

RESOLUTION NO. MSR-16-2

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

In the Matter of

LAFCo Determination

RESOLUTION MAKING DETERMINATIONS)	MADE DETERMINATIONS AND
AND ADOPTING MUNICIPAL SERVICE)	ADOPTED MUNICIPAL SERVICE
REVIEW AND MAKING DETERMINATIONS)	REVIEW; MADE DETERMINATIONS
AND UPDATING SPHERE OF INFLUENCE)	AND UPDATED SPHERE OF
FOR THE FIREBAUGH CANAL WATER)	INFLUENCE FOR THE FIREBAUGH
DISTRICT)	CANAL WATER DISTRICT

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56425 et. Seq.) the Fresno Local Agency Formation Commission is required to review and update, as necessary, Spheres of Influence of local agencies not less than once every five years; and

WHEREAS, Government Code Section 56430 directs the Commission to conduct a review of municipal services not later than the time it considers an action to establish or update a Sphere of Influence (SOI); and

WHEREAS, the Executive Officer prepared a Municipal Service Review (MSR) and Sphere of Influence Update for the Firebaugh Canal Water District (Exhibit A); and

WHEREAS, notice of this Commission's hearing of said request was duly given in a publication of general circulation as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and State law, and at the time and in the form and manner provided by law; and

WHEREAS, the Commission has heard, discussed and considered all relevant evidence, including but not limited to the Executive Officer's *Municipal Service Review and Sphere of Influence Update Report*, environmental documentation, applicable land use plans and all testimony, correspondence and exhibits received during the public hearing process, all of which are included herein by reference; and

WHEREAS, pursuant to Government Code Sections 56425 and 56430, the Commission considered the required determinations for the Municipal Service Review and District Sphere of update (Exhibit "B").

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of the County of Fresno does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

Section #1. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, this Commission finds that prior to adopting the written determinations, the Municipal Service Review and Sphere of Influence determinations under consideration are Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA)

under Section 15306, "Information Collection" and Section 15061(b)(3), "General Rule Exemption."

ADOPTED THIS 10th DAY OF FEBRUARY, 2016, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS SANTOYO, PARRA, PACHECO, PEREA, SILVA

NOES: NONE

ABSENT: NONE

Section #2. This Commission finds that the Municipal Service Review and Sphere of Influence Update prepared for the District are complete and satisfactory.

Section #3. This Commission finds that the written determinations within the Municipal Service Review and Sphere of Influence Update satisfy State Law.

Section #4. Pursuant to Government Code Sections 56425 and 56430 this Commission makes the required determinations for the Municipal Service Review and District Sphere of Influence, adopts the Municipal Service Review prepared for the District, and updates the Sphere of Influence for said District by reaffirming the current boundaries.

Section #5. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882 and to file, as appropriate, in the Office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by State law.

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ADOPTED THIS 10th DAY OF FEBRUARY, 2016, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS SANTOYO, PARRA, PACHECO, PEREA, SILVA

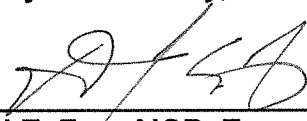
NOES: NONE

ABSENT: NONE

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

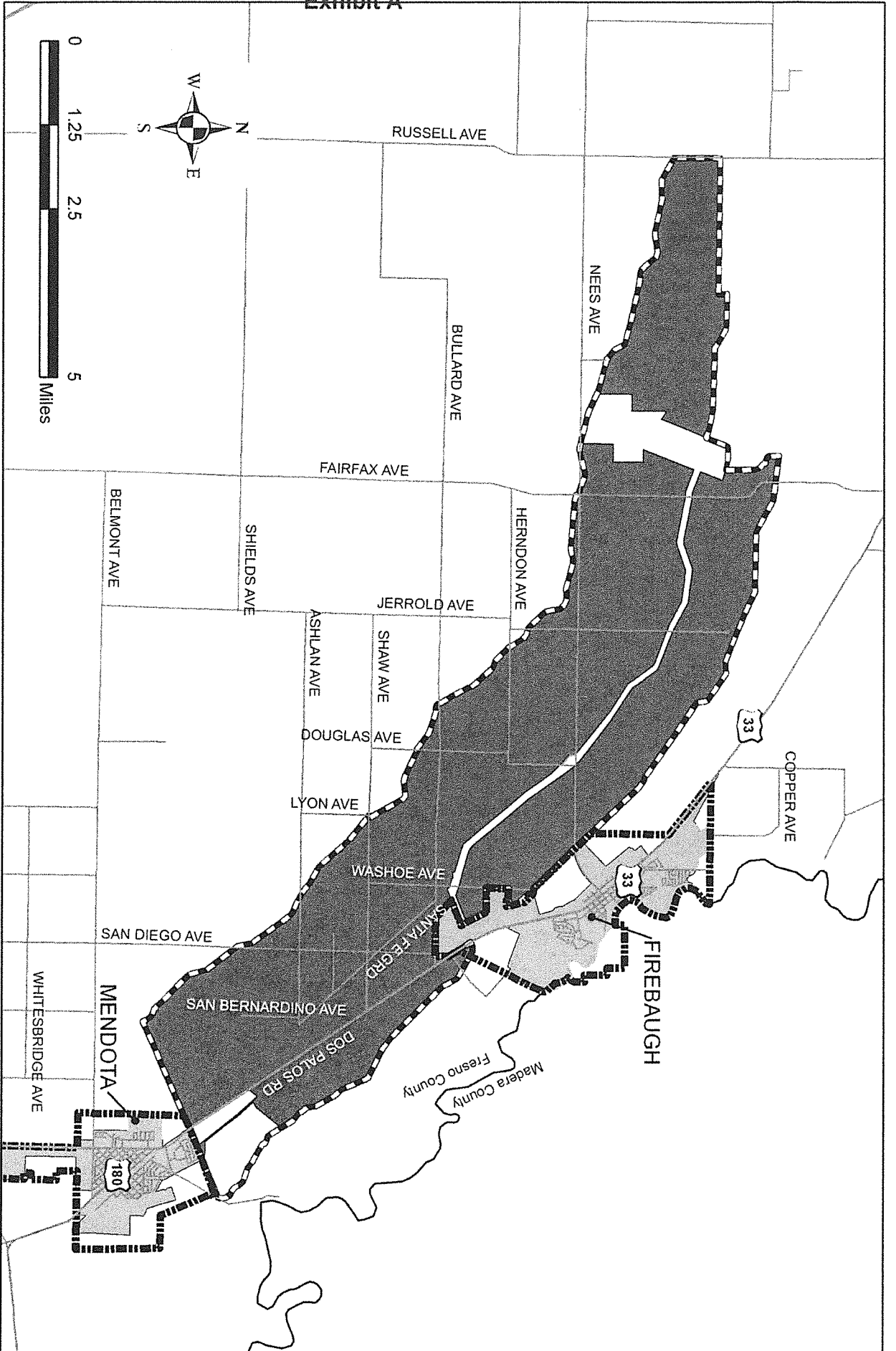
CERTIFICATION

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 10th day of February, 2016.



David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission

Exhibit A



Fresno Local Agency Formation Commission Firebaugh Canal Water District

District SOI
District Area
City SOIs
City Areas

District Formed: 1988
SOI Adopted: 5/23/1990
SOI Updated: 12/5/2007

Map Date: December 2007
District Area: 22,229 Acres
Sphere Area: 23,547 Acres

EXHIBIT A

WRITTEN DETERMINATIONS

1. Growth and Population Projections for the Affected Area.

- The District service area includes approximately 22,229 acres of unincorporated land west of City of Firebaugh and north of City of Mendota.
- The District is designated as a non-municipal local agency, which means that the District provides non-municipal services that do not facilitate, support, or induce population growth.
- The County of Fresno is the land use authority for territory within the District's boundaries. The Fresno County General Plan Land Use Elements designates territories as agricultural use within the District's boundaries. No significant changes to population are anticipated.
- Annexations to the Cities of Mendota and Firebaugh result in detachment of the subject territory from the District.
- The District has a fixed water supply through its contract with the San Joaquin River Water Authority (SJRWA), Exchange Contractors agreement.
- District growth is restricted by its water supply allotment contract with SJRWA.

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

- A review of the American Communities Survey five-year estimates indicate that the MHI for the census tracts and block groups within the District boundaries are considered Disadvantaged Communities.
- The District is designated by LAFCo policy as a level three non-municipal local agency, meaning that the District is authorized to provide non-municipal services.
- The District has no public facilities or provides services related to sewer, municipal and industrial water, or structural fire protection that would present opportunity to extend services to a disadvantaged unincorporated community.

3. Present and Planned Capacity of Public Facilities and Infrastructure Needs or Deficiencies.

- The District owns its office facilities, a five-acre utility plant area, machinery and equipment, tools, autos- trucks and tractors which assist with the District's day-to-day operations.
- The District owns approximately 40 miles of canals, 36 miles of laterals, and four pumps stations. Since 2000, the District has spent more than \$6 million to line and pipe approximately 15 miles of its canals and laterals.

EXHIBIT B

MSR DETERMINATIONS

1. Growth and Population Projections for the Affected Area.

- The District service area includes approximately 22,229 acres of unincorporated land west of City of Firebaugh and north of City of Mendota.
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3. Present and Planned Capacity of Public Facilities and Infrastructure Needs or Deficiencies.

- The District owns its office facilities, a five-acre utility plant area, machinery and equipment, tools, autos- trucks and tractors which assist with the District's day-to-day operations.
- The District owns approximately 40 miles of canals, 36 miles of laterals, and four pumps stations. Since 2000, the District has spent more than \$6 million to line and pipe approximately 15 miles of its canals and laterals.

- The District maintains its infrastructures, canals, machinery, equipment, and turnouts on an ongoing basis. The District estimates a general life span of 15-25 year for the majority of its infrastructure and equipment. The District reports that its canals are in good condition.
- The District's operating season is approximately 340 days, supplying water for irrigation needs.
- The District obtains its water supply through its SJRWA Contract for Exchange of Waters with the United States Bureau of Reclamation. The District's water supply is obtained via the Delta-Mendota Canal.
- The District pumps approximately 4,000 acre-feet per year from shallow groundwater wells, which are operated primarily to reduce the production of subsurface drainage within the watershed.
- District annual water supply under contract on non-critical calendar years is 85,000 AF, while on critical calendar year is reduced to 58,000 AF.

4. Financial Ability of Agency to Provide Services.

- The majority of the District's revenue comes from water sales. District water deliveries area based upon the acreage that each landowner has within the District's service area.
- The District's 2014 total current assets were \$8.8 million and its total assets were approximately \$26.3 million. The District's liabilities were \$194,741, while the District showed a deposit account balance of \$51,690. The District's total net position is approximately \$26 million. The District's total liabilities, deposits, and net position equal to \$26.3 million.
- The District approves a budget annually; however, the District did not provide LAFCo a copy of its adopted 2015-16 budget. A review of the State Controllers information indicates that the District had a total operating revenue of \$3,408,550 for FY 2011-12.

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

- The District office houses two additional Districts' administrative operations- Silver Creek Drainage District and Firebaugh Resource Conservation District. LAFCo observes that the District already benefits from shared facilities with those agencies.
- At the present time the District appears to be limited in additional opportunities for shared facilities.

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

- California Water Code section 34000-38500 authorizes the formation of Water Districts to acquire, plan, construct, maintain, improve, operate, and keep in repair the

necessary works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes.

- A body of five elected officials serves as the Board of Directors governing the District's operations.
- District board meeting notices are posted at least 72 hours in advance at the District office located at 2412 Dos Palos Road/Hwy 33 Mendota, CA 93640.
- Regular District meetings are held on the third Tuesday of each month at 9:00 a.m. at the District's office.
- Opportunities for public participation and communication with the Board of Directors are permitted during each District meeting, each meeting agenda allocates time for public comments.
- The District does not maintain a website.

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

- The Firebaugh Canal Water District MSR is noted for the following characteristics:
 - Repeated and substantive delays in obtaining public records from the District;
 - Not all of the requested public records were provided, including the most recent annual budget;
 - District Secretary was not effectual in providing public documents;
 - District did not produce approved by-laws.