



August 23, 2016

San Joaquin Local Agency Formation Commission  
509 W Weber Avenue, Suite 420  
Stockton CA 95203

RUSSELL KAGEHIRO  
President  
Division V

Subject: Byron Bethany Irrigation District-West Side Irrigation District  
Consolidation

TIM MAGGIORE  
Vice President  
Division III

Dear Commissioners,

LARRY ENOS, JR.  
Director  
Division I

The respective Boards of Directors of the Byron Bethany Irrigation District (BBID) and the West Side Irrigation District (WSID) have been working diligently to craft a consolidation proposal for consideration by your Commission. The proposal has now reached fruition, and the Districts are ready to move forward to consolidation.

MARK MAGGIORE  
Director  
Division II

FELIX MUSCO  
Director  
Division IV

### REQUEST

CHARLES TUSO  
Director  
Division VI

The Boards of Directors of BBID and WSID hereby request that San Joaquin LAFCo set the consolidation proposal for hearing before the Commission.

JEFF BROWN  
Director  
Division VII

### JUSTIFICATION FOR REQUEST

RICK GILMORE  
General Manager  
Secretary

1. Because the respective District Boards have adopted substantially similar resolutions of application (a concurrent resolution, in fact), pursuant to Section 56853 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Commission is required to approve, or conditionally approve, the proposal.
2. The Districts' preferences are that the consolidation proposal be approved with appropriate conditions in order to satisfy the Commission as well as the Executive Officer. However, as originally conceived by the Executive Officer, the consolidation process would require preparation of Municipal Service Reviews (MSRs) for each existing district under current conditions; preparation of an Updated Sphere of Influence (SOI) for each district; and completion of environmental review prior to consideration of the consolidation.
3. Given the limited discretion afforded the Commission by Section 56853, these prerequisites do not make any logical sense to BBID or WSID.

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In the view of the two Districts, it seems much more appropriate, and much more productive, for the Commission to take action on the consolidation; and condition the proposal to require completion of an MSR and SOI Update for the consolidated district.

4. Both the consolidated MSR and the consolidation itself are exempt from environmental review under the California Environmental Quality Act (CEQA). The consolidated MSR is exempt under Section 15306 (Class 6) of CEQA, pertaining to Information Gathering; and the consolidation is exempt under Section 15320 (Class 20), in which two or more districts with identical powers are consolidated and there is no change to the geographic area in which services are provided. It is possible that adoption of an SOI for the consolidated District will require environmental review; which can occur after the consolidation when all of the environmental parameters can be evaluated. To attempt environmental review prior to consolidation is speculative, as all of the consolidation details and service aspects have yet to be finalized.
5. The consolidation approval can also be conditioned to address any other concerns or issues raised by the public, by the Commission, or by LAFCo Staff.

It would be our desire to have this letter placed on the Agenda for your next regular meeting in September, 2016. The Concurrent Resolution is also being provided to show the intentions of the Districts in this consolidation effort. Much work has been accomplished to move this proposal forward, and we look forward to working with the Commission to reach a conclusion.

Very truly yours,

BYRON BETHANY IRRIGATION DISTRICT



Mr. Russell Kagehiro,  
President