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

AGENDA ITEM No. 10

DATE: December 8, 2010

TO: Fresno Local Agency Formation Commission

FROM: Jeff Witte, Executive Officer

SUBJECT: **Consider Adoption** – **Municipal Service Review and Sphere of Influence Update for the Fig Garden and Orange Cove Police Protection Districts.**

Summary / Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCo to review and update, as necessary, special district Spheres of Influence (SOIs) every five years. Prior to, or in conjunction with an agency's SOI update, LAFCo is required to conduct a *Municipal Service Review (MSR)* for each agency.

Municipal Service Reviews provide a comprehensive review of the services provided by a city or district and present recommendations with regard to the condition and adequacy of these services and whether or not modifications to a city or district's SOI are necessary. MSRs can be used as informational tools by LAFCo and local agencies in evaluating the efficiencies of current district operations and may suggest changes in order to better serve the public.

Sphere of Influence updates may involve an affirmation of the existing SOI boundaries or recommend modifications to the SOI boundaries. LAFCo is not required to initiate changes to an SOI based on findings and recommendations of the service review, although it does have the power to do so.

State law requires that the Commission adopt written MSR determinations for each of the following six criteria:

1. Growth and population projections for the affected area.
2. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
3. Financial ability of agencies to provide services.
4. Status of, and opportunities for, shared facilities.
5. Accountability for community service needs, including governmental structure and operational efficiencies.
6. Any other matter related to effective or efficient service delivery, as required by commission policy.

Environmental Determination

The California Environmental Quality Act ("CEQA") requires that the Commission undertake and review an environmental analysis before granting approval of a project, as defined by CEQA. The MSR's are categorically exempt from the preparation of environmental documentation under a classification related to information gathering (Class 6 - Regulation section 15306), which states: "Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded." Indeed, these MSR's collect data for the purpose of evaluating municipal services provided by the agencies. There are no land use changes or environmental impacts created by such studies.

Furthermore, the MSR's qualify for a general exemption from environmental review based upon CEQA Regulation section 15061(b)(3), which states: "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." Additionally, the SOI updates qualify for the same general exemption from environmental review based upon CEQA Regulation section 15061(b)(3).

There is no possibility that these MSR's or SOI updates may have a significant effect on the environment because there is no land use changes associated with the documents. If the Commission approves and adopts the MSR's and SOI updates and determines that the projects are exempt from CEQA, staff will prepare and file a notice of exemption with the County of Fresno, as required by CEQA Regulation section 15062.

Discussion / Summary of Determinations

The Fig Garden Police Protection District encompasses approximately 440 acres in the Fig Garden Area. It provides enhanced protection under contract with the Sheriff to homeowners inside the District boundaries. In essence, the beneficiaries in the District receive personalized, extended service by an individual patrol officer.

The Orange Cove Police Protection District encompasses approximately 14,397 acres including City of Orange Cove and the rural area surrounding the City. It provides assistance to the Fresno County Sheriff and the Orange Cove Police Department with various programs.

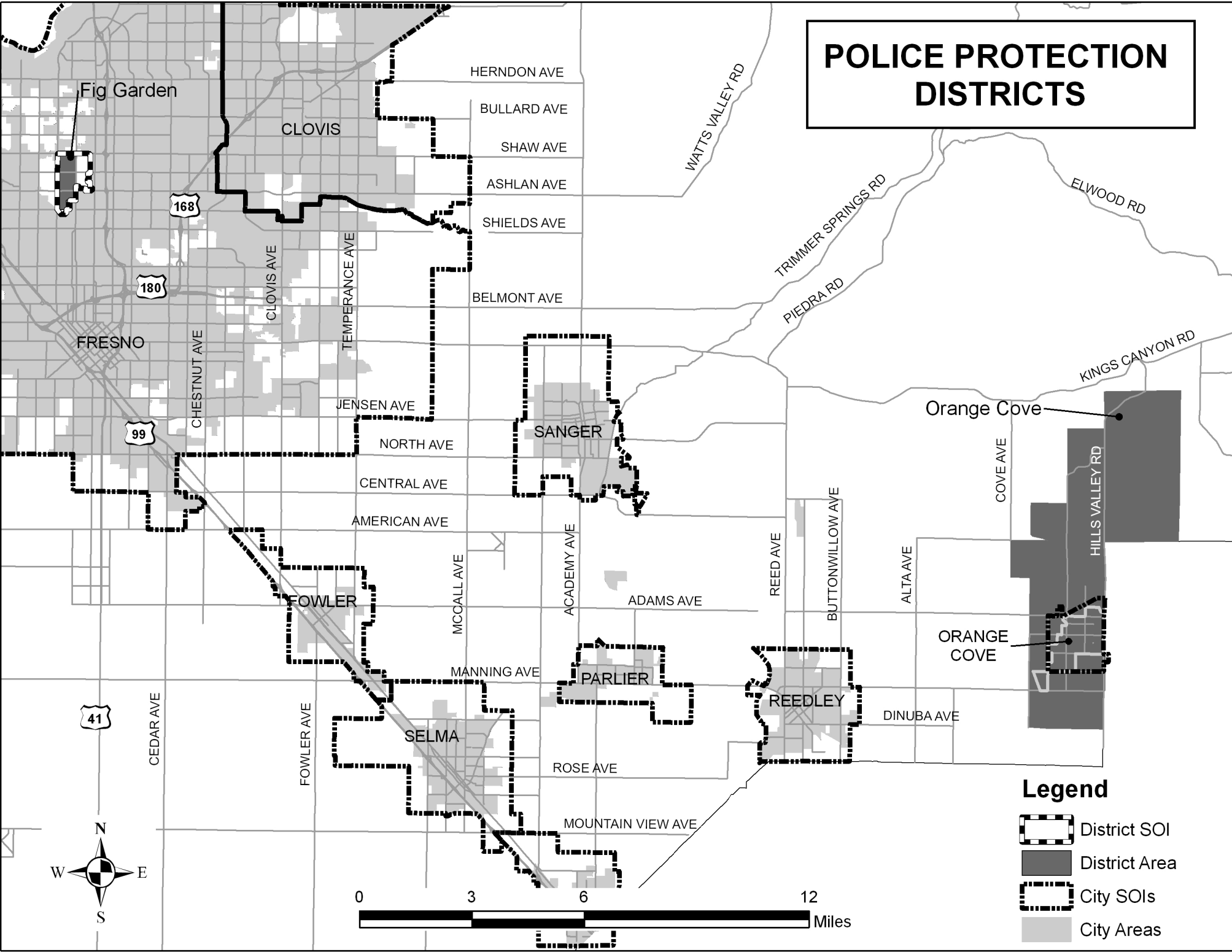
There does not appear to be a need or readily available opportunities to change the government structure. Consolidation would not appear to be practical due to the distance separating the Districts.





Recommendations:

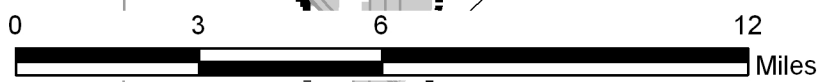
- A. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to adopting the written determinations, the Municipal Service Reviews and Sphere of Influence determinations under consideration are Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15306, "Information Collection" and Section 15320, "Changes in Organization of Local Agencies".

- B. Find that the Municipal Service Review and Sphere of Influence Update prepared for each Police Protection District is complete and satisfactory.
- C. Find that the written determinations within the Municipal Service Reviews and Sphere of Influence Updates satisfy State Law.
- D. Pursuant to Government Code Sections 56425 and 56430 make the required determinations for the Municipal Service Reviews and District Spheres of Influence, adopt the Municipal Service Reviews prepared for each Police Protection District, and update the Sphere of Influence for said Districts by reaffirming their current boundaries or approving the recommended changes.
- E. Districts should post meeting times and dates at the location where the meetings are held.
- F. Districts need to follow the Brown Act in respect to meetings and the business activity of the districts.
- G. Consider expanding all special districts with only three Board members to five Board members.
- H. The Fig Garden Police Protection District should study the possibility of including adjacent unincorporated areas within the district sphere of influence.

POLICE PROTECTION DISTRICTS



- Legend**
-  District SOI
 -  District Area
 -  City SOIs
 -  City Areas



RESOLUTION NO. MSR-10-2

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

In the Matter of

LAFCo Determination

RESOLUTION MAKING DETERMINATIONS)	MAKE DETERMINATIONS AND ADOPT
AND ADOPTING MUNICIPAL SERVICE)	MUNICIPAL SERVICE REVIEW; AND
REVIEW; AND MAKING DETERMINATIONS)	MAKE DETERMINATIONS AND
AND UPDATING SPHERE OF INFLUENCE)	UPDATE SPHERE OF INFLUENCE FOR
FOR THE FIG GARDEN AND ORANGE)	THE FIG GARDEN AND ORANGE
COVE POLICE PROTECTION DISTRICT)	COVE PPOLICE PROTECTION
)	DISTRICTS

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56425 et. seq.) the Fresno Local Agency Formation Commission is required to review and update, as necessary, Spheres of Influence of local agencies not less than once every five years; and

WHEREAS, Government Code Section 56430 directs the Commission to conduct a review of municipal services not later than the time it considers an action to establish or update a Sphere of Influence (SOI); and

WHEREAS, the Executive Officer prepared Municipal Service Reviews (MSRs) and Sphere of Influence Updates for the Fig Garden and Orange Cove Police Protection Districts; and

WHEREAS, notice of this Commission’s hearing of said request was duly given in a publication of general circulation as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and State law, and at the time and in the form and manner provided by law; and

WHEREAS, the Commission has heard, discussed and considered all relevant evidence, including but not limited to the Executive Officer’s *Municipal Service Review and Sphere of Influence Update Report*, environmental documentation, applicable land use plans and all testimony, correspondence and exhibits received during the public hearing process, all of which are included herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of the County of Fresno does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

Section #1. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, this Commission finds that prior to adopting the written determinations, the Municipal Service Review, and Sphere of Influence, the determinations under consideration are Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15306, “Information Collection” and the general exemption from environmental review, CEQA Regulation Section 15061(b)(3), and finds that the SOI Updates qualify for the same general exemption from environmental review based upon CEQA Regulation Section 15061(b)(3).

Section #2. This Commission finds the Municipal Service Review and Sphere of Influence Updates prepared for the Fig Garden and Orange Cove Police Protection Districts are complete and satisfactory.

Section #3. This Commission finds that the written determinations within the Municipal Service Reviews and Sphere of Influence Updates satisfy State Law.

Section #4. Pursuant to Government Code Sections 56425 and 56430, this Commission makes the required determinations for the Municipal Service Reviews and Sphere of Influence Updates, adopts the Municipal Service Reviews prepared for the Fig Garden and Orange Cove Police Protection Districts by LAFCo staff, and updates the Spheres of Influence for said Districts by reaffirming their current boundaries.

Section #5. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882 and to file, as appropriate, in the Office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by State law.

* * * * *

ADOPTED THIS 8th DAY OF DECEMBER, 2010, BY THE FOLLOWING VOTE:

AYES: Commissioners Rodriguez, Fortune, Anderson, Perea, Lopez

NOES: None

ABSENT: None

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

CERTIFICATION

I, Jeff Witte, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 8th day of December, 2010.

**Jeff Witte, Executive Officer
Fresno Local Agency Formation Commission**

FIG GARDEN POLICE PROTECTION DISTRICT

MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE

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

Jeff Witte
Candie Fleming
Samantha Hendricks
2115 Kern Street, Suite 310
Fresno, CA 93721

December 2010

1. MUNICIPAL SERVICE REVIEW

Description of District

The Fig Garden Police Protection District was formed in 1950. It was formed and is governed under the provision of Health and Safety Code Section 20000, et. seq. The District had a Sphere of Influence revision in 2006 to add 255 acres. The corresponding annexation was approved by your Commission but denied at the Prop 218 vote. It is located in the Fig Garden area and is bounded by Palm Avenue on the west, Shaw Avenue on the north, Maroa Avenue on the east, and the Herndon Canal on the south, excluding there from an area bounded by Van Ness Boulevard on the west, Griffith Avenue on the north, Maroa on the east, and the Herndon Canal on the south..

The District is governed by a three-member Board of Directors elected by the voters of the District to four-year terms. The members serve the Board on a voluntary basis. Police protection is provided to unincorporated areas by the Fresno County Sheriff's Department.

The District encompasses approximately 440 acres. Its Sphere of Influence encompasses approximately 680 acres, as shown on the enclosed map.

District Services and Background

Police protection is provided to unincorporated areas by the Fresno County Sheriff's Department. Enhanced protection is provided under contract with the Sheriff to homeowners inside the District boundaries. In essence, the beneficiaries in the District receive personalized, extended service by an individual patrol officer.

2. MSR DETERMINATIONS

This portion of the report addresses the factors specified in the governing statute for Municipal Service Reviews.

Growth and Population Projections

The district serves the Fig Garden area which is in Supervisorial District 2. Fig Garden has a population approximately 2,200 and not expected to be more than 2,300 by 2015. Each Fresno County Supervisorial District has a population of approximately 198,000 Residents expected to grow to 217,000 in 2015.

The District is almost 100% built out and consists of residential and commercial uses.

Present and planned capacity

The district provides enhanced service to the residents within its district through a contract with the County Sheriff's Department. Response time in the district is about 2 minutes compared to 20 minutes in the surrounding areas and patrols are hourly instead of daily.

Infrastructure is provided by the Fig Garden Fire Protection District, the Fresno County Sheriff, and the County of Fresno. The district currently holds its quarterly Board meetings in the Fig Garden Fire House (4537 N. Wishon). The Fire House has a telephone for Board members to use for meeting purposes and also provides the Police District with a room and telephone for the on-duty deputy.

Financial Ability of Agencies to Provide Services

Financing for the District is provided by an increment of the base Fresno County Ad Valorem property tax on each parcel in the district. This base tax is supplemented by an assessment of \$436 per commercial or multifamily residential parcel, \$327 per single-family residential parcel and \$146 per unimproved parcel to provide enhanced law enforcement services. These supplemental assessments may be increased with the cost of living.

The general fund is the District's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund. The accounting records of the District are maintained by the District and the Fresno County Auditor-Controller. Copies of these records are on file with the Auditor-Controller. The annual budget that establishes the total spending authority for the District is adopted prior to the District's fiscal year.

The District utilizes the Fresno County Treasury as its depository for revenue transactions into separate and distinct funds, as well as for expenditure disbursement. The County maintains a cash and investment pool that is available for use by all funds. Interest revenues and corresponding interest receivable to the District are derived from the County Treasurer's interest allocation process.

The District receives property tax revenues levied on property within the District's service area. The District also receives additional monies from assessments for fees and services as legislated by Assembly Bill 549. The assessments are based on the benefit derived by each parcel within the District.

The Fresno County Auditor-Controller is responsible for the collection and apportionment of property taxes for jurisdictions including special districts within the County. All jurisdictions within California derive their taxing authority from the State Constitution and various legislative provisions contained in the State Government Code and Revenue and Taxation Code. Pursuant to Proposition 13, the County is permitted to levy a maximum tax of \$1.00 per \$100 of full cash value.

Status of, and Opportunities for, Shared Facilities

The district shares facilities with the Fig Garden Fire Protection District. Sharing with Orange Cove Police Protection District is not feasible due to the distance between the two districts.

Governmental Structure and Operational Efficiencies

The Fig Garden Police Protection District is governed by a three-member Board of Commissioners. Each member must be a resident of the District area during the term of service on the board. The Board holds quarterly meetings and is subject to the Brown Act with meeting notices posted at least 72 hours in advance of the meeting. The members, at their own expense, attend the annual dinner of the Fig Garden Homeowner's Association and the Fresno County Sheriff's Department sends a management representative to the annual meeting of the Fig Garden Homeowner's Association.

3. SPHERE OF INFLUENCE REVIEW AND UPDATE

Government Code Section 56076 defines Sphere of Influence as "A plan for the probable physical boundaries and service area of a local agency, as determined by the commission."

Description of Current Sphere of Influence

The District encompasses approximately 440 acres. Its Sphere of Influence encompasses approximately 680 acres, as shown on the enclosed map.

Proposed Sphere Changes

This District sphere boundary adopted in 1975 and revised in 2006 is adequate does not need updating.

Sphere of Influence Recommendation and Determinations

It is recommended the Commission approve the following determinations and affirm the current Sphere of Influence.

1. Present and planned land uses in the area, including agriculture and open-space.

The District is area is almost 100% built out with residential .

2. Present and probable need for public facilities and services in the area.

The district does not own any facilities in the area. They share the fire house that is owned by the Fig Garden Fire Protection District and contract with the Fresno County Sheriff's Office for patrols.

3. Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide.

The capacity of District facilities is sufficient for services it provides.

4. Existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

The District has already tried to annex the remaining land within its sphere. Most of the remaining area around the district is in the City of Fresno and served by Fresno Police Department.

4. ACKNOWLEDGEMENTS & REFERENCES

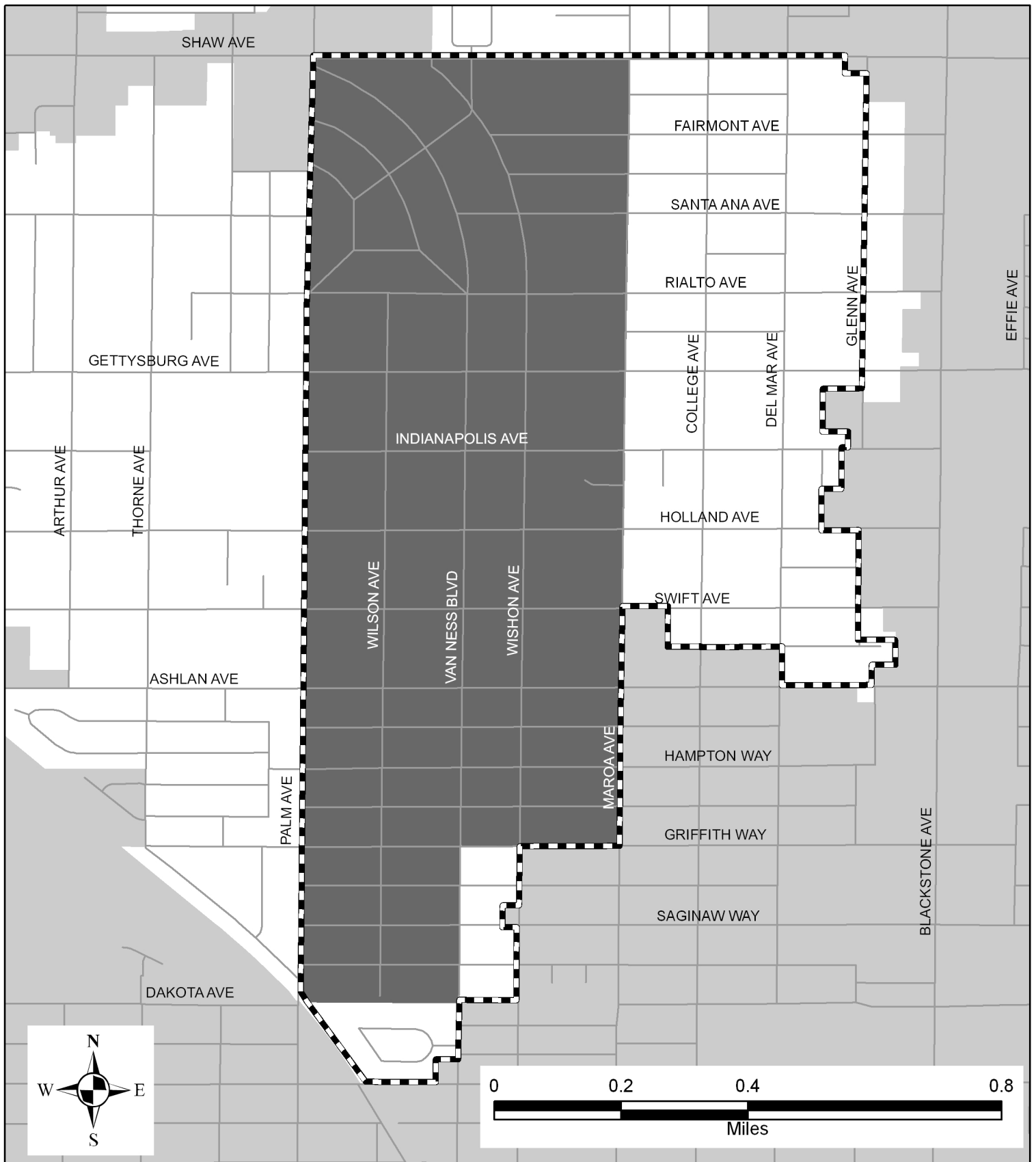
This draft Municipal Service Review was prepared by Fresno LAFCo staff. Responsibility for any errors or omissions rests with those who prepared the report.

The Fig Garden Police Protection District provided information on which the evaluation is based. Bill Pipes was instrumental in providing data.

5. RECOMMENDATIONS

In consideration of information gathered and evaluated during the Municipal Service Review it is recommended the Commission:

1. Accept public testimony regarding the proposed Municipal Service Review.
2. Approve the recommended Municipal Service Review determinations, together with any changes deemed appropriate.
3. Approve the recommended Sphere of Influence determinations and affirm the current Sphere of Influence.



Fresno Local Agency Formation Commission Fig Garden Police Protection District

Legend

-  District SOI
-  District Area
-  City of Fresno

District Formed: 1950
 SOI Adopted: March 14, 1975
 SOI Updated: March 8, 2006

Map Date: August 2007
 District Area: 440 Acres
 Sphere Area: 682 Acres