
**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

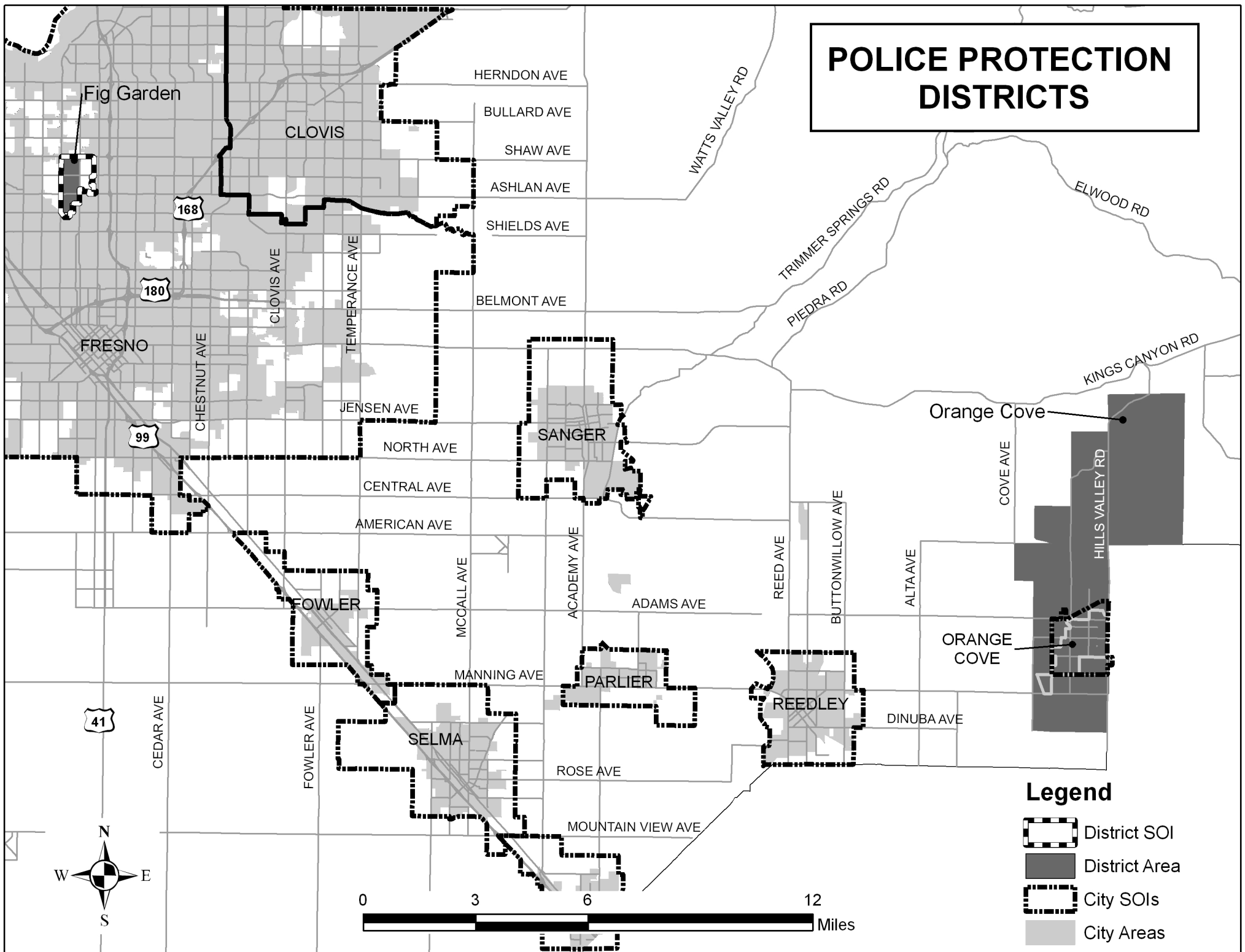


Fig Garden

CLOVIS

HERNDON AVE

BULLARD AVE

SHAW AVE

ASHLAN AVE

SHIELDS AVE

168

180

FRESNO

99

CHESTNUT AVE

CLOVIS AVE

TEMPERANCE AVE

BELMONT AVE

JENSEN AVE

NORTH AVE

SANGER

CENTRAL AVE

AMERICAN AVE

FOWLER

MCCALL AVE

ACADEMY AVE

ADAMS AVE

REED AVE

BUTTONWILLOW AVE

ALTA AVE

Orange Cove

COVE AVE

KINGS CANYON RD

HILLS VALLEY RD

ORANGE COVE

REEDLEY

DINUBA AVE

41

CEDAR AVE

FOWLER AVE

SELMA





MANNING AVE

PARLIER

ROSE AVE

MOUNTAIN VIEW AVE

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**

ORANGE COVE POLICE PROTECTION DISTRICT

MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE

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

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

December 2010

1. MUNICIPAL SERVICE REVIEW

Description of District

The Orange Cove Police Protection District was formed in 1944. It was formed and is governed under the provision of Health and Safety Code Section 20000, et. seq. The Districts Sphere of Influence was adopted in 1975. It serves the City of Orange Cove and the rural area surrounding the City, in southeastern Fresno County. The District area is predominantly agricultural and open space land outside of the City boundaries. Area within the City is developed with residential, commercial, industrial, and other uses.

The District is governed by a three-member Board of Directors elected by the voters of the District to four-year terms. Police protection for the unincorporated area is provided by the Fresno County Sheriff's Department. The Orange Cove Police Department, reestablished in December 2009 provides complete law enforcement services to the City of Orange Cove.

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

District Services and Background

Police protection is provided to unincorporated areas by the Fresno County Sheriff's Department. The Orange Cove Police Department provides all law enforcement services for the City of Orange Cove.

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 City of Orange Cove and the surrounding areas and is in a very small portion of Supervisorial Districts 4 and 5. The population of Orange Cove is approximately 11,000 and not expected to be more than 14,000 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 area is predominantly agricultural and open space land outside of the City boundaries. Area within the City is developed with residential, commercial, industrial, and other uses.

Present and planned capacity

The Orange Cove Police Protection District exists to assist in funding all law enforcement agencies that provide service within District boundaries for service, equipment, and other passive and proactive programs that will benefit residents of the District.

Infrastructure is provided by the City of Orange Cove, the Fresno County Sheriff, and the County of Fresno. The district currently holds its Board meetings in the Orange Cove Library (805 Park Blvd.). District Board members and the District's Clerk utilize their own equipment for District purposes, including personal computers, vehicles for District related travel, and personal filing cabinets for storage of records.

The District indicates that it can continue to provide services without any infrastructure.

Financial Ability of Agencies to Provide Services

Revenues are derived from property taxes and interest. The District does not levy any additional property assessments or charge for services. Voters within the District would have to approve any special assessment if the District decided to pursue this as a method of increasing revenue.

The District adopts an annual budget in a public meeting and which is available for review by the public. The District utilizes the Fresno County Treasurer as its depository and for expenditure disbursement. In addition to the County account, the Board approved Resolution 2010-06 to establish a local bank account in Orange Cove to facilitate payment to law enforcement agencies and for required operation expenses.

The District has no fixed monthly expenses. The secretary and other board members are reimbursed for documentable expenses. The District does not have any debt.

Status of, and Opportunities for, Shared Facilities

The district has no facilities and utilizes the library community room for meetings and other gatherings. Sharing with Fig Garden Police Protection District is not feasible due to the distance between the two districts.

Governmental Structure and Operational Efficiencies

The Orange Cove Police Protection District is governed by a three-member Board of directors. Each member must be a resident of the District area during the term of service on the board. The District Board meets the third Thursday of each month at the Orange Cove City library. Notices are posted at the post office, the city police department, the Orange Cove Chamber of Commerce, and CJ's restaurant at least 72 hours prior to Board meetings. Members of the public are given the opportunity to speak to the Board at each meeting. A representative from the Sheriff's Department, the Orange Cove Police Department, the California Highway Patrol, and M.A.G.E.C are generally present at Board meetings. All agencies periodically provide a verbal report of activities within the District area.

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 boundaries and Sphere of Influence are coterminous encompassing approximately 14,400 acres, as shown on the enclosed map.

Proposed Sphere Changes

This District sphere boundary adopted in 1975 and revised in 2007 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.

Lands within the District’s unincorporated area are predominantly in agriculture or open space uses. Lands within the City are largely developed with residential, commercial, industrial, and other uses. Some lands within the District, which are also within the City of Orange Cove’s Sphere of Influence, are designated Reserve Residential, Commercial, and Industrial in the Fresno County General Plan.

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

The district does not own any facilities in the area. The District’s unincorporated area is rural in character and is not served by urban level services. There is no known need for additional public facilities and services in the unincorporated area. As land is annexed into the City of Orange Cove, the City provides urban level services including an enhanced level of law enforcement services via the Orange Cove Police Department.

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

The District provides funding as available and on an as needed basis to all law enforcement agencies that provide service in the district. This funding is utilized for services and purchase of equipment which will benefit District residents. The District’s capacity for funding these activities appears to be adequate, based on current known parameters. District Board meetings are held at the Orange Cove library. The District does not have a need for its own permanent facilities.

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

Residents of the District constitute a community of interest for the District.

4. ACKNOWLEDGEMENTS & REFERENCES

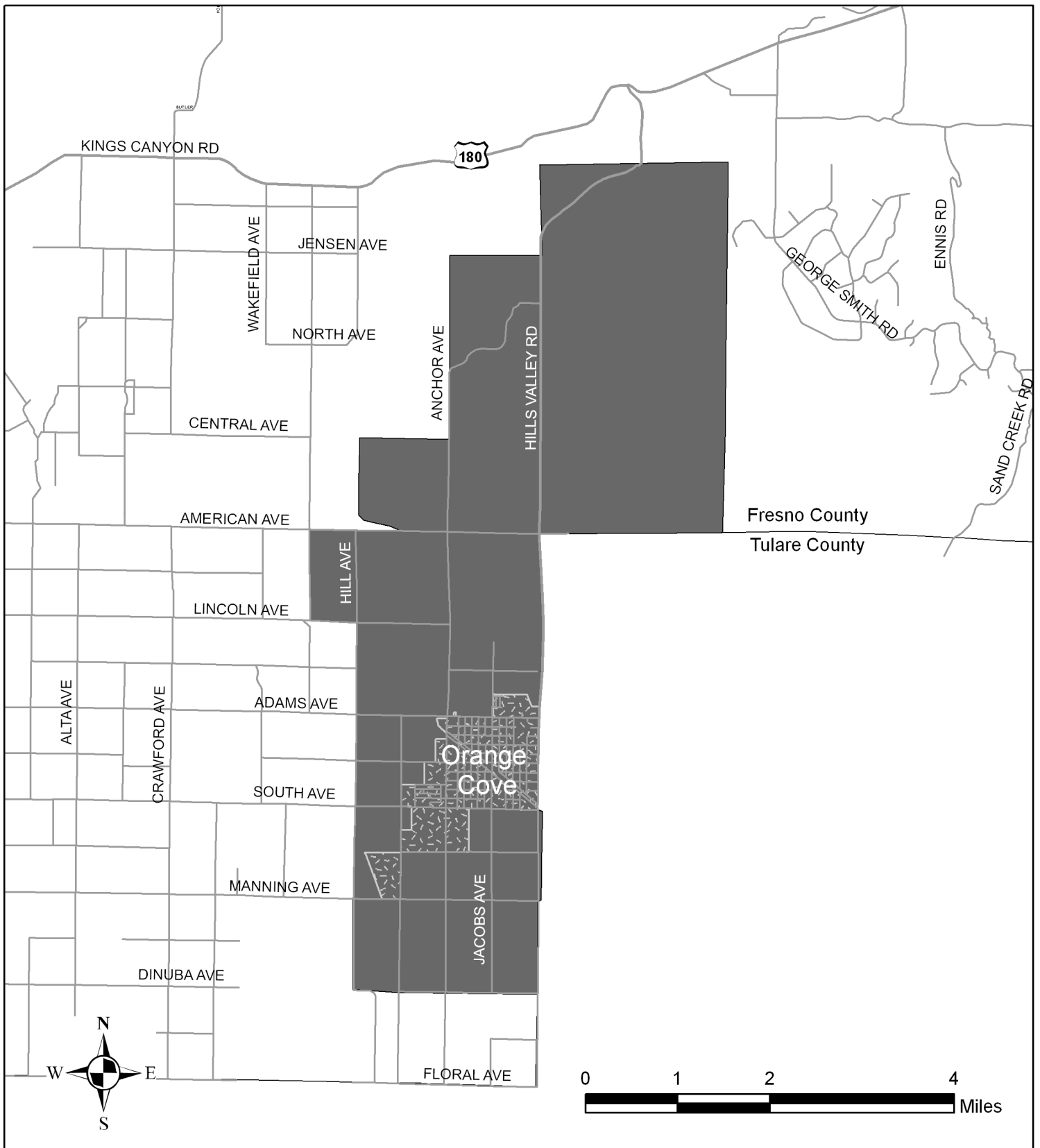
This draft Municipal Service Review was prepared by Fresno LAFCo staff. Responsibility for any errors or omissions rests with those who prepared the report.

The Orange Cove Police Protection District provided information on which the evaluation is based. Eldon Thompson and the Fresno County Counsel of Governments were 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 Orange Cove Police Protection District

Legend

- District Area and SOI
- City Area

District Formed: 1944
 SOI Adopted: 6/25/1975
 SOI Updated: 12/5/2007

Map Date: December 2007
 District Area: 14,397 Acres
 Sphere Area: 14,397 Acres