



**STANISLAUS LAFCO
LOCAL AGENCY FORMATION COMMISSION**

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

AGENDA
Wednesday, October 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.

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 SEPTEMBER 27, 2023, LAFCO MEETING**
(Staff Recommendation: Accept the Minutes.)

B. **MUNICIPAL SERVICE REVIEW NO. 2023-05 AND SPHERE OF INFLUENCE UPDATE NO. 2023-05 – FOR THE EAST SIDE AND TURLOCK MOSQUITO ABATEMENT DISTRICT:** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the East Side and Turlock Mosquito Abatement District. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2023-13.)

C. **YEAR-END FINANCIAL REPORT FOR FY 2022-2023**
(Staff Recommendation: Accept and file the report.)

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.

None.

7. OTHER BUSINESS

A. **RESULTS OF THE PROTEST HEARING AND APPROVAL OF IMPARTIAL ANALYSIS FOR THE ZACHARIAS-BALDWIN MASTER PLAN REORGANIZATION TO THE CITY OF PATTERSON.** (Staff Recommendation: Authorize the Executive Officer to submit an impartial analysis for an election to be called by the City of Patterson for the Zacharias-Baldwin Master Plan Reorganization to the City of Patterson.)

8. COMMISSIONER COMMENTS

Commission Members may provide comments regarding LAFCO matters.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

The Commission Chair may announce additional matters regarding LAFCO matters.

10. EXECUTIVE OFFICER'S REPORT

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

A. On the Horizon.

11. CLOSED SESSION – PERFORMANCE EVALUATION

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

12. ADJOURNMENT

- A. Set the next meeting date of the Commission for December 6, 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.

IN THE NEWS

Newspaper Articles

- The Ceres Courier, October 4, 2023, “Water river coming to your tap next month.”
- The Ceres Courier, October 4, 2023, “Planning proceeds for Copper Trails annexation.”
- The Modesto Bee, October 9, 2023, “Modesto and Turlock irrigation districts contend with the violent swings of climate change.”

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IN THE NEWS – The Ceres Courier, October 4, 2023

Water river coming to your tap next month

By Jeff Benziger

A monumental project to bring treated water from the Tuolumne River to Ceres taps will be realized next month and the difference in taste, smell and color may be noticeable.

Starting in November, gradually water coming from taps in Ceres and Turlock will be blended with ground and water pumped and filtered from the Tuolumne River.

“Through the public outreach we are letting residents know that it’s going to smell different, it’s going to look different and it’s going to taste a little different,” said Royal. “This will be blended with our well distribution system.”

The water will also be softer since it has less hard minerals.

“Generally, surface water is an improvement over ground water,” said Robert Granberg, the former general manager of and now consultant to the Stanislaus Regional Water Authority (SRWA).

A ribbon cutting is scheduled to take place at 1 p.m. on Tuesday, Nov. 14 at the plant site.

The completion of the surface water project northeast of Hughson will a dependable and clean source of water into the future, he said.

The new plant was deemed a necessity for the cities of Ceres and Turlock given growing concerns about groundwater meeting regulatory requirements; and concerns that underground aquifers will continue to be over-drafted as Valley population grows.

Both cities formed a joint powers authority with Turlock Irrigation District in 2011 to build and operate the plant near Fox Grove. Modesto was originally part of the JPA but dropped out after deciding to expand its existing surface water treatment plant at the Modesto Reservoir.

Granberg noted that besides delivering good and clean water from the river, the plant offers some environmental benefits. The added flow released by the dam for the water plant will make for colder water temperatures which in turn help fish habitat along the 26-mile stretch from Don Pedro to Hughson. Using less groundwater will mean faster recharge of aquifers beneath Ceres and Turlock.

An additional benefit, he explained, is that having a second water source will allow cities to shut down and repair wells as needs arise. Maintaining groundwater as a source will provide an important backup if TID or the state dictates water curtailment during spells of drought.

Granberg said the state of California is overseeing the process of introducing surface water into a groundwater system, which he said has to be done slowly and carefully “because there’s a change in the chemistry of the water.”

“They start what they call their acceptance test in early November so they start introducing water into the city systems and slowly and ramping up over time and they do that for a period of 20 days. And if they pass that acceptance test and the state has given the thumbs up that everything’s working properly, then it’ll be a continual flow of the new surface water to the cities and they can start using that reliably.”

IN THE NEWS – The Ceres Courier, October 4, 2023, Continued

The surface water will be pumped through an underground pipeline installed along Hatch Road to the new tank constructed at the Ceres River Bluff Regional Park. From there the water will be pumped a short distance where it will be infused at a point near the intersection of Hatch and Mitchell roads.

Ceres currently relies on 14 wells to extract water which undergoes expensive treatment. The city will still need to use groundwater conjunctively with river water, especially in the summer when peak use hits around 11 million gallons per day since the plant will only initially supply up to five million gallons to the Ceres system. An estimated 75 percent of the water consumed in winter months will be treated river water.

In its first phase, the plant is being sized to process 15 million gallons of water per day for both cities, with Ceres taking five million gallons and the balance going to Turlock. A second phase expansion of the plant will give Ceres the capacity to receive up to 15 million gallons per day; and a third phase an additional 15 mgd production. Those phases would be driven by factors such as growth in the cities and groundwater availability.

To pay for the \$195 million plant, the city councils of both Ceres and Turlock enacted a series of water rate increases. Granberg said that the JPA borrowed \$184.9 million for the construction after receiving \$35 million in grant funds. Borrowing from the State Revolving Fund at 1.2 percent interest rate has saved the project \$100 million it would have incurred through 4 percent interest rate municipal bond financing.

Based on water needs of their populations, Ceres will pay roughly a third of the cost, or \$61.6 million, while Turlock is responsible for two-thirds, or \$123.3 million.

The annual debt service for Ceres is \$2.5 million over 30 years and approximately \$1.7 million for operations and maintenance depending on staff, electrical and chemical costs.

Granberg, who has been working on the project since 2018, said he is excited to see the plant come to fruition.

“The cities are going to see a tremendous benefit from having a new source of water,” said Granberg. “It’s a good way to do it – to have a point source to treat it there and then regionally distribute it out.”

The pipes were built in mind if the city of Hughson or community of Denair decides they want to tap into the plant.

“I think eventually connect at some point in the future.”

IN THE NEWS – The Ceres Courier, October 4, 2023

Planning proceeds for Copper Trails annexation

By Jeff Benziger

Copper Trails has been a name on the lips of Ceres planners for over longer than 15 years. After years of being shelved, a master plan is being crafted for the annexation and development of 535 acres in southwest Ceres.

The master plan was ordered a year ago after project proponents Stewart S. Fahmy and Nav Athwal, contacted the city about initiating the Specific Plan.

The proposed project is generally bordered by Service Road to the north, the Union Pacific Railroad tracks, Highway 99 and Mitchell Road to the east, the TID Lower Lateral No. 2 canal to the south, and Blaker Road to the west. The project area encompasses Central Valley High School, Hanline Elementary School and Hidahl Elementary School, along with rural homes and farmland.

The master plan area was expanded to take in county island properties both east and the Collins and Industrial Way neighborhoods west of Highway 99.

The city estimates that the Copper Trails Specific Plan area could result in up to approximately 2,392 dwelling units and 1.1 million square feet of regional commercial development. Additional development may also occur within an adjacent 146 acres of unincorporated land that would be annexed to the city together with the CTSP area.

The Ceres Planning Commission will conduct a public scoping meeting on the plan at 6 p.m. on Monday, Oct. 16 at the Ceres Community Center, 2701 Fourth Street. The public is invited to attend and provide comments at the meeting.

Those who would like to discuss the project or the environmental impacts that should be addressed in the EIR may be directed by emailing Christopher.Hoem@ci.ceres.ca.us.

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Modesto and Turlock irrigation districts contend with the violent swings of climate change

By Ken Carlson

This is the first of two stories focused on climate change impacts affecting Modesto and Turlock irrigation districts. The first is about changes in the Tuolumne River watershed, and the next is about impacts on hydropower generation and electric services.

As they try to adapt to climate change, the Modesto and Turlock irrigation districts have closely watched the changes in hydrology in the Tuolumne River watershed, which is a vital source of water for farms and cities in Stanislaus County.

The districts today cope with volatility in the massive watershed, characterized by atmospheric river storms in wet years and droughts that are getting drier and lasting longer.

TID officials said five of the most severe droughts on record occurred in the last 35 years. But the most abundant water year for the region and the third wettest on record occurred in the last seven years.

Studies conclude the average maximum daily temperature will increase 4 to 5 degrees in the San Joaquin Valley by 2050, raising temperatures above 105 degrees more than 20 days in some years, serving to increase demand for everything from farm irrigation water to energy consumption.

With climate change, more precipitation is expected to fall as rain in the Sierra Mountains and less as snow. While there's much agreement over temperature projections in the coming decades, dramatic changes in average precipitation in California are less certain and may not happen until the second half of the century, according to a consultant's study for Stanislaus County, Modesto and four other cities.

The Sierra snowpack is expected to shrink by 30% between 2070 and 2099, according to one scenario, and a worst-case model suggests 80% snowpack loss by 2100, if nothing is done to reduce greenhouse gas emissions that are trapping heat in the earth's atmosphere.

The Union of Concerned Scientists analyzed climate studies that are informing decision-making in California, concluding in 2020: "The top ten climate models used by the state government agree there will be nearly complete snowpack loss at lower elevations statewide by the end of the century, if heat-trapping emissions continue to rise as currently expected."

One study completed for TID and the San Francisco Public Utilities Commission, looking at simulations for 2040, 2070 and 2100, projected less snow accumulation in the Sierra and also predicted Tuolumne River runoff occurring earlier in the spring. The river flows are expected to decline in spring and summer, when demand for irrigation water on 210,000 acres of farmland is higher.

The study predicted marginal to significant decreases in total annual runoff under the climate scenarios.

Michael Frantz, a board member for TID, said the district is most concerned about managing the violent swings between dry periods and especially wet years, which is a challenge for a water and power utility.

"The big thing that jumps out with climate change is the potential to make our water supplies less reliable," Frantz said. "The TID has tracked precipitation for almost 140 years, and our records indicate that average rainfall from year to year is still about the same. But the swings are much more violent."

IN THE NEWS – The Modesto Bee, October 9, 2023, Continued

Wes Monier, chief hydrologist for TID, said it's a fair statement that the TID and MID water storage system was not designed for the changes in hydrology.

The design for the new Don Pedro Dam, completed in 1971 with capacity to store 2,030,000 acre feet of water, was based on precipitation and runoff patterns before 1960, Monier said. Soon after the reservoir was filled, the districts began seeing volatility in the Tuolumne watershed: It had the lowest natural flow in 1977, a record wet year in 1983 and a punishing drought from 1987 to 1992.

Monier said the irrigation district "didn't understand what we had" with the 1997 "Pineapple Express" rain storms, which caused Don Pedro to spill, sending a record 65,000 cubic feet of water per second through Modesto and flooding a vast area in Stanislaus and San Joaquin counties.

The volatility has continued, as 2012 to 2015 were the driest years on record.

In a bold attempt to adapt to climate change, TID and MID jointly applied in January 2022 for 2.7 million acre feet in "flood water rights." The plan includes proposals to capture and store more river water in especially wet years before it flows out to the ocean.

Folded into the application are proposed storage projects such as raising the Don Pedro spillway, smaller offstream reservoirs and underground storage and groundwater recharge basins, said Josh Weimer, a spokesman for TID. The plan would improve the reliability of irrigation and drinking water supplies during the longer dry spells in this century.

NO RESPONSE YET FROM THE STATE

The State Water Resources Control Board has not yet responded to the districts' application, which faces a multi-year approval process. The state water board has actually tried to reduce diversions by MID and TID to keep more water in the river for environmental purposes.

In terms of coping with climate change, a lot is riding on the water rights application. "The ramifications (if the proposals are rejected) are that we are not able to adapt as well as we could to the changes," Monier said. "If we can't do this, then in all probability other (water agencies) in the state will not be able to do this."

The districts are asking the state for permission to divert additional water from Nov. 1 to June 14 when the Tuolumne River is not "fully appropriated" to current water right holders. The irrigation districts contend that extra water, averaging 840,000 acre feet annually, was available for diversions in about half the years since 1998.

The new rights would be inferior to the historic Tuolumne River rights held by San Francisco and MID and TID, dating to the 1880s.

Climate change, caused by greenhouse gas emissions in Earth's atmosphere, is projected to raise temperatures in the Northern San Joaquin Valley, serving to increase evaporation and boost demand for agricultural irrigation water.

A UC Berkeley study in 2014 suggested the reliability of surface water for irrigation in MID will decrease 75% or more under temperature-rise scenarios of 3.6 to 10.8 degrees Fahrenheit.

MID's Agricultural Water Management Plan update in 2020 cited a projection that warming temperatures will decrease streamflow by 4.6% to 12% and cause snowmelt flows to arrive up to 21 days earlier, as water demands increase up to 6%.

IN THE NEWS – The Modesto Bee, October 9, 2023, Continued

NEW TECHNOLOGY MONITORS THE WATERSHED

Since the 1997 flood, TID has invested in technology for storm forecasts and monitoring of the Tuolumne watershed to better manage the storage system for flood control, hydroelectric generation and water supply reliability.

The TID participates in an Airborne Snow Observatory program and partners with Cornell University and the state Department of Water Resources to understand the system's vulnerabilities to climate change.

Monier said watershed-specific data during atmospheric river storms this past winter and in 2017, allowed for starting Don Pedro releases before the reservoir reached the level for mandatory flood control releases. Water managers were able to safely draw down the reservoir earlier, but also had information the snowpack was sufficient to meet customers' needs later in the year.

While there's uncertainty about the rate of climate change and the magnitude of the impacts, the irrigation districts say they will monitor the indicators and keep using technology to adapt.

"We are using technology to compensate for volatility," Monier said. "I am optimistic that TID can deal with (climate changes) as well as anyone else."



STANISLAUS LOCAL AGENCY FORMATION COMMISSION MINUTES September 27, 2023

1. CALL TO ORDER

Chair O'Brien called the meeting to order at 6:00 p.m.

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

Commissioners Present: Richard O'Brien, Chair, City Member
Vito Chiesa, Vice-Chair, County Member
Amy Bublak, City Member
Terry Withrow, County Member
Ken Lane, Public Member

Commissioners Absent: Mani Grewal, Alternate County Member
Bill Berryhill, Alternate Public Member
Javier Lopez, Alternate City 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

Milt Trieweiler, spoke regarding his concerns regarding Farmland. Barney and Jami Aggers 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 JULY 26, 2023, LAFCO MEETING**
(Staff Recommendation: Accept the Minutes.)
- B. **PROPOSED LAFCO MEETING CALENDAR 2024**
(Staff Recommendation: Accept the 2024 Meeting Calendar.)
- C. **SELECTION OF AN INDEPENDENT AUDITOR FOR THE BIENNIAL AUDIT.**
(Staff Recommendation: Authorize the Executive Office to Execute a Professional Services Agreement with an independent auditor for completion of a biennial audit for fiscal years ending 2022 to 2023.)
- D. **MUNICIPAL SERVICE REVIEW NO. 2023-03 AND SPHERE OF INFLUENCE UPDATE NO. 2023-03 – FOR THE NEWMAN DRAINAGE DISTRICT:** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Newman Drainage District. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2023-09.)
- E. **MUNICIPAL SERVICE REVIEW NO. 2023-04 AND SPHERE OF INFLUENCE UPDATE NO. 2023-04 – FOR THE OAKDALE IRRIGATION DISTRICT:** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Oakdale Irrigation District. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2023-10.)
- F. **LAFCO APPLICATION NO. 2023-03 & SPHERE OF INFLUENCE UPDATE NO. 2023-07 – CALIFORNIA TRUCK CENTER CHANGE OF ORGANIZATION TO COUNTY SERVICE AREA NO. 26 (KEYES):** The proposed project is a request to annex a commercial property totaling approximately 17.3 acres to County Service Area (CSA) 26 for the maintenance of curb, gutter, sidewalk, manholes and storm drains. The annexation to CSA 26 will also include a sphere of influence amendment. Stanislaus County, through its planning process, assumed the role of Lead Agency under the California Environmental Quality Act (CEQA) for the project. The County approved a Mitigated Negative Declaration. LAFCO, as a Responsible Agency, must consider the environmental documentation prepared by Stanislaus County. (Staff Recommendation: Approve the proposal and adopt Resolution No. 2023-12.)

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

Ayes: Commissioners: Bublak, Chiesa, Lane, O'Brien and Withrow
Noes: Commissioners: None
Ineligible: Commissioners: None

Absent: Commissioners: *Berryhill, Grewal and Lopez*
Abstention: Commissioners: *None*

6. PUBLIC HEARING

- A. **LAFCO APPLICATION NO. 2023-02 – HOFFMAN RANCH CHANGE OF ORGANIZATION TO THE DENAIR COMMUNITY SERVICES DISTRICT:** The proposed project is a request to annex approximately 15.9 acres to the Denair Community Services District in order to provide sewer and water services to a residential subdivision. Stanislaus County, through its planning process, assumed the role of Lead Agency, pursuant to the California Environmental Quality Act (CEQA), for the project. The County approved a Mitigated Negative Declaration for the project. LAFCO, as a Responsible Agency, will consider the environmental documentation prepared by the County as part of its action. (Staff Recommendation: Approve the proposal and adopt Resolution No. 2023-11.)

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

Chair O'Brien opened the Public Hearing at 6:13 p.m.

Milt Trieweiler, spoke regarding farmland in Denair.

Chair O'Brien closed the Public Hearing at 6:18 p.m.

Motion by Commissioner Chiesa, seconded by Commissioner Withrow and carried with a 5-0 vote to approve the request and adopt Resolution No. 2023-11, by the following vote:

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

7. OTHER BUSINESS

None.

8. COMMISSIONER COMMENTS

Chair O'Brien requested clarification on the timeline for the next annual evaluation of the Executive Officer.

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:

- There will be a light agenda for the October meeting with some business items.

11. ADJOURNMENT

- A. Chair O'Brien adjourned the meeting at 6:21 p.m.

DRAFT

Sara Lytle-Pinhey, Executive Officer

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

TO: LAFCO Commissioners

FROM: Javier Camarena, Assistant Executive Officer

SUBJECT: MUNICIPAL SERVICE REVIEW NO. 2023-06 AND SPHERE OF INFLUENCE UPDATE NO. 2023-06: EAST SIDE AND TURLOCK MOSQUITO ABATEMENT DISTRICTS

INTRODUCTION

This proposal was initiated by the Local Agency Formation Commission in response to State mandates, which require the Commission to conduct municipal service reviews and sphere of influence updates for all cities and special districts every five years. The current review is a routine update for the East Side and Turlock Mosquito Abatement Districts (MADs). The previous update for the Districts was adopted by the Commission on September 26, 2018.

DISCUSSION

The Municipal Service Review and Sphere of Influence Update process provides an opportunity for districts to share current information regarding the services they provide. LAFCO Staff sent the previously adopted Municipal Service Review and Sphere of Influence Update to the Mosquito Abatement Districts for comments, revisions and updated information. Staff also reviewed the latest budgets for both Districts. Once this data was collected, an updated document was drafted.

The proposed Municipal Service Review and Sphere of Influence Update are attached to this report as Exhibit 1. The relevant factors and determinations as put forth by the Cortese-Knox-Hertzberg Act are discussed for both Districts. No changes are being proposed for the Districts' Spheres of Influence.

ENVIRONMENTAL REVIEW RECOMMENDATIONS

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

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

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

ALTERNATIVES FOR COMMISSION ACTION

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

- Option 1:** APPROVE the Municipal Service Review and Sphere of Influence Update for the East Side and Turlock Mosquito Abatement Districts.
- Option 2:** DENY the update.
- Option 3:** If the Commission needs more information, it should CONTINUE this matter to a future meeting (maximum 70 days).

RECOMMENDED ACTION

Approve Option 1. Based on the information presented, Staff recommends approval of Municipal Service Review and Sphere of Influence Update for the East Side and Turlock Mosquito Abatement Districts. Therefore, Staff recommends that the Commission adopt Resolution No. 2023-13, attached as Exhibit 2, which:

1. Determines that the Municipal Service Review and Sphere of Influence Update qualifies for a General Exemption from further California Environmental Quality Act (CEQA) review based on CEQA regulations §15306 and §15061(b)(3);
2. Makes determinations related to the Municipal Service Review and Sphere of Influence Update as required by Government Code Sections 56425 and 56430; and,
3. Determines that the Spheres of Influence for the East Side and Turlock Mosquito Abatement Districts should be affirmed as they currently exist.

Attachments:

- Exhibit 1 - Draft Municipal Service Review and Sphere of Influence Update
Exhibit 2 - Draft LAFCO Resolution No. 2023-13

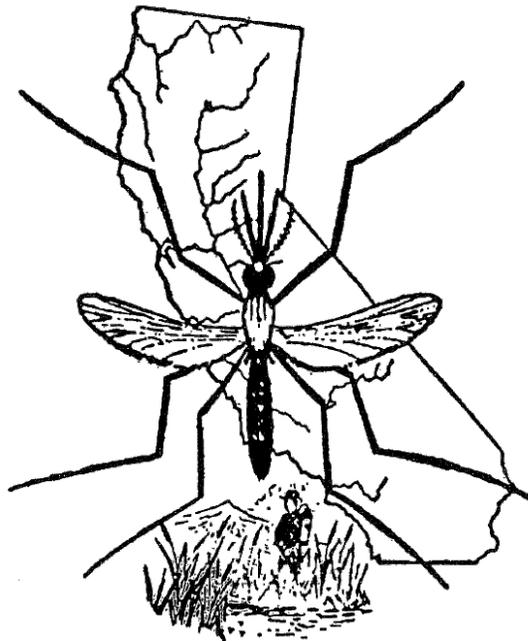
Exhibit 1

**Municipal Service Review & Sphere of Influence
Update for the East Side and Turlock Mosquito Abatement
District**

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MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATES FOR

EAST SIDE MOSQUITO ABATEMENT DISTRICT



TURLOCK MOSQUITO ABATEMENT DISTRICT

Prepared By:

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

Adopted: _____

STANISLAUS

LOCAL AGENCY FORMATION COMMISSION

COMMISSIONERS

Amy Bublak, City Member

Richard O'Brien, City Member

Vito Chiesa, County Member

Terry Withrow, County Member

Ken Lane, Public Member

Javier Lopez, Alternate City Member

Mani Grewal, Alternate County Member

Bill Berryhill, Alternate Public Member

STAFF

Sara Lytle-Pinhey, Executive Officer

Javier Camarena, Assistant Executive Officer

Jennifer Vieira, Commission Clerk

Rob Taro, Commission Counsel

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Municipal Service Review and Sphere of Influence Updates for the East Side and Turlock Mosquito Abatement Districts

Introduction

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

The legislative authority for conducting Service Reviews is provided in Government Code §56430 of the CKH Act. The Act states, that “in order to prepare and to update spheres of influence in accordance with §56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area...” A Service Review must have written determinations that address the following factors:

Municipal Service Review Factors to be Addressed

1. Growth and Population Projections for the Affected Area
2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence
3. Present and Planned Capacity of Public Facilities, Adequacy of Public Services, and Infrastructure Needs or Deficiencies Including Needs or Deficiencies Related to Sewers, Municipal and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence
4. Financial Ability of Agencies to Provide Services
5. Status of, and Opportunities for, Shared Facilities
6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies
7. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy

State Guidelines and Commission policies encourage cooperation among a variety of stakeholders involved in the preparation of a municipal service review. This MSR will analyze both the East Side and Turlock Mosquito Abatement Districts, with regards to existing and future services. The MSR will also provide a basis for each of the Districts and LAFCO to evaluate, and if appropriate, make changes to the Districts’ Spheres of Influence.

Sphere of Influence Update Process

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

Spheres of Influence for the East Side and Turlock Mosquito Districts were originally adopted by the Commission in 1984. The most recent update, adopted in 2013, proposed no changes to either District's SOI. The current update serves to comply with Government Code Section 56425 and will reaffirm the SOIs for both Districts.

Background

During California's pioneering and modern development, mosquitoes have been recognized for their seasonal attacks outdoors and their association with diseases such as encephalitis and malaria. Early mosquito control efforts began in the salt marshes in the San Francisco Bay area and in the Central Valley where malaria mosquitoes were on the attack, leading to localized disease transmission. These control efforts were creating a drain on the local economies and were affecting the health and welfare of residents. As a result, the Mosquito Abatement Act of 1915 was adopted by the California Legislature to provide for the creation, function, and governing powers of mosquito abatement districts.

Today, there are more than 60 agencies that provide mosquito control in California, including the East Side and Turlock Mosquito Abatement Districts in Stanislaus County. These agencies act as guardians against epidemics, public health emergencies and economic disasters. Since the formation of the first mosquito abatement districts in 1915, these local governments have battled malaria, encephalitis, plague, and other vector-borne diseases. Californians now face new threats from the spread of the West Nile virus and the possibility of virus carried by the Asian tiger mosquito. With the growing population, California needs the protection these districts provide.

Municipal Service Review - East Side Mosquito Abatement District

Authority

The District is a single purpose special district and is organized as a “Pest Abatement District”, under Chapter 8, Division 3 of the Health and Safety Code Section 2800 et. seq. Under the code, the District has the ability to control “pests”, identified as “any plant, animal, insect, fish, or other matter or material, not under human control, which is offensive to the senses or interferes with the comfortable enjoyment of life, or which is detrimental to the agricultural industry of the State, and is not protected under any other provision of law.”

Formation

The East Side Mosquito Abatement District was formed on June 26, 1939, for the sole purpose of mosquito control.

Purpose

The District was established to provide mosquito abatement/control, as unabated outbreaks of mosquitoes pose a serious threat to the public health and safety.

Governance

A “Board of Trustees”, appointed by the Board of Supervisors, governs the District. Meetings are held on the second Tuesday of each month at 7:00 p.m. at the District offices, located at 2000 Santa Fe Avenue, Modesto, CA.

Location and Size

The District encompasses approximately 555 square miles, serving the northern portion of Stanislaus County, north of the Tuolumne River. The District boundaries include four cities (Modesto, Oakdale, Riverbank and Waterford); the unincorporated communities of Empire, Knights Ferry, Salida, and Valley Home; as well as the unincorporated areas within the northern portion of the County.

Sphere of Influence

The District’s Sphere of Influence is coterminous with its current boundaries.

Personnel

There are currently 17 employees in the District.

Services

The District provides mosquito surveillance and monitoring programs, conducts studies, and prevents the spread of mosquitoes and mosquito-borne diseases. The District staff conducts inspections, and apply appropriate products to control mosquito production in designated zones and directs the aerial services to complement their ground control operations.

The District conducts public education and outreach within the community. The District has biosafety level 2 laboratory on site that assists in identifying mosquito species and sampling those responsible for transmitting diseases for virus testing. The District collaborates with the State Department of Public Health, University of California and other mosquito abatement agencies under Mosquito and Vector Control Association of California (MVCAC) and others to achieve the goals East Side Mosquito Abatement District.

Support Agencies

The District maintains a positive collaborative relationship with other local, state and federal agencies, as necessary. These agencies include: the cities within the District boundaries (Modesto, Oakdale, Riverbank and Waterford); Irrigation Districts, Fire Districts; County Public Works and Environmental Resources Departments; County Agricultural Commissioner; County West Nile Task Force; UC Davis Cooperative Extension; California Department of Public Health; California Department of Fish & Wildlife; USDA Natural Resources Conservation Service; and the US Fish & Wildlife Service. The District also works with bordering Mosquito Abatement Districts (Turlock, Merced and San Joaquin).

Funding Sources

The District is allocated its share of the County's property tax revenue.

Service Review Determinations – East Side Mosquito Abatement District

The following are determinations related to the seven factors required by Section 56430 for a Municipal Service Review for the East Side Mosquito Abatement District:

1. Growth and Population Projections for the Affected Area

The Stanislaus Council of Governments (StanCOG) recently released a regional growth forecast, projecting the population for the County and 9 cities. Based on StanCOG's forecast, the area of the County covered by the East Side Mosquito Abatement District could experience an estimated increase in population of up to 12% (or 67,374 additional persons) by the year 2035.

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

There are a number of areas which could meet the definition of "disadvantaged unincorporated community" within the Sphere of Influence of the East Side Mosquito Abatement District. However, the existence of these communities does not impact the District's ability to provide services, nor do the District's services impact the status of these communities as "disadvantaged".

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

The District has identified that it has both the ability and capacity to serve its service area, and has no unmet infrastructure needs or deficiencies. The District has adequate staff and equipment to provide efficient and effective services to its residents. The District's supplies, equipment, vehicles, aircraft, and facilities are sufficient and well maintained to serve its residents.

4. Financial Ability of Agencies to Provide Services

The District has the necessary financial resources to fund consistent levels of service within the District's boundaries. The District has a budget of approximately \$3.1 million for fiscal year 2022-2023. The District participates in the pooled Worker's Compensation Program with California Special District Association/Special District Management Authority (SDRMA) for shared insurance to reduce costs. The District does not charge user fees, but may charge service fees to businesses, farms, golf clubs, parks and individuals to help defray the cost of mosquito abatement on a case-by-case basis. The District receives the majority of its funding through levied property taxes collected by Stanislaus County. The District's revenue relies on property taxes which varies with property values. The District has stated that there is a need to incorporate a benefit assessment to improve its revenue stream.

5. Status of, and Opportunities for, Shared Facilities

The District owns and operates two airplanes for spraying of mosquitoes. The use of aerial spraying is a valuable resource allowing the District to cover a significant amount of ground to both long-term larvicides, which controls immature stages of mosquitoes, and spraying adulticides, which targets adult mosquitoes as necessary.

The District shares facilities with other agencies who are part of the Mosquito and Vector Control Association of California (MVCAC). The District reviews new opportunities to continue these efforts. The District offers its services (staff, equipment, and expertise) in order to educate the community about mosquitoes and other insects. This allows the District to maximize its resources and be proactive towards abatement.

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

The District's Trustees are appointed by the County Board of Supervisors and are residents of the northern portion of the County. The District holds regular meetings on a monthly basis, which are open to the public and subject to the Brown Act. The District also maintains a website with information regarding its services, West Nile Virus, and contact information. The District recently modernized its website to provide a more user-friendly interface for the public.

In the past, there were discussions regarding the consolidation of the two Districts. The conclusion was that consolidation would not produce any sizeable efficiencies or savings. In part, this is due to the size of the County, as multiple field offices would be required in either case.

The District was part of the 2021-2022 Stanislaus County Civil Grand Jury (SCCGJ) report. The SCCGJ found that the District was in need of improving its community outreach, data gathering, and maintenance of its facilities. In particular, the report found that the District's website was in need of some improvements including organized board information and meeting minutes. The report also mentions that the District's laboratory was cluttered and lacked adequate storage space. The report indicates that the area could pose safety issues due the need for quick access to a fire extinguisher and eyewash station.

The SCCGJ report provided a list of recommendations for the District. The recommendations include modernizing field work through use of electronic tablets or laptop computers to gather data, updating the website with information discussed in the report's findings and including a service request form on the website, and better organization of the laboratory.

The District submitted a detailed response to the 2022-2023 SCCGJ. The District has addressed the report's findings and has improved its modernization of data gathering, revamped its website, and is now utilizing a more functional laboratory.

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

None.

Municipal Service Review - Turlock Mosquito Abatement District

Authority

The District is a “single purpose special district” organized as a “Mosquito Abatement District”, under Chapter 1, Division 3 of the Health and Safety Code (commencing with Section 2000). Under the code, the District has the authority to conduct effective programs for the surveillance, prevention, abatement, and control of mosquitoes and other vectors. The specific powers that the District may exercise are:

- Conduct surveillance programs and other appropriate studies of vectors and vectorborne diseases.
- Take any and all necessary or proper actions to prevent the occurrence of vectors and vectorborne diseases.
- Take any and all necessary or proper actions to abate or control vectors and vector borne diseases.
- Take any and all actions necessary for or incidental to the powers granted by Chapter 1, Division 3 of the Health and Safety Code (Section 2000 et. seq.).

The District may also levy special benefit assessments to raise revenues if there are inadequate revenues to meet the costs of providing facilities, programs, projects, and services (including vector control projects or programs).

Formation

The Turlock Mosquito Abatement District was formed on January 28, 1946, to control mosquitoes.

Purpose

The primary goal of the District is to control mosquitoes to protect the public health and safety. The control of mosquitoes enhances the public’s quality of life, as it greatly reduces the threat of mosquito borne diseases to people and animals, as well as reduces the annoyance that is created by mosquito feeding activities.

Governance

The District is governed by a Board of Trustees, consisting of residents appointed by the city councils of five member cities (Ceres, Hughson, Newman, Patterson, and Turlock) and three members appointed by the Board of Supervisors. Meetings are held on the third Monday of each month at 7:00 p.m. at the District offices, located at 4412 North Washington Road, Turlock.

Location and Size

The Turlock Mosquito Abatement District territory includes the southern portion of Stanislaus County, south of the Tuolumne River and encompasses approximately 966 square miles. The District boundaries include five cities (Ceres, Hughson, Newman, Patterson, and Turlock) in addition to unincorporated areas within the southern portion of the County.

Sphere of Influence

The District's Sphere of Influence is coterminous with its current boundaries.

Personnel

There are currently 13 full time and 6 seasonal employees in the District.

Services

The District provides mosquito control services within its service area based upon an "integrated approach" to insect pest management. The components of this approach are: source reduction, physical control, chemical control and public education. The primary components for long-term mosquito control are source reduction and public education. Short-term control measures used to reduce mosquito population include biological control followed by chemical control.

Mosquito control is accomplished primarily by spraying. The District also offers "mosquito fish" to residents at no charge to put in ponds and other water bodies for the natural control of mosquitoes. Occasionally, the District contracts for aerial spraying services.

Support Agencies

The District maintains a positive collaborative relationship with other local, state and federal agencies, as necessary. Some of these agencies include: local city departments served by the District (Ceres, Hughson, Newman, Patterson, and Turlock); Irrigation Districts, County Department of Environmental Resources; County Public Works; County Agricultural Commissioner; County West Nile Virus Task Force; UC Davis Cooperative Extension; California Department of Public Health; California Department of Fish & Wildlife; USDA Natural Resources Conservation Service; Army Corps of Engineers; and the US Fish & Wildlife Service.

The District also works with bordering Mosquito Abatement Districts (East Side, Merced and San Joaquin). For example, the District often coordinates its control efforts with Merced due to bordering wetland areas.

Funding Sources

The District receives a portion of the shared property tax revenues from Stanislaus County. to the District also collects a special tax assessment as outlined in the Turlock Mosquito Abatement District Board of Trustees Resolution 5-81, which has remained the unchanged for at least 10 years. According to the District's 2022-2023 Budget, it is estimated that the District will generate approximately \$380,000 in additional revenue from its special tax for the fiscal year.

Service Review Determinations – Turlock Mosquito Abatement District

The following are determinations related to the seven factors required by Section 56430 for a Municipal Service Review for the Turlock Mosquito Abatement District:

1. Growth and Population Projections for the Affected Area

The Stanislaus Council of Governments (StanCOG) recently released a regional growth forecast, projecting the population for the County and 9 cities. Based on StanCOG's forecast, the area of the County covered by the Turlock Mosquito Abatement District could experience an estimated increase in population of up to 40% (or 86,920 additional persons) by the year 2030.

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

There are a number of areas which could meet the definition of "disadvantaged unincorporated community" within the Sphere of Influence of the Turlock Mosquito Abatement District. However, the existence of these communities does not impact the District's ability to provide services, nor do the District's services impact the status of these communities as "disadvantaged".

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

At the present time, the District has both the ability and the capacity to serve its service area, and has no unmet infrastructure needs or deficiencies. The District has adequate staff and equipment to provide efficient and effective services to its residents. The District's equipment, vehicles and facilities appear to be sufficient and well maintained.

4. Financial Ability of Agencies to Provide Services

The District appears to have the necessary financial resources to fund adequate levels of service within the District's boundaries. The District receives revenues from property taxes collected by Stanislaus County, a special tax that was approved in 1981 and pass-thru revenues. The District does not charge user fees, but may charge service fees to businesses, farms, golf clubs, parks, and individuals to help defray the cost of mosquito control on a case-by-case basis. The District participates in the pooled Worker's Compensation Program with the Vector Control Joint Powers Agency for shared insurance to reduce costs.

5. Status of, and Opportunities for, Shared Facilities

The District shares facilities with other agencies as necessary and continually reviews new opportunities to continue these efforts. For example, the District may, on a short-term basis, offer its services (staff, equipment, and expertise) to control other pests and insects that could invade the region in order to maximize the availability of local resources.

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

The Turlock Mosquito District's Trustees are appointed by local jurisdictions within the District boundaries. The District holds regular meetings on a monthly basis, which are open to the public and subject to the Brown Act. The District recently redesigned its website that now includes agendas, minutes, the District's current budget, and a variety of informational documents. Additionally, the public is able to make requests for service and make reports online.

In the past, there have been discussions regarding the consolidation of the two Districts, with the conclusion that consolidation would not produce any sizeable efficiencies or savings. According to the Turlock Mosquito Abatement District (TMAD), moving forward, re-visiting this discussion may be appropriate considering the rapidly changing environment of mosquito control in California. The necessity of multiple field offices was provided in the past as an example of a lack of financial savings; yet, most county-wide mosquito abatement districts have multiple field offices and tend to be the norm, not the exception. Following the 2015 Stanislaus County Grand Jury (SCCGJ) investigation and report, the TMAD Board concluded there may be significant benefit to the public by having one uniform district provide the same standard of service throughout the County and could certainly provide benefits in terms of operations efficiencies. As invasive mosquitoes, such as *Aedes aegypti*, enter the region, having a consistent and uniform approach to combating these issues and reducing the communication and management complexities may certainly provide advantageous benefits to the public, both financial and service related.

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

None.

Sphere of Influence Update

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

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

The following determinations are made consistent with Government Code Section 56425 and local Commission policy for the East Side and Turlock Mosquito Abatement Districts.

Sphere of Influence Update Determinations East Side Mosquito Abatement District

The following determinations for the East Side Mosquito Abatement District's Sphere of Influence update are made in conformance with Government Code Section 56425 and local Commission policy.

Determinations

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

The District's boundaries and Sphere of Influence encompass approximately 555 square miles, serving the northern portion of Stanislaus County, north of the Tuolumne River. The District includes the four cities of Modesto, Oakdale, Riverbank, and Waterford, and the unincorporated areas within the northern portion of the County. The District's Sphere of Influence is coterminous with its boundaries.

Territory within the District's boundaries consists of rural and urbanized areas including agricultural, residential, commercial, industrial, and open space land uses. While some areas are projected to experience more development and growth than other areas, the need for mosquito abatement services will not diminish.

In addition, the District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land uses decisions within the District boundaries is retained by the County and the Cities of Modesto, Oakdale, Riverbank and Waterford.

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

The need for mosquito control is likely to increase as the population for the region increases. However, the continued existence of irrigation in agricultural uses and the preservation of wetland habitats actually promote the main developing ground for mosquitoes. Urban development can eliminate these types of areas and reduce the number of mosquitoes, yet, at the same time, preservation of wetlands and open space areas create the need for continued mosquito control.

There is also a need to monitor and ensure catch basins and drainage facilities constructed for urban development function properly to eliminate the need for potential standing water. Mosquito problems are particularly intense where there is a significant amount of standing water, such as in the agricultural areas (e.g. large irrigated areas), open space/wetland areas, and urban areas (storm drainage basins).

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

The District operates and maintains the following facilities and equipment: a truck shed, chemical building, air craft hanger, shop building, office building, on-site laboratory, two airplanes, spraying equipment and numerous fleet vehicles. The District also provides many services and programs, such as providing "mosquito fish" without cost to residents and public outreach programs regarding mosquito control and West Nile Virus.

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

There are no social and economic communities of interest affecting the District's ability to provide services to the communities within the District boundaries.

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

As the District does not provide services related to sewers, municipal and industrial water or structural fire protection, this factor is not applicable.

Sphere of Influence Update Determinations Turlock Mosquito Abatement District

The following determinations for the Turlock Mosquito Abatement District's Sphere of Influence update are made in conformance with Government Code Section 56425 and local Commission policy.

Determinations

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

The Turlock Mosquito Abatement District territory includes the southern portion of Stanislaus County, south of the Tuolumne River and encompasses approximately 966 square miles. The District boundaries also include five cities (Ceres, Hughson, Newman, Patterson, and Turlock) in addition to the unincorporated areas within the southern portion of the County. The District's Sphere of Influence is coterminous with its boundaries.

Territory within the District boundaries consists of rural and urbanized areas including agricultural, residential, commercial, industrial, and open space uses. While some areas are projected to experience more development and growth than other areas, the need for mosquito abatement services will not diminish.

In addition, the District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land uses decisions within the District boundaries is retained by the County and the Cities of Ceres, Hughson, Newman, Patterson, and Turlock.

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

In August 2019, *Ae. aegypti* (Yellow Fever mosquito) was first discovered by TMAD in Stanislaus County (Newman, CA). Since this initial discovery, *Ae. aegypti* has now been found in most areas of Stanislaus County. In fiscal year 2020-2021, the District purchased an A-1 Super Duty Mist Sprayer for use in conducting WALS (Wide Area Larvicide Spraying) treatments which have been found to be successful in controlling *Aedes aegypti*. District staff will continue to conduct surveillance throughout the District to detect if these mosquitoes have migrated into other areas and communities.

According to TMAD, local transmission of Dengue fever was found in Arizona in 2023, which was a first for the Western United States. Once these mosquitoes become established, local transmission of new diseases such as Dengue fever, Zika virus, and Yellow Fever becomes possible as individuals visit places endemic with these diseases and enter Stanislaus County. The Yellow Fever mosquito lives in close association with human beings - they can complete their entire life-cycle indoors. Control of these mosquitoes is very time and labor intensive. Public participation is needed in order to control the mosquito in neighborhoods long-term. This mosquito is most active during the day, unlike dusk and dawn, making chemical control of this mosquito very difficult.

With new species to control and the added complexities of climate change means that the need for District services has increased dramatically. To meet these new challenges, the District has spent the past few years identifying negligent property owners responsible for breeding the most mosquitoes and holding them accountable either through the abatement

process or by entering into a Memorandum of Understanding in which the property owner pays for the cost of mosquito control on their property.

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

The District operates and maintains the following facilities and equipment: shop building, office building, on-site laboratory, spray equipment, and vehicles. The District provides services and programs, in addition to its control efforts, such as providing “mosquito fish” without cost to residents and public outreach programs educating the public on the importance of mosquito control and West Nile Virus.

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

There are no social and economic communities of interest affecting the District’s ability to provide services to the communities within the District boundaries.

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

As the District does not provide services related to sewers, municipal and industrial water or structural fire protection, this factor is not applicable.

**APPENDIX “A”
DISTRICT SUMMARY PROFILE**

District:	EAST SIDE MOSQUITO ABATEMENT DISTRICT
Location:	2000 Santa Fe Avenue, Modesto, CA
Service Area:	Territory north of the Tuolumne River, within Stanislaus County
Square Miles:	Approximately 555 square miles
Population:	309,520*
Land Use:	Varied land uses from residential, commercial, industrial, agricultural lands and open space
Date of Formation:	June 26, 1939
Enabling Act:	Chapter 8, Division 3 of the Health and Safety Code, Section 2800 et seq.
Governing Body:	6 Board of Trustees appointed by the County Board of Supervisors
Personnel:	19 employees
District Services:	Mosquito Abatement
Total Budget:	Fiscal Year 2022-2023: \$3,117,238
Primary Revenue Sources:	Property Tax, Interest

* *Source:* Staff estimate using U.S. Census 2022 data

**APPENDIX “B”
DISTRICT SUMMARY PROFILE**

District:	TURLOCK MOSQUITO ABATEMENT DISTRICT
Location:	4412 N. Washington Road, Turlock, CA
Service Area:	Southern portion of Stanislaus County, south of the Tuolumne River
Square Miles:	Approximately 966 square miles
Population:	213,199*
Land Use:	Varied land uses from residential, commercial, industrial, agricultural lands and open space
Date of Formation:	January 28, 1946
Enabling Act:	Chapter 1, Division 3 of the Health and Safety Code Section 2000 et seq.
Governing Body:	8 Board of Trustees consisting of residents appointed by city councils of member cities (5) and the Board of Supervisors (3)
Personnel:	13 full time and 3 seasonal employees
District Services:	Mosquito Abatement
Total Budget:	Fiscal Year 2022-2023: \$2,815,800
Primary Revenue Sources:	Property Tax, Special Assessment, Service Fees

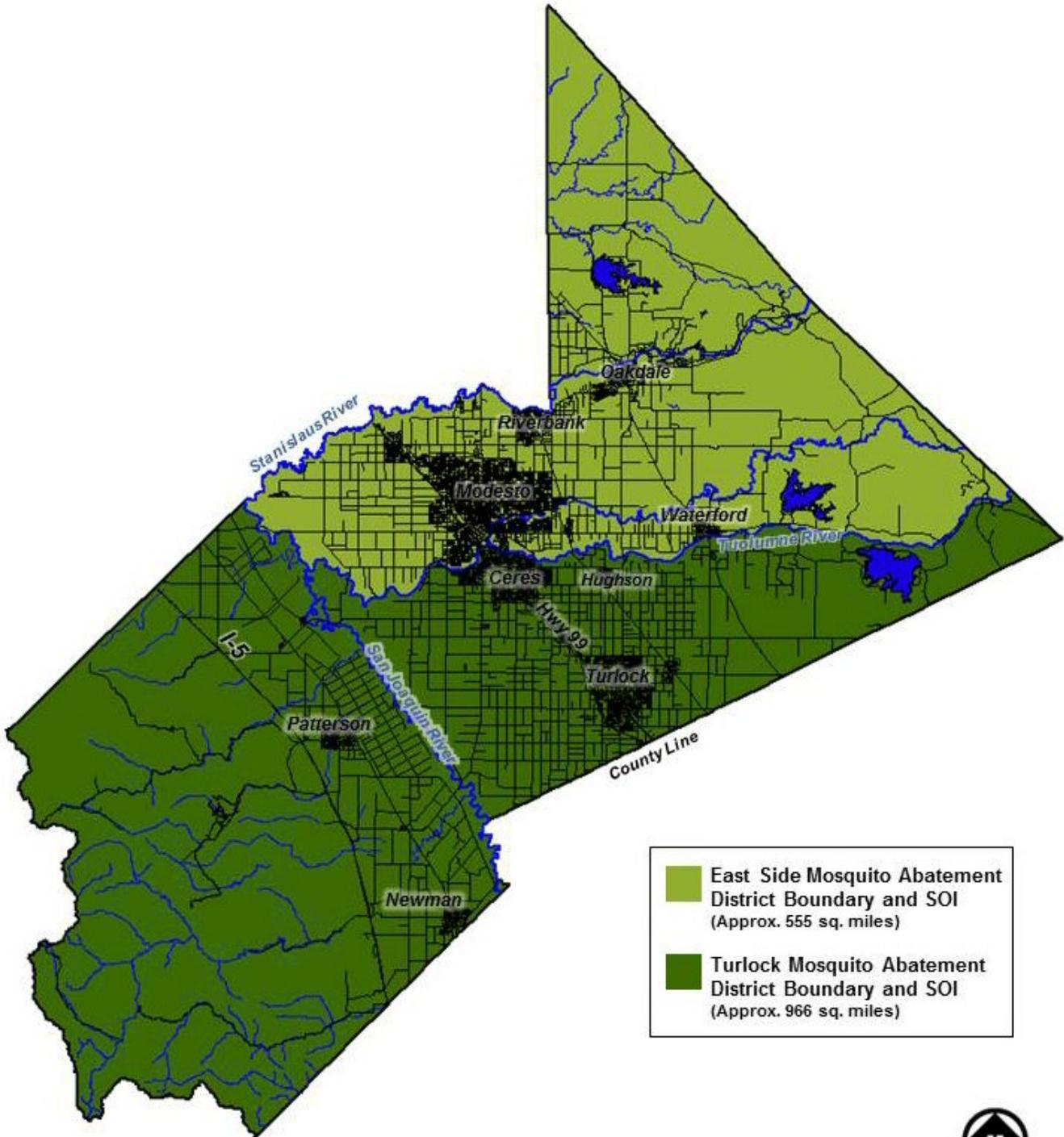
* Source: Staff estimate using U.S. Census 2022 data

APPENDIX “C”

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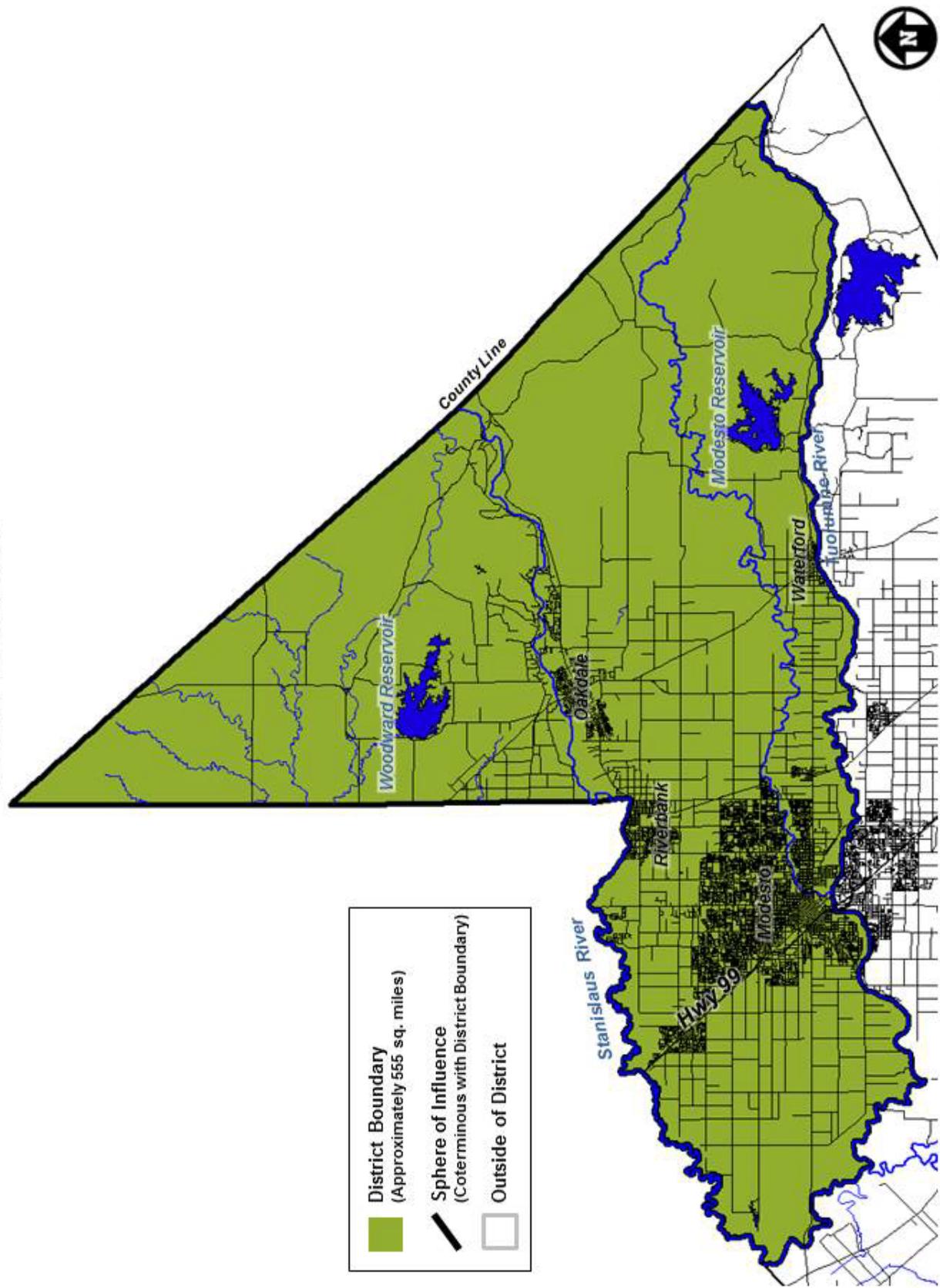
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5. Mosquito and Vector Control Association of California (MVCAC) Website (www.mvcac.org).
6. Stanislaus County 2021-2022 Civil Grand Jury Final Report. June 2022
7. Stanislaus County 2022-2023 Civil Grand Jury Final Report. June 2023
8. Stanislaus County West Nile Virus Taskforce. *West Nile Virus in Stanislaus County - 2005 Summary & 2006 Strategic Plan*. 2005.
9. Stanislaus LAFCO. *Executive Officer’s Agenda Report: Consideration and Adoption of Spheres of Influence for Priority Group 10: Mosquito Abatement Districts*. July 24, 1984.
10. Stanislaus LAFCO. *Municipal Service Review and Sphere of Influence Update for the East Side Mosquito Abatement District and Turlock Mosquito Abatement District*. September 26, 2018.
11. Turlock Mosquito Abatement District. *2019 Annual Report*.
12. Turlock Mosquito Abatement District. *District Budget 2022-2023*.
13. Turlock Mosquito Abatement District Website (www.mosquitoturlock.com).
14. United States Census Bureau. 2022.

Map 1: East Side & Turlock Mosquito Abatement Districts Spheres of Influence



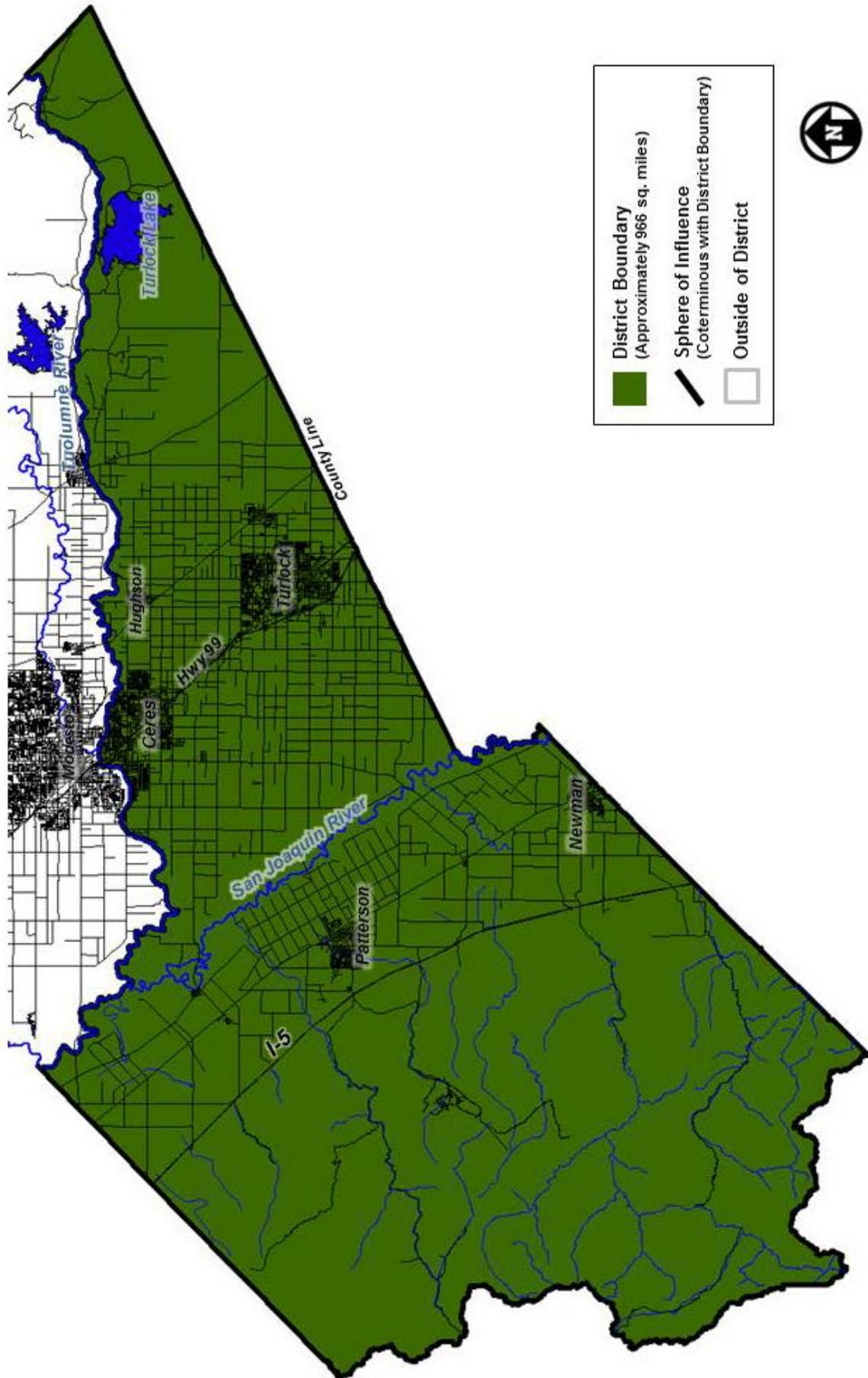
Source: LAFCO Files, County GIS, May 2018

**Map 2: East Side Mosquito Abatement District
Sphere of Influence**



Source: LAFCO Files, County GIS, May 2018

**Map 3: Turlock Mosquito Abatement District
Sphere of Influence**



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Exhibit 2

Resolution No. 2023-13

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**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: October 25, 2023

NO. 2023-13

SUBJECT: Municipal Service Review No. 2023-06 and Sphere of influence Update No 2023-06: East Side and Turlock Mosquito Abatement Districts

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

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, a Service Review mandated by California Government Code Section 56430 and a Sphere of Influence Update mandated by California Government Code Section 56425, has been conducted for the East Side and Turlock Mosquito Abatement Districts, in accordance with the Cortese-Knox-Hertzberg Reorganization Act of 2000;

WHEREAS, at the time and in the form and manner provided by law, the Executive Officer has given notice of the October 25, 2023 public hearing by this Commission on this matter;

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

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

WHEREAS, the Commission has duly considered the draft Municipal Service Review and Sphere of Influence Update on the East Side and Turlock Mosquito Abatement Districts and the determinations contained therein;

WHEREAS, the East Side and Turlock Mosquito Abatement Districts were established to provide mosquito abatement services within their boundaries;

WHEREAS, pursuant to Government Code Section 56425(i), the range of services provided by the East Side and Turlock Mosquito Abatement Districts are limited to those as identified above, and such range of services shall not be changed unless approved by this Commission; and

WHEREAS, no changes to the Districts' Spheres of Influence are proposed or contemplated through this review.

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

NOW, THEREFORE, BE IT RESOLVED by the Commission:

1. Certifies that the project is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.
2. Approves the Service Review prepared in compliance with State law and update of the East Side and Turlock Mosquito Abatement Districts' Spheres of Influence, and written determinations prepared by the Staff and contained herein.
3. Determines that except as otherwise stated, no new or different function or class of services shall be provided by the Districts, unless approved by the Commission.
4. Determines, based on presently existing evidence, facts, and circumstances filed and considered by the Commission, that the Spheres of Influence for the East Side and Turlock Mosquito Abatement Districts should be affirmed as they currently exist, as more specifically described on the maps contained within the Service Review document.
5. Directs the Executive Officer to circulate this resolution depicting the adopted Sphere of Influence Update to all affected agencies, including the East Side and Turlock Mosquito Abatement Districts.

ATTEST: _____
Sara Lytle-Pinhey, Executive Officer

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

TO: LAFCO Commissioners

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

SUBJECT: Year-End Financial Report for Fiscal Year 2022-2023

RECOMMENDATION

Staff recommends that the Commission accept this informational report comparing budgeted and actual revenue and expenditures for Fiscal Year 2022-2023.

DISCUSSION

At the close of Fiscal Year 2022-2023, the Commission's revenues exceeded expenditures by \$20,582 and a drawdown of fund balance was not needed. Overall, the Commission expended 95% of the amount budgeted for the year. A summary of the expenditures and revenue is shown in Table 1, below.

Table 1: Fiscal Year 2022-2023 Summary

(Totals have been rounded)

<i>Expenditures</i>	Adopted Budget FY 22-23	Actuals (Year-End)	Difference	% of Budget
Salaries & Benefits	510,110	499,369	10,741	98%
Services & Supplies	82,170	62,909	19,261	77%
Other Charges	1,200	555	645	46%
Total Expenditures	593,480	562,833	30,647	95%
<i>Revenues</i>				
Agency Contributions	553,480	553,480	0	100%
Applications	20,000	23,000	(3,000)	115%
Interest Earnings	-	6,935	(6,935)	-
Total Revenue	573,480	583,415	(9,935)	102%
<i>Anticipated Use of Fund Balance</i>	<i>20,000</i>			

Revenue Less Expenditures (20,582)

Expenditures

The Commission uses three expense categories: Salaries and Benefits, Services and Supplies, and Other Charges. Overall, expenses trended lower than budgeted. Details of the individual accounts are attached to this report. The following are highlights within each of these categories:

Salaries and Benefits

At the end of the fiscal year, the Salaries and Benefits category had expenditures of \$499,369,

**EXECUTIVE OFFICER'S AGENDA REPORT
OCTOBER 25, 2023
PAGE 2**

representing 98% of the amount budgeted in this category. Both the Retirement and Health Insurance accounts saw savings, as rates did not increase as high as originally anticipated during adoption of the budget.

Services and Supplies

Expenditures in the Services and Supplies category accounted for 77% of the amount budgeted. The Commission had savings in the Commission Expense accounts due to the reduced number of meetings during the year. Savings were also seen in the Education & Training accounts, due to additional offerings of free, online trainings from our membership organizations.

Other Charges

The Other Charges category consists of one account: "Planning Department Services" for shared use of a copier. Staff continues to strive to use reduced paper copies where possible.

Revenue

Overall, the Commission received \$583,415 in revenue, or \$9,935 above what was anticipated. This was as a result of application revenues and interest earnings that are not typically budgeted for.

CONCLUSION

At the close of Fiscal Year 2022-2023, the anticipated fund balance was not needed to offset expenditures as originally estimated. A fund balance analysis including assignment of reserves and use of undesignated fund balance continue to be factored in during preparation of the next year's budget.

Attachment: Fiscal Year 2022-2023 Expenditures and Revenues Detail

Stanislaus LAFCO
Fiscal Year 2022-2023 Expenditures and Revenues

(Totals have been rounded)

EXPENDITURES

Account	FY 22-23 ADOPTED BUDGET	ACTUALS (YEAR-END)	DIFFERENCE	%
				EXPENDED
Salaries and Benefits				
50000+ Salaries and wages	313,905	316,208	(2,303)	101%
52000 Retirement	98,500	90,777	7,723	92%
52010 FICA	23,175	24,035	(860)	104%
53000 Group health insurance	61,080	58,270	2,810	95%
53020 Unemployment insurance	460	450	10	98%
53051 Benefits admin fee	200	-	200	0%
53081 Long term disability	407	402	5	99%
54000 Workers compensation insurance	1,330	1,327	3	100%
55000 Auto allowance	4,200	2,409	1,791	57%
55080 Professional development	2,500	1,062	1,438	42%
55130 Deferred comp mgmt/conf	4,353	4,429	(76)	102%
Total Salaries and Benefits	510,110	499,369	10,741	98%
Services and Supplies				
60400 Communications (ITC - Telecom)	1,065	1,152	(87)	108%
61000 Insurance (SDRMA)	4,950	4,810	140	97%
61030 Fiduciary liability insurance	65	46	19	71%
62200 Memberships (CSDA, CALAFCO)	10,990	10,431	559	95%
62400 Miscellaneous expense	3,000	-	3,000	0%
62450 Indirect costs (A87 roll forward)	(1,805)	(1,809)	4	100%
62600 Office supplies	1,500	754	746	50%
62730 Postage	1,200	280	920	23%
62750 Other mail room expense	350	153	197	44%
63000 Prof & special serv (office, utilities, HR, etc)	14,940	15,156	(216)	101%
63090 Auditing & accounting	2,040	1,919	121	94%
63400 Engineering services	2,000	-	2,000	0%
63640 Legal services	12,000	11,158	842	93%
63990+ Outside data proc services (IT & GIS Lic)	15,525	14,422	1,103	93%
65000 Publications & legal notices	1,200	570	630	47%
65780 Education & training	6,000	1,076	4,924	18%
65810 Other supportive services (messenger)	315	79	236	25%
65890 Commission expense (stipends, training)	6,100	2,325	3,775	38%
67040 Other travel expenses (mileage)	600	208	392	35%
67201 Salvage disposal	135	179	(44)	133%
Total Services and Supplies	82,170	62,909	19,261	77%
Other Charges				
73024 Planning dept services	1,200	555	645	46%
Total Other Charges	1,200	555	645	46%
TOTAL EXPENDITURES	593,480	562,833	30,647	95%

REVENUES

Account	FY 22-23 ADOPTED BUDGET	ACTUALS (YEAR-END)	DIFFERENCE	% REALIZED
40680+ Agency Contributions	553,480	553,480	-	100%
36414 Application & Other Revenues	20,000	23,000	(3,000)	115%
17000+ Interest Earnings	-	6,935	(6,935)	-
TOTAL REVENUE	573,480	583,415	(9,935)	102%
<i>Anticipated Drawdown of Fund Balance</i>	<i>20,000</i>			
Revenues Less Expenditures		20,582		

MEMORANDUM

DATE: October 25, 2023
TO: LAFCO Commissioners
FROM: Sara Lytle-Pinhey, Executive Officer *SLP*
SUBJECT: **Results of the Protest Hearing and Approval of Impartial Analysis for the Zacharias-Baldwin Master Plan Reorganization to the City of Patterson**

RECOMMENDATION

It is recommended that the Commission direct the Executive Officer to submit an impartial analysis for an election to be called by the City of Patterson for the Zacharias-Baldwin Master Plan Reorganization to the City of Patterson and authorize the Executive Officer to make non-substantial changes, as necessary, to the impartial analysis.

DISCUSSION

On July 26, 2023, the Commission adopted Resolution 2023-08, approving the Zacharias-Baldwin Master Plan Reorganization to the City of Patterson and directing the Executive Officer to initiate protest proceedings. The Commission previously delegated the conduct of protest hearings (also referred to as “conducting authority proceedings”) to the Executive Officer, pursuant to Government Code Section 57000(c). The Executive Officer held a protest hearing on September 20, 2023, following the required notice period. The protest hearing process allows an opportunity for landowners and registered voters within the affected territory to submit protests via mail or in-person prior to close of the hearing.

Pursuant to Government Code Section 57091(a)(1), there are three potential outcomes following a protest hearing:

- If a majority of registered voters within the territory protest, the proposal is terminated.
- If at least 25% (but less than 50%) of registered voters protest, the proposal is subject to an election. Or if at least 25% of landowners (who also own at least 25% of the assessed value of land) protest, the proposal is subject to an election.
- If neither of the above scenarios occur, the proposal is ordered (as originally approved by the Commission).

Protests Received

Staff received a total of 38 written protest forms for the proposal. Each of these forms was reviewed by LAFCO Staff, consistent with the requirements of the Cortese-Knox-Hertzberg Act which specifies the requirements for verification and valuation of protests. This process

includes verification of registered voter information with the County Elections Department and verification of landowner information with the current County Assessor Roll.

The following charts summarize the protests received:

Registered Voters – Written Protests

Total Registered Voters Residing Within the Annexation Area	40
Verified Protests Received	19
Percent of Registered Voters Protesting	47.50%

Landowners – Written Protests

Total Landowners Within the Annexation Area	38
Verified Protests Received	13.5
Percent of Landowners Protesting	35.53%
Percent of Assessed Value of Land	11.98%

As it has been determined that the number of registered voter protests exceeded 25%, but is less than a majority, the proposal is now subject to an election. The number of landowner protests also exceeded the 25% threshold; however, these protests accounted for less than 25% of assessed land value. Either the registered voter or landowner threshold can trigger an election on its own; therefore, the registered voter protest sufficiently warrants an election.

The Executive Officer has completed Conducting Authority Resolution No. 01-2023 (attached for the Commission’s information) noting the outcome of the protest hearing and need for an election. This information has been posted online and shared with the City of Patterson, who has been requested to call for an election that will determine the final outcome.

IMPARTIAL ANALYSIS

Once the City of Patterson calls for an election, the Commission has a very limited timeframe to review and submit an impartial analysis for the election. In order to ensure timely submittal and avoid the need for a special LAFCO meeting, Staff has prepared the following impartial analysis for the Commission’s review:

IMPARTIAL ANALYSIS FOR THE PROPOSED REORGANIZATION CONSISTING OF ANNEXATION TO THE CITY OF PATTERSON AND DETACHMENT FROM THE WEST STANISLAUS FIRE PROTECTION DISTRICT, WEST STANISLAUS IRRIGATION DISTRICT, PATTERSON IRRIGATION DISTRICT, AND DEL PUERTO WATER DISTRICT

This is a ballot measure to determine if registered voters within unincorporated areas north and south of the existing city limits of Patterson want to be annexed to the City of Patterson.

The proposed reorganization is known as the “Zacharias-Baldwin Master Plan Reorganization to the City of Patterson” and includes approximately 1,375 acres located in three areas: Area “A” is 1,279 acres generally located north of the City limits and south of Zacharias Road, west of Ward Avenue, and east of Rogers Road; Area “B” is

30 acres located south of Del Puerto Creek, west of Rogers Road, north of Zacharias Road and east of the Delta Mendota Canal; and Area "C" includes 66 acres located south of the City limits, west of Ward Avenue, contiguous to the Delta Mendota Canal. If approved by voters, the reorganization would result in annexation to the City of Patterson and simultaneous detachment from the West Stanislaus Fire Protection District, West Stanislaus Irrigation District, Patterson Irrigation District, and Del Puerto Water District. The proposal, as approved by the Local Agency Formation Commission, is subject to certain terms and conditions as specified in the order adopted on July 26, 2023.

A "Yes" vote means you are in favor of the annexation to the City of Patterson and detachment from the West Stanislaus Fire Protection District, West Stanislaus Irrigation District, Patterson Irrigation District, and Del Puerto Water District, commonly referred to as the Zacharias-Baldwin Master Plan Reorganization. Annexation will place the area under the local jurisdiction of the City of Patterson with responsibility for municipal services transferring from the County to the City. The territory would no longer be located within the boundaries of the West Stanislaus Fire Protection District, West Stanislaus Irrigation District, Patterson Irrigation District, and Del Puerto Water District. Specific questions regarding current City and/or District services, land use, taxes, assessments and charges should be directed to the City and/or District.

A "No" vote means you are opposed to the annexation to the City of Patterson and detachment from the West Stanislaus Fire Protection District, West Stanislaus Irrigation District, Patterson Irrigation District, and Del Puerto Water District, commonly referred to as the Zacharias-Baldwin Master Plan Reorganization. If the measure fails to receive a majority of votes cast, the reorganization will be terminated and the area will remain unincorporated and within the boundaries of the West Stanislaus Fire Protection District, West Stanislaus Irrigation District, Patterson Irrigation District, and Del Puerto Water District.

The above statement is an impartial analysis of Measure _____. If you desire a copy of Measure ____, please call the elections official's office at (209) ____-____ and a copy will be mailed at no cost to you.

RECOMMENDED COMMISSION ACTION

It is recommended that the Commission direct the Executive Officer to submit the impartial analysis for the election to be called by the City for the Zacharias-Baldwin Master Plan Reorganization to the City of Patterson and authorize the Executive Officer to make non-substantial changes, as necessary, to the impartial analysis.

Attachment: Conducting Authority Resolution No. 01-2023

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**STANISLAUS LAFCO CONDUCTING AUTHORITY
RESOLUTION NO. 01-2023**

**RESOLUTION OF THE EXECUTIVE OFFICER AS CONDUCTING AUTHORITY ORDERING
THE ZACHARIAS-BALDWIN MASTER PLAN REORGANIZATION TO THE CITY OF
PATTERSON SUBJECT TO CONFIRMATION BY VOTERS**

WHEREAS, the Stanislaus Local Agency Formation Commission (LAFCO), on July 26, 2023, adopted LAFCO Resolution 2023-08, approving the Zacharias-Baldwin Master Plan Reorganization to the City of Patterson with certain terms and conditions;

WHEREAS, the reorganization consists of annexation to the City of Patterson and simultaneous detachment from the West Stanislaus Fire Protection District, West Stanislaus Irrigation District, Patterson Irrigation District, and Del Puerto Water District;

WHEREAS, the Commission set forth the reasons for the proposal, made findings and determinations, including those required of the California Environmental Quality Act (CEQA), and approved terms and conditions of the reorganization as described in Exhibit A, LAFCO Resolution No. 2023-08;

WHEREAS, the affected boundaries of the reorganization include approximately 1,375 acres in three areas: Area "A" is 1,279 ac. generally located north of the City limits and south of Zacharias Road, west of Ward Avenue, and east of Rogers Road; Area "B" is 30 ac. located south of Del Puerto Creek, west of Rogers Road, north of Zacharias Road and east of the Delta Mendota Canal; and Area "C" includes 66 ac. located south of the City limits, west of Ward Avenue, contiguous to the Delta Mendota Canal, as shown in Exhibit B;

WHEREAS, the territory is inhabited and does not have 100% landowner consent;

WHEREAS, pursuant to Section 99 of the Revenue and Taxation Code, the area is subject to the master city-county tax sharing agreement;

WHEREAS, Government Code Section 56029 designates the Commission, as the conducting authority to conduct proceedings for the reorganization pursuant to Part 4 of Division 3 of the California Government Code commencing with Section 57000;

WHEREAS, pursuant to Government Code Section 57000(c), the Commission, on February 28, 2001, delegated all functions, duties, and responsibilities of the Commission as conducting authority to the Executive Officer;

WHEREAS, on July 26, 2023, the Commission adopted LAFCO Resolution No. 2023-08, making determinations, approving the proposal and directing the Executive Officer to complete protest proceedings;

WHEREAS, notice was given for the protest hearing, in the form and manner required by law, pursuant to Government Code Section 57025;

WHEREAS, pursuant to Government Code Section 57050, the Executive Officer has conducted the protest hearing for the reorganization on September 20, 2023 for the purpose of receiving written protests;

WHEREAS, following the conclusion of the hearing, the Executive Officer has determined

that the written protests received and not withdrawn have been submitted by at least twenty-five percent but less than fifty percent of the registered voters;

WHEREAS, a resolution ordering the reorganization subject to confirmation by registered voters is required pursuant to Part 4 of the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 commencing with Section 57000 of the Government Code.

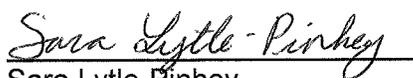
NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED, AND ORDERED by the Executive Officer of the Stanislaus Local Agency Formation Commission as follows:

1. The subject reorganization is hereby ordered subject to the confirmation of the registered voters residing within the affected territory.
2. The reorganization is subject to the terms and conditions contained in LAFCO Resolution No. 2023-08, attached hereto as Exhibit A; and the boundaries are further described on the map and legal description, attached hereto as Exhibit B.
3. The regular County assessment roll will be utilized.
4. No existing bonded indebtedness shall be affected by this change of organization.
5. Pursuant to Government Code Section 57118(d), the election shall be held within the territory subject to the reorganization.
6. The question to be submitted at the election called shall be in substantially the following form:

Shall the order be confirmed that was adopted on July 26, 2023 by the Stanislaus Local Agency Formation Commission ordering a reorganization consisting of annexation to the City of Patterson and detachment from the West Stanislaus Fire Protection District, West Stanislaus Irrigation District, Patterson Irrigation District, and Del Puerto Water District, subject to the terms and conditions specified in the order?

7. If a majority of votes cast upon the question are in favor of the reorganization, the reorganization shall be confirmed and ordered and a Certificate of Completion for the reorganization shall be filed in the manner stated in Government Code Section 57000 et. seq., upon satisfaction of the terms and conditions set forth in LAFCO Resolution 2023-08.

BE IT FURTHER RESOLVED that pursuant to Government Code section 57000(d), the Executive Officer shall inform the City of Patterson that a determination has been made that will require an election be conducted and request the City to direct the elections official to conduct the necessary election.


Sara Lytle-Pinhey
Executive Officer, Stanislaus LAFCO

10/4/2023
Date

Exhibit A: LAFCO Resolution No. 2023-08
Exhibit B: Map of Affected Area

**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: July 26, 2023

NO. 2023-08

**SUBJECT: MUNICIPAL SERVICE REVIEW NO. 2023-02, SPHERE OF INFLUENCE
MODIFICATION NO. 2023-02, AND LAFCO APPLICATION NO. 2023-01-
ZACHARIAS-BALDWIN MASTER PLAN REORGANIZATION TO THE CITY OF
PATTERSON**

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

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, the City of Patterson has requested their Sphere of Influence be modified to include additional territory of approximately 1,221 acres north and south of the City Limits;

WHEREAS, the City of Patterson has requested to concurrently annex 1,375 acres to the City and simultaneously detach the territory from the Del Puerto Water District, Patterson Irrigation District, West Stanislaus Irrigation District and West Stanislaus Fire Protection District;

WHEREAS, the City of Patterson approved a Resolution of Application and rezoned the subject territory;

WHEREAS, there are more than twelve (12) registered voters within the area and it is thus considered inhabited;

WHEREAS, California Government Code Section 56430 requires the Commission to conduct a municipal service review before, or in conjunction with, but no later than the time it is considering an action to update a Sphere of Influence;

WHEREAS, a Municipal Service Review has been conducted in accordance with California Government Code Section 56430;

WHEREAS, the Municipal Service Review is an informational document and its adoption is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15306, Class 6 (Information Collection) of the State CEQA Guidelines;

WHEREAS, proceedings for adoption and amendment of a Sphere of Influence are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 et seq. of the Government Code;

WHEREAS, the City of Patterson, as Lead Agency, has prepared the environmental documentation and has certified a Final Environmental Impact Report for the proposal, in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines;

WHEREAS, the City of Patterson shall be responsible for mitigation monitoring and reporting to ensure CEQA compliance;

WHEREAS, the City of Patterson has determined that there are impacts, which could not be mitigated to acceptable levels and adopted CEQA Findings of Fact and Statement of Overriding Considerations, as put forth in the City of Patterson Resolution No. 2022-62;

WHEREAS, the Commission has reviewed the environmental documentation prepared by the City of Patterson, including the Final Environmental Impact Report and Statement of Overriding Considerations, and has not identified any feasible mitigation measures that would substantially lessen the identified impacts of the proposal;

WHEREAS, there are two active Williamson Act Contracts (No. 78-3549 & No. 88-4156) within the proposal area which were protested by the City of Patterson and upheld by LAFCO;

WHEREAS, pursuant to Government Code Section 56856.5(c), the Commission may approve a reorganization that would result in the annexation of Williamson Act lands when it makes a specific finding;

WHEREAS, the City of Patterson is exercising its option to not succeed to the rights, duties, and powers of the County under the contracts as set forth in Government Code section 51243.5(d)2;

WHEREAS, the Commission has reviewed the Plan for Agricultural Preservation submitted by the City with this proposal which provides information regarding impacts to agricultural lands and the City's strategy to minimize the loss of agricultural lands;

WHEREAS, pursuant to Government Code Section 56425, City and County representatives met to discuss the proposed Sphere of Influence and its boundaries, and the resulting agreement has been considered with great weight by the Commission;

WHEREAS, the Commission conducted a duly noticed public hearing on July 26, 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 Commission has, in evaluating the proposal, considered the report submitted by the Executive Officer, the factors set forth in Section 56668 of the California Government Code and testimony and evidence presented at the meeting held on July 26, 2023.

NOW, THEREFORE, BE IT RESOLVED that this Commission:

1. Acting as a "Responsible Agency" pursuant to CEQA Guidelines Sections 15051, 15052, 15096, and 15391, the Commission has reviewed and considered the Final Environmental Impact Report (SCH # 2018122052) for the City of Patterson's Zacharias-Baldwin Master Plan proposal; adopts the same findings regarding the environmental impacts of the proposal and the statement of overriding considerations, all as approved and adopted by the City of Patterson acting as the "Lead Agency" and put forth in

Patterson City Council Resolution No. 2022-62; and additionally makes the following findings:

- A. As a "Responsible Agency", Stanislaus LAFCO has independently evaluated the City's certified EIR, and has complied with all actions and guidelines pursuant to CEQA Guidelines Section 15096(a-i), and has reached an independent conclusion that determines the EIR adequately addresses the potential impacts related to the proposal that the Stanislaus LAFCO has been asked to approve;
 - B. On the basis of substantial evidence in light of the whole record, none of the conditions identified in the CEQA Guidelines Section 15052 have occurred that would necessitate LAFCO assuming the role of Lead Agency from the City of Patterson;
 - C. On the basis of substantial evidence in light of the whole record, none of the conditions identified in CEQA Guidelines Section 15162 or 15163 have occurred that would necessitate preparation of a Subsequent EIR or Supplemental EIR as certified by the City of Patterson;
 - D. On the basis of substantial evidence in light of the whole record, in compliance with CEQA Guidelines Section 15096(g)(2), that there are no feasible alternatives to the proposal or feasible mitigation measures within the Stanislaus LAFCO's powers that would substantially lessen or avoid any significant effect the proposal would have on the environment;
 - E. On the basis of substantial evidence in light of the whole record, in compliance with CEQA Guidelines Section 15096(h), that the Stanislaus LAFCO, as a "Responsible Agency" adopts the same findings put forth in Patterson City Council Resolution No. 2012-52, as required by Section 15091(a) for each significant effect of the proposal and makes the findings in Section 15093 as necessary, adopts the same Statement of Overriding Considerations, also contained in said referenced Resolution No. 2022-62, and to further require the filing of a Notice of Determination in compliance with CEQA Guidelines Section 15096(i); and,
 - F. The City of Patterson shall be responsible for the Mitigation Monitoring and Reporting Program, all as approved and adopted by the City to ensure CEQA Compliance.
2. Determines that the preparation and adoption of the City of Patterson Municipal Service Review is categorically exempt from environmental review pursuant to Article 19, Section 15306, Class 6 (Information Collection) of the CEQA Guidelines.
 3. Adopts the Municipal Service Review and Sphere of Influence document prepared for the City of Patterson in accordance with Government Code Sections 56430 and 56425 and makes the determinations being incorporated by reference herein as though set forth in full.
 4. Finds that the Sphere of Influence modification would create a logical boundary and would facilitate planned, orderly, and efficient patterns of land use or provision of services.

5. Determines the adoption of the Sphere of Influence Modification for the City of Patterson is consistent with the City's General Plan land use designations, and with the Spheres of Influence of other service providers in the area.
6. Adopts the Sphere of Influence Modification (expansion) as proposed by the City of Patterson, coterminous with the annexation boundary and designates the entirety of the expanded Sphere of Influence as Primary Area, included hereto as Attachment 1.
7. Determines that the Plan for Agricultural Preservation, as submitted by the City, contains sufficient evidence demonstrating consistency with the goals of the Commission's Agricultural Preservation Policy.
8. Determines that: (a) the approval of the modified Sphere of Influence is consistent with overall Commission policies and the City's General Plan; (b) consistent with Government Code Section 56426.6 addressing Williamson Act lands, approval of the proposal will result in planned, orderly and efficient development of the area; and (c) the City has provided sufficient evidence to show that the required services are available and will be provided upon development of the area.
9. Finds, pursuant to Government Code Section 56856.5, that the reorganization of the "Zacharias-Baldwin Master Plan" area is appropriate to provide necessary urban services to a planned, well-ordered, and efficient urban development pattern by the City of Patterson, whose adopted plans and policies includes appropriate consideration for the preservation of open space lands within those urban development patterns upon annexation.
10. Approves the proposal subject to the following terms and conditions:
 - A. The applicant shall pay State Board of Equalization fees and 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 brought against any of them, the purpose of which is to attack, set aside, void, or annul LAFCO's action on a proposal or any action relating to or arising out of such approval, and provide for the reimbursement or assumption of all legal costs in connection with that approval.
 - C. The effective date shall be the date of recordation of the Certificate of Completion.
 - D. The application shall be processed as a reorganization consisting of the annexation of territory to the City of Patterson and detachment from the Del Puerto Water District, Patterson Irrigation District, West Stanislaus Irrigation District, and West Stanislaus Fire Protection District.
 - E. Upon the effective date of the annexation, all rights, title, and interest of the County, including the underlying fee where owned by the County in any and all public improvements, including, but no limited to the following: sidewalks, trails, landscaped areas, open space, street lights, signals, bridges, storm drains, and pipes shall vest in the City; except for those properties to be retained by the County.

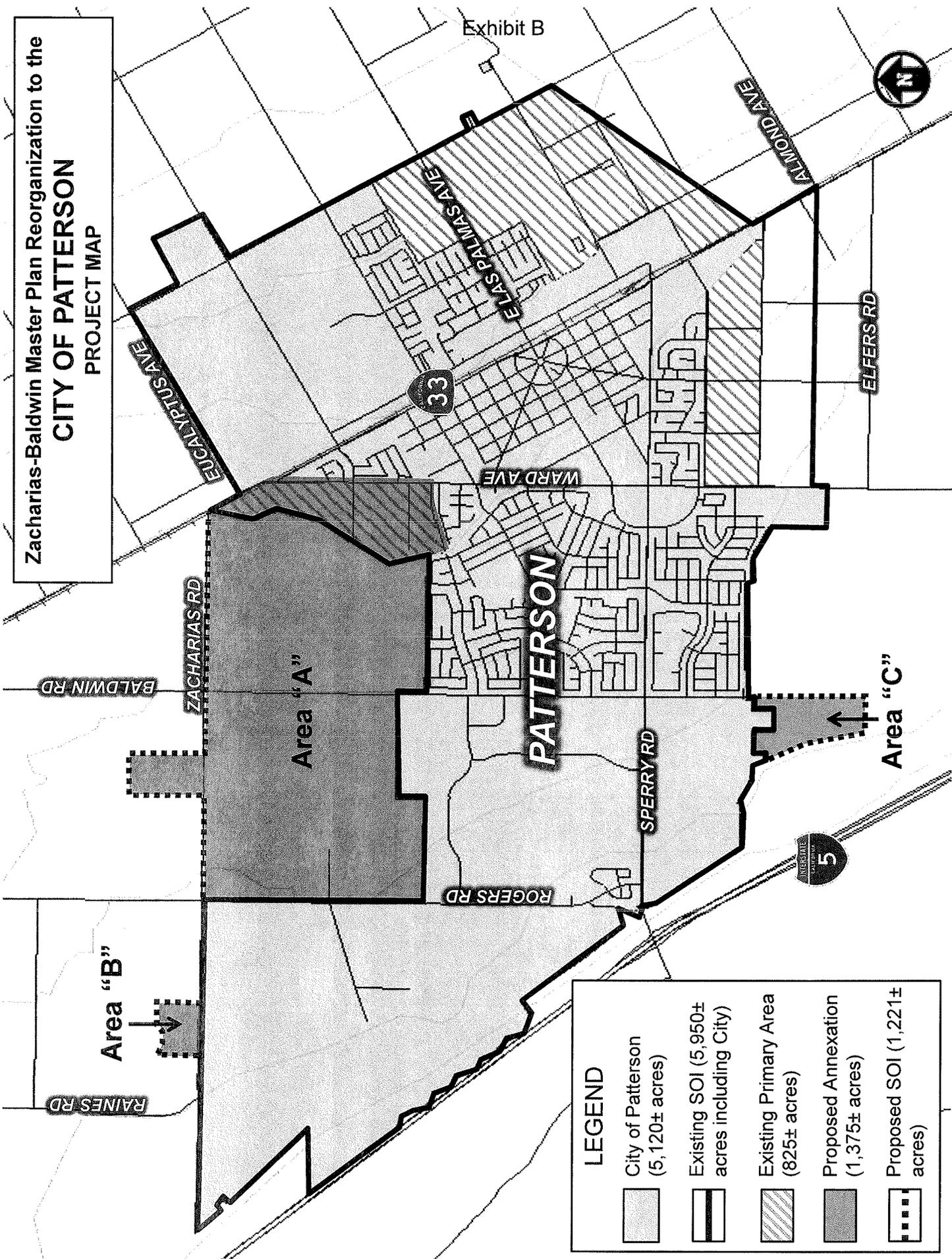
11. Designates the proposal as the "Zacharias-Baldwin Master Plan Reorganization to the City of Patterson."
12. Designates the Commission as conducting authority pursuant to Government Code Section 56029 for the reorganization.
13. Authorizes and directs the Executive Officer, pursuant to Government Code Section 56881(d), to initiate the protest proceedings for the reorganization pursuant to Part 4, commencing with Section 57000, in compliance with this Resolution and upon receipt of a map and legal description accepted to form by the Executive Officer.

ATTEST: 
Sara Lytle-Pinhey
Executive Officer

Attachment: Sphere of Influence Map

Zacharias-Baldwin Master Plan Reorganization to the
CITY OF PATTERSON
 PROJECT MAP

Exhibit B



LEGEND	
	City of Patterson (5,120± acres)
	Existing SOI (5,950± acres including City)
	Existing Primary Area (825± acres)
	Proposed Annexation (1,375± acres)
	Proposed SOI (1,221± acres)