

FIG GARDEN FIRE PROTECTION DISTRICT

MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE

Report to the
Fresno Local Agency Formation Commission

MSR-17-02 / SOI-172

David E. Fey, AICP, Executive Officer
George W. Uc, Senior LAFCo Analyst
Juan Lara, LAFCo Analyst
Amanda Graham, Office Assistant
2607 Fresno Street, Suite B
Fresno, CA 93721

February 8, 2017

FIG GARDEN FIRE PROTECTION DISTRICT

Fire prevention, suppression, investigation, search and rescue, hazardous materials, and first responder services

District contact

Manager: Kerri L. Donis, Fire Chief
Department address: Fig Garden Fire Protection District, Station #20
4537 N. Wishon Avenue
Fresno, CA 93704-3735
Phone: (559) 621-4001

Alternative contact: Theodore Semonious, Fire Deputy Chief
Phone: (559) 621-4043

Mailing address: Fresno Fire Department
911 "H" Street
Fresno, CA 93721-2510
Fax: (559) 498-1070
Website: <http://www.figgardenfire.org/>

Management Information

District formation: 1942
Principal act: Fire Protection District Law of 1987 (Health and Safety Code Sec. 13800)
District powers: Prescribed in Health and Safety Code Sec. 13861-13879

Governing body: Three-member board of directors

Board members: LaVergne Rogers Elected 2013 - Expires 2017
Oney Durney Elected 2015 – Expires 2019
Louis Linney Elected 2015 – Expires 2019

Board meetings: Held on a quarterly basis, meetings held at the District headquarters
Staffing: Contracted firefighters from City of Fresno

Service Information

Population served: 1,892 residents, approximate
Acres served: 441 acres
Infrastructure: One fire station, fire engines and firefighting equipment are contracted with City of Fresno

Fiscal Information

Budget: \$1,571,500, includes \$400,000 for capital improvements
Sources of funding: Annual property taxes, Community Facilities District, and user fees

Administrative Policies

Policies/Procedures: Yes **By-laws:** N/A **District Formed:** 1942 **SOI updated:** 2017

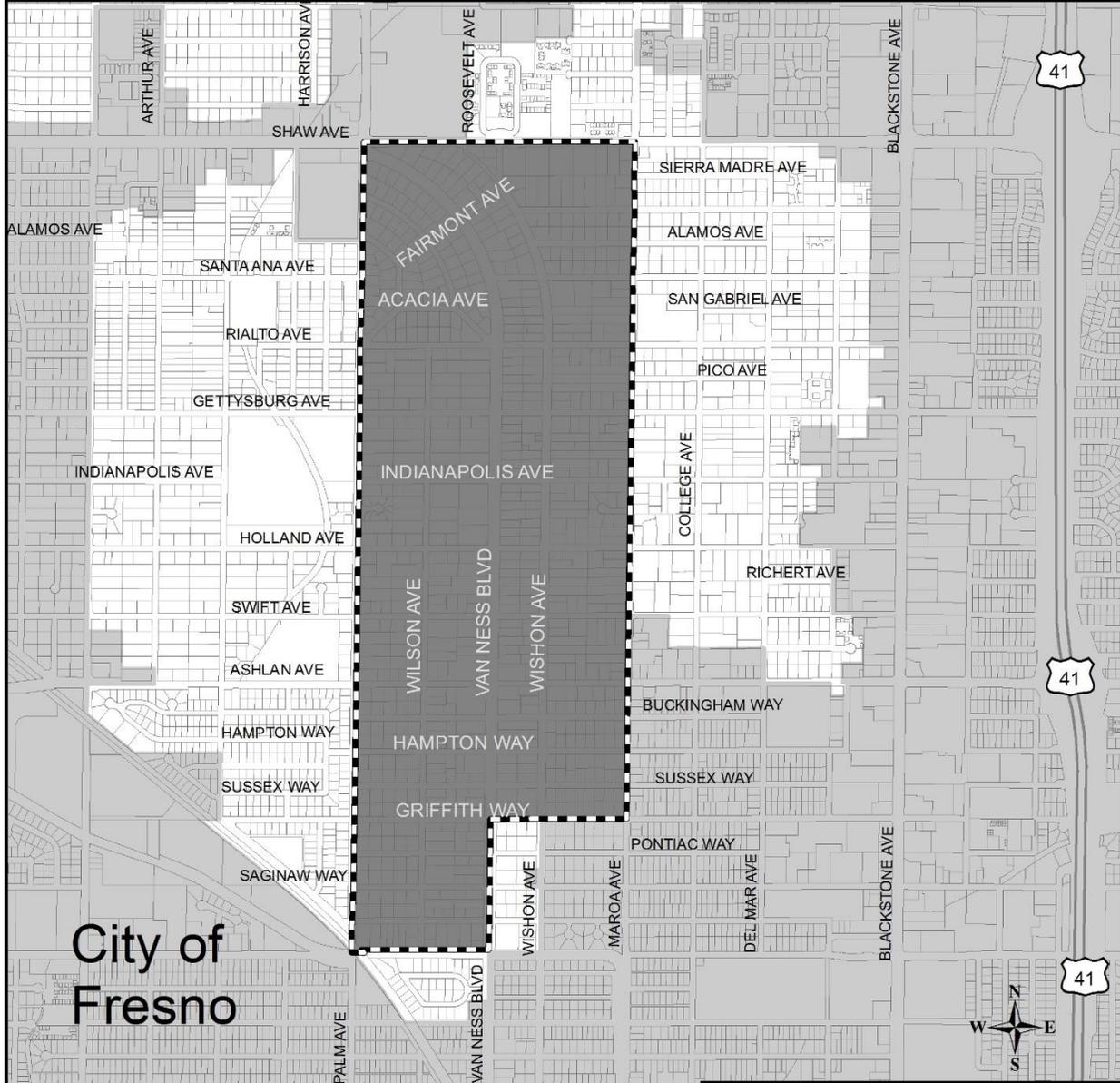
Table of Contents

1. MUNICIPAL SERVICE REVIEW	5
Principal Act	5
District Service Area	5
Authorized District Services	5
District Agreement with City of Fresno	6
Fresno LAFCO MSR Policy.....	7
District growth and population projections	7
Disadvantaged Unincorporated communities	8
District infrastructure	9
District finances.....	10
Community Facilities District- CFD No. 2014-01	12
Opportunities for shared facilities	13
Government accountability.....	13
Other Matters	14
 2. MSR DETERMINATIONS	 16
1. Growth and population projections for the affected area	16
2. The location and characteristics of any Disadvantaged Unincorporated Communities within or contiguous to the sphere of influence	16
3. Present and planned capacity of public facilities and infrastructure needs or deficiencies	17
4. Financial ability of agency to provide services.....	18
5. Status of, and opportunities for, shared facilities.....	19
6. Accountability for community service needs, including government structure and operational efficiencies ..	19
7. Any other matter related to effective or efficient service delivery, as required by Commission policy	20
 3. SPHERE OF INFLUENCE DETERMINATIONS	 21
1. Present and planned land uses, including agricultural and open-space lands	21
2. Present and probable need for public facilities and services in the area	22
3. Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide	23
4. Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency	23
5. The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence	23
 4. RECOMMENDATIONS	 24
5. ACKNOWLEDGMENTS.....	24

Figure 1- District Map

Fig Garden Fire Protection District

Authorized Services: Fire Protection



City of
Fresno

Fresno Local Agency Formation Commission

-  District sphere of influence
-  District service area
-  City limits

Formation: 1942
 Sphere updated: 6/13/2007
 District area: 441 acres
 Sphere area: 441 acres

Map prepared: 1/17/2017



MSR and Sphere update

Fig Garden Fire Protection District

1. MUNICIPAL SERVICE REVIEW

PRINCIPAL ACT

The Fig Garden Fire Protection District (“District”) was formed in 1942, to provide fire protection and public safety services in accordance with Fire Protection District Law of 1881. The statute was updated through Fire Protection District Law of 1987 (Health and Safety Code, Section 13800 et seq.) which succeeds the Fire Protection District Law of 1881 and all of its statutory predecessors.¹ The District’s service area and sphere of influence are coterminous and encompass 441 acres. The District is completely within County of Fresno; and within an unincorporated island surrounded by the Fresno city limits. The District is in an area widely known as the Fig Garden neighborhood.

The District is an independent special district governed by a three-member elected board of directors. The District is not governed by another legislative body (either a city council or county board of supervisors). Candidates eligible to serve on the District’s board must be a registered voter and a resident within the District boundaries. The District’s daily operations are contracted with the City of Fresno (“City”), which provides a fire chief, firefighting personnel, and staff support.

DISTRICT SERVICE AREA

The District is bounded by Shaw Avenue on the north, Palm Avenue on the west, Dakota Avenue on the south, and Maroa Avenue on the east. Unincorporated territory outside the District’s service area immediately to the west, east, and south receives fire protection services from North Central Fire Protection District.

The District provides fire protection services primarily within the unincorporated community of Fig Garden. Classified streets into the District’s service area are primarily arterial streets such as the east/westbound Shaw, Ashlan, and Dakota Avenues, and north/southbound Palm Avenue. Circulation inside the District boundaries primarily occur through residential streets. The nearest highways to the District boundaries are State Route 41 (SR) a mile east of the District, SR 99 approximately four miles west of the District, and SR 180 located approximately four miles south of the District.

AUTHORIZED DISTRICT SERVICES

GC section 56425(i) states, “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.” Under the Fire Protection District Law, a fire protection district may exercise all rights and powers, expressed or implied under HSC section 13860-13879. All powers granted by statute are therefore considered to be authorized.

The District has 30-year agreement with the City, known as the “Fig Garden Fire Protection District-City of Fresno-Service Agreement” (“Agreement”) for firefighting personnel,

¹ Health and Safety Code Section 13803

²Fresno LAFCo Policies, Standards and procedures Manual-Policy 102(03), page 14

administration, and firefighting equipment. The District and City entered into the agreement January 2, 2006, and the Agreement is effective through June 30, 2035. According to District record, the District provides a wide range of services associated with the protection of lives and property including, but not limited to:

- Structural fire suppression,
- Wildland fire suppression,
- Emergency medical response and basic life support,
- Hazardous material and operational and technical level,
- Rescue and extrication operational and technical level,
- Fire prevention program- arson investigation and enforcement state and local fire codes, and
- Fire information reporting to the California Fire Incident Reporting system.

DISTRICT AGREEMENT WITH CITY OF FRESNO

Prior to enacting the 2006 Agreement, the City reported in many cases that it was the primary fire protection and emergency response provider when fires or other emergencies occurred within Fig Garden and the neighboring unincorporated territory inside the Fresno city limits. At that time, federal legislation was updated with new fire response standards and as a response, the City sought to work with various fire protection providers to meet federal fire response standards. Around 2005, the District and City entered into negotiations with the intent to comply with the new federal fire response standards, preserve the District's independence as local agency, improve fire protection services, and enhance level of services within the District and City boundaries subject to the formal Agreement.

The Agreement was signed by District and City representatives on September 9, 2005. The terms of the contract Agreement are effective for 30-years and scheduled to expire on June 30, 2035. Since its original signing, the Agreement has been amended two times to account for discretionary adjustments to the terms of agreement.

The Agreement assists both agencies in that it improves customer satisfaction by coordinating emergency response teams and it eliminates service redundancies that were occurring in the Fig Garden area. Furthermore, the regionalization of fire protection services in and around Fig Garden and adjacent incorporated territories helped the City of Fresno create more effective and timely emergency response times for residents residing within these areas. From the financial standpoint, the Agreement assists both agencies share service expenditures by creating cost-sharing opportunities on existing public facilities and firefighting equipment.

The Agreement principally merged the District's operations with the City of Fresno's Fire Department, in exchange, the District agreed to pay the City a base annual fee in two installments each year, beginning on January 1, 2006 through June 30, 2035. The District continues to operate independently and is governed by its own three-member elected board of directors.

At the present time many of the District's operations are performed by the City of Fresno's Fire Department. The District owns its fire department station, and the City of Fresno provides the District with fire engines, vehicles, administrative, and fire protection personnel support.

FRESNO LAFCO MSR POLICY

A Municipal Service Review 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 revision to the Commission-s adopted SOI for the subject local 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, or delete ('zero') an existing SOI; or approve, deny, or approve with conditions any change of organization or reorganization impacting the local agency as a result of the information gathered during the MSR update process.²

In accordance with Government Code (GC) section 56066, Fresno County is the principal county, making Fresno LAFCO responsible for updating the SOI for the District consistent with GC section 56425(g). In order to update the agency's SOI, Fresno LAFCO has prepared this service review consistent with GC section 56430.

DISTRICT GROWTH AND POPULATION PROJECTIONS

The District is located in a portion of Fresno County that is enclosed by the City of Fresno's corporate limits. The County of Fresno is the land use authority for the unincorporated land within the District and the Fresno County General Plan establishes various land uses for territory inside the District. The County's General Plan land use designations are augmented by the two additional County policy documents: Bullard Community Plan and the Fig Garden Neighborhood Plan. The District's service area is considered by LAFCO to be built-out which means that majority of the land inside the District is substantially developed with low density residential and neighborhood commercial land uses. Land east of the District is not within the Fresno city limits and receives service from the North Central Fire Protection District (via contract with Fresno City Fire Department). Similarly, land south and west of the District is located in Fresno County and receive fire protection services from the North Central Fire Protection District.

The District estimates that it serves approximately 1,892 residents within its boundaries. The District informed LAFCO that there are 764 address points inside the District's boundaries some of those may be vacant lots, approximately 59 are business occupancies subject to fire inspections, the remaining 705 addresses are residential properties.

The County establishes land use policy and objectives for the Fig Garden neighborhood in its Fig Garden Neighborhood Plan. The Plan Area spans a larger unincorporated area generally bounded by Blackstone Avenue and Dakota Avenue on the east and south, Fruit Avenue to the west, and Shaw Avenue on the north.

Considering that the District resides in an unincorporated area surrounded by the Fresno city limits, some discussion of the County's land use authority is warranted. The County's General Plan Policy LU-G.7 states, "...The County shall establish and maintain land use controls on unincorporated land within the spheres of influence consistent with the policies of the County

² Fresno Local Agency Formation Commission – Policy 107 – Municipal Service Review Policy.

community plan....” However, the District is within the City of Fresno’s metropolitan area. Future population growth and land is directed to the City of Fresno consistent with Fresno County’s general plan goals and general plan policies: LU-G.1, LU-G.2, and LU.G.14.

The District is also identified in the City of Fresno’s general plan and the Bullard Community Plan.³ Both policy documents anticipate minimal growth and support existing land uses within the District’s boundaries. Growth of the District’s service area is virtually restricted by the surrounding corporate limits of the City.

At the time this MSR was prepared the District informed LAFCO that neither the District or City of Fresno anticipated any major population or service growth projections. Using the Commission’s 20 to 25-year planning horizon for SOIs,⁴ the District and Fresno Fire Department do not expect any growth to occur as it relates to including additional territory into the District, population, or expansion of the District’s existing services.

DISADVANTAGED UNINCORPORATED COMMUNITIES

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) requires LAFCOs to make determinations regarding “disadvantaged unincorporated communities” (“DUC”) 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 of contiguous to the SOI of a city of special district.

Government Code 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) that is less than 80 percent of the statewide annual median household income as defined in Government Code sec. 56046 and Water Code sec. 79505.5); and a status of ii) “inhabited territory” (12 or mores registered voters), as defined by Government Code sec. 56046, or as determined by Commission policy. Fresno LAFCO policy further refines the a DUC as having at least 15 dwelling units at a density not less than one unit per acre.

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.⁵ The statewide MHI reported for years

³ Bullard Community Plan, <http://www.fresno.gov/NR/rdonlyres/2AFA54D2-7F75-419E-9EBD-DA3378D53EA3/0/BullardCommunityPlan.pdf>.

⁴ Fresno LAFCo Policy 107-03.

⁵ Fresno LAFCo, Policies, Standards, and Procedures – Policy 106 (05).

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 sections of the MSR.

A substantial portion of the District's service area is located within US census tract 46.02- block group 1 and 2. The US Census ACS five-year estimate reports show census tract 46.02 block group 1 had an MHI of \$148,214, while tract 46.02-block group 2 had an MHI of \$74,310 between 2010 through 2014. Both census geographic units exceed the MHI threshold established by California Water Code. For the purpose of this section, it is Fresno LAFCO judgment that fire protection service is provided throughout the entire unincorporated Fresno Metropolitan areas by the City of Fresno's Fire Department. At the time this MSR was prepared there were no DUCs identified that satisfied the Commission's DUC - Policy 106 within the District or vicinity of Fig Garden Fire Protection District.

DISTRICT INFRASTRUCTURE

The District offers a number of services to its community residents including but not limited to fire suppression, rescue services, fire prevention, hazardous materials response, and emergency medical services. The District benefits from a share facilities contract Agreement with the City of Fresno for additional equipment and operation assistance with the City of Fresno's Fire Department.

The District owns its fire station facility situated at 4537 N. Wishon Avenue, Fresno, CA 93704. The fire station facility includes an apparatus bay for use of Fresno Fire Department (FFD), and it houses contracted firefighting personnel, a single fire engine, and firefighting equipment.

The District does not employ any staff members; however, the Agreement provides for at least three City of Fresno fire protection personnel members to staff the department office 24 hours a day. The District is managed by the City of Fresno Fire Chief, and daily operations are overseen with the assistance of the Fire Deputy Chief and assistant office personnel.

The Agreement authorized the City of Fresno to utilize the District's facilities and staff the District with FFD personnel. Additionally, the District has various automatic aid agreements with neighboring agencies to assist with reported emergencies near the District. The City of Fresno designates the District's fire station as Station 20 in the City's fire station inventory.

The District's fire station housed a 2003 Small fire engine that holds a 720-gallon water tank. The District informed LAFCO that on an annual average it responds to 130 emergency calls within the District service area. The District draws its water resources for its fire engine and water tenders from various hydrant locations throughout the District and in the City. The water system is managed by the City.

As previously noted, the District serves an area approximately 441 acres in size, and has a class rating of "Class 2" through the Insurance Service Office (ISO). According to information shown on the City of Fresno's Fire Department annual reports, the District general response time is within four minutes on emergency medical aid and fire emergency calls as measured from the time of

notification of the event to arrival at the scene of the incident.⁶ The ISO rating Class 2 is based on an assessment and scoring of four primary components that make up the fire rating: 1) emergency communications, 2) water supply, 3) community risk reduction, and 4) fire department.

The District informed LAFCO that when measuring firefighters per capita, the District exceeds the industry standard of 1-1.5 firefighters per thousand people with the current minimum daily staffing of 3 firefighters serving that area.

The Agreement has helped the District increase service levels at a reasonable cost for the District's residents. Under the Agreement, the FFD provides 24-hour fire protection services and necessary equipment to keep the District in operation.

The City of Fresno prepares a District capital improvement and building project plan that identifies its ongoing maintenance projects. This plan budgets for public facility improvement expenses and identifies equipment planned to be purchased to replace aging units. During the preparation of this MSR, the District informed LAFCO that it intends to undertake a major renovation and upgrade of existing fire station facilities and station living quarters. The improvement would include bath/kitchen remodels, painting building interior and exterior, electrical and mechanical improvements that would update the existing fire station's conditions.

Previous station improvements include various ramps and accessibility improvements to comply with the American with Disabilities Act (ADA) standards. District facility improvement plans and designs are contracted with a private consultant architect.

The District has several other mutual support agreements in place with the North Central Fire Protection District and the Fresno County Fire Protection District that support and enhance the levels of service and the operations of fire protection.

DISTRICT FINANCES

This section of the MSR includes financial information provided by the District's management on behalf of the District. The District provided financial data to determine if the District has sufficient revenues and financial systems to continue its provision of services to its customers. The following information and analysis section is based on annual budgets, and supportive documents available through the District's participation with the Commission's MSR Program.

The District's primary source of revenue is annual property taxes charged to all parcels within the District. The District informed LAFCO that annual property taxes, interest earnings on District funds, and user fees compose nearly all of the District's operating budget. In 2015, the District property owners approved the formation of a Community Facilities District (CFD) with an associated annual special assessment fee of \$723 per residential unit and \$0.22 per square foot for non-residential property. The newly-approved CFD fee replaced a previous District's annual special assessment of \$529 per residential parcel that expired circa 2015, as a District review

⁶ City of Fresno Fire Department, 2015 Annual Report: <https://www.fresno.gov/NR/rdonlyres/F2F84AB2-A5E6-417A-ADB0-14340F29CCD2/34331/FFDAnnualReport15.pdf>

revenue source. Additionally, the District also pursues state funding when opportunities arise agreeable to the District.

The District provided LAFCO a copy of its current Master Fee Schedule (MFS) which was last revised in June, 2015. The MFS identifies District fees for services provided by the District via Agreement. The MFS generates additional revenues for the District's operation.

For FY 2016-17, the District's annual property tax revenues amount to approximately \$613,800. The District shows under the interest revenue category approximately \$5,000. CFD special assessment generates an additional \$547,000 in annual revenues for the District.⁷ The District's budget shows \$400,000 as line item "Prop 172 Monies, Capital Transfer in-station project." The District budget includes approximately \$5,700 in its annual reserves account. The District's FY 2016-17 operating budget totaled \$1,571,500.

The District's FY 2016-17 expenditure included the following line items which total \$1,571,500;

- Insurance Services - \$2,700
- Office Expenses - \$200
- Professional & Specialized Service - \$1,140,700
- Website Services - \$600
- Accounting - \$1,000
- CFD Consultant Fees - \$12,000
- Construction Contract - \$400,000
- Publication Notices/ Legal Notices - \$3,800
- Special District Expenses - \$4,500

The District's anticipates that funds from its reserves account will be utilized to finance a portion of anticipated expenditures: \$5,000 from Investment earnings, and \$35,700 from its Capital Projects reserve account. The District's FY 2016-17 budget identified total anticipated expenditure of \$1,571,500.

More recently, LAFCO reviewed the Fresno County's Auditor-Controller/Treasurer-Tax Collector's Schedule of Levies for Fiscal Year 2015-16 to determine an estimate annual revenue stream for the District as a participant of the County's annual Tax Exchange Program. During FY 2015-16, the District received from the County assessor a net levy of \$607,694 from property taxes paid by parcels within the District.

LAFCO was also provided a copy of the District's most current independent auditor's report, financial report, and supplementary information for fiscal years ending June 30, 2016.

The auditor's report states that the District has a General Fund structure with accounts for all the District's financial resources of the District, except those moneys that are required to be accounted for in a separate fund. The District's Capital Equipment Fund accounts for major purchases of the District. The District also reports revenues under a separate revenues program that accounts for District charges to customers for goods and services, operating grants and contributions, and capital grants and contributions.

⁷Communities Facilities District Report, FGFPD

The Auditor's report indicates that the District's annual budgets conform with generally accepted accounting principles (GAAP) which requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying.⁸

LAFCo observes that that District annually receives a steady stream of revenue that allows for its service levels to continue operating efficiently. The District informed LAFCo that service fees and other revenue sources are sufficient to cover the contractual obligations of the District with the City. The District's bank deposits are entirely insured as required by state and federal depository insurance policy. The Agreement provides the District the opportunity to independently addresses financial protocol to maintain service levels at reasonable high levels. Based on available financial information, the District's annual revenues appear to exceed expenditures (see next section). It appears that the District is able to meet its financial obligations to the City, and is capable of meeting its ongoing commitments to residents and creditors.

COMMUNITY FACILITIES DISTRICT- CFD No. 2014-01

On November 18, 2014, the District Board adopted resolution to pursue the suitable legal measures to form of a Community Facilities District (CFD No. 2014-01). The CFD would coincide with the District's service area boundaries.⁹ The intent of the CFD was to fund anticipated revenue shortfall (on or about FY 2015-16) in providing the District's public services; fire protection within the Fig Garden Neighborhood, Station #20. On April 14, 2015, the District held a special election which allowed property owners within the District to vote on whether or not a CFD should be formed. The election resulted in majority support by landowners to authorize the District to form the CFD, levy the special tax for 10 years, and maintain the fire District station in operation.

For FY 2015-2016, the District identified the maximum special tax necessary to cover the public service shortfall generated by one dwelling unit was \$723 per year.¹⁰ The maximum annual special tax levied by the CFD on developed properties increases annually, and is subject to an annual escalation not to exceed two-and-a-half percent (2.5%). According to District information, the annual special tax percent increase follows the Blended Los Angeles Urban Consumer Price Index and San Francisco Urban Consumer Price Index during the twelve (12) months ending in December of the Fiscal Year prior to the Fiscal Year in which the Special Tax is being levied.¹¹ During the first year of the CFD's enactment, the District levied \$530,000 in special taxes. The special tax levied is determined by the District Board on an annual basis.¹²

⁸Sanborn & Sanborn Accountancy Corporation, FGFPD Report on Audit Financial Statements for Year Ended June 30, 2014.

⁹FGFPD, Community Facilities District No. 2014-01 (Public Services) January 7, 2015 prepared by David Taussig & Associates, Inc.

¹⁰Ibid.

¹¹Ibid.

¹²FGFPD, Community Facilities District No. 2014-01 (Public Services) January 7, 2015 prepared by David Taussig & Associates, Inc. <https://www.fresno.gov/fire/wp-content/uploads/sites/6/2016/08/FGFPDCFDReport01072015.pdf>.

OPPORTUNITIES FOR SHARED FACILITIES

As previously indicated, the Agreement offers various benefits to the District's operation. Likewise, the City also benefits in that the Agreement regionalizes the Fresno Fire Department and assists to maintain a high ISO rating. The Agreement merged the District's operations with the City's Fire Department so that Fresno City could provide fire protection services within the District's service area, and within all of the unincorporated territory within the city limits.

The District leases its fire station to the City of Fresno, in exchange the City provides the District with firefighting equipment and fire personnel support. LAFCO observes that the City of Fresno has a similar 30-year Agreement with the North Central Fire Protection District. The Agreement respects the District's resident's interest to continue being an independent local agency, and governed by three-member elected board of directors.

Additionally, the District has a mutual aid agreement with Fresno County Fire Protection District for emergency response agencies. The aid agreement allows for the closest fire department station to respond to calls based on proximity to the location of the reported emergency.

At the time this report was prepared, the District's operations under its Agreement with the City of Fresno appeared to be adequately managed and there are no other similar agencies that present an obvious opportunity to recommend additional shared facilities. The District overlaps with the following special districts:

- Fig Garden Police Protection District;
- Fresno Metropolitan Flood Control District;
- Fresno Irrigation District;
- Fresno Mosquito and Vector Control District;
- Kings River Conservation District; and
- West Fresno County Red Scale Protective 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 considers the agency's level of participation with the Commission MSR program.

Health and Safety Code, Section 13800 *et seq.*, (Fire Protection District Law of 1987) enables the formation of fire protection districts. The District, via FFD has policies that govern the District's operation, and a fire ordinance to implement the California Fire Code and the International Fire Code. Citizen participation in the election process is an essential component of local governance and government accountability. Any register voter residing within the District boundaries is eligible to be a candidate to serve on the District board.

The District is an independent special district with its separate board of directors, not governed by other legislative bodies (either a city council or a county board of supervisors). A body of three-elected officials serves as the governing body of the District. The three members of the board are elected by voters within the District boundaries to four-year terms or until their successor

qualifies and takes office.¹³ All three District board seats are filled, two are set to expire late 2017, while the remaining three seats are set to expire 2019. Active District board members do not receive a per diem, and serve on a volunteer basis.

The board of directors creates District policy by adopting resolutions and ordinances through duly-noticed public meetings. The District board meets on a quarterly basis (January, March, September, and December) generally on the third Tuesday at 5:30 p.m. All District board meetings take place at 4537 N. Wishon Avenue, Fresno, Ca 93704 (Fresno Fire Station #20). Meetings are noticed consistent with Brown Act requirements, which include postings in public places, such as the District department facilities. Public notices are displayed outside of the District office ten days before each meeting. The District posts meeting agendas, hearing information, and general information on its website at <http://www.figgardenfire.org/meetings-and-agendas/>. Each board meeting agenda includes an announcement line item informing the public of the next two consecutive District board meetings, and/or special meeting dates.

District board meetings are open to the public and residents are invited to attend the quarterly board meetings. Opportunity to address the District board on items not on the agenda is provided on each meeting agenda. If a public member desires to present to the board, the person is encouraged to contact the District Office Manager or the Fire Chief in advance.

As previously mentioned, the District is managed by the contracted District Fire Chief, and daily operations are overseen with the assistance of the Deputy Fire Chief and Office Manager. The FFD Fire Chief is the Fire Chief of the District and reports to the District's board of directors. There are no other District senior management staff other than the Board of Directors (President, Vice-President and Secretary), and FFD staff that provides administrative support to the Board.

The District's fire station is staffed with City of Fresno contract firefighter personnel. The District's government structure appears to be appropriate to ensure services are adequately provided and managed. The Agreement demonstrates effective collaboration of two agencies working together to eliminate service redundancies from occurring as it related to fire protections within their respective jurisdictions. Furthermore, the Agreement has helped the City of Fresno regionalize fire protection services within the City's SOI. Additionally, the Agreement has helped the District maintain its door open within Fig Garden neighborhood at a reasonable cost to the residents of the District. 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 Fresno County area.

OTHER MATTERS

During the preparation of this MSR there was a minor mapping discrepancy between the District's and LAFCo's estimates on the District's size. Through this MSR update, LAFCo will update the District's size estimates to reflect those of the District's 2017 estimates. During the preparation of this MSR update, the District informed LAFCo that its service area encompasses 441 acres, slightly different than noted in LAFCo's 2007 FGFPD's MSR which estimated the District's service area to encompass 442 acres. LAFCo observes that since 2007, there has not been a

¹³ Health & Safety Code sec. 13843 (a) The term of office of each member of a district board is four years or until his or her successor qualifies and takes office, except as provided in subdivision (b).

reorganization that has substantially changed the District's boundaries. However, LAFCo notes that the one-acre difference is within a reasonable and acceptable margin of error that could be addressed through this service review update.

LAFCo observes that the District is in the best position to maintain mapping and service area data current. For that reason, this MSR update will recognize the District's service area to encompass 441 acres.

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 sec. §56425 and Fresno LAFCo policy. Pursuant to GC sec. §56430, the Commission has prepared the following written determinations.

1. Growth and population projections for the affected area

- The District is bounded by Shaw Avenue on the north, Palm Avenue on the west, Dakota Avenue on the south, and Maroa Avenue on the east. The District's service area and sphere of influence are coterminous and encompass 443 acres. The District is completely within County of Fresno, and within an unincorporated island inside the Fresno city limits and sphere of influence (SOI) widely known as the Fig Garden neighborhood.
- Unincorporated territory outside the District's service area immediately to the west, east, and south receives fire protection services from North Central Fire Protection District.
- The District is located in a portion of Fresno County that is enclosed by the City of Fresno's corporate limits. The County of Fresno is the land use authority for the unincorporated land within the District and the Fresno County General Plan establishes various land uses for territory inside the District.
- The District estimates that it serves approximately 1,892 residents within its boundaries. The District informed LAFCO that there are 764 address points inside the District's boundaries some of those may be vacant lots, approximately 59 are business occupancies subject to fire inspections, the remaining 705 addresses are residential properties.
- The County establishes land use policy and objectives for the Fig Garden neighborhood in its Fig Garden Neighborhood Plan. The County's General Plan land use designations are augmented by the two additional County policy documents: Bullard Community Plan and the Fig Garden Neighborhood Plan.
- The District is identified in the City of Fresno's general plan and the Bullard Community Plan. Both policy documents anticipate minimal growth and support existing land uses within the District's boundaries. Growth of the District service area is virtually restricted by the surrounding corporate limits of the City.
- The District and City of Fresno anticipate no major population or service growth for the District's services in the near future. Using the Commission's 20 to 25-year planning horizon for SOIs, the District does not expect any growth to occur as it relates to including additional territory into the District, population, or expansion of the District's existing services.

2. The location and characteristics of any Disadvantaged Unincorporated Communities within or contiguous to the sphere of influence

- A substantial portion of the District's service area is located within US census tract 46.02-block group 1 and 2. The US Census ACS five-year estimate reports show census tract

46.02 block group 1 had an MHI of \$148,214, while tract 46.02-block group 2 had an MHI of \$74,310 between 2010 through 2014.

- Both census geographic units exceed the MHI threshold established by California Water Code. For the purpose of this section, it is Fresno LAFCO judgment that fire protection service is provided throughout the entire unincorporated Fresno Metropolitan areas by the City of Fresno's Fire Department.
- At the time this MSR was prepared there were no DUCs identified that satisfied the Commission's DUC - Policy 106 within the District or vicinity of Fig Garden Fire Protection District.

3. Present and planned capacity of public facilities and infrastructure needs or deficiencies

- The District offers a number of services to its community residents including but not limited to fire suppression, rescue services, fire prevention, and emergency medical services.
- The District owns its fire station facility situated at 4537 N. Wishon Avenue, Fresno, CA 93704. The fire station facility includes an apparatus bay for use of Fresno Fire Department (FFD), and it houses contracted firefighting personnel, a single fire engine, and firefighting equipment.
- The District benefits from a share facilities contract Agreement with the City of Fresno for additional equipment and operation assistance with the City of Fresno's Fire Department. the Agreement provides for at least three City of Fresno fire protection personnel members to staff the department office 24 hours a day. The District is managed by the City of Fresno Fire Chief, and daily operations are overseen with the assistance of the Fire Deputy Chief and assistant office personnel.
- The District has various automatic aid agreements with neighboring agencies to assist with reported emergencies near the District. The City of Fresno designates the District's fire station as Station 20 in the City's fire station inventory.
- The District's fire station housed a 2003 Small fire engine that holds a 720-gallon water tank. The District informed LAFCO that on an annual average it responds to 130 emergency calls within the District service area. The District draws its water resources for its fire engine and water tenders from various hydrant locations throughout the District and in the City.
- The District has a ISO rating of "Class 2" through the Insurance Service Office (ISO). According to information shown on the City of Fresno's Fire Department annual reports, the District general response time is within four minutes on emergency medical aid and fire emergency calls as measured from the time of notification of the event to arrival at the scene of the incident.

- The City of Fresno prepares a District capital improvement and building project plan that identifies its ongoing maintenance projects. This plan budgets for public facility improvement expenses and identifies equipment planned to be purchased to replace aging units.
- The District has several other mutual support agreements in place with the North Central Fire Protection District and the Fresno County Fire Protection District that support and enhance the levels of service and the operations of fire protection.

4. Financial ability of agency to provide services

- The District has a capital improvement plan that assists the District to monitor its facility maintenance expenses, and identify funding to be set aside each year so that equipment and facilities are continuously maintained and operating efficiently. The District has a system in place that allow for funds to be used to support and enhance the levels of service and operations of the District.
- The District's primary source of revenue is annual property taxes charged to all parcels within the District. The District informed LAFCO that annual property taxes, interest earnings on District funds, and user fees compose nearly all of the District's operating budget.
- In 2015, the District property owners approved the formation of a Community Facilities District (CFD) with an associated annual special assessment fee of \$723 per residential unit and \$0.22 per square foot for non-residential property. Additionally, the District also pursues state funding when opportunities arise agreeable to the District.
- For FY 2016-17, the District's annual property tax revenues amount to approximately \$613,800. The District shows under the interest revenue category approximately \$5,000. CFD special assessment generates an additional \$547,000 in annual revenues for the District. The District's FY 2016-17 operating budget totaled \$1,571,500
- LAFCO reviewed the Fresno County's Auditor-Controller/Treasurer-Tax Collector's Schedule of Levies for Fiscal Year 2015-16 to determine an estimate annual revenue stream for the District as a participant of the County's annual Tax Exchange Program. During FY 2015-16, the District received from the County assessor a net levy of \$607,694 from property taxes paid by parcels within the District.
- The District prepares and adopts an annual budget each year consistent with the District's policies and Government Code.
- the District's annual budgets conform with generally accepted accounting principles (GAAP) which requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying.
- LAFCo observes that that District annually receives a steady stream of revenue that allows for its service levels to continue operating efficiently. The District informed LAFCo that

service fees and other revenue sources are sufficient to cover the contractual obligations of the District with the City.

- On November 18, 2014, the District Board adopted resolution to pursue the suitable legal measures to form of a Community Facilities District (CFD No. 2014-01). On April 14, 2015, the District held a special election which allowed property owners within the District to vote on whether or not a CFD should be formed. The election resulted in majority support by landowners to authorize the District to form the CFD, levy the special tax for 10 years, and maintain the fire District station in operation.
- Based on available financial information, the District's annual revenues appear to exceed expenditures (see next section). It appears that the District is able to meet its financial obligations to the City, and is capable of meeting its ongoing commitments to residents and creditors.

5. Status of, and opportunities for, shared facilities

- The District-City Agreement offers various benefits to the District's operation. Likewise, the City also benefits in that the Agreement regionalizes the Fresno Fire Department and assists to maintain a high ISO rating. The Agreement merged the District's operations with the City's Fire Department so that Fresno City could provide fire protection services within the District's service area, and within all of the unincorporated territory within the city limits.
- the District's operations under its Agreement with the City of Fresno appeared to be adequately managed and there are no other similar agencies that present an obvious opportunity to recommend additional shared facilities.

6. Accountability for community service needs, including government structure and operational efficiencies

- Health and Safety Code, Section 13800 *et seq.*, (Fire Protection District Law of 1987) enables the formation of fire protection districts. The District, via Fresno Fire Department has policies that govern the District's operation, and a fire ordinance to implement the California Fire Code and the International Fire Code.
- The District is an independent special district with its separate board of directors, not governed by other legislative bodies (either a city council or a county board of supervisors). A body of three-elected officials serves as the governing body of the District. The three members of the board are elected by voters within the District boundaries to four-year terms or until their successor qualifies and takes office. Active District board members do not receive a per diem, and serve on a volunteer basis.
- The board of directors creates District policy by adopting resolutions and ordinances through duly-noticed public meetings. The District board meets on a quarterly basis (January, March, September, and December) generally on the third Tuesday at 5:30 p.m.

- All District board meetings take place at 4537 N. Wishon Avenue, Fresno, Ca 93704 (Fresno Fire Station #20). Meetings are noticed consistent with Brown Act requirements. Public notices are displayed outside of the District office ten days before each meeting.
- The District posts meeting agendas, hearing information, and general information on its website at <http://www.figgardenfire.org/meetings-and-agendas/>. Each board meeting agenda includes an announcement line item informing the public of the next two consecutive District board meetings, and/or special meeting dates.
- the District is managed by the contracted District Fire Chief, and daily operations are overseen with the assistance of the Deputy Fire Chief and Office Manager. The FFD Fire Chief is the Fire Chief of the District and reports to the District's board of directors.
- 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 Fresno County area.

7. Any other matter related to effective or efficient service delivery, as required by Commission policy

- During the preparation of this MSR, the District informed LAFCo that its service area encompasses 441 acres, slightly smaller than noted in LAFCo's 2007 District MSR which estimated the District's service area to encompass 442 acres.
- LAFCo observes that since 2007, there has not been a reorganization that has substantially changed the District's boundaries. LAFCo notes that the one-acre difference is within a reasonable and acceptable margin of error that could be addressed through this service review update.
- LAFCo observes that the District is in the best position to maintain mapping and service area data current. For that reason, this MSR update will recognize the District's service area to encompass 441 acres.

3. SPHERE OF INFLUENCE DETERMINATIONS

In order to carry out the Commission’s purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies subject to its jurisdiction, the Commission shall develop and determine the sphere of influence of each city and each special district within the County and enact policies designed to promote the logical and orderly development of areas within the sphere. A sphere of Influence is defined as “a plan for the probable physical boundaries and service area of a local agency, as determined by the commission.”

In determining a sphere of influence, the Commission may assess the feasibility of governmental reorganization of particular agencies and recommend reorganization of those agencies when reorganization is found to be feasible and if reorganization will further the goals of orderly development and efficient and affordable service delivery. The Commission shall make all reasonable efforts to ensure wide public dissemination of the recommendations.

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. The Commission may require existing districts to file written statements with the Commission specifying the functions or classes of services provided by those districts.

Section 1 of this MSR provides the foundation for the SOI determinations. In determining the sphere of influence of each local agency, the Fresno LAFCo shall consider and prepare a written statement of its determinations with respect to each of the following:

1. Present and planned land uses, including agricultural and open-space lands

- The District provides public safety, protects lives and property within its limited boundaries.
- The District’s service area and SOI are coterminous and encompass 441 acres. The District is located in a portion of Fresno County that is enclosed by the City of Fresno’s corporate limits. The County of Fresno is the land use authority for the unincorporated land within the District and the Fresno County General Plan establishes various land uses for territory inside the District.
- The County establishes land use policy and objectives for the Fig Garden neighborhood in its Fig Garden Neighborhood Plan. The County’s General Plan land use designations are augmented by the two additional County policy documents: Bullard Community Plan and the Fig Garden Neighborhood Plan.
- The District is also identified in the City of Fresno’s adopted general plan and the Bullard Community Plan. Both policy documents anticipate minimal growth and support existing land uses within the District’s boundaries. Growth of the District service area is virtually restricted by the surrounding corporate limits of the City.

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

- The District offers a number of services to its community residents including but not limited to fire suppression, rescue services, fire prevention, and emergency medical services.
- The District owns its fire station facility situated at 4537 N. Wishon Avenue, Fresno, CA 93704. The fire station facility includes an apparatus bay for use of Fresno Fire Department (FFD), and it houses contracted firefighting personnel, a single fire engine, and firefighting equipment.
- The District benefits from a share facilities contract Agreement with the City of Fresno for additional equipment and operation assistance with the City of Fresno's Fire Department. The Agreement provides for at least three City of Fresno fire protection personnel members to staff the department office 24 hours a day. The District is managed by the City of Fresno Fire Chief, and daily operations are overseen with the assistance of the Fire Deputy Chief and assistant office personnel.
- The District has various automatic aid agreements with neighboring agencies to assist with reported emergencies near the District. The City of Fresno designates the District's fire station as Station 20 in the City's fire station inventory.
- The District's fire station housed a 2003 Small fire engine that holds a 720-gallon water tank. The District informed LAFCO that on an annual average it responds to 130 emergency calls within the District service area. The District draws its water resources for its fire engine and water tenders from various hydrant locations throughout the District and in the City.
- The District serves an area approximately 441 acres, and has a ISO rating of "Class 2" through the Insurance Service Office (ISO). According to information shown on the City of Fresno's Fire Department annual reports, the District general response time is within four minutes on emergency medical aid and fire emergency calls as measured from the time of notification of the event to arrival at the scene of the incident.
- The City of Fresno prepares a District capital improvement and building project plan that identifies its ongoing maintenance projects. This plan budgets for public facility improvement expenses and identifies equipment planned to be purchased to replace aging units.
- The District has several other mutual support agreements in place with the North Central Fire Protection District and the Fresno County Fire Protection District that support and enhance the levels of service and the operations of fire protection

3. **Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide**
 - The District facilities are adequate to support its public safety mission.
4. **Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency**
 - No community, exclusive of the Disadvantaged Community, exists.
5. **The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence**
 - A substantial portion of the District's service area is located within US census tracts units that exceed the MHI threshold established by California Water Code. For the purpose of this section, it is Fresno LAFCO judgment that fire protection service is provided throughout the entire unincorporated Fresno Metropolitan areas by the City of Fresno's Fire Department.
 - At the time this MSR was prepared there were no DUCs identified that satisfied the Commission's DUC - Policy 106 within the District or vicinity of Fig Garden Fire Protection District.

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 Fig Garden FPD SOI.

5. ACKNOWLEDGMENTS

This Municipal Service Review update was prepared by Fresno LAFCO. Fig Garden Fire Protection District administration provided substantial information included in this service review. Supporting documentation was made available through the effective partnership between the District/City of Fresno Fire Department and Fresno LAFCO. Fresno LAFCO staff extends its appreciation to the District Board, Kerri L. Donis, Fire Chief; Mike Getty, Business Manager; and Elia Rubio, Business Analyst of the District/Fresno Fire Department for their assistance and active participation 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.fresnolafo.org/default.asp>

G:\LAFCO Projects\Districts\FPD\Fig Garden FPD\FGFPD_MSR_FINAL.docx