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

AGENDA ITEM No. 10

DATE: **March 16, 2011**

TO: **Fresno Local Agency Formation Commission**

FROM: **Jeff Witte, Executive Officer**

SUBJECT: **Consider Adoption – Municipal Service Review and Sphere of Influence Update Prepared for County Service Area No.'s 2, 5, 18, 19, 23, 35, 49, and 50.**

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.

As part of the SOI update, the Commission is required to consider the following four criteria 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'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

County Service Area No. 2 encompasses approximately 60 acres and maintains a two and one-half acre park and walkways within the Tenaya Estates subdivision. It had previously provided lighting services but since 2010 lighting for the park and walkways has been paid for by a public benefit corporation.

County Service Area No. 5 encompasses approximately 114 acres and provides water service for the Wildwood Island and Wildwood Meadows tracts. They no longer provide services related to the recreational lake and flood control facilities.

County Service Area No. 18 encompasses approximately 119 acres near Calwa. They provide street lighting services to the area.

County Service Area No. 19 encompasses approximately 10 acres including Hampton Way east of and adjacent to Hayes Avenue, west of the City of Fresno. They provide street lighting services to the area.

County Service Area No. 23 encompasses approximately 17 acres. They provide water service to the Exchquer Heights tract which is located approximately three miles southwest of the Dinkey Creek area

County Service Area No. 35 encompasses the entire County of Fresno. Road maintenance services are provided to 80 zones that include 13,746 acres in 3,501 parcels. The district also provides snow removal, storm drainage, and landscape maintenance services to some zones.

County Service Area No. 49 encompasses approximately 81 acres in five non-contiguous areas adjacent to the Fresno-Coalinga Road (SR 145), approximately three miles southwest of the community of Five Points. The District provides water service for the community of O'Neill.

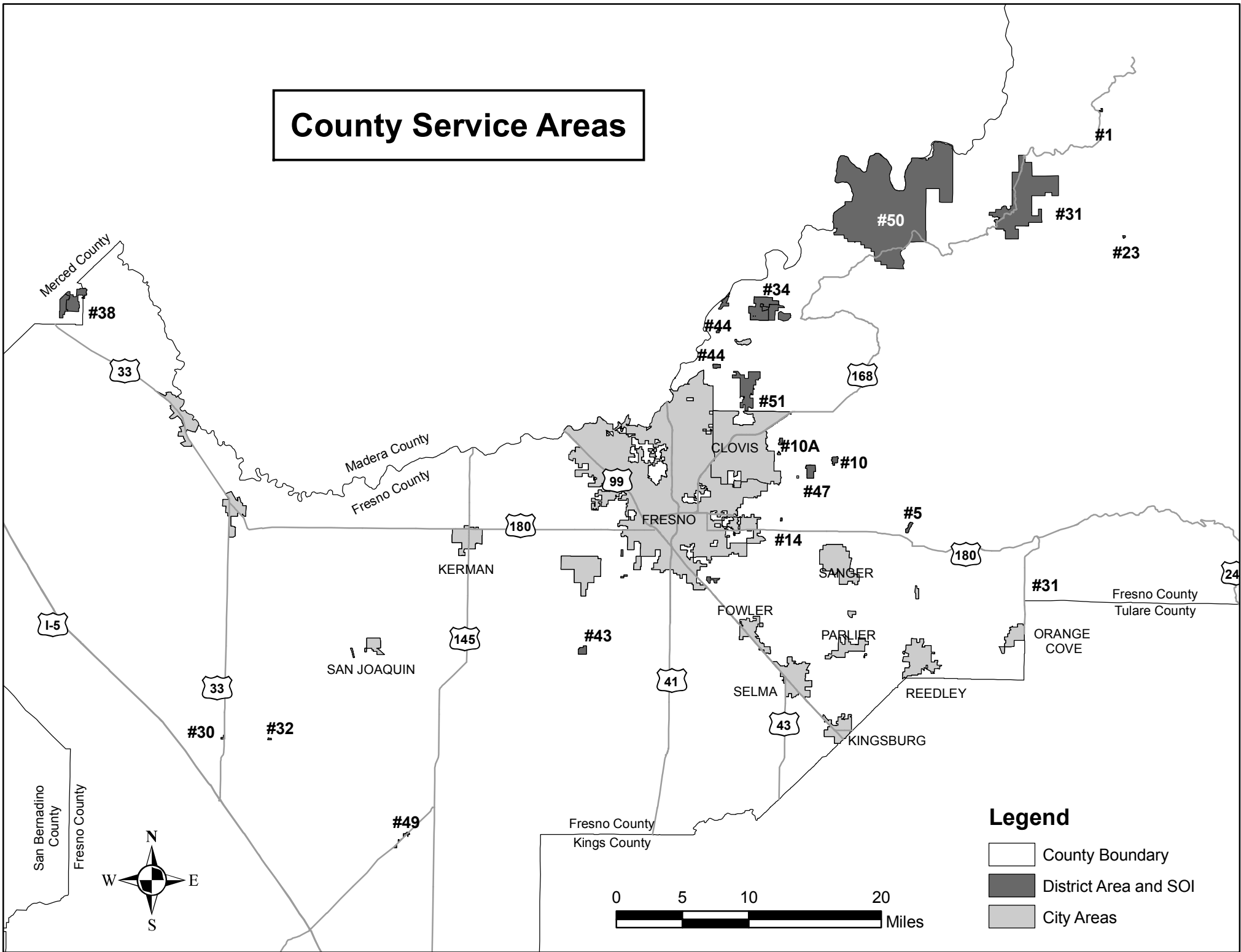
County Service Area No. 50 encompasses approximately 31,114 acres in the vicinity of the communities of Prather and Auberry. They provide fire suppression and emergency medical response through a contract with the Auberry Volunteer Fire Department.

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 size of the existing Districts.

Recommendations:

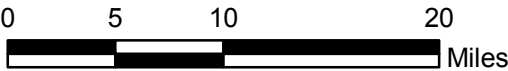
- A. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to adopting the written determinations, the Municipal Service Reviews and Sphere of Influence determinations under consideration are Categorical Exempt from the provisions of the California 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 of the County Service Areas are 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 these County Service Areas, and update the Sphere of Influence for said Districts by reaffirming their current boundaries or approving the recommended changes.

County Service Areas



Legend

- County Boundary
- District Area and SOI
- City Areas



COUNTY SERVICE AREA No. 50

MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE

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

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March 2011

1. MUNICIPAL SERVICE REVIEW

Description of District

The Auberry Volunteer Fire Department has provided fire and emergency services since 1957. County Service Area No. 50 (Auberry Fire) was formed in 2003 to provide a stable revenue stream to support these activities instead of having to rely solely on financial donations from the community. The District's boundary includes about 31,114 acres in the vicinity of the communities of Prather and Auberry. Its boundaries and Sphere of Influence are coterminous as shown on the enclosed map.

District Services and Background

The District supports fire suppression and emergency medical response. There are 1,313 parcels in the district, of which about 800 are developed with residential and commercial uses, 412 that are vacant, and 101 that are tax exempt or unable to be built upon. The Auberry Volunteer Fire Department has provided services to the area since 1957 and will continue to provide services under contract with the district.

2. MSR DETERMINATIONS

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

Growth and Population Projections

Land within the District is largely designated for low intensity uses such as foothill rural residential, rangeland, and open space in the County's Sierra North General Plan. Significant growth in the area is not anticipated in the foreseeable future.

Present and planned capacity

The District has no facilities. The engine used by the District and the structure in which it is housed is owned by CSA No. 50. This infrastructure is of sufficient type and quality to meet the existing and foreseeable demands of District customers. District services do not directly facilitate or affect the rate or location of population development.

Financial Ability of Agencies to Provide Services

The County of Fresno has provided its approved 2010-2011 budget for the district. No audits were made available; thus a comparison between projected budget items and actual revenues and expenditures is impossible at this time. All information provided by the District was reviewed to determine fiscal status, assess financial practices, and review pertinent management findings.

The FY 2010-11 operating budget states that major revenues are expected to come from service charges (\$76,605). The total budgeted income is \$77,305. Major expenditures are expected to go professional and specialized services (\$9,218) and maintenance (\$80,000). The total budgeted expense is \$89,713. The budget is expected to be balanced, with a net use of reserve funds of \$12,408.

The District is financed for services through an annual assessment with property taxes and a portion of property tax revenues from the State.

Status of, and Opportunities for, Shared Facilities

There do not appear to be opportunities to share facilities, though there are mutual aid agreements with other fire protection agencies within and outside of the County.

Governmental Structure and Operational Efficiencies

The County Public Works and Planning staff administers all CSAs. They exhibit the characteristics of agencies operating efficiently utilizing a common staff.

The Board of Supervisors governs the District. It meets on Tuesdays and Board agendas are posted on the County website. The District has a three-member Citizen Advisory Council which serves to facilitate communication between the residents and businesses in CSA 50 and Special Districts Administration staff.

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 boundary and Sphere of Influence are coterminous and encompass approximately 31,114 acres as shown on the enclosed map.

Proposed Sphere Changes

This District sphere boundary was adopted in 2008. It is recommended that the Commission re-affirm the current sphere of influence.

Sphere of Influence Recommendation and Determinations

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

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

Land within the District is largely designated for low intensity uses such as foothill rural residential, rangeland, and open space in the County’s Sierra North General Plan

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

The probable need for public services and facilities reflect existing land uses within the District boundaries.

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

District facilities are sufficient for the services provided.

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

Territory within the District is primarily residential, commercial, and open space.

4. ACKNOWLEDGEMENTS & REFERENCES

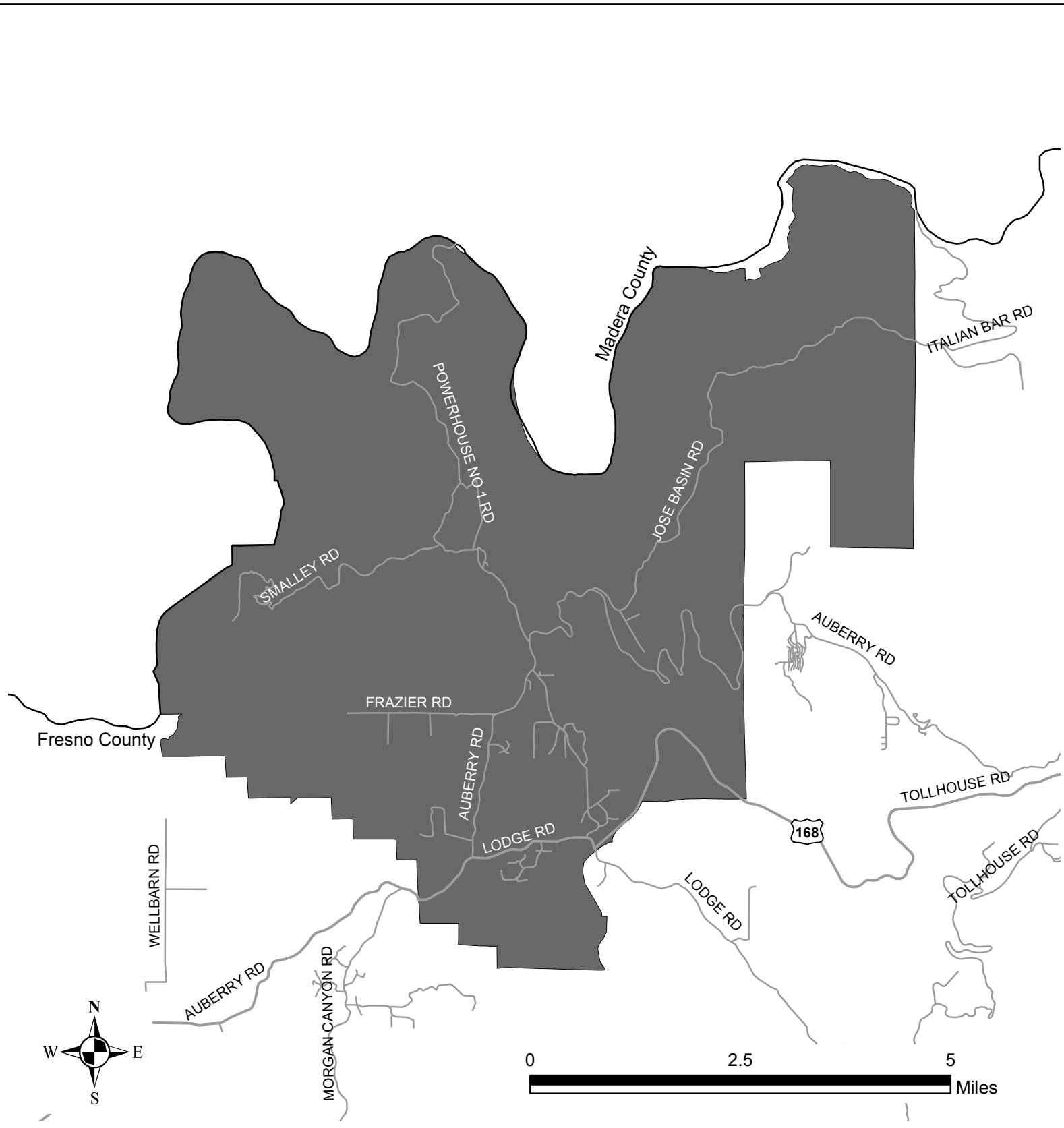
This draft Municipal Service Review was prepared by Fresno LAFCo staff. Responsibility for any errors or omissions rests with those who prepared the report.

The County of Fresno Department of Public Works and Planning provided information on which the evaluation is based.

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 Sphere of Influence determinations and re-affirm the current Sphere of Influence.



Fresno Local Agency Formation Commission
County Service Area No. 50 (Auberry Fire)
 Provides Fire Services

Legend

 District Area and SOI

District Formed: 2004
 SOI Adopted: 1/09/2008

Map Date: February 2011
 District Area: 31,144 Acres
 Sphere Area: 31,144 Acres