

DRAFT

**WESTSIDE RESOURCE
CONSERVATION DISTRICT**

MUNICIPAL SERVICE REVIEW

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

MSR 21-6

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21-day Public Review:

April 21, 2021 through May 12, 2021

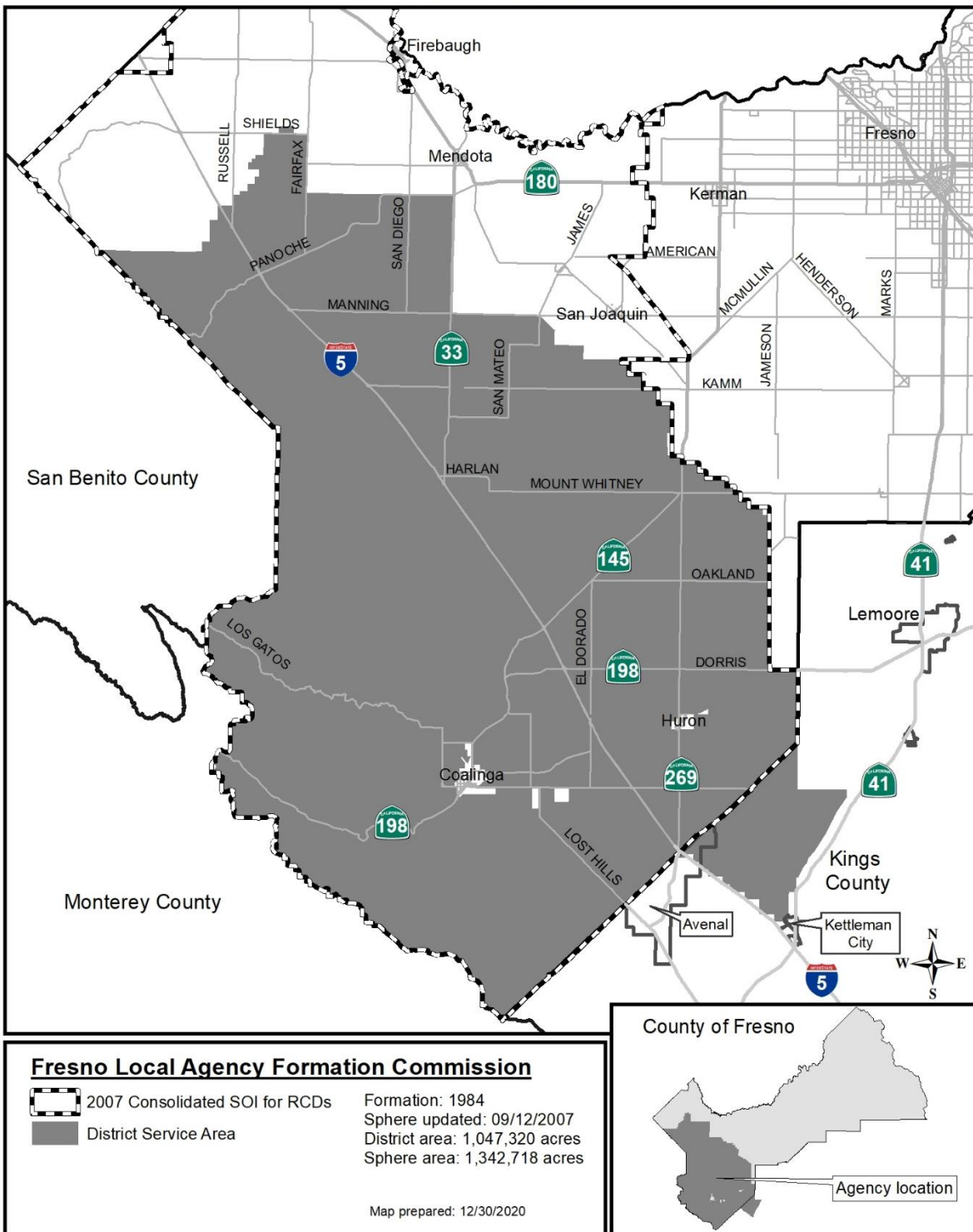
Profile: Westside Resource Conservation District		
Formation:	1984	
Contact	Unknown	
Mailing Address	Unknown	
Website	None	
Principal Act	California Public Resources Code, section 9151, et seq.	
Board of Directors (9-member)	<u>Name</u>	<u>Term</u>
	<i>All nine seats do not hold current term periods.</i>	<i>Public Resource Code sections 9314, 9315, and 9316 regulate office terms.</i>
Board Meetings	None (last known meeting was held January 21, 2015)	
Staffing	None	
Service Area	1,047,320 acres	
Infrastructure	None	
Source of funding	None	
Budget	None	
District Policies	No	

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Figure 1 – District Map

Westside Resource Conservation District



1. MUNICIPAL SERVICE REVIEW

This Municipal Service Review (“MSR”) has been prepared to follow up on previous Fresno Local Agency Formation Commission (“LAFCo”) reports, gather information, evaluate the District as it currently exists, and to formulate district modification options to address the district’s clear inactivity.

On March 1, 1984, the Westside Resource Conservation District (“Westside RCD” or “District”) was formed by LAFCo pursuant to Resource Conservation District Law as a result of a cooperative effort between the Westlands Water District and the staff at United States Department of Agriculture (formally known as the U.S. Soil Conservation Services).¹

The District was formed to serve as a coordinating agency that would work with the United States Department of Agriculture’s Natural Resource Conservation Services to provide information on water and soil resource conservation to landowners, develop conservation plans, participate in conservation projects, establish standards for conservation practices, and rent equipment for conservation projects to District landowners.

However, the District currently does not have a work program, a budget, employees, nor a legislative governing board. At what appears to be the District board’s last public meeting in 2015, it considered “the future likely circumstances for financial support of District activities,... the ongoing potential for successful implementation of the mission of the District,...” and “found that the District, without adequate financial support or adequate voluntary participation of citizens of the District, could not implement the mission of the District” and “concluded that the only sensible proposal was “that the district should be dissolved”... “according to the requirements of the Knox-Cortese (*sic*) law.”²

The term dissolution means the disincorporation, extinguishment, or termination of the existence of a district and the cessation of all its corporate powers.³

SERVICE AREA AND THE 2007 CONSOLIDATED RCD SPHERE OF INFLUENCE

The District’s service area is situated in the western portion of Fresno County, approximately 30 miles west of the City of Fresno. The District is a multiple county special district with boundaries that encompasses land in Fresno and Kings Counties, as shown on **Figure 1**.

Majority of the District boundaries are in Fresno County (1,005,150 acres) while approximately 42,770 acres are in Kings County. In total, LAFCo estimates that the District’s service area encompasses 1,047,320 acres.

¹ Fresno Local Agency Formation File RO-82-69, Boundary Change Recorded March 1, 1984.

² Westside Resource Conservation District Resolution 2015-01 Authorizing District Dissolution and Disposition of Assets, January 21, 2015.

³ Government Code Section 56035.

The District overlaps with Westlands Water District and Pleasant Valley Water District. The cities of Huron and Coalinga are excluded from the District. Land annexed to either city is detached from the District. The District's service area generally aligns to the boundaries of Westlands Water District.

Neighboring Resource Conservation Districts ("RCDs") include Panoche RCD and Firebaugh RCD to the north, San Benito RCD to the northwest (County of San Benito), RCD of Monterey County (County of Monterey) to the west, the Upper Salinas-Las Tablas RCD to the southwest. The Tranquillity RCD, James RCD, and Excelsior-Kings RCD are situated east of the District.

The first Westside RCD SOI was adopted by LAFCo in 1985 and remained coterminous with the District's service area until 2007.

In 2007, the Commission approved a consolidated SOI that embraced the six RCDs in Fresno County's westside. The 2007 consolidated SOI encompasses approximately 1,342,718-acres, and includes the following RCDs: Firebaugh RCD, James RCD, Poso RCD,⁴ Panoche RCD, Tranquillity RCD, and Westside RCD.

The intended purpose of the 2007 consolidated SOI for the RCDs was to facilitate their eventual consolidation into a single RCD. LAFCo reaffirmed this intent in 2011 and waived all LAFCo application fees associated with a future proposal to consolidate these districts. However, this interest was not shared by the affected RCDs and no effort nor interest from any of the affected agencies was made to follow up on the consolidation.

DISTRICT GROWTH AND POPULATION PROJECTIONS

There are no incorporated cities inside the District's boundaries. Most of the land within the District is under active agricultural operation with sparse rural residences. The District boundaries also includes portions of the west Fresno County's Diablo Range which includes areas near Panoche Hills, Tumey Hills, and Jacalitos Hills.

Population concentrations within the District occur in the unincorporated communities of El Porvenir (County Service Area 30), Cantua Creek (County Service Area No. 32), and O'Neil Farms (County Service Area No. 49).

The City of Avenal and the unincorporated community of Kettleman City are the nearest communities in the portion of the District located in Kings County.

The County of Fresno is the land use authority for the unincorporated portion of the District. The Fresno County General Plan designates majority of the land within the Westside RCD for agricultural use.⁵

⁴ Poso RCD was dissolved in 2019 pursuant to Senate Bill 448 (Wieckowski) proceedings.

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

Likewise, the County of Kings is the land use authority for the portion of the District in Kings County. The Kings County General Plan designates Agriculture Open Space land uses for the incorporated land also within the Westside RCD.⁶

Territory within the District is not anticipated to experience substantial population growth because much of the land in the District is protected by active agricultural contracts.

DISTRICT SERVICES

Based on available data, the District has not provided services in over a decade. The District does not have employees or volunteers that can secure revenues, nor does it appear that the District intends to exercise its powers in the future.

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.

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 District service area and encompasses census block groups that meet the Water Code definition of Disadvantaged Communities based on reported MHI levels. Based on this data, the following locations meet LAFCo's DUC criteria:

- Community of Cantua Creek.
- Community of O'Neil Farms
- Community of El Porvenir.

⁶ County of Kings 2035 General Plan, Land Use Element Figure LU-3.

DISTRICT INFRASTRUCTURE

The District does not own or operate any public facilities, capital infrastructure, or equipment.

DISTRICT FINANCES

The District does not have a source of revenue to fund services. Additionally, the District does not have any employees, a governing body, a mission, or a Long-Range Plan that would enable the District to pursue future grant funds.

In 2015, the District board of directors convened to discuss its financial challenges and acknowledged that without volunteers and adequate financial support it cannot continue to operate as a public agency.

In 2019, a former District contract employee informed LAFCo that the District had a checking account; however, to his knowledge no transactions have been made for many years. Financial data supplied by the District in its 2015 dissolution application to LAFCo indicated that the District had an account balance of approximately \$64,000, of which the District noted that \$50,000 is owed to the Westlands Water District.

LAFCo consulted with the Fresno County Auditor-Controller/Treasurer-Tax Collector ("AC/TTC"), Financial Reporting & Audits Division to determine whether the District had an account with the Fresno County Treasury. The AC/TTC found that the District had not made any transactions dating to 2004. According to the AC/TTC, the District's PeopleSoft account held with Fresno County was deactivated in 2018 due to financial inactivity.⁷ The District has not performed a financial audit in recent years.

As of December 2020, the State Controller's website shows the District as one out of the 27 special districts in California that failed to file their Financial Transactions Reports with the State Controller's Office for Fiscal Year 2018-19 pursuant to Government Code sections 53891.⁸

According to the Controller's website, District's fiscal year starts July 1st and ends June 30th of each year. The District is required to report its Financial Transactions Reports to the Controller's office no later than January 31st of each year. The State Controller's issued entity identification number for the District is 6780.

PUBLIC FACILITIES, OPPORTUNITIES FOR SHARED FACILITIES

It has been noted in this MSR that the District does not have any public facilities that present a benefit to the public or any other agency. Affected Local Agencies that overlap with the District:

- Coalinga-Huron Cemetery District (portion)

⁷ LAFCo electronic communication with Fresno County AC/T-TC, December 23, 2020.

⁸ California State Controller's Website: <https://bythenumbers.sco.ca.gov/Special-Districts/Special-Districts-Who-Failed-to-File-FTRs-for-FY-2/rbwh-942r/data>

- Coalinga-Huron Recreation and Park District (portion)
- County Service Area No. 30, El Porvenir
- County Service Area No. 32, Cantua Creek
- County Service Area No. 49, O’Neil Farms
- Fresno Westside Mosquito Abatement District (portion)
- Fresno County Fire Protection District
- Pleasant Valley Water District
- West Fresno County Red Scale Protective District
- Westlands Water District

GOVERNMENT ACCOUNTABILITY

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.

Based on previous LAFCo reports, a nine-member board of directors elected at-large serves as the District’s governing body. The expiration of the term of any director does not constitute a vacancy, rather the directors hold office until his or her successor has qualified to take office.⁹ According to available data, there are no District directors with current terms. California Elections Code authorizes the Fresno County Board of Supervisors, Supervisorial District 1 and 4, to appoint eligible individuals to the District board in lieu of an election.

The District’s elections are scheduled during the statewide general elections on even numbered years. According to the Fresno County Elections Department, in 2014 the Fresno County Clerk notified the District regarding its scheduled election for five available director seats for the 2014-2018 term. The District failed to provide the Fresno County Clerk a timely response and no candidate or re-appointment applications were filed with the County Election Department.

The remaining four director seats had term limits of 2012-2016; the District did not request the reappointment of those four director seats in 2016. It’s unknown whether any of the previous board members provided the County Clerk their vacancy notice. The current board vacancies are for the following terms: four seats 2018 to 2020 and five seats for 2020 to 2024.

At the time this MSR was prepared, the District did not have a government structure, governing policies, and did not employ any official personnel. The District’s lack of government structure supports LAFCo’s observation that the District has not used its corporate powers to provide a service nor has plans to reinstate services.

ANY OTHER MATTERS RELATED TO EFFECTIVE OF EFFICIENT SERVICE DELIVERY

A dissolution proposal was considered by the District board and a resolution requesting LAFCo to initiate the preprocess was adopted by the District board in 2015. In 2015, the District forwarded its resolution and submitted a dissolution pre-application to LAFCo. On multiple occasions

⁹ PRC section 9314.

between 2015 through 2020, LAFCo staff attempted to contact the previous District contract employee to gather additional information regarding the dissolution application to no avail.

Through this MSR update, LAFCo staff considered various factors pertaining local governance, compliance with its principal act, activities of the board, agency's finances, government accountability and transparency in order to present thoughtful and accurate information in support of Commission determinations for the District. Based on the District's lack of programs, LAFCo staff recommend the Commission to support the District's 2015 dissolution request.

A dissolution proposal would remove the need for State and County agencies to annually spend public funds to look for official District representatives when there are none. Furthermore, the dissolution proposal would remove the District's filing requirements with the State and County for budgets, financial audits, elections, and Form 700 Statements of Economic Interests.

In compliance with GC sec. 56375, this MSR provides the foundation for the Commission to consider the dissolution of Westside RCD. If the Commission considers this course of action, the procedure to dissolve a special district involves, but is not limited to:

1. No action on the 2007 consolidated SOI for the portion of the District.
2. Initiating proceedings by adopting a Commission resolution.
3. Provide notice of Commission Action to all affected agencies.
4. Schedule a duly-noticed public hearing by the Commission where all interested parties and affected agencies can be heard; and,
5. Adopt a Commission resolution ordering the dissolution of the District.

2. MSR UPDATE 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.**
 - The County of Fresno is the land use authority for the unincorporated portion of the District. The Fresno County General Plan designates majority of the land within the Westside RCD for agricultural use. There are no incorporated cities inside the District's boundaries.
 - Population concentrations within the District occur in the unincorporated communities of El Porvenir (County Service Area 30), Cantua Creek (County Service Area No. 32), and O'Neil Farms (County Service Area No. 49).
- 2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence**
 - The District service area and encompasses census block groups that meet the Water Code definition of Disadvantaged Communities based on reported MHI levels. Based on this

data, the following locations meet LAFCo's DUC criteria: Community of Cantua Creek, Community of O'Neil Farms, and Community of El Porvenir.

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.

4. Financial ability of agencies to provide services.

- In 2015, the District board of directors convened to discuss its financial challenges and acknowledged that without volunteers and adequate financial support it cannot continue to operate as a public agency.
- The District does not have any employees, a governing body, a mission, or a Long-Range Plan that would enable the District to pursue future grant funds
- According to the Fresno County AC/TTC, the District's PeopleSoft account held with Fresno County was deactivated in 2018 due to financial inactivity. The District has not performed a financial audit in recent years.

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 no longer provides services. The District board adopted Resolution 2015-01 to dissolve the District in accordance with the CKH, and forwarded this resolution to Fresno LAFCo.
- Based on available information, there is a reasonable probability that the District will not reinstate services.

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. 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 update.
2. As Lead Agency, find that the Municipal Service Review update 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. That the Commission set a public hearing for dissolution proceedings and approve and order the dissolution without an election or protest proceedings pursuant to pursuant to GC. Sec. 57077.1(c)(1).

4. ACKNOWLEDGEMENTS

This MSR and SOI update was prepared by Fresno LAFCo. Supporting documentation was made available through LAFCo's consultation with the Fresno County Auditor-Controller/Treasurer-Tax Collector ("AC/TTC"), Financial Reporting & Audits Division and Westlands Water District.

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>