



*2018* **BUILDING HEALTHY  
COMMUNITIES**  
ADVANCEMENT PROJECT CALIFORNIA



## ABOUT BUILDING HEALTHY COMMUNITIES SOUTH KERN

Since 2010, Building Healthy Communities – South Kern (South Kern BHC) has been working diligently through the Comunidades Unidas (United Communities) Action Team led by Leadership Counsel for Justice and Accountability (LCJA), the Center on Race, Poverty and the Environment (CRPE) and the Central Californian Environmental Justice Network (CCEJN) to improve health and the environment for low-income county residents living in unincorporated communities. Specifically, the South Kern BHC has been advocating for more parks, air and water quality, street and sidewalk infrastructure investments to be located in the unincorporated areas of Kern County such as Lamont, Greenfield, Weedpatch and the incorporated City of Arvin.



## INTRODUCTION

Local governments have the power to shape communities by deciding where programs, services and infrastructure projects will be located. County officials, for example, decide how limited capital project and maintenance dollars are put to use and where to locate new parks, housing, roads, and jails. Capital projects are new structures, facilities, or land acquisitions while maintenance projects are smaller scale projects such as upgrades or improvements to current facilities. Government decisions have a multiplier effect that can either raise property values, improve people's health, and create local jobs – or make communities undesirable. Given the power government officials hold, they have the responsibility to improve the lives low-income people by locating positive infrastructure projects in their communities.

Using an equity-based approach, local officials should take into account community health and economic indicators to dictate how to best use public infrastructure dollars. For example, an equity-based approach can take into account where low-income residents live and focus resources on those areas rather than spreading resources out equally. Moreover, local officials can work with community members to determine the types of investments that residents would most benefit from. Engaging with the community in the process of identifying the best use of infrastructure dollars will improve community relations by building trust and a sense of cooperation.

The purpose of this brief is to highlight the lack of infrastructure investments made in low-income communities of color by Kern County over the last decade and to provide policymakers with recommendations for how to ensure future investments are spent equitably in low-income communities. A series of policy briefs will shed light on Kern County's historical public infrastructure spending practices from Fiscal Years 2007- 2017 for parks and recreation facilities, public safety, water, and streets and roads, with an added focus on low-income disadvantaged communities living in rural areas.



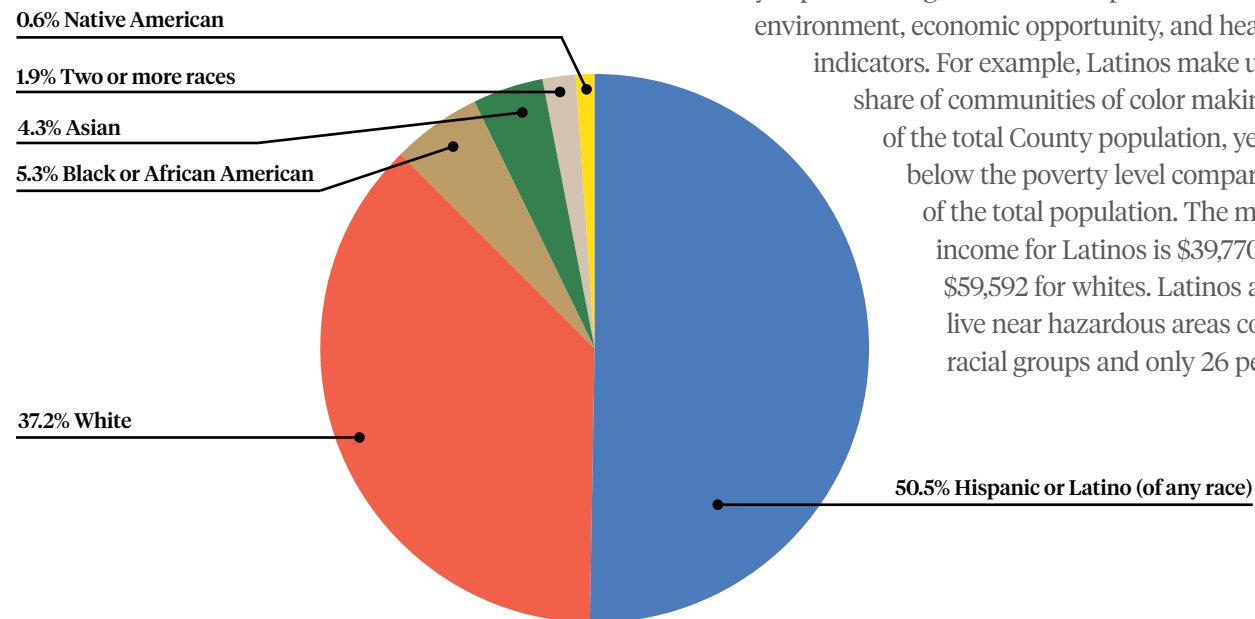
## KERN COUNTY PROFILE

Kern County, located in the San Joaquin Valley in Central California, is one of the largest counties in the state spanning 8,132 square miles<sup>1</sup> and is home to 900,000 residents.<sup>2</sup> The County contains 11 incorporated cities,<sup>3</sup> with Bakersfield City being the most populous, containing about 43 percent<sup>4</sup> of the County's population. On the other hand, 35 percent<sup>5</sup> of the population lives in unincorporated areas of the County. The population has grown by 20 percent<sup>6</sup> since 2005 and is expected to continue growing at a rapid pace. Agriculture is one of the leading industries in the region employing 22 percent<sup>7</sup> of the population followed by government jobs at 20 percent.<sup>8</sup> However, the unemployment rate is 10.3 percent<sup>9</sup> and 23 percent<sup>10</sup> of residents are living below the poverty level, both rates higher than the state average.

### Kern County Racial Disparities<sup>11</sup>

People of color represent 63 percent of the population in Kern County; nevertheless they experience higher levels of disparities when it comes to the environment, economic opportunity, and health care access indicators. For example, Latinos make up the greatest share of communities of color making up 51 percent of the total County population, yet 30 percent live below the poverty level compared to 23 percent of the total population. The median household income for Latinos is \$39,770 compared to \$59,592 for whites. Latinos are more likely to live near hazardous areas compared to other racial groups and only 26 percent of Latinos

### Kern County Population by Race



have access to parks. Latinos are heavily concentrated in the unincorporated areas of the County that are located next to the Bakersfield City borders, more commonly known as metropolitan Bakersfield, and northeastern regions, whereas, whites primarily reside in the northwestern and southern areas of the County. While 60 percent of Latinos are registered voters, they are still politically underrepresented in elected office. Kern County also ranks as one of the highest locality in the Central Valley region to have very little diversity in law enforcement personnel, which may explain why 58 percent of residents do not feel safe in their neighborhoods; a rate much higher in Kern County than in any other nearby county.

## COMMUNITIES FACE CONSTANT FLOODING AND CONTAMINATED DRINKING WATER

Kern County residents from low-income communities have been voicing concerns about their lack of access to safe drinking water, serial flooding and failing sewer systems for years. Residents have been living in areas with contaminated drinking water<sup>12</sup> and high flood-prone streets,<sup>13</sup> along with other water-related infrastructure problems. These ongoing issues have brought an intense focus on the need for large-scale capital and maintenance improvements to water facilities, especially those located in unincorporated communities.

### Street Flooding

At the start of 2017, Kern County saw high levels of rainfall due to a series of storms not seen in the region in recent years. The storms caused significant flooding in the unincorporated area of Lamont that closed roads and in one tragic case, played a part in the death of a Bakersfield woman who drowned in floodwaters after exiting her stranded vehicle.<sup>14</sup> Unfortunately, flooding in Lamont is not a new phenomenon: even during years with moderate rainfall levels, street flooding can occur. Residents have taken it upon themselves<sup>15</sup> to mitigate these effects by setting up sandbag barriers around their homes, businesses, schools, and churches to prevent the water from entering their property. At best, the flooding is a disruption to everyday life and is costing the County millions of dollars annually in road repairs; at worst, it can be life threatening to children and seniors.



## Water wells

Safe drinking water has also been at the forefront of resident advocacy efforts for years. According to the Water Association of Kern County, 36 percent<sup>16</sup> of residents rely on groundwater for everyday use. Groundwater is obtained through Community Water Systems (CWS), public water system agencies. The County has many of these public water systems in operation due to its large and rural landscape. In 2013, the State Water Resources Control Board<sup>17</sup> looked into the number of CWS' in the state that rely on a contaminated groundwater source for drinking water, and of those, which had been issued Maximum Contaminant Levels (MCL) violations for high concentrations of chemicals such as arsenic, uranium, and nitrate. Kern County had the highest number of CWS' with the most MCL violations out of all the counties. Additionally, most of the CWS' that were issued violations were 100 percent reliant on groundwater. At the time, Kern County was also one of the few localities found to not be receiving or actively seeking funding from the California Department of Public Health (CDPH) to address water quality issues. **That means that 138,480 residents were consuming water sourced from contaminated groundwater by CWS found to have been issued MCL violations – that is 16 percent of the County's population based on the 2010 Census.**

Despite these significant issues, the County is not playing a proactive role in ensuring residents have safe drinking water. The Environmental Health Services Division housed within the County's Public Health Department is tasked with responding to complaints and evaluating permits to construct, reconstruct and destroy water wells and evaluate the water quality of constructed wells. Yet in the FY18 Recommended Budget, the division's stated inspection goals did not include reducing the number of contaminated water wells. The County's District Attorney is also tasked with reviewing environmental complaints; however, there is no data publicly available on the number of environmental complaints filed in the County in previous years. Despite these agencies efforts many CWS' with multiple MCL violations continue to operate. Further complicating Kern County's efforts to regulate and enforce better water system practices is the sheer number of small-to-large water systems located in the region, the lack of funding the County has set aside for water infrastructure maintenance, the shortage of County staff available to monitor and enforce water quality improvements, and the general independent nature of CWS.

## REASONS FOR POOR QUALITY WATER MANAGEMENT SYSTEM

There are many causes of these breakdowns, from the specific to the general. The flooding in Lamont can be attributed, in part, to the County's lack of management of floodplain mitigation efforts spanning decades. For years, farms and residential communities have diverted water runoff from Caliente Creek using berms and roads to channel water downstream leading inevitably to the Lamont area without much consequence. The re-occurring issues prompted the County to commission the report on the Caliente Creek Flooding and Update on Feasibility Studies for Caliente Creek Habitat Mitigation and Groundwater Recharge Projects<sup>18</sup> in order to fully address the flooding issues in Lamont.

Reasons behind contaminated water wells can be attributed to poorly constructed or damaged wells.<sup>19</sup> While the County is aware of the water agencies with MCL violations that rely entirely on groundwater they have not produced a plan on how they intend to replace or improve damaged wells. The County has a Special Districts Committee that is responsible for overseeing the management and use of taxpayer funds. The Committee may also investigate complaints submitted by citizens and offer recommendations for how to improve operations and management of funds. The most recent Committee report<sup>20</sup> looked into a handful of special water districts and highlighted the need for improved fiscal management of funds and increased transparency for public meetings. While the Committee is doing the public a service by investigating complaints, they alone do not have the capacity to monitor all the special districts.

In general, the regional water management systems in charge of handling water management facilities are diffused among a number of smaller agencies or departments in charge of providing water supply, water quality management, flood control, and wastewater treatment throughout the County. For example, residents living in unincorporated Lamont are provided potable water and sewer services through the Lamont Public Utility District; however, issues pertaining to flood control are dealt with the County. The County's Public Work Department is the agency tasked







with flood prevention in the project development stage; however, the Roads Department manages street flooding once it has occurred.

At the center of resident complaints is the need to improve how the County responds to water infrastructure needs. The County's diffuse system of managing various water functions makes it difficult for residents to submit complaints and seek remedies for years of malfunctioning water infrastructure. Given these challenges, the stakes are high for the County to get it right on water management and infrastructure development, especially for residents living in unincorporated area who are more likely to rely on contaminated groundwater sources.

### Public Infrastructure Project Analysis

Each year the County Board of Supervisors adopts a new budget detailing how they intended to spend public dollars for the upcoming fiscal year. In the process of adopting the budget, the County produces a detailed Recommended Budget, which provides extensive information about the County's revenue sources, department budgets, and a priority list of capital and maintenance projects. The criteria the County uses to prioritize capital and maintenance projects includes whether projects are legally mandated, address health and safety concerns, are preventative, can reduce costs, or provide a direct benefit to the public. However, County officials are not mandated to follow the criteria.

County spending on capital and maintenance projects fluctuates year-to-year depending on available resources and facility needs. For example, in Fiscal Year 2008 the County proposed \$36.7 million in new and rebudgeted capital projects; \$23.8 million of the of the revenue used to pay for the projects was sourced from offsetting revenue or special revenues and the remaining \$12.8 million sourced from County discretionary revenue. As of Fiscal Year 2017, the County proposed zero capital projects and \$6.4 million in maintenance projects due to budget constraints and only prioritized spending on maintenance projects that reduce costs in the long run.



## KEY FINDINGS

Recommended Budgets from Fiscal Years 2007 to 2017 show that water infrastructure projects have seen minimal investments compared to other county facilities. To put this into perspective four percent or \$32 million of all the capital and maintenance recommended expenditures by the County in the last decade where directed for water projects compared to 30 percent or \$193 million directed to public safety facilities.

- We identified 69 proposed projects<sup>21</sup> totaling \$32 million dollars in recommended expenditures.
- Curb, gutters and drain improvements comprised 36 percent or \$11.4 million of the projects proposed for funding, followed by 35 percent or \$11.2 million for sewer improvements, 15 percent or \$5 million for water improvements, and 15 percent or \$4.5 million miscellaneous water related projects such as septic tank and irrigation improvements.
- The largest share or 73 percent of the recommended expenditures were located in unincorporated areas, with another 19 percent located in incorporated communities, and the remaining 8 percent were not geocoded because an address was not available.
- The projects all ranged in cost with the largest, being the Rexland Acres sewer system improvements totaling \$9.6 million in recommended expenditures spread out over several fiscal years. The second most funded facility was the Buena Vista Aquatic Recreational Area, which was allocated \$3.7 million for water treatment rehabilitation.
- Communities such as Lamont saw \$1.9 million in water related infrastructure investments for drainage improvements.

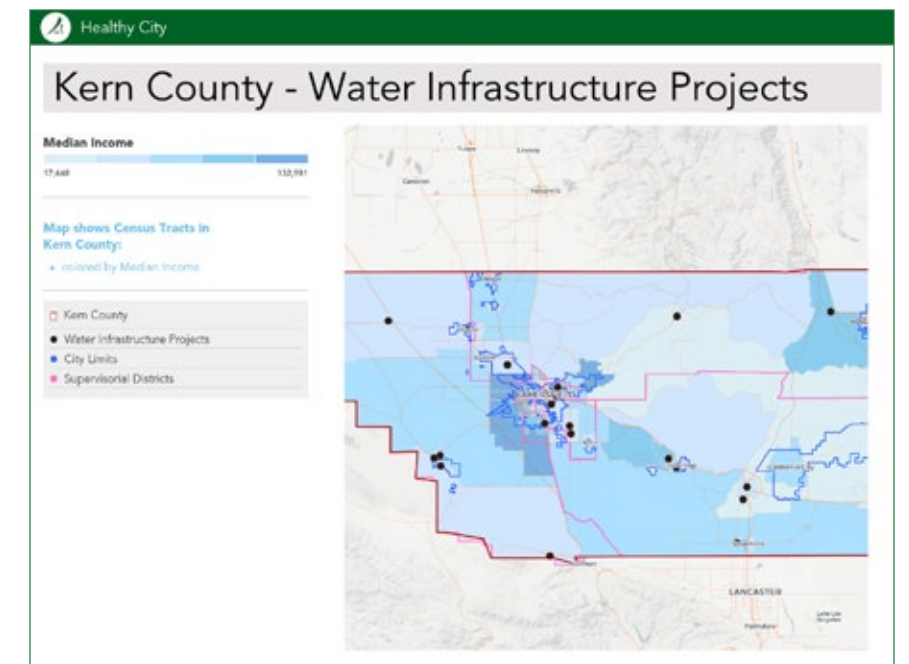


Figure 1 The figure above demonstrates all of the water-related infrastructure capital and maintenance projects proposed by the County between the Fiscal Years of 2007 and 2017. Credit: Healthy City, Advancement Project. Map accessible <http://www.healthycity.org/maps/1558/>

## REVENUE SOURCES FOR WATER INFRASTRUCTURE PROJECTS

The County has used a variety of funding sources to pay for water infrastructure projects. For example, there were projects that were funded through local discretionary dollars, other projects were funded in part by governmental grants or loans, and some were funded through the creation of special districts that generate local revenues. The Rexland Acres Sewer Improvement Project, for example, was funded in part by a \$3.1 million dollar loan from the US Department of Agriculture (USDA) Rural Utilities Service (RUS), program that provides loans to localities for the funding of infrastructure improvements to rural communities. In order for the County to repay the USDA loan and the remaining costs of the Rexland Acre Sewer System project they created a special district, approved by voters in the area, that is able to tax residents living within the district in order to raise the revenues to pay for the project. It is worth noting that the sewer improvements would not have happened had it not been for community groups<sup>22</sup> organizing residents and working with the County to obtain the funding. Partnerships with community groups and residents are a valuable asset that County officials can and should use to leverage outside funding.

On the other hand, the various wastewater and water improvement projects at the Buena Vista Aquatic Recreational Area (BVARA), amounting to \$3.7 million, were paid using discretionary General Fund dollars. Finally, a majority of the curb, gutter, and drain improvements were funded with Community Development Block Grant (CDBG) dollars. The federal Housing and Urban Development (HUD) Department awards CDBG grants to moderate to low-income communities for community development activities. . CDBG funds can be used to acquire new property, rehabilitate residential structures, construct of public facilities and improvements such as water and sewer facilities and street improvements, and support public service programs.

Using a mix of sources to pay for capital and maintenance projects is a common practice used by many jurisdictions; however, what does stand out is the minimal investment by the County for water projects. Seemingly, the County has given up on funding a majority of these projects and relied on outside revenues to pay for much needed projects. Given the severity of the issues identified through contaminated water-wells and flooded streets the County should prioritize community health and wellbeing in order to minimize negative impacts on individuals.

## POLICY RECOMMENDATIONS

There is an urgent need for Kern County to address water quality issues across the region, failing to act will only worsen current conditions. Improving water systems will require a meaningful amount of attention and investment on behalf of County leaders. While improvements to water systems will take time, there are a series of immediate and long term steps that local leaders can take to remedy the situation.

1. The County should prioritize discretionary one-time funds for well reconstruction projects to minimize water contamination in communities with the most contaminated water wells and road improvements for highly flood-prone zones in the County. The County should develop a water infrastructure plan, in partnership with local agencies and communities, to develop a priority list of projects that need immediate attention. Additionally, the County should follow through with the recommendations found in the Caliente Creek Flooding and

- Update Feasibility Study to reduce flooding in Lamont.
2. The County should include stronger water policies in the Kern County General Plan Update to protect disadvantaged communities from health hazards found in water systems. Without these stronger policies in place communities have very little recourse to seek remedies. Finally, once those policies have been included the County should enforce them by taking swift action against agencies who are in violation of those policies.
3. In 2014, California voters approved Proposition 1, a water bond that authorized \$7.5 billion in general obligation bonds to fund various water infrastructure projects across the state. Of the billions voters authorized, \$520 million was approved for clean, safe and reliable drinking water; 92% of which has already been committed, and \$395 million for flood management, 28% of which has

- already been committed. The County should work with local CWS' to help them apply for the remaining clean drinking water money available and the County itself should apply for flood management grants to improve flooding in Lamont and in other unincorporated communities.
4. The County should establish a subdivision within the Public Health Department's Environmental Health Services Division tasked with monitoring contaminated water wells and responding to water quality concerns from residents. This subdivision should also work with local CWS' and with the board members of local water agencies to ensure they are applying for Proposition 1 state grants. While lack of funds are part of the reason why many water systems are in poor condition, the lack of County coordination, oversight, and enforcement of special districts has allowed these problems to worsen.

## Endnotes

- 1 U.S. Census Bureau, Census of Population and Housing, Land Area in Square Miles, 2010.
- 2 U.S. Census Bureau, Population Estimates Program, July 1, 2016.
- 3 State of California, Department of Finance, Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2016 and 2017. Sacramento, California, May 2017.
- 4 Id at 3.
- 5 Id at 3.
- 6 U.S. Census Bureau, 2005 - 2015 American Community Survey 5-Year Estimates.
- 7 State of California Employment Development Department - Labor Market Information Division, California Industry Employment.
- 8 Id at 8.
- 9 State of California Employment Development Department - Labor Market Information Division, Local Area Unemployment Statistics for California Areas: Annual Average 2016.
- 10 Id at 7.
- 11 The following information is available through RaceCounts.org, an initiative launched by Advancement Project California, USC PERE, PICO California and California CALLS that includes a comprehensive online tool ranking all 58 counties by seven issue areas critical to California's future to paint a comprehensive picture of racial disparity in California.
- 12 Klein, Kerry. "It looked Really Dirty' - Now, Arvin Kids Drive Clean Water in Schools." Valley Public Radio. May 4, 2016. <http://kvpr.org/post/it-looked-really-dirty-now-arvin-kids-drink-clean-water-schools>.
- 13 Burger, James. "County seeks solution to chronic flooding in Lamont." Bakersfield.com. January 31, 2017. [http://www.bakersfield.com/news/county-seeks-solution-to-chronic-flooding-in-lamont/article\\_c1cb8ebf-ae9b-51e7-ab36-84f601078595.html](http://www.bakersfield.com/news/county-seeks-solution-to-chronic-flooding-in-lamont/article_c1cb8ebf-ae9b-51e7-ab36-84f601078595.html)
- 14 Id at 12.
- 15 Id at 12.
- 16 Water Association of Kern County <http://www.wakc.com/water-overview/kern-county/>
- 17 "Communities that rely on a contaminated groundwater source for drinking water." State Water Resources Control Board. Report to the legislature. January 2013. <https://www.waterboards.ca.gov/gama/ab2222/docs/ab2222.pdf>
- 18 "Report on Client Creek Flooding and Update on Feasibility Studies for Client Creek Habitat Mitigation and Groundwater Recharge Projects." Kern County Board of Supervisors Meeting. January 31, 2017. [http://kern.granicus.com/MediaPlayer.php?view\\_id=47&clip\\_id=3438&meta\\_id=591081](http://kern.granicus.com/MediaPlayer.php?view_id=47&clip_id=3438&meta_id=591081)
- 19 Water Well Standards, California Department of Water Resources. [http://www.water.ca.gov/groundwater/wells/california\\_well\\_standards/b74-81chap1b.html](http://www.water.ca.gov/groundwater/wells/california_well_standards/b74-81chap1b.html)
- 20 Kern County Special Districts Committee, Final Report FY16-17 of Special Districts. <https://www.kerncounty.com/grandjury/finalreports/fy1617/special-districts.pdf>
- 21 In the cases where the same project was re-budgeted in future years, we kept the later year's project estimate as the recommended project and ultimate cost.
- 22 Ruby, Sarah. "Rexland sewer support high." Bakersfield.com October 6, 2006. [http://www.bakersfield.com/archives/rexland-sewer-support-high/article\\_6c045012-ccc4-576c-a8e3-7978e26e0a68.html](http://www.bakersfield.com/archives/rexland-sewer-support-high/article_6c045012-ccc4-576c-a8e3-7978e26e0a68.html)





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