
FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT

AGENDA ITEM No. 7

DATE: October 13, 2021
TO: Fresno Local Agency Formation Commission
FROM: David E. Fey, Executive Officer 
BY: George Uc, Senior LAFCo Analyst
SUBJECT: **Consider Approval:** Sphere of Influence update for Sierra Resource Conservation District (USOI – 193, continued hearings from June 9, 2021 and August 11, 2021).

Recommendation: Update the Sierra Resource Conservation District (“Sierra RCD”) sphere of influence (“SOI”) by taking the following actions:

Action 1: Sierra RCD SOI update, California Environmental Quality Act

- A. Acting as a Responsible Agency pursuant to CEQA, consider the Notice of Exemption for the Sierra RCD SOI update prepared by the Sierra RCD acting as Lead Agency for the Commission’s review and update of the Sierra RCD SOI.
- B. Find that as a Responsible Agency, LAFCo, it can be seen with certainty that the proposed SOI update of the Sierra RCD does not have the potential to result in significant effect on the environment and therefore the SOI update is not subject to CEQA pursuant to CEQA Guidelines section 15061(b)(3). Therefore, the proposal is exempt from environmental review pursuant to CEQA guidelines Section 15061 (b)(3).

Action 2: SOI Update Written Determinations and Recommendations

- C. Pursuant to Government Code section 56425, approve the proposed written determinations and recommendations prepared for the Sierra RCD SOI update.
- D. Revise the Sierra RCD SOI to include 235,776 acres consisting of unincorporated and urban land, as depicted in Figure 2 of the Sierra RCD Municipal Service Review and SOI update report.

~ OR ~

Alternative Action 2-A: Affirm LAFCo's 2016 SOI for Sierra RCD

Based on public testimony and comments received for the Sierra RCD Municipal Service Review ("MSR") and SOI update:

- 2-A.1. Deny without prejudice application USOI-193: a request to expand the Sierra RCD SOI to include 235,776 acres consisting of unincorporated and urban land, as depicted in Figure 2 of the Sierra RCD MSR and SOI update report; and
- 2-A.2. Affirm the existing 2016 Sierra RCD SOI.

This alternative action will have the effect of precluding approval of the "Sierra Resource Conservation District Annexation" application AD-19-3 because the proposed annexation area would not be within the Sierra RCD SOI.

Executive Summary

This item has been continued twice to allow the affected special districts and Sierra RCD to work on a mutual resolution that addresses the agencies' concerns with LAFCo applications USOI-193 and AD-19-03. The affected special district consists of Alta Irrigation District ("AID"), Consolidated Irrigation District ("CID"), Central Kings Groundwater Sustainability Agency ("CKGSA"), and Fresno Irrigation District ("FID").

Staff recommends the Commission to update the Sierra RCD SOI.

Discussion

On June 9, 2021, the Commission updated the MSR (LAFCo File No. MSR-21-7) prepared for the Sierra RCD pursuant to Government Code section 56430. The Commission then voted unanimously to continue the hearing on the Sierra RCD SOI update application (USOI-193) and the subsequent annexation application (AD-19-03) to the August 11, 2021 LAFCo hearing. The purpose of the continuation was to allow the affected special districts to work with Sierra RCD to find a mutually agreeable resolution that addresses the agencies' concerns with the applications.

On August 11, 2021, the Commission reconvened to consider application USOI-193 and AD-19-03. The Commission was informed that the agencies did not reach a mutual resolution within the 60-day negotiation period.

The Manager of Sierra RCD informed the Commission of his efforts to address the affected special districts' concerns even though there was not a clear issue that the District could address within the Sierra RCD's purview. Sierra RCD is not a taxing agency and does not have that authority to regulate or manage water supplies. The affected

special districts affirmed their opposition to Sierra RCD's applications because of the potential risk to existing and future water supplies.

During the public hearing, the Manager of FID expressed to the Commission that the affected special districts preferred the "status quo," if that was not acceptable to the Commission then the affected special districts would ask for additional time to discuss a potential written agreement with Sierra RCD. The primary issue is "water related" goals and language included in Sierra RCD's five-year Long-Range Plan for years 2020 through 2025.

An alternative to the boundary change was suggested by a Commissioner for the agencies to consider during negotiation. Perhaps exploring the options of entering into a Memorandum of Understanding or a Joint Powers Agreement for resource conservation services may allow the agencies to partner together on projects in the affected territory without the need to alter the boundaries of the Sierra RCD.

The Manager of Sierra RCD and the Manager of FID on behalf of the affected special districts were willing to work together if an additional 60-day negotiating period was approved by the Commission.

After closing the public hearing, the Commission unanimously voted to continue the hearing to allow an additional 60 days for the parties to negotiate in good faith and seek a resolution and report back to the Commission at its October 13, 2021 hearing.

As October 6, 2021, the affected special districts and Sierra RCD have not reached a mutual agreement.

Attachments

- Attachment A - Draft SOI update report for Sierra RCD
- Attachment B - List of services provide by Sierra RCD
- Attachment C – Irrigation Districts comment letter for USOI-193
- Attachment D - Notice of Exemption for the Sierra RCD SOI update
- Attachment E – August 11, 2021 Agenda Item 6 packet
- Attachment F - June 9, 2021 Agenda Item 6 packet