

2024-2025 KERN COUNTY GRAND JURY



LAMONT STORM WATER DISTRICT

Release Date

April 8, 2025

LAMONT STORM WATER DISTRICT

A District Under Water



Photo by Grand Jury

SUMMARY:

Need an airport? Maybe a sewer system? No problem. Establish a Special District. Special Districts are local government entities created for the people of a community to deliver essential services at reasonable prices to either unserved or under-served constituents living in unincorporated or incorporated areas.

According to the U.S. Census Bureau, there are over 30,000 special districts in the United States serving a variety of specialized needs that are not provided by other local government agencies.

However, over time, a district can lose its focus, become dysfunctional and/or no longer provide the services for which it was created. When this happens, airport growth is hampered, cemeteries fail to serve the living and deceased, or water stops flowing to the spigots in the homes of rate payers. In the event of these circumstances, special districts may have to be consolidated, merged, or subsidized to continue to provide essential services to their dependent residents.

This is the case of the Lamont Storm Water District (LSWD). It was originally formed to provide flood and property damage protection for residents of Lamont. LSWD has failed or is unable to fulfill its obligation to farmers and property owners. The inaction of the LSWD Board of Directors has left this vulnerable population to the good will of agencies who have stepped in to provide minimal flood water protection. Without this outside assistance, flood waters would inundate farms, property, and roads.

PURPOSE OF INQUIRY:

California Penal Code §933.5 authorizes the Grand Jury to examine books and records, investigate and report on the operations and management of all special districts within Kern County. The 2024-2025 Kern County Grand Jury (Grand Jury) investigated the LSWD for operational viability, financial solvency, transparency and responsiveness to the community it serves.

METHODOLOGY:

The Grand Jury conducted interviews with active LSWD Board members and reviewed limited financial and historic documents.

The 2024-2025 Grand Jury further reviewed:

- 2014-2015 Grand Jury report, “Local Agency Formation Commission”
- The 2016-2017 Grand Jury’s most recent investigative report on “The Caliente Creek Watershed”
- A segment of a local Fox Eyewitness News report, dated February 10, 2017, “County Grand Jury Urges Ordinance Enforcement”
- California Civil Code §1708 (addresses injury to person or property, and protection of rights)
- The July 31, 1990, United States Army Corp of Engineers Report
- 2017 Caliente Creek feasibility studies
- The May 13, 2019, Kern County Conceptual Plan for Flood Mitigation



Berm on Panama Lane
Photo by Grand Jury

DISCUSSION OF FACTS:

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- The map shows the Bakersfield, CA area with a red outline indicating the North Area and a blue arrow pointing to the South Area. The map includes labels for Bakersfield Tehachapi Hwy, North Area, South Area, and various roads like Panama Rd and Bakersfield Rd. A logo for bakersfield.com is visible in the bottom right corner.

Image from Bakersfield.com

- 2024-2025 Kern County Grand Jury Report

- C. The Lamont Storm Water District was formed in 1984, with the expressed duty to make improvements to protect the Lamont community from flooding and the resulting property damages. In addition, it was also to serve as a point of contact between multiple agencies that are involved with the Caliente Creek floods.
1. LSWD was created to be governed by a five-member elected Board of Directors.
 2. As a special district LSWD, was designated to be the financial agency receiving parcel taxes to fund the administrative operations, facility maintenance, and approve projects to enhance flood protections.
 3. The LSWD was designated by LAFCO as the local entity to speak for the property owners and residents to the County of Kern, other county water districts and reclamation agencies.
- D. According to LAFCO's Agency Formation Document, dated November 1983, the "area experienced major flooding no less than 8 times in the past 50 years and twice in the last 5 years," preceding the formation of LSWD.
- E. The danger to life and property has been compounded by dikes and unregulated berms, built by farmers to divert water and sediment from the Caliente Creek Watershed. This caused flooding that followed Panama Lane as a pathway into Lamont.



Flooding in the Lamont area
Image from 23ABC.com

- F. Dikes and levees protect farmlands from sediment and debris deposits on fertile farmland, as well as prevent farm water contaminated with fertilizers and animal waste, from entering the mainstream water supply.



Photos of a berm (left) and
a holding sump (right)

Photos by Grand Jury



- G. March 1998, the LSWD filed a civil complaint claiming a dike or berm, initially built in the 1930s, now constituted a public nuisance and redirected the natural flow of waters from the Caliente Basin, flooding properties in the Lamont area. Although the judge's opinion was that the case had some merit, the plaintiffs did not have legal standing to file a lawsuit. Also, The California Right To Farm Act, implemented in 1981, protects agricultural activities from being determined a nuisance.
- H. In June 2017, Kern County Public Works completed the Caliente Creek Mitigation and Ground Water Recharge Feasibility Study. Engineers concluded that after two major rain events there would be too much debris and sediment for a proposed dam to remain operable.
- I. May 13, 2019, the County of Kern released the Caliente Creek Conceptual Plan for Flood Mitigation. This is a follow up study to the June 2017 report. The purpose of these studies is to create a buffer zone to maximize mitigation of flood waters impacting the Lamont and Arvin communities.
- J. The BOS approved funding, through the American Rescue Plan, to acquire and grade 500 acres of farmland to create a wildlife habitat as a flood protection measure for downstream communities including Lamont and Arvin. When completed the design will absorb or percolate water runoff from Caliente Creek, slowing and spreading water flows, as much as possible, offering protection from a potential major rain event.
- K. In partial response to the flooding situation, Kern County Public Works has built three sumps to minimize the flooding of the Lamont area. The largest sump holds 62,000,000 gallons of floodwater which percolates into the ground. In the event of a flooding situation, Public Works coordinates with the Offices of Emergency Services and barriers are placed to channel the movement of floodwaters.

- L. It is a concern that many areas are accumulating trash and overgrown weeds that may create issues in flood situations



Unkept areas in the flood canals
Photos by Grand Jury

- M. LSWD no longer has office space, office equipment, administrative staff, phones, website, etc. to conduct business.
- N. LSWD relinquished its authority to Kern County to receive parcel taxes collected from the district's property owners and has approximately \$280,000 in its Kern County Treasurer and Tax Collector accounts.
- O. LSWD no longer receives tax revenues that were designated to build a dam, fund the administrative operations, and approve projects to enhance flood protections.
- P. LSWD has not completed a required audit since 2017. Special Districts are legally mandated to file audits with the Kern County Auditor-Controller-County Clerk every 12 months.
- Q. LSWD is current with its annual reports to the California State Controller's Office.
- R. LSWD transferred a mechanical sand bagger to another service district. It is available for LSWD use as needed.
- S. The LSWD has ceased to function as a viable option to provide any flood protection for the community of Lamont.
- T. LAFCO has several options for the disposition of a nonfunctioning special district:
1. State and local intervention to:
 - Reorganize two or more special districts into a single entity providing the same service

- Consolidate two or more districts into a successor district to perform day-to-day administrative operations
 - Dissolve the district with the day-to-day operations assumed by a governing authority. Once “dissolution without annexation” is complete, the county will become the successor agency for the district
2. The 2024-2025 Grand Jury interviewed a member of the Kern County Board of Supervisors, resulting in the following options:
 - The BOS could appoint a sufficient number of LSWD Board Members to form a governing quorum and resume day-to-day operations of the district, pending new elections
 - Dissolve the independent district and the BOS would assume the administrative day-to-day duties of the proposed dependent district
 3. Federal government intervention:
 - Declare the district’s function an essential service vital to national interest e.g. water reclamation or flood protection

FINDINGS:

The 2024-2025 Kern County Grand Jury finds:

F1. Kern County Public Works uses mobile berms to further redirect flood waters from the Lamont area. This process mitigates flooding and provides some flood protection.

F2. LSWD is currently unable to fulfill its obligation to protect the properties in the District, offering no protection from flooding and subsequent property damage.

F3. The District is not serving in an advisory capacity to the BOS or other agencies involved regarding flood concerns affecting the community of Lamont. Therefore, the residents of Lamont have no voice for their flood protection needs.

F4. The initial formation documents established the District as a liaison between a primarily Spanish speaking community and the various agencies that are involved with Caliente Creek. This need has not changed, leaving residents without representation.

F5. LSWD Board does not have a quorum, therefore, it is dysfunctional and cannot conduct business. As a result, it offers inadequate flood protection for the community.

COMMENTS:

The Grand Jury extends its appreciation to the remaining Board Members of the Lamont Storm Water District. These Members responded candidly to interview questions and provided the District's financial, operational, and historic records. The Grand Jury also thanks the Kern County Public Works staff, LAFCO, and Lamont Public Utility District for providing detailed information regarding flood mitigation efforts.

Although LSWD is currently unable to form a quorum for business purposes at its monthly Board Meetings; two Members firmly believe in the importance of a local entity that is familiar with the area, its families and its unique culture. Both expressed an interest in the viability and survival of the LSWD. These Members also stated they are willing to continue serving on the Board until a resolution is determined.

RECOMMENDATIONS:

The 2024-2025 Kern County Grand Jury recommends:

- R1. LAFCO and the Board of Supervisors should make a decision about the future of the LSWD by July 1, 2025. (Finding #5)
- R2. If the decision is to dissolve an inactive Special District, the Board of Supervisors should take over the finances and flood control by July 1, 2025. (Finding #5)
- R3. If the decision is to reactivate, the Board of Supervisors should name a sufficient number of District residents to reestablish a Board quorum by July 1, 2025. (Finding #5)

NOTES:

- The Lamont Storm Water District should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: <https://www.kerncounty.com/government/other-agencies/grand-jury>
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: <https://www.kerncounty.com/government/other-agencies/grand-jury>

RESPONSE DEADLINE:

- **REQUIRED WITHIN 90 DAYS FROM:**

Kern Local Agency Formation Commission
Findings #4 and #5
Recommendations #1 through #3

Kern County Board of Supervisors
Findings #1 through #5
Recommendations #1 through #3

- **PRESIDING JUDGE**
SUPERIOR COURT OF CALIFORNIA
COUNTY OF KERN
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301
- **FOREPERSON**
KERN COUNTY GRAND JURY
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Reports issued by the Grand Jury do not identify individuals interviewed. Cal. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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