

**DRAFT**

**FIREBAUGH RESOURCE  
CONSERVATION DISTRICT**

**MUNICIPAL SERVICE REVIEW AND  
SPHERE OF INFLUENCE UPDATE**

**Report to the  
Fresno Local Agency Formation Commission**

**MSR 21-3 / USOI No. 201**

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**21-day Public Review:**

April 21, 2021 through May 12, 2021

<b>Profile: Firebaugh Resource Conservation District</b>		
<b>Formation:</b>	April 8, 1952	
<b>Contact</b>	Jeffrey Bryant, General Manager 2412 Dos Palos Road Mendota, Ca 93640 (559) 655-4761 Bryant <a href="mailto:jeff@sbcglobal.net">jeff@sbcglobal.net</a> or <a href="mailto:firebaughcanal@sbcglobal.net">firebaughcanal@sbcglobal.net</a>	
<b>Mailing Address</b>	P.O. Box 97 Mendota, CA 93640	
<b>Website</b>	None	
<b>Principal Act</b>	California Public Resources Code, section 9151, et seq.	
<b>Board of Directors (5-member)</b>	<b><u>Name</u></b>	<b><u>Term</u></b>
	Wyatt McBee, President	Appointed 2019, expires 12/2022
	Wayne Gowens	Appointed 2019, expires 12/2022
	Wayne Western	Appointed 2019, expires 12/2022
	vacant	Term 12/2020 to 12/2024
vacant	Term 12/2020 to 12/2024	
<b>Board Meetings</b>	Second Tuesday of each month at 10:00 a.m., as needed	
<b>Staffing</b>	Manager and staff shared with Firebaugh Canal Water District	
<b>Service Area</b>	87,983 acres	
<b>SOI update</b>	Determine a SOI that coincides with the District's service area.	
<b>Budget</b>	\$0 (no budget) <sup>1</sup>	
<b>District Policies</b>	No	

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<sup>1</sup> M. Medeiros of Firebaugh RCD, phone communication July 7, 2020.

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Figure 1 - Firebaugh Resource Conservation District Map

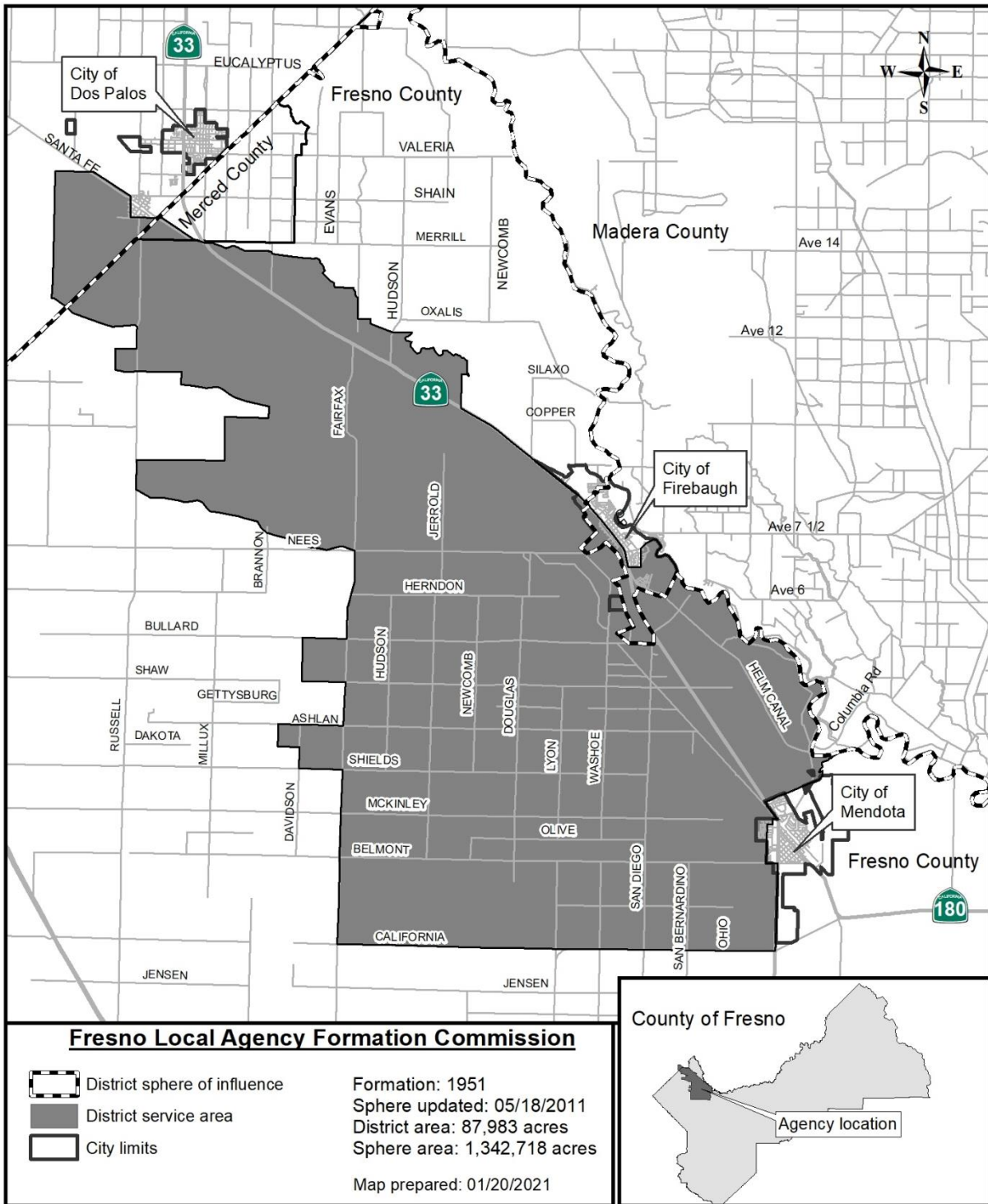


Figure 2 – 2007 consolidated SOI for the westside RCDs

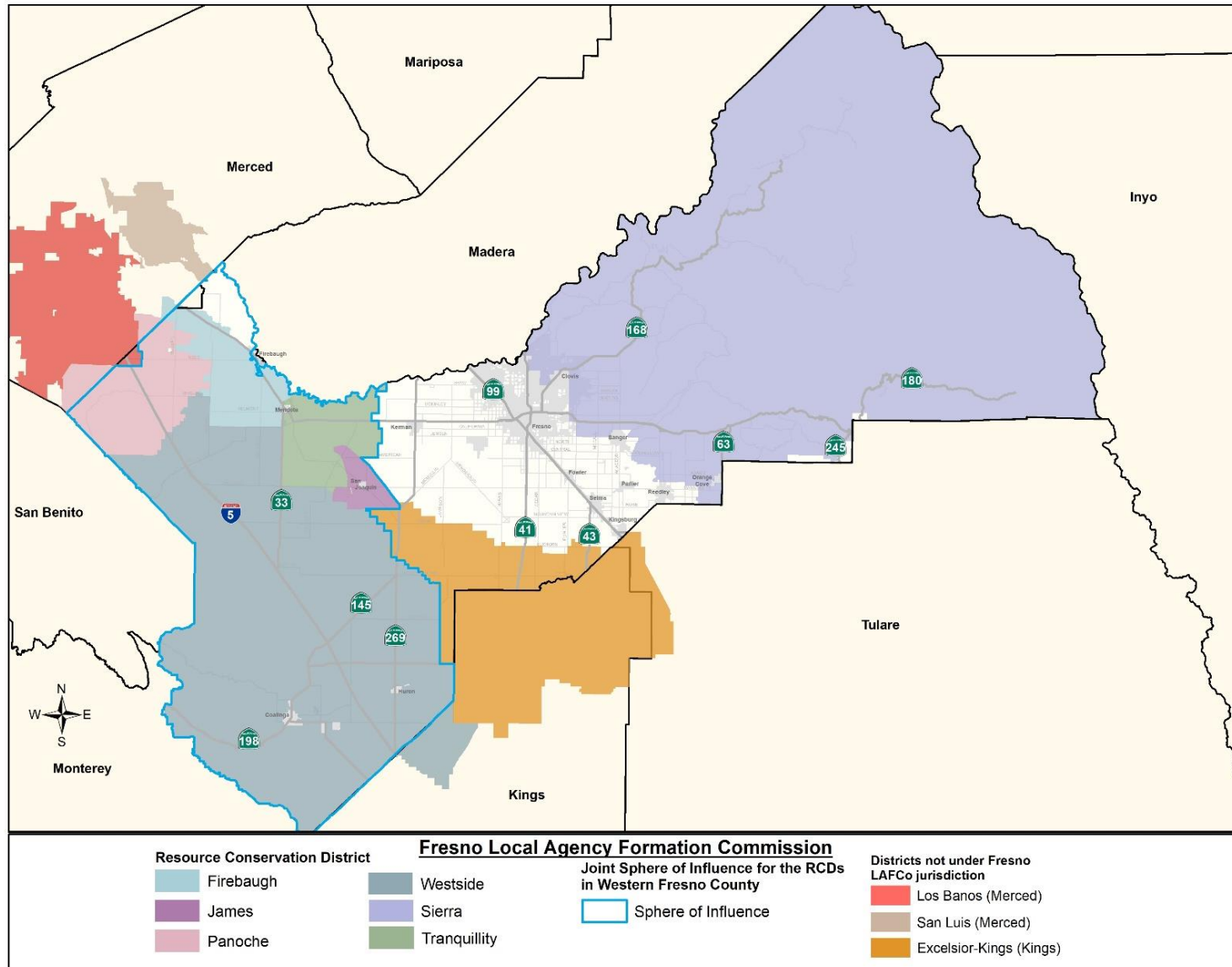
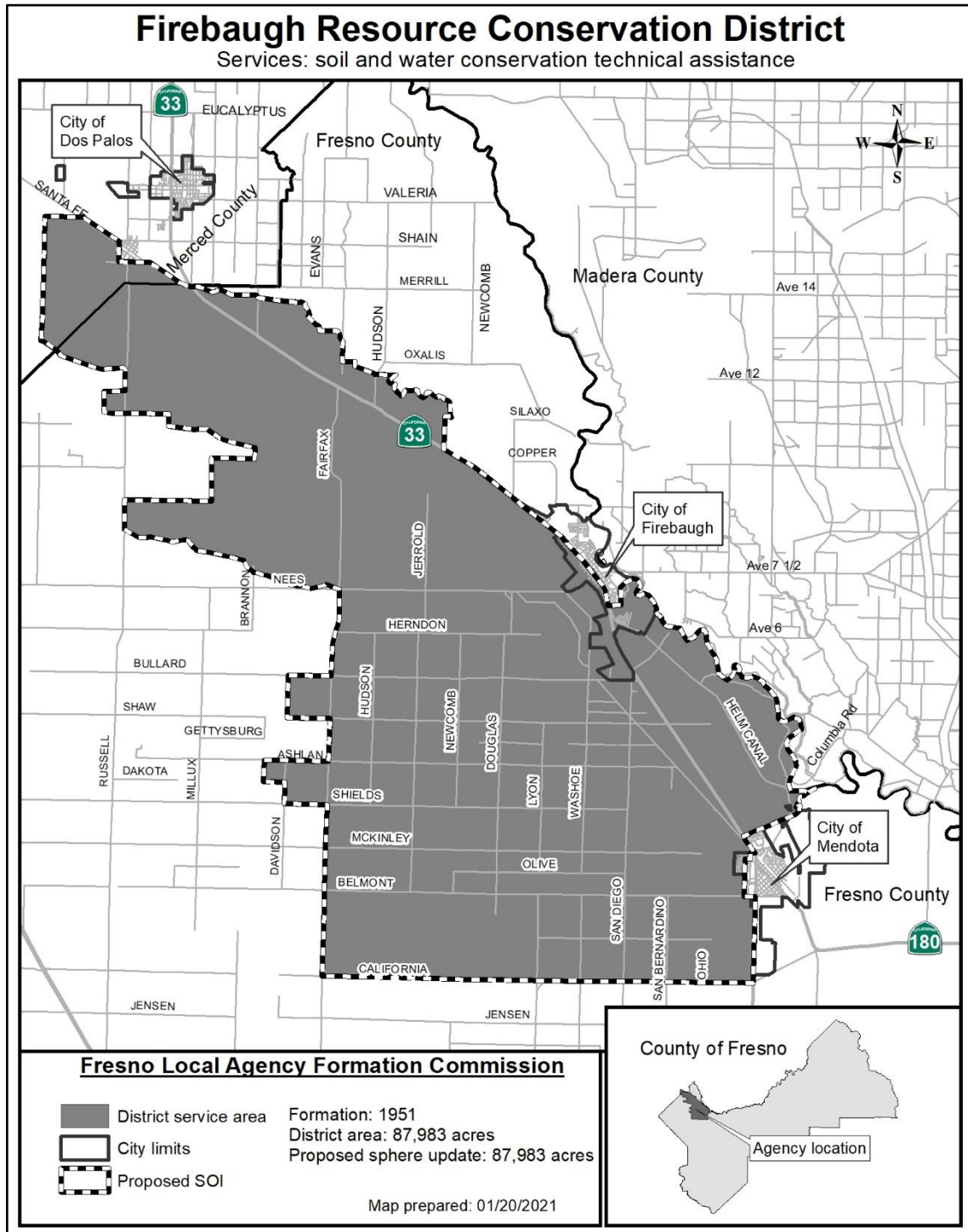


Figure 3 – Proposed SOI update for Firebaugh RCD



# 1. Municipal Service Review

The Firebaugh Resource Conservation District (“Firebaugh RCD” or “District”) was formed on April 8, 1952, as a Soil Conservation District to provide services related to soil conservation, land leveling, deep ripping, and drainage.

The District is a multiple-county district meaning that its corporate boundaries include territory in both Fresno and Merced Counties. The District’s service area encompasses a total of 87,983 acres. Of the total 87,983 acres, approximately 87,843 acres are situated in Fresno County while 140 acres are situated in Merced County, see **Figure 1**.

The District is an independent special district, meaning that it functions independently from the County of Fresno and the Cities of Firebaugh and Mendota.

## Principal Act

Resource Conservation Districts are authorized under Division 9 of the California Public Resources Code (“PRC”, also known as the “Principal Act”). The Firebaugh RCD operates pursuant to PRC section 9001 et seq. which was enacted for the following purpose:

To provide for the organization and operation of resource conservation districts for the purposes of soil and water conservation, the control of runoff, the prevention and control of soil erosion, erosion stabilization, including, but not limited to, these purposes in open areas, agricultural areas, urban development, wildlife areas, recreational developments, watershed management, the protection of water quality, and water reclamation, the development of storage and distribution of water, and the treatment of each acre of land according to its needs.<sup>2</sup>

There are 95 RCDs in California, serving rural, urban, and suburban communities throughout the State.<sup>3</sup> According to California Association of Resource Conservation Districts (“CARD”), the 95 RCDs in the State are grouped into the following ten regions: Bay-Delta, Central Coast, Central Sierra, High Desert, Modoc Plateau, North Coast, Sacramento Valley, San Joaquin Valley, SoCal Inland, Southern Baja, and non-district regions. RCDs in Fresno County are identified in the San Joaquin Valley Region. The San Joaquin Valley Region consists of 16 RCDs spanning from San Joaquin County down to Kern County.

As of 2020, the County of Fresno is the principal county to six local RCDs:

- Firebaugh Resource Conservation District
- James Resource Conservation District

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<sup>2</sup> PRC section 9001(a)(2).

<sup>3</sup> California Association of RCDs, <https://carcd.org/rcds/>.

- Panoche Resource Conservation District
- Sierra Resource Conservation District
- Tranquillity Resource Conservation District
- Westside Resource Conservation District

Most RCDs in the State originated in the 1950's as local Soil Conservation Districts. The State Legislature broadened the purposes of Soil Conservation Districts in the 1970's resulting in a name change to more accurately reflect the role of the RCDs within California. Each RCD operates independently with its own governing board and is authorized by the principal act to define its own local goals, objectives, and priorities based on the issues and needs within its service areas. Generally, RCDs promote programs dealing with various types of conservation efforts, bring environmental awareness, and watershed stewardship.

### **Service Area and the 2007 Consolidated RCD Sphere of Influence**

The District is a multiple-county special district with majority of the District's service area in County of Fresno. The District's jurisdictional boundaries are generally bounded by the Merced-Fresno County lines to the north, Russell Avenue and Fairfax Avenues generally to the west, California Avenue to the south, and the State Route 33 and the San Joaquin River to the east, as shown on **Figure 1**. The District's service area contains about 87,983 acres. The District's first SOI was adopted by LAFCo in 1976 and was conterminous with the District's service area.

Neighboring RCDs include Grassland RCD (Merced County) to the north and west, Columbia RCD (Madera County) to the north and east, Panoche RCD to the west, Westside RCD to the west and south, and Tranquillity RCD to the southeast.

In 2007, the Commission approved a consolidated SOI encompassing approximately 1,342,718 acres for the six RCDs in Fresno County's westside, shown as **Figure 2**.<sup>4</sup> The purpose of determining a single SOI for the RCDs was to facilitate the eventual consolidation of the six westside RCDs. The Commission reaffirmed this intent in 2011 and waived all LAFCo fees associated with a future consolidation proposal application to LAFCo. However, none of the six RCDs followed up on the recommended consolidation.

In 2019, LAFCo ordered the dissolution of Poso Resource Conservation District as an inactive special district pursuant to the proceedings included in Senate Bill 448 (Wieckowski).

Currently, the 2007 consolidated SOI bounds the remaining five RCDs in Fresno County's westside.

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<sup>4</sup> Firebaugh, James, Panoche, Poso, Tranquillity, and Westside Resource Conservation Districts.



## **District Growth and Population Projections**

Most of the land within the District consists of active farming and agricultural operations. Scattered rural residences exist in the unincorporated sections of the District. The cities of Firebaugh and Mendota area partially included in the District's service area. Majority of the population concentrations appear to be focused in the sections of the District that are inside the cities of Firebaugh and Mendota.

LAFCo obtained geographic information system ("GIS") files derived from the U.S. Census Bureau, American Community Survey ("ACS") five-year reports for year 2012 through 2016, to estimate a current population for territory inside the District. According to the ACS data for year 2012 through 2016, Census block group units located within the unincorporated portion of the District show that there is an estimated total population of approximately 1,793 residents. LAFCo notes that the population estimate can be higher number than actual because the census block group boundaries do not exactly match with the boundaries of the District.

The Cities of Firebaugh and Mendota are the land use authorities for the portion of the territory that is also inside the District. The General Plans for the City of Firebaugh and the City of Mendota designate urban land uses for the portions of land that are also within the District.

The Counties of Fresno and Merced are the land use authorities for the portions of the District that are unincorporated. The Fresno County General Plan designates majority of the land in the District for agricultural use.<sup>5</sup> Likewise, the Merced County General Plan designates the land within the District for agricultural use.

Most of the land in the Firebaugh RCD is identified under active agricultural contracts; therefore, no substantial growth in population is anticipated in the District's boundaries. Based on the LAFCo record, both cities occasionally annex territory into their respective cities. By practice, annexations into the cities do not detached from the District's service area. The cities of Firebaugh and Mendota may experience limited growth over the next 20 to 25 years; however, the LAFCo does not anticipate it would affect the District's plans for service or conservation programs.

## **District services**

The District is in the process of reinstating programs after over a decade of inactivity. The District reports that its current services consist of general administration, establishing soil and water conservation technical assistance programs, and developing subsurface drainage reduction measures.

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<sup>5</sup> Fresno County General Plan Figure 1-5 Current Land Use, Figure LU-1a, Countywide Land Use Diagram, 2000.

In 2021, the District established its mission statement that reads as follows: *“Together, we engage in outreach, education, technical assistance, promotion of cost-share and grant opportunities to: Demonstrate water conservation best management practices, Promote and implement water quality improvement projects, Support storm water pollution prevention strategies.”*

According to the District’s adopted 2021 Work Program, it intends to develop a community newsletter to reach out to local growers, it plans to conduct bilingual training workshops, and conduct grower workshops for nitrogen management. In addition, the District intends to facilitate a series of on-site training courses provided by the Irrigation Training and Research Center at California Polytechnic State University, San Luis Obispo and/or by the Natural Resources Conservation Services, United States Department of Agriculture.

During the preparation of this MSR, the District was in the process to acquire grant funding from the Statewide Water Efficiency and Enhancement Program (“SWEEP”). According to the District Manager, the California Association of Resource Conservation Districts (“CARD”) received funding from the Department of Water Resources (“DWR”) to fund outreach and advance the mission of SWEEP.

SWEEP is administered by the California Department of Food and Agriculture (“CDFA”) for the purposes of 1) reducing greenhouse gas emissions from irrigation sources, and 2) increasing water use efficiency. SWEEP provides financial assistance in the form of grant funds to incentivize landowners to upgrade their irrigation system/s, reduce greenhouse emissions, and conserve water usages within California’s agricultural operations.<sup>6</sup>

Thus far, CARD has assisted 12 RCDs in the State to receive SWEEP funding to assist growers improve their irrigation efficiency. CARD coordinates with various state and federal agencies to secure various funding opportunities for RCDs. Funding opportunities are available to qualified RCDs that are interested in providing water efficiency technical assistance to producers, help determine if SWEEP is an appropriate funding source for each producer, create water/irrigation conservation plans, and provide irrigation evaluation pre- and/or post implementation.

## **Disadvantaged Unincorporated Communities**

A disadvantaged unincorporated community (“DUC”) is defined by Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) as an inhabited territory (meaning territory within which there reside 12 or more registered voters), or as determined by LAFCo policy, that constitutes all or a portion of a “disadvantaged community” as defined by section 79505.5 of Water Code. The State Water Code defines a “disadvantaged community” as a community with an annual median household income (“MHI”) that is less than 80 percent of the statewide annual median household income.

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<sup>6</sup> California Department of Food and Agriculture, SWEEP homepage:  
<https://www.cdfa.ca.gov/oefi/sweep/>

On January 9, 2013, Fresno LAFCo exercised its powers under CKH and adopted local policy which refined the DUC definition within Fresno LAFCo's jurisdiction. Fresno LAFCo's DUC Policy characterizes DUCs as at least 15 dwelling units at a density not less than one unit per acre. Additionally, LAFCo's policy includes "Legacy Communities" which is defined as a geographically isolated community that meets the DUC criteria, is at least 50 years old, and is beyond the adopted SOI of any City.

On February 12, 2020, Fresno LAFCo comprehensively updated its DUC database based upon updates demographic datasets to estimate MHI levels within the County of Fresno. The 2020 DUC database relies upon information collected through the Commission's MSR Program, sphere of influence update program, and demographic information obtained from the U.S. Census Bureau Americans Community Surveys, five-year reports for years 2012-2016.

The statewide annual MHI reported for years 2012 through 2016 was \$63,783. Therefore, the calculated threshold for a DUC is any geographic unit with a reported annual MHI that is less than \$51,026. Census block group data was used to provide the economic and population backgrounds for this section of the MSR.

The Commission's 2020 DUC database determined that there are no DUCs that meet LAFCo's DUC density criteria of at least 15 dwelling units at a density not less than one unit per acre in the District. District services are limited to promoting the conservation of local resources.

## **District Infrastructure**

The District does not own or operate any public facilities, capital infrastructure, or equipment necessary to provide a direct service to its continuance. The Firebaugh Canal Water District shares its office location with the District, and the office provides a workplace for the District Manager, and a facility for the District board of directors to convene. Based on the LAFCo record, during the early 1970s the District owned a pool of rental equipment for soil and water conservation projects available to landowners within the District. The District also previously assisted with local drainage problems, water management, and with land leveling.

## **District Finances**

This section has been prepared with information gathered and validated by the District Manager.<sup>7</sup> The District's comments were evaluated by LAFCo staff to prepare the following summary.

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<sup>7</sup> Electronic mail communication with FRCD District Manager and LAFCo Executive Officer, January 13, 2021.

Since reinstating activities, the District has not received any revenues. The District does not have a regular source of income such as fees for services, tax, or special assessments. Most of its future service capacity is anticipated to be funded by state or federal grants. The District's ability to reinstate technical assistance programs depends on its ability to identify new revenue streams and successfully secure project-specific grants.

Due to its financial inactivity during the past decade, the District has not adopted a budget. It's unknown when the last financial audit was performed by a Certified Public Accountant. According to the District Manager, the District's fiscal year starts January 1<sup>st</sup> and ends December 31<sup>st</sup>.

The District intends to adopt a formal budget once grant funds are secured by the District. From there on out the District intends to reinstate the adoption of an annual budget that identifies District revenues and expenditures for the upcoming year. As planned, the District Manager would draft an annual budget and present it to the District board of directors for adoption on or before January 1<sup>st</sup> of each year. Once a budget is adopted by the District, it would only be amended by resolution action of the District. All budget appropriations would lapse at the end of the fiscal year.

For fiscal years ("FYs") 2019 and 2020, the District did not have a budget, no revenues, and no expenditures. The District Manager informed LAFCo that he volunteers his time to assist the District to reactivate services. Thus far, the District Manager has been able to reinstate a new District board quorum, develop new partnerships, and assist the District to adopt its 2021 mission statement and work plan.

The District board continues to be focused on securing grant funding to reinstate programs that promote the conservation of soil and water resources, funds technical assistance, and provide education programs to local growers. The District Manager is working to complete a projected budget for year 2021.

Establishing a budget will require the District to begin to comply with local and state annual filing requirements, including but not limited to:

- Annually file a copy of the District's adopted budget for the upcoming fiscal year with the Fresno County Assessor Controller – Treasurer Tax Collector's Office, Special Accounting Division. (Government Code section 53901)
- Annually prepare audited financial statements for all District financial transactions in accordance with generally accepted accounting principles for the preceding fiscal year; and, furnish a copy to the State Controller. The report shall be furnished within seven months after the close of each fiscal year and shall be in the form required by the Controller. (Government Code section 53891)

- Annually file a copy of the District’s audited financial statements within 12 months of the closed fiscal year with the Fresno County Assessor Controller – Treasurer Tax Collector’s Office, Financial Reporting & Audits Division. (Government Code section 26909)

As noted earlier, the District is going through the process of reinstating services without a reliable source of revenue. The District Manager expects to begin reporting its annual financial activities to the Fresno County Assessor Controller – Treasurer Tax Collector’s Office and State agencies once the District collects a source of revenue.

## **Public Facilities, Opportunities for Shared Facilities**

The District benefits from using Firebaugh Canal Water District’s office to provide a workplace for the District Manager and a conference room for the District’s monthly board meetings. It is noted that much of the work that the District Manager is currently proving consists of reinstating services, identify amenable funding opportunities to implement the District’s work program, assist the District board to schedule monthly meetings, and network with organizations and various agencies that may present opportunities to future grant funding assistance.

The District’s service area overlaps or is in close proximity with the following types of special districts and agencies:

### **Overlaps**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• City of Firebaugh (portion)</li> <li>• City of Mendota (portion)</li> <li>• Broadview Water District</li> <li>• Central California Irrigation District (portion)</li> <li>• Camp 13 Drainage District</li> <li>• Dos Palos Cemetery District (portion in Merced County)</li> <li>• Firebaugh Canal Water District</li> <li>• Fresno County Fire Protection District</li> <li>• Fresno Westside Mosquito Abatement District</li> </ul> | <ul style="list-style-type: none"> <li>• Grassland Water District (portion in Merced County)</li> <li>• Lower San Joaquin Levee District (portion)</li> <li>• Mercy Springs Water District (portion)</li> <li>• Silver Creek Drainage District</li> <li>• Westlands Water District (portion)</li> <li>• West Fresno County Red Scale Protective District</li> <li>• Widren Water District</li> </ul> |
|--|--|

### **Adjacent**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Panoche Water District</li> <li>• Panoche Drainage District</li> <li>• Oro Loma Water District</li> <li>• Columbia Canal Company (Madera County)</li> </ul> | <ul style="list-style-type: none"> <li>• Dos Palos Cemetery District (Merced County)</li> <li>• Eagle Field Water District</li> <li>• Columbia Resource Conservation District (Madera County)</li> </ul> |
|--|--|

- Grassland Resource Conservation District (Merced County)
- Panoche Resource Conservation District
- Tranquillity Resource Conservation District
- Westside Resource Conservation District
- Madera Mosquito Abatement and Vector Control District (Madera County)
- Chowchilla Cemetery District (Madera County)

**Nearby Groundwater Sustainability Agencies:**

- San Joaquin River Exchange Contractors Groundwater Sustainability Agency
- City of Mendota Groundwater Sustainability Agency
- City of Firebaugh Groundwater Sustainability Agency
- Central Delta-Mendota Region Multi-Agency Groundwater Sustainability Agency
- Farmers Water District Groundwater Sustainability Agency
- Widren Water District Groundwater Sustainability Agency
- Westlands Water District Groundwater Sustainability Agency
- County of Fresno GSA - Delta-Mendota Management Area 'B'

**Government Accountability**

Accountability for community service needs, including governmental structure, and operational efficiencies is evaluated as part of the MSR. This MSR is an informational document that will be used by LAFCo, other local agencies, and the public at large to examine the governmental structure of the District.

The District operates under the authority granted by California's Resource Conservation District Law (PRC section 9151 *et seq.*) Among many services, the District's principal act empowers RCDs to conduct surveys, investigation, and research items relating to the conservation of resources and disseminate information concerning preventive measures.<sup>8</sup> A list of all the powers and duties granted to RCDs can be found under section 9401 of the PRC.

LAFCo considered the District SOI and MSR updates in 2007 and 2011. The Commission noted each time that the District was not active, had no current board of directors, nor provided any services.

In 2019, the Firebaugh Canal Water District's manager volunteered to assist the District to look for new qualified individuals to serve as District board members. By late 2019, the Fresno County

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<sup>8</sup> PRC section 9402.

Board of Supervisors ("BOS") appointed three new board members to revitalize and govern the District's operation.

According to the District Manager, the District's governing body consists of five director seats. Public Resources Code, mandates that each RCD board shall consist of five board of directors.<sup>9</sup> A majority of the directors constitutes a board quorum to conduct business. There are two vacant seats on the District board. The District Manager anticipates filling the remaining two vacancies with qualified individuals soon. As indicated earlier, due to the prolonged time of inactivity, current board members have been appointed in lieu of an election by Fresno County Board of Supervisors, Supervisorial District 1, consistent with requirements of the California Elections Code.

Each Director is required to take the oath of office prior to being appointed to the District's Board and file a Form 700s – Statements of Economic Interests— within 30 days of taking office, annually before April 1 of each year, and within 30 day from leaving office.<sup>10</sup> Form 700s are disclosures of personal economic interest, help to ensure that financial conflict of interest is avoided. As of February 2021, only one director had filed his Form 700 for year 2020 with the Fresno County Clerk's Office. The remaining two director seats will need to file their Form 700 with the Fresno County Clerk prior to but no later than April 1, 2021.

Every two years, board members are required to participate in training that cover general ethics principles and specific laws concerning conflict of interest, prerequisites for of office and government transparency. The District informed LAFCo that board members are on track to meet these training requirements.

The District's board members serve as volunteers and do not receive compensation for attending district board meetings; however, consistent with the PRC, board members are entitled to be compensated for expenses incurred while performing their duties as board members, such as travel time for training seminars, workshops, or conferences.<sup>11</sup>

The District Manager informed LAFCo that board meetings are held on an as needed basis, either once a month or once every three months. The District board convenes primarily to address business or act on immediate items. When scheduled, the District's board meetings occur on the second Tuesday of the month at 10:00 a.m. at the Firebaugh Canal Water District's office located at 2412 Dos Palos Road / State Route 33 in Mendota, CA 93640.

Meetings are noticed consistent with Brown Act requirements, which include posting agendas and notices of hearings in public places. Public notices and agendas listing items to be considered

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<sup>9</sup> PRC section 9301.

<sup>10</sup> GC sections 87200 – 87202.

<sup>11</sup> PRC section 9303.

by the board are displayed outside of the District's office at least 72 hours before each meeting. District board meetings are open to the public.

The District board annually elects one of its members to serve as the District's president and another member to serve as a vice-president. The District president presides at all meetings of the board, announces the Board's decisions on all subjects, decides all questions of orders, subjects, and signs all board ordinances, resolutions, and contracts approved by the District board. District board meetings are conducted by the president consistent with Robert's Rules of Order. The president also performs any other duties imposed by the board, after first receiving approval by at least three members of the board. In the absence of the president, the vice-president assumes all duties of the president.

The District has one appointed full-time District Manager that is responsible for the daily operations of the District. Currently, the same person that oversee the District also is the District Manager for the Firebaugh Canal Water District. The District Manager reports directly to the District board, oversees the District's work plan, monitors potential grant opportunities, and schedules board meetings. The District Manager also serves as the board's executive secretary. As the executive secretary, the District Manager is the custodian of all records of the proceedings taken by the board of directors. Communicating with the District can be achieved by contacting the District Manager either in person, by phone, or email.

The District informed LAFCo that it does not have a website, as required by Senate Bill 929 (McGuire), Special Districts Transparency Act of 2020. On November 19, 2019, the District adopted a resolution determining that it is exempt from establishing and maintaining a website as a result of having insufficient staff resources which result in a hardship under GC sec. 53087.8(b)(3). In order to remain in exempt status, SB 929 requires local agencies to annually adopt resolution determining that a hardship continues to exist.

The District is a member of the California Association of Resource Conservation District.

### **Any other matters related to effective or efficient service delivery**

None.



## 2. Municipal Service Review Determinations

The LAFCo has prepared this MSR in accordance with Government Code section 56430. State law requires LAFCo's to identify and evaluate public services provided by the District.

The following provides LAFCo's written statements of its determinations with respect to each of the following seven topics:

### 1. Growth and population projections for the affected area.

- Land use authorities within the District include: County of Fresno, City of Mendota, City of Firebaugh, and County of Merced. The County of Fresno is the land use authority for the unincorporated portion of the District and the City of Mendota and Firebaugh are the land use authorities for the portions of the District that are inside the city limits.
- The Fresno County General Plan designates majority of the land within the District for agricultural use. Likewise, the Merced County General Plan designates the land within the District for agricultural use.
- The General Plans for the City of Firebaugh and the City of Mendota designate urban land uses for the portions of land that are also within the District. Based on the LAFCo record, both cities occasionally annex territory into their respective cities. By practice, annexations into the cities do not detached from the District's service area. The cities of Firebaugh and Mendota may experience limited growth over the next 20 to 25 years; however, the LAFCo does not anticipate it would affect the District's service provisions or conservation programs.
- The District's service area contains about 87,983 acres. Most of the land in the District is identified under active agricultural contracts; therefore, no substantial growth in population is anticipated in the District's boundaries.
- According to the ACS data for year 2012 through 2016, Census block group units located within the unincorporated portion of the District show that there is an estimated total population of approximately 1,793 residents.

### 2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence

- The District service area and proposed District SOI update encompasses census block groups that meet the Water Code definition of Disadvantaged Communities based on reported MHI levels.
- The Commission's 2020 DUC database determined that there are no DUCs that meet LAFCo's DUC density criteria of at least 15 dwelling units at a density not less than one

unit per acre in the District. District services are limited to promoting the conservation of local resources.

**3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.**

- The District does not own or operate any public facilities, capital infrastructure, or equipment necessary to provide a direct service to its continuance.
- Currently, the District Manager is working toward reinstating services, securing funding to implement the District's work program, assist the District board to schedule monthly meetings, and network with organizations and various agencies that may provide grant funding assistance.
- The Firebaugh Canal Water District shares its facilities with the District. The District benefits from using Firebaugh Canal Water District's office to provide a workplace for the District Manager and a conference room for the District's monthly board meetings.
- During the preparation of this MSR, the District was in progress to acquire grant funding from the Statewide Water Efficiency and Enhancement Program ("SWEEP"). According to the District Manager, the California Association of Resource Conservation Districts ("CARD") received funding from the Department of Water Resources ("DWR") to fund outreach and advance the mission of SWEEP.

**4. Financial ability of agencies to provide services.**

- The District does not have a regular source of income such as fees for services, special assessments, and its most of its future service capacity is anticipated to be funded through its ability to secure project-specific state grants and contributions.
- Since reinstating decade, the District has not received any revenues. For fiscal years ("FYs") 2019 and 2020, the District did not have a budget, no revenues, and no expenditures. It's unknown when the last financial audit was performed by a Certified Public Accountant.
- The District intends to adopt a formal budget once grant funds are secured by the District. From there on out the District intends to reinstate the adoption of an annual budget that identifies District revenues and expenditures for the upcoming year. The District's fiscal year starts January 1<sup>st</sup> and ends December 31<sup>st</sup>.

- Establishing a budget will require the District to begin to comply with local and state annual filing requirements, including but not limited to:
  - Annually file a copy of the District’s adopted budget for the upcoming fiscal year with the Fresno County Assessor Controller – Treasurer Tax Collector’s Office, Special Accounting Division. (Government Code section 53901)
  - Annually prepare audited financial statements for all District financial transactions in accordance with generally accepted accounting principles for the preceding fiscal year; and, furnish a copy to the State Controller. The report shall be furnished within seven months after the close of each fiscal year and shall be in the form required by the Controller. (Government Code section 53891)
  - Annually file a copy of the District’s audited financial statements within 12 months of the closed fiscal year with the Fresno County Assessor Controller – Treasurer Tax Collector’s Office, Financial Reporting & Audits Division. (Government Code section 26909)

**5. Status of, and opportunities for, shared facilities.**

- There were no opportunities identified for additional shared facilities that would benefit the District.

**6. Accountability for community service needs, including governmental structure and operational efficiencies.**

- The District operates under the authority granted by California's Resource Conservation District Law. The District is a multiple county independent special district, meaning that it functions independently from the County of Fresno, County of Merced, and the Cities of Firebaugh and Mendota.
- The District is in the process of reinstating programs after over a decade of inactivity. The District’s adopted 2021 Work Program, states that the District it intends to develop a community newsletter to reach out to local growers, it plans to conduct bilingual training workshops, conduct grower workshops for nitrogen management, and the District intends to facilitate a series of on-site training courses. In 2021, the District established its mission statement.
- The District’s governing board is comprised of five elected officials that serve as directors. The District’s board of directors serve as volunteers and do not receive a compensation for attending district board meetings.
- In 2019 the Fresno County Board of Supervisors appointed three new board members (in lieu of an election) to govern and revitalize the District’s operation. There are two vacant

seats on the District board. The District Manager anticipated to fill those two vacancies with qualified individuals soon.

- Each Director is required to take the oath of office prior to being appointed to the District's Board and file a Form 700s – Statements of Economic Interests— within 30 days of taking office, annually before April 1 of each year, and within 30 day from leaving office. As of February 2021, only one director has filed his Form 700 for year 2020 with the Fresno County Clerk's Office. The remaining two director seats will need to file their Form 700 with the Fresno County Clerk prior to but no later than April 1, 2021.
- The District Manager informed LAFCo that board meetings are held on an as needed basis, either once a month or once every three months. When scheduled, the District board meetings are held on the second Tuesday of the month at 10 a.m. at the Firebaugh Canal Water District's office located at 2412 Dos Palos Road / State Route 33 in Mendota, CA 93640.
- The District has one appointed full-time District Manager that is responsible for the daily operations of the District. The District Manager also serves as the board's executive secretary. Communicating with the District can be achieved by contacting the District Manager either in person, by phone, or email.
- The District is a member of the California Association of Resource Conservation District.
- At the time this MSR was prepared, the District was in the process to acquire grant funding from the Statewide Water Efficiency and Enhancement Program ("SWEEP"). According to the District Manager, the California Association of Resource Conservation Districts ("CARD") received funding from the Department of Water Resources ("DWR") to fund outreach and advance the mission of SWEEP.
- CARD coordinates with various state and federal agencies to secure funding for RCDs interested in providing water efficiency technical assistance to producers, help determine if SWEEP is an appropriate funding source for each producer, create water/irrigation conservation plans, assist with the application process, and provides irrigation evaluation pre- and/or post implementation.
- The District informed LAFCo that it does not have an established website, as required by Senate Bill 929 (McGuire), the Special Districts Transparency Act of 2020. On November 19, 2019, the District adopted a resolution determining that it is exempt from establishing and maintaining a website as a result of having insufficient staff resources which result in a hardship under GC sec. 53087.8(b)(3).

7. **Any other matter related to effective or efficient service delivery, as required by commission policy.**
  - LAFCo has reviewed its local policies and there are no other pertinent matters.

### **3. Sphere of Influence Determinations**

LAFCo staff reviewed the District SOI update in light of the data collected during the MSR process, as well as from conversations with the District in order to provide the Commission a sound SOI update recommendation for its consideration.

Based on the District's recent interest to reinstate services, its adopted mission statement, and its adopted 2021 Work Program staff recommends the Commission to remove the District from the 2007 consolidated RCD SOI and issue the District its own SOI that is coterminous with the District's 87,983-acre service area.

LAFCo recommends that the District continue its effort to successfully reinstate services, build new partnerships, and secure a reliable source of District revenue. In summary, the service review found that the District is positioning itself to provide services within its service area, and it has adequate planning efforts in place that supports an update to the District SOI.

In determining the SOI of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following items pursuant to Government Code Section 56425 (e):

1. **The present and planned land uses in the area, including agriculture and open space.**
  - The Fresno County General Plan designates majority of the land within the District for agricultural use. Likewise, the Merced County General Plan designates the land within the District for agricultural use.
  - The General Plans for the cities of Firebaugh and Mendota designate urban land uses for the portions of land within the District.
  - Most of the land in the District is identified under active agricultural contracts. There is no proposed change to the present or planned land uses in the affected area.
2. **The present and probable need for public facilities and services in the area.**
  - The District does not own or operate any public facilities, capital infrastructure, or equipment necessary to provide a direct service to its continuance.

- The District Manager has volunteered his time to reactivate the District. The District Manager has been able to reinstate a new District board quorum, develop new partnerships, and has assisted the District to adopt its 2021 mission statement.
  - The District board is focused on securing grant funding to reinstate District programs that promote the conservation of soil and water resources, funds technical assistance, and provide education programs to local growers.
  - The District’s mission statement reads as follows: *“Together, we engage in outreach, education, technical assistance, promotion of cost-share and grant opportunities to: Demonstrate water conservation best management practices, Promote and implement water quality improvement projects, Support storm water pollution prevention strategies.”*
  - The District intends to facilitate a series of on-site training courses provided by the Irrigation Training and Research Center at California Polytechnic State University, San Luis Obispo and/or by the Natural Resources Conservation Services, United States Department of Agriculture.
  - The District is working with the California Association of Resource Conservation Districts to increase its effectiveness to provide better assistance to its constituents.
- 3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**
- The District operates in accordance with Public Resources Code Division 9, Resource Conservation District Law. The District does not own or operate any public facilities, capital infrastructure, or equipment necessary to provide a direct service to its continuance.
  - The District Manager informed LAFCo that state grant funding and contributions are expected to fund its service capacities and majority of its programs.
- 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 relevant social or economic communities of interest in the District’s service area.

5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.
  - The District does not provide public facilities or services related to sewers, municipal and industrial water, or structural fire protection.

## 4. Recommendations

In consideration of information gathered and evaluated in this Municipal Service Review, it is recommended the Commission:

1. Receive this report and any public testimony regarding the proposed Municipal Service Review and proposed sphere of influence update.
2. Find that the Municipal Service Review is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15306 (Information Collection).
3. Approve the recommended Municipal Service Review determinations, together with any changes deemed appropriate.
4. Approve the recommended sphere of influence update determinations, together with any changes deemed appropriate.
5. Find that as a Lead Agency, Fresno LAFCo, it can be seen with certainty that the proposal does not have the potential to result in a significant effect on the environment, and that the proposal is not subject to CEQA pursuant to CEQA guidelines Section 15061 (b)(3).
6. Remove the Firebaugh Resource Conservation District from the 2007 consolidated SOI and adopt a SOI for the District that is coterminous with its 87,983-acre service area, **as depicted in Figure 3** of the MSR.
7. Recommendations to the Firebaugh Resource Conservation District:
  - a. That the District reinstate an annual budget program that identifies the District's revenues and expenditures for the upcoming year.
  - b. Annually file a copy of the District's adopted budget for the upcoming fiscal year with the Fresno County Assessor Controller – Treasurer Tax Collector's Office, Special Accounting Division. (Government Code section 53901)

- c. Annually prepare audited financial statements for all District financial transactions in accordance with generally accepted accounting principles for the preceding fiscal year; and, furnish a copy to the State Controller. (Government Code section 53891)
- d. Annually file a copy of the District's audited financial statements within 12 months of the closed fiscal year with the Fresno County Assessor Controller – Treasurer Tax Collector's Office, Financial Reporting & Audits Division. (Government Code section 26909)
- e. That the District continues its effort to fill the two vacant director seats with qualified individuals (PRC section 9301).
- f. That the District continue its commitment to reinstate services, build new partnerships, and secure a source of revenue to fund its adopted Work Plan.
- g. Direct the District to report its actions in writing to the Fresno LAFCo no later than May 12, 2022.

## 5. Acknowledgements

This MSR and SOI update was prepared by Fresno LAFCo. Supporting documentation was made available through the effective partnership with the Firebaugh Resource Conservation District. LAFCo extends its appreciation to Firebaugh Resource Conservation District's District Manager for assisting in the development of this Municipal Service Review.

Available Documentation – documents used for the preparation of this report consist of public records and are available at the Fresno Local Agency Formation Commission Office located at:

**Fresno Local Agency Formation Commission**  
2607 Fresno Street, Suite B  
Fresno, California 93721

The Municipal Service Review is available on Fresno LAFCo's website:  
<http://www.fresnolafco.org/MSR.asp>