022, Continued

The plant has operated for about 70 years just west of Santa Fe Avenue. It uses screens, settling ponds and other methods to make the water clean enough to seep into the aquifer. Water quality standards have tightened for such plants.

Stanislaus County is a pioneer in water recycling. The effluent from Modesto, Ceres and Turlock goes to farmland in the Del Puerto Water District on the West Side. The district covered the \$82 million cost because it often has scant allotments from the federal Delta-Mendota Canal.

Diablo Grande water district wins cases over unpaid taxes. What next for troubled resort?

BY Ken Carlson

The water district serving Diablo Grande has prevailed in court cases charging that the project's new owner did not pay millions of dollars in Mello-Roos taxes.

Angels Crossing LLC, a corporation formed in December 2019, also hasn't funded the water and sewer operations of the Western Hills Water District or assumed the liabilities of the previous developer, according to water district officials.

That's a serious problem because the 600-home Diablo Grande community has relied on previous developers to pay for improvements and basic services.

The Western Hills Water District board gave an update on the litigation to about 30 residents who attended a meeting Wednesday.

Mark Kovich, who was appointed board president, said the unpaid Mello-Roos tax debt was \$24 million including penalties.

Western Hills filed foreclosure lawsuits on behalf of Mello-Roos bondholders, including one suit in June 2021 charging that Angels Crossing did not pay \$13.7 million in special taxes on 14 parcels. Another suit alleged the developer failed to pay the special taxes on 65 other undeveloped parcels.

The court also ruled that World International, the former owner of Diablo Grande, had unpaid special taxes on a parcel that's part of the former Ranch golf course that was never transferred to Angels Crossing.

A Sacramento attorney who has represented Angels Crossing in the litigation did not return messages from The Modesto Bee.

WATER DISTRICT STEADILY LOSING MONEY

The legal action will lead to sale of the affected parcels as the water district deals with financial struggles and the challenge of maintaining basic services for Diablo Grande households.

"The district is in a real financial bind and we lose money every month," Kovich said.

He told the residents that Western Hills owes \$5.5 million to the Kern County Water Agency for water deliveries and owes \$1.7 million to Patterson, which treats Diablo Grande's wastewater.

Diablo Grande doesn't have enough residents to pay for the costs of water and sewer service. "Our desire is to get the community and the development built out," Kovich said earlier in the week. "We need at least another 1,800 homes built here to make the water district solvent. We need more customers."

Carmen Kearney, former chief financial officer for World International, said the company never was given credit for spending millions funding Western Hills' operations, maintaining the golf courses, making improvements and paying taxes.

World International hoped to eventually profit from the residential development, but the spending had limits and it eventually became bad for business, Kearney said.

IN THE NEWS – The Modesto Bee, December 16, 2022, Continued Page 2

“Western Hills needs money to keep in operation,” said Kearney, who lives at Diablo Grande. “Any developer has to fund Western Hills to continue (water and sewer service).”

Angels Crossing acquired the master agreement for the Diablo Grande development from World International in May 2020.

Water district officials say the new developer did not fulfill obligations to Western Hills to cover shortfalls, inherit the liabilities of World International and pay for services.

Kearney said Angels Crossing paid a moderate sum of money to acquire Diablo Grande’s first phase development plan with the understanding it was assuming the liabilities of World International. Some suggest that Angels Crossing paid as little as \$100,000 to World based on the transfer tax paid to Stanislaus County.

THE PROJECT’S HISTORY

Diablo Grande once was conceived as a nearly 30,000-acre development trimmed with golf courses, homes, a hotel and convention center. Two golf courses came to life and about 600 homes were built, sold and occupied in the first phase that was approved by the county.

The original developers, including pharmaceutical industry giant Donald Panoz, spent more than \$120 million on planning, infrastructure, streets and golf courses at the former cattle ranch and subsidized services, with the aim of eventually turning a profit for his heirs.

But the nation’s housing boom fizzled and Diablo Grande went into bankruptcy in 2008. World International acquired the development later that year and still owns 25,000 acres of the Diablo Grande site, Kearney said.

For business to continue as usual, another developer with deep pockets would need to step forward. Western Hills is now operating more like a community services district to keep providing basic services for Diablo Grande residents.

Western Hills originally had a landowners board, which guaranteed control for World International. But county supervisors made an appointment to the board that served to shift control to Diablo Grande residents. Board members in May 2021 changed it to a governing board elected by registered voters.

SUPPLY COULD BE CUT OFF

The Kern County Water Agency notified Western Hills in 2021 that it could stop supplying water for Diablo Grande since Western Hills had not made payments for water since July 2019. A transfer arrangement with the Bakersfield-based Kern Water Agency has allowed Diablo Grande to withdraw water from the California Aqueduct.

The two agencies are trying to negotiate an amended agreement for water, while Western Hills has cut back annual use to 250 to 400 acre-feet of water.

Diablo Grande residents have paid \$146 for water service in average months since an increase last year raised the rate from \$100 a month. According to a consultant’s study, the revenue generated by water rates amounts to \$1.4 million a year, falling well short of \$3.55 million in annual expenses. A water rate based on true costs would be astronomical.

Financial statements for 2020 show that Western Hills collected a monthly \$55.97 per household for sewer service and was charged a monthly \$74.91 per household by Patterson. Western Hills has kept the lights on by neglecting to pay what’s owed to Patterson and Kern.

IN THE NEWS – The Modesto Bee, December 16, 2022, Continued Page 3

Western Hills also has been in negotiations with Patterson. “We hope to have a deal in place with them, but I can’t go into specifics,” Kovich said.

In August, the county treasurer-tax collector published a list of tax-delinquent properties, including \$2,072,208 owed by Angels Crossing on 65 parcels. According to the county notice, \$1.43 million in property taxes was owed since the 2018-19 fiscal year on the Diablo Grande clubhouse property, and an additional \$643,160 was owed on 64 other parcels.

Kovich told residents at Wednesday’s meeting there are options for Diablo Grande’s future plans. As an example, the two dried-out golf courses could be sold or leased to an independent operator and restored.

The board member said the district has a good relationship with Stanislaus County supervisors and he expects the Board of Supervisors will support plans for continued development.

“We have to get these foreclosures to the finish line before going to the next step,” Kovich said.

IN THE NEWS – The Modesto Bee, December 19, 2022

Ernie Garza knows how to help Keyes residents save money on water. They aren't listening

BY Adam Echelman

Federal and state agencies have devoted \$20 million to improve Keyes' drinking water in the past decade and have lauded the town's water treatment as a model for others. But many locals continue to buy bottled water unabated, exasperating Ernie Garza, general manager of the Keyes Community Services District.

"Listen, our water is clean. It's safe to drink. We filter it freshly every day," he said. "So why are you wasting your money buying bottled water?"

His question is often addressed to the town's Hispanic community, which represents 77.8% of its 5,600 people. Garza said this community is especially mistrustful of the town's drinking water.

His family was no different. Previously, Garza worked as the public works director in the city of Newman, where the water, he said, is "horrible": "Even your clothes if you wash them, it's got high iron content and stains your clothes. It's got manganese (so) has an awful taste."

When Garza moved to Keyes, his wife assumed that "if Newman is bad, then Keyes has got to be as bad," and they continued purchasing bottled water for the family.

Keyes has since made a number of major investments in the town's water. Now, Garza's family is drinking water right from the faucet, and it's his job to persuade others to do the same.

SAVING MONEY IN TOUGH TIMES

His goal is to help residents save money. The Community Services District hasn't raised water rates in years and doesn't plan on new hikes until at least 2025.

For about 18 months during the pandemic, the district waived certain usage fees for residents. Beyond the base hook-up fee, residents could use as much water as they wanted for free, up to 18,750 gallons. The district ultimately gave out \$600,000 in free water, he said.

But communication is a constant problem. When the COVID-era program ended, he said, the district had a "rough time" trying to explain to residents why they were being charged again.

Though the water is clean and cheap, the district struggles to persuade residents to drink it and save money.

On a recent afternoon at State Foods supermarket, a regional chain specializing in Hispanic foods, Salvador Torres and his daughter, Natalia, placed their five-gallon blue water jug under a vending-machine inside the store. Torres's mother-in-law prefers to drink the vended water from a jug, so he obliged and stopped by the store, without much thought to an alternative drinking source. The family still uses Keyes water to cook.

The price has gone up, said Torres, as he inserted coins into the machine to start the refill. It's \$2.50 for five gallons of water, but he remembered when it cost \$1.50.

By comparison, the Keyes Community Services District charges roughly one penny for five gallons of water.

IN THE NEWS – The Modesto Bee, December 19, 2022, Continued

“I feel like it’s my obligation to let people know that there’s a way to save money right now, especially as tough as the times are,” said Garza.

State Foods store manager Omar Mohamed said he has raised the prices on water, like many products. Since he took over the store two years ago, a 24-pack of bottled water costs 50 cents more, and the refill machine charges an additional 10 cents per gallon. Every week, his store sells out of all 96 packs of water, the equivalent of 2,304 bottles.

A SORDID HISTORY

As the sun set over State Highway 99 running along downtown Keyes, Sereana and Victor Valenzuela walked out of the Dollar General store with two 24-packs of Clover Valley Purified Drinking Water, each costing \$4.65.

“I’m pregnant,” said Sereana, “I just think it’s healthier.” She added that there are “rumors” about unsafe drinking water.

Those rumors may have started in 2006, when the Keyes Community Services District received a notice of noncompliance from the California Department of Public Health for having too much arsenic in the water. Drinking arsenic even at low levels over five or more years can increase the risk for skin cancer. Research has linked exposure to arsenic in utero with childhood cancers and cognitive development issues in children.

Garza clarified that the town was never negligent. Rather, the Environmental Protection Agency decided to lower the level of arsenic considered safe from 50 parts per billion to 10 parts per billion. Keyes, which had levels between 10 and 14 parts per billion, suddenly became noncompliant.

The town struggled to pay for the needed improvements to treat arsenic. Meanwhile, the cost of the project rose. Outlying areas that use private wells faced the same arsenic problem, so the Keyes Community Services District Board of Directors decided to connect its water system to four private mobile home parks and an addiction treatment center, which also used a private but contaminated well. The consolidation of these private wells made Keyes eligible for a \$20 million federal grant that led to a new water treatment facility, completed in 2019.

Keyes hasn’t had any issues since. The Community Services District recently received another \$10.4 million federal grant to bolster water testing. That grant will stem any future issues with the drinking water, Garza said.

Victor Valenzuela said part of the appeal of bottled water was the convenience of having a bottle in hand. He also reiterated his wife’s feelings, asking, “How do you know the people working at the plant are doing their job?”

Garza feels a sense of mistrust, too, but toward the bottled water companies. He said the private companies often buy water directly from cities and towns like Keyes and run another filter over the water. Bottled water, he said, “isn’t regulated or monitored as we are.”

At home, he has won a small victory: He persuaded his wife to start drinking from the faucet after the arsenic treatment plant was finalized.

IN THE NEWS – The Modesto Bee, January 3, 2023

Stanislaus County to work on homeless court, county island upgrades and jobs in 2023

BY Ken Carlson

Stanislaus County leaders hope to make significant progress in 2023 on goals such as reducing homelessness and creating good jobs, as the COVID-19 shutdowns fade into the past.

Supervisors said the county will press forward with improvements in county unincorporated “islands,” which are funded by \$50 million in American Rescue Plan Act dollars.

Other priority efforts include a new approach for reducing homelessness, the Stanislaus 2030 economic development plan and an after-hours medical facility in Patterson to serve the western portion of Stanislaus County.

Chance Condit, the youngest supervisor, is taking over as Board of Supervisors chairman and will oversee his first regular board meeting Jan. 10.

Stanislaus is in the first cohort of counties working to implement the state’s CARE Court initiative, designed to bring new hope to homeless people with untreated mental illness or drug addiction.

Supervisor Terry Withrow, the board chairman last year, said the county has made progress with access centers and supportive housing for homeless people who want help, but a new strategy will focus on those “who don’t want help” and don’t voluntarily go into treatment for their mental disorders or drug addiction.

The county is developing a CARE Court program with the Public Defender’s Office, Superior Court and the Sheriff’s Department to move these people off the streets and into treatment without violating their civil liberties, Withrow said.

“This is all about getting them treatment to save their lives,” he said.

Gov. Gavin Newsom has endorsed the program. Homeless people with severe mental illness could be referred to a CARE Court judge, who may order them to participate in a plan for treating their disorder or drug addiction.

The program would stop short of forcible medication or incarceration for refusing a treatment regimen.

Withrow said many of these individuals have warrants for failure to appear in court or other violations. In certain cases, an arrest could be the first step in getting them into a treatment plan, Withrow said.

He stressed that people with drug addiction and untreated mental illness are dying on the streets.

COUNTY ISLANDS AND A MEDICAL FACILITY

The largest chunk of spending for sidewalks, drainage and other upgrades in county islands is \$16 million in Condit’s supervisorial district. The county will spend \$10 million in ARPA funds in the Bret Harte area and \$6 million in the Parklawn neighborhood of south Modesto.

The ARPA funding also will pay for basic improvements in the Colorado-Rouse area of Modesto, the Herndon Road section of Ceres and the Riverdale Park Tract.

IN THE NEWS – The Modesto Bee, January 3, 2023, Continued

Condit said he expects to make significant progress in the new year on a medical facility serving the western portion of the county. The facility, operating after hours and on weekends, will be a step above urgent care and have medical personnel who can X-ray broken bones or stabilize a person injured in a car crash.

Most likely, the facility will be located in Patterson because the city is a hub for population growth. “We are making some significant progress behind the scenes,” Condit said.

Condit’s district also includes the Diablo Grande resort that struggles with funding of water and sewer service for the current 600 homes.

Condit said he’s been talking with the Diablo Grande homeowners association and Western Hills Water District board members since taking office two years ago.

He said he doesn’t see the county trying to bail out the Western Hills district, which owes \$5.5 million for water transfers for Diablo Grande and is past due on \$1.7 million owed to Patterson for wastewater treatment.

“We have offered to be a resource for them and to connect them to state representatives and federal partners,” Condit said. “I am interested in trying to recruit a developer who is real and wants to build out the housing project. That is what we need to happen.”

Officials have said that another 1,800 homes at Diablo Grande are needed to cover the costs of water and sewer service.

GOOD JOBS ARE A PRIORITY

Supervisor Mani Grewal, whose district includes most of Modesto, said county relations with the city are good, with a property tax agreement last year and passage of the Measure H sales tax in November.

Grewal is on the executive committee for the Stanislaus 2030 initiative for creating tens of thousands of living-wage jobs and promoting bioindustrial manufacturing to boost the local economy.

“We have a blueprint (for Stanislaus 2030) and now we can work on implementation,” Grewal said last month. “The next step is: How are we going to implement this, not just with public-sector dollars but with private-sector investments as well?”

Grewal said he is also supportive of the CARE Court pilot program.

In addition, Grewal hopes to see more progress this year on projects in Modesto, such as the Children’s Museum and the Graffiti USA Museum, which are expected to attract visitors from outside the county.

IN THE NEWS – The Modesto Bee, January 9, 2023

Can we catch more of this winter's huge runoff? Two Stanislaus are projects show how

BY John Holland

The past few weeks have shown that plenty of rain can fall on the Central Valley even as the planet generally warms.

Two projects in and near Stanislaus County demonstrate how some of the storm runoff could be captured for use in dry times. Both involve spreading water over the ground so it seeps into aquifers stressed by decades of pumping.

One is Dos Rios Ranch, a 2,400-acre floodplain restoration where the Tuolumne and San Joaquin rivers meet. The nonprofit River Partners and its allies have spent a decade on the effort.

The other project is much newer and smaller — 31 acres of almond orchards near Ballico in Merced County. Starting in December, it has been intentionally flooded with nearby storm runoff. The Turlock Irrigation District is testing this idea with the California Department of Water Resources and the nonprofit Sustainable Conservation.

The projects are part of an emerging consensus that groundwater recharge, rather than new dams, would best prepare the Valley for climate change.

Above-ground storage still will be crucial, but dams are costly to build and stir protest from environmental groups.

Recharge has support from both farm and green groups, as well as water managers. Restored floodplains are especially popular because they provide wildlife habitat while protecting downstream homes from disaster.

“In short, we have limited capacity in our reservoirs — and not many more places where we can build more dams economically,” said a Jan. 5 blog post by Jeffrey Mount, senior fellow at the Public Policy Institute of California.

“We do, however, have lots of space in our groundwater basins, but we are not currently set up to get enough of that excess water into the ground right now.”

RESERVOIRS PLAY A ROLE

Most of the runoff so far this winter has been captured in reservoirs in the Sierra Nevada foothills and higher. They need it, after being drawn down by drought the past three years.

Below the reservoirs, the rain runs off into creeks and rivers and seeps into the ground on farms and elsewhere.

The TID project aims to concentrate the recharge in an area prone to groundwater overdraft. The storm runoff normally would flow to the Merced River via an irrigation canal shut down for winter. The district instead is diverting it to the almond orchards, chosen because their soil is suited to this process.

The first application was to 31 acres during rain Dec. 8-10, according to an email from Josh Weimer, external affairs manager at TID. Eighteen of these acres got another dose during a Dec. 29-30 storm.

IN THE NEWS – The Modesto Bee, January 9, 2023, Continued Page 2

A total of 32.5 acre-feet was applied. That works out to about 6.5 inches of water per acre.

The project includes monitoring to ensure that the pooled water does not damage the tree roots. Saturated soil makes them especially vulnerable to toppling by high winds, which is why TID did not deliver water during the stormy first week of January.

The 32.5 acre-feet applied in December is minuscule compared to the 2.03 million that can be held by Don Pedro Reservoir, owned by TID and the Modesto Irrigation District.

But the project does show the promise of a more surgical approach to capturing water in spots where it is needed. The district's main cost was electricity to pump the runoff from the canal. Data is being collected with help from Sustainable Conservation, which is based in San Francisco and has a branch office in Modesto.

The project is similar to one conducted just west of Modesto in 2016 by MID, Sustainable Conservation and other partners. Researchers said the orchard trees did not suffer from standing in runoff from city storm drains.

DOS RIOS IS GRANDER

About \$46 million from various sources has turned Dos Rios Ranch into a model for floodplain restoration. River Partners crews and volunteers have planted native trees, brush and grass on former farm fields 10 miles southwest of Modesto.

The current storms have left minor flooding at the site as of Friday, according to an email from Alex Karolyi, communications director at River Partners. The Tuolumne remains about 2 feet shy over topping its banks. The nearby San Joaquin has 3 feet to go.

Getting water onto the floodplain this winter and spring depends on the intensity of remaining storms. Reservoir managers have to balance this with the need to rebuild storage after the recent dry years. They also have state and federal mandates to release water to help newly hatched salmon get out to sea.

Dos Rios showed its value in the very wet 2017, even though it was only partially restored. About 4,800 acre-feet of water sat for three months, nourishing wildlife while seeping slowly into the aquifer. The above-average 2019 resulted in about 3,600 acre-feet over two months.

This success helped River Partners land a \$40 million state grant last year to do similar projects in and near the San Joaquin Valley. Many of them, like Dos Rios, connect with federal refuges that recharge groundwater while nurturing wildlife.

LESS SNOW, MORE ERRATIC RAIN

California built its reservoirs over the past 150-plus years on the assumption that their main purpose is handling snow melt.

The snow builds up with storms mainly from mid-autumn to mid-spring. It then melts in time to supply farms and cities over several months that are mostly dry and warm.

Experts say climate change will reduce the snow pack while making rainstorms more intense. The latest flood plan for the Valley, released in December, warns of as much as \$1 trillion in damage from a single event.

The plan, by the Central Valley Flood Protection Board, urges \$35 billion in spending over the next 30 years. This includes bolstering levees and other control infrastructure, and restoring floodplains on a vast scale.

IN THE NEWS – The Modesto Bee, January 9, 2023, Continued Page 3

“This is a game changer for a lot of communities in the Valley that have to compete for public dollars to improve their flood risk, ecosystems and public access to natural spaces,” River Partners President Julie Rentner told The Sacramento Bee last month.



**STANISLAUS LOCAL AGENCY FORMATION COMMISSION
MINUTES
October 26, 2022**

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
Richard O'Brien, Vice-Chair, City Member
Vito Chiesa, County Member
Ken Lane, Public Member
Javier Lopez, Alternate City Member

Commissioners Absent: Amy Bublak, City Member
Mani Grewal, Alternate County Member
Bill Berryhill, Alternate Public Member

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

2. PUBLIC COMMENT

Barney Aggers, Dan Whetstone, Karen Conrotto and Clare Conrotto spoke regarding their concerns about the City of Riverbank's River Walk Specific Plan proposal.

3. CORRESPONDENCE

- A. Specific Correspondence.
None.
- B. Informational Correspondence.
None.
- C. "In the News."

4. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

5. CONSENT ITEMS

A. **MINUTES OF THE SEPTEMBER 28, 2022 LAFCO MEETING.** (Staff Recommendation: Accept the Minutes.)

B. **YEAR-END FINANCIAL REPORT FOR FY 2021-2022**
(Staff Recommendation: Accept and file the report.)

C. **OUT-OF-BOUNDARY SERVICE APPLICATION: 6942 ST. JOHNS ROAD (CITY OF MODESTO – WATER SERVICE).** A request to provide water service outside the City of Modesto’s boundaries to serve a property at 6942 St. Johns Road, in the Del Rio area. The extension is considered categorically exempt from the California Environmental Quality Act (CEQA) pursuant Section 15303(d). (Staff Recommendation: Approve the request and adopt Resolution No. 2022-13.)

Motion by Commissioner O’Brien, seconded by Commissioner Lane, and carried with a 5-0 vote to approve the consent items, by the following vote:

*Ayes: Commissioners: Chiesa, Lane, Lopez, O’Brien and Withrow
Noes: Commissioners: None
Ineligible: Commissioners: None
Absent: Commissioners: Berryhill, Bublak and Grewal
Abstention: Commissioners: None*

6. PUBLIC HEARING

A. **MUNICIPAL SERVICE REVIEW NO. 2022-05 AND SPHERE OF INFLUENCE UPDATE NO. 2022-05 – FOR THE RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT:** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Riverdale Park Tract Community Services District. This item is exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2022-12.)

Javier Camarena, Assistant Executive Officer, presented the item with a recommendation of approval.

Chair Withrow opened the item up for Public Comment at 6:21 p.m.

There was none.

Chair Withrow closed the Public Hearing at 6:21 p.m.

Motion by Commissioner O’Brien, seconded by Commissioner Lane, and carried with a 5-0 vote to approve the update and adopt Resolution No. 2022-12, by the following vote:

Ayes: Commissioners: Chiesa, Lane, Lopez, O'Brien and Withrow
Noes: Commissioners: None
Ineligible: Commissioners: None
Absent: Commissioners: Berryhill, Bublak and Grewal
Abstention: Commissioners: None

7. OTHER BUSINESS

None.

8. COMMISSIONER COMMENTS

Commissioner O'Brien stated how important LAFCO is as a Commission and would like the Staff to have the same benefits as other County staff.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

None.

10. EXECUTIVE OFFICER'S REPORT

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

- The December 7th meeting will be tentative as there is a scheduling conflict with the Commissioners. Staff is working on one item and will see if it can be heard in January.

11. ADJOURNMENT

A. Chair Withrow adjourned the meeting at 6:24 p.m.

DRAFT

Sara Lytle-Pinhey, Executive Officer

**EXECUTIVE OFFICER'S AGENDA REPORT
JANUARY 25, 2023**

TO: LAFCO Commissioners

FROM: Javier Camarena, Assistant Executive Officer

SUBJECT: 2023 WORK PROGRAM - MUNICIPAL SERVICE REVIEW & SPHERE OF INFLUENCE UPDATES

RECOMMENDATION

Staff recommends that the Commission consider adoption of a work program to guide completion of Municipal Service Reviews (MSRs) and Sphere of Influence (SOI) updates for 2023. The Commission may direct Staff to prioritize certain updates as needed.

DISCUSSION

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

The requirement for reviewing and updating a sphere of influence is outlined in Government Code section 56425(g) which states, "on or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence." Consistent with that section, Stanislaus LAFCO has generally made it a goal to initiate MSR-SOI updates for the special districts every five years, as these serve as a means for the Commission to check-in with various districts and service demands throughout the County.

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

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

Prior Year's Work Program

In 2022, LAFCO Staff completed MSR updates for the following districts:

- Western Hills Water District
- Knights Ferry Community Services District
- Monterey Park Tract Community Services District
- Modesto Irrigation District
- Turlock Irrigation District
- Riverdale Park Tract Community Services District

2023 Goals - Special Districts

Staff has begun work on the MSR update for the Fire Protection Districts (14 total) that will overlap into the 2023 work program. Responses to questionnaires sent to the Districts have been slightly delayed due to current changes in governance. Staff will continue to work on the update and anticipates completion of the update in 2023.

Staff will initiate MSR updates for the following additional special districts in 2023 to stay aligned with the five-year schedule:

- Newman Drainage District
- Empire Sanitary District
- Salida Sanitary District
- Rock Creek Water District
- Turlock & Eastside Mosquito Abatement Districts
- Oakdale Irrigation District

A draft schedule for all the special districts, organized by the date of the last update is attached. The special districts are grouped together by the target year for adoption of a new MSR-SOI update.

Upcoming City Updates

City MSR-SOI updates are typically initiated by the cities and/or their consultant in conjunction with a general plan update and/or a proposed sphere of influence amendment. In 2020, the Modesto City Council directed its staff to begin the process of a comprehensive General Plan Update. Any associated Sphere of Influence proposal will require an MSR update. Staff will continue to coordinate with cities that may be updating general plans or master plans to ensure this information is incorporated into their subsequent MSR updates.

Additional Upcoming Projects

The following projects are currently being reviewed, processed, or prepared through their respective jurisdictions. Staff is monitoring these projects, which will likely be brought before the Commission in 2023.

- Zacharias-Baldwin Master Plan: = Proposed Sphere of Influence amendment and annexation of approximately 1,300 acres to allow development of residential, mixed use, commercial, industrial, schools, parks, and open spaces.
- Staff continues to receive inquiries to various upcoming County Service Area (CSA) service extensions. Staff will continue to monitor these potential CSA service extensions.

CONCLUSION

Staff believes that the proposed work program can be reasonably completed throughout the year. Paid applications (e.g. annexations, out-of-boundary service extensions) have required processing deadlines that are given precedence over Municipal Service Reviews and Sphere of Influence updates and may delay individual updates. Likewise, tasks involved with upcoming projects (e.g. responses to environmental referrals, pre-application meetings, etc.) may also delay MSR-SOI goals. Staff will continue to keep the Commission apprised of the progress in meeting the goals of the 2023 Work Program throughout the year.

Attachments:

Special Districts MSR & SOI Update Schedule
Cities MSR & SOI Updates

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SPECIAL DISTRICTS
MSR & SOI UPDATE SCHEDULE - BY YEAR

	DISTRICT	LAST MSR COMPLETED
2023	Fire Protection Districts - Burbank-Paradise, Ceres Rural, Denair, Mountain View, Turlock Rural, Westport, Woodland, Hughson, Industrial, Keyes, Salida, Stanislaus Consolidated, West Stanislaus and Oakdale Rural	<i>In Process</i>
	Drainage District - Newman Drainage District	March 28, 2018
	Sanitary District - Empire Sanitary District	August 23, 2017
	Salida Sanitary District	May 23, 2018
	Water District - Rock Creek Water District	June 27, 2018
	Mosquito Abatement Districts - Turlock and Eastside	September 26, 2018
	Irrigation District - Oakdale Irrigation District	December 5, 2018
2024	Resource Conservation Districts - East Stanislaus and West Stanislaus	May 22, 2019
	Cemetery Districts - Hills Ferry, Knights Ferry and Patterson	August 28, 2019
	Community Services District - Crows Landing, Grayson, Westley	December 4, 2019
	Water District - Eastside Water District	December 4, 2019
2025	Community Services District - Denair and Keyes	January 22, 2020
	Healthcare & Hospital Districts - Del Puerto Healthcare, Westside Community Healthcare, and Oak Valley Hospital Districts	August 26, 2020
	Flood Control Districts - Orestimba Creek and Sand Creek	June 24, 2020
2026	County Service Areas (CSAs) -- 22 total	September 22, 2021
	Westside Irrigation & Water Districts - Patterson and West Stanislaus IDs; Eastin, El Solyo, Del Puerto, and Oak Flat WDs	February 24, 2021
2027	Water District - Western Hills Water District	January 26, 2022
	Community Services District - Monterey Park Tract	May 25, 2022
	Community Services District - Knights Ferry	April 27, 2022
	Irrigation Districts - Modesto Irrigation District	September 28, 2022
	Turlock Irrigation District	September 28, 2022
	Community Services District - Riverdale Park Tract	October 26, 2022

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

CITY	MSR-SOI ADOPTION	NOTES
Ceres	February 22, 2012	<i>City completed a General Plan Update (no SOI proposal included)</i>
Hughson	August 24, 2005	-
Modesto	September 22, 2004	<i>City is be pursuing a Comprehensive General Plan Update, has been advised of need for updated MSR</i>
Newman	January 28, 2009	<i>Completed as part of SOI Modification in 2009.</i>
Oakdale	July 22, 2015	<i>Completed SOI modification (with simultaneous annexation)</i>
Patterson	December 4, 2013	<i>City recently approved proposal that will require MSR and SOI update</i>
Riverbank	July 27, 2016	<i>MSR approved as part of a SOI modification</i>
Turlock	August 28, 2019	<i>MSR approved as part of minor SOI modification</i>
Waterford	August 22, 2007	-

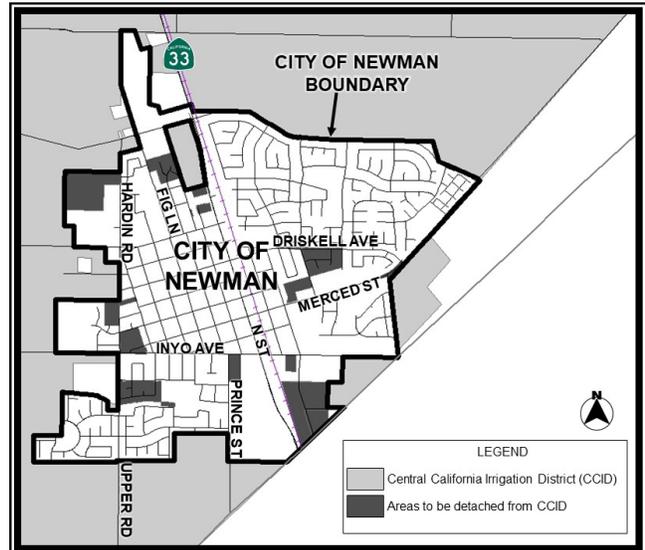
Stanislaus LAFCO, Jan. 2023

**LAFCO APPLICATION NO. 2022-04
NEWMAN DETACHMENT OF TERRITORY
FROM THE CENTRAL CALIFORNIA IRRIGATION DISTRICT**

PROPOSAL

The proposal is a request to detach areas from the Central California Irrigation District (CCID) that overlap the current City Limits of Newman. The areas total approximately 118 acres.

1. Applicant: City of Newman
2. Location: All Central California Irrigation District territory that is overlapping the Newman City limits. (See map.)
3. Parcels Involved and Acreage: The proposal includes several parcels totaling approximately 118 acres. (See Exhibit "A" Map and Legal Description.)



4. Reason for Request: Properties within CCID are typically detached simultaneously upon annexation to the City of Newman. There are currently several properties that have not been detached, leaving CCID with multiple overlapping areas that are no longer receiving CCID services. Detachment from CCID would eliminate the District/City overlap.

ENVIRONMENTAL REVIEW

The proposal is considered exempt for purposes of the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3), which exempts projects through a general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The boundary change is intended to correct an overlapping City/District boundary and will have no impact to services or the environment. Staff prepared a draft CEQA Notice of Exemption to be filed upon approval of the proposal (attached as Exhibit B).

BACKGROUND

In recent years, the Central California Irrigation District (CCID) identified several areas of CCID territory that overlap the City of Newman's boundary. Properties within CCID are typically detached simultaneously upon annexation to the City of Newman; however, the affected areas were not, either due to oversight or belief that a subsequent application would be made. As these areas no longer receive District services, CCID requested that the City of Newman initiate this application to detach the overlapping properties. The City adopted a resolution of application to LAFCO requesting the areas be detached from CCID in order to provide a clear distinction between City and District boundaries.

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 detachment is being proposed in order to remove the overlapping of Central California Irrigation District (CCID) territory with the City of Newman. This will provide a clean separation between the boundaries of CCID and City of Newman. The affected areas are already developed and the detachment itself will not change or lead to change in the zoning.

- 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 City of Newman serves properties within its boundary. The areas proposed for detachment are already within the City of Newman and will continue receiving services. The affected properties do not receive services from CCID; no changes to services will result from the detachment.

- 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.***

Commission policies support simultaneous detachment from districts that will no longer be providing services during annexations to cities. In this case, areas were annexed to the City of Newman and not detached from the District, either due to an oversight or belief that a subsequent action would occur. The current proposal will correct this situation and eliminate multiple areas of overlap in a single action.

- 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 uses commonly found

within urban cities. Also, the detachment does not propose any development. The proposal is to remove overlapping Central California Irrigation District territory from the City of Newman.

- 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.***

The proposed detachment includes several parcels and road rights-of-way totaling approximately 118 acres. The overall District boundary will be more defined as a result of the detachment.

- 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 detachment will not change traffic or transportation routes for the area.

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

The proposal is consistent with both the City of Newman General Plan land use and zoning designations.

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

The territory is within both the Central California Irrigation District and City of Newman Spheres of Influence. The proposal will eliminate overlap of the District's boundary and Sphere of Influence in the affected areas to be detached.

- 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.

One comment letter was received from the Merced LAFCO Executive Officer, attached as Exhibit C. The letter notes that Merced is designated "principal county" for CCID and is typically considered responsible for changes to CCID's boundaries. However, Merced LAFCO has granted Stanislaus LAFCO the ability to process detachments associated with city annexations or other territory in Stanislaus County. The letter also notes continued efforts of Merced LAFCO to clean up CCID boundaries in Merced County and requested that copies of detachments be sent to Merced LAFCO for their files. If approved, Staff will provide copies of the recorded Certificate of Completion to Merced LAFCO.

A "No Comment" letter was received from the Stanislaus County Environmental Review Committee and Sheriff's Department. No additional comments have been received.

- 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.***

The proposal is a detachment of territory from the Central California Irrigation District which provides irrigation water for agricultural uses. The subject territory is located within the City of Newman and should have been detached at the time of City annexation. The proposed project will detach all of the territory that is currently overlapping the City limits. There are no proposed improvements, taxes, or assessments associated with the proposal.

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

The Central California Irrigation District (CCID) provides irrigation water to its customers. The proposal will detach all CCID properties that are currently overlapping the City of Newman. The proposed detachment will not increase the need for water to the already developed territory.

- 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 proposed detachment affects territory that is already developed and within the City of Newman. Therefore, this item is not applicable.

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

No additional information or comments have been received as of the drafting of this report.

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

The areas are zoned R-1 Single Family Residential, OS Open Space, C-1 Retail Commercial, M Industrial, I Controlled Manufacturing, PFP Public/Quasi Public, and R-3 Multiple Residential by the City of Newman. In addition, the same areas are designated as Single Family Residential, Rural Residential, Multi-Family Residential, Light Industrial, Industrial/Commercial, Public/Quasi Public, and vacant in the City of Newman's General Plan. Detachment from CCID will not change or lead to change in the zoning or General Plan designation of the affected areas.

- 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.

q. Information contained in a local mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

The project site has not been identified as being within a very high fire hazard severity zone.

DISCUSSION

Staff has determined that the proposed detachment is consistent with Government Code and LAFCO policies. Approval of the proposal will help to correct a long-standing issue of boundary overlap and clearly define the Central California Irrigation District's boundaries in the Newman area. Both the District and City have indicated their support for the proposal.

Waiver of Protest Proceedings

Pursuant to Government Code Section 56663, the Commission may waive protest proceedings for the proposal when the following conditions apply:

1. Notice has been given to landowners and registered voters within the affected territory.
2. The notice discloses to the registered voters and landowners that the commission intends to waive protest proceedings.
3. No written opposition has been received from landowners or registered voters.

As all the above conditions for the waiver of protest proceedings have been met, the Commission may waive the protest 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 Resolution No. 2023-02 (attached as Exhibit D), which:

EXECUTIVE OFFICER'S AGENDA REPORT
JANUARY 25, 2023
PAGE 6

- a. Finds that the proposal is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines as there is no possibility that the detachment will have a significant effect on the environment;
- b. Finds the proposal to be consistent with State law and the Commission's adopted policies;
- c. Waives protest proceedings pursuant to Government Code Section 56663;
- d. Approves LAFCO Application No. 2022-04 – Newman Detachment of Territory from the Central California Irrigation District subject to standard terms and conditions as outlined in Resolution 2023-02; and
- e. Determines the effective date of the detachment shall be the date of recordation of the Certificate of Completion.

Respectfully submitted,

Javier Camarena

Javier Camarena
Assistant Executive Officer

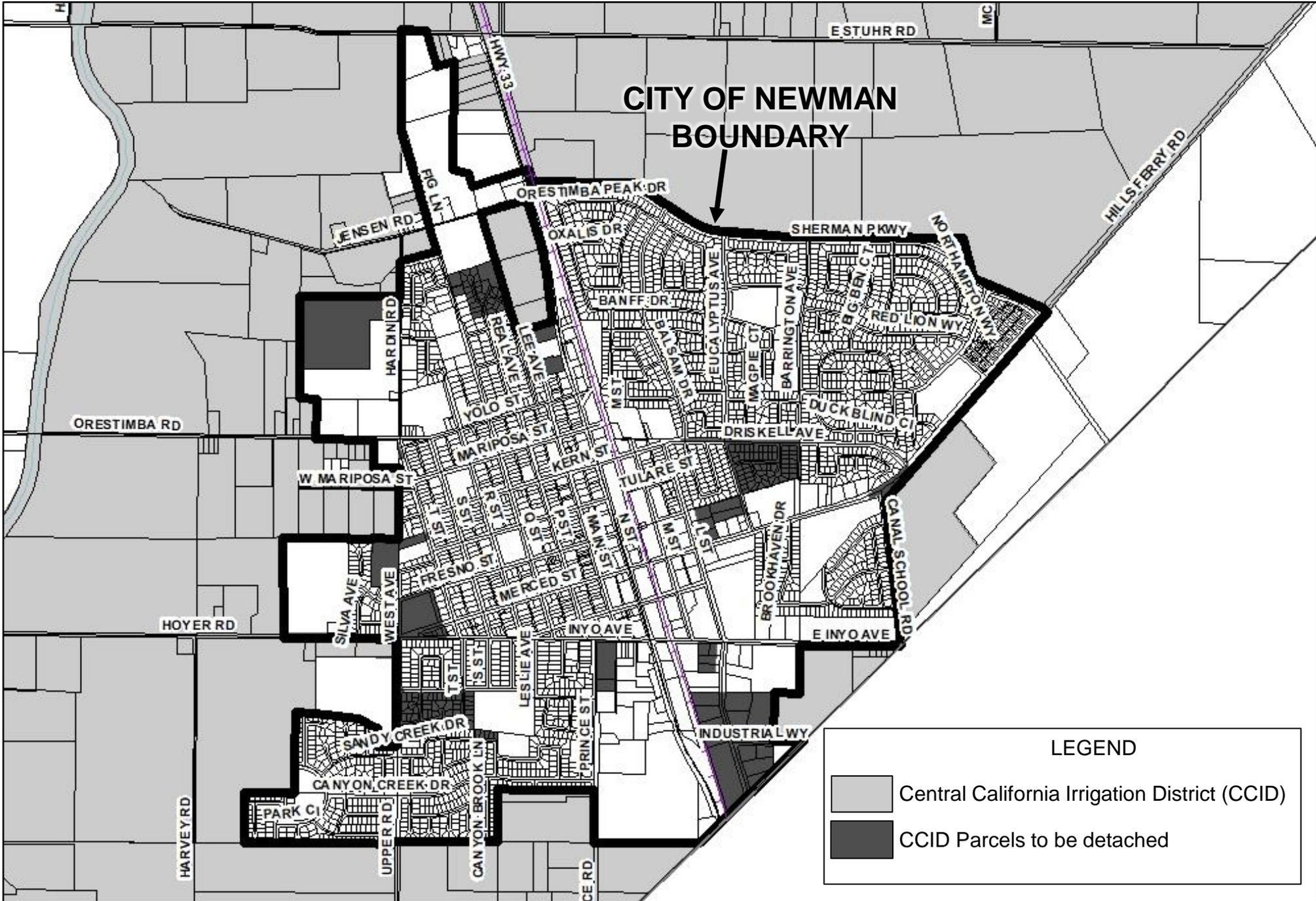
Attachments - Exhibit A: Map and Description
Exhibit B: Draft CEQA Notice of Exemption
Exhibit C: Letter from Merced LAFCO dated December 12, 2022
Exhibit D: Draft LAFCO Resolution No. 2023-02

EXHIBIT A

Map & Legal Description

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LAFCO APPLICATION NO. 2022-04
 NEWMAN DETACHMENT OF TERRITORY FROM THE
 CENTRAL CALIFORNIA IRRIGATION DISTRICT



LEGEND

- Central California Irrigation District (CCID)
- CCID Parcels to be detached

NEWMAN DETACHMENT OF TERRITORY FROM THE
CENTRAL CALIFORNIA IRRIGATION DISTRICT (CCID)

DESCRIPTION

All that territory located within the Central California Irrigation District (CCID) boundaries that overlaps the current City Limits of the City of Newman.

Containing an area of approximately 118 acres.

EXHIBIT B

**Draft CEQA
Notice of Exemption**

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Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Stanislaus
1021 I St Suite 101
Modesto, CA 95354

From: (Public Agency): Stanislaus LAFCO
1010 10th St Ste 3600
Modesto, CA 95354

(Address)

Project Title: Detachment of Overlapping Territory from the Central California Irrigation District (CCID)

Project Applicant: City of Newman

Project Location - Specific:

Within the City limits of the City of Newman

Project Location - City: Newman Project Location - County: Stanislaus

Description of Nature, Purpose and Beneficiaries of Project:

Detachment of properties from the Central California Irrigation District (CCID) that currently overlap the City limits of the City of Newman. Properties within CCID are typically detached simultaneously upon annexation to the City of Newman. There are currently a number of properties that were not detached, leaving the District with area that overlaps into the City although not receiving District services. Detachment would eliminate this District / City overlap.

Name of Public Agency Approving Project: Stanislaus Local Agency Formation Commission (LAFCO)

Name of Person or Agency Carrying Out Project: Stanislaus Local Agency Formation Commission (LAFCO)

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. State type and section number: 15061(b)(3)
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

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

Lead Agency
Contact Person: Sara Lytle-Pinhey Area Code/Telephone/Extension: 209-525-7660

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: _____ Date: _____ Title: Executive Officer

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

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EXHIBIT C

**Merced LAFCO Comment Letter
December 12, 2022**

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Local Agency Formation Commission
2222 M Street
Merced, CA 95340
Phone (209) 385-7671 / Fax (209) 726-1710
www.lafcomerced.org

DATE: December 12, 2022

TO: Javier Camarena, Assistant Executive Officer
Stanislaus LAFCO

FROM: ^{BN} Bill Nicholson, Executive Officer

RE: LAFCO Application No. 2022-04 – Newman Detachment of Territory from the Central California Irrigation District

Thank you for sending a referral to Merced LAFCO on this important detachment of Central California Irrigation District (CCID) territory in various locations within the City limits of Newman. We have similar issues with CCID in Merced and Fresno Counties which are unique for this agricultural irrigation district which does not supply water for any urban land uses.

Because Merced LAFCO is designated as the “principal county” for CCID under the definition in Government Code section 560xx, we would normally process applications for annexation to or detachment from CCID. However, there is an agreement with Stanislaus LAFCO to grant processing jurisdiction to your LAFCO where you are processing annexations to a City or other territory where Stanislaus LAFCO is the principal county. This application seems to fit within this agreement between our LAFCO’s. But as the principal county, we would request the City forward copies of all recorded Certificate of Completions involving CCID to our office for maintaining accurate records of the District’s boundary.

In an effort to avoid the need for future “clean-ups” of CCID boundaries as separate actions going forward, we have been working with CCID and various cities to have the detachment processed as part of a “reorganization” at the same time of processing an annexation to a city. Merced LAFCO recently processed a concurrent city annexation and CCID detachment for the City of Gustine in the “Southeast Gustine Reorganization” (LAFCO File No. 0682) recorded in 2019. CCID had policies to allow continuation of agricultural water supplies to farmland before urbanization takes place through a classification of “Class II” water supplies available to land outside the District.

Again, thank you for sending a referral in this application and let me know if you have any questions or want to coordinate on other CCID detachment opportunities.

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EXHIBIT D

Draft LAFCO Resolution No. 2023-02

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**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: January 25, 2023

NO. 2023-02

**SUBJECT: LAFCO APPLICATION NO. 2022-04 – NEWMAN DETACHMENT OF
TERRITORY FROM THE CENTRAL CALIFORNIA IRRIGATION DISTRICT**

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

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, a request has been submitted to detach approximately 118 acres from the Central California Irrigation District;

WHEREAS, the City of Newman has adopted a Resolution of Application to LAFCO for the subject proposal;

WHEREAS, the Merced Local Agency Formation Commission is the principal LAFCO for the Central California Irrigation District and has authorized Stanislaus LAFCO to consider and act upon district detachments related to overlying city territory;

WHEREAS, the Commission has conducted a duly noticed public hearing on January 25, 2023 to consider the proposal at which time the Commission heard and received all oral or written testimony, objections, and evidence that were presented and all interested persons were given an opportunity to hear and be heard with respect to the proposal and the report provided by LAFCO Staff;

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

WHEREAS, the proposal is considered exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the State CEQA Guidelines as it can be seen with certainty that there will be no significant effect on the environment;

WHEREAS, there are no Williamson Act Contracts within the boundaries of the detachment;

WHEREAS, the Commission has, in evaluating the proposal, considered the report submitted by the Executive Officer and all testimony and evidence presented or filed at the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Commission:

1. Finds that the proposal is considered exempt for purposes of the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) as there is no possibility that the detachment will have a significant effect on the environment;
2. Determines that: (a) the affected territory is located within the City of Newman; (b) approval of the proposal is consistent with overall Commission policies and applicable State law; (c) the territory is considered inhabited; and (d) no opposition to the detachment has been received;
3. Approves the proposal subject to the following terms and conditions:
 - a. The applicant is responsible for payment of the required State Board of Equalization fees and any remaining fees owed to LAFCO.
 - b. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this 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. The effective date shall be the date of recordation of the Certificate of Completion.
 - d. The application submitted has been processed as a change of organization consisting of the detachment of the subject territory from the Central California Irrigation District.
 - e. The detached territory will be removed from the Central California Irrigation District boundaries.
4. Designates the proposal as the "Newman Detachment of Territory from the Central California Irrigation District".
5. Waives the protest proceedings and orders the change of organization pursuant to Government Code Section 56663.
6. Authorizes and directs the Executive Officer to prepare and execute a Certificate of Completion in accordance with Government Code Section 57203, subject to the specified terms and conditions of this resolution and forward a copy of the recorded documentation to the Merced Local Agency Formation Commission.

ATTEST:

Sara Lytle-Pinhey
Executive Officer

**EXECUTIVE OFFICER'S AGENDA REPORT
JANUARY 25, 2023**

TO: LAFCO Commissioners

FROM: Jennifer Vieira, Commission Clerk

SUBJECT: Annual Election of Officers (Chairperson and Vice-Chairperson)

BACKGROUND

The Commission's adopted Policies and Procedures includes Rules of Order that establish the terms and rotation schedule for the annual election of the Chairperson and Vice-Chairperson. The established annual term of office for these officers is from February 1st through January 31st.

Based on the current rotation of officers, as established in the Commission's Rules of Order (Rule 4), the office of Chairperson and Vice-Chairperson are rotated annually. According to the sequence, the next Chairperson would be a City Member and the next Vice-Chairperson would be a County Member.

Commissioner Richard O'Brien, as the current Vice-Chair, is eligible to be Chairperson, as well as Commissioner Amy Bublak. Commissioner Terry Withrow, as the current Chair is eligible for the Vice-Chairperson, as well as Commissioner Vito Chiesa. (See attached Rotation Schedule.)

RECOMMENDATION

If the Commission agrees with the terms of office and the rotation of officers as per Rule 4 and the options above, it is recommended that the Commission adopt the attached Resolutions appointing a new Chairperson (City Member) and a Vice-Chairperson (County Member) for the annual term of February 1, 2023, to January 31, 2024.

Attachments: Draft LAFCO Resolution No. 2023-01a & 2023-01b
Rotation Schedule

**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: January 25, 2023

NO. 2023-01a

SUBJECT: Annual Election of Officers (Chairperson)

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

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, in accordance with Government Code Section 56334 and Commission Rules of Order, the members of the Commission shall annually elect a Chairperson;

WHEREAS, the Commission's Rules of Order, under Rule 4, provides for the systematic rotation of the Chairperson among its members;

WHEREAS, the term of the present officer expired on January 31, 2023; and,

WHEREAS, based on adopted Commission Policies and Procedures, the rotation of its members for the Chairperson, a City Member is in line for this office seat, respectively.

NOW, THEREFORE, BE IT RESOLVED that the Commission:

1. Elects Commissioner _____ as Chairperson for a term of office commencing February 1, 2023 through January 31, 2024.

ATTEST:

Sara Lytle-Pinhey
Executive Officer

**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: January 25, 2023

NO. 2023-01b

SUBJECT: Annual Election of Officers (Vice-Chairperson)

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

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, in accordance with Government Code Section 56334 and Commission Rules of Order, the members of the Commission shall annually elect a Vice-Chairperson;

WHEREAS, the Commission's Rules of Order, under Rule 4, provides for the systematic rotation of the Vice-Chairperson among its members;

WHEREAS, the term of the present officer expired on January 31, 2023; and,

WHEREAS, based on adopted Commission Policies and Procedures, the rotation of its members for the Vice-Chairperson, a County Member is in line for this office seat, respectively.

NOW, THEREFORE, BE IT RESOLVED that the Commission:

1. Elects Commissioner _____ as Vice-Chairperson for a term of office commencing February 1, 2023 through January 31, 2024.

ATTEST:

Sara Lytle-Pinhey
Executive Officer

COMMISSIONER ROTATION SCHEDULE

				<u>Rotation</u>
2/2009 - 1/2010	Chairperson Vice-Chairperson	Lane DeMartini	City County	A
2/2010 - 1/2011	Chairperson Vice-Chairperson	DeMartini Saletta	County Public	B
2/2011 - 1/2012	Chairperson Vice-Chairperson	Saletta Goeken	Public City	C
2/2012 - 1/2013	Chairperson Vice-Chairperson	Goeken O'Brien	City County	D
2/2013 - 1/2014	Chairperson Vice-Chairperson	O'Brien Bublak	County City	E
2/2014 - 1/2015	Chairperson Vice-Chairperson	Bublak DeMartini	City County	A
2/2015 - 1/2016	Chairperson Vice-Chairperson	DeMartini Hawn	County Public	B
2/2016 - 1/2017	Chairperson Vice-Chairperson	Hawn Bublak	Public City	C
2/2017 - 1/2018	Chairperson Vice-Chairperson	Bublak Withrow	City County	D
2/2018 - 1/2019	Chairperson Vice-Chairperson	Withrow Van Winkle	County City	E
2/2019 – 1/2020	Chairperson Vice-Chairperson	Van Winkle DeMartini	City County	A
2/2020 – 1/2021	Chairperson Vice-Chairperson	DeMartini Berryhill	County Public	B
2/2021 – 1/2022	Chairperson Vice-Chairperson	SKIPPED	Public City	C
2/2021 – 1/2022	Chairperson Vice-Chairperson	Bublak Withrow	City County	D
2/2022 – 1/2023	Chairperson Vice-Chairperson	Withrow O'Brien	County City	E
2/2023 – 1/2024	Chairperson Vice-Chairperson		City County	A