

# **KINGSBURG CEMETERY DISTRICT**

## **MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE**

Report to the  
Fresno Local Agency Formation Commission

MSR 17-10 / SOI-178

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# KINGSBURG CEMETERY DISTRICT

Burial and interment of human remains

## Contact Information

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**Address:** 12782 E. Clarkson Avenue  
Kingsburg, CA 93631  
**Mailing Address:** P.O. Box 542  
Kingsburg, CA 93631  
**Phone:** (559) 897-2426  
**Business hours:** 7:00 a.m. to 4:30 p.m., Monday-Friday, excluding major holidays

## Management Information

**District formation:** 1925  
**Principal act:** Health and Safety Code section 9000 *et seq.*, Public Cemetery District Law  
**Special district powers:** Prescribed in Government Code Section 9040-9056  
**LAFCo**  
**Authorized services:<sup>1</sup>** Own, improve, and maintain cemeteries and provide interment of human remains

**Governing body:** Three-member Board of Trustees

<b>Board members:</b>	<b>Appointed</b>	<b>Expires</b>
Stan Palm	04/26/2005	01/04/2021
Wesley L. Carlson	10/18/2016	01/07/2019
Janet Larson	02/24/2010	01/03/2018

**Board meetings:** Each last Tuesday of each month at 1:00 p.m., at the District office  
**Staffing:** Five full-time employees

## Service Information

**Population served:** 25,955 people, estimate  
**Acres served:** 71,710 acres

**Infrastructure:** One 38-acre cemetery facility, buildings, vehicles, machinery and equipment

## Fiscal Information

**Budget:** \$1,288,200  
**Sources of funding:** Annual property taxes, endowment, burial plots, and service fees  
**Rate structure:** Fee schedule, plot fee, and endowment

## Administrative Policies

**Master plan:** No **Policies/Procedures:** Yes **SOI boundary formed:** 1976

**SOI updated:** 2017 **Other:** Member of California Association of Public Cemeteries  
California Special Districts Association

<sup>1</sup> Pursuant to Government Code sec. 56425(i).

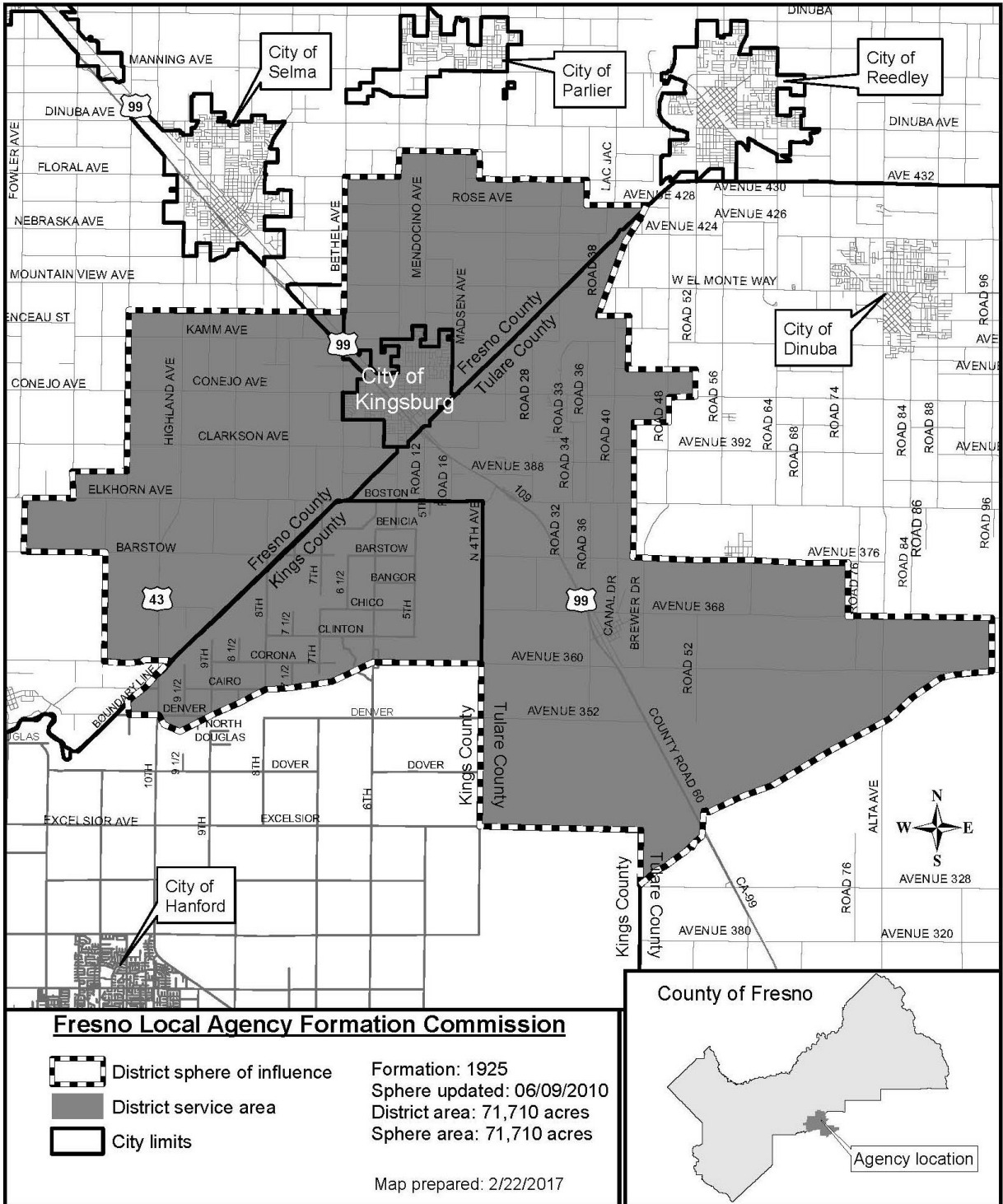
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Figure 1 - District Map

# Kingsburg Cemetery District

Authorized Services: Burial & Interment of Human Remains



# 1. MUNICIPAL SERVICE REVIEW

## PRINCIPAL ACT

The California Legislature authorized the creation of public cemetery districts in 1909 through California Public Cemetery District Law, (Health and Safety Code section 9000 *et seq.*). This law was revised in its entirety and recodified effective January 1, 2004. The California Public Cemetery District Law provides broad statutory authority for public cemetery districts to own, improve, expand, and operate public cemeteries.<sup>2</sup>

Kingsburg Cemetery District (“District”) was formed in 1925 to provide burial and interment of human remains to meet the cultural, economic, religious, and social needs within the Kingsburg area. The District is a multiple county independent special district governed by a three-member board of trustees. The Fresno County Supervisor representing District 4 appoints eligible trustees to four-year terms. Candidates eligible to serve as trustees must be a registered voter and resident within the District’s boundaries. The board of trustees is solely responsible for all aspects of the District’s operations. State legislation authorizes the board of trustees to appoint a general manager to oversee the District’s daily operations. The District’s general manager, also referred to as the superintendent, is assisted by one administrative assistant and three grounds persons.

## DISTRICT SERVICE AREA

The 2010 Kingsburg Cemetery District MSR describes the District’s service area and sphere of influence (SOI) being coterminous and encompassing 23,000 acres in Fresno County only. The 2010 service review covered only the portions of the District in Fresno County and did not depict or account for District territory within Kings or Tulare Counties.

LAFCo now depicts the entire District service area encompassing all three counties. According to geographic information systems (GIS) data gathered during the preparation of this service review, the entire District service area and SOI encompass 71,710 acres. LAFCo estimates that 33,194 acres are in Tulare County; 27,812 acres are in Fresno County; and, approximately 9,704 acres are in Kings County, as shown on Figure 1- District Map. For the purposes of LAFCo proceedings, Fresno County is the principal county, meaning that County of Fresno has the greater portion of the entire *assessed value*, as shown on the last equalized assessment roll of the county or counties, of all taxable property within the district for which a change of organization or reorganization is proposed (emphasis added).<sup>3</sup>

Main roads within the District include State Route 99, Dewolf Avenue, South Del Rey Avenue, South Mendocino Avenue, East Kamm Avenue, East Conejo Avenue, and Elkhorn Avenue.

The District is generally bordered by Floral Avenue to the north, Temperance Avenue to the west, the Riverside Ditch waterway in Kings County to the south, the Kings-Tulare County line, then south along the Kings-Tulare County line, then northeast and generally follows the Cross

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<sup>2</sup> Health and Safety Code (HSC) sec. 9000.

<sup>3</sup> GC sec. 56066, “Principal County.”

Creek canal near the St. Johns River in Tulare County. The District's most eastern edge is bordered by the Road 96 and Avenue 368 intersection in Tulare County.

The District is adjacent to the Selma Cemetery District and Parlier Cemetery District to the north, Reedley Cemetery District and Alta Cemetery District to the east, Visalia Public Cemetery District (Tulare County) and Hanford Cemetery District (Kings County) to the south, and Oak Grove Cemetery District to the west.

## **AUTHORIZED DISTRICT SERVICES**

Under Government Code (GC) section 56425(i), "when adopting, amending, or updating a sphere of influence for a special district, the commission shall establish the nature, location, and extent of any functions or classes of services provided by existing districts." LAFCo observes that the scope of District services is set forth in Public Cemetery District Law, wherein a cemetery district is authorized by its principal act to exercise all rights and power, expressed or implied under HSC section 9040-9056. A cemetery district may own, operate, improve, and maintain cemeteries and provide interment services within its boundaries. The District has exclusive jurisdiction and control over its facilities maintenance and management. According to District's principal act, public cemeteries have broad authority to exercise the following powers:

- To acquire by purchase, eminent domain, grant, gift, lease any real property;
- To sell, lease, or otherwise dispose of any real or personal property ;
- To donate any surplus real or personal property to any public agency or nonprofit organizations;
- Engage necessary employees, to define their qualifications and duties, and to provide a schedule of compensation for performance of their duties;
- To engage counsel and other professional services;
- To enter into and perform all necessary contracts;
- To adopt and enforce rules and regulations for the administration, maintenance, operation, and use of cemeteries;
- To enter joint powers agreements ;
- To appoint advisory committees to make recommendations for the ownership, improvement, expansion, and the operation of cemeteries owned by the district and the provision of interment services; and
- Burial and interment of human remains.

## **FRESNO LAFCo MSR POLICY**

A Municipal Service Review (MSR) is required in order to prepare or update a local agency's sphere of influence. It is LAFCo's observation that many special districts within Fresno County typically do not request or experience modifications to their service area or request an update or revisions to the Commission's adopted SOI for the subject agency.

While the Commission is not required by law to make any changes to a SOI, the Commission may, at its discretion, opt to reaffirm, expand, delete a SOI, or approve, deny, or approve with

conditions any changes of organization or reorganization affecting the governmental agency as a result of the information gathered during the MSR update process.<sup>4</sup>

As noted, Fresno County is the principal county and Fresno LAFCo is therefore responsible for updating the District's SOI consistent with GC sec. 56425(g). Fresno LAFCo has prepared this service review consistent with GC sec. 56430 to update the District' SOI.

## **DISTRICT GROWTH AND POPULATION PROJECTIONS**

In this section of the MSR, LAFCo used demographic information gathered from the US Census - American Community Survey (ACS) five-year reports for the 2011-2014 period, as well as land use policy documents adopted by the land use authorities to estimate population growth within the District's service area.

Geographic Information System (GIS) files were derived from the U.S. Census Bureau to estimate a current population for territory inside the District. According to the ACS U.S. census tracts/block group units located within the District, there is an estimated total population of 25,955 people inside the District's boundaries.<sup>5</sup> These population estimates/projections do not exactly match the boundaries of the District, but they provide a basis for reviewing possible future demands for cemetery services in the areas served by the District.

The Counties of Fresno, Tulare, and Kings are the land use authorities for the unincorporated areas within the District, respectively. The City of Kingsburg is the only incorporated city within the District's boundaries, and City of Kingsburg is the land use authority within the incorporated boundaries. Kingsburg's General Plan designates urban uses for the area inside the City's SOI.

### **Unincorporated Fresno County, Tulare County, and Kings County**

The Fresno County General Plan designates a majority of the land within the District for agricultural uses with the exception of the unincorporated communities and the City of Kingsburg. The Tulare County General plan designates land within the District for agricultural uses; and the Kings County General Plan designates land within the District as general agricultural uses.

The Fresno Council of Governments (COG) provides growth projections for Fresno County and the spheres of influence of each of its cities between 2015 and 2050. The Fresno COG forecasts a 0.4 percent annual population growth rate assumption to forecast population growth in unincorporated areas outside of cities SOIs.<sup>6</sup> According the Fresno County general plan, rural settlement areas surrounded by agricultural and open space have historically experienced little

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<sup>4</sup> Fresno Local Agency Commission – Policy 107 – Municipal Service Review Policy.

<sup>5</sup> Calculated population by LAFCo based on 11 US census tracts, 16 block group units within the District. June 19, 2017.

<sup>6</sup> Table 21- Projection of Total Population: Fresno County and Local Jurisdictions: 2015-2050, Fresno County 2050 Growth Projections, Fresno Council of Governments, [http://www.fresnocog.org/sites/default/files/publications/RTP/2018\\_RTP/Fresno\\_COG\\_2050\\_Projections\\_Final\\_Report\\_050417.pdf](http://www.fresnocog.org/sites/default/files/publications/RTP/2018_RTP/Fresno_COG_2050_Projections_Final_Report_050417.pdf).

growth since their establishments. Substantial population growth in these areas is not anticipated in the future.<sup>7</sup>

According to the Tulare County General Plan, the Tulare County Association of Governments (TCAG) anticipates that the percentage of Tulare County's population living in unincorporated areas will decrease by 2030.<sup>8</sup> The TCAG provides growth projections for Tulare County between 2007 and 2030. The TCAG forecasts a 1.3 percent annual population growth rate assumption to forecast population growth in unincorporated Tulare County.<sup>9</sup> The City of Dinuba is near the District's boundaries and the unincorporated community of Traver is the only community within the District's service area in Tulare County.

According to Kings County 2035 General Plan, Kings County has an annual average growth rate of 3.8 percent since 1980. Much of Kings County's population growth increase is inflated due to the opening of Avenal State Prison, Corcoran State Prison, the California Substance Abuse Treatment Facility, and expansion of Naval Air Station Lemoore.<sup>10</sup> Disregarding military and correctional institutions population influx, King's countywide population growth is at a rate of approximately two percent annually since 1980. The unincorporated Kings County's total population is estimated at a population of 35,311 people. King's County General Plan forecasts reaching a total population of approximately 52,174 by year 2035 for the unincorporated areas of Kings County.<sup>11</sup>

### **City of Kingsburg**

The City of Kingsburg is the only city within the District's boundaries. Kingsburg's city limits encompass 2,235 acres, while the City's SOI encompasses 4,019 acres. There are 1,784 acres within the Kingsburg SOI suitable for future urban development. According to the U.S. Census information, the City of Kingsburg has an estimated population of 11,681 people, and a housing stock of 3,900 units.<sup>12</sup>

According to Kingsburg's General Plan, the City's overall population growth rate is maintained by the City at an annual average of three percent when factored over continuous five-year intervals, and the rate for any one year is not to exceed five percent.<sup>13</sup>

Fresno Council of Governments (COG) projects population in the Kingsburg SOI to grow by 5,830 people over the 35-year 2015-2050 period, the equivalent of a 1.1 percent annual population growth rate.<sup>14</sup> The Fresno COG projects the City of Kingsburg will reach a population of 14,590 by 2025, and a population of 18,570 by 2050.

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<sup>7</sup> County of Fresno, General Plan Agriculture and Land Use Element, page 2-26.

<sup>8</sup> Population Projections, Tulare County General Plan, page 2-30.

<sup>9</sup> Table 2-15 Projected Annual Growth Rates, Tulare County General Plan, page 2-30.

<sup>10</sup> 2035 Kings County General Plan EIR, SCH#2008121020, Section 4.11 Population and Housing.

<sup>11</sup> Ibid.

<sup>12</sup> U.S. Census, American Fact Finder – American Community Survey 5 year estimates, 2011-15, Kingsburg City, California. Accessed, June 19, 2017.

<sup>13</sup> City of Kingsburg. General Plan. October 2013.

<sup>14</sup> Table 21- Projection of Total Population: Fresno County and Local Jurisdictions: 2015-2050, Fresno County 2050 Growth Projections, Fresno Council of Governments,



### **District Interment Rate**

Health and Safety Code identifies those authorized to be interred in a cemetery district's facilities.<sup>15</sup> The deceased must have been a resident or taxpayer of the district, or former resident or taxpayer of the district who purchased burial plots prior to leaving the area. Family members are eligible for interment, but are limited to spouses, parents, grandparents, children, and siblings.

Qualified non-residents may be interred in any cemetery in the District providing the trustees have determined there is adequate space available to meet the foreseeable needs of the District and a non-resident fee is paid. In addition, any person not otherwise eligible may be interred in a District cemetery if private facilities are not available within a radius of 15 miles of the deceased's residence.

The District informed LAFCo that it annually averages 100 to 110 interments. The District further informed LAFCo that only 20 acres of the 38-acre cemetery are developed with burial sites and 18 acres are available to the District for future expansion. The District's 18-acre reserve is located immediately north of the existing cemetery facility. Assuming an industry standard planning estimate of 550 plots per acre, the District's 18-acre reserve could accommodate about 9,900 future interments. Based on industry standards, the District has interment capacity beyond LAFCo's 20 to 25 year SOI planning horizon.

Communication with the District indicates that it has no plans to request an SOI expansion or annex any future territory into the District. The District's growth is restricted on all sides by other similar cemetery districts. LAFCo expects that growth of District facilities will occur through expansion of its existing facilities or the purchase/lease of real property within the District boundaries.

### **DISADVANTAGED UNINCORPORATED COMMUNITIES**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) requires LAFCo to make determinations regarding "disadvantaged unincorporated communities" ("DUCs") when considering a change of organization, reorganization, SOI expansion, and when conducting municipal service reviews.

For any updates to a SOI of a local agency (city or special district) that provides public facilities or services related to sewer, municipal and industrial water, or structural fire protection, the Commission shall consider and prepare written determinations regarding the present and planned capacity of public facilities and adequacy of public services, and infrastructure needs or deficiencies for any disadvantaged unincorporated community within or contiguous to the SOI of a city or special district.

GC sec. 56033.5 defines a DUC as: i) all or a portion of a "disadvantaged community" as defined by sec. 79505.5 of the Water Code (territory with an annual median household income (MHI)

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[http://www.fresnocog.org/sites/default/files/publications/RTP/2018\\_RTP/Fresno\\_COG\\_2050\\_Projections\\_Final\\_Report\\_050417.pdf](http://www.fresnocog.org/sites/default/files/publications/RTP/2018_RTP/Fresno_COG_2050_Projections_Final_Report_050417.pdf).

<sup>15</sup> HSC section 9060-9069.

that is less than 80 percent of the statewide annual median household income and as defined in GC sec. 56046 and WC sec. 79505.5); and a status of ii) “inhabited territory” (12 or more registered voters), as defined by GC sec. 56046, or as determined by Commission policy.

Fresno LAFCo policy further refines the definition of a DUC as having at least 15 dwelling units at a density not less than one unit per acre.

For the purpose of this MSR, it is presumed that the area(s) identified as potential DUCs are inhabited in the absence of a complete application filed with Fresno LAFCo.<sup>16</sup>

Geographic Information System (GIS) files were derived from the US Census Bureau's American Community Survey (ACS) compiled for the five-year period 2010-2014 to identify the demographic composition for the various census geographies. Although the ACS provides annual and three-year estimates, the five-year reports between years 2010-2014 provide more precise data and mapping information for analyzing small populations. The five-year reports are the most reliable form of information generated by the US Census bureau.<sup>17</sup> The statewide MHI reported for years 2010 through 2014 was \$61,489. Hence, the calculated threshold for a DUC is any geographic unit with a reported MHI that is less than \$49,191. The census block group data was utilized to provide the economic and population backgrounds for this section of the MSR.

During LAFCo’s demographic assessment, LAFCo did not identify any DUCs as defined by Commission policy within the portion of the District in Fresno County nor within the District boundaries in Kings County.

LAFCo observes that the unincorporated Tulare County community of Traver satisfies Fresno LAFCo’s DUC criteria. Traver is recognized by the U.S. Census Bureau as a Census Designated Place in Tulare County. Traver is located near the State Route 99 and Merritt Drive interchange. According the U.S. Census, Traver has an estimated population of 711 residents, and a housing stock of 193 units. The potential DUC is located inside Tulare County’s U.S. Census Tract 03.02-Block Group 3. This census unit reports an average MHI of \$36,563 for years 2010 through 2014.

For the purposes of this section, services provided by the District do not support growth or induce population growth. The DUC is located within the District, and residents are eligible to request District services.<sup>18</sup>

## **DISTRICT INFRASTRUCTURE**

The District’s infrastructure consist of one 38-acre cemetery facility located at 12782 E. Clarkson Avenue, Kingsburg, CA 93631. The District also owns the District office building, a shop,

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<sup>16</sup> Per GC sec. 56046, the number of registered voters is established as of the date a certificate of filing for an application is issued by the executive officer. “Inhabited territory” means territory within which there reside 12 or more registered voters. All other territory shall be deemed “uninhabited.” This MSR presumes that the potential DUCs are inhabited for the purposes of the analyses herein.

<sup>17</sup> US Census Bureau, [http://www.census.gov/acs/www/guidance\\_for\\_data\\_users/estimates/](http://www.census.gov/acs/www/guidance_for_data_users/estimates/).

<sup>18</sup> GC sec. 56430 (a)(2)

equipment, and machinery needed to provide burial and interment services. The District management maintains an equipment/machinery roster that annually is reviewed by the general manager to identify potential maintenance needs, replacements, or new investments.

The District informed LAFCo that its cemetery facility is in position to grow further north when necessary. The District owns majority of the land bounded by Mehlert Street to the north, 6<sup>th</sup> Avenue to the west, East Clarkson Avenue to the south, and 10<sup>th</sup> Avenue to the east.

The cemetery obtains its irrigation water source from two underground wells; one well is situated in the cemetery's eastside and the second on the west. The eastern well pump has a rating capacity of 300 gallons per minute, and runs two valves. The western well has a similar well rating, however runs three valves. The east and west well are strictly used for irrigation purposes. The District does not monitor its irrigation groundwater pumping.<sup>19</sup>

The District's office building and visitors building are connected to a smaller underground well powered by a three-horse power pump. The District informed LAFCo that all three underground wells have adequate capacity to continue serving the District's needs.

Among many other items, the District also owns:

- Golf carts (used within cemetery premises),
- District pick-up trucks/vehicles, and
- A backhoe.

## DISTRICT FINANCES

This section of the MSR summarizes and evaluates financial information provided by District management. The District provided its financial data to assist LAFCo staff determine whether the District has sufficient revenue and financial systems in place to continue providing services to its residents. The following information and analysis is based on the District's annual budgets and supportive documents made available to LAFCo.

Consistent with the requirements of its principal act, the District prepares and adopts an annual budget on or before August 30<sup>th</sup> of each year.<sup>20</sup> The District's budget projects anticipated revenues and expenditures using line items for the upcoming fiscal year. The District reports its financial activities using two major governmental funds:

- General Fund – the District's major operation fund that accounts for all the agency's financial activities.
- Endowment Care Fund – a legislatively mandated fund that accounts for maintenance activities of District facilities.

The District's primary source of revenue is the annual property tax charged to all parcels within the District's boundaries, including land in Counties of Tulare and Kings. The District receives its share the 1% property tax based on its pre-Proposition 13 level of taxation through the Fresno, Kings, and Tulare County Auditor-Controller/Treasurer-Tax Collector. The District receives

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<sup>19</sup> LAFCo communication with District General Manager, July 13, 2017.

<sup>20</sup> HSC sec. 9070-9079 et. seq.

annual property tax revenues of approximately \$190,692 from Fresno County,<sup>21</sup> approximately \$59,158 from Tulare County,<sup>22</sup> and approximately \$14,024 from Kings County.<sup>23</sup> Additionally, the District receives revenue from plot sales and services, intergovernmental agreements, and land interest generated by sold plots, from fees charged for services provided, operation grant funding, contributions, and capital grants.<sup>24</sup>

At the time this service review was prepared, the District financial activity indicated that anticipated operating expenditures were greater than anticipated total operating revenues. The District informed LAFCo that plot sales and service fee revenues can fluctuate from year-to-year; however, minor financial deficits are generally balanced by the District's fund reserve budget.

During fiscal year (FY) 2016-2017, the District operated under an annual budget of \$1,288,200. The District's FY 2016-17 estimated \$402,200 in revenue and approximately \$470,111 in expenditures. At the time this MSR was prepared, the District had no outstanding long-term loans or debt.

The District on average has approximately \$656,000 in cash with the Fresno County Treasury, and approximately \$230,000 cash in its bank account not in reserve. The District's FY 2016-17 budget shows that the District has a total available cash balance of approximately \$886,000.

The District's budget identifies several expenditures that are summarized in three large categories: employee salaries, service and supplies, fixed assets, and reserves.

The District's annual property tax revenue is approximately \$267,000. Additional revenues are generated from interest rates earned on District bank accounts and the endowment fund. The District's budget identifies \$6,200 of interest earned from its bank accounts and \$129,000 in charges on services rendered by the District.

The District provided LAFCo with two current independent auditor's reports, financial reports, and supplementary information for the fiscal years ending June 30, 2015 and June 30, 2016. The auditor's report provides LAFCo an overview representation on the District's financial practices.

According to the audit, the District accounts are organized on the basis of fund accounting, and it utilizes a "general fund" structure for its appropriations. Under fund accounting, different types of District operations are accounted for in different funds, each with a separate set of self-balancing accounts that comprise its assets, liabilities, fund balance, revenues and expenditures as appropriate.

The auditor's report indicates that at the time the financial audit was preformed the District's financial practices conformed with generally accepted accounting principles (GAAP). The District

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<sup>21</sup> Schedule of Levies for FY 2016-17, County of Fresno  
<http://www.co.fresno.ca.us/ViewDocument.aspx?id=71892>.

<sup>22</sup> Property Tax Revenue Estimates for FY 2016-17, Tulare County  
<http://tularecounty.ca.gov/treasurertaxcollector/index.cfm/property-tax-accounting/reports/property-tax-revenue-estimates/2016-17-revenue-estimate/>.

<sup>23</sup> LAFCo communication with Kings County Auditor-Controller-Tax Assessor, June 27, 2017.

<sup>24</sup> Kingsburg Cemetery District, Report on Audit of Financial Statement for Year Ended June 30, 2016.

has an established endowment fund that could be used to maintain burial lots and the cemetery in perpetuity. The fund is financed from user fees that have been kept to a minimum.

In the auditor's report dated June 30, 2016, the District's assets exceeded its liabilities by \$2,424,478. Of this amount, unrestricted net position of \$90,614 is invested in capital assets and \$1,271,272 is restricted for maintenance of the cemetery facility. The District has \$1,062,592 in unrestricted net position that is available for future District spending. As of June 30, 2015, District's assets exceeded liabilities by \$2,319,512 with \$100,025 invested in capital assets and \$1,328,656 restricted for maintenance of the District's facilities.

For the year ending on June 30, 2016, total net position increased by \$104,966. For year ended on June 30, 2015, the District total net position increased by \$85,701.

As of the end of FY 2014-2015, the District's government funds reported a combined ending fund balance of \$2,372,589. Of this amount, \$1,070,108 is unassigned and available for spending, with none of it designated for specific future use by the board of trustees of the District.

According the District's financial statements, the District's general fund budget for year ending on June 30, 2017, projects a deficit of approximately \$60,411. Various factors contribute to the District's 2017 anticipated financial deficit. For example, District revenues, sales and services are anticipated to decrease and expenditures are planned to increase.<sup>25</sup> The District informed LAFCo that rates charged for services are not anticipated to increase significantly in 2017. Despite LAFCo's concerns of the District's financial deficit, the District's board informed LAFCo that it strives to keep fees affordable for its customers.<sup>26</sup>

The District has an established endowment fund. California law requires public cemetery districts to maintain an Endowment Care Fund and to collect an endowment care contribution for every interment right sold in a public district cemetery.<sup>27</sup> The purpose of the Endowment Care Fund is to create a fund, the principal of which may never be used for any purpose, but which generates interest income, which is then used for the perpetual care and maintenance of district cemeteries. Once deposits are made into the Endowment Care Fund, they can never be withdrawn or refunded to contributors. Through June 2016, the District reports \$542,986 had been received by the fund which must remain in the endowment fund. Over \$728,286 in accumulate interest earning is available for the cemetery care and maintenance. During June 2016, the District transferred \$135,000 of interest from the endowment care fund to the general fund for cemetery care and maintenance.

## **PUBLIC FACILITIES, OPPORTUNITIES FOR SHARED FACILITIES**

This section of the MSR considers the use of shared facilities, and their potential to offset costs or promote greater efficiencies in service provisions within the region. The District's boundaries overlap with the following agencies:

- City of Kingsburg

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<sup>25</sup> Kingsburg Cemetery District, Report on Audit of Financial Statement for Year Ended June 30, 2016.

<sup>26</sup> LAFCo Conversation with District General Manager, July 13, 2017.

<sup>27</sup> Health & Safety Code section 9065.

- Counties of Kings and Tulare
- Selma Kingsburg Fowler County Sanitation District
- Kings River Conservation District
- Fresno County Fire Protection District
- Consolidated Irrigation District
- Consolidated Mosquito Abatement District
- West Fresno County Red Scale District
- Kingsburg Hospital District

At the time this MSR was prepared, there were no apparent opportunities for potential sharing of facilities with other agencies. It is noted that much of the work and equipment used in the performance of the District’s duties is unique and specific to the District.

## GOVERNMENT ACCOUNTABILITY

This section of the MSR considers various topics, such as compliance with state disclosure laws, the Brown Act, public participation, i.e. open meetings, accessible staff, election processes, and the agency’s governing structure. Additionally, this section of the MSR considers the agency’s level of participation with the Commission’s MSR program.

The California Legislature authorized the creation of public cemetery districts in 1909 through California Public Cemetery District Law. The Public Cemetery District Law was revised in its entirety and recodified effective January 1, 2004.

California HSC section 9000 *et seq.* requires each public cemetery district to have a board of trustees of at least three members to govern the District’s operation. The Fresno County Supervisor representing District four is responsible for appointing persons who are registered voters and residents within the District boundaries to serve on the board. LAFCo observes that although the District spans three counties, the District’s board is comprised of two Fresno County trustees and one trustee from Kings County. If warranted, Health and Safety code provides the Fresno County Supervisor authority to appoint three or five persons from any county in which the district is located to the board of trustees.<sup>28</sup> Each trustee is required to take the oath of office prior to being appointed on the District’s Board, and file annual Form 700 – Statements of Economic Interests.

Fresno County is not responsible for providing any income or support to the District. Public Cemetery District Law requires trustees to exercise their independent judgment on behalf of the interests of the residents, property owners, and the public as a whole and to represent the interests of the public as a whole and not solely the interests of the Board of Supervisors.<sup>29</sup>

The District is governed by a three-member board of trustees, and functions independently from the Counties of Fresno, Kings, and Tulare. The terms of trustees must be staggered by appointments to terms of less than four years; otherwise, the term of office for trustees is four years.<sup>30</sup>

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<sup>28</sup> HSC Section 9021(b).

<sup>29</sup> HSC section 9022.

<sup>30</sup> HSC section 9024.

The current District board of trustees' terms are staggered and are set to expire in consecutive years in 2018, 2019, and 2021. The District's board of trustees receive a monthly \$50 per diem for attending monthly meeting.

The major functions of the trustees is to set policy, define goals and objectives, and adopt rules and regulations as the custodians of the District's property. The board has one appointed District General Manager, also known as the District Superintendent, to carry out District policy, direct the agency's operations, provide daily supervision of staff and facilities, and administer the District's expenditures. The District Superintendent is assisted by the District secretary, and three grounds persons. The District's daily operations are performed by five full-time employees. The District has adopted policy that defines the District's personnel structure and its administrative hierarchy.

The District's hours of operation are from 7:30 a.m. through 4:30 p.m., Monday through Friday, excluding major holidays. The District office is closed during the lunch hours. Regular board meetings are held on the last Tuesday of each calendar month at 1:00 p.m. at the Kingsburg Cemetery District office located at 12782 E. Clarkson Avenue, Kingsburg, CA 93631. The District board has the discretion to shift the date, time and place of its regular board meetings provided that there is adequate notice provided to the public. Special meetings may be called by the board chair or by a majority vote of the board of trustees. All meetings of the board are noticed consistent with the Ralph M. Brown Act.

Prior to any District board meeting, an agenda listing all items to be transacted by the board is prepared as specified by the District's Policy, and posted 72 hours in advance for public review at the District office. Agendas for special meetings are posted at least 24 hours before the meeting, and interested parties are contacted by District personnel. District board meetings are open to the public. Each agenda includes an opportunity for the public to address the board on items not on the agenda, and within the jurisdiction of the District. If a public member desires to present to the board, the person should to contact the District Superintendent in advance.

As of January 1, 2004, statute requires that all public cemeteries adopt policies and procedures, including bidding regulations, governing the purchase of supplies and equipment.<sup>31</sup> The District provided LAFCo a copy of the District's rules and regulations dated August 28, 2012. The District's rules and regulations identifies agency procedures as it relates to care of graves and cemetery grounds, burials, fees and charges, legal provisions, and liabilities.

The District is a member of the California Association of Public Cemeteries (CAPC) and California Special District Association (CSDA). The CAPC serves and promotes cooperation among California's public cemeteries to stimulate the healthy development of local governance by sharing emerging operation methods and procedures, share best practices information, share quarterly newsletters, and to foster education of public cemetery boards and supporting personnel.<sup>32</sup> The CSDA is the association that provides a strong voice for all independent special districts in the State by promoting legislative representation, educational resources, and special district support and collaboration.

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<sup>31</sup> HSC section 9044(a).

<sup>32</sup> California Association of Public Cemeteries, [http://www.capc.info/about\\_CAPC.html](http://www.capc.info/about_CAPC.html), May 5, 2017.

The District's government structure is appropriate to ensure adequate services are provided and managed. At the time preparing this MSR, the District's government structure appears to be adequately structured, operates, and fulfills its role as a services provider within the Kingsburg, Tulare County, and Kings County area.

## **ANY OTHER MATTERS RELATED TO EFFECTIVE OR EFFICIENT SERVICE DELIVERY**

### *Sustainable Groundwater Management Act*

The District's jurisdictional boundaries overlap with the Central Kings Groundwater Sustainability Agency (GSA).<sup>33</sup> The District's facilities and underground wells are in solely in the Central Kings Groundwater Sustainability Agency. Under State statute, a GSA is responsible for developing and implementing a groundwater sustainable plan (GSP) to meet the sustainability goal of the basin to ensure that it is operated within its sustainable yield, without causing undesirable results.<sup>34</sup> As such, LAFCo anticipates that within the next five years the local GSAs will work with all local agencies and public cemeteries that rely on groundwater pumping to establish recharge programs to offset and balance groundwater usage within the groundwater table.

The Central Kings Groundwater Sustainability Agency (CKGSA) is comprised of Consolidated Irrigation District (CID), Fresno County, Kings County, and Tulare County. Kingsburg Cemetery District is represented by CID and Fresno County as it pertains to participation with future recharge programs, and interaction with the CKGSA.<sup>35</sup> Likewise, CKGSA and its member agencies together will undertake the implementation of state legislation within the portion of the Kings Sub basin underlying the GSA's boundary.<sup>36</sup>

The District informed LAFCo that it does not actively engage in groundwater recharge programs, nor has it entered into any participation agreements with any of the GSAs overlapping the District's boundaries. The District informed LAFCo that it does not track its underground pumping with respect to volume.

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<sup>33</sup> California Department of Water Resources, SGMA Portal, <http://sgma.water.ca.gov/portal/gsa/print/211>.

<sup>34</sup> California Department of Water Resources, SGM Sustainable Groundwater Management, <http://www.water.ca.gov/groundwater/sgm/gsa.cfm>.

<sup>35</sup> LAFCo communication with CID General Manager, May 4, 2017.

<sup>36</sup> California Department of Water Resources, SGMA Portal, <http://sgma.water.ca.gov/portal/gsa/all>.



## 2. MSR DETERMINATIONS

This portion of the report addresses the factors specified in the governing statute for Municipal Service Reviews and provides analysis in conformance with GC section 56425 and Fresno LAFCo policy. Pursuant to GC section 56430, the Commission has prepared the following written determinations.

### 1. GROWTH AND POPULATION PROJECTIONS FOR THE AFFECTED AREA

- Population concentrations within the District occur in the City of Kingsburg, California and the unincorporated community of Traver, in Tulare County.
- The Counties of Fresno, Tulare, and Kings are the land use authorities for the unincorporated areas within the District, respectively. The City of Kingsburg is the only incorporated city within the District's boundaries, and City of Kingsburg is the land use authority within the incorporated boundaries.
- According to the ACS U.S. census tracts/block group units located within the District, there is an estimated total population of 25,955 people inside the District's boundaries.
- The District annually averages 100 to 110 interments. The District informed LAFCo that only 20 acres of the 38-acre cemetery are developed with burial sites and 18 acres are available to the District for future expansion. The District has interment capacity beyond LAFCo's 20 to 25 year SOI planning horizon.
- Communication with the District indicates that it has no plans to request an SOI expansion or annex any future territory. The District's growth is restricted on all boundary sides by other cemetery districts. LAFCo expects that District growth will occur through expansion of its existing facilities or the purchase/lease of real property within the District boundaries.

### 2. THE LOCATION OF AND CHARACTERISTICS OF ANY DISADVANTAGED UNINCORPORATED COMMUNITY WITHIN OR CONTIGUOUS TO THE SPHERE OF INFLUENCE

- LAFCo did not identify any DUCs as defined by Commission policy within the portion of the District in Fresno County nor within the District boundaries in Kings County. LAFCo observes that the unincorporated Tulare County community of Traver presents the two criteria of Fresno LAFCo's DUC Policy.
- District services are limited to burial and interment of human remains, setting of headstones and maintenance of its public cemeteries. For the purposes of this section, services provided by the District do not support growth or induce population growth.

### 3. PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND INFRASTRUCTURE NEEDS OR DEFICIENCIES

- The District's infrastructure consist of one 38-acre cemetery facility located at 12782 E. Clarkson Avenue, Kingsburg, CA 93631. Only 20 acres of the 38-acre cemetery are

developed with burial sites and 18 acres are available to the District for future expansion. The District informed LAFCo that it annually averages 100 to 110 interments. The District estimates that its 18-acre land reserve provides the District sufficient interment capacity for the next 20 to 25-years.

- The District's general manager annually reviews and identified the District's infrastructure needs, repairs, and improvements expenditures and allocates funding for the upcoming year.
- The cemetery obtains its irrigation water source from two underground wells; one well is situated in the cemetery's eastside and the second on the west. The east and west well are strictly used for irrigation purposes. The District does not monitor its irrigation groundwater pumping.
- The District's office building and visitors building are connected to a smaller underground well powered by a three-horse power pump. The District informed LAFCo that all three underground wells have adequate capacity to continue serving the District's needs.

#### **4. FINANCIAL ABILITY OF AGENCY TO PROVIDE SERVICES**

- Consistent with the requirements of its principal act, the District prepares and adopts an annual budget on or before August 30<sup>th</sup> of each year. The District's budget projects anticipated revenues and expenditures using line items for the upcoming fiscal year.
- The District's primary source of revenue is the annual property tax charged to all parcels within the District's boundaries. The District receives its share the 1% property tax based on its pre-Proposition 13 level of taxation through the Fresno, Kings, and Tulare County Auditor-Controller/Treasurer-Tax Collector.
- The District receives revenue from plot sales and services, intergovernmental agreements, and land interest generated by sold plots, from fees charged for services provided, operation grant funding, contributions, and capital grants.
- The District's financial practices conformed with generally accepted accounting principles (GAAP).
- The District on average has approximately \$656,000 in cash with the Fresno County Treasury, and approximately \$230,000 cash in its bank account not in reserve. The District's FY 2016-17 budget shows that the District has a total available cash balance of approximately \$886,000.
- The District's general fund budget for year ending on June 30, 2017 projects a deficit of approximately \$60,411. The District informed LAFCo that plot sales and service fee revenues can fluctuate from year-to-year; however, minor financial deficits are generally balanced by the District's fund reserve budget.

- The District informed LAFCo that rates charged for services are not anticipated to increase significantly in 2017. Despite LAFCo's concerns of the District's financial deficit, the District's board informed LAFCo that it strives to keep fees affordable for its customers.
- The District has an established endowment fund. Through June 2016, the District reports \$542,986 had been received by the fund which must remain in the endowment fund. Over \$728,286 in accumulate interest earning is available for the cemetery care and maintenance. During June 2016, the District transferred \$135,000 of interest from the endowment care fund to the general fund for cemetery care and maintenance.

**5. STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES**

- Opportunities for shared facilities are limited to the District's administration and/or public facilities given that the District is the only public cemetery in the Kingsburg area.

**6. ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENT STRUCTURE AND OPERATIONAL EFFICIENCIES**

- The District is an independent special district governed by a three-member board of trustees, and functions independently from the Counties of Fresno, Kings, and Tulare.
- LAFCo observes that although the District spans three counties, the District's board is comprised of two Fresno County trustees and one trustee from Kings County. If warranted, Health and Safety code provides the Fresno County Supervisor authority to appoint three or five persons from any county in which the district is located to the board of trustees.
- The board has an appointed District Superintendent tasked to carry out District policy, direct the agency's operations, and provide daily supervision of staff and facilities. The District's daily operations are performed by five full-time employees.
- The District has adopted rules and regulations. The District's rules and regulations identifies agency procedures as it relates to care of graves and cemetery grounds, burials, fees and charges, legal provisions, and liabilities.
- The District is a member of the California Association of Public Cemeteries (CAPC), California Special District Association (CSDA).
- The District's government structure appears to be appropriate to ensure adequate services are managed and provided to its ratepayers, and within the Kingsburg area.

**7. ANY OTHER MATTERS RELATED TO EFFECTIVE OR EFFICIENT SERVICE DELIVERY, AS REQUIRED BY COMMISSION POLICY**

- The District's is situated within the Central Kings Groundwater Sustainability Agency. LAFCo anticipates that within the next five years the local GSAs will work with all local agencies and public cemeteries that rely on groundwater pumping to establish recharge programs to offset and balance groundwater usage within the groundwater table.

### 3. SPHERE OF INFLUENCE UPDATE

When Fresno LAFCO updates, amends, or revises a sphere of influence for a local governmental agency within its purview, it must adopt specific determinations with respect to the following factors:

#### 1. PRESENT AND PLANNED LAND USES, INCLUDING AGRICULTURAL AND OPEN-SPACE LANDS

- The Fresno County General Plan designates a majority of the land within the District for agricultural uses with the exception of the unincorporated communities and the City of Kingsburg. The Tulare County General plan designates land within the District for agricultural uses; and, Kings County General Plan designates land within the District as general agricultural uses.
- The Counties of Fresno, Kings, and Tulare are the land use authorities for unincorporated territory within the District. The City of Kingsburg is the land use authority for the incorporated land. Kingsburg's city limits encompass 2,235 acres, while the City's SOI encompasses 4,019 acres. There are 1,784 acres within the Kingsburg SOI suitable for future urban development.

#### 2. PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES IN THE AREA

- The District's facilities consist of a 38-acre cemetery and office building located at 12782 E. Clarkson Avenue, Kingsburg, CA 93631. Of which only 20 acres are developed with burial sites and 18 acres are available to the District for future expansion. The District informed LAFCo that it annually averages 100 to 110 interments. The District has interment capacity beyond LAFCo's 20 to 25 year SOI planning horizon.
- The cemetery obtains its irrigation water source from two underground wells; one well is situated in the cemetery's eastside and the second on the west. The District's office building and visitors building are connected to a smaller underground well powered by a three-horse power pump. The District informed LAFCo that all three underground wells have adequate capacity to continue serving the District's needs.
- The District's general manager annually reviews and identified the District's infrastructure needs, repairs, and improvements expenditures and allocates funding for the upcoming year.

#### 3. PRESENT CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES THAT THE AGENCY PROVIDES OR IS AUTHORIZED TO PROVIDE

- The District's facilities are adequate to continue supporting burial and interment of human remains within the Kingsburg area.

**4. EXISTENCE OF ANY SOCIAL OR ECONOMIC COMMUNITIES OF INTEREST IN THE AREA IF THE COMMISSION DETERMINES THAT THEY ARE RELEVANT TO THE AGENCY**

- As observed by LAFCo, there no social or economic communities of interest exist near the District relevant to the agency's service provisions.

**5. THE PRESENT AND PROBABLE NEED FOR THOSE PUBLIC FACILITIES AND SERVICES OF ANY DISADVANTAGED UNINCORPORATED COMMUNITIES WITHIN THE EXISTING SPHERE OF INFLUENCE**

- The District services are limited to burial and interment of human remains, and maintenance of its public cemetery. For the purposes of this section, services provided by the District do not support growth or induce population growth. Fresno LAFCo observes that services provided by the District would not present a direct benefit to a DUC as detailed in the MSR.

## 4. RECOMMENDATIONS

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

1. Receive this report and any public testimony regarding the proposed Municipal Service Review and proposed sphere of influence update.
2. Find that the Municipal Service Review is exempt from the California Environmental Quality Act pursuant to section 15306 (Information Collection).
3. Approve the recommended Municipal Service Review determinations, together with any changes deemed appropriate.
4. Approve the recommended sphere of influence determinations, together with any changes deemed appropriate.
5. Affirm the existing Kingsburg Cemetery District SOI.
6. Recommend that the District address its FY 2017-18 deficit by reducing expenses or generating sufficient revenue to create a balanced budget.

## 5. ACKNOWLEDGEMENTS

This Municipal Service Review update was prepared by Fresno LAFCo. Supporting documentation was made available through the effective partnership between District staff and LAFCo. LAFCo extends its appreciation to the District for their assistance in the development of this Municipal Service Review.

Available Documentation – documents used for the preparation of this report consist of public records and are available at the Fresno Local Agency Formation Commission office located at:

Fresno Local Agency Formation Commission  
2607 Fresno Street, Suite B  
Fresno, California 93721

The Municipal Service Review is available on Fresno LAFCo's website, <http://www.fresnolaftco.org/default.asp>