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

CONSENT AGENDA ITEM No. 8

DATE: August 22, 2007

TO: Fresno Local Agency Formation Commission

FROM: Rick Ballantyne, Executive Officer
Darrel Schmidt, Deputy Executive Officer

SUBJECT: **Consider Adoption** – Municipal Service Review and Sphere of Influence Update Prepared for West Fresno County Red Scale Protective District

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) before January 1, 2008, and every five years thereafter. Prior to, or in conjunction with an agency's SOI update, LAFCo is required to conduct a *Municipal Service Review* (MSR) for each agency.

On December 13, 2006, the Commission directed staff to enter into a contract with Braitman & Associates to prepare MSRs and SOI Updates for numerous cities and special districts. The attached MSR and SOI Update have been prepared for the West Fresno County Red Scale Protective District.

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 nine criteria:

1. Infrastructure needs or deficiencies
2. Growth and population projections for the affected area
3. Financing constraints and opportunities
4. Cost avoidance opportunities
5. Opportunities for rate restructuring
6. Opportunities for shared facilities
7. Government structure options, including advantages and disadvantages of the consolidation or reorganization of service providers
8. Evaluation of management efficiencies
9. Local accountability and governance

As part of the SOI update, the Commission is required to consider and make appropriate determinations in relationship to each of the following:

1. The present and planned land uses in the area, including agricultural and open-space lands
2. The present and probable need for public facilities and services in the area
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency

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 is 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, this MSR collects data for the purpose of evaluating municipal services provided by the agency. There is no land use change or environmental impact created by such a study.

Furthermore, the MSR qualifies 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 update qualifies for the same general exemption from environmental review based upon CEQA Regulation section 15061(b)(3).

There is no possibility that this MSR or SOI update may have a significant effect on the environment because there are no land use changes associated with either document. If the Commission approves and adopts the MSR and SOI update and determines that the project is 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 West Fresno County Red Scale Protective District encompasses approximately 3,433,930 acres (5,366 square miles) in Fresno County. The District's area extends from the northern to southern County boundaries and from the eastern to western County boundaries, including all of Fresno County except the incorporated cities and that portion of southeast Fresno County occupied by the Central Valley Pest Control District. The District's boundary and SOI are coterminous.

Services provided by the District include control and eradication of citrus pests. The District has no employees. It contracts for secretarial support, and the testing and mapping of citrus pests. The District contracts with the Central California Tristeza Eradication Agency (CCTEA) located

in Tulare County for specified, limited survey work each year. The District has no capital facilities.

The District is governed by a five-member Board of Directors which are appointed by the Board of Supervisors. The District's Board meets twice a year.

The District's FY 2006-07 Operating Budget totaled \$238,471. Projected revenues for the year totaled \$238,471 including the use of \$32,850 from reserves. Assessments at \$.75979 per acre levied against parcels with citrus trees constitute the main source of revenue (\$205,121), with some funding derived from interest income. There is no District debt.

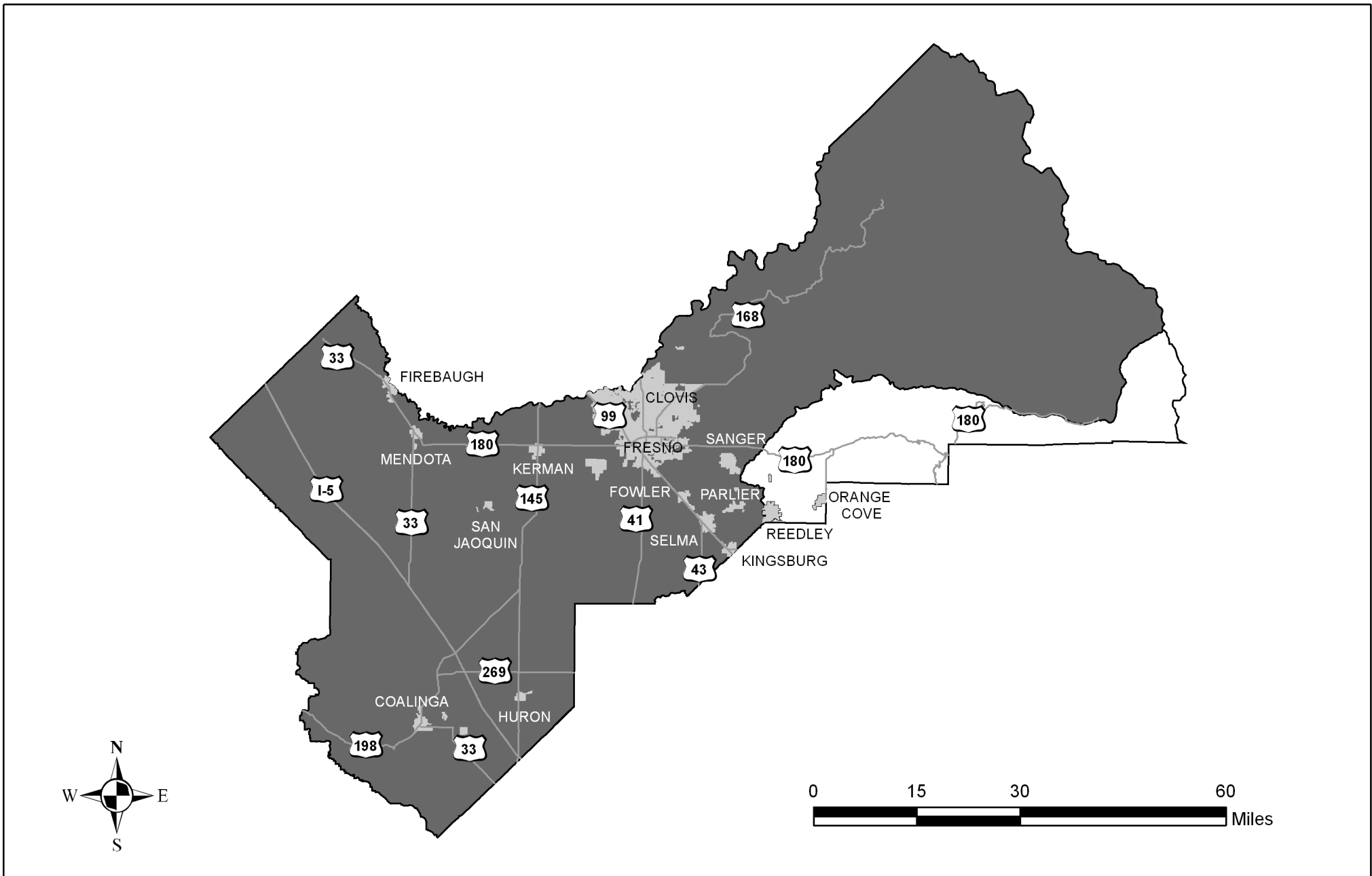
The MSR did not identify any opportunities for shared facilities or for rate restructuring, other than the per acre assessments levied by the District.

The District did not express a desire or need to modify its boundary or SOI.

Based on the information contained in the MSR, staff recommends adoption of the MSR and SOI determinations and affirmation of the current SOI.

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 Review and Sphere of Influence 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 find that the SOI Update qualifies for the same general exemption from environmental review based upon CEQA Regulation Section 15061(b)(3).
- B. Find that the Municipal Service Review and Sphere of Influence Update prepared for the West Fresno County Red Scale Protective District are complete and satisfactory.
- C. Find that the written determinations within the Municipal Service Review and Sphere of Influence Update satisfy State Law.
- D. Pursuant to Government Code Sections 56425 and 56430 make the required determinations for the Municipal Service Review and District Sphere of Influence, adopt the Municipal Service Review prepared for the West Fresno County Red Scale Protective District by Braitman and Associates, and update the Sphere of Influence for said District by reaffirming the current boundary.



Legend

- District Area and SOI
- City Areas

**Fresno Local Agency Formation Commission
West Fresno County Red
Scale Protective District**

District Formed: 1958
 SOI Adopted: March 24, 1976
 Map Date: July 2007
 District Area: 3,433,930 Acres

RESOLUTION NO. MSR-07-17

FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

In the Matter of

LAFCo Determination

RESOLUTION MAKING)	MAKE DETERMINATIONS AND ADOPT
DETERMINATIONS AND ADOPTING)	MUNICIPAL SERVICE REVIEW; AND
MUNICIPAL SERVICE REVIEW; AND)	MAKE DETERMINATIONS AND UPDATE
MAKING DETERMINATIONS AND)	SPHERE OF INFLUENCE FOR
UPDATING SPHERE OF INFLUENCE)	THE WEST FRESNO COUNTY RED SCALE
FOR THE WEST FRESNO COUNTY)	PROTECTIVE DISTRICT
RED SCALE PROTECTIVE DISTRICT)	

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; 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 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 find that the SOI Update qualifies 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 Update prepared for the West Fresno County Red Scale Protective District is complete and satisfactory.

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

Section #4. Pursuant to Government Code Sections 56425 and 56430 this Commission hereby adopts the determinations as presented in the Municipal Service Review and Sphere of Influence Update documents.

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 22nd DAY OF AUGUST, 2007, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: None

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

CERTIFICATION

I, Victor Lopez, Chairman of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 22nd day of August, 2007.



**Victor Lopez, Chairman
Fresno Local Agency Formation Commission**

WEST FRESNO COUNTY RED SCALE PROTECTIVE DISTRICT

MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE

Report to the
Fresno Local Agency Formation Commission

Prepared By:

Braitman & Associates
8277 Cheshire St.
Ventura, CA 93004

August 2007

1. MUNICIPAL SERVICE REVIEW

Description of District

The West Fresno County Red Scale Protective District was formed in 1958. It operates pursuant to the Citrus Pest District Control Law (Food & Agriculture Code, Section 840).

The District encompasses much of Fresno County, including approximately 3,433,930 acres (5,366 sq. miles). It excludes incorporated cities within its exterior boundaries, and also excludes territory within the Central Valley Pest Control District.

Its boundaries and Sphere of Influence are coterminous, as shown on the enclosed map.

The Board of Supervisors appoints the five-member board of trustees that governs the District. Regular board meetings are held twice a year.

The District has no employees. Services, including secretarial support and the testing and mapping of citrus pests, are provided by contracts with private parties.

The District contracts with the Central California Tristeza Eradication Agency (CCTEA) for specified, limited survey work each year. The staff necessary for this work is employed and housed at the CCTEA in Tulare.

District Services

District services are control and eradication of citrus pests.

2. MSR DETERMINATIONS

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

Infrastructure Needs and Deficiencies

The District has no capital facilities and contracts for the services it provides.

Growth and Population Projections

The District's services do not affect rates or location of urban development or population growth, nor does that directly affect the governance of the District. The Board of Supervisors appoints the District Board of Directors.

Financing Constraints and Opportunities

The District operating budget for FY 2006-07 is \$238,471. Projected revenue for this year is \$238,471 including the use of \$32,850 in reserves. Assessments at \$0.75979 per acre levied against parcels with citrus trees constitute the main revenue source (\$205,121) with some funding derived from interest. There is no District debt.

Cost-Avoidance Opportunities

There are no obvious cost avoidance opportunities in providing District services since it already works in cooperation with similar agencies in Tulare and Kern Counties.

Opportunities for Rate Restructuring

There are no obvious opportunities for rate restructuring in the operations of the District other than adoption of the annual budget and related per acre assessments.

Opportunities for Shared Facilities

There are no obvious opportunities for sharing facilities.

Government Structure Options

There are no obvious opportunities for a different government structure.

Management Efficiencies

The District exhibits characteristics of an agency operating efficiently serving customers, the commercial citrus growers.

Local Accountability and Governance

The Board of Supervisors appoints the District Board of Directors. District agendas are posted at the locations where the Board meets.

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’s boundaries and Sphere of Influence are coterminous.

No Proposed Sphere Changes

The District reports its Sphere and boundary is correct at this time and no changes are anticipated.

Sphere of Influence Recommendation and Determinations

It is recommended the Commission approve the following determinations and affirm the current Sphere of Influence as depicted on the map.

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

The District includes most of Fresno County. Present and planned land uses are a combination of urban, suburban, agricultural and open space uses.

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

The present and probable need for public facilities and services vary by type of land use. Urban uses require a range of municipal services while less developed areas, typically demand or receive lower levels local public services.

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

The District is able to provide adequate services for control and eradication of citrus pests.

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's economic community of interest is citrus industry lands.

4. ACKNOWLEDGEMENTS & REFERENCES

This draft Municipal Service Review was prepared by Braitman & Associates working at the direction of the Fresno LAFCO staff. Responsibility for any errors or omissions rests with those who prepared the report.

The West Fresno County Red Scale Protective District provided information upon which the evaluation is based. Board Chair Leon Tirapelle was instrumental in providing data.

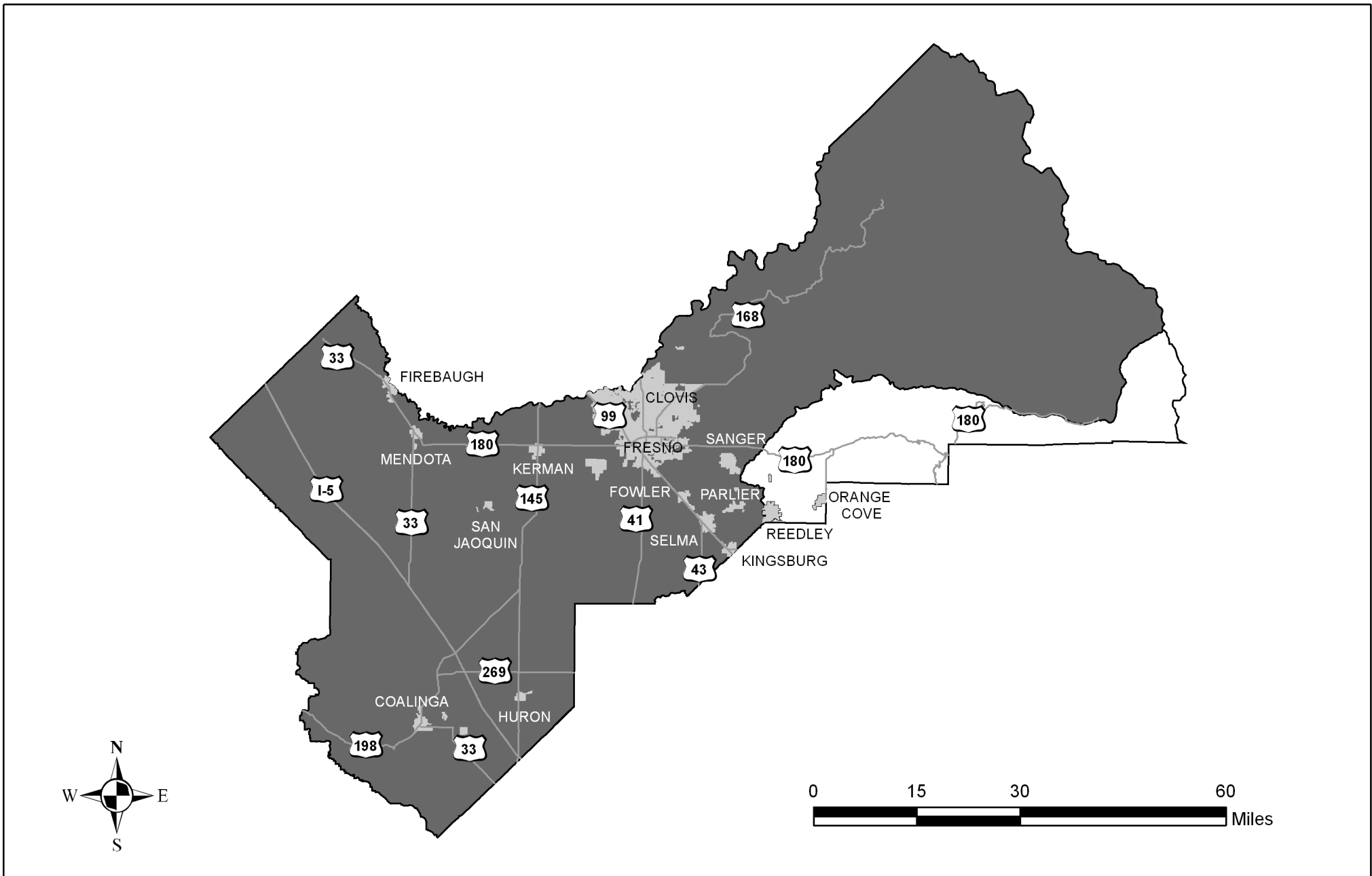
Available Documentation

The “Request for Information for Municipal Service Reviews” submitted by the District and supporting documents referred to therein are available in the LAFCO office.

5 . R E C O M M E N D A T I O N S

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.



Legend

- District Area and SOI
- City Areas

**Fresno Local Agency Formation Commission
West Fresno County Red
Scale Protective District**

District Formed: 1958
 SOI Adopted: March 24, 1976
 Map Date: July 2007
 District Area: 3,433,930 Acres