

AGENDA

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

July 10, 2024 – 1:30 P.M.

Hall of Records, Room 301, 2281 Tulare Street, Fresno, California

COMMISSION MEMBERS

Buddy Mendes, Chair
Mario Santoyo, Chair Pro Tem
Nathan Magsig
Daniel Parra
Gary Yep

ALTERNATE MEMBERS

Michael Lopez
Scott Robertson
Vacant

LAFCO STAFF

Brian Spaunhurst, Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Joel Matias, LAFCo Analyst
Jessica Johnson, LAFCo Counsel

LAFCo Office: 1401 Fulton Street, Suite 800, Fresno, CA - 93721 - (559) 600-0604
Staff reports prepared for each item listed in this agenda may be viewed at www.fresnolafco.org.

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Comments from the Public:** Any person wishing to address the Commission on a subject not listed on the agenda may do so at this time. (State your name and address and please keep your comments to three (3) minutes.)
4. **Potential Conflict of Interest:** Any Commission member who has a potential conflict of interest shall now identify the item and recuse themselves from discussing and voting on the matter pursuant to Govt. Code sec 84308.

CONSENT AGENDA

All consent agenda items are considered routine in nature and will be enacted by one motion; there will be no individual discussion of these items unless requested by a member of the Commission or the public. Any item pulled from the consent agenda for discussion will be set aside until after approval of the consent agenda. Prior to taking any action the public will be given the opportunity to comment on any consent item. The consent agenda will be considered on or about 1:30 p.m.

5. **Recommendation:** Approve 5A-5C by taking the following actions:
 - A. **Consider Approval:** Minutes from the LAFCo meeting of June 12, 2024.
 - B. **Consider Approval:** Update of the Fresno LAFCo's Employee Handbook.

C. Consider Approval: Resolutions and Joint Powers Agreement for Workers Compensation and Special Liability Insurance Coverage between LAFCo and the SDRMA.

REGULAR AGENDA ITEMS

6. Consider Appointment: Appointment of the Public and Alternate Public Commission Members.

Recommendation: Appoint.

7. Consider Approval: Amendment to the Fresno LAFCo's Policy Manual.

Recommendation: Approve.

8. Consider Adoption: Municipal Service Review and Sphere of Influence Update for the City of Clovis (LAFCo File No. RSOI-210)

Recommendation: Adopt.

9. Consider Approval: City of Clovis "Shepherd-Sunnyside Northeast Reorganization." A proposed reorganization consisting of the detachment of approximately 80.269 acres from the Fresno County Fire Protection District and Kings River Conservation District and annexation of this territory to the City of Clovis and said territory being located on the northeast corner of Shepherd and North Sunnyside Avenues. (LAFCo File No. RO-24-05)

Recommendation: Approve.

10. Consider Approval: Report by the Executive Officer Compensation Committee recommending an Amendment of the Executive Officer's Employment Agreement (Compensation).

Recommendation: Approve.

11. Executive Officer Comments

12. Commission Comments/ Reports

13. Adjournment

THE NEXT LAFCO MEETING will be held on August 14, 2024, at 1:30 p.m. in the Board of Supervisors' Chamber – Hall of Records, Room 301, Fresno, California.

PLEASE NOTE:

(1) If you are an applicant for, or a participant in, any proceeding on the agenda for a **land use entitlement** and have made **campaign contributions** totaling more than \$250.00 to any member or alternative member of the Commission **within twelve (12) months prior to the Commission considering your application**, please immediately inform the Commission of your contribution. State law **disqualifies** each Commissioner and alternative Commissioner from participating in and voting on land use entitlement decisions (which include changes of organization and reorganizations) if the Commissioner or alternative Commissioner has received campaign contributions from (i) an applicant for a land use entitlement, (ii) someone who lobbies the Commission or LAFCo staff regarding an application for land use entitlement, (iii) someone who testifies in person before the Commission regarding an application for land use entitlement, or (iv) someone who otherwise acts to influence the outcome of an application for land use entitlement. State law also prohibits applicants and participants from making campaign contributions totaling more than \$250.00 to a Commissioner or alternate Commissioner during the time of the proceeding is pending before the Commission and for twelve (12) months **after** the Commission's final action. If you have any questions regarding these requirements (which are contained in the **California Political Reform Act** Government Code Section 84308 *et seq.*), please feel free to contact LAFCo staff at (559) 600-0604.

(2) In compliance with the Americans with Disabilities Act (**ADA**), if you need special assistance to participate at this meeting, please contact Ms. Amanda Olivas, Clerk to the Commission at 559-600-0604. Notification provided a minimum of 48 hours prior to the meeting will enable the Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled.



Fresno Local Agency Formation Commission
1401 Fulton Street, Suite 800, Fresno, CA 93721, (559) 600-0604

CONSENT AGENDA ITEM NO. 5A 

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES

June 12, 2024

Members Present: Commissioners Magsig, Santoyo, Yep, Mendes

Members Absent: Commissioner Parra

Staff Present: Brian Spaunhurst, LAFCo Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Joel Matias, LAFCo Analyst
Jace Williams, LAFCo Intern
Aidan Crick, LAFCo Intern
Ken Price, LAFCo Counsel

1. Call to Order and Roll Call

Chair Mendes called the meeting to order at 1:30 p.m. Commissioner Santoyo walked in after roll call.

2. Pledge of Allegiance

Commissioner Yep led the Pledge of Allegiance.

3. Comments from the Public

There were no Comments from the Public.

4. Potential Conflicts of Interest

There were no Conflicts of Interest.

CONSENT AGENDA

5. A. Minutes from the LAFCo Meeting of May 8, 2024.

Motion: Approve Item 5A

Moved: Commissioner Magsig

Second: Commissioner Yep

Ayes: Commissioners Magsig, Yep, Santoyo, Mendes

Noes: 0

Absent: Commissioner Parra

Abstain: 0

Passed: 4-0

REGULAR AGENDA ITEMS

6. Determine the Value of Protests received and not Withdrawn for the City of Fresno “Ashlan-Hayes Nos. 2, 3, and 4 Reorganizations.

Motion: Approve Item 6, Action 1

Moved: Commissioner Yep

Second: Commissioner Santoyo

Ayes: Commissioners Yep, Santoyo, Magsig, Mendes

Noes: 0

Absent: Commissioner Parra

Abstain: 0

Passed: 4-0

Motion: Approve Item 6, Action 2

Moved: Commissioner Santoyo

Second: Commissioner Yep

Ayes: Commissioners Santoyo, Yep, Magsig, Mendes

Noes: 0

Absent: Commissioner Parra

Abstain: 0

Passed: 4-0

7. Executive Officer Comments.

LAFCo Executive Officer Brian Spaunhurst provided comments.

8. Commission Comments/Reports.

No Commission Comments.

Closed Session

9. Public Employee Performance Evaluation

Title: Executive Officer

The Commission went into closed session at 1:41 p.m.

The Commission came back into the Chambers from Closed Session at 2:00 p.m.

There is nothing to report out of Closed Session.

10. Adjournment

Moved: Commissioner Magsig

Second: Commissioner Yep

The meeting adjourned at 2:03 p.m.


Amanda Olivas
Clerk to the Commission

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

CONSENT AGENDA ITEM No. 5-B

DATE: July 10, 2024

TO: Fresno Local Agency Formation Commission

FROM: Brian Spaunhurst, Executive Officer 

BY: Amanda Olivas, Clerk to the Commission

SUBJECT: Update of Fresno LAFCo's Employee Handbook.

RECOMMENDATION: Approve.

Summary

The Commission adopted the Fresno LAFCo Employee Handbook in November 2012.

In May 2024, Sierra HR performed its annual comprehensive update of the Employee Handbook to reflect all relevant State labor and wage law updates. The memo from Sierra HR is included as Attachment A.

The amended Fresno LAFCo's Employee Handbook is included as Attachment B for Commission approval with the highlighted updates.



Employee Handbook Updates for 2024

Sierra HR Partners is happy to assist you in updating your 2024 Employee Handbook, including the applicable policy changes based on legislative enactments during the past year. The following policies have been added or updated:

Equal Employment Opportunity

Updated to add *the use of cannabis off the job and away from the workplace* to the list of characteristics protected from discrimination by the Fair Employment and Housing Act. *Assembly Bill 2188, adding section 12954 to the California Government Code*

Edited to indicate that the company will provide accommodation for an employee's religious observance unless it creates an undue hardship, which means the action requires *substantial* [previously stated as *significant*] difficulty or expense. *Groff v. DeJoy, 143 S.Ct. 2279*

Pay Notice

Updated to include references to state-mandated paid sick leave and notice of a state or federal emergency or disaster declaration.

- ❖ The updated Notice to Employee form is available online, or you may contact Sierra HR Partners for the most recent version.

Assembly Bill 636

State-Mandated Paid Sick Leave

Updated to reflect the increase in PSL award/accrual from 24 hours (or 3 days) to 40 hours (or 5 days) annually.

- ❖ Please contact Sierra HR Partners if you would like to discuss options for this policy including annual front load, accrual, or reduction of other company benefits.

Senate Bill 616, amending Labor Code sections 245.5, 246, and 246.5

Pregnancy Disability Leave

Edited to state an employee may be entitled to additional job accommodations due to a pregnancy-related medical condition, whether or not it rises to the level of a disability.

Pregnant Workers Fairness Act (Federal law applicable to employers with 15+ employees.)

Reproductive Loss Leave

New policy describing an employee's right to take up to five days of unpaid leave following a reproductive loss event.

Senate Bill 848, adding section 12945.6 to the California Government Code

Workplace Violence Prevention Program (WVPP)

New policy stating the company has developed a comprehensive Workplace Violence Prevention Program, including provisions for reporting workplace violence, communication and training, responding to emergencies, investigating hazards, and taking corrective measures.

❖ This requirement is effective July 1, 2024. You may choose to remove this policy until your WVPP has been created.

❖ Please contact Sierra HR Partners if you would like assistance in developing your WVPP.

Senate Bill 553, amending Labor Code section 6401.7

Policy Prohibiting Drug and Alcohol Abuse

Edited to clarify that the company will not take adverse action against an employee based solely on the use of cannabis off the job and away from the workplace, and will not conduct drug screening for nonpsychoactive cannabis metabolites in the employee's body.

Assembly Bill 2188, adding section 12954 to the California Government Code

Background Checks

Edited to include updated factors to be considered prior to revoking a job offer due to the candidate's criminal conviction history.

Updated California Code of Regulations, Title 2, Section 11017.7

Thank you for participating in the Year In Review program!

Please contact us if you have questions or concerns regarding how to implement any of these policies with your staff.

We appreciate the opportunity to be of service.

Fresno Local Agency
Formation Commission



EMPLOYEE HANDBOOK

Effective May 2024

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INTRODUCTION

Welcome! As an employee of Fresno LAFCo you are an important part of a team effort. We look to you and other employees to deliver top quality work in support of our Mission and Vision.

Our Mission

It is the policy of the State of California to encourage orderly growth and development. The Legislature found that these are essential to the social, fiscal, and economic well-being of the state.

The Legislature recognized that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development. These sometimes compete state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services.

The Legislature found that this policy should be effected by the logical formation and modification of the boundaries of local agencies, and created a local agency formation commission, or LAFCo, within each county.

LAFCos coordinate orderly, logical and efficient changes in local agencies' boundaries, conduct service reviews of local agencies, and review ways to streamline the municipal services provided by local agencies.

Consistent with the Legislature's goals, the LAFCo's balance growth of cities and special districts (collectively called "local agencies") with the protection of agricultural and open-space lands. LAFCos perform these tasks by several means:

- LAFCo plans and regulates growth by establishing "spheres of influence" (SOI) around local agencies to regulate their growth for the 20 to 25-year planning horizon.
- LAFCo considers additions to local agencies' territory, called annexations, when those additions are consistent with the SOI, and the agency can demonstrate that it has the capacity to provide services to this new territory; and
- LAFCo conducts service reviews of each local agency to evaluate the agency's operation, compliance with its principal act, its public transparency and accountability, and the efficiency of the services it provides.

This value of the work we do for the Commission extends beyond our local agencies out to the community and the public at large, to other agencies like the County and various county departments such as the Auditor-Controller, Elections, and to the dependent special districts run by the County. We support and inform activities of the development community as they make market-driven decisions to implement general plans, we support sound economic development by making sure that services are available, and when the general public has questions, we assist them to be better informed.

Three-quarters of the LAFCos in California have no more than four staff members. Given the importance of the work of LAFCos, their relatively small staff means that individual performance and teamwork are critical. The work of each LAFCo employee is important to the Commission's objective.

Our Vision

To Encourage the Orderly Formation of Local Governmental Agencies

LAFCos review proposals for the formation of new local governmental agencies and for changes in the organization of existing agencies. There are 58 LAFCos working with nearly 3,500 governmental agencies (400+ cities, and 3,000+ special districts). Agency boundaries are often unrelated to one another and sometimes overlap at random, often leading to higher service costs to the taxpayer and general confusion regarding service area boundaries. LAFCo decisions strive to balance the competing needs in California for efficient services, affordable housing, economic opportunity, and conservation of natural resources.

To Preserve Agricultural Land Resources

LAFCo must consider the effect that any proposal will produce on existing agricultural lands. By guiding development toward vacant urban land and away from agricultural preserves, LAFCo assists with the preservation of our valuable agricultural resources.

To Discourage Urban Sprawl

Urban sprawl can best be described as irregular and disorganized growth occurring without apparent design or plan. This pattern of development is characterized by the inefficient delivery of urban services (police, fire, water, and sanitation) and the unnecessary loss of agricultural resources and open space lands. By discouraging sprawl, LAFCo limits the misuse of land resources and promotes a more efficient system of local governmental agencies.

Historical Information

After World War II, California experienced dramatic growth in population and economic development. With this boom came a demand for housing, jobs, and public services. To accommodate this demand, the state approved the formation of many new local government agencies, often with little forethought as to the ultimate governance structures in a given region. The lack of coordination and adequate planning led to a multitude of overlapping, inefficient jurisdictional and service boundaries, and the premature conversion/loss of California's agricultural and open-space lands. Recognizing this problem, in 1959, Governor Edmund G. Brown, Sr. appointed the Commission on Metropolitan Area Problems. The Commission's charge was to study and make recommendations on the "misuse of land resources" and the growing complexity of local governmental jurisdictions.

The Commission's recommendations on local governmental reorganization were introduced in the Legislature in 1963, resulting in the creation of Local Agency Formation Commissions, or "LAFCo."

From 1963-1985, LAFCoS administered a complicated series of statutory laws and three enabling acts, the Knox-Nisbet Act, the Municipal Organization Act (MORGA) and the District Reorganization Act. Confusion over the application of these laws led to a reform movement that produced the first consolidated LAFCo Act, the Cortese-Knox Local Government Reorganization Act of 1985. In 1997, a new call for reform in local government resulted in the formation, by the Legislature, of the Commission on Local Governance in the 21st Century. After many months canvassing the state, the Commission recommended changes to the laws governing LAFCoS in its comprehensive report “Growth Within Bounds.”

These recommendations became the foundation for the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), an act that mandates greater independence for LAFCoS and further clarifies their purpose and mission.

In response to both the passage of the CKH Act and to local needs to address certain service provision issues, Fresno LAFCo was formed. Today, there is a LAFCo in each of California’s 58 counties.

Purpose of the Employee Handbook

This employee handbook includes personnel policies and procedures that govern the day-to-day operations of our organization. These policies are intended to increase your understanding of our expectations and set forth levels of responsibility and authority for all employees and supervisors.

This handbook, however, cannot anticipate every situation or answer every question about employment with us. The handbook is not, nor is it intended to be, an employment contract. Nor is it intended to create legal rights. In order to retain the necessary flexibility in the administration of policies and procedures, we reserve the right to change or revise policies and procedures described in this handbook without notice whenever such action is warranted. Any written changes to this handbook will be distributed to all employees so that you will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

Again, welcome to our team! We trust you will find your position with us to be both challenging and rewarding.

FAIR EMPLOYMENT POLICIES

At-Will Employment

You are free to terminate your employment at any time, with or without a reason or notice. Fresno Local Agency Formation Commission (hereafter referred to as Fresno LAFCo or “the Commission”) also has the right to terminate your employment at any time, with or without a reason or notice. Cause is not required for an employee's termination. This is called "at will" employment. We reserve the right to change your compensation, position, duties, hours of work and any other term or condition of employment without notice or reason.

No one is authorized to enter into an agreement, or make representations which are contrary to this policy, unless in writing signed by the Executive Officer.

Equal Employment Opportunity

Fresno LAFCo is an equal opportunity employer and makes employment decisions based on merit. We seek the best available person for every job, and Commission policy prohibits unlawful discrimination based on race, color, religious creed, national origin (including possessing a driver’s license issued under Vehicle Code § 12801.9), ancestry, physical or mental disability, medical condition, age, marital status including domestic partnership, gender, sexual orientation, gender identity, an applicant or employee who has caregiving responsibilities, reproductive health decision making, **the use of cannabis off the job and away from the workplace** or any other consideration made unlawful by federal, state or local laws.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, Fresno LAFCo will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship would result. The intent of a reasonable accommodation is to allow an employee to perform the essential job duties; therefore a reasonable accommodation will be directed to the limitations created by the identified disability.

If you require an accommodation in order to perform the essential functions of the job, contact the Executive Officer to request an accommodation. You should specify what accommodation you need to perform the job. A member of management will meet with you to identify and discuss possible accommodations, if any, which may assist you in performing the job. Once an accommodation has been determined, Fresno LAFCo will continue to provide the accommodation until it is no longer needed or becomes unreasonable. You are responsible to request an accommodation and to communicate with Commission representatives to determine effective reasonable accommodations. This duty to communicate remains throughout the accommodation period. If you fail to communicate, Fresno LAFCo will be compelled to make decisions with the limited information in its possession. In certain circumstances, you may need to notify another supervisor of the accommodation so that you receive the proper response to a request.

In order to fully evaluate your needs and to determine possible accommodations, we expect all parties to engage in an open, interactive discussion. The interactive discussion may consist of multiple communications, including ongoing efforts to accommodate a disability, the identification of vacant positions which you may be qualified to perform, and consideration of your ideas for potential accommodations. In considering possible accommodations, Fresno LAFCo cannot eliminate essential functions of a position in an effort to place an employee in a particular position. We may also ask you to provide documentation from a health care provider of the limitation(s) as well as possible accommodations. We will document the interactions between you and the Commission and ask you to sign the document. We will make a reasonable accommodation that does not impose an undue hardship to assist a qualified individual with a disability.

Fresno LAFCo is unable to provide an employee with an indefinite leave of absence as an accommodation. Indefinite leaves of absence typically arise when a health care professional cannot provide a reasonable time frame for an employee's return to work. An indefinite leave of absence may also arise when a health care professional provides us with multiple excuses from work for a specific period of time, but fails to provide a reasonable return date.

A medical examination may be required of employees when the examination is job-related and consistent with business necessity. This may include circumstances when Fresno LAFCo needs to assess possible harm or conduct an independent assessment of fitness for duty.

In the event there is a conflict between a person's religious belief or observance, religious dress or grooming practice and any employment requirement, Fresno LAFCo will explore available reasonable means of accommodating that religious belief or observance, including the possibility of excusing an employee from duties that conflict, with those duties to be performed at another time or by another person. Religious belief or observance includes observance of a Sabbath or other religious holy day, and reasonable time to travel to and from a religious observance. We will provide an accommodation unless it is an undue hardship, which means that the action requires **substantial** difficulty or expense in light of the nature and cost of the accommodation, financial resources of the organization, the number of persons employed at the workplace, the effect on expenses or resources or the impact of the accommodations on operations. An accommodation for an employee's religious dress or religious grooming practice will never take the form of segregating the employee from other employees or the public. Fresno LAFCo will not retaliate or discriminate against a person for requesting a religious accommodation.

Policy Prohibiting Unlawful Discrimination and Harassment

All persons, including employees, vendors, contractors, and other third-parties are prohibited from engaging in unlawful behavior under the Fair Employment and Housing Act ("FEHA") or Title VII. Unlawful behavior includes discrimination, harassment or retaliation of our employees, independent contractors, or interns. We want to maintain a working environment free from all forms of discrimination and harassment, whether based upon race, religious creed (including religious dress or grooming), color, national origin (including possessing a driver's license issued under Vehicle Code § 12801.9), ancestry, physical or mental disability, medical condition, genetic information or

characteristics, marital status including domestic partnership, familial status, age, sex (including sexual harassment, gender harassment, and harassment based on pregnancy, childbirth or related medical conditions and breastfeeding or medical conditions related to breastfeeding), gender, gender identity, gender expression, or sexual orientation, military or veteran status, reproductive health decision making, or any other legally protected characteristic or status. Employees are also protected if they are perceived to have any of these characteristics or are associated with a person who has, or is perceived to have any of these characteristics.

Unlawful discrimination may consist of a decision, policy or practice that treats employees differently based on a protected characteristic or status. Harassment involves conduct or behavior that is so severe or pervasive that it alters a person's employment and affects a term, condition or privilege of employment. This is called a "hostile working environment." Harassment may also occur when a managerial employee asks a subordinate for sexual favors in return for a job benefit. This is called "quid pro quo" harassment. Sexually harassing conduct need not be motivated by sexual desire. Examples of prohibited conduct are described below.

Behavior such as telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's race, age, national origin, disability or mimicking one's speech, accent or disability, are examples of prohibited conduct and will not be tolerated in our organization.

Discrimination or harassment may take many forms. Following are a few examples of prohibited discrimination or harassment:

- A manager making a promotion or other employment decision based on the worker's gender, race, personal relationship or other protected class;
- Making racial, ethnic or religious epithets, slurs or jokes;
- Directing remarks, jokes or other intimidating behavior towards persons of a specific race, gender or other protected classification;
- Making comments, jokes or innuendo of a sexual nature, including comments about a person's body;
- Exhibiting nude, profane, or obscene cartoons, drawings or photographs;
- Whistling, staring, leering or making other sexual gestures;
- Inappropriate touching, hugging or kissing, assault, or impeding or blocking movements;
- Making unwelcome sexual advances or requests for sexual favors;
- Making submission to sexual requests a term or condition of employment, job benefit or job opportunity;
- Any other conduct that a reasonable person could conclude is intimidating, hostile or offensive behavior and based on a protected classification.

Every employee has the responsibility to maintain the workplace free of any form of unlawful discrimination or harassment. If you are the victim of unlawful discrimination or harassment, or if you witness an event that you feel may constitute unlawful discrimination or harassment, you must

immediately report the incident(s) to an appropriate authority. You cannot remain silent. You have an obligation to report the incident(s) and cooperate in any investigation.

Supervisors are accountable for taking reasonable steps to prevent unlawful discrimination or harassment and stop the behavior from reoccurring in the event it does happen. This includes ensuring reporting of incidents, monitoring employees and third persons (such as vendors or members of the public) who may have engaged in inappropriate behavior, carefully listening to employee grievances regarding alleged unfair treatment and protecting employees against retaliation. Supervisors must report any complaints of misconduct to the Executive Officer so we can try to resolve the claim as quickly as possible.

This policy covers conduct in the workplace, at social functions sponsored by Fresno LAFCo (such as holiday parties), and business functions (such as training conferences or community events).

Any messages or communications sent or received through our electronic communications systems are subject to our anti-harassment and anti-discrimination policies. The use of information systems (including email and internet) for the display or transmission of sexually explicit images, message, off-color jokes, racial slurs, or anything that may be construed as unlawful harassment or showing disrespect for others, is prohibited.

The Commission provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employee relations. You have the responsibility to immediately report any inappropriate or prohibited actions or words by a supervisor, co-worker, vendor, contractor or other individual. You should report the incident to your supervisor or the Executive Officer without delay. You may also express your concerns to Sierra HR Partners (559.431.8090), a consultant that assists with our human resource needs.

We encourage employees to use the appropriate procedure for notifying Fresno LAFCo of a concern or complaint. Notifying the appropriate representative allows us to investigate and resolve a complaint. An employee who does not use appropriate procedures, but instead gossips to co-workers may make the situation worse. In addition, the person gossiping may be subject to a lawsuit by the person who is the subject of the gossip. Commission representatives will also exercise discretion and maintain confidentiality to the extent possible, disclosing information to those persons only who have a legitimate need to know the information.

Fresno LAFCo will not retaliate against you for making a complaint regarding any employment practice prohibited by this policy, or for testifying, assisting or cooperating in any proceeding authorized by state or federal civil rights laws. Nor will we retaliate or discriminate against a person for requesting a religious accommodation.

Fresno LAFCo will take prompt remedial action in the event of a complaint. All complaints of unlawful discrimination or harassment will be followed by a fair, complete and timely investigation by qualified personnel. We will provide all parties with appropriate due process and reach reasonable conclusions

based on the evidence collected. Investigations will be documented to show reasonable progress and will be closed in a timely manner.

Prompt remedial action may include investigations, disciplinary actions or appropriate restoration of job benefits. Discretion will be used during the investigation in order to maintain as much confidentiality as possible while still being able to effectively complete the investigation. In order to protect employee privacy and ensure the integrity of the investigation, employees who are interviewed will be required to maintain confidentiality of the investigation and the contents of the discussion until the investigation has concluded. To the extent possible, the complainant and the accused will be advised of the findings and the conclusion. To provide confidentiality and to protect all persons, including witnesses, the Commission may not disclose all information in its possession.

Remedial action will be taken if misconduct is found. Action taken will be designed to ensure that the victim is restored to his/her position and that the inappropriate behavior will not be repeated. Action taken for misconduct could include job discipline, termination of employment, termination of a contract or other measure depending on the circumstances of the situation and the person's relationship with the organization.

If you believe you have been the victim of unlawful discrimination or harassment or suffered retaliation you may also contact the California Civil Rights Department or the federal Equal Employment Opportunity Commission. These agencies may investigate or assist you in resolving any dispute. The CRD and EEOC, if they prosecute the case, can obtain various remedies for a person including imposing fines or damages for emotional distress against the employer or persons who violated the law; order the employer to hire or reinstate you; order back pay or a promotion; order the employer to change or modify its workplace practices.

While it is not required that you exhaust the resolution process before contacting a governmental agency, we hope that you will take advantage of the Commission's process for resolving workplace concerns and complaints. We believe that prompt reporting of concerns will allow us to work in an environment that allows everyone to perform his/her job in a positive manner.

You may view online sexual harassment training courses developed by the Civil Rights Department (CRD) at <https://calcivilrights.ca.gov/shpt/>.

Salary Information

Fresno LAFCo will not seek or request salary history information about an applicant for employment. However, if an applicant voluntarily discloses it, the Commission may rely on the information to determine the pay rate of the applicant.

We will provide a pay scale, meaning a salary or wage range, for a position to an applicant who requests it. The Commission will also provide the pay scale to an employee, upon request, for the position the employee currently holds.

Reporting Compliance Irregularities

At Fresno LAFCo we are committed to maintaining high professional and ethical standards. We expect all employees to comply with all applicable laws. If you have any concern or question regarding any policy or practice of the Commission, we encourage you to speak with your supervisor or the Executive Officer.

In addition, if you have reason to believe that Fresno LAFCo has violated a state or federal statute, or violated or failed to comply with a local, state or federal rule, regulation, or ordinance, you may file a report with the Attorney General's office without fear of retaliation. The Labor Law poster located in the breakroom describes your rights and provides the telephone number of the reporting hotline. The Commission will not retaliate against any employee because that person has disclosed information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has the authority to investigate, discover, or correct the violation or noncompliance, or for providing information to or testifying before a public body conducting an investigation, hearing, or inquiry provided the employee had reasonable cause to believe the information disclosed a violation of law. Disclosing information need not be part of the employee's job. Nor is it required that the disclosure relate to our business operations.

Immigration Related Policies

An employee may exercise his/her rights under the Labor Code or any local ordinance without suffering unfair immigration-related practices. This includes the filing of a complaint or informing Fresno LAFCo of an alleged violation of the Labor Code or local ordinance, provided the complaint or disclosure is made in good faith, seeking information about whether the Commission is in compliance, or informing another person of his/her rights under the Labor Code or local ordinance.

Moreover, Fresno LAFCo will not take adverse action against an employee, including reporting or threatening to report the employee or family member to a federal, state or local agency based on the employee's suspected citizenship or immigration status, because (s)he exercises a right under the Labor Code, the Government Code, or the Civil Code.

National Guard Employment Protections

Under the conditions set forth in this policy, Fresno LAFCo will restore a former employee to the former position, or to a position of similar seniority, status, and pay without loss of retirement or other benefits, unless the Commission's circumstances have so changed as to make it impossible or unreasonable to do so and will not discharge the former employee from the position without cause within one year after restoring him/her to the position.

The former employee must meet these conditions: (1) (s)he is an officer or enlisted member of the National Guard of any state; (2) (s)he was called to active duty by the governor of the state where (s)he serves in the National Guard or by the President of the United States; (3) (s)he received a certificate of satisfactory service in the National Guard; (4) (s)he is still qualified to perform the duties of the

position; (5) (s)he made an application for reemployment (i) within 40 days of being released if the employee was in a full-time position, or (ii) within five days of being released if the employee was in a part-time position.

WORKING CONDITIONS

Job Duties

Job responsibilities and performance standards will be explained at the time of hire. Please refer to your job description for further details about your position.

Job descriptions are meant only to describe the general nature of work. Job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects or to assist with other work necessary or important to your department or the Commission. A supervisor may alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

Classification of Employees

Full-time employees are those who are regularly scheduled to work no less than 40 hours per workweek. Full-time employees are paid on either an hourly or salary basis.

Part-time employees are those who are scheduled to work less than 40 hours per week. Part-time employees are generally paid on an hourly basis.

Special project employees are those employees hired to perform a special job task or work for a limited time period. An example of a special project employee is a student hired to perform services during the summer months.

Part-time and special project employees may not be eligible for any or some benefits. If you have questions regarding your eligibility for particular benefits, see the Executive Officer. The conditions of eligibility for benefits are set forth in the particular plan documents for each benefit.

Non-Exempt employees are paid on an hourly basis for all hours worked and are entitled to overtime compensation. You are also entitled to rest and meal period breaks as required by California labor code and Wage Orders.

Exempt employees are paid on a salary basis and are not entitled to overtime. These employees are in Executive, Administrative, or Professional positions which must meet strict standards for annual salary rate and levels of responsibility. Exempt employees are paid an agreed-upon amount based on the overall accomplishment of their jobs, rather than on the specific amount of time worked. However, the Commission may require an exempt employee to adhere to a certain work schedule.

Interns

Uncompensated interns may be with the Commission to develop marketable skills and gain knowledge in our industry and his/her field of choice. In order to be considered an uncompensated intern, the worker must receive training that is similar to that which would be given in a vocational school; the

training is for the benefit of the intern; the intern must not displace employees, but work under close observation; the Commission will derive no immediate advantage from the activities in which the intern participates; the intern is not necessarily entitled to a job at the completion of the training program; and both Fresno LAFCo and the intern understand that the intern is not entitled to wage for the time spent in training.

Workday and Workweek

A workday is defined as any consecutive 24-hour period beginning at the same time each calendar day. The workday begins at 12:00am.

A workweek is a fixed and regularly recurring period of 7 consecutive 24-hour periods. The workweek begins Monday at 12:00 a.m. and concludes at 11:59 p.m. on Sunday.

One Day of Rest in Seven

Non-exempt employees are entitled to one day's rest in seven unless total hours in the workweek do not exceed 30 hours and the employee has not worked more than six hours in any workday. The days of rest need not come each workweek. Rather, on average an employee is entitled to one day of rest for every seven days in the calendar month. An employee can choose, however, to forgo the day of rest. Employees will be requested to confirm in writing that they know their right to rest but choose to work a seventh day.

Work Hours and Attendance

General office hours are 7:00 a.m. to 4:00 p.m. Monday through Friday. Your work schedule may differ from the office hours depending on the needs of your position.

Consistent, reliable attendance is required of all employees in order to produce top quality work and deliver excellent service to our public agencies. Your co-workers depend on you to be present and ready to work as scheduled. While occasional, infrequent emergencies are understood, repeated or frequent tardiness or absences cannot be permitted.

Absenteeism and tardiness will ultimately affect your employment at Fresno LAFCo, and may result in termination of employment, regardless of cause. If you are unable to report on time for any reason, you must inform your supervisor as early as possible.

Planned absences must be arranged in advance. When time off from work is required, you should request permission for such an absence from your supervisor with as much notice as possible. Time off may be approved subject to Commission policies, anticipated workload, or other employees' planned leaves of absence. If you are absent without approval for two or more days and have not contacted the Executive Officer, we will assume that you have voluntarily terminated your employment.

Attendance and other records related to hours worked and wages paid are kept for a period of three years. These records are available for your review during normal office hours by scheduling a time to review them with the Executive Officer.

Time Keeping

All employees are required to record hours worked using our Commission time sheets. This includes time in and out, meal periods and overtime. For those employees paid on an hourly basis, your time sheet provides a record of the hours you work and for which you will be paid.

You are responsible for accurately recording your time worked. Fresno LAFCo will pay you for all hours accurately recorded. Do not work “off the clock.” If you fail to maintain accurate time records, your paycheck may not include compensation for all hours worked since the Commission will not be aware of it. Moreover, we cannot monitor all employees and determine when they are working. It is your responsibility to accurately maintain your time sheets.

While we do not require employees to record rest periods, you must take them as set forth in this handbook. Failure to take appropriate meal and rest periods may result in discipline, including termination.

Overtime

Only non-exempt employees are eligible for overtime compensation. Please refer to your job description to determine whether you are a non-exempt employee. Exempt employees are not eligible for overtime compensation. They are paid on a salary basis and are in executive, administrative or professional positions.

Non-exempt employees will be paid overtime compensation as follows:

1. Work in excess of eight hours in a workday and work in excess of 40 hours in any workweek and the first eight hours worked on the seventh consecutive day of work in any workweek will be paid at one and one-half times the regular rate of pay.
2. Any work in excess of 12 hours in a workday or in excess of eight hours on the seventh consecutive day of work in a workweek will be paid at twice the regular rate of pay.

In calculating overtime compensation, the Commission will not combine more than one rate of overtime compensation.

Hours worked means time actually spent on the job. It includes all time when you are subject to the Commission’s control or direction, and when you are performing duties we know about and authorize. It does not include hours away from work due to vacation, sickness or holiday even when these days are compensated.

Pay Day

All employees are paid biweekly on Fridays. If pay day falls on a holiday, paychecks will be available on the preceding business day.

Paychecks

Each pay day Fresno LAFCo will pay you with a check or by direct deposit. You will receive an itemized statement of earnings, typically referred to as a “paycheck stub.” The statement will show, for the pay period, gross wages earned, total hours worked (except for employees exempt from overtime and minimum wage pursuant to California law), all deductions, net wages earned, the dates of the pay period, your name and part of your social security number, the name and address of the business, your applicable hourly rate, and the state mandated paid sick leave benefits you have accrued. Please ensure that all personal information is true and correct. If changes need to be made, please contact the Executive Officer.

Fresno LAFCo processes the payroll for each employee. This requires many calculations to be made for each employee, and it is possible that an error may occur. For this reason, we ask that you carefully review each paycheck stub for accuracy. If you have any questions, or if there is an error, please bring it to our attention immediately. No employee will suffer adverse action because (s)he expressed or made a written or oral inquiry or complaint regarding wages.

Your paycheck will be subject to payroll deductions. This will include federal and state income taxes which Fresno LAFCo is required to withhold, payroll taxes such as social security, and any other deductions which you have authorized for your benefit. For example, you may be responsible for paying part of an insurance premium. A deduction from your paycheck may be made if an overpayment arises from the previous pay period.

Before Fresno LAFCo makes any deductions, you will be required to sign an authorization. If the amounts of the deductions change (such as for health care premiums), you will be required to sign a new authorization form.

Payroll Records

Fresno LAFCo will keep payroll records showing hours worked daily and wages paid to each employee. These records will be kept for at least three years. You may also keep a personal record of hours worked. If your record differs from the information provided on your paycheck, contact the Executive Officer immediately. Fresno LAFCo will make records available to an employee within 21 days of a request for payroll records.

Meetings, Events and Training Courses

You will be paid for all hours spent attending meetings, events or training courses unless:

- the meeting or event is outside your regular working hours,

- attendance is voluntary,
- the program is not directly related to your job, and
- you do not perform any productive work.

If Fresno LAFCo employs five or more employees, all supervisory employees must participate in two hours of classroom or other effective interactive training and education regarding sexual harassment. Non-supervisors must participate in one hour of training on sexual harassment. Training must take place within six months of the employee assuming the position. Training will be repeated every two years. This training will include information regarding the prohibition against and the prevention and correction of sexual harassment, and the remedies available to victims of sexual harassment in employment.

Travel Time

Employees may be required to travel to training meetings or other assignments during the course of a workday. Whether or not travel time constitutes hours worked will depend on the kind of travel involved. Travel between our office and an event or meeting location during the workday will be counted as hours worked. However, time spent traveling directly between your home and an event or meeting location is not considered hours worked.

Travel, whether by driving or other mode of transport, which keeps you away from home overnight is considered hours worked. Travel time does not include time spent at a hotel; time spent after the meeting/project is completed for the workday; time spent during meal breaks; or time spent on purely personal pursuits such as sightseeing and visiting family or friends.

Non-exempt employees are required to accurately record their travel and work hours in these situations. Time spent by exempt employees on travel related to the performance of their job duties is included in the employee's salary, and no additional compensation will be paid for travel time.

Off Duty Activities

Participation in any off-duty recreational, social or athletic activity offered by the Commission is strictly voluntary.

Bonuses

Extraordinary compensation (bonuses) may occasionally be awarded to employees, based on such factors as job performance and individual merit, or the budget needs of the Commission. All extraordinary compensation is given at the sole discretion of Fresno LAFCo.

Performance Evaluations

You may receive periodic performance reviews, discussed with you by your supervisor. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties or recurring performance problems.

Your performance evaluations may review factors such as the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude and your attitude toward others. The performance evaluations should help you become aware of your progress, areas for improvement and objectives or goals for future work performance. Positive performance evaluations do not guarantee increases in pay rate, promotions, or continued employment. Pay increases and promotions are solely within the discretion of Fresno LAFCo and depend upon many factors in addition to performance. After the review you will be required to sign the evaluation report to acknowledge that it has been presented to you and discussed with you, and that you are aware of its contents.

Meal Periods

Fresno LAFCo will make a 60-minute unpaid and uninterrupted meal period available to each employee who works at least a five-hour shift. We encourage employees to take a meal period to relax or to take care of personal matters. Employees will be relieved of all duty during the meal period and are not required to remain on the premises. If your supervisor concurs, you may waive your meal period if your work period is no more than six hours in the workday.

If you work 10 hours in a workday, you are entitled to a second unpaid meal period of 30 minutes. You cannot waive the second meal period unless your supervisor concurs and you have not waived your first meal period. Meal periods may be arranged around work requirements but should be taken before you have completed five hours of work.

If, for any work-related reasons, you feel as though you cannot take a meal period, contact the Executive Officer. By coordinating schedules we can assure that everyone can take a meal period. An employee's failure to record meal periods properly may result in disciplinary action.

Rest Periods

Fresno LAFCo encourages that all employees take rest periods, which shall be insofar as practicable in the middle of each work period. Employees will be relieved of all duty during the rest period. They may leave the worksite. They are not required to carry phones or other electronic devices during a rest period.

Employees are given 10 minutes of rest per four hours of work performed. We will try to permit rest periods in the middle of each work period unless practical considerations render it infeasible. We will not let employees aggregate rest periods and take them all at once. Employees may need to coordinate schedules so that everyone can take a rest period. If, for any work-related reasons, you feel as though you cannot take a rest period, contact the Executive Officer.

An employee is entitled to take rest periods based on the number of hours worked:

<u>Hours Worked</u>	<u>Rest Periods Allowed</u>
0 – 3.4 hours	0
3.5 – 6 hours	1
6.1 – 10 hours	2
10.1 – 14 hours	3
14.1 – 18 hours	4

On Call Time

On occasion, an employee may be asked to be on-call after normal business hours. The employee will be paid for all work performed while on call. However, not all time spent on-call is compensable work time. Therefore, unless Fresno LAFCo places excessive limitations on your activities, calls are restrictively frequent, or other circumstances restrict your activities while on-call, the time spent will not be considered hours worked.

Lactation Accommodation

If you would like to express breast milk for your infant child while at work, please submit a request for accommodation to your supervisor or the Executive Officer. We will make reasonable efforts to accommodate your need insofar as practicable. We will provide a similar accommodation as we would for another employee temporarily disabled by a medical condition. The accommodation may include extended break periods and the use of a lactation room or other location, other than a bathroom, that is safe, clean and contains a charging outlet and surface area for personal items where milk can be expressed in private. You will also be provided access to a sink and refrigerator in close proximity to your work area.

This break time will be required to run concurrently, if possible, with any break time already provided. In the event that it is not possible for the break time for expressing milk to run concurrently with break time already provided, the break time for expressing milk shall be unpaid.

Employee Conduct

Fresno LAFCo requires all employees to conduct themselves in a professional manner at all times. Below is a partial list of activities for which an employee may be disciplined.

1. Insubordination, refusal to follow instructions or to perform job assignments, or rude behavior.
2. Sleeping or leaving the job during work hours.
3. Theft, unauthorized removal or willful damage to any property belonging to another employee, a business associate, a vendor or to Fresno LAFCo
4. Possession of firearms or other dangerous weapons on Commission premises without proper authorization.

5. Working while under the influence of drugs or alcohol or having these substances in your possession while at work.
6. Falsification or omission of pertinent information of Commission records.
7. "Horseplay," wrestling, dangerous practical jokes, or throwing objects.
8. Repeated absences or tardiness, including unreported absences.
9. Disregard for safety rules or practices, security regulations or safety disciplinary rules.
10. Substandard or unsatisfactory work performance.
11. Unauthorized operation, repair, or attempt to repair office equipment.
12. Unauthorized use of the telephone or computers.
13. Committing any act of violence against another employee, vendor, or business associate.
14. Using Commission-owned material, time, equipment, or personnel for any unauthorized purpose.
15. Failure to immediately report an injury or accident to your supervisor.
16. Posting or removing any materials on Commission property without proper approval.
17. Unauthorized entry or exit from the premises at any location at any time.
18. Abusive, rude or profane language to employees, business associates or vendors.
19. Smoking in any/all enclosed areas of the workplace.
20. Provoking a fight or fighting during working hours or on Commission premises.
21. Engaging in criminal conduct, whether or not related to job performance.
22. Personal use of Commission equipment, including computers and electronic technology.
23. Violation of any Commission policy.

The foregoing is not all-inclusive, but only serves as examples of conduct that will not be tolerated. Although one or more corrective measures may be taken in connection with a particular performance, no formal order will be followed. Corrective action may include a variety of actions depending on the circumstances and severity of the particular situation. The corrective action process will not always start with a verbal warning. Some acts, particularly those that are intentional, serious, or prohibited, warrant more severe action. In cases of totally unacceptable performance and/or conduct, the employee may either be suspended without pay or terminated. All suspensions or terminations will be done by the Executive Officer.

TIME OFF

Paid Time Off (Full-Time Employees)

Full-time employees are eligible to accrue paid time off (PTO) benefits beginning the first day of work and may begin using accrued PTO after completing six months of employment. You will not accrue PTO if you are on an unpaid leave of absence or are suspended.

Full-time employees with zero to two years of continuous service accrue PTO at the rate of 21 working days per year. Upon the completion of two continuous years of service, the employee shall earn one additional day of PTO each year of service thereafter, from the completion of the second year until the end of the tenth year. For example, a full-time employee completing their fourth year of service will earn 24 working days of PTO; an employee completing their fifth year of service will earn 25 working days of PTO; and so forth. Part-time employees who work 20 hours or more will accrue PTO benefits on a prorated basis.

PTO may be used for vacations, bereavement, and other personal needs, or for the diagnosis, care or treatment of an existing condition, or preventive care, for the employee or for a family member. PTO can also be taken by an employee who is a victim of domestic violence, sexual assault, or stalking.

Please submit time off requests with as much notice as possible – preferably two weeks in advance when the need is foreseeable. The scheduling of your vacation or other planned time off depends in part on our operational needs and the prior requests for vacation and leaves of absence of other employees. Do not make unchangeable plans (such as buying an airline ticket) until you know your request has been approved.

To use PTO for illness, injury, or medical appointments (or for reasons relating to domestic violence) you should provide notice of the need for leave as soon as practicable, and in advance if foreseeable.

If an exempt employee is absent from work for a partial day (minimum four or more hours), the employee must substitute four hours of PTO in lieu of salary for the hours worked.

The amount of PTO you may accumulate must not exceed three times the maximum number of days for which you are eligible in the year. Once this accrual maximum is reached, you cannot accrue additional PTO until you have used up some of your accrued unused PTO. When some accrued PTO is used, PTO begins to accrue again. There is no retroactive grant of PTO for the period of time the accrued PTO days were at the maximum.

Fresno LAFCo generally does not permit employee to cash out accrued PTO instead of taking time off. You may receive pay instead of time off only when your employment with us terminates.

State Mandated Paid Sick Leave (Part-Time Employees)

In compliance with California’s Healthy Workplaces, Healthy Families Act, part-time and special-project employees are awarded state-mandated paid sick leave (“PSL”) on an annual basis.

Current part-time employees are awarded 40 hours of PSL at the beginning of each year. For purposes of this policy, a year is defined as the 365-day period beginning January 1st. Employees who are hired mid-year will be awarded 40 hours of PSL on the date of hire.

Each year on December 31st all unused PSL will expire and current part-time employees will be awarded 40 hours on January 1st.

Upon an oral or written request, an employee may use PSL for the diagnosis, care or treatment of an existing condition, or preventive care, for the employee or for a family member. PSL can also be taken by an employee who is a victim of domestic violence, sexual assault, or stalking. The employee should provide notice of the need for leave as soon as practicable, and in advance if foreseeable. Family members include a child (biological, adopted, foster, step), legal ward, child to whom the employee stands in loco parentis; parent (biological, adoptive, step), legal guardian of employee or employee’s spouse or registered domestic partner, person who stood in loco parentis when employee was a minor; spouse; registered domestic partner; grandparent; grandchild; sibling; and a designated person. An employee may designate one person per 12-month period.

Employees must use PSL in at least two-hour increments. PSL will be paid at the employee’s regular hourly rate of pay.

Unused PSL will not carry over from one year to another, nor will it be paid to the employee at the separation of employment.

Fresno LAFCo will maintain records documenting hours worked and PSL awarded and used. We will make them available within 21 days upon request.

Holidays

Each year the Commission will adopt the same holiday schedule as the County of Fresno. Whenever an announced holiday falls within the normal work week of Monday through Friday, it shall be considered holidays for all Commission employees. Full-time employees, and part-time employees working at least 20-hours per week, are eligible to receive holiday pay based on their normally scheduled straight time hours. Part-time employees working less than 20 hours per week and persons in temporary assignments do not receive holiday pay, but will receive the time off on the holiday without pay.

To be eligible for holiday pay, you must have worked, or been available to work, the days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by the Executive Officer. Furthermore, holiday pay is not considered hours worked for

purposes of determining overtime pay. Full-time employees receive eight hours of base hourly pay for each of the paid holidays listed above during the year.

If your religious beliefs require that you take a special day off, you may substitute holidays, use PTO or take time off without pay, provided a prior arrangement has been made with the Executive Officer.

Employees are ineligible for holiday pay while on leave of absence.

Make-Up Time

Fresno LAFCo allows the use of make-up time when non-exempt employees need time off to tend to personal obligations. You may take time off and then make up the time later in the same workweek, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek. Make-up time worked will not be paid at an overtime rate.

Make-up time requests must be submitted in writing to the Executive Officer, with your signature on the "Make-Up Time Request" form provided by Fresno LAFCo. Requests will be considered for approval based on the legitimate business needs of the Commission at the time the request is submitted. A separate written request is required for each occasion you request make-up time.

If you request time off that you will make up later in the week, you must submit your request at least 24 hours before the desired time off. If you ask to work make-up time first to take time off later in the week, you must submit your request at least 24 hours before working the make-up time. Your make-up time request must be approved in writing before you take the requested time off or work make-up time, whichever is first.

All make-up time must be worked in the same workweek as the time taken off. The Commission's seven-day workweek is Monday to Sunday. You may not work more than 11 hours in a day or 40 hours in a workweek as a result of making up time that was or would be lost due to personal obligations.

If you take time off and are unable to work the scheduled make-up time for any reason, you may be required to use accrued PTO to cover the hours missed. If no PTO is available, the hours missed would be unpaid. However, your supervisor may arrange with you another day to make up the time, if possible, based on scheduling needs. If you work make-up time before you plan to take time off, you must take that time off, even if you no longer need the time off for any reason.

An employee's use of make-up time is completely voluntary. Fresno LAFCo does not encourage, discourage or solicit the use of make-up time.

California Family and Medical Leave

The following policy is applicable only if Fresno LAFCo employs five or more employees.

Provided an employee has worked more than 12 months with Fresno LAFCo and has provided at least 1,250 hours of service within the last 12-month period, the employee is eligible to for a leave of

absence under this policy. An eligible employee may take an unpaid leave pursuant to the California Family Rights Act (“CFRA Leave”) due to:

- The birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee;
- To care for a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, domestic partner, or a designated person who has a serious health condition;
- Because of an employee’s own serious health condition that makes the employee unable to perform the functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions; and
- Because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee’s spouse, domestic partner, child, or parent in the Armed Forces of the United States (as specified in Section 3302.2 of the Unemployment Insurance Code).

When approving CFRA Leave, we will guarantee employment in the same or a comparable position upon the termination of the leave, and the employee will retain employment status. CFRA Leave is not a break in service for any purpose.

CFRA Leave is separate and distinct from Pregnancy Disability Leave (leave taken for disability on account of pregnancy, childbirth, or related medical conditions.) In addition to CFRA Leave, an employee is entitled to Pregnancy Disability Leave, if the employee is otherwise qualified for that leave.

PTO and Sick Leave

The employee may elect, or the Commission may require the employee, to substitute the employee’s accrued PTO during an otherwise unpaid portion of the CFRA Leave. The employee may also elect to take Paid Sick Leave (PSL). All time off will count toward the employee’s maximum CFRA Leave total.

If the employee is receiving benefit payments through the State Disability Insurance (SDI) or Paid Family Leave (PFL) programs, the leave is not considered unpaid and the Commission will not require the use of accrued PTO. The Commission may require the use of PTO during the 7-day waiting period before SDI payments begin and up to two weeks of accrued vacation prior to the employee receiving PFL payments.

Continuation of Benefits

During the employee’s absence for CFRA Leave, the Commission will maintain coverage under its group health plans for the duration of the leave, not to exceed 12 workweeks in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee were working.

If the employee fails to return from CFRA Leave after the period of leave has expired and the employee’s failure to return is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to CFRA Leave or other circumstances beyond the

control of the employee, the Commission may recover the premium that it paid as required for maintaining coverage under the group health plans.

An employee taking CFRA Leave is entitled to participate in health plans for any period when the Commission does not provide coverage (such as beyond the 12-week period), and other employee welfare benefit plans including life insurance and retirement plans, *on the same conditions and terms as an employee on an unpaid leave for any purpose*. The employee will be required to pay premiums, at the group rate, as a condition of continued coverage.

The nonpayment of premiums by an employee does not constitute a break in service.

Notice

An employee must provide reasonable advance notice of the need for CFRA Leave if it is foreseeable. If the employee's need for CFRA Leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision to avoid disruption to our operations, subject to the approval of the health care provider of the individual requiring the treatment or supervision.

Certification

Fresno LAFCo will require that an employee's request for leave to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition be supported by a certification issued by the health care provider of the individual requiring care. Certification should include all of the following information:

- The date on which the serious health condition commenced;
- The probable duration of the condition;
- An estimate of the amount of time that the health care provider believes the employee needs to care for the individual; and
- A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision.

If the estimate of time for the employee to care for the individual expires, we will require the employee to obtain recertification if additional CFRA Leave is required.

Fresno LAFCo will require that an employee's request for leave because of the employee's own serious health condition be supported by a certification issued by the employee's health care provider. Certification should include:

- The date on which the serious health condition commenced;
- The probable duration of the condition; and
- A statement that, due to the serious health condition, the employee is unable to perform the function of the employee's position.

We will require that the employee obtain recertification regarding the employee's serious health condition if additional CFRA Leave is required.

If the Commission has reason to doubt the validity of the certification provided by the employee due to the employee's own serious health condition, we will require, at the Commission's expense, that the employee obtain the opinion of a second health care provider, designated by the Commission. If the second opinion differs from the opinion in the original certification, we may require, at our expense, that the employee obtain the opinion of a third health care provider, approved jointly by the Commission and the employee. The opinion of the third health care provider shall be considered final and binding.

Return to Work

Consistent with the Commission's standard practice, we will request, as a condition of a return from CFRA Leave taken due to the employee's own serious health condition, certification from the employee's health care provider that the employee is able to resume work.

Definitions

- "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.
- "Designated person" means an individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee may designate one person per 12-month period.
- "Domestic partner" is defined in Section 297 of the Family Code.
- "Employment in the same or a comparable position" means employment in a position that has the same or similar duties and pay that can be performed at the same or similar geographic location as the position held prior to the leave.
- "Grandchild" means a child of the employee's child.
- "Grandparent" means a parent of the employee's parent.
- "Parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.
- "Parent-in-law" means the parent of a spouse or domestic partner.
- "Sibling" means a person related to another person by blood, adoption, or affinity through a common legal or biological parent.
- "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either of the following:
 - Inpatient care in a hospital, hospice, or residential health care facility; or
 - Continuing treatment or continuing supervision by a health care provider.

Pregnancy Disability

The following policy is applicable only if Fresno LAFCo employs five or more employees.

Fresno LAFCo wants to assist its employees who are pregnant to continue to work as long as they are able, and to take the appropriate amount of time off for the birth of the baby and for recovery. We have adopted this policy to achieve these goals.

If you are disabled by pregnancy, childbirth, or related medical conditions, you are eligible to take no more than four months of unpaid leave. Four months means the number of days you would normally work within a four-month period, which is 17 $\frac{1}{3}$ weeks. If your schedule varies month to month, a monthly average of hours worked over the four months prior to the beginning of the leave period will be used to calculate your normal work month. If you normally 40 hours per week, four months means 693 hours of leave entitlement (40 hours x 17 $\frac{1}{3}$ weeks).

Leave can be taken in a block, as intermittent leave, or as a reduced work schedule. For example, you could take intermittent leave for medical appointments.

We will treat employees disabled due to pregnancy like other employees temporarily disabled by a medical condition. You may also be able to transfer to a different position during the period of your disability if medically advisable and the transfer can be reasonably accommodated. If you are transferred to another position, you will retain your rate of pay and benefits. You will not be transferred over your objections unless your health care provider certifies that you need to take an intermittent leave or work a reduced schedule. In that case, Fresno LAFCo may transfer you temporarily to an available alternate position. When the transfer is no longer medically advisable, we will return you to your original or comparable position.

You may be entitled to an accommodation if medically advisable and the accommodation is reasonable. Fresno LAFCo will consider factors such as your needs, the duration of the requested accommodation, the cost to the organization, and available personnel to assist. We expect you to engage in a good faith interactive process to identify and implement a reasonable accommodation.

Fresno LAFCo requires you to provide reasonable notice of the need for a reasonable accommodation, transfer or leave, including the anticipated time and duration. This typically means at least 30-days' notice, unless the need was not foreseeable (such as due to an emergency).

Fresno LAFCo also requires that you provide medical certification as a condition of providing an accommodation, transfer or leave. If foreseeable, we ask that you provide the notice and medical certification at least 30 days in advance. If the need is not foreseeable, we ask that you provide the certification within 15 days of our sending you the certification form. This form may arrive either via mail, email or personal delivery.

We will also request that you provide medical certification of your ability to return to your position or duties following your leave or transfer.

Failure to timely provide notice of the need for an accommodation, transfer or leave could result in a delay of approval. If you fail to provide notice or fail to provide medical certification, approval for any accommodation, transfer or leave could be denied. Other consequences, including loss of employment, could result if you are not at work and you fail to communicate with Commission representatives.

We also ask that you make reasonable efforts to schedule appointments or treatments to minimize disruption to our operations and ability to provide necessary services. Of course, we recognize that appointments and treatments will be subject to the advice of your health care provider.

You may elect to use any accrued PTO or paid sick leave you have available. This means that your pregnancy disability leave and paid benefit will run concurrently, and you will receive compensation during the absence. Your ability to substitute accrued paid leave is determined by the terms and conditions of our normal leave policies. All paid time off will count toward your maximum leave total.

During your leave, Fresno LAFCo will continue to provide benefits, for up to a maximum of four months over a 12-month period, under our group health plan at the level and under the conditions that coverage would have been provided if you had continued in employment continuously for the duration of the leave. Fresno LAFCo may recover the premium it paid on your behalf if you fail to return from leave and your failure to return is for a reason other than: (1) You are taking leave under the California Family Rights Act; (2) the continuation, recurrence or onset of a health condition that entitles you to take pregnancy disability leave; (3) non-pregnancy related medical conditions requiring further leave unless you chose not to return following the leave; (4) where you must care for yourself or for a family member; or (5) other circumstances beyond your control.

Before you start a leave or transfer, we will provide you with a document setting forth the period of your leave or transfer, including scheduled return date. The document will also include a guarantee of reinstatement to your same position or duties, or to a comparable position, unless excused as set forth in this policy.

You are guaranteed the right to return to the same position or duties. However, you do not have any greater right to reinstatement than you would have had if you had been continuously working. For example, if you would not have been employed in the same position at the time of reinstatement for legitimate business reasons unrelated to your leave or transfer, Fresno LAFCo is excused from returning you to that position.

In that case, you will be reinstated to a comparable position unless Fresno LAFCo would not have offered you a comparable position had you been continuously at work or there is no comparable position available. A position is available if it is open on your scheduled date of reinstatement or within 60 calendar days for which you are qualified. We will provide you with notice of available positions during the 60-day period.

In order to provide you with information regarding rights and responsibilities under the law, you will be provided with a notice entitled "Your Rights and Obligations as a Pregnant Employee." Please ask if you have any questions. We want this wonderful time in your life to be as free from worry and concern as possible.

Protection Against Crimes

We value our employees and are particularly concerned about any employee who may be suffering due to domestic violence, sexual assault, stalking, or any other crime. We have implemented these policies to help protect you during these difficult times.

Fresno LAFCo will not discharge or in any manner discriminate or retaliate against an employee, including, but not limited to, an employee who is a victim of a crime, for taking time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding. A victim includes:

- 1) a victim of stalking, domestic violence, or sexual assault;
- 2) a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury; and
- 3) a person whose immediate family member is deceased as the direct result of a crime.

For purposes of this paragraph only, it also includes any person against whom any crime has been committed.

The Commission will not discharge or in any manner discriminate or retaliate against an employee who is a victim for taking time off from work to obtain or attempt to obtain any relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child.

Fresno LAFCo requests, as a condition of taking time off, the employee give reasonable advance notice of the intention to take time off, unless advance notice is not feasible. If an unscheduled absence occurs, we shall not take any action against the employee if the employee, within a reasonable time after the absence, provides certification of the need for leave, such as a police report, court order, or documentation from a medical professional or counselor.

Except as required by federal or state law, or as necessary to protect the employee's safety in the workplace, Fresno LAFCo will maintain the confidentiality of any employee requesting leave. We will provide the employee with notice before making an authorized disclosure.

Bereavement Leave

Employees who have been employed for at least 30 days may take up to five days of bereavement leave related to the death of a family member. The Commission will provide three days of paid time off for this purpose, and you may elect to use accrued PTO or available paid sick leave for the remaining two days.

Family members include spouse, child, parent, sibling, grandparent, grandchild, domestic partner or parent-in-law. The days off need not be taken consecutively but must be completed within three months of the date of death. You may be required to provide documentation of death.

Reproductive Loss Leave

An employee who has been employed for at least 30 days may take up to five days of unpaid leave following a reproductive loss. If you experience multiple reproductive loss events within a 12-month period, you may be entitled to up to 20 days of leave. A “reproductive loss event” includes a miscarriage, stillbirth, failed surrogacy, failed adoption, or unsuccessful assisted reproduction.

You may elect to use accrued PTO or available paid sick leave. The days off need not be taken consecutively but must be completed within three months of the date of the reproductive loss event. You may elect, but will not be required, to provide documentation of the loss.

If, prior to or immediately following a reproductive loss event, you are on or you choose to take leave due to pregnancy disability, or for a qualified reason under the California Family Rights Act or any other leave entitlement under state or federal law, you must complete the reproductive loss leave within three months of the end date of the other leave.

Fresno LAFCo will maintain the confidentiality of any information you provide, including the need for leave.

School Visits

If you are a parent or guardian of a child in grades K – 12, and if you are requested to appear in the school due to the child’s suspension, you may take an unpaid leave of absence provided that you give reasonable notice of the request to appear.

Jury Duty

The Commission encourages employees to serve on jury selection or jury duty when called. You should notify your supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. You may be requested to provide written verification from the court clerk of having served. If work time remains after any day of jury selection or jury duty, you will be expected to return to work for the remainder of your work schedule.

If the employee is selected for jury duty during a peak work period and jury service would be a hardship for the Commission, the employee and the Executive Officer will attempt to obtain a deferment of jury service.

Full-time employees shall be entitled to receive full salary or wages less any fees received for jury or witness duty for up to thirty days of performing jury or witness service. In extraordinary circumstances, the Commission retains the rights to extend the paid time off for jury service in its sole discretion and on a case-by-case basis.

Witness Duty

Unpaid time off will be allowed if you are required by law to appear in court as a witness. We request that you give reasonable notice to your supervisor. You will be given paid time off if your appearance is related to Fresno LAFCo business.

Voting Time

If your work schedule would prevent you from voting on Election Day, Fresno LAFCo will give you up to 2 hours paid time off to vote. You must present a voter's receipt before you will receive paid time off to vote. You may also take unpaid time off to serve as an election official. You must give your supervisor at least two days' advance notice that you will need time off to vote or to serve as an election official.

Leave to Seek Office

An employee, who in a manner prescribed by law declares him/herself as a candidate for elective office may be granted a leave of absence without pay. The procedure and length of time shall be as provided in the County Ordinance Code, Section 3.08.120.

Military Leave of Absence

Generally, an employee returning from military leave is guaranteed reemployment and other rights as long as you comply with certain notification and other requirements. You are protected if you meet the following criteria:

- You gave notice that you were leaving the job for military service (unless military necessity or other exigent circumstances precluded the notice);
- The period of service was five years or less;
- You were not discharged from service under dishonorable or other punitive conditions; and
- You reported to your civilian job in a timely manner or submitted a timely application for reemployment.

In some cases, military leaves of absence beyond five years will be protected.

Return to Work

The period of time within which you must return to work after the completion of service depends on the duration of the military service. If you served less than 31 days, you are required to return to employment by the beginning of the first regularly scheduled work period after the completion of military service. You are, however, excused for the amount of time required to return home safely and for an eight-hour rest period.

If you served between 31 and 180 days, you must file an application for reemployment within 14 days after the completion of military service. If you served more than 180 days, you must file an application

for reemployment no later than 90 days after the completion of military service. In all cases, if compliance with the time limits becomes impossible or unreasonable through no fault of your own, you will be given additional time. Furthermore, reporting and application deadlines are extended for up to two years for persons who are hospitalized or convalescing from a service-related illness or injury.

If you are returning from the armed services, you will be reemployed in the job that you would have attained if you had not been absent for military service. Fresno LAFCo will provide training or other assistance to returning service members to help them refresh or upgrade their skills to qualify for reemployment.

Benefits

Service members and their families will continue to receive health benefits for 31 days. You and your family may continue health care coverage at their expense for up to 18 months. When returning from military leave you will resume health plan coverage without a waiting period or other exclusion.

Emergency Service Volunteers

Any employee who takes time off to perform emergency duty as a reserve peace officer, or emergency rescue personnel, volunteer firefighter, or a disaster medical response entity will not be discharged or discriminated against in the terms of their employment. An employee who is a health care provider must notify Fresno LAFCo when (s)he becomes designated as an emergency rescue personnel and when (s)he is notified of deployment as a result of the designation.

Discretionary Leave of Absence

Fresno LAFCo recognizes that there may be times when additional time off may be requested beyond the benefits provided. In such cases, which may include times of personal or family emergencies, you may be provided with an unpaid leave of absence at the discretion of the Executive Officer. If it becomes necessary to fill your position during a discretionary leave of absence, we will make reasonable efforts to notify you to determine if you will return to work. If you are unwilling or unable to return, your position will be filled. If you elect not to return from a discretionary leave of absence, you will be considered to have voluntarily terminated employment with Fresno LAFCo. All employees returning from a medical leave of absence must provide a physician's statement that indicates you are released to return to work.

BENEFITS

Health Care

Certain employees and their dependents including spouses, children, registered domestic partners and children of the registered domestic partner may be eligible for coverage under Fresno LAFCo's medical plan. Employees may be required to pay all or a portion of the insurance premiums. Leaves of absence may affect coverage under the medical plan.

The official plan documents set forth the specific terms, conditions, and limitations regarding program eligibility and benefit entitlement. This handbook is not part of any official plan document of any benefit program, nor does it restate all of the features of the health care benefits program. Official plan documents should be consulted for further information regarding each benefit program. Questions and requests for copies of official plan documents should be directed to the Executive Officer.

While it is our present intention to continue these benefits, we reserve the right to modify, curtail, reduce or eliminate any benefit, in whole or in part, either with or without notice. Neither the benefit programs nor their descriptions are intended to create any guarantees regarding employment or continued employment. As noted elsewhere in the handbook, employment relationships are for an indefinite term and are terminable at will, either at the option of the employee or Fresno LAFCo.

Deferred Compensation Plan- 457

The Commission currently participates in the ICMA-RC defined contribution plan. This plan is optional and can be changed at any time. The employee chooses the amount they would like to contribute to their retirement out of their salary. ICMA-RC is a non-profit independent financial services corporation providing retirement plans and related services for more than a million public sector participant accounts. Its mission is to help build retirement security for public employees.

Defined Contribution Plan- 401(a)

All full-time regular employees are eligible for coverage on the first day of employment. An employee will not be entitled to receipt of contribution until the completion of three continuous years of service (the vesting period).

Under this plan, employees, once vested, will receive all proceeds resulting from contributions from the Commission (including interest and/or other appreciation which is exempt from Federal and State taxes until payment is made to the employee) upon retirement or termination of employment.

Contributions equal to 10% of an employee's gross salary will be made by the Commission.

Upon termination of employment other than retirement, amounts distributed under the plan may be subject to state and federal penalties if not reinvested according to IRS guidelines. Regulations

regarding early withdrawals are complex and a tax attorney or accountant should be consulted for additional information.

This policy is implemented through a 401(a) Money Purchase Plan administered by ICMA-RC. A 401(a) Money Purchase Plan that allows the Commission to contribute to the employee's tax-deferred retirement savings.

The Commission will make contributions to an account in the employee's name for the exclusive benefit of the employee and their beneficiaries. The value of the account is based on the contributions made and the investment performance over time. No taxes are due, including on earnings, until the employee makes withdrawals.

Employees are encouraged to also participate in the 457 deferred compensation plan offered by the Commission as referenced above.

Life Insurance

The Commission provides each full-time employee with a \$20,000 life insurance policy through the Special District Risk Management Authority or equivalent benefit vendor.

Workers' Compensation

Fresno LAFCo maintains workers' compensation insurance coverage as required by law to protect employees who are injured on the job. This insurance provides medical, surgical, and hospital treatment in addition to payment for loss of earnings that result from work-related injuries. If an injury occurs, notify your supervisor for directions to the nearest medical facility of an approved health care provider. You are required to immediately notify your supervisor of all work-related injuries or illnesses.

Fresno LAFCo or its insurance carrier may not be liable for the payment of workers' compensation benefits for any injury which arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity which is not a part of your work-related duties. Any questions regarding workers' compensation should be addressed to the Executive Officer.

State Disability Insurance

Pursuant to the California Unemployment Insurance Code, disability insurance is payable when you cannot work because of illness or injury not caused by employment. If you are ill and cannot work, you may apply to receive State Disability (SDI) benefits that generally begin on the eighth day after you leave work. Compensation payments received through SDI may be supplemented by the use of your accrued PTO or paid sick leave.

Paid Family Leave (PFL)

California's Paid Family Leave (PFL) program does not provide an employee with a leave of absence. However, if you are entitled to a leave of absence under a state or federal law or by Commission policy, you may receive pay from the state for up to eight (8) weeks in a twelve (12) month period to care for a parent, spouse, child, domestic partner, child of a domestic partner, grandparent, grandchild, sibling, or parent in-law, or to bond with a child. You may also receive "PFL Military Assist" benefits if you need time off work to participate in a qualifying event because of the military deployment of your spouse, registered domestic partner, parent, or child to a foreign country. Eligibility for benefits is determined by the Employment Development Department (EDD).

For bonding, PFL is limited to the first year after the birth, adoption or foster care placement of a child. A separate certification must be completed for leave associated with bonding.

Benefits payable from the state under PFL may include approximately 60 to 70 percent of lost wages for employees who contribute to SDI. Employees collecting workers' compensation, unemployment or SDI are not eligible to collect PFL.

You are required to use up to two weeks accrued PTO prior to accessing PFL benefits.

HEALTH AND SAFETY

Injury and Illness Prevention Program

Fresno LAFCo maintains an Injury and Illness Prevention Program (IIPP). You will receive training in order to enable you to safely perform your job duties. The IIPP is available for your review during working hours. Employees are also required to participate in periodic training meetings. If you have any questions related to health and safety, please refer to the IIPP, or speak with your supervisor.

COVID-19 Prevention Program and Notice

Fresno LAFCo has developed and implemented a COVID-19 Prevention Program (“CPP”). All employees should review the CPP and receive training about the prevention of and response to COVID-19. In addition, the Commission wants employees to know its process for notifying employees of potential exposure to COVID-19.

Within one business day of receiving notice of potential COVID-19 exposure, we will post a notice of potential exposure and keep it posted for not less than 15 calendar days.

We recognize that many employees may be hesitant to notify the Commission of a positive test or of exposure. However, your candor will allow us to provide you with information on COVID-19 related benefits to which you may be entitled, including workers’ compensation, sick leave, PSL, and any other benefits under state or federal law.

Reporting On-The-Job-Accidents

All accidents or injuries that occur in the course of your employment must be reported to a supervisor upon the occurrence, regardless of how minor the injury may appear.

Safety Suggestions

In keeping with our goal of creating a safe and healthy working environment, Fresno LAFCo welcomes any and all safety related employee suggestions, concerns and complaints. If you have a question or concern regarding the safety of your working environment, please discuss the matter with the Executive Officer. Employees who wish to remain anonymous may submit a written report of the concern. Fresno LAFCo will follow-up on all received suggestions and take corrective action when necessary.

Safety While Driving

Safety is the first priority when driving. The following rules apply when driving on Commission business or traveling to or from home from Commission business:

- Operate the vehicle safely. Observe all traffic laws and drive courteously. The way you drive reflects on you and the Commission.
- Employees are strongly discouraged from using cell phones or other mobile devices while driving. If you must place or receive a call or text message, or look up driving directions, pull the vehicle over to a safe location. Any use of electronic devices must comply with laws regarding safe, hands-free operation.
- Wear your seat belt at all times while operating the vehicle.
- Report any accident, regardless of how minor, to your supervisor as soon as possible, and no later than the end of your shift.
- Do not carry unauthorized riders or passengers, including non-employees and/or others not specifically assigned to accompany the authorized driver.

Fresno LAFCo will not allow any employee to drive a personal vehicle for work purposes, unless the Commission determines that the employee possesses a valid driver's license. This may require an employee to provide a copy of his/her license. We may also ask the DMV to verify license status. Employees must also maintain valid auto insurance in compliance with California law.

Anti-Substance Abuse Policy for All Employees

Fresno LAFCo is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when an employee illegally uses drugs or alcohol on the job; comes to work under their influence; or possesses, distributes or sells drugs in the workplace. Every employee shares the responsibility for maintaining a safe work environment. Co-workers should encourage anyone who may be abusing alcohol or drugs, or working under their influence, to seek help.

The Commission may provide an unpaid leave of absence or other assistance to those who may need it, while sending a clear message that the use of illegal drugs, alcohol or controlled substances that impair an employee's ability to safely perform his/her duties cannot be tolerated.

Policy Prohibiting Drug and Alcohol Abuse

No employee may possess, sell, trade, buy, offer for sale or otherwise engage in the illegal use of drugs or alcohol on the job, **or work while impaired**. The enactment of Proposition 64 in California permitting the recreational use of marijuana does not in any way alter our policies prohibiting drug and alcohol abuse. **While Fresno LAFCo will not tolerate the behaviors listed above, we will not take adverse action against an employee based solely on the use of cannabis off the job and away from the workplace.**

No employee may report to work under the influence of illegal drugs, alcohol, or other substances **(including cannabis)** that impair the employee's ability to safely and efficiently perform his or her job duties. Employees are subject to reasonable suspicion testing when there is reasonable cause to believe that he/she is working while under the influence or that the use of drugs or alcohol likely contributed to a safety incident and testing can accurately identify the impairment caused by drug or

alcohol use. Fresno LAFCo will not screen for nonpsychoactive cannabis metabolites in an employee's hair, blood, urine or other bodily fluids.

Any employee who is using prescription (including domestic and foreign prescriptions) or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting work.

Employees should be aware that substances, including medications, lawfully used in foreign countries, may give rise to a positive drug test. Even in this situation a positive drug test will subject the employee to disciplinary actions, up to and including termination of employment.

An employee's conviction on a charge of illegal sale, purchase, possession or use of a controlled substance, even if the incident occurs off-duty and not in the workplace, may result in a loss of employment. Any employee convicted of such a charge must notify Fresno LAFCo within five calendar days of the conviction.

Smoking

Fresno LAFCo is committed to providing a healthy and safe workplace. In keeping with this commitment, smoking (including the use of e-cigarettes) is prohibited in all enclosed areas of the workplace. Enclosed spaces include covered parking lots, waiting areas, elevators, stairwells and restrooms.

Employees who smoke do not receive extra rest periods.

Safety Protections for Victims of Domestic Violence

Fresno LAFCo will provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who requests an accommodation for their safety while at work. Those accommodations may include the implementation of safety measures (including a transfer, reassignment, modified schedule, changed work telephone, changed work station, or installed lock) assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime, or referral to a victim assistance organization.

We will engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations. In determining whether the accommodation is reasonable, we will consider an exigent circumstance or danger facing the employee. We may request that the employee seeking a reasonable accommodation provide us with a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. We may also request certification from an employee requesting an accommodation that demonstrates the employee's status as a victim of domestic violence, sexual assault, or stalking. We may ask you for this certification every six months.

We cannot, however, undertake any actions that constitutes an undue hardship on business operations. This includes any action that would violate our duty to furnish and maintain a place of employment that is safe and healthful for all employees.

If the employee's circumstances change and the employee needs a new accommodation, the employee should request a new accommodation from the employer. We will engage in a timely, good faith, and interactive process to determine effective reasonable accommodations. The employee should also let us know if an accommodation is no longer needed.

We will not discharge or in any manner discriminate or retaliate against you because of your status as a victim of crime or abuse, or for requesting a reasonable accommodation, whether or not the request was granted.

Please see *Protection Against Crimes* policy for definitions related to this policy.

Workplace Violence

Fresno LAFCo is committed to preventing workplace violence and to maintaining a safe work environment. All employees, vendors and business associates should be treated with courtesy and respect at all times.

With the assistance of employees, Fresno LAFCo has developed a comprehensive Workplace Violence Prevention Program. It includes provisions related to responding to reports of workplace violence, ensuring employee compliance, communication and training, responding to emergencies, identifying and evaluating hazards, and post-incident responses and investigations. The program describes how employees can report incidents or seek assistance to prevent or respond to an incident, what corrective measures the company may take, and strategies to avoid physical harm. As part of the program, we will maintain a violence incident log.

The program is available for your review during work hours. You may request a copy from a member of management.

Conduct that threatens, intimidates or coerces another employee, vendor or business associate will not be tolerated. Commission resources may not be used to threaten, stalk or harass anyone at the workplace or outside of the workplace. The Commission treats threats coming from an abusive personal relationship as it does other forms of violence.

Workplace violence includes many types of behavior including, but not limited to, the following:

- Any type of physical violence toward a person
- Threats of violence, whether direct, indirect or conditional
- Physical intimidation or aggression
- Possession of a weapon on Commission property or during work-related activities

Behavior that, from the perspective of a reasonable person, generates a concern that an individual may act out violently may also be reported and investigated under this policy. This may include, but is not limited to stalking, erratic behavior caused by mental illness or substance abuse, and suicidal statements.

Any employee may report an incident of violence, a threat of violence, harassment or other workplace violence concern to a member of management or to law enforcement without fear of retaliation. Concerns will be investigated according to company policy, and the employee will be informed of the results of the investigation and any corrective action to be taken.

Fresno LAFCo will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. In order to maintain workplace safety and the integrity of its investigation, we may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Employees are encouraged to bring their disputes to the attention of a member of management before the situation escalates. The Commission will not discipline employees for raising such concerns in good faith.

Emergency Conditions in the Workplace

We want employees to take appropriate action to protect themselves in the event of an emergency condition. In the event of an emergency condition, Fresno LAFCo will not take adverse action against an employee for refusing to report to, or leaving, a workplace because the employee has a reasonable belief that the workplace is unsafe, meaning that there is a real danger of death or serious injury if you remain on the premises. Nor will the Commission take adverse action for accessing your mobile device to seek emergency assistance, assess the safety of the situation, or communicate with someone to verify their safety. When it is feasible, an employee should notify a member of management of an emergency condition so the Commission can take appropriate action to safeguard employees or third parties on the premises.

“Emergency condition” means:

- Conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act.
- An order to evacuate a workplace, a worksite, a worker’s home, or the school of a worker’s child due to natural disaster or a criminal act.

An emergency condition does not include a health pandemic.

PERSONNEL POLICIES

Representing the Commission

It is of paramount importance that each employee treats each other, vendors, and members of the public with the utmost of respect and consideration not only during working hours, but after hours as well. You should also recognize that business associates and public agency representatives may view or have access to postings you make electronically. How we behave both at work and after hours is a reflection on our business.

Please apply the following standards to your job:

- Greet people by name whenever possible.
- Introduce yourself to new business associates.
- See that all visitors feel comfortable in our office.
- Be prompt and courteous.
- Use appropriate telephone courtesy. Speak clearly, and do not allow persons to be placed on hold for long periods of time.

Personnel Documents

It is important that your personnel records contain accurate and up-to-date information. Any changes of name, address, telephone number, or number of dependents should be reported promptly. We also request that you supply us with the name, address, and telephone number of the person you wish to have contacted in the event of an emergency. Fresno LAFCo will not take adverse action against an employee who updates his/her personal information based on a lawful change of name, social security number, or federal employment authorization document.

The Commission will not display, disseminate or require you to use your social security number for any purposes, unless strict security devices are in place or required by law.

Fresno LAFCo shall immediately disclose to affected employees, any breach of the security of our computerized systems that includes personal information. Good faith acquisition of personal information by an employee or agent of Fresno LAFCo in the course of duties is not considered a breach, provided the personal information is not used or subject to further unauthorized disclosure.

If a current employee's personal information is released, we will provide written notification to the individual. Former employees will be notified through written correspondence to the most recent address on file. Notification may be delayed if a law enforcement agency determines the notification will impede a criminal investigation.

The Commission will retain certain records such as applications, personnel, referrals and other files for a minimum of four years after the records and files are initially created or received. We will also retain

personnel files of former employees for a minimum period of four years after the date of termination. Upon notice that a verified complaint against the Commission has been filed pursuant to the Fair Employment and Housing Act, we will maintain and preserve appropriate records and files until the later of the following:

1. The first date after the date for filing a civil action has expired; or
2. The first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have terminated.

Access to Your Own Personnel Records

Pursuant to Labor Code section 432, Fresno LAFCo will give you a copy of any document you sign relating to the obtaining or holding of employment.

Pursuant to Labor Code section 1198.5, you have the right to inspect or receive a copy of personnel records Fresno LAFCo maintains related to your performance or any grievance concerning you.

We will make personnel records available within 30 days from the receipt of your written request. Fresno LAFCo will provide you with a form you may use to make the written request.

We will not provide you with records relating to the investigation of a possible criminal offense, letters of reference, or records obtained prior to your employment. Prior to production we may redact the names of any nonsupervisory employees. You will be responsible to pay the actual costs of reproduction.

Upon request, Fresno LAFCo will provide you with a copy of your paycheck stubs (which may be a computer-generated document) showing information such as hours worked, compensation earned and deductions. We will provide you with these records within 21 days of your written request. You will be responsible to pay the actual costs of reproduction.

No-Match Letter

Each year, the Social Security Administration (SSA) sends letters to employers informing them that the Wage and Tax Statement (form W-2) contains employee names and social security numbers that do not match SSA records. If Fresno LAFCo receives a “no-match” letter, it will take the following steps.

First, within 30 days Fresno LAFCo will check its records to determine if the discrepancy is because of a typographical or clerical error in its records or in communications with SSA. If there is an error, we will correct it.

If the records are accurate, we will, within five business days of completing the review, ask you to confirm that the information on file is correct. If you provide corrected information, we will correct our records, inform SSA or the Department of Homeland Security (DHS), and verify that the corrected name and number match SSA or DHS records. If our records are correct, we will ask you to resolve the discrepancy with SSA or DHS within 90 days of receipt of the no-match letter.

If the discrepancy is not resolved within 90 days of receipt of the no-match letter, we may re-verify your employment eligibility and identity by completing a new Form I-9 within three days (93 days from the receipt of the no-match letter). In this case, you may not use a document containing the social security number or the alien number that is the subject of the no-match letter to establish employment eligibility or identity. In addition, all documents used to prove identity or both identity and employment eligibility, must contain a photograph.

If the no-match issue is not resolved by this process, Fresno LAFCo may be compelled to terminate your employment.

Conflict Resolution Procedure

The purpose of this policy is to provide a procedure by which employees may resolve differences, inform Fresno LAFCo of any concerns, or to grieve any action or decision of the Commission or its representatives.

We expect all employees to treat one another with respect and courtesy. However, in the event a misunderstanding, disagreement or a dispute arises, you are encouraged to speak privately and directly with the person(s) involved. This meeting should focus on the issues causing concern. Each person should speak kindly and listen carefully to the other person in an attempt to resolve all issues.

If the persons involved cannot arrive at a satisfactory resolution of their differences, they should meet with the Executive Officer, who will listen to the concerns expressed and reach a decision on the matter. The Executive Officer may seek advice from an impartial third party before rendering a decision.

The most effective way of resolving conflict is to discuss the matter with the persons involved in the conflict, or with those persons in management positions who can assist in the resolution of the conflict. Rarely, if ever, will discussing the matter with co-workers help resolve the issue. Most often, that will make the problem worse.

All employees are expected to cooperate and support any decision that is reached. Employees should not continue to debate and discuss the merits or wisdom of the decision. Instead, each employee should focus on what (s)he can do to improve the workplace environment.

Employment References and Verifications

Calls received to verify employment are referred to the Executive Officer. Persons calling to verify employment will be given the name, title and date of hire of an employee. No other information will be given unless you sign an authorization form allowing Fresno LAFCo to do so.

Written verification of employment for major purchases such as real estate will be completed by the Executive Officer. Your signature authorizing the release of the information must accompany a request for verification of employment.

Background Checks

Generally, if Fresno LAFCo hires a third-party to provide an investigative consumer report (background check) of any employee or applicant, we will comply with the Federal and State Fair Credit Reporting Acts. We will obtain your prior written consent by disclosing the information gathered or received to you and provide you with a summary of rights. Verifications of prior employment, education, job-related license or certification, social security number, or professional references may be conducted prior to an offer of employment. Fresno LAFCo will not conduct a criminal conviction background check, or ask an applicant to disclose, orally or in writing, information concerning his/her conviction history until a conditional job offer has been made.

If the Commission intends to deny an applicant a position because of criminal conviction history we will make an individualized assessment as to whether the applicant's criminal conviction history has a direct and adverse relationship with specific job duties justifying the denial. Factors we will consider include: the nature and gravity of the conduct; the time that has elapsed since the conduct and completion of sentence; the nature of the job sought; the personal conduct of the applicant; whether there was harm to property or people; the degree of harm; permanence of the harm; context of the offense; whether a disability (including substance impairment) contributed; whether the likelihood of harm could be eliminated by reasonable accommodation, whether the disability has been eliminated; whether trauma, domestic abuse, stalking, or similar factors contributed to the conduct; the age of the applicant; the time that has passed; the time that passed since incarceration; specific job duties; whether the context resulting in conviction is likely to arise in the workplace; and whether the type of harm is likely to occur in the workplace.

If Fresno LAFCo makes a preliminary decision that the criminal conviction history disqualifies the applicant, we will comply with all notice requirements and allow applicants to respond to the decision within five business days. If the applicant notifies the Commission in writing that (s)he disputes the accuracy of the conviction history report, we will provide the applicant five additional business days to respond.

We will consider the information submitted before making a final decision. If the application is denied because of criminal conviction history, we will send a notice to the applicant regarding the final denial and the applicant's right to file a complaint with the Civil Rights Department (CRD.)

Confidentiality of Personnel and Medical Records

Fresno LAFCo will keep all personnel and medical records confidential. Information regarding an employee's medical condition is maintained in files separate from personnel files. Only those supervisors or managers who need to be informed regarding an aspect of the employee's personnel

record or medical condition will be allowed access to these records. Confidential medical information may also be available to first aid or safety personnel in the event of an emergency.

Confidentiality of Commission Information

Except as required by the California Public Records Act and the Brown Act, employees are strictly prohibited from disclosing information relating to Commission internal operating policies, projects or the Commission itself without prior approval by the Commission in a writing executed by the Chair of the Commission or the Executive Officer. Violation of this rule may result in immediate discipline, suspension or termination of employment.

In the course of the discharge of employee's duties, the employee may have access to and become acquainted with confidential information relating to the Commissions' activities and business. Such confidential information includes, but is not limited to, information concerning the Commission's financial, personnel, sales, planning and other operations. Except as required by the California Public Records Act and the Brown Act, no employee shall disclose any such confidential information to any third parties without prior approval by the Commission in a writing executed by the Chair of the Commission or the Executive Officer. This policy is an essential term of employment with the Commission and remains in effect even after termination.

You may be given a personal password to log onto Fresno LAFCo's computer system. Passwords are given to allow us to control and restrict access to information to certain employees. Do not give your password to others or allow others to access Commission data using your password. Nor should you ever, directly or indirectly, copy, download or disseminate or help another person copy, download or disseminate Commission information for a non-work purpose. You should never download information to take with you when you leave our employment, even if you created the document. Engaging in these activities could subject you to civil and/or criminal liability.

Conflicts of Interest

Employees of the Commission must adhere to the Conflict of Interest code and policy adopted by the Commission (provided separately.) In addition, the Commission has adopted the terms of two California Code of Regulations, section 18730, and the amendments to it adopted by the Fair Political Practices Commission, as its Conflict of Interest policy. A copy of Title 2 Code of Regulations, section 18730, is attached (provided separately).

You have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that you can seek further clarification on issues related to the subject of acceptable standards of operation.

A "conflict of interest" generally means a situation where the Commission's interests and an employee's interest may differ. A potential conflict of interest may exist where the interests of the Commission and the employee may differ, but the employee is presented with a decision or other arrangement from which the employee could personally benefit, and the question arises whether the

employee's interest could influence the decision. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Commission's business dealings. Employees must take care to avoid not only actual impropriety, but also the appearance of impropriety. Potential conflicts of interest include, but are not limited to:

- **Conflicting Outside Business Activities:** Employees must obtain the approval of their Supervisor prior to engaging in outside employment that may constitute a conflict of interest.
- **Romantic Relationships:** Personal or romantic involvement with a public agency representative, co-worker or Commissioner, which impairs an employee's ability to exercise good judgment on behalf of the Commission, creates an actual or potential conflict of interest. We recognize that employees may develop personal relationships in the course of their employment. However, in an effort to prevent favoritism, morale problems, disputes, misunderstandings or potential sexual harassment claims, supervisors, managers, and board members are not permitted to date or engage in sexual relationships with employees that are in their chain of command. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace by a reasonable person while anywhere on Commission premises, whether during working hours or not. All employees should consider the potential conflicts of interest or problems that may arise from a consensual romantic relationship at work. The Commission will take appropriate action if such a relationship begins to adversely affect the work environment.
- **Off-Duty Conduct:** While the Commission does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the Commission's legitimate business interests. Employees are expected to conduct their personal affairs in a manner that does not adversely affect the Commission's or their own integrity, reputation or credibility. Illegal or inappropriate off-duty conduct on the part of an employee that adversely affects the Commission's legitimate business interests will not be tolerated.
- **Nepotism:** Persons hired, who are related to the Commission staff, will not work for the relative in a subordinate capacity or within the Supervisor's line of authority. A relative, for the purpose of this Employee Handbook, includes a spouse, domestic partner, child, parent, sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild.
- **Acceptance of Gifts:** Employees are prohibited from accepting direct gifts, money, or gratuities from persons receiving benefits or services, performing services under contract, or who otherwise are in a position to benefit from the employee's action.

Attorney-Client Confidentiality

On occasion, you may be a participant in discussions involving confidential Commission business, including matters that are the subject of a pending or potential lawsuit. The dissemination of this information to you and others is necessary to communicate litigation strategy and implement the advice of counsel. You must maintain the confidentiality of this information. The information is protected by the attorney-client privilege. The privilege is owned by the Commission. As a result, only the Executive Officer or the Chair of the Commission can authorize the dissemination of any litigation information. You cannot discuss the information with others including co-workers, spouse or friends.

Document Retention

In some cases, such as when litigation is pending or foreseeable, you may have a duty to stop normal purging procedures and preserve existing data. The Commission will provide notice to affected employees if this duty arises. Altering or deleting documents during a purging hold will be considered grounds for discipline up to and including termination.

Garnishment

If Fresno LAFCo receives an order to garnish your wages, we must comply with that order. A garnishment is a stoppage of a specified sum from wages to satisfy a creditor. This will reduce your take-home pay.

Attire and Grooming

The professional image of our staff is vital. Our employees must demonstrate professionalism and good judgment in matters of dress in the workplace.

The Commission observes a business casual dress environment, however, there may be situations requiring more formal attire. If you are conducting or attending meetings, seminars, roundtables, etc. where you come in contact with other business professionals, you are expected to represent the Commission in a professional manner and dress appropriately for conducting such business. Know your audience, remember whom you represent and dress accordingly. If you are in doubt as to whether the item of clothing is professional, err on the side of being formal.

Personal appearance should be a matter of concern for each employee. If your supervisor feels your attire and/or grooming is inappropriate, you may be asked to leave the workplace until you are properly attired and/or groomed. This time away will be considered unpaid time off. Employees who violate dress code standards may be subject to appropriate disciplinary action.

An employee who requires an accommodation of a religious belief or practice (including religious dress or grooming practices) should contact the Executive Officer and request such an accommodation.

Equipment and Supplies

All equipment and supplies necessary to the performance of a job shall be provided and maintained by Fresno LAFCo. Personal use of Commission property, including office supplies, is strictly prohibited. In addition, you are prohibited from using equipment on which you have not received training.

Solicitations

In order that employees are not bothered at work and to avoid disruption of Fresno LAFCo operations, non-employees will not be permitted to solicit employees during work hours. Solicitations by employees will be allowed during rest and meal periods.

Expense Reimbursements

Fresno LAFCo will reimburse employees for reasonable expenses incurred for business purposes. Generally, receipts must be provided to your supervisor for approval of expenses. You will be reimbursed the IRS standard mileage rate if you use your vehicle for Commission purposes. However, you are still responsible for any expenses associated with operating your own vehicle during business travel time, including but not limited to insurance deductibles.

Some employees may choose to use their personal cellular telephones and other devices for work purposes. We will provide a reasonable expense reimbursement for these devices. It may be in the form of a percentage of use for business or a flat fee based on average use. If you use a personal device for work we encourage you to discuss expense reimbursement with the Executive Officer.

Cash Shortages and Breakage

Fresno LAFCo will make a deduction from your wages or require reimbursement, if, after an investigation, it is determined that the shortage, breakage or loss was caused by a dishonest or willful act, or by the gross negligence of the employee.

The Use of Computers and Communication Equipment

Fresno LAFCo has made a significant investment in technology, including equipment that allows us to better and more efficiently communicate with one another and with third parties. The technology, including computers and telephone systems, were purchased to improve operations. Unfortunately, some employees may attempt to use the equipment inappropriately.

You should refrain from putting any information on Commission-owned equipment that is inappropriate, unlawful or that could prove embarrassing. Among those considered offensive are communications that contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability. Communications that violate any other rule or policy contained in this manual are also prohibited. In order to protect its property, maintain costs and improve efficiency,

Fresno LAFCo reserves the right to search office property including computers, cell phones or pagers and associated billing and usage records.

Access to any website that is offensive or discriminatory is prohibited. You may not use Commission technology to state positions or opinions that give the impression that (s)he is speaking on behalf of Fresno LAFCo, unless you are specifically authorized to do so.

The communication systems should not be used to send or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization. Under no circumstances should any confidential or sensitive materials be disclosed to third parties except for appropriate and authorized business purposes.

You are advised that all information placed on the computers, telephones or any electronic data system, whether or not personal in nature, is property of Fresno LAFCo and may be assessed and reviewed by the Commission, without notice or reason. This information includes, but is not limited to, monitoring sites you visit on the internet, monitoring chat groups and news groups, reviewing downloaded or uploaded material, and reviewing e-mail sent and received by you. Fresno LAFCo will require you to provide copies of all internet and e-mail passwords used to access or use Commission-owned equipment. Passwords do not guarantee privacy of any data or information. Nor do system security features such as passwords and message delete functions prevent our ability to access equipment you have used or data you have created, received or sent. Inappropriate use of the equipment could lead to discipline.

You are further cautioned that the use of computers and communication equipment is for business purposes only. As examples, you should not send personal e-mails on Commission computers. Nor should you, unless specifically instructed to do so, access or e-mail Commission information for personal reasons. After you are no longer with Fresno LAFCo, you are no longer authorized to use Commission information or log into Commission accounts and must return any Commission property located on personal computers or in your home.

The Use of Social Media

You may not use Commission property to create, maintain, amend, view, access, download, contribute to, or store a blog, or post entries on the internet (whether through a social network of any form, or using another method), unless you have authorization to do so. You may not blog or post entries on the internet (whether through a social network of any form or using another method) while you are on duty unless you have authorization to do so. Do not use Commission equipment to post or disseminate any copyrighted materials or other intellectual property belonging to someone other than you.

Fresno LAFCo has access to all Commission-provided electronic equipment and property, and may from time to time, and without notice, inspect the condition of the equipment and the communications, content, data and imagery stored on it. You have no privacy rights in any communications, content, data or imagery in Commission-provided digital equipment you access, view, create or save. Those communications, content, data and imagery are also subject to monitoring by the Commission.

You may also be subject to discipline if any comments, material or information you post, blog, tweet, comment or disseminate on non-Commission-owned equipment:

- Violates the privacy rights of another Commission employee;
- Violates the Commission's confidentiality policies or Conflicts of Interest code.
- Discloses business plans, strategy or prospects of the Commission or any affiliated business entity;
- Criticizes or disparages representatives of public agencies or others with whom the Commission is working.
- Purports to represent the position, viewpoint, statements, opinions or conclusions of the Commission or any affiliated business entity;
- Violates laws that prohibit defamation, harassment, discrimination, or retaliation;
- Disparages Fresno LAFCo's professional services;
- Displays contemptuous, opprobrious or abusive comments about the Commission or its representatives; or
- Suggests that the Commission endorses or promotes a particular product, commercial enterprise, opinion, social cause or political candidate.

This policy does not, however, prevent you from engaging in concerted activities for the purpose of collective bargaining or other mutual aid.

Remember, you are personally responsible for any posting that you make. You can be held personally liable for any statements deemed to be defamatory, obscene, harassing, discriminating, or retaliatory, violate privacy rights, include confidential or copyrighted information (e.g., music, videos or texts that belongs to someone else) or are otherwise unlawful. Fresno LAFCo is not responsible for protecting you from the consequences of any information that you post.

Social Media Passwords

Generally, Fresno LAFCo will not require or request you to disclose a username or account password to access a personal social media account. Nor will we ask you to access your personal social media accounts in our presence or to divulge any personal social media. We may ask you to divulge personal social media if we reasonably believe it is relevant to an investigation of employee misconduct or employee violation of applicable laws and regulations. Even in this situation, we will use the information for the investigation or proceeding only.

We do require employees to disclose usernames, passwords or other methods of accessing employer-issued electronic devices.

Outside Employment

Unless you were hired as a part-time employee, your position with Fresno LAFCo is a full-time responsibility requiring your full loyalty. All employees will be held to the same standards of performance and scheduling demands, and exceptions will not be made for employees who also hold outside jobs. If you are engaged in outside employment, whether or not you are a full or part-time employee, please report it to the Executive Officer so that we can assess whether your outside employment presents a conflict of interest. Furthermore, information, projects or opportunities on which you work as part of your job duties with Fresno LAFCo are property of our Commission and may not be used for personal gain or as information for another organization.

Housekeeping

LAFCo is a public agency visited frequently local agency representatives, applicants, and occasionally by members of the public. Our offices should project a professional and competent image. Work spaces may be busy but should not appear cluttered or unkempt; and common office spaces and kitchen should be kept clean and orderly.

Personal Business

Personal phone calls, text messages, e-mails and visits during work hours should be kept to an absolute minimum. Except for emergencies, please restrict your personal business to your meal and rest periods. Attending to personal business during work hours is extremely costly.

Searches and Inspections

In order to protect its property and employees, Fresno LAFCo reserves the right to search office property including desks, computers, containers, storage areas and any other equipment without notice. Fresno LAFCo also reserves the right to inspect personal property on the premises as warranted, including vehicles, clothing, packages, lunch boxes, purses and other containers for illegal drugs, alcohol, weapons, stolen property or evidence of a violation of Commission rules. Searches of personal property will only be conducted when there is reasonable cause to believe that an employee has illegal drugs, alcohol, weapons, stolen property or evidence of a violation of Commission rules in his/her possession.

Fresno LAFCo property and premises may be monitored by means of audio, visual or electronic equipment at any time, without prior notice. Monitored information includes, but is not limited to, monitoring sites employees visit on the Internet, monitoring chat groups and news groups, reviewing downloaded or uploaded material, and reviewing email sent and received by employees. We will keep copies of all Internet and email passwords. System security features such as passwords and message delete functions, do not neutralize or inhibit our ability to access such materials. You should not expect privacy in any area not specifically designated to you for your exclusive use.

If You Must Leave Us

Should you decide to end your employment with us, although it is not required, we request that you provide at least two (2) weeks' advance notice. Your thoughtfulness will be appreciated and noted favorably should you ever wish to reapply for employment with Fresno LAFCo.

Upon voluntary or involuntary termination of employment, you must return all Commission property in satisfactory condition.

Postings

Federal and state employment posters and all other postings are located in the break room. In addition, you can view a copy of Wage Order No. 4-2001 via the Internet at:

www.dir.ca.gov/iwc/WageOrderIndustries.htm

2024 EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

By signing this form, I acknowledge receipt of the handbook. I understand that this handbook does not imply or constitute a contract or employment agreement for a specified term between myself and Fresno Local Agency Formation Commission (Fresno LAFCo.)

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it. I understand that I must read and comply with the Policy Prohibiting Unlawful Discrimination and Harassment contained in the handbook. If I have any questions about the handbook, or any employment matters, I will contact the Executive Officer.

If any dispute or grievance should arise in the workplace and it cannot be resolved between coworkers, I understand that I am to go to the Executive Officer to express my concerns, immediately, so that the dispute or grievance can be properly resolved in a timely manner.

I understand that it is my responsibility to in no way reveal or divulge any confidential, proprietary and trade secret information that I may come in contact with, during and after my employment with Fresno LAFCo.

I understand that the workplace can be inspected or searched, for reasonable cause. Items including property of Fresno LAFCo, personal property brought on the premises, and any information transmitted on computers or communications systems can and will be included in these searches or inspections.

I understand that my work at Fresno LAFCo is "at will," meaning that I am free to leave the Commission at any time, with or without reason, and that the Commission has the same right to end its employment relationship with me. No one has authority to make a contrary agreement with me except in a formal written document signed by the Executive Officer and myself. The employee handbook and all other policies and procedures of Fresno LAFCo are intended to be consistent with the Commission's employment-at-will philosophy.

I understand that this handbook contains general statements about current Commission policy, and that Fresno LAFCo retains the right to revise or modify the terms, information, policies, and benefits at its sole discretion and at any time.

I understand that Fresno LAFCo may, at its sole discretion, depart from policy from time to time.

Employee Signature _____

Employee Name Printed _____


Date _____

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

CONSENT AGENDA ITEM No. 5-C

DATE: July 10, 2024

TO: Fresno Local Agency Formation Commission

FROM: Brian Spaunhurst, Executive Officer 

BY: Amanda Olivas, Clerk to the Commission

SUBJECT: Consider Approval: Resolutions and Joint Powers Agreement for Workers Compensation and Special Liability Insurance Coverage between LAFCo and the Special District Risk Management Authority.

RECOMMENDATION:

Action 1: Authorize the Chair to sign the Resolutions and Joint Powers Agreement (“JPA”) Authorizing the Executive Officer to Execute the Membership Documents to bind Coverage with the Special District Risk Management Authority (“SDRMA”).

Action 2: Authorize LAFCo EO and LAFCo staff to take any additional action needed to secure the new Workers Comp and Liability Coverage; and the ability to cancel the existing coverage policy through the Hartford after the SDRMA policy coverage begins.

Background

Fresno LAFCo currently has coverage for Workers Compensation and Special Liability Insurance through the Hartford. Staff conducted a study on similar policies and received a quote for Workers Comp and Liability Insurance from the SDRMA on June 12, 2024.

Staff found that the overall estimated cost of the Hartford policy \$25k and the estimated overall cost of the SDRMA policy \$7800 offers a significant savings to the Commission.

Conclusion

If the Commission authorizes the Chair to sign the Resolutions and JPA (Attachments A, B, C), staff will forward the signed documents to the SDRMA for coverage. There will be no lapse in coverage due to the Hartford policy not being cancelled until coverage is in place with SDRMA.

Attachment A: Special Liability Coverage Resolution
Attachment B: Workers Compensation Coverage Resolution
Attachment C: Joint Powers Agreement (“JPA”) between LAFCo and SDRMA.

Attachment A

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMISSION OF THE FRESNO LOCAL AGENCY FORMATION
COMMISSION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A SIXTH
AMENDED JOINT POWERS AGREEMENT AND AUTHORIZING PARTICIPATION IN THE SPECIAL
DISTRICT RISK MANAGEMENT AUTHORITY PROPERTY/LIABILITY PROGRAM and WORKERS'
COMPENSATION PROGRAMS**

WHEREAS, the Fresno Local Agency Formation Commission, a special district duly organized and existing under and by virtue of the laws of the State of California (the "Agency"), has determined that it is in the best interest and to the advantage of the Agency to participate for at least three full years in the Property/Liability Program and Workers' Compensation Program offered by the Special District Risk Management Authority (the "Authority"); and

WHEREAS, California Government Code Section 6500 *et seq.*, provides that two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, Special District Risk Management Authority was formed in 1986 in accordance with the provisions of California Government Code 6500 *et seq.*, for the purpose of providing its members with risk financing and risk management programs; and

WHEREAS, California Government Code Section 990.4 provides that a local public entity may self-insure, purchase insurance through an authorized carrier, or purchase insurance through a surplus lines broker, or any combination of these; and

WHEREAS, participation in Special District Risk Management Authority programs requires the Agency to execute and enter into a Sixth Amended Joint Powers Agreement (the "Amended JPA Agreement"); which states the purpose and powers of the Authority; and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Agency is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE AGENCY AS FOLLOWS:

Section 1. Findings. The Agency Commission hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the Agency.

Section 2. Sixth Amended JPA Agreement. The Amended JPA Agreement, proposed to be executed and entered into by and between the Agency and members of the Special District Risk Management Authority, in the form presented at this meeting and on file with the Agency Secretary, is hereby approved. The Agency Board and/or Authorized Officers ("The Authorized Officers") are hereby authorized and directed, for and in the name and on behalf of the Agency, to execute and deliver to the Authority the Amended JPA Agreement in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Program Participation. The Agency Commission approves participating for three full program years in Special District Risk Management Authority Property/Liability Program and Workers' Compensation Program.

Section 4. Other Actions. The Authorized Officers of the Agency are each hereby authorized and directed to execute and deliver any and all documents which is necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____, 20__ by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Name

Title

Agency Secretary

RESOLUTION NO.: _____ DATED: _____

**A RESOLUTION AUTHORIZING APPLICATION
TO THE DIRECTOR OF INDUSTRIAL RELATIONS, STATE OF CALIFORNIA
FOR A CERTIFICATE OF CONSENT TO SELF-INSURE
WORKERS' COMPENSATION LIABILITIES**

At a meeting of the _____
(Enter Name of the Board)

of the _____
(Enter Name of Public Agency, District, Etc.)

a _____ organized and existing under the
(Enter Type of Agency, i.e., County, City, School District, etc.)

laws of the State of California, held on the _____ day of _____, 20____,

the following resolution was adopted:

RESOLVED, that the above named public agency is authorized and empowered to make application to the Director of Industrial Relations, State of California, for a Certificate of Consent to Self-Insure workers' compensation liabilities and representatives of Agency are authorized to execute any and all documents required for such application.

IN WITNESS WHEREOF: I HAVE SIGNED AND AFFIXED THE AGENCY SEAL.

X _____ DATE: _____
SIGNED: Board Secretary or Chair

Printed Name

Title

Agency Name

Affix Seal Here

Attachment C

**SIXTH AMENDED
JOINT POWERS AGREEMENT**

RELATING TO THE

SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

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**SIXTH AMENDED JOINT POWERS AGREEMENT
RELATING TO THE
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY**

THIS SIXTH AMENDED JOINT POWERS AGREEMENT (the “Agreement”) is made and entered into by and among the public agencies (the “Members”) organized and existing under the laws of the State of California, which are signatories to this Agreement.

RECITALS

WHEREAS, California Government Code Section 6500 *et seq.* (the “Act”) provides that two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, California Labor Code Section 3700(c) permits pooling by public agencies of self insurance for Workers’ Compensation liability; and

WHEREAS, California Government Code Section 990.4 provides that a local public entity may self-insure, purchase insurance through an authorized carrier, purchase insurance through a surplus line broker, or any combination of these; and

WHEREAS, California Government Code Section 990.8 provides that two or more local entities may, by a joint powers agreement, provide insurance for any purpose by any one or more of the methods specified in Government Code Section 990.4; and

WHEREAS, the parties to this Agreement desire to join together for the purposes set forth in Article 2 hereof, including establishing pools for self-insured losses and purchasing Excess or Re-Insurance and administrative services in connection with joint protection programs (the “Programs”) for members of the California Special Districts Association (“CSDA”); and

WHEREAS, it appears economically feasible and practical for the parties to this Agreement to do so; and

WHEREAS, the Members have previously executed that certain Fifth Amended and Restated Joint Powers Agreement (the “Original JPA”), which Original JPA the Members desire to amend and restate by this Agreement; provided that such amendment and restatement shall not affect the existence of the Authority; and

WHEREAS, CSDA exists to assist and promote special districts, and has been responsible for the original creation of the Special District Risk Management Authority (“Authority”) and Special District Workers Compensation Authority (“SDWCA”), and determined the consolidation of SDWCA and the Authority on July 1, 2003 was in the best interests of special districts and other public agencies throughout the State.

NOW THEREFORE, for and in consideration of all of the mutual benefits, covenants and agreements contained herein, the parties hereto agree as follows:

Article 1. Definitions. The following definitions shall apply to the provisions of this agreement:

“Act” means Articles 1 through 4 (commencing with Section 6500) of Chapter 5, Division 7, Title 1 of the California Government Code, as amended or supplemented.

“Alliance Executive Council” means the council organized pursuant to the MOU.

“Assessment” means an additional amount, in addition to the Member’s or Former Member’s original contribution, which the Board of Directors determines in accordance herewith and/or with the Bylaws that a Member or Former Member owes on account of its participation in a Program for a given Program year.

“Authority” shall mean the Special District Risk Management Authority created by the original version of this Agreement.

“Board of Directors” or “Board” shall mean the governing body of the Authority.

“Bylaws” means the Bylaws of the Authority adopted by the Board of Directors, as they may be amended from time to time.

“Chief Executive Officer” shall mean that employee of the Authority who is so appointed by the Board of Directors.

“Claim” shall mean a demand made by or against a Member or Former Member which is or may be covered by one of the Programs approved by the Board of Directors.

“Contribution” means the amount determined by the Board of Directors to be the appropriate sum which a Member should pay at the commencement of or during the Program Year in exchange for the benefits provided by the Program.

“Coverage Documents” shall mean the Declarations, Memorandum of Coverages, Coverage Agreements, Endorsements, Policies of Insurance or any other documents that provide the terms, conditions, limits and exclusions of coverage afforded by a Program.

“CSDA” means the California Special Districts Association.

“District” shall mean a special district, public agency or public entity within the State of California which is both a Member of the CSDA and a signatory to this Agreement.

“Duly Constituted Board Meeting” shall mean any Board of Directors meeting noticed and held in the required manner and at which a Quorum was determined to be present at the beginning of the meeting.

“Estimated Contribution” means the amount which the Board of Directors estimates will be the appropriate contribution for a Member’s participation in a Program for a Program Year.

“Excess or Re-Insurance” shall mean that insurance which may be purchased on behalf of the Authority and/or the Members to protect the funds of the Members or Former Members against catastrophic losses or an unusual frequency of losses during a single year in excess of the self-insurance retention maintained by the Authority.

“Fiscal Year” shall mean that period of twelve months which is established as the fiscal year of the Authority.

“Former Member” shall mean a District which was a signatory to the Agreement but which has withdrawn from, or been involuntarily terminated from participating in, the Authority.

“Joint Protection Program” means a Program offered by the Authority, separate and distinct from other Programs, wherein Members will jointly pool their losses and claims, jointly purchase Excess or Re-Insurance and administrative and other services, including claims adjusting, data processing, risk management consulting, loss prevention, legal and related services.

“Member” shall mean a signatory to this Agreement, which is qualified as a Member under the provisions of this Agreement and the Bylaws.

“MOU” means the Memorandum of Understanding - Alliance Executive Council, dated as of September 20, 2001, among the Authority, CSDA, the CSDA Finance Corporation and SDWCA.

“Program” or “Programs” means the specific type of protection plan as set forth in the terms, conditions and exclusions of the Coverage Documents for self-insured losses, and the purchasing of Excess or Re-Insurance and administrative services.

“Program Year” shall mean a period of time, usually 12 months, determined by the Board of Directors, in which a Program is in effect.

“Retained Earnings,” as used herein, shall mean an equity account reflecting the accumulated earnings of a Joint Protection Program.

“SDWCA” means the Special Districts Workers Compensation Authority, and its successors or assigns.

Article 2. Purposes. This Agreement is entered into by the Members pursuant to the provisions of California Government Code section 990, 990.4, 990.8 and 6500 *et seq.* in order to provide, subject to the provisions of the Coverage Documents, economical public liability and workers’ compensation coverage, or coverage for other risks which the Board of Directors may determine.

Additional purposes are to reduce the amount and frequency of losses, and to decrease the cost incurred by Members in the handling and litigation of claims. These purposes shall be

accomplished through the exercise of the powers of such Members jointly in the creation of a separate entity, the Special District Risk Management Authority (the “Authority”), to establish and administer Programs as set forth herein and in the Bylaws.

It is also the purpose of this Agreement to provide, to the extent permitted by law, for the inclusion, at a subsequent date, and subject to approval by the Board of Directors, of such additional Members organized and existing under the laws of the State of California as may desire to become parties to the Agreement and Members of the Authority.

Article 3. Parties to Agreement. Each party to this Agreement certifies that it intends to and does contract with all other parties who are signatories to this Agreement and, in addition, with such other parties as may later be added as parties to and signatories of this Agreement pursuant to Article 18. Each party to this Agreement also certifies that the withdrawal from or cancellation of membership by any Member, pursuant to Articles 19 and 20 or otherwise, shall not affect this Agreement nor such party’s intent, as described above, to contract with the other remaining parties to the Agreement.

Article 4. Term of Agreement. This Agreement shall become effective as to existing Members of the Authority as set forth in Article 33 hereof. This Agreement shall continue thereafter until terminated as hereinafter provided. This Agreement shall become effective as to each new Member upon: (i) approval of its membership by the Board of Directors, (ii) the execution of this Agreement by the Member, and (iii) upon payment by the Member of its initial Contribution for a Program. Any subsequent amendments to the Agreement shall be in accordance with Article 27 of this Agreement.

Article 5. Creation of Authority. Pursuant to the Act, there is hereby created a public entity separate and apart from the parties hereto, to be known as the Special District Risk Management Authority. Pursuant to Section 6508.1 of the Act, the debts, liabilities and obligations of the Authority, including but not limited to, debts, liabilities and obligations of any of the Programs shall not constitute debts, liabilities or obligations of any party to this Agreement or to any Member or Former Member.

The Authority is not an insurer, and the coverage programs offered by the Authority do not provide insurance, but instead provide for pooled joint protection programs among the members of the Authority. The Joint Protection Programs offered by the Authority constitute negotiated agreements among the Members which are to be interpreted according to the principles of contract law, giving full effect to the intent of the Members, acting through the Board of Directors in establishing the Programs.

Article 6. Powers of Authority. (a) The Authority shall have all of the powers common to Members and is hereby authorized to do all acts necessary for the exercise of said common powers, including, but not limited to, any or all of the following:

- (1) to make and enter into contracts, including the power to accept the assignment of contracts or other obligations which relate to the purposes of the Authority, or which were entered into by a Member or Former

Member prior to joining the Authority, and to make claims, acquire assets and incur liabilities;

- (2) to accept an assignment from SDWCA of all its assets, obligations and liabilities prior to the dissolution of SDWCA (including claims and contracts in existence prior to such dissolution) in order to benefit the Members or Former Members participating in the SDWCA workers compensation program; provided, that except for the fair and equitable allocation of administrative and overhead expenses, funds from such assignment shall not be co-mingled and shall be separately accounted for as provided for in this Agreement and the Bylaws.
- (3) to incur debts, liabilities, or other obligations, including those which are not debts, liabilities or obligations of the Members or Former Members, or any of them;
- (4) to charge and collect Contributions and Assessments from Members or Former Members for participation in Programs;
- (5) to receive grants and donations of property, funds, services and other forms of assistance from persons, firms, corporations and governmental entities;
- (6) to acquire, hold, lease or dispose of property, contributions and donations of property and other forms of assistance from persons, firms, corporations and governmental entities
- (7) to acquire, hold or dispose of funds, services, donations and other forms of assistance from persons, firms, corporations and governmental entities;
- (8) to employ agents and employees, and/or to contract for such services;
- (9) to incur debts, liabilities or other obligations to finance the Programs and any other powers available to the Authority under Article 2 or Article 4 of the Act;
- (10) to enter into agreements for the creation of separate public entities and agencies pursuant to the Act;
- (11) to sue and be sued in its own name;
- (12) to exercise all powers necessary and proper to carry out the terms and provisions of this Agreement (including the provision of all other appropriate ancillary coverages for the benefit of the Members or Former Members), or otherwise authorized by law or the Act; and
- (13) to exercise all powers and perform all acts as otherwise provided for in the Bylaws.

(b) Said powers shall be exercised pursuant to the terms hereof, in the manner provided by law and in accordance with Section 6509 of the Act. The foregoing powers shall be subject to the restrictions upon the manner of exercising such powers pertaining to the Member or Former Member designated in the Bylaws.

Article 7. Board of Directors. Subject to the limitations of this Agreement and the laws of the State of California, the powers of this Authority shall be vested in and exercised by, and its property controlled and its affairs conducted by, the Board of the Authority, which is hereby established and designated as the agency to administer this Agreement pursuant to Section 6506 of the Act. The powers of the Authority shall be exercised through the Board of Directors, who may, from time to time, adopt and modify Bylaws and other rules and regulations for that purpose and for the conduct of its meetings as it may deem proper. The officers of the Board shall be as set forth in the Bylaws.

So long as the MOU has not been terminated or the Authority has not withdrawn from the MOU, the Board of Directors shall be composed of seven (7) directors elected by the Member entities who have executed the current operative Agreement and are participating in a Joint Protection Program. The terms of directors, procedures for election of directors, procedures for meetings and provisions for reimbursement of Director expenses shall be as set forth in the Bylaws. Each Member of the Board of Directors shall have one vote. Each Member of the Board shall serve as set forth in the Bylaws.

So long as the Authority is a participant in the MOU, the Board of Directors of the Authority shall appoint three (3) members of its board to serve as members of the Alliance Executive Council. No member of the Board of Directors of the Authority shall serve as a director on any other board of directors of an entity or organization that is a signatory to the MOU during the term of the MOU. In the event a director is elected to such a board, that director shall immediately resign from the Board of Directors of the Authority.

In the event SDRMA withdraws from the MOU, the Board of Directors of the Authority shall consist of those seven (7) Directors who hold seats on the Authority's Board of Directors at the time of the withdrawal and who were duly appointed by the Board, or elected or re-elected by the Member entities of SDRMA plus the additional directors appointed by CSDA as provided in Article 25.

Article 8. Compliance with the Brown Act. All meetings of the Board, including, without limitation, regular, adjourned regular and special meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act, California Government Code Section 54950 *et seq.*

Article 9. Powers of the Board of Directors. The Board of Directors shall have such powers and functions as provided for pursuant to this Agreement and the Bylaws and such additional powers as necessary or appropriate to fulfill the purposes of this Agreement and the Bylaws, including, but not limited to, the following:

- (a) to determine details of and select the Program or Programs to be offered, from time to time, by the Authority;

- (b) to determine and select all insurance, including Excess or Re-insurance, necessary to carry out the programs of the Authority;
- (c) to contract for, develop or provide through its own employees various services for the Authority;
- (d) to prepare or cause to be prepared the operating budget of the Authority for each fiscal year;
- (e) to receive and act upon reports of committees and from the Chief Executive Officer;
- (f) to appoint staff, including a Chief Executive Officer, and employ such persons as the Board of Directors deems necessary for the administration of this Authority;
- (g) to direct, subject to the terms and conditions of the Coverage Documents, the payment, adjustment, and defense of all claims involving a Member during their period of membership in and coverage under a Program;
- (h) to fix and collect Contributions and Assessments for participation in the Programs;
- (i) to expend funds of the Authority for the purpose of carrying out the provisions of the Agreement and the Bylaws as they now exist or may be hereafter amended;
- (j) to purchase excess insurance, liability insurance, stop loss insurance, officers and directors liability insurance, and such other insurance as the Authority may deem necessary or proper to protect the Program, employees of the Authority and employees of the Members;
- (k) to defend, pay, compromise, adjust and settle all claims as provided for in the Coverage Documents;
- (l) to obtain a fidelity bond in such amount as the Board of Directors may determine for any person or persons who have charge of or the authority to expend funds for the Authority;
- (m) to establish policies and procedures for the operation of the Authority and the Programs;
- (n) to engage, retain, and discharge agents, representatives, firms, or other organizations as the Board of Directors deems necessary for the administration of the Authority;
- (o) to enter into any and all contracts or agreements necessary or appropriate to carry out the purposes and functions of the Authority;

- (p) to acquire, hold, lease, manage and dispose of, as provided by law, any and all property necessary or appropriate to carry out the purposes and functions of the Authority;
- (q) to transact any other business which is within the powers of the Board of Directors;
- (r) to invest funds on hand in a manner authorized by law, the Agreement and the Bylaws;
- (s) to provide financial administration, claims management services, legal representations, safety engineering, actuarial services, and other services necessary or proper to carry out the purposes of the Authority either through its own employees or contracts with one or more third parties;
- (t) to exercise general supervisory and policy control over the Chief Executive Officer;
- (u) to establish committees and sub-committees as it deems necessary to best serve the interests of the Authority; and
- (v) to have such other powers and functions as are provided for pursuant to the Act, this Agreement or necessary or appropriate to fulfill the purpose of this Agreement and the Bylaws.

Article 10. Officers of the Authority. The officers of the Authority shall be as set forth in the Bylaws. The Board may elect or authorize the appointment of such other officers than those described in the Bylaws as the business of the Authority may require, each of whom shall hold office for such period, have such authority and perform such duties as are provided in this Agreement, or as the Board, from time to time, may authorize or determine.

Any officer may be removed, either with or without cause, by a majority of the directors of the Board at any regular or special meeting of the Board. Should a vacancy occur in any office as a result of death, resignation, removal, disqualification or any other cause, the Board may delegate the powers and duties of such office to any officers or to any Members of the Board until such time as a successor for said office has been appointed.

Article 11. Provision for Bylaws. The Board shall promulgate Bylaws to govern the day-to-day operations of the Authority. The Board may amend the Bylaws from time to time as it deems necessary, and as provided in the Bylaws. Each Member shall receive a copy of any Bylaws and agrees to be bound by and to comply with all of the terms and conditions of the Bylaws as they exist or as they may be modified. The Bylaws shall be consistent with the terms of this Agreement. In the event any provision of the bylaws conflicts with a provision of this Agreement, the provision contained in this Agreement shall control.

Article 12. [Reserved].

Article 13. Coverage Programs.

(a) The Authority shall maintain such types and levels of coverage for Programs as determined by the Board of Directors. Such coverage may provide for binding arbitration before an independent arbitration panel of any disputes concerning coverage between the Authority and a Member.

(b) The coverage afforded under one or more Programs may include protection for general liability, auto liability, property, boiler and machinery, public officials errors and omissions, employment practices, employee benefits liability coverage, employee dishonesty coverage, public officials personal liability coverage and workers' compensation, as well as coverage for other risks which the Board of Directors may determine to be advisable. More than one type of coverage may be afforded under a single Program.

(c) The Board of Directors may arrange for group policies to be issued for Members, their board members and employees interested in obtaining additional coverage, at an appropriate additional cost to those participating Members.

(d) The Board of Directors may arrange for the purchase of Excess or Re-Insurance. The Authority shall not be liable to any Member or to any other person or organization if such excess or reinsurance policies are terminated, canceled or non-renewed without prior notice to one or more Members, or if there is a reduction in the type of coverage afforded under a program by reason of any change in coverage in a succeeding excess or reinsurance policy, even if such reduction occurs without prior notice to one or more Members.

Article 14. Implementation of the Programs. The Board of Directors shall establish the coverage afforded by each Program, the amount of Contributions and Assessments, the precise cost allocation plans and formulas, provide for the handling of claims, and specify the amounts and types of Excess or Re-Insurance to be procured. The Contributions and Assessments for each Program shall be determined by the Board of Directors as set forth herein, in the Bylaws or in the operating policies established for a Program.

Article 15. Accounts And Records.

(a) **Annual Budget.** The Authority shall, pursuant to the Bylaws, annually adopt an operating budget, including budgets for each Joint Protection Program.

(b) **Funds and Accounts.** The Authority shall establish and maintain such funds and accounts as required by the Board of Directors and as required by generally accepted accounting principles, including separate funds and accounts for each Program, including Joint Protection Programs. Books and records of the Authority shall be open to any inspection at all reasonable times by authorized representatives of Members, or as otherwise required by law.

(c) **Investments.** Subject to the applicable provisions of any indenture or resolution providing for the investment of moneys held thereunder, the Authority shall have the power to invest any money in the treasury that is not required for the immediate necessities of the Authority, as the Board determines is advisable, in the same manner as local agencies pursuant to

California Government Code Sections 53601 *et seq.* (as such provisions may be amended or supplemented).

(d) **No Commingling.** The funds, reserves and accounts of each Program shall not be commingled and shall be accounted for separately; provided, however, that administration and overhead expenses of the Authority not related to a specific Program or Programs may be fairly and equitably allocated among Programs as determined by the Board of Directors. Investments and cash accounts may be combined for administrative convenience, but a separate accounting shall be made for balances of individual funds and Program revenues and expenses.

(e) **Annual Audit.** The Board shall provide for a certified, annual audit of the accounts and records of the Authority, in the manner set forth in the Bylaws.

Article 16. Services Provided by the Authority. The Authority may provide, at the sole discretion of the Board of Directors, the following services in connection with this Agreement:

(a) to provide or procure coverage, including but not limited to self-insurance funds and commercial insurance, as well as excess coverage, re-insurance and umbrella insurance, by negotiation or bid, and purchase;

(b) to assist Members in obtaining insurance coverage for risks not included within the coverage of the Authority;

(c) to assist risk managers with the implementation of risk management functions as it relates to risks covered by the Programs in which the Member participates;

(d) to provide loss prevention and safety consulting services to Members;

(e) to provide claims adjusting and subrogation services for Claims covered by the Programs;

(f) to provide loss analysis and control by the use of statistical analysis, data processing, and record and file keeping services, in order to identify high exposure operations and to evaluate proper levels of self-retention and deductibles;

(g) to review Member contracts to determine sufficiency of indemnity and insurance provisions when requested;

(h) to conduct risk management audits relating to the participation of Members in the Programs; and

(i) to provide such other services as deemed appropriate by the Board of Directors.

Article 17. Responsibilities of Members. Members or Former Members shall have the following responsibilities, which shall survive the withdrawal from, or involuntary termination of participation in, this Agreement:

(a) Each Member shall designate a person to be responsible for the risk management function within that Member and to serve as a liaison between the Member and the Authority as to risk management.

(b) Each Member shall maintain an active safety officer and/or committee, and shall consider all recommendations of the Authority concerning unsafe practices and/or hazard mitigation.

(c) Each Member shall maintain its own set of records, including a loss log, in all categories of risk covered by each Program in which it participates to insure accuracy of the Authority's loss reporting system, unless it is no longer deemed necessary by the Board of Directors.

(d) Each Member shall pay its Contribution, and any adjustments thereto, and any Assessments within the specified period set forth in the invoice, or as otherwise may be set forth herein or in the Bylaws. After withdrawal or termination, each Former Member or its successor shall pay promptly to the Authority its share of any additional Contribution, adjustments or Assessments, if any, as required of it by the Board of Directors under Article 21 or 22 of this Agreement or the Bylaws.

(e) Each Member or Former Member shall provide the Authority with such other information or assistance as may be necessary for the Authority to carry out the Programs under this Agreement in which the Member or Former Member participates or has participated.

(f) Each Member or Former Member shall in any and all ways cooperate with and assist the Authority and any insurer of the Authority, in all matters relating to this Agreement and covered claims.

(g) Each Member or Former Member will comply with all Bylaws, rules and regulations adopted by the Board of Directors.

(h) Each Member shall remain a member in good standing of CSDA.

Article 18. New Members. The Authority shall allow entry into its Programs of new Members only upon approval of the Board, with any conditions or limitations as the Board deems appropriate. In order to become a Member and remain a Member, any District must be a member in good standing of CSDA, shall participate in at least one (1) Joint Protection Program and shall be authorized to exercise the common powers set forth in this Agreement.

Article 19. Withdrawal.

(A) Any Member may voluntarily withdraw from this Agreement only at the end of any applicable Program Year and only if:

- (i) The Member has been a signatory to this Agreement for not less than three (3) full Program Years as of the date of the proposed withdrawal;

- (ii) The Member submits a written withdrawal notification in accordance with the Bylaws;
 - (iii) In order to withdraw from the agreement the member must have completed the three (3) full program year participation requirement for each Joint Protection Program the member participated in at the time of withdrawal.
- (B) Any Member may voluntarily withdraw from any particular Joint Protection Program; and
- (i) It has participated in such Joint Protection Program for at least three (3) full Program Years;
 - (ii) it is a participant in another Joint Protection Program; and
 - (iii) the Member submits a written withdrawal notification in accordance with the Bylaws.

(C) In the event that the three year participation requirement as required by (A)(i) or (B)(i) as to any such Joint Protection Program above has not been met, for each Program the withdrawing Member participated in at the time of its withdrawal, for less than three years such withdrawing member shall be obligated to pay all Contributions and Assessments as if that Member had remained in each such Program for the full three years from the inception of its membership in the Authority.

(D) In the event that the notice is not provided as required by (A)(ii) or (B)(iii) above, any such withdrawing Member shall, with respect to each Program the Member participated in, be obligated to pay any and all Contributions and Assessments for the next full Program Year.

(E) A Member may withdraw from any Program (other than a Joint Protection Program) as provided by the Coverage Documents relating to such Program.

(F) Withdrawal of one or more Members shall not serve to terminate this Agreement.

(G) A Member may not withdraw as a party to this Agreement until it has withdrawn, as provided in the Bylaws from all of the Programs of the Authority.

Article 20. Involuntary Termination.

(a) Notwithstanding the provisions of Article 19, the Authority shall have the right to involuntarily terminate any Member's participation in any Program, or terminate membership in the Authority, as provided in the Bylaws.

(b) Notwithstanding any other provisions of this Agreement, the participation of any Member of the Authority, including participation in any of the Authority's Programs, may be involuntarily terminated at the discretion of the Board of Directors whenever such Member is dissolved, consolidated, merged or annexed. A reasonable time shall be afforded, in the

discretion of the Board of Directors, to place coverage elsewhere. Any such involuntary termination shall not relieve the Member or Former Member of its responsibilities as provided for in Articles 17 or 21.

Article 21. Effect of Withdrawal or Involuntary Termination. The withdrawal from or involuntary termination of any Member from this Agreement shall not terminate this Agreement, and such Member, by withdrawing or being involuntarily terminated, shall not be entitled to payment, return or refund of any Contribution, Assessment, consideration, or other property paid, or donated by the Member to the Authority, or to any return of any loss reserve contribution, or to any distribution of assets (except payment of any Retained Earnings, as set forth in the following paragraph).

The withdrawal from or involuntary termination of any Member after the effective date of any Program shall not terminate its responsibility to pay its unpaid Contribution adjustments, or Assessments to such Program. The Board of Directors shall determine the final amount due from the Member or Former Member by way of contribution or assessments, if any, or any credit due on account thereof, to the Member or Former Member for the period of its participation. Such determination shall not be made by the Board of Directors until all Claims, or other unpaid liabilities, have been finally resolved. In connection with this determination, the Board of Directors may exercise similar powers to those provided for in Article 22(b) of this Agreement, or as otherwise set forth in the Bylaws. Upon such withdrawal from or cancellation of participation in any Program by any Member, said Member shall be entitled to receive its pro rata share of any Retained Earnings declared by the Board of Directors after the date of said Member withdraws or is involuntarily terminated.

Article 22. Termination and Distribution; Assignment.

(a) This Agreement may be terminated any time with the written consent of two-thirds of the voting Members; provided, however, that this Agreement and the Authority shall continue to exist for the purpose of disposing of all claims, distribution of net assets and all other functions necessary to wind up the affairs of the Authority.

(b) The Board of Directors is vested with all powers of the Authority for the purpose of winding up and dissolving the business affairs of the Authority. These powers shall include the power to require Members or Former Members, including those which were signatory hereto at the time the subject Claims arose or was/were incurred, to pay any Assessment in accordance with loss allocation formulas for final disposition of all Claims and losses covered by this Agreement or the Bylaws. A Member or Former Member's Assessment shall be determined as set forth in the Bylaws or the applicable Coverage Documents.

(c) Upon termination of a Program, all net assets of such Program other than Retained Earnings shall be distributed only among the Members that are participating in such Program at the time of termination, in accordance with and proportionate to their cash payments (including Contributions, adjustments, Assessments and other property at market value when received) made during the term of this Agreement for such Program. The Board of Directors shall determine such distribution within six (6) months after disposal of the last pending Claim or loss covered by such Program, or as otherwise set forth in the Bylaws.

(d) Upon termination of this Agreement all net assets of the Authority, other than of any Program distributed pursuant to (c) above, shall be distributed only among the Members in good standing at the time of such termination in accordance with and proportionate to their cash contributions and property at market value when received. The Board of Directors shall determine such distribution within six (6) months after disposal of the last pending Claim or loss covered by this Agreement, or as otherwise set forth in the Bylaws.

(e) In the event the Board of Directors is no longer able to assemble a quorum, the Chief Executive Officer shall exercise all powers and authority under this Article. The decision of the Board of Directors or Chief Executive Officer under this Article shall be final.

(f) In lieu of terminating this Agreement, the Board, with the written consent of two-thirds of the voting Members, may elect to assign and transfer all of the Authority's rights, assets, liabilities and obligations to a successor joint powers authority created under the Act.

Article 23. Enforcement. The Authority is hereby granted authority to enforce this Agreement. In the event action is instituted to enforce the terms of this Agreement, the Bylaws and/or any policies and/or procedures of the Board of Directors and the nondefaulting party(s) should employ attorneys or incur other expenses for the collection of moneys or the enforcement or performance or observance of any obligation or agreement on the part of the defaulting party(s) herein contained, the defaulting party agrees that it will on demand therefore pay to the nondefaulting party(s) the reasonable fees of such attorneys and such other expenses so incurred by the nondefaulting party(s).

Article 24. Nonliability of Directors, Officers and Employees. The Board of Directors, and the officers and employees of the Authority, including former directors, officers and employees, shall not be liable to the Authority, to any Member or Former Member, or to any other person, for actual or alleged breach of duty, mistake of judgment, neglect, error, misstatement, misleading statement, or any other act or omission in the performance of their duties hereunder; for any action taken or omitted by any employee or independent contractor; for loss incurred through the investment or failure to invest funds; or for loss attributable to any failure or omission to procure or maintain insurance; except in the event of fraud, gross negligence, or intentional misconduct of such director, officer or employee. No director, officer or employee, including former directors, officers and employees, shall be liable for any action taken or omitted by any other director, officer or employee. The Authority shall defend and shall indemnify and hold harmless its directors, officers and employees, including former directors, officers and employees, from any and all claims, demands, causes of action, and damages arising out of their performance of their duties as such directors, officers or employees of the Authority except in the event of fraud, gross negligence, corruption, malice or intentional misconduct, and the funds of the Authority shall be used for such purpose. The Authority may purchase conventional insurance to protect the Authority, and its participating Members or Former Members, against any such acts or omissions by its directors, officers and employees, including former directors, officers and employees.

Article 25. Provisions Relating to CSDA. It is agreed and understood the mandatory membership in CSDA provision in Article 18 is in consideration of CSDA's exclusive endorsement of SDRMA's programs as they exist or may be modified. CSDA and the Authority

may from time to time exchange services or enter into separate service agreements pursuant to Section 6505 of the Act, including, but not limited to, services relating to educational programs, marketing, web-site graphics and conferences.

So long as the Authority is a participant in the MOU, the Board of the Authority shall appoint three members of the Board to serve as members of the Alliance Executive Council. In the event the MOU has been terminated or the Authority has withdrawn from the MOU, the composition of the Authority Board of Directors shall be increased by two (2) additional directors to be appointed by CSDA. CSDA appointees shall be a director serving on the CSDA Board of Directors and said director(s) shall be a member of an agency who is a signatory to the current SDRMA Joint Powers Agreement.

CSDA shall be a third party beneficiary to Sections 18, 25, 27 of this Agreement.

Article 26. Notices. Notices to Members or Former Members hereunder shall be sufficient if delivered to the principal office of the respective Member or Former Member.

Article 27. Amendment. This Agreement may be amended at any time by a two-thirds vote of the Members; provided, that any amendment to Article 18, Article 25, or Article 27 shall require the prior written consent of CSDA. The Bylaws may be amended as provided therein. Upon the effective date of any validly approved amendment to this Agreement, such amendment shall be binding on all Members.

Article 28. Prohibition Against Assignment. No person or organization shall be entitled to assert the rights, either direct or derivative, of any Member or Former Member under any coverage agreement or memorandum. No Member or Former Member may assign any right, claim or interest it may have under this Agreement, and no creditor, assignee or third party beneficiary of any Member or Former Member shall have any right, claim or title or any part, share, interest, fund, contribution or asset of the Authority.

Article 29. Agreement Complete. The foregoing constitutes the full and complete Agreement of the parties. There are no oral understandings or agreements not set forth in writing herein. This Agreement supersedes and replaces the Fifth Amended Joint Powers Amendment.

Article 30. Counterparts. This Agreement may be executed in one or more counterparts and shall be as fully effective as though executed in one document.

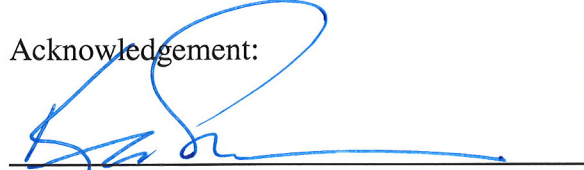
Article 31. California Law. This Agreement shall be governed by the laws of the State of California.

Article 32. Severability. Should any part, term or provisions of this Agreement be determined by any court of component jurisdiction to be illegal or in conflict with any law of the State of California or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

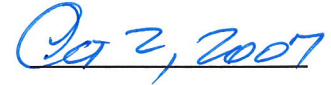
Article 33. Effective Date. This Agreement shall become effective as to existing Members of the Authority on the date on which the last of two-thirds of such Members have executed this Agreement.

IN WITNESS WHEREOF, the parties hereto have first executed this Agreement by authorized officials thereof on the date indicated below:

Acknowledgement:



Ken Sonksen, President
Board of Directors
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY



Date

I hereby certify this Amended Joint Powers Agreement has also received the required approval of not less than two-thirds of the Member entities then parties to the Fifth Amended Joint Powers Agreement.



James W. Towns, Chief Executive Officer
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY



Date

EXECUTION BY MEMBER

The Amended and Restated Joint Powers Agreement of the Special District Risk Management Authority, has been approved by the Board of Directors of the Member listed below, on the date shown, and said Member agrees to be subject to all of the terms and conditions set forth in said Agreement.

Entity Name: _____

By: _____ President

By: _____ Clerk

Date: _____

EXECUTION BY AUTHORITY

The Special District Risk Management Authority (the “Authority”), operating and functioning pursuant to this Sixth Amended Joint Powers Agreement, hereby accepts the entity named above as a participating member in the Authority, subject to all of the terms and conditions set forth in this Sixth Amended Joint Powers Agreement and in the Bylaws, effective as of

_____.


SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

By: _____
Michael Scheafer, President
Board of Directors

Date: _____

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

AGENDA ITEM No. 6

DATE: July 10, 2024
TO: Fresno Local Agency Formation Commission
FROM: Brian Spaunhurst, Executive Officer 
BY: Amanda Olivas, Clerk to the Commission
SUBJECT: Consider Appointment of the Public Commission Member and the Alternate Public Commissioner Member.

RECOMMENDATION: Appoint a Public Commission Member and Alternate Public Member.

Summary

The term of the public member and alternate public member is set by law to be four years and until a replacement is selected by the Commission. The statute states that the public member and alternate public members' term expires on the first Monday of the month of May.

The recommended action is consistent with the Commission's adopted procedure.

Discussion

Section 56334 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") states that "the term of office for each member shall be four years and until the appointment and qualification of his or her successor." The terms for the current public commission member and alternate public member expired on Monday, May 6, 2024.

The process for selecting a new member is guided by Section 520 of the Commission's Policies, (see Attachment "A"). Among the provisions of Section 520 is a requirement that the public member and alternate public member shall be selected at the regularly scheduled hearing date. Also attached (see Attachment "B") is section 56334 of the CKH regarding commissioner terms.

A notice of the opportunity to submit applications for the public and alternate public member was published in the Fresno Business Journal on May 15, 2024, and was posted in the LAFCo office and outside the Commission hearing room. Staff received three applications for the public member and alternate. Considering the number of applicants, a subcommittee may be formed to review the applications and recommend a candidate selection for both positions to

the Commission. Attached as Attachment "C" is a copy of the candidate's applications for your review.

Section 56331 of the Cortese-Knox-Hertzberg Act states that no person appointed as a public member or alternate shall be an officer or employee of the County or any city or special district within the County.

The voting procedure adopted by the Commission consists of the following steps:

1. Each of the four City and County Commissioners may nominate an applicant.
2. In the event of a tie among two or more of the candidates another vote will be taken to select from the tied applicants. Each Commissioner has one vote. If no candidate receives three or more votes during that round, the public and alternate public member position would remain vacant until such time as three of the four voting Commissioners have reached a decision on the Public and Alternate Public Commission Member.

Attachment A

15. Selection of public member

The term of the public member is set by law to be four years, to expire the first Monday of the month of May. However, the public member's term shall continue until the appointment and qualification of a successor.

Prior to the expiration date, no later than March 20, the Executive Officer shall:

- a. Publish a notice in a newspaper of general circulation in the County, stating the coming vacancy of the public member position. The notice shall conform to that notice approved by the Commission.
- b. Post a notice outside the Commission hearing room, being the same notice as published.
- c. Make available to all applicants an approved application form and a description of the duties and responsibilities of the public member, as described on the application.
No application shall be accepted if received after April 20, preceding the term expiration. A roster of all applicants and their application shall be mailed to the Commissioners making the selection at least ten days prior to the date of the selection.
- d. A public hearing shall be held on the regularly scheduled hearing date in May, for the purpose of making the selection.

Each applicant shall be invited to an interview at the hearing by the Commissioners making the selection. The interview shall be for an approximate duration of five minutes. Each Commissioner may question the applicant directly.

As an alternative, the Commission may, at its sole discretion, form a subcommittee to review all applications received, select the top candidates to be interviewed by the Commission, and make recommendations to the Commission.

The public member and alternate public member shall be selected by the Commission as follows:

- a. Each Commissioner, other than the public member and alternate public member, shall have the right to nominate one candidate from among the applicants.
- b. Selection shall be by majority affirmative vote of the Commission (excluding the public member and alternate public member), which shall include an affirmative vote by at least one of the members selected by each of the appointing authorities.
- c. If no candidate should receive the required votes, one or more additional sets of nominations and votes may be conducted from among the candidates, with nominations and voting being conducted in the same manner as provided above, if such is supported by a majority of the Commissioners authorized to vote. If no candidate should receive the required votes, then a new recruitment shall be conducted.
- d. The new public member and alternate public member shall begin their terms immediately.

Reference: February 24, 1988; December 20, 2000; July 17, 2013

Attachment B

CKH

Terms of commissioners

56334. The term of office of each member shall be four years and until the appointment and qualification of his or her successor. Upon enlargement of the commission by two members, as provided in Section 56332, the new members first appointed to represent independent special districts shall classify themselves by lot so that the expiration date of the term of office of one new member coincides with the existing member who holds the office represented by the original two-year term on the commission and the term of office of the other new member coincides with the existing member who holds the office represented by the original four-year term on the commission. The body which originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years.

https://calafco.starchapter.com/images/downloads/Cortese_Knox_Hertzberg_Act/ckh_guide_2023_linked.pdf

Attachment C

Applications for the Public Member and Alternate Public Member are on file with Fresno LAFCo Staff.


Review of these documents are available upon request.

**FRESNO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT**

CONSENT AGENDA ITEM No. 7

DATE: July 10, 2024

TO: Fresno Local Agency Formation Commission

FROM: Amanda Olivas, Clerk to the Commission 

SUBJECT: Amendment of Section 700 of the Commission's Policies.

RECOMMENDATION: Approve Amendment.

Background

At its July 9, 2008, hearing, the Commission adopted Policy Section 730 "Destruction of Records" pursuant to Government Code section 56382. In 2022, a series of workshops were taken to the Commission for discussion and a sub-committee was formed to amend the Commissions Policies. At the LAFCo Hearing on June 8, 2022, the update to the Commission's Policies was adopted.

At that time, the Commission's policy on the Destruction of Records was removed from the policy manual in which to be added and referenced in the Financial and Accounting Procedures instead.

In June 2023, the Commission approved staffs request to archive and destroy LAFCo records pursuant to Govt. Code Sec. 56382.

Staff recommends the Destruction and Retention Policy be added back into the Commission Policy Manual as the amended Section 700.

Attachment "A" consists of the recommended amended Policy.

Attachment "B" consists of the previous Policy.

Attachment "C" consists of the Commissions Policy Manual with the amended changes.

Attachment A

SECTION 700 RETENTION AND DESTRUCTION OF RECORDS

GC sec. 56382

1. This Policy applies to all physical and electronic records generated or obtained by Fresno LAFCo during the course of its operation, including both original records and reproductions. This Policy does not apply to documents that are not retained in the normal course of business, such as drafts, rough notes or calculations made for the preparation of other documents, etc. (collectively, "Non-Records"). However, if a Non-Record becomes integral to the final product, it shall be retained in accordance with this Policy.
2. Original records two years old or less shall be maintained in the LAFCo Office. Except as described further below, the Commission may authorize the destruction of original records more than two years old (so long as the subject matter of the records is not still active and the record would not be subject to an audit) if a photographic or electronic copy of the original record is made and preserved, provided that the following conditions are met:
 - a. Following review by LAFCo Counsel, the Executive Officer places on the Commission's agenda an item that describes the types of records to be destroyed and identifies the years in which they originated, and permission to destroy said records is granted by the Commission.
 - b. The records are reproduced on a medium that does not permit additions, deletions, or changes to the original document, or reproduced in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management.
 - c. The device used to reproduce the records is one that accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions or changes to the original document images.
 - d. The reproductions are made as accessible for public reference as the original records were.
 - e. A true copy of archival quality of the reproductions shall be kept in a safe and separate place for security purposes.
3. Original signed resolutions may not be destroyed.
4. Statements of Economic Interest (Form 700s) must be retained for seven years.
5. In the event the Commission is served with any subpoena or request for documents, or

Attachment A

the Commission becomes aware of a governmental investigation or audit concerning the Commission, or the Commission becomes aware of the commencement of any litigation against or concerning the Commission, the Executive Officer shall ensure that any further destruction of records shall be suspended until such time as the Executive Officer, with the advice of Legal Counsel, determines otherwise.

6. The Executive Officer may destroy any duplicate record, paper, or other document if the original or a photographic or electronic copy of the record, paper, or other document is retained in the files of the Commission.
7. At least one copy of all electronic reproductions in .PDF, .JPEG or other electronic format that does not permit additions, deletions, or changes to the original record image or file and shall be stored on "flash" or USB drives, or other appropriate medium as technology allows, in a locked "fireproof" box in the LAFCo offices. A second copy shall be maintained on the County's "network" drive and/or secure server or other medium at an appropriate offsite location, as determined by the Commission.
8. In the case of Commission approved changes of organization and reorganizations where recordation is not achieved timely and where extensions of time are granted, the two-year time frame identified in Policy 730-01, shall be tolled from the time the change of organization or reorganization is completed (recorded).
9. In cases where a change of organization or reorganization is allowed to expire, the two-year time frame shall be tolled from the original date of approval or the date of the most recent time extension, if such extension(s) was granted.
10. Audio recordings of all Commission meetings shall be maintained on "flash" or USB drives or other appropriate medium as provided by State law and shall be stored in the manner as described in Subsection 730.07 above. These records are to be maintained as a permanent record of Commission proceedings.
11. Any document provided to the public shall have any and all confidential information (i.e., names, addresses, account numbers, medical histories, etc.) redacted from the produced documents.
12. Emails and other documents with electronic origins may be kept on a secure data management system pursuant to Secretary of State Guidelines and destroyed pursuant to these Policies and Procedures.

Reference: July 9, 2008; July 10, 2024

Attachment B

730 Destruction of records

GC sec. 56382

730.01 Original records two years old or less shall be maintained in the LAFCo Office. The Commission may authorize the destruction of original records more than two years old if a photographic or electronic copy of the original record is made and preserved, provided that the following conditions are met:

1. Following review by LAFCo Counsel, the Executive Officer places on the Commission's agenda an item that describes the types of records to be destroyed and identifies the years in which they originated, and permission to destroy said records is granted by the Commission.
2. The records are reproduced on a medium that does not permit additions, deletions, or changes to the original document, or reproduced in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management.
3. The device used to reproduce the records is one that accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions or changes to the original document images.
4. The reproductions are made as accessible for public reference as the original records were.
5. A true copy of archival quality of the reproductions shall be kept in a safe and separate place for security purposes.

730.02 Original signed resolutions may not be destroyed.

730.03 The Executive Officer may destroy any duplicate record, paper, or other document if the original or a photographic or electronic copy of the record, paper, or other document is retained in the files of the Commission.

730.04 At least one copy of all electronic reproductions shall be stored on compact disks, or other appropriate medium as technology allows, in a locked "fireproof" box in the LAFCo offices. A second copy shall be maintained on the County's "network" drive and/or on compact disks or other medium at an appropriate offsite location, as determined by the Commission.

730.05 In the case of Commission approved changes of organization and reorganizations where recordation is not achieved timely and where extensions of time are granted, the two-year time frame identified in Policy 730-01, shall be tolled from the time the change of organization or reorganization is completed (recorded).

730.06 In cases where a change of organization or reorganization is allowed to expire, the two-year time frame shall be tolled from the original date of approval or the date of the most recent time extension, if such extension(s) was granted.

730.07 Audio recordings of all Commission meetings shall be maintained on compact disks or other appropriate medium as provided by State law and shall be stored in the manner as described in Subsection 04 above. These records are to be maintained as a permanent record of Commission proceedings.

Added: July 9, 2008

Attachment C

FRESNO LOCAL AGENCY FORMATION COMMISSION

POLICIES, STANDARDS, AND PROCEDURES MANUAL

Adopted April 3, 1986
Last revised July 10, 2024

COMMISSIONERS

Buddy Mendes, Chair, County of Fresno
Mario Santoyo, Chair Pro Tempore, Public Member
Nathan Magsig, County of Fresno
Daniel Parra, City of Fowler
Gary Yep, City of Kerman

ALTERNATE COMMISSIONERS

Vacant, County of Fresno
Scott Robertson, City of Selma
Mike Lopez, Public Member

COMMISSION STAFF

Brian Spaunhurst, Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Joel Matias, LAFCo Analyst
Jessica Johnson, LAFCo Counsel

Fresno Local Agency Formation Commission Office
1401 Fulton Street, Suite 800, Fresno, CA 93721 - (559) 600-0604

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Fresno Local Agency Formation Commission

July 10, 2024

To interested parties,

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) establishes a local agency formation commission (LAFCo) in each county to implement procedures for local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district consolidations.

LAFCos have numerous powers under CKH, but those of primary concern are the power to act on local agency boundary changes and to adopt spheres of influence for local agencies.

CKH authorized LAFCo to carry out municipal service reviews and special studies of local agencies (cities and special districts) prior to adopting a sphere of influence for these agencies.

Pursuant to Government Code section 56300(a), on December 19, 2001, the Fresno LAFCo established the written policies and procedures contained in this policy manual to exercise its powers pursuant to CKH in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns.

All procedures, regulations, and requirements of the CKH are hereby incorporated by reference into this Manual.

Amendments pursuant to CKH concerning specific sections of this policy manual supersede existing Commission policies, standards, and procedures.

Unless otherwise noted, all statutory references herein are to the California Government Code.

Sincerely,

Buddy Mendes
Chair

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SECTION 000 PURPOSE

Discussion

It is the policy of Fresno LAFCo to encourage orderly growth and development of cities and special districts in Fresno County.

The logical formation and determination of city and special district boundaries promotes orderly development and balances that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, providing housing for persons and families of all incomes, and efficiently extending government services.

Fresno LAFCo policies promote the logical formation and modification of the boundaries of cities and special districts, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for persons and families of all incomes in the most efficient manner feasible.

In order to carry out its purposes and responsibilities for planning and regulating orderly, logical and efficient growth and development, which includes the coordination of local governmental agencies subject to the jurisdiction of the commission, and advantageously providing for the present and future needs of the county and its communities, the Fresno Lafco has developed and determined the sphere of influence of each city and each special district within the county and enacted policies designed to promote the logical and orderly development of areas within the sphere.

State law provides for the basic purposes of the Commission powers and duties, establishment of policies, procedures, and regulations, in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code sec. 56000 *et seq.*, also “CKH”), as amended. Other sections of the Government Code (hereafter “GC”) also describe the Commission responsibilities. In many cases, the pertinent GC sections are cited in this Manual to explain the authority for a particular policy, standard, and procedure.

Reference: December 19, 2001

SECTION 100 COMMISSION POLICIES

Discussion

LAFCo’s policies and procedures have been established to permit the Commission to exercise its powers in a manner that encourages orderly, logical, and efficient growth, development, and services.

Reference: February 26, 1992; December 19, 2001

101 Encourage orderly, logical, and efficient development of local agencies in their sphere of influence.

1. A sphere of influence is a plan determined by the commission for the probable physical boundaries and service area of a local agency.
2. The Commission will determine the probable physical boundaries of the agency using a planning horizon that forecasts expansion of the local agency's service area within 20 years of the SOI approval.
3. The Commission shall consider the affected local agency's capacity to provide an adequate level and range of services when considering amendments of the agency's sphere of influence.
4. The Commission will evaluate sphere of influence amendments in light of the local agency's adopted plans and policies including, but not limited to, its general or master plan and related CEQA documents, service plans, and the financial ability of the affected local agency to provide services.
5. All proposals for a change of organization or reorganization shall conform with the affected local agency's sphere of influence.
6. The Commission encourages changes of organization such as consolidations, mergers, dissolutions, where the result will be better service, reduced cost, and/or more efficient and visible administration of services to public.

102 The Commission discourages formation of new local agencies.

1. To reduce and minimize the number of agencies providing services, proposals for formation of new special districts are discouraged unless:
 - a. There is evidence from the landowners and/or residents of a clear need for the proposed special district's services;
 - b. There are no existing agencies that are able to annex and provide similar services; and
 - c. The proposal demonstrates the financial ability of the new agency to provide services.

103 Local agencies are responsible for annexation planning in their spheres of influence.

1. Each local agency is encouraged to implement an orderly, phased annexation program pursuant to the Annexation Program Guidelines (Appendix A).
2. A proposed annexation should not be approved solely because the affected territory falls within the sphere of influence of a local agency. The sphere of influence is one factor among several that the Commission considers when reviewing proposals.

104 The Commission discourages service extensions.

1. Pursuant to GC sec. 56133 *et seq.*, a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission.
2. Extension of services by a local agency outside its sphere of influence is prohibited unless it

is in response to an existing or impending threat to the health or safety of the public or the residents of the affected territory.

3. The Commission requests that extensions of service be granted to those parties that agree to not protest a future annexation.

105 Cities should be the provider of municipal services within their sphere of influence.

1. Cities should be the provider of municipal services within their sphere of influence due to their higher visibility, their substantially broader sources of revenue, and their historical and legal right to provide services to citizens within their boundaries, particularly land use planning services and controls.

106 The Commission supports transition agreements where a special district's service area is within a city's sphere of influence.

Discussion

The following policies apply where a special district's service area is within a city's sphere of influence, and it is reasonably foreseeable that the special district's service area will be reduced over time by detachments when territory is annexed to a city. If a special district relies on funding from general purpose *ad valorem* property tax revenue from property in its service area, detachments will lower its tax base and property tax revenue. Although the special district would no longer directly provides services to detached properties, its district-wide and inter-agency service obligations may not be reduced commensurately and may, in fact, increase. The consequence of reduced revenue and increasing service obligations is of concern to the Commission.

1. Cities whose sphere of influence includes a special district's service area are encouraged to develop comprehensive annexation policies that anticipate the total inclusion of the district's territory into a city's limits.
2. These policies should support agreements between cities and special districts to address the local agencies' respective interests to orderly transition services and revenue between agencies.
3. The city's proposed services in the affected territory to be annexed to the city should be of equal or higher quality than the detaching special district's services provided in that territory.
4. When a reorganization proposes to annex territory to a city and detach from a fire protection district (hereinafter, a "City/Fire Protection District Reorganization"), evidence of a current transition agreement to provide for the orderly transition of services from the district to the city shall be required as a part of a complete application.
5. The Commission may impose its own conditions of approval to ensure an orderly transition of services. Such conditions shall be deemed to satisfy this policy.

The Commission is not a party to these agreements and other than the terms specified in section 1, above, will not dictate the terms of the transition agreement. The intent of the transition agreement is to provide for the orderly transition of services. Therefore, the Commission expects the parties to negotiate the transition agreements in good faith and to obtain terms and conditions in such agreements that are reasonable under the circumstances.

6. Applicants for a City/Fire Protection District Reorganization—whether by application of the city, by a private party, or by petition—shall include a copy of the transition agreement as part of their complete application.
7. The Commission's imposition of conditions shall be consistent with GC sec. 56886 and may include, but not be limited to, the transfer of fire stations, personnel, equipment, and/or property tax revenues. The Commission may at its discretion include additional conditions of approval not otherwise contained in the staff report.

107 The Commission encourages annexation of developed and developing land within cities' spheres of influence.

1. All developed land inside a city's sphere of influence is encouraged to annex to the city.
2. Each city shall develop plans, procedures, or standards to annex developed or developing territory in its sphere of influence.
3. All unincorporated islands and substantially surrounded areas within a city sphere of influence are encouraged to annex to the city.

108 Encourage orderly urban development and preservation of open space.

1. The Commission encourages well-planned, orderly, and compact urban development patterns for all developing areas.
2. Local agencies that provide municipal services are encouraged to develop and implement plans and policies which will provide for well-planned, orderly, and compact development patterns, with consideration of preserving permanent open space lands within those urban patterns.
3. Development of existing vacant non-open space and non-prime agricultural land within an agency's boundaries is encouraged.
4. Annexation proposals to cities shall demonstrate that planned development is imminent for all or a majority of the proposal area by either demonstrating that existing use of the proposal is consistent with the affected city's general plan or by providing evidence of an approved site plan review or tentative subdivision map with an annexation application.
5. Proposals resulting in non-contiguous urban or rural residential development patterns are discouraged.

6. Orderly growth of cities is supported by applications for change of organization and reorganization that demonstrate development of the affected territory is imminent by evidence of an approved tentative map, site plan review, or other land use permit.
7. The Executive Officer shall record the approved change of organization or reorganization once he or she has determined that the facts pertaining to the application during the time of recording are materially similar to those facts considered by the Commission when the application was approved. Facts, as used in the proceeding sentence, is defined to include, but not be limited to, whether or not the proposed project is materially similar to the project described in any application before the Commission.

Amended: February 18, 2015

109 Encourage conservation of prime agricultural lands and open space areas.

1. Proposals that conflict with a city's general plan to maintain the physical and economic integrity of open space lands, agricultural lands, or agricultural preserves, are discouraged.
2. Annexation of existing vacant within an agency's sphere of influence is encouraged prior to expansion of a city sphere of influence.
3. Development shall be guided toward areas containing non-prime agricultural lands, unless such action will promote unplanned, disorderly, inefficient development of the community or area.

110 Provide public access to the commission via the internet.

1. The Commission has established and will maintain, or otherwise provide access to notices and other Commission information for the public through an Internet website. Notice of all public hearings and Commission meetings shall be made available in electronic format on that site. The Commission's web site is <http://www.fresnolafco.org>
2. The commission encourages all cities and special districts to establish and maintain websites pursuant to AB 949.

Reference: December 19, 2001

111 LAFCo Disadvantaged Unincorporated Communities Policies

1. For the purposes of this policy, a DUC is an inhabited unincorporated territory with an annual median household income that is less than 80 percent of the statewide annual median household income as defined in GC sec. 56046 and Water Code sec. 79505.5, all as amended, and presents at least 15 dwelling units at a density not less than one unit per acre.
2. LAFCo has determined that, as of the date of the adoption of this policy, there may be a deficiency in census data to accurately assess median income in unincorporated communities. As a result, LAFCo shall consider various sources of information to determine

whether a DUC exists.

3. Cities and special districts are required to identify DUCs within or contiguous to their boundaries in their applications for Commission action.
4. An MSR conducted by LAFCo for a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, shall identify any DUCs within or contiguous to the sphere of influence of that city or special district and describe the present and probable needs or deficiencies for the provision of those public facilities or services to such DUC.
5. For any updates to a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the Commission shall consider and prepare written determinations regarding the present and probable needs and deficiencies for those public facilities and services for any DUC within or contiguous to the sphere of influence of the city or special district.
6. The Commission shall not approve an annexation to a city of any territory greater than 10 acres, where there exists a DUC that has been identified and evaluated in any MSR or Sphere of Influence Update for that city or has been subsequently identified by staff to be contiguous to the area of the proposed annexation unless an application to annex the DUC to the subject city has been filed with the LAFCo Executive Officer.
7. Pursuant to Government Code 56375(a)(8)(B), an application to annex a contiguous DUC shall not be required if either of the following facts are present: (i) a prior application for annexation of the same DUC has been made in the preceding five (5) years; or (ii) the Commission finds, based upon written evidence sufficient to the Commission, that a majority of the residents within the affected DUC are opposed to annexation.

"Written evidence" may be in the form of annexation survey results from residents of the DUC. The Commission shall be provided a copy of any mailing list used to collect this survey. The survey must be completed no longer than eighteen (18) months before the filling of underlying annexation proposal. The following must be included as part of the survey:

- a. Survey Cover Letter;
- b. Survey;
- c. Map of proposed annexation area and DUC in relation to existing city boundaries;
- d. Information about city services (a review of the types of services, timing of when the services would be provided and financing of the services), effects of city/zoning/land use and city elections.

All information sent to residents in DUCs should be in English and Spanish, and any other languages reasonably calculated by LAFCo to be understood by a majority of the residents of a household in the area.

8. A DUC that is identified to be within 300 feet of the underlying annexation is sufficient to start the annexation proceedings for a DUC.

9. The processing costs for DUC annexation, including but not limited to application fees and fire transition expenses, are the responsibility of the applicant.

Reference: January 9, 2013

112 Municipal Service Review policy

Discussion

Pursuant to GC sec. 56430, in order to prepare and to update spheres of influence (SOI) in accordance with GC sec. 56425, the Commission shall conduct a review of the municipal services provided by a local agency. A municipal service review (MSR) is a comprehensive study prepared by LAFCo to inform local agencies, the public, and LAFCo about municipal services provided by local agencies within a designated geographic area. LAFCo evaluates the municipal services provided by one or more local agencies, makes determinations based upon this information and may recommend actions to promote the efficient provision of those services.

An MSR need not be prepared if no action to prepare or update a SOI is proposed, though LAFCo may choose to prepare a MSR at its discretion.

Pursuant to GC sec. 56430, LAFCo must make the following written determinations regarding the following areas:

- Growth and population projections for the affected area.
- The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence (see Policy 106, LAFCo DUC Policies).
- Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
- Financial ability of agencies to provide services.
- Status of, and opportunities for, shared facilities. Accountability for community service needs, including governmental structure and operation efficiencies.
- Any other matter related to effective or efficient service delivery, as required by commission policy.

An MSR concludes with adoption of the determinations by the Commission. While the Commission is not required by law to make any changes to a SOI based upon MSRs, the Commission may at its discretion opt to shrink or expand an SOI, or approve, deny, or approve with conditions any change of organization or reorganization impacting the governmental agency as a result of the information contained in the MSR. The Commission's determinations may result in recommendations to the subject local agency regarding the areas specified by the statute. When recommendations are made, they will be conveyed to the local agency for response and/or action.

1. The goal of the Fresno LAFCo MSR program is to provide cities and special districts with an assessment on their provision of services, make recommendations regarding areas of improvement, and determine whether an agency is equipped to effectively provide services within its existing or expanded SOI.

2. In order to achieve this goal, MSRs will:
 - a. Evaluate a local agency—including, but not limited to, services delivered by the agency or other agencies, the agency’s compliance with its principal act, activities of its legislative body, the agency’s managerial practices, sufficiency of its annual budget, presence of an agency’s long-range plan for services, opportunities for public participation at its legislative body’s meetings, and the agency’s compliance with "sunshine" laws, such as the Brown Act—in order to present thoughtful and accurate information in support of Commission determinations;
 - b. Provide recommendations to encourage effective and efficient municipal service delivery;
 - c. Build and maintain effective relationships between LAFCo and local agencies; and
 - d. LAFCo actively encourages local agencies affected by these policies to include LAFCo at the beginning of any city planning application that may result in an annexation or SOI amendment or extension of services.
3. The term “municipal services” relates to services provided by cities and many special districts to relatively dense populations at comparatively high levels of service, including:
 - Public safety (police, fire, building inspection, etc.);
 - Public utilities including solid waste collection and disposal, wastewater collection and treatment, domestic water production, treatment and distribution, and electricity;
 - Land use authority including planning, code enforcement, and building code enforcement;
 - Parks and recreation;
 - Public facilities;
 - Airports;
 - Public transit;
 - Improvement, maintenance, repair, and operation of streets and highways;
 - Flood control; and
 - Water supply, drainage, storage, and conservation.

“Municipal service” also encompasses a service or function provided to one local agency by a contract with another local agency, as permitted by GC sec. 54981.

There are other types of services provided by local agencies that may not be considered “municipal,” and do not in themselves facilitate or induce growth. However, LAFCo deems it appropriate to include the local agencies that provide these services in the MSR program as their services were deemed necessary when the local agency was formed and are provided within a specified geographic area under the authority of the California Code. Further, performance of a MSR for a non-municipal service provider permits the full expression of LAFCo goals with all local agencies under its jurisdiction.

4. Environmental Determination. Local agencies that request a SOI amendment that is consistent with the agency’s general or master plan are expected to be the lead agency as defined by the California Environmental Quality Act (CEQA, PRC sec. 21067). The lead agency has the principal responsibility for carrying out or approving a project which may have a significant affect upon the environment. The lead agency will conduct all necessary environmental determinations as appropriate under CEQA (i.e., notice of exemption, negative declaration, environmental impact report). Under this circumstance, LAFCo will be

a responsible agency as defined by CEQA (PRC sec. 21069). This relationship should be clearly identified in the lead agency's CEQA documentation, as well as the requested actions (annexations and/or detachments) anticipated by the lead agency in its environmental analysis.

When LAFCO initiates an MSR, it will be the lead agency and will prepare the appropriate documentation pursuant to CEQA.

5. MSR Preparation. The Commission shall conduct a programmatic update of a local agency's MSR before, or in conjunction with, but no later than the time it is considering an action to update a sphere of influence.

The Executive Officer will assess local agencies' spheres of influence as necessary, by reviewing the current MSR, and contacting the local agency to determine the following:

- the local agency's progress on the Commission's earlier MSR recommendations,
- the adequacy of its current SOI, and
- whether the current SOI is consistent with its long-range plans.

If staff determines that an amendment to a sphere of influence may be necessary and would necessitate an update of that agency's MSR, it may provide local agencies with an MSR questionnaire for them to complete and may request additional information. Once this information is received, staff will prepare a draft MSR.

A local agency may also be provided with a MSR template to complete and submit as an administrative draft document subject to LAFCo staff's review for documentation, completeness, and thorough analysis.

The adoption of a MSR is not subject to a statutory public hearing (GC sec. 56430). However, to allow for public participation that demonstrates a transparent decision-making process, the following actions will take place:

- The draft MSR shall be posted on the Commission's website for a 21-day public review period;
- Notice of the public review period will be posted at the offices of Fresno LAFCo and the Clerk of the Board of Supervisors and on the Commission's website; and
- Notice will be mailed or e-mailed to the subject local agency to be posted in its jurisdiction.

6. The following MSR policies will assist LAFCo staff in preparing MSRs and complying with CKH. These policies are based on circumstances unique to Fresno LAFCo and as such will ensure that municipal services are evaluated in an orderly, logically, and efficient manner.
 1. The SOI should reflect a 20 -year planning horizon and may include additional areas that may relate to the agency's planning. This boundary shall be reviewed and either affirmed or, if necessary, updated on average of every five years thereafter.
 2. The Commission will evaluate proposed SOI amendments in light of many of the local agency's own adopted plans and policies including, but not limited to, its general or master plan and related CEQA documents, service plans, annual budgets, fee structure, and capital

improvement plans.

3. MSRs may be updated independently from an SOI modification, either to facilitate review of an agency's service deficiencies or in response to other LAFCo actions.
4. The Commission reserves the right to have an MSR prepared by a consultant under contract with the Commission and associated expenses may be borne by the requesting local agency.

Adopted: November 5, 2014

Reference: December 14, 2016, September 11, 2019

SECTION 200 STANDARDS FOR CHANGES OF ORGANIZATION

As authorized by State law, the Commission has adopted the following standards to review proposals. Each standard is developed from the factors to be considered presented in GC sec. 56668 and the preceding Commission policy statements. Standards are developed for review of proposals for city annexation, district annexation, city incorporation, and district formation.

The purpose of these standards is to give indication of how the staff and Commission will evaluate a proposal and make recommendation and determination.

Generally, proposals should meet all standards to be approved. However, when appropriate, the Commission may waive a standard where evidence of overriding circumstances presented in the application and at the hearing warrant such a waiver.

Reference: February 26, 1992

210 Standards for annexation to cities and special districts that provide municipal services.

Proposals shall be evaluated in light of following standards:

1. A proposal is consistent with the affected agency's sphere of influence and does not conflict with the goals and policies of the Commission.
2. A proposal to annex to a city is consistent with the affected City's land use plan by rezoning and approval of planning entitlement applications. Proposal to annex to a special district has been deemed consistent with the affected special district's service plan.
3. Proposal mitigates any significant adverse effect on continuing agricultural operations on adjacent properties by execution of a right-to-farm covenant.
4. Proposal is consistent with the affected city's general plan, is contiguous to the affected city, and demonstrates in its service plan that it will result in logical, orderly, and efficient service delivery.
5. Proposal shows that there is existing substantial development or gives an indication of imminent development in the form of an approved tentative subdivision map or site plan review, requiring municipal services.
6. Proposal's service plan demonstrates that development can be provided all necessary services, public improvements, and facilities.
7. Proposals that would create islands are discouraged. Boundaries should minimize creation of peninsulas and corridors and should include any developed islands or substantially surrounded area with the proposed developing area.
8. There is a timely availability of water supplies adequate for projected needs as specified in GC sec. 65352.5.

9. Prezoning Requirement
 - a. Prior to the affected city or petitioner submitting an application to the Commission for a proposed annexation the affected territory must be prezoned consistent with the city's general plan.
 - b. When territory has been prezoned, a copy of the enacted ordinance bill verifying that required prezoning has been applied to territory included in an annexation proposal shall be submitted to the Executive Officer as a part of a complete application. An application for annexation to a city will be deemed incomplete without submission of certified copies of the prezoning ordinance or a Clerk's Certification indicating the prezoning has occurred.
 - c. The Commission shall not specify how, or in what manner, territory shall be prezoned nor shall the Commission impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements (GC sec. 56886).
 - d. The applicant for a proposed annexation must participate in at least one pre-application meeting with LAFCo staff (or in the case of landowner petition a representative from the city) prior to applying for annexation to LAFCo. All territory to be included in a proposed annexation shall be determined at the pre-application meeting(s). As a general rule, inclusion of additional territory (if any) by LAFCo staff may be determined at the pre-application meeting(s).
 - e. As a general rule, including additional territory (if any) by LAFCo staff may be determined at the pre-application meeting(s). However, the Commission may determine to add additional territory to a proposed annexation to prevent the creation of unincorporated islands and/or peninsulas of land, to create more logical boundaries, or for any reason necessary to ensure orderly, logical, and efficient boundaries.
 - f. No subsequent change may be made to the general plan or zoning for territory included in an annexation to a city that has been prezoned or rezoned that is not in conformance with the city's general plan or zoning designations for a period of two years after the completion of the annexation. Changes to the land use designation or zoning can only be made if the legislative body for the city makes a finding at a public hearing with written notice provided no less than 21 days to the commission that a substantial change has occurred in circumstances that necessitate a departure from the prezoning in the application to the Commission (GC sec. 56375(e)).

Reference: August 27, 2003

220 Standards for annexation to special districts

1. The proposed annexation to a special district is consistent with the affected special district's sphere of influence.
2. Services can be provided by the annexing special district as shown by the district's service plan and district annexation is the most economical and practical method of supplying services.
3. Proposal would not have a significant adverse operational or economic effect on subject or affected agencies, and on adjacent areas.
4. Proposal shows a benefit to landowners and residents in the affected territory.

Reference: December 19, 2001

230 Standards for evaluation of proposals in the unincorporated portion of cities' spheres of influence.

Discussion

The Commission recognizes that cities and the County are considered "planning agencies" under GC sec. 65300 (Planning and Zoning Law) and are therefore responsible to prepare and adopt comprehensive, long-term general plans for the physical development of the territory under their respective jurisdiction, and of any land outside the cities' incorporated area which in their judgment bears relation to their long-term growth and development.

GC sec. 56425 requires that the Commission develop and determine the sphere of influence of each city and special district within the County and enact policies designed to promote the logical and orderly development of areas within those spheres. The SOIs typically include territory outside of a city's limits that is also planned for growth by its general plan.

Though the Commission does not adopt a SOI for the County, the County has land use jurisdiction over all unincorporated territories including those that are also within a SOI adopted by the Commission for a city or special district that provides municipal services.

The County's general plan land use diagrams are not frequently coordinated with that of the underlying city. In most cases known to LAFCo, the County's land use plans for territory in a city's SOI are obsolete, meaning that they have not been comprehensively updated in the current century and were not updated during a city's most recent general plan update.

As a consequence, even though both the cities and the County are complying with their respective planning and zoning obligations under law, there is a general disagreement between their respective land use plans in the unincorporated territory within cities' SOIs. The general disagreement being that County plans rely on historical land use practices related to agricultural or rural uses and, in contrast, the cities plan for future urban level residential, commercial, and industrial uses. Further, there is a marked difference between agricultural/rural development standards and those needed for urban uses.

The effect of this disagreement between land use plans is that the County's evaluation of planning and building activities in a city's unincorporated SOI can be at odds with the planning and development vision of a city's general plan.

When the Commission adopts a city's SOI, it does so to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies. These responsibilities endure long after a SOI is adopted.

The following policies reflect LAFCo's continued interests in orderly and logical growth and development.

1. LAFCo will provide comment as it deems necessary on a range of development, planning, and building activities proposed in unincorporated territory within cities' spheres of

influence.

2. When development is proposed within the unincorporated portion of a city's sphere of influence the Commission recommends that such development be annexed to the city and in the event that this is not possible, that development standards applied by the County be consistent with the respective city's general plan and development standards.

SECTION 300 PROCEDURES FOR EVALUATION OF APPLICATIONS

The Commission has adopted the following procedures in compliance with GC sec. 56375(g).

1. Information to be submitted.

Any proposal for a change of organization or reorganization shall contain sufficient information to determine that adequate services, facilities, and improvements can be provided and financed by the agencies responsible for the provision of such services, facilities, and improvements.

2. Pre-application review

The Commission recommends that each applicant participate in a pre-application review with LAFCo staff to provide applicants with information related to LAFCo laws, adopted policies, standards, and procedures, and provide a preliminary evaluation of the applicant's proposal.

Any staff comments associated with a pre-application review shall not bind the Commission in its consideration of any formal application.

A LAFCo pre-application review processing fee may be paid in accordance with Section 350. The fee shall be credited toward the formal application fee, should one be filed within one year from the date that the pre-application review processing fee was paid.

3. Complete Applications

All applications initiated by either petition or resolution shall not be considered as complete until submitted to the Commission together with the appropriate application requirements in the form required by the Commission and Executive Officer, and as provided by GC sec. 56652.

The minimum application requires are:

- a. A petition or resolution of application initiating the proposal.
- b. A statement of the nature of each proposal.
- c. A map and description, acceptable to the executive officer and the County Assessor, of the boundaries of the affected territory for each proposed change of organization or reorganization.
- d. Any data and information as may be required by any regulation of the commission.
- e. Any additional data and information, as may be required by the executive officer, pertaining to any of the matters or factors which may be considered by the Commission.
- f. The names of the officers or persons, not to exceed three in number, who are to be furnished with copies of the report by the executive officer and who are to be given mailed notice of the hearing, their physical addresses and email addresses.
- g. If the applicant is a local agency serving as the CEQA lead agency, the application will contain all pertinent environmental documents. If the applicant intends that LAFCo will serve as the lead agency a complete application will include the commission's adopted CEQA processing fee.
- h. Evidence of a property tax revenue sharing agreement pursuant to Revenue and Taxation Code.
- a. LAFCo application fee as presented in section 350.

4. Applications for a change of organization or reorganization submitted pursuant to this part, shall also include:

- a. A plan for providing services within the affected territory enumerating the information in GC sec. 56653.
 - b. Evidence that a required rezoning has been applied to territory included in an annexation;
 - c. Evidence of a current transition agreement between a city and a fire protection district
5. Additional information as may be deemed necessary by the executive officer.
 6. Within 30 days of the receipt of the application, the Executive Officer will make one of the following findings:
 - a. The application is complete and may be accepted for processing.
 - b. The application is not complete and will not be accepted for processing.
 7. In the event that an application is not accepted as complete, the applicant shall be notified in writing of the determination. The notice shall specify the additional information necessary to make the application complete.

303 Indemnification of the Commission by applicant

To further good government practices and policies of the Commission, and protect the Commission from the costs associated with legal challenges, the Commission requires that:

1. All applicants shall sign a standard short-form legal indemnity agreement before an application is certified for filing by the Executive Officer. This agreement shall provide that the applicant shall indemnify, defend, and hold harmless the Commission, its agents, officers, attorneys, and employees from any legal challenges or appeals brought to challenge the review or approval as a result of the application.
2. At the discretion of the Executive Officer, the Commission may also require the applicant to enter into a comprehensive legal indemnity agreement providing for the terms of such indemnification and the reasonable costs incurred by the Commission associated with the preparation of such agreement shall be borne by the applicant. The comprehensive legal indemnity agreement shall be approved by the Executive Officer in consultation with LAFCo counsel.
3. In the event that a lawsuit has been filed, or if LAFCo Counsel or the Executive Officer have reasonable grounds to believe that a lawsuit will soon be filed, with the court to challenge the Commission's review or approval of a proposal, the Executive Officer shall submit an invoice to the applicant for a deposit to be held by the Commission to offset its litigation-related expenses. The amount of the deposit will be based upon the complexity of the matter as reasonably determined by the Executive Officer in consultation with LAFCo counsel.
4. The Executive Officer shall not issue a Certificate of Filing for an application unless a short-form or comprehensive indemnification agreement is executed by the applicant and all preparation fees have been paid.

Reference: August 13, 2008; August 8, 2012

304 Meeting and notice requirement

1. Proponents of inhabited proposals shall conduct an informational meeting for the affected landowners and residents prior to the Commission's consideration of the proposal. For uninhabited proposals, similar information may be provided by mail. In both cases, notices to landowners and residents shall also be provided to LAFCo. If available, such notice shall include information of the LAFCo hearing.

Written documentation of the concerns and responses will be included in the LAFCo staff report to the Commission, with alternative boundaries and/or conditions, which will respond to the concerns of residents.

Reference: June 16, 1993

305 Affected agencies and interested parties' review.

Agencies whose boundaries or sphere of influence are affected, county departments, affected local agencies, and other reviewing agencies will be provided by the executive officer with an opportunity to review and comment on the matter.

306 Revision of proposal boundaries

1. The full width of contiguous public rights of way may be added to a proposal at the discretion of the executive officer.

2. Request for Revision.

An affected agency, landowner, or interested party may request a revision of the boundaries of any proposal to add or remove contiguous territory. Such a request in writing must be received by the executive officer at least 15 days prior to the hearing and shall clearly justify and give reasons for the requested revision and include a map of the revision. A revision may be subject to a fee, in accordance with the LAFCO Fee Schedule and may be subject to County review and rezoning by affected city.

3. Review of Revision

In the event of a revision, affected agencies and landowners shall be mailed a notice by LAFCO of the revision at least ten days prior to the hearing unless their consent is provided. Requests or revisions shall be reviewed in the same manner as the original proposal by the Executive Officer and the Commission and may be continued by the Commission from time to time.

4. Approval of Revision

When the Commission approves a revision of the boundaries from those proposed by the petition or resolution of initiation, a revised map and description shall be prepared and submitted to the Executive Officer, subject to approval by the County Assessor, prior to certification of completion.

Reference: January 24, 1990

307 Amendments to/reconsideration of Commission resolution

In accordance with GC sec. 56895, a request to amend or reconsider a Commission resolution shall comply with the provisions of that section. A written request to request amendments to or reconsideration of a resolution shall be accompanied by the fee adopted by the Commission in section 350.

308 Extension of time to complete proceedings.

1. Extensions of time to complete proceedings are generally disfavored by the Commission.
2. Prior to the date of expiration, staff shall notify the proponent of the pending termination of the proceedings.
3. The proponent may request an extension of time to be considered by the Commission at a public hearing. The request for an extension of time shall be comprised of the following, including any additional information deemed necessary by the executive officer:
 - a. Written request for an extension of time, including the requested period of time and appropriate fee as described in Commission fee schedule section 350.
 - b. Description of the changed circumstances of the project that have delayed completion of proceedings.
 - c. An explanation of the project's feasibility and what progress will be made to complete conditions of approval and all necessary prerequisite actions by any party.
 - d. Written confirmation from the city or district representative to which annexation is proposed supporting the extension request; a district located within the unincorporated area, written correspondence in support of the extension request shall also be provided from the County of Fresno.
4. A copy of the Commission agenda and the Executive Officer report on the request for an extension shall be conveyed via US Mail at least five days prior to the hearing to the Commission and alternates, the persons named in the original application, each affected agency, and any person or landowner requesting notice of hearing for the application.
5. The Executive Officer's report shall indicate when the application was initially approved, how many previous extensions have been granted, and discuss any other factors that bear on the viability of the proposal.
6. No more than one extension of time will be authorized by the Commission. Notwithstanding, any project in furtherance of the provision of governmental services on property owned by a governmental agency shall be eligible for additional extensions at the discretion of the Commission.

Reference: June 16, 1993; April 5, 1995; June 23, 1999; January 9, 2008; April 15, 2009; November 3, 2010; February 18, 2015

320 Extension of Service Procedures

Pursuant to GC sec. 56133 *et seq.*, a city or district may provide new or extended services by contract or agreement outside its boundaries only if it requests and receives written approval from

the Commission.

On October 1, 2014, by resolution no. 127, the Commission delegated to the Executive Officer the authority to approve, disapprove, or approve with conditions applications for extended service.

Requests for approval of extension of service shall be by application in the form provided by the Commission. All requests will be reviewed for consistency with Commission policies and spheres of influence.

Pursuant to GC sec. 56133(e), contracts or agreement solely involving two or more public agencies are exempt from these procedures. A service enumerated in instant aid agreements, mutual aid agreements, or similar agreements for emergency response is also exempt from these procedures.

The following policies shall be used to evaluate applications for extended services.

1. It is the policy of Fresno LAFCo that authorization of an extension of a city service shall be conditioned on the property owners' agreement to not protest annexation.
2. "Extended service" is defined as either an extension of physical infrastructure (service mains or facilities), or the provision of one or more municipal services (including but not limited to solid waste or enhanced levels of fire or police services) by a public agency to territory is outside of the agency's city limit, service area, or sphere of influence.
3. The Executive Officer may deny applications for extended service if, in his/her opinion, the service is more appropriately provided through annexation or some other reasonable solution rather than by extended service.

The following procedure shall apply to applications for extended services:

- a. Within 30 days of receipt of an application for extended service the Executive Officer shall determine whether the application is complete and acceptable for filing or whether the application is incomplete.
- b. If the application is determined to be incomplete, the Executive Officer shall immediately transmit that determination to the applicant, specifying those parts of the application that are incomplete and the elements necessary to make the application complete.
- c. Applications for extended service outside of the affected local agency's sphere of influence shall include documentation of actual impending threat to public health and safety of the residents of the affected territory. Upon receipt of such an application, the executive officer shall notify any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code that has filed a map and a statement of its service capabilities with the Commission.
- d. When the application is deemed complete by the Executive Officer, the Executive Officer shall, within 90 days, approve, disapprove, or approve with conditions the contract for extended services.
- e. The Executive Officer may require as part of his or her conditioning authority a condition of approval that the property owner benefitting from the extended service shall covenant to not protest future annexation of the subject property.
- f. The Executive Officer's decision regarding an application for extended service shall be

conveyed by letter to the applicant in a timely manner.

- g. If the application is disapproved or approved with conditions, the applicant may request reconsideration pursuant to the criteria and time requirements specified in GC sec. 56895, citing the reasons for reconsideration.
- h. The Executive Officer shall provide a summary report to the Commission at the next available meeting.

See Appendix "D," Extension of Services Worksheet

Reference: August 24, 1994; December 19, 2001; October 1, 2014

330 Sphere of influence updates and revisions

1. In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities, the Commission shall develop and determine the sphere of influence of each local agency under its jurisdiction within the County pursuant to these policies. This will promote the logical and orderly development of areas within the sphere (GC sec. 56425).
2. Under CKH, prior to a city submitting an application to the Commission to update its sphere of influence, representatives from the city and representatives from the County shall meet to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on, development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. If an agreement is reached between the city and County, the city shall forward the agreement in writing to the Commission, along with the application to update the sphere of influence. The Commission shall consider and adopt a sphere of influence for the city consistent with the policies adopted by the Commission pursuant to this section, and the Commission shall give great weight to the agreement to the extent that it is consistent with Commission policies in its final determination of the city sphere.
3. If the Commission's final determination is consistent with the agreement reached between the city and County, CKH provides that the agreement shall be adopted by both the city and County after a noticed public hearing.
4. If no agreement is reached between the city and County, the application may be submitted to the Commission and the Commission shall consider a sphere of influence for the city consistent with the policies adopted by the Commission pursuant to this section.
5. In determining the sphere of influence for each local agency, the Commission shall consider and prepare a written statement of its determinations with respect to those specific items set forth in GC sec. 56425 or as amended, which are summarized as follows:
 - The present and planned land uses in the area, including agricultural and open-space lands.
 - The present and probable need for public facilities and services in the area.

- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
 - The existence of any social or economic communities of interest in the area.
 - For a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.
6. Upon determination of a sphere of influence, the Commission shall adopt that sphere, and shall review and update, as necessary, the adopted sphere not less than once every five years.
 7. Upon determination of a sphere of influence of a special district, the Commission shall establish the nature, location, and extent of any functions or classes of services provided by the affected special district.
 8. The Commission's determination of a local agency's sphere of influence update shall be comprehensive, based on historical growth patterns, and use a twenty to twenty-five year planning horizon.
 9. The local agency's request for a sphere of influence update shall be supported by its long-range planning document: for a city, its general plan; for a special district, its master plan.

Reference: June 16, 1993; August 24, 1994; December 19, 2001; March 5, 2008

SECTION 350 FEE SCHEDULE

Discussion

The commission has established a schedule of fees and service charges pursuant to GC sec. 56383, including, but not limited to, the following:

- Filing and processing applications filed with the commission,
- Amending or updating a sphere of influence,
- Reconsidering a resolution making determinations,
- Proceedings undertaken by the commission and any reorganization committee.

GC sec. 56021 defines a "change of organization" as any of the following:

- a. A city incorporation.
- b. A district formation.
- c. An annexation to a city.
- d. An annexation to a district.
- e. A detachment from a city.
- f. A detachment from a district.
- g. A disincorporation of a city.
- h. A district dissolution.
- i. A consolidation of cities.
- j. A consolidation of special districts.
- k. A merger of a city and a district.
- l. Establishment of a subsidiary district.
- m. The exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.

GC sec. 56073 defines a "reorganization" as two or more changes of organization contained within a single proposal. For example, an annexation to a city may require detachment from an underlying special district. If a reorganization consists of annexations and detachments only, the fee for only one change of organization, whichever is larger, is charged. If other types of changes of organization are included, fee for each change of organization may be charged at the discretion of the executive officer.

1. Application Processing Fees

GC sec. 56069 defines a "Proposal" as a desired change of organization or reorganization initiated by a petition or by resolution of application of a legislative body or school district for which a certificate of filing has been issued.

2. Fee based on acreage of entire affected territory.

Proposal acreage shall be determined by rounding to nearest whole number the combined gross acreage of all affected parcels as shown on the Assessor's Parcel Map and shall include the full rights of way of adjacent public streets.

3. Fee schedule for changes of organization, reorganization

Under 3 acres:	\$ 1,200
3 to 5 acres:	\$ 2,400

6 to 10 acres:	\$ 4,800
11 to 20 acres:	\$ 7,200
21 to 40 acres:	\$ 9,600
41 to 80 acres:	\$ 12,000
81 to 160 acres:	\$ 14,400
Over 160 acres:	\$ 16,800

4. Exceptions

Dissolution of a special district initiated by resolution of the affected special district	\$ 2,400
Merger, formation of a subsidiary district	\$ 8,000
Consolidation	\$ 8,000
Activation or divestiture of special district power(s)	\$ 2,400

Incorporation or disincorporation of a city, or formation of a special district requires a \$10,000 deposit and will be billed at cost for staff's time including legal services, government fees and charges, and for any consultant(s) that may be required, plus 9% administration fee.

5. Sphere of Influence Revision

The application fee for a sphere of influence amendment shall be equivalent to the application processing fee for an equivalent change of organization or reorganization.

If an application for a sphere of influence amendment is submitted at the same time as a conterminous change of organization or reorganization, the fee for the sphere of influence amendment is 35% of the fee of the corresponding change of the organization or reorganization.

6. Request for Commission Review \$750

"Commission review" is defined as:

- A request for extension of the time for completion of proceedings,
- A request to reconsider a resolution making determinations, or
- A request for Commission authorization of an extension of services.

7. Petition Check \$ 40 + \$0.65 signature check, per signature

8. Compliance with CEQA where LAFCo is the Lead Agency

The fee for required CEQA environmental assessment, including, but not limited to preparation of an environmental impact report, shall be a deposit of the estimated amount required to perform this activity.

9. Financial Feasibility Report

When the commission is requested to review a financial feasibility report the fee shall be a deposit of the estimated amount required to perform this activity.

10. Copies of Papers on File

Any request for copies of any documents on file in the office of the Commission will be \$1.00 each page and \$0.75 after 10 pages, and as necessary to recover costs of making such copies

and any mailing costs.

11. Exceptions to Required Fees

The Commission may reduce or waive any processing fee by a four-fifths affirmative vote if the imposition of such fee would be detrimental to the public interest, as determined by the Commission. Any change specifically recommended by the Commission in a study approved by Commission may not require a fee. Requests must be made in writing.

12. Legal Fees for proposal processing shall be a deposit of estimated amount required.

13. Pre-Application review \$500.

14. Use of Consultants

If staff finds it necessary to hire a consultant to assist with the analysis of a proposal, the applicant will be responsible for depositing the expenses associated with the consultant's work, plus 15% of the total consulting fee for administration of the contract, with the Commission prior to approval of the contract. The contract will be approved in accordance with Fresno LAFCo's Financial and Accounting Procedures. If actual expenses exceed the original deposit, those additional funds plus the administrative fee shall be paid to LAFCo prior to final consideration of the proposal by the Commission.

Reference: November 29, 1978; July 1, 1984; February 19, 1987; April 16, 1987; December 10, 1987; July 1, 1991; July 1, 1992; June 16, 1993; May 25, 1994; June 28, 1995; July 1, 1995; August 23, 1995; September 1, 1998; August 13, 2008; August 11, 2010; November 2, 2011; December 14, 2016

SECTION 400 PROCEDURE FOR PREPARATION OF SERVICE PLANS

1. Pursuant to GC sec. 56653, the applicant of a proposal for a change of organization or reorganization shall submit a plan prepared by the affected local agency for providing services within the affected territory. The plan for providing services shall include the following information and any additional information required by the commission or the executive officer:
 - a. An enumeration and description of the services currently provided or to be extended to the affected territory.
 - b. The level and range of those services.
 - c. An indication of when those services can feasibly be extended to the affected territory.
 - d. An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
 - e. Information with respect to how those services will be financed.
2. A local agency has the option of creating and annually updating a master service delivery plan with the information enumerated in section 401.01. This will suffice for proposal-specific service plans for the calendar year such proposals are submitted.

SECTION 500 COMMISSION ORGANIZATION, CONDUCT OF HEARING, AND COMMISSION BUSINESS

Discussion

The following regulations have been adopted by the Commission to comply with GC sec. 56375 (i)-(k) and establish organizational procedures for Commission hearings, selection of officers and public member, and other Commission business.

1. Regular Meetings

The Commission shall adopt a schedule of regular meetings for the forthcoming calendar year at such time as sufficient information is available to do so. The schedule shall indicate the time, date, and location for the meetings. However, whenever the Commission at a regular meeting sets a different time and place for its meeting, such meeting shall constitute a regular meeting for all purposes.

2. Special Meetings

Special meetings may be called at any time by the Chair of the Commission or by a majority of the members of the Commission pursuant to the provisions of the Ralph M. Brown Act found at GC sec. 54956 *et seq.*

3. Adjourned Meeting

Any regular or special meeting may be adjourned to a time and place specified in the order of adjournment. Less than a quorum may make an order for adjournment.

Reference: April 3, 1986, October 20, 1999

4. Commission Chair

a. Election

The Chair of the Commission shall be elected by the members thereof by a majority vote of all the members.

b. Term

The term of office of the Chair shall be one calendar year beginning each May and shall be succeeded annually by the chair pro tempore.

c. Eligibility

All members of the Commission are eligible to serve as Chair.

d. Duties

The Chair shall be the presiding officer of the Commission. The Chair shall preserve strict order and decorum at all meetings of the Commission, state questions coming before the Commission, announce the Commission's decision on all subjects, and decide all questions of order subject, however, to an appeal to the Commission as a whole, in which event a majority vote shall govern and conclusively determine such questions of order. The Chair shall vote on all questions, and on roll call his name shall be called last. The Chair shall sign all directives and contracts approved by the Commission, unless delegated to the executive officer or other member of the Commission and may sign Commission resolutions in the absence of the executive officer.

5. Commission Chair pro tempore

a. Term and Duties

There shall be a Chair Pro Tempore, whose term of office shall coincide with that of the Chair and who shall, in the absence of the Chair, perform all the functions and duties of the Chair.

b. Election

Chair Pro Tempore of the Commission shall be elected by the members thereof by a majority vote of all the members.

c. Eligibility

All regular members not representing the appointing authority of the chair may be nominated and serve as chair pro tempore.

Reference: February 14, 2015, March 14, 2018

6. Call to order

The Chair shall take the chair at the time and place appointed for the meeting and shall call the Commission to order. In the absence of the Chair and the Chair Pro Tempore, the Executive Officer of the Commission shall call the Commission to order, whereupon a temporary chair shall be elected by the members present. Upon the arrival of the Chair or the Chair Pro Tempore, the temporary chair shall relinquish the chair at the conclusion of the business then before the Commission.

7. Roll call

Before proceeding with the business of the Commission, the Executive Officer or Clerk to the Commission shall call the roll of the members and the names of those present shall be entered in the minutes.

8. Quorum

A majority of the Commission shall constitute a quorum for the transaction of business; however, unless specifically otherwise provided, the Commission shall take no action except upon the affirmative vote of at least three members.

If at any public meeting of the Commission there shall be less than a quorum so present, the commissioners present may adjourn the meeting from time to time until a quorum shall be present.

9. Minutes

a. Preparation

The minutes of the Commission shall be kept by the Executive Officer or such other person as he or she may designate and a record of each particular type of business transacted set off in paragraphs with proper subheads; however, the Executive Officer shall be required to make a record only of such business as was actually passed upon by a vote of the Commission and shall not be required to record any remarks of members or any other person, except at the special request of a member.

b. Distribution

As soon as possible after each meeting, the Executive Officer shall cause the draft minutes to be placed on the consent calendar of the next available hearing agenda where it will be presented to the Commission for its review and approval.

c. Reading

Unless the reading of the minutes of a meeting is requested by a member, such minutes may be

approved without reading if each member has previously been furnished a copy thereof.

10. Resolutions

A resolution shall be prepared for each action and determination of the Commission as required by law. The resolution shall be signed and certified by the Executive Officer.

11. Order of procedure

The order of procedure in conducting a hearing shall be as follows:

- a. The Chair shall request the Executive Officer to inform the Commission of the nature of the matter pending, the notice provided, a summary of the report and recommendation, any new information or correspondence not in the staff report, and other pertinent matters.
- b. All proponents shall be heard.
- c. All opponents shall be heard.
- d. Proponents shall be afforded an opportunity to a rebuttal. New matter may not be introduced except by specific permission of the Chair, in which event opponents shall, again, be given an opportunity to rebut.
- e. The Chair shall ask for any additional information of the Executive Officer.
- f. The Chair may then close the public portion of the hearing and refer the matter to the Commission for discussion and debate.
- g. The Commission may make a determination at the hearing or may continue consideration of the matter to develop additional information or testimony.

12. Rules of debate

- a. The Chair may debate and vote.
- b. The Chair may move, second, and debate from the chair; subject only to limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a member by reason of acting as Chair.
- c. Every member desiring to speak shall address the chair and, upon recognition by the Chair, shall confine themselves to the question under debate, and shall adhere to accepted standards of good conduct.
- d. A member once recognized shall not be interrupted when speaking unless it shall be to call them to order or as otherwise specifically provided. If a member, while speaking, shall be called to order, that member shall cease speaking until the question of order has been determined and, if in order, they shall be permitted to proceed.
- e. A motion to reconsider any action taken by the Commission at a meeting may be made only on the day such action was taken and must be made while the interested parties, if any, are present. Such motion shall be made by a commissioner on the prevailing side but may be seconded by any member and may be made at any time and have precedent over all other motions. This section shall not apply to written requests for reconsideration of an adopted resolution of determination pursuant GC sec. 56895.

13. Rules of order

Except as otherwise specifically provided in this policy, Robert's Rules of Order as last revised shall govern the proceedings of the Commission in the conduct of meetings thereof.

14. Voting

- a. While serving on the Commission, all Commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole

in furthering the purposes of CKH. (GC sec. 56331.4)

- b. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority. This section does not require the abstention of any member on any matter, nor does it create a right of action in any person. (GC sec. 56331.4)

- c. Roll Call Vote

A roll call vote shall be taken and recorded. Whenever a roll call vote is in order, the Clerk or Executive Officer shall call the names of the members in the following order: the mover, the second, other members according to alphabetization of last names; provided that the name of the chair shall be called last except where the chair has made or seconded the motion.

Reference: December 19, 2001

15. Addressing the Commission

- a. General

Any person desiring to address the Commission shall first secure the permission of the Chair to do so. The Chair shall direct speakers to step up to the microphone and give their name and address in an audible tone of voice.

- b. Spokesperson for Groups

Whenever any group of persons wishes to address the Commission on the same subject matter, the chair may request that a spokesperson be chosen by the group to address the Commission and in the event additional matters are to be presented by other persons in the group, to limit the number of persons so addressing the Commission to avoid unnecessary repetitions.

- c. Discussions

No person, other than a member and the person addressing the Commission shall be permitted to enter into any discussion with the person addressing the Commission without the permission of the Chair.

16. Decorum

- a. By Members

When the Commission is in meeting, the members shall preserve order and decorum and no member shall, by conversation otherwise, delay or interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the orders of the Chair, except as provided in this resolution.

- b. By Other Persons

Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Commission shall be forthwith, by the Chair, barred from further audience at such meeting, unless permission to continue shall be granted by majority vote of the Commission.

17. Commission Directives

The Commission shall, from time to time, by directives issued by it, establish procedures for the processing of the business of the Commission. Such directive shall be binding upon the staff of the Commission and all persons having business before the Commission.

18. Reimbursement of expenses

- a. The members of the Commission shall be reimbursed \$100.00 for their necessary expenses

incurred in connection with their attendance at meetings of the Commission exclusive of attendance at CALAFCO events.

- b. The members of the Commission shall be reimbursed for their reasonable and necessary expenses incurred in connection with their attendance at regular public hearings and meetings called by the Chair or Executive Officer.
- c. The Commission may authorize payment of a *per diem* allowance to Commission members and alternates for each day they attend CALAFCO meetings.

Reference: June 6, 2012

19. Retirement award

The Executive Officer shall upon the retirement of a member of the Commission, cause to be prepared one of the following, and transmit same to the Chair for presentation at the next meeting.

- a. Retiring alternates, or regular members serving less than two years, shall receive a certificate and letter from the Chair.
- b. Retiring regular members serving two years or more shall receive an engraved 6" x 8" plaque.
- c. For unusual service an exception to this standard may be made by the Chair.

Reference: August 27, 1997

20. Selection of public member

The term of the public member is set by law to be four years, to expire the first Monday of the month of May. However, the public member's term shall continue until the appointment and qualification of a successor.

Prior to the expiration date, no later than March 20, the Executive Officer shall:

- a. Publish a notice in a newspaper of general circulation in the County, stating the coming vacancy of the public member position. The notice shall conform to that notice approved by the Commission.
- b. Post a notice outside the Commission hearing room, being the same notice as published.
- c. Make available to all applicants an approved application form and a description of the duties and responsibilities of the public member, as described on the application.
No application shall be accepted if received after April 20, preceding the term expiration. A roster of all applicants and their application shall be mailed to the Commissioners making the selection at least ten days prior to the date of the selection.
- d. A public hearing shall be held on the regularly scheduled hearing date in May, for the purpose of making the selection.

Each applicant shall be invited to an interview at the hearing by the Commissioners making the selection. The interview shall be for an approximate duration of five minutes. Each Commissioner may question the applicant directly.

As an alternative, the Commission may, at its sole discretion, form a subcommittee to review all applications received, select the top candidates to be interviewed by the Commission, and make recommendations to the Commission.

The public member and alternate public member shall be selected by the Commission as follows:

- a. Each Commissioner, other than the public member and alternate public member, shall have the right to nominate one candidate from among the applicants.
- b. Selection shall be by majority affirmative vote of the Commission (excluding the public member and alternate public member), which shall include an affirmative vote by at least one of the members selected by each of the appointing authorities.
- c. If no candidate should receive the required votes, one or more additional sets of nominations and votes may be conducted from among the candidates, with nominations and voting being conducted in the same manner as provided above, if such is supported by a majority of the Commissioners authorized to vote. If no candidate should receive the required votes, then a new recruitment shall be conducted.
- d. The new public member and alternate public member shall begin their terms immediately.

Reference: February 24, 1988; December 20, 2000; July 17, 2013

21. Procedures for public comment

- a. Every meeting agenda shall provide an opportunity for members of the public to directly address the Commission on any item of interest to the public, before or during the Commission's consideration of the item, that is within the subject matter jurisdiction of the Commission, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by state law.
- b. Time limit for public comment shall be no more than three minutes per person, or as allowed by the Chair. Commissioners shall have opportunity to ask questions of each person giving comment.
- c. Public comment may be allowed by the Chair without written request being filed. At the discretion of the Chair, persons wishing to speak shall file a written request with the Clerk of the Commission in advance of the public comment agenda time. The request shall state the person's name and address, and the subject of the comment. The Chair shall ask the clerk if any requests have been filed.
- d. Action taken by the Commission on any matter considered under public comment shall be subject to the noticing requirements of state law and the Regulations and Procedures adopted by the Commission.

Reference: February 19, 1987

22. Fresno LAFCO Practice for Timely Participation in the Legislative Process

- a. In situations when a legislative bill affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the Chair (or Chair Pro Tempore if the Chair is unavailable), and LAFCo Counsel, is authorized to provide written or email comments communicating the Commission's position.
- b. The Chair (or Chair Pro Tempore if the Chair is unavailable), and LAFCo Counsel will review the letter or email prior to it being submitted for consideration.
- c. The Executive Officer will forward the email or letter to the Commissioners as soon as possible.
- d. The item will be discussed as an informational item at the Commission's next regular meeting.

SECTION 525 CONFLICT OF INTEREST CODE FOR THE FRESNO LAFCO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices A designating positions and B establishing disclosure requirements shall constitute the conflict-of-interest code of the Fresno Local Agency Formation Commission ("LAFCo").

The Form 700s for designated positions, other than LAFCo Commissioners along with any alternates ("Commissioners") and Executive Officer, shall be filed with LAFCo. The Commissioners and Executive Officer are to file their original Form 700s directly with the Clerk of the Board for the Fresno County Board of Supervisors using the electronic filing system. If the Form 700s are not filed electronically, the paper Form 700 and waiver shall be filed with LAFCo and, upon receipt of these paper Form 700s with waivers, LAFCo shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

LAFCo shall retain a copy of all electronically filed Form 700s, a copy of all paper Form 700s with waivers and the original Form 700s of designated positions not required to file electronically. LAFCo shall make the Form 700s available for public review, inspection, and reproduction. (Gov. Code section 81008.)

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by LAFCo are hereby superseded.

Reference: August 26, 1998; August 23, 2000; September 13, 2006; August 8, 2012; September 5, 2018

SECTION 540 PROCEDURES TO IMPLEMENT THE POLITICAL REFORM ACT

The Commission has directed staff to proceed in the following ways to implement the campaign contribution requirements of the Political Reform Act (GC sec. 84308).

Informing the public who may apply for or participate in a proceeding, by inserting a notice of the general requirements of the Political Reform Act on the application, consent form, certificate of filing, mailed notice, newspaper notice, staff report, and agenda. The notice requests consultation with staff as to specific requirements of CKH.

The wording of the public notice shall be as follows:

“If you are an applicant for, or a participant in, any proceeding on the agenda for a land use entitlement and have made campaign contributions totaling more than \$250.00 to any member or alternative member of the Commission within twelve (12) months prior to the Commission considering your application, please immediately inform the Commission of your contribution. State law disqualifies each Commissioner and Alternative Commissioner from participating in and voting on land use entitlement decisions (which include changes of organization and reorganizations) if the Commissioner or Alternative Commissioner has received campaign contributions from (i) an applicant for a land use entitlement, (ii) someone who lobbies the Commission or LAFCo staff regarding an application for land use entitlement, (iii) someone who testifies in person before the Commission regarding an application for land use entitlement, or (iv) someone who otherwise acts to influence the outcome of an application for land use entitlement. State law also prohibits applicants and participants from making campaign contributions to a Commissioner or Alternate Commissioner within three (3) months after the Commission’s action. If you have any questions regarding these requirements (which are contained in the California Political Reform Act GC sec. 84308 *et seq.*) please feel free to contact LAFCo staff at (559) 600-0604.”

Informing the Commissioners of the general requirements of CKH as it applies to the Commission, and then informing them of who the applicants or participants may be in advance. This advance notice will be accomplished by:

First, sending a copy of the certificate of filing with a list of the landowners or parties of real interest listed on the bottom. This list includes all landowners of uninhabited proposals, and landowners of larger, undeveloped parcels in inhabited proposals. This notice is usually sent out approximately one month prior to actual hearing.

Second, a list of the same landowners and real parties of interest on the staff report, received just prior to the hearing.

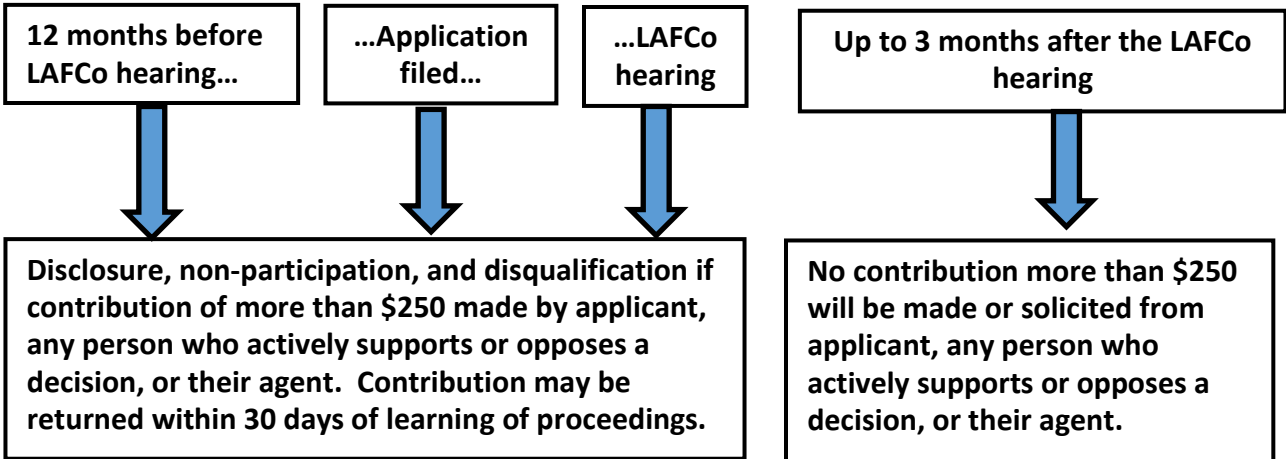
For each of the landowner lists received, the Commission will be responsible to comply with the law by:

Refusing a contribution of more than \$250 from an applicant or participant from the date of filing (certificate) until 3 months after the hearing; and

Disclosure, non-participation, and disqualification from the proceeding if a contribution of more than \$250 has been received from an applicant or participant up to 12 months prior to the LAFCO hearing.

A timeline showing the requirements for each of the two responses (disclosure, etc./no contribution) follows:

Timeline showing Political Reform Act procedure for more than \$250 contribution



Reference: October 2, 1986; March 26, 1996; September 18, 2002

SECTION 541 DISCLOSURE PROCEDURES

Procedures Requiring the Disclosure of Contributions and Expenditures Made for the Purpose of Affecting or Influencing Changes of Organization, Reorganizations, and Protest Hearings

Pursuant to GC secs. 56700.1, 57009, and 56100.1, expenditures for political purposes related to a proposal for a change of organization or reorganization initiated by petition or resolution by application and contributions in support of or in opposition to any proposal at the conducting authority stage of the LAFCO process shall be subject to disclosure and reporting pursuant to Political Reform Act, GC sec. 81000 *et seq.*, and the regulations of the Fair Political Practices Commission implementing that law.

Fresno LAFCo adopts the following reporting and disclosure requirements.

Definitions:

“Contribution” as used herein shall have the same definition as provided in GC sec. 82015, as amended.

“Expenditure” as used herein shall have the same definition as provided in GC sec. 82025, as amended.

“Independent expenditure” as used herein shall have the same definition as provided in GC sec. 82031, as amended, except that the term “measure” as used in Section 82031 shall be replaced with the term “proposal for organization or reorganization.”

“Political Purposes” as used herein shall mean for the purpose(s) of: (i) influencing public opinion; (ii) lobbying public officials; and/or, (iii) influencing legislative or administrative action as defined in GC sec. 82032. It shall not include for the purpose(s) of complying with legal requirements and LAFCO rules for the processing of a proposal, including, but not limited to and by way of example only, preparation of a comprehensive fiscal analysis for an incorporation (GC sec. 56800) or documents necessary to comply with the California Environmental Quality Act, Public Resources Code sec. 21000 *et seq.*, such as a mitigated negative declaration or environmental impact report.

Disclosure Requirements for Petitions or Resolution of Application for Proposals for Organization or Reorganization

Any person or combination of persons who directly or indirectly makes an expenditure or independent expenditure for political purposes of \$1,000 or more in support of, or in opposition to, a change of organization or reorganization submitted to the Commission to which GC secs. 56654 or 56700.1 applies, shall comply with the reporting and disclosure requirements of the Political Reform Act (GC sec. 81000 *et seq.*), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures, and independent expenditures.

Disclosures made pursuant to this Section shall be filed with the Commission’s Executive Officer as

designated in Section 05 below.

For purposes of determining the deadlines by which such reports and disclosures must be filed, the term “election” as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled commission hearing on a proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the Executive Officer establish a date to serve as the “election” date for this purpose. The Executive Officer shall establish a date, such as, but not limited to, the date which is 6 months after the first filing with the Commission regarding the proposal and inform the requestor of that date in writing.

In the event the originally scheduled hearing date for the proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

Disclosure Requirements for Conducting Authority Proceedings

Any person or combination of persons who directly or indirectly makes an expenditure for political purposes of \$1,000 or more related to conducting authority proceedings for a change of organization or reorganization to which GC sec. 57009 applies, or in support of or in opposition to those conducting authority proceedings, shall comply with the reporting and disclosure requirements of the Political Reform Act (GC sec. 81000 *et seq.*), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures, and independent expenditures.

Disclosures made pursuant to this Section shall be filed with the Commission’s Executive Officer as designated in the “Where to File” section below.

For purposes of determining the deadlines by which such reports and disclosures must be filed, the term “election” as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled conducting authority hearing on the proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the executive officer establish a date to serve as the “election” date for this purpose. The Executive Officer shall establish a date, such as, but not limited to, the date which is six months after the first filing with the commission regarding the proposal and inform the requestor of that date in writing.

In the event the originally scheduled conducting authority hearing date for a proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues and reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

Other Reports and Disclosures

This policy requires that the persons subject to it disclose via reports to the Commission's Executive Officer contributions, expenditures, and independent expenditures with respect to expenditures for political purposes related to a petition or resolution by application to the Commission for a proposal for an organization or reorganization.

This policy also requires that the persons subject to it comply with the regulations regarding the names of campaign committees, disclosures of the sources of mass mailings, and disclosures of the source of automated telephone calls under GC secs. 84501 *et seq.* and the regulations of the Fair Political Practices Commission implementing those sections.

Where to File

All reports and disclosures required hereunder shall be filed with the commission's Executive Officer.

Reporting Requirements are Non-Exclusive

The disclosure and reporting requirements herein are in addition to any other requirements that may be otherwise applicable under provisions of the Political Reform Act or by local ordinance.

Sunset Provision

This policy is intended to implement GC secs. 56700.1, 57009, and 56100.1 and shall be of no further force and effect upon the effective date of legislation repealing or amending those sections to transfer responsibility for enforcing disclosure of expenditures for political purposes affecting commission proceedings to the Fair Political Practices Commission or otherwise terminates the responsibility of this commission to adopt and implement this policy.

Reference: December 5, 2007; January 9, 2008

SECTION 550 IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. Adopted by reference

The California Administrative Code, Title 14, Division 6, Chapter 3, "Guidelines for Implementation of the California Environmental Quality Act," as amended and currently in effect (State CEQA Guidelines), is adopted by reference. The criteria, purpose, and objectives of the State CEQA Guidelines with regard to the evaluation of projects, the preparation of Initial Studies, Environmental Impact Reports (EIRs), and Negative Declarations, and time limits imposed shall apply to activities undertaken within the County of Fresno subject to CEQA, except those standards, criteria, and procedures relating solely to State agencies.

2. Application of regulations to projects subject to discretionary action by LAFCo

- a. The Executive Officer is responsible for the preparation of environmental documents, as provided for in these regulations, for matters that are brought before the commission for action.
- b. The Executive Officer may require the proponent to supply data and information to determine whether a proposal may have a significant adverse impact on the environment prior to acceptance of the application for processing.
- c. No application will be accepted as complete until environmental information is deemed adequate by the Executive Officer.

3. Procedure for categorical exemption implementation

The Executive Officer shall recommend categorical exemption status where it can be demonstrated that the activity is consistent with one or more of the classes of categorical exemptions enumerated in the State CEQA Guidelines. The determination of categorical exemption status for projects filed by the Executive Officer shall be subject to review in the manner provided for in CEQA section 15300 *et seq.*

4. Procedures for environmental assessment (initial study)

For the adequate environmental assessment and evaluation of projects subject to CEQA (and not otherwise exempt) it is necessary that an Environmental Assessment be prepared at the earliest possible time which will address all phases of project planning, implementation, and operation. The Environmental Assessment shall take into consideration the purpose, objectives, rules, regulations, standards, and criteria set forth in CEQA, the State CEQA Guidelines, and the adopted plans and policies of LAFCO.

5. Public or Private Projects Subject to Discretionary Action by LAFCO

Where LAFCO is a responsible agency under CEQA, the lead agency is strongly advised to consult with the Executive Officer on the project during the preparation of the Initial Study.

Where LAFCO is the lead agency under CEQA, an Initial Study shall be prepared in accordance with the provisions of the CEQA Guidelines. The following procedure shall also apply:

The Executive Officer shall solicit comments from other agencies and individuals with appropriate expertise to assist in identifying potential impacts and determining their significance.

The Executive Officer shall initiate the CEQA process upon acceptance of a complete application

Unless the need for an Environmental impact Report is required, when the Environmental Assessment is completed, the Executive Officer shall publish a notice of Negative Declaration or Mitigated Negative Declaration in a newspaper of general circulation at least ten days prior to the date action has been scheduled for the project. The notice shall:

- a. Specify that an Environmental Assessment has been completed and a Negative Declaration or Mitigated Negative Declaration has been prepared; and.
- b. Solicit written comments on the Negative Declaration or Mitigated Negative Declaration.

Where LAFCO is required to hold a public hearing state the date, time, and place to determine whether a Negative Declaration/Mitigated Negative Declaration or an Environmental Impact Report (EIR) is appropriate; at such hearing all written comments and oral testimony will be considered.

When LAFCO is not required to hold a public hearing, state the place where written comments on the Negative Declaration or Mitigated Negative Declaration may be delivered and the date when LAFCO shall determine whether a Negative Declaration/Mitigated Negative Declaration or an Environmental Impact Report is appropriate.

LAFCO shall either approve the Negative Declaration/Mitigated Negative Declaration or require an Environmental Impact Report.

Once the Commission has taken final action on a project for which a Negative Declaration or Mitigated Negative Declaration has been approved, the Executive Officer shall file with the County Clerk a Notice of Determination with a copy of the Negative Declaration or Mitigated Negative Declaration attached.

6. Projects Initiated by LAFCO Subject to Discretionary Action

The Initial Study shall be prepared in accordance with the provisions of the State CEQA Guidelines. The following procedure shall apply:

Project information shall be submitted to the Executive Officer at the time the Initial Study is to be performed.

The Executive Officer shall solicit comments from other departments, agencies, and individuals with appropriate expertise to assist in identifying potential impacts and determining their significance.

After acceptance of the project as complete and during preparation of the Initial Study, the public agency submitting the project shall also submit subsequent clarification, amplification, or correction of information originally submitted with the project that is necessary to prepare an adequate assessment.

The Executive Officer shall make one of the following findings after consideration of the Environmental Assessment:

- a. An EIR is not required, and a Negative Declaration shall be prepared and published once in a newspaper of general circulation at least 10 days prior to initiating or undertaking the project.
- b. An EIR is required and shall be prepared by the Executive Officer or a consultant selected by the Executive Officer.
- c. Any aggrieved person or agency may appeal the decision of the Executive Officer for final determination.

7. Procedure for preparation of Environmental Impact Reports (EIR)

All draft EIRs pursuant to these regulations shall contain the information required by the State CEQA Guidelines and shall be prepared consistent with criteria set forth therein. The Executive Officer shall maintain a list of consultants to prepare Environmental Impact Reports required by these regulations. A Notice of Preparation shall be distributed in accordance with the State CEQA Guidelines.

8. Draft EIR Process

- a. Private Projects: The applicant shall be given the proposal requirements and a copy of the Environmental Assessment. The applicant shall select a consultant to prepare a proposal for staff review. If the proposal is acceptable to staff, the applicant shall be offered an agreement with LAFCo in which the applicant will agree to pay LAFCo for all costs related to the processing of the EIR. The applicant shall be required to deposit such funds with LAFCo. The applicant shall be responsible for the contract with the consultant and all consultant costs.

If the proposal is rejected by staff, the applicant may appeal such decision to LAFCo. LAFCo may allow the original consultant to revise the proposal or require the applicant to select another consultant. As an alternative, LAFCo may select a consultant in the manner described in the following paragraph.

If the applicant does not want to or is unable to select a consultant, the Executive Officer shall select and provide a list of all acceptable proposals to the applicant. The applicant shall be offered an agreement with LAFCo in which the applicant will agree to pay LAFCo for all LAFCo costs related to the processing of the EIR. The applicant shall be required to deposit such funds with the LAFCo. The applicant shall then select a consultant to prepare the EIR. The applicant shall be responsible for the contract with the consultant and all consultant costs.

- b. LAFCo Projects: Where the project is initiated by LAFCo, the Executive Officer may prepare the EIR in its entirety or in conjunction with consultants selected by the Executive Officer and approved by LAFCo. LAFCo shall incur the cost of preparation of the EIR except where a project is initiated by LAFCo at the request of a person or agency. In such event, the person or agency requesting the initiation shall incur such costs of preparation as determined by LAFCo.

9. Notice of Completion

A Notice of Completion shall be filed by the Executive Officer with the State Office of Planning

and Research as soon as the Draft EIR is completed.

10. Public Hearing on Draft EIR

Any request for a public hearing on a Draft EIR shall be subject to approval by the Executive Officer. The Executive Officer may require a public hearing on a Draft EIR without any formal request. The decision or determination that a public hearing on a Draft EIR be conducted shall require findings that:

- a. The project subject to the EIR does not require approval at a public hearing, and
- b. Such a public hearing is necessary to facilitate the purposes of the CEQA. The reviewing body at such public hearing shall be the LAFCo Commission. All comments made on the Draft EIR at such public hearing shall be summarized and addressed and made part of the Final EIR.

10. Final EIR Process

- a. Response to Comments: All comments received during the public review processes shall be responded to in the Final EIR.
- b. Use of Final EIR: The Final EIR shall become a part of the project application and shall be taken into consideration when action is taken.
- c. Final Action on Applications: Where the Commission approves a project which allows the occurrence of significant adverse effects identified in the Final EIR without mitigation, the approval must contain a finding that the benefits of the project outweigh unavoidable environmental damage. These overriding considerations must be fully explained in the record of approval of the project.
- d. When the Commission approves a project for which the potential adverse impacts have been mitigated, the record of approval shall include the changes, alterations, and mitigation measures which have been required or incorporated into the project.

Reference: March 27, 1974; February 2, 1977; December 21, 1977; September 28, 1983; September 24, 1996

11. List of projects determined to be exempt.

For any of the following types of discretionary projects, the executive officer can determine with certainty the project will not have a significant effect on the environment, as provided for under Sec. 15061 of State CEQA Guidelines. For example:

- The project is to annex an area already developed to urban uses and no change in zoning, subdivision, or development is proposed.
- The project is to annex to the city an area within an unincorporated island, or within an unincorporated corridor over 1/2 miles in length and less than 1/2 mile in width at its narrowest point, and no change in zoning, subdivisions or development is proposed.
- The project is to detach from a city or district where services are no longer provided, are not needed nor contemplated by the agency for future provision.
- The project is to dissolve a district for nonuse of corporate powers.
- The project is similar in nature, scope, and location to other projects for which a negative declaration or mitigated negative declaration was issued.
- The project is for an area considered as urban infill and the proposal conforms to the subject city or county plans.
- A municipal service review.

All other discretionary non-exempt projects must have an environmental assessment. Any of the above projects which appear to the Executive Officer to need an assessment, though meeting the criteria, should also be assessed if there is a possibility of a significant effect on the environment.

SECTION 600 CONDUCTING AUTHORITY PROCEEDINGS

1. Unless the Commission waives the protest proceedings, as provided in GC sec. 56663, after adoption of a resolution making determinations by the Commission pursuant to Part 3 of CKH (commencing with GC sec. 56650), the Commission will conduct protest proceedings for a change of organization or reorganization pursuant to Part 4, Chapter 1 of CKH (commencing with Code sec. 57000). (GC sec. 57000(a)).
2. On July 11, 2012, pursuant to GC sec. 57000(c), the Commission delegated authority to the Executive Officer to perform the conducting authority proceedings. (LAFCo resolution no. 88)

Reference: December 19, 2001

SECTION 700 RETENTION AND DESTRUCTION OF RECORDS

GC sec. 56382

1. This Policy applies to all physical and electronic records generated or obtained by Fresno LAFCo during the course of its operation, including both original records and reproductions. This Policy does not apply to documents that are not retained in the normal course of business, such as drafts, rough notes or calculations made for the preparation of other documents, etc. (collectively, "Non-Records"). However, if a Non-Record becomes integral to the final product, it shall be retained in accordance with this Policy.
2. Original records two years old or less shall be maintained in the LAFCo Office. Except as described further below, the Commission may authorize the destruction of original records more than two years old (so long as the subject matter of the records is not still active and the record would not be subject to an audit) if a photographic or electronic copy of the original record is made and preserved, provided that the following conditions are met:
 - a. Following review by LAFCo Counsel, the Executive Officer places on the Commission's agenda an item that describes the types of records to be destroyed and identifies the years in which they originated, and permission to destroy said records is granted by the Commission.
 - b. The records are reproduced on a medium that does not permit additions, deletions, or changes to the original document, or reproduced in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management.
 - c. The device used to reproduce the records is one that accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions or changes to the original document images.
 - d. The reproductions are made as accessible for public reference as the original records were.

- e. A true copy of archival quality of the reproductions shall be kept in a safe and separate place for security purposes.
3. Original signed resolutions may not be destroyed.
4. Statements of Economic Interest (Form 700s) must be retained for seven years.
5. In the event the Commission is served with any subpoena or request for documents, or the Commission becomes aware of a governmental investigation or audit concerning the Commission, or the Commission becomes aware of the commencement of any litigation against or concerning the Commission, the Executive Officer shall ensure that any further destruction of records shall be suspended until such time as the Executive Officer, with the advice of Legal Counsel, determines otherwise.
6. The Executive Officer may destroy any duplicate record, paper, or other document if the original or a photographic or electronic copy of the record, paper, or other document is retained in the files of the Commission.
7. At least one copy of all electronic reproductions in .PDF, .JPEG or other electronic format that does not permit additions, deletions, or changes to the original record image or file and shall be stored on "flash" or USB drives, or other appropriate medium as technology allows, in a locked "fireproof" box in the LAFCo offices. A second copy shall be maintained on the County's "network" drive and/or secure server or other medium at an appropriate offsite location, as determined by the Commission.
8. In the case of Commission approved changes of organization and reorganizations where recordation is not achieved timely and where extensions of time are granted, the two-year time frame identified in Policy 730-01, shall be tolled from the time the change of organization or reorganization is completed (recorded).
9. In cases where a change of organization or reorganization is allowed to expire, the two-year time frame shall be tolled from the original date of approval or the date of the most recent time extension, if such extension(s) was granted.
10. Audio recordings of all Commission meetings shall be maintained on "flash" or USB drives or other appropriate medium as provided by State law and shall be stored in the manner as described in Subsection 730.07 above. These records are to be maintained as a permanent record of Commission proceedings.
11. Any document provided to the public shall have any and all confidential information (i.e., names, addresses, account numbers, medical histories, etc.) redacted from the produced documents.
12. Emails and other documents with electronic origins may be kept on a secure data management system pursuant to Secretary of State Guidelines and destroyed pursuant to these Policies and Procedures.

Reference: July 9, 2008; July 10, 2024

Appendix A: Public Officials Who Manage Public Investments

It has been determined that positions listed below manage public investments *and will file a statement of economic interests pursuant to Government Code Section 87200*. These positions are listed for informational purposes only:

- LAFCo Commissioners
- Alternate LAFCo Commissioners
- Executive Officer
- Chief Financial Officer
- Consultants involved in the investment of public funds.

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
LAFCo Clerk	2
LAFCo Staff Analyst	2
LAFCo Counsel	1

Investment Consultants

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section.

Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code.

(Gov. Code Sec. 81008.)

Reference: August 23, 2000; September 13, 2006; August 13, 2008; August 11, 2010; August 8, 2012; September 5, 2018

Appendix B: Disclosure Categories

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- a license;
- utility permit;
- station vendor permit.

Reference: September 13, 2006; August 13, 2006; August 8, 2012; September 5, 2018

Appendix C: Annexation Program Guidelines

It is Fresno LAFCo policy (102-01) that “within the sphere of influence each agency should implement an orderly, phased annexation program. A proposal should not be approved solely because the area falls within the sphere of influence of an agency.”

LAFCo recommends that each local agency fulfill this policy through the exercise of one or more of the following basic principles and actions.

The annexation program is consistent with LAFCo’s Sphere of influence (SOI) for the city.

Prior to a city submitting an application to the Commission to update its sphere of influence, the city and county shall meet and reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. (GC sec. 56425)

LAFCOs are authorized to perform numerous powers under CKH. Every determination made by a commission must be consistent with the spheres of influence of the local agencies affected by those determinations. (GC sec. 56375.5)

The annexation program should also anticipate needed updates of the city’s sphere of influence and the appropriate development standards developed in consultation with the County to promote the logical and orderly development of areas within the sphere. GC sec. 56425

Because cities provide multiple municipal services, they occasionally extend service outside of their city limits and SOIs. The statute allows these extensions—with LAFCo authorization—subject to certain conditions, though not as an alternative to annexation or amendment of the SOI. GC sec. 56133.

The annexation program emphasizes the use of cities’ resolution of application versus property owner petitions.

Background:

The LAFCo statute permits property owner petition-initiated reorganizations and SOI amendments. Though Fresno LAFCo must comply with statute, in many cases property-owner petitions complicate the process, increase liabilities, and otherwise thwart the orderly completion of LAFCo’s responsibilities. Some cities encourage petitions because they don’t have the resources to process annexations. The challenge is that all cities in Fresno County have MOUs with the County to comply with Revenue and Tax Code section 99 regarding property tax revenue transfer upon annexation.

Property-owner petitions may actually add inefficiencies to the MOU process. For example, in order to complete an approved annexation, LAFCo staff require certain documents from the city (right-to-farm, addressing, tentative map acceptance, etc.) and the city staff may not be prepared to respond in a timely manner. This could be remedied by earlier coordination between LAFCo and city staff if the staff were assisting with the application.

While it is possible to independently develop solutions for service delivery to a parcel, this practice does not promote the overall planning, construction, and integration of facilities into the municipal service delivery network. Proper long-range land use planning must recognize and balance competing interests and the need to provide for future roadways and coordination with other service providers that would be affected by planned growth. There is a civic obligation on the city's part that it assertively manages the implementation of its general plan beginning with the review and approval of planning applications, then make application to LAFCo for annexation, and finally take responsibility for the construction compliance with building and safety codes.

A city may consider discouraging property owner petition-initiated reorganizations as these would not necessarily have proceeded through a city's development review and approval, which is an important step in the management of a city's general plan and instead anticipate probable annexations and prepare to process these in a timely manner through resolution-initiated petitions.

The annexation program supports orderly growth by identifying areas to be annexed, general time frames for growth, and a plan for extension of services to these areas.

Suggested actions:

Capital improvement plan and/or facilities plans include all lands within the SOI;

Development impact fees that fund the extension of services are established and maintained;

Impacts to service delivery are assessed in the city's EIR or project-specific CEQA documents and appropriately-scaled mitigation is approved and implemented.

A city coordinates its public policy documents in support of the annexation program.

Background:

The annexation program should coordinate the policies, facilities, funding, and construction of city service infrastructure by linking the general plan land use diagram and policies, capital improvement plans, service delivery plans (such as a fire department's Standards of Coverage), and annual budget. The product of this work can serve as the foundation for development policies that direct growth to certain areas whether all or part of the city's sphere or restrict growth to defined areas until certain actions (funding, studies, etc.) are complete.

LAFCo's interest in cities' growth and development can be summarized by three words: order, logic, and efficiency.

Order is a state in which all components, elements, and actions are arranged logically, comprehensibly.

Logic describes the use of valid public policy reasoning in some activity. These elements can be found in a local agency's plans, policies, budget, etc.

Efficiency in general describes the extent to which time, effort or cost is well used for the intended task or purpose, it is measured by a comparison of production with cost (as in energy, time, and money) "Efficiency is doing things right, while Effectiveness is doing the right things."

An official document is created to describe how annexations implement the city's General Plan growth and development policies.

By coordinating a city's plans and policies, the annexation program also supports the efficient delivery of urban services throughout the rest of the city.

The annexation program anticipates changes of organization of existing special districts and service areas in or adjacent to the city's SOI.

Suggested action:

The Program should describe the transition of services that will occur when the city annexes/detaches (CID, NCFPD, FCFPD, KRCD, etc.); inversely, the document describes the status of or continuation of services when annexations do not result in detachment (FID, FMFCD, etc.).

The annexation program anticipates the location of Disadvantaged Unincorporated Communities within a city's sphere of influence.

Suggested action:

Cities should become proficient in implementing their responsibilities under Senate Bill 244, should review Fresno LAFCo DUC policy and review Senate Bill 244 Technical Advisory (attached).

Background:

The statute requires LAFCo to make determinations regarding "disadvantaged unincorporated communities" ("DUCs") when considering a change of organization, reorganization, a sphere of influence amendment and municipal service reviews (an "MSR"). Generally, LAFCo will not approve annexations of territory greater than ten (10) acres if there is DUC contiguous to the proposal.

GC sec. 65302.10 defines "Disadvantaged unincorporated community" as a fringe, island, or legacy community in which the median household income is 80 percent or less than the statewide median household income and requires that cities identify DUCs in their general plan land use element. GC sec. 56033.5 further refines this definition for the purposes of annexations and Fresno LAFCo policy 106 establishes procedures to evaluate DUCs in light of nearby annexation proposals.

LAFCo is working with the County and the Fresno Council of Governments to establish and update a County-wide map of DUCs. A map is currently publicly available on Fresno LAFCo's website at <https://www.fresnolafco.org/DUC.asp>.

The annexation program informs citizens in annexation areas of their rights, benefits, and changes that will occur on annexation.

Suggested actions:

City to establish and maintain on its website a description of the information above, how citizens can engage the process, how the city engages citizens and stakeholders and other information related to annexation. This information should include a description of the SOI, protest processes, and how LAFCo is involved.

For those portions of a city's SOI that contain a large number of rural residential parcels that are planned for urban uses, the city is strongly encouraged to develop a long-term plan to annex and serve these areas.

City entitlement analysis is integrated with LAFCo policies.

Suggested action:

Local agencies, including Fresno County, are advised to include Fresno LAFCo in their initial request

for comments.

When initial planning applications that will eventually require annexation are submitted to cities, they are encouraged to submit a pre-application to LAFCo so that LAFCo can track the project at its beginning and provide comments that would facilitate annexation in time for these to be considered in a timely and efficient manner.

Reference: December 10, 2014

Appendix D: DUC Database Development Guidelines

Introduction

These guidelines will be used to develop and maintain the database necessary to implement Fresno LAFCo policy 106-01, to conduct reasonable demographic surveys and studies. The database will be augmented by site investigation, and other materials supplied by government agencies and other interested parties (collectively, the "Information Sources").

DUCs in Fresno County are initially identified by reviewing US Census information including census tract, block group, or block data to obtain population estimates, economic composition, and demographic information. Census tracts occasionally include both incorporated and unincorporated territories which do not necessarily coincide with city or municipal local agency boundaries. Though a census tract may encompass a large geographic area, the sample data reported therein provides a reasonable assessment of the economic composition among residents within the tract. The smallest geographic units which the US Census collects and tabulates decennial census data are the census block groups and blocks. Census block groups are statistical divisions of a census tract. Census block groups are generally defined between 600-3,000 people. A block group consists of clusters of blocks within the same census tract that have the same first digit of their census block number. Data collected from census block groups and blocks are generally more detailed for areas within a census tract, if available. Most block groups identified by US Census data were delineated by local participants in the Census Bureau's Participant Statistical Areas Program.

The definition of a "disadvantaged community" (DAC) per GC sec. 56033.5, WC sec. 79505.5, and PRC sec. 75005(g), is "a community with an annual Median Household Income (MHI) that is less than 80 percent of the statewide annual MHI." For example, the 2020 statewide MHI in California reported by the US Census American Community Survey (ACS) 5-year report is \$78,672; thus, a community with a household income less than 80% of the MHI (\$62,937) would be a "disadvantaged community".

The Department of Water Resources (DWR) provides DAC mapping software and downloadable shape file maps are available through the DWR website. DWR's DAC mapping data is created using the ACS five-year period reports. The DWR maps identify DACs for different areas using census tracts or block group information. The shape file maps include pre calculated fields for census tracts and block groups that are identified as DAC (per PRC sec. 75005 (g)) with a "Yes or No."

Fresno LAFCo Policy 106 definition is more specific and includes two additional DUC indicators aside from the MHI margin:

the DUC will be inhabited territory (12 or more registered voters); and
consist of at least 15 dwelling units at a density not less than one unit per acre.

In addition, LAFCo policy 106-05 established that a DUC up to 300 feet distant from a proposed annexation boundary "is sufficient to start the annexation proceedings for a DUC." This policy also identified "Legacy Communities" which are DUCs within one mile of an existing or proposed sphere of influence.

The DAC mapping information available in geographic information systems (GIS) shape files will be employed to develop a "first cut" of maps to identify areas in the County that report a MHI less

than 80 percent of the statewide annual MHI. The DAC GIS shape files will be layered with maps available on the County of Fresno's GIS database. Fresno County's shape file named "CY_FRESNO.CENSUS_BLKGRP" will be utilized to identify all census block groups in the County that meet the DAC threshold. The "CY_FRESNO_CITY_NAMES" shape file will be used to map incorporated and unincorporated community boundaries. The "CY_FRESNO.PARCEL_VW" GIS shape file will be employed to identify parcelization patterns that could be compared to aerial photography in identification process of a DUC, per Commission Policy 106.

The DAC maps present an initial assessment of the areas based on MHI data at the census tract and block group levels. Further review of land parcelization patterns and identification of DUCs will be focused near city limits and within Municipal Local Agencies with SOI boundaries.¹ The data is selected to only identify DUCs near cities and Municipal Local Agencies that provide services related to sewer, municipal or industrial water, or fire protection. As such, each eligible Municipal Local Agency boundary was surveyed to identify and determine DUC locations that meet the 15 dwelling units at a density not less than one unit per acre.

Reference: February 11, 2015

¹ Fresno LAFCo policy 107-04, "Municipal Local Agencies" include cities and special districts that provide municipal services.

Appendix E: DUC Policy Implementation Guidelines

The Cortese-Knox-Hertzberg Local Government Reorganization Act OF 2000 ("CKH") requires LAFCo to make determinations regarding "disadvantaged unincorporated communities" ("DUCs") when considering a change of organization, reorganization, a sphere of influence amendment and municipal service review ("MSR").

LAFCo policy 106 supports the implementation of CKH and provides additional refinement of DUCs. The following directory guidelines may be used by staff to establish logical and predictable actions to implement the Commission's DUC Policy and CKH.

When a potential applicant meets with LAFCo staff to discuss a proposed project, the probable annexation boundaries will be estimated.

Staff will consult Fresno LAFCo policy 106 and Fresno LAFCo's DUC database to determine whether a potential DUC is identified adjacent to or within 300 feet of the proposed project and will convey this determination to the applicant and the subject city/municipal local agency.

The applicant is recommended to submit a pre-application. If the LAFCo DUC database indicates that a DUC is involved with the proposed project, a deposit of estimated time and materials expenses will be calculated and required prior to staff conducting additional work on the DUC analysis.

Pre-application process for DUC review and verification

Staff assembles data to determine if DUC exists:

- Acreage of DUC boundary is determined based on LAFCo's DUC database.
- Number of dwelling units within the DUC is determined, census data is used to assess preliminary MHI for the DUC, and field visits will be conducted.
- Number of registered voters within the DUC is determined.
- Identification of present and probable needs for public facilities and services for the DUC is determined.
- Information Sources, as defined in LAFCo policy 106-01, will be used to determine precise annual median household income of the DUC.
- Verification of any previous applications filed with the Commission for the same DUC within the preceding five years, if applicable, is determined.
- A mailing list of both property owners and registered voters within the DUC is generated.
- The affected city/municipal local agency will be contacted to participate in the evaluation of what services will be extended to the DUC if annexed. (service area)

Pursuant to LAFCo policy 106-04, "written evidence" shall be obtained in the following manner:

A DUC annexation notice letter, bilingual or multilingual (sample attached) will be sent to registered voters ("RVs") in the DUC with a copy sent to DUC property owners to advise registered voters of potential annexation of the DUC, describe the probable changes to services upon annexation, probable fees, taxes, and other assessments resulting from annexation.

The letter will request response from residents and registered voters within 21-days of receiving

the notice.

In compliance with CKH and LAFCo policy, the letter shall request written opposition to a potential annexation by the registered voters in a DUC. Based on the record of responses, the Executive Officer will present a recommended finding for the Commission action.

If the Executive Officer determines that based on written evidence, less than the majority of the DUC RVs respond to the annexation letter in opposition, or if majority of the RVs in the DUC respond in support of annexation, the applicant and subject local agency will be advised that this territory may be included in the proposed annexation or may be subject to a subsequent or concurrent annexation.

If the Executive Officer determines based on written evidence, that a majority of registered voters in the affected territory are in opposition to annexation, the applicant and subject local agency will be advised that this territory will be not included in any subsequent reorganization application pursuant to CKH and LAFCo DUC policy.

It should be noted that this does not preclude a DUC from being annexed by petition or resolution under other circumstances independent of CKH and LAFCo DUC policy.

An annexation application to annex a contiguous DUC shall not be required if either of the following apply:

- the Executive Officer determines that a previous application has been filed for the same DUC in the preceding five years, an application to annex will not be required.
- the Commission finds, based on written evidence, that a majority of registered voters in the affected territory are in opposition to annex, an annexation applicant will not be required.

<City Letterhead>

<Date>

Dear <name of registered voter and/or landowner>

You are receiving this letter because your neighborhood is next to a proposed annexation to the City of <name of City>. The City is proposing to annex <insert description of annexation – size, purpose, etc.>. A map of the proposed annexation area is enclosed. The City would like to know your interest in also being annexed.

You are currently residing on or own land in what is called unincorporated Fresno County. This means that the County of Fresno or the <name of special district> is responsible for services to your community. Annexation to the City of <name of City> would mean that the City would become responsible for many of the services to your community which may now be provided by the County or special district. Please see the enclosed information regarding the services that the City provides, how the services are paid for and the timing of when you could expect those services to be provided if your neighborhood is annexed into the City.

Enclosed is an annexation survey and postage paid envelope <or postage paid post card if the survey can fit>. Please return it by <date>. The return of this survey is important because State law requires the City to file an application to annex your neighborhood unless the majority of registered voters are against it. If you have any additional questions or would like more information, please contact <city contact name, phone number, e-mail>. For Spanish translation services for the enclosed City service information, please contact <city contact name, phone number, e-mail>.

<Ending salutation>

Enclosures:

Proposed Annexation Map

City Services and Other Information

City Annexation Survey and Return Envelope <or City Annexation Survey Postcard>

<City Letterhead>

<Date>

Estimado <name of registered voter and/or landowner>

Usted está recibiendo esta carta porque su vecindario está cerca de una anexión propuesta en la Ciudad de <name of City>. La ciudad está proponiendo anexar el territorio localizado <insert description of annexation – size, purpose, etc.>. Un mapa ilustrando el territorio de la anexión propuesta está incluido con esta carta. La ciudad también quiere saber su interés en ser incluido en la anexión.

Actualmente usted está viviendo o es dueño de propiedad en áreas que no son incorporadas en el Condado de Fresno. Por esta razón el Condado de Fresno o el <name of special district> es responsable de proveer servicios municipales a su comunidad. La anexión del territorio a la ciudad de <name of City> resultaría en que la ciudad se haga responsable de muchos de los servicios municipales a su comunidad que actualmente son proveídos por el Condado o el <name of special district>. Por favor mire la información incluida acerca de los servicios que la ciudad pueda proveer y como los servicios son pagados y cuando debe de anticipar los servicios que sean proveídos si su vecindad si el territorio es anexado a la ciudad de <name of City>.

Incluido esta una encuesta de la anexión y un sobre pre pagado <or postage paid post card if the survey can fit>. Por favor devuelva la encuesta antes del <date>. El regreso de esta encuesta es importante porque las leyes del estado de California requieren que la ciudad archive una aplicación para anexar su vecindario al menos que la mayoría de los residentes en su vecindario estén en contra de la anexión propuesta. Si usted tiene preguntas acerca de esta carta o quiere más información, por favor contacte a <city contact name, phone number, e-mail>. Para servicios de traducción en español sobre los servicios de la ciudad, contacte a <city contact name, phone number, e-mail>.

<Ending salutation>

Documentos Incluidos:

Mapa de la Propuesta Anexión

Servicios de la Ciudad y Otra información

Encuesta de Anexión y Sobre de Regreso <or City Annexation Survey Postcard>

City of X Annexation Survey

Please fill out this survey after reading the enclosed information regarding City services and potential annexation into the City of X.

Would you like to be annexed to the City of X?

Yes, I would like my property/residence to be annexed.

No, I do not want my property/residence to be annexed.

_____ I don't care, it doesn't matter to me if my property/residence is in the City or County.

_____ I don't know, I would like more information regarding annexation.

Would you be interested in attending a public meeting to hear more about what annexation means?

Yes

No

Contact information of the person(s) filling out this survey:

Name: _____

Address: _____

Phone or E-mail: _____

Ciudad de X Encuesta De Anexión

Por favor llene esta encuesta después de leer la información incluida sobre los servicios de la ciudad y la posibilidad de anexión a la Ciudad de X.

¿Le gustaría ser anexado a la Ciudad de X?

Si, Me gustaría que mi propiedad/residencia sea anexada.

No, No me gustaría que mi propiedad/residencia sea anexada.

_____ No me importa, no me importa que mi propiedad/residencia este en la ciudad o el condado.

_____ No Se, Me gustaría más información sobre la anexión.

¿Estará interesado en atender una ausencia publica para aprender más sobre la anexión?

Si

No

¿Cuántas personas (18 años o mayor) residen en su vivienda?

Información de contacto de la(s) persona(s) llenando la encuesta:

Nombre: _____

Dirección: _____

Teléfono o E-mail: _____

Reference: February 11, 2015

Appendix F: Fresno LAFCo Extension of Services Worksheet

This worksheet outlines the statute, policy, and procedure to request extension of service(s). Once you have reviewed this worksheet, you are encouraged to consult with LAFCo staff prior to submitting an application.

Authority

Government Code (GC) sec. 56133(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.

By Resolution No. 127, the Fresno LAFCo delegated to the Executive Officer the authority to approve, or conditionally approve, proposals to extend services outside jurisdictional boundaries.

Applicant

It is strongly recommended that the local agency that will provide the service(s) be the applicant, not the subject property owner. A local agency's agreement to serve the subject property is a necessary part of the application and will carry great weight with the Executive Officer's analysis of the application. LAFCo staff encourages property owners to work through the affected local agency:

GC 56017.2 (c). "Application" means: A request by a city or district for commission approval of an extension of services outside the agency's jurisdictional boundaries pursuant to Section 56133. (emphasis added)

Information needed from a local agency for authorization to extend service(s)²

- Completed application (only the first page of the LAFCo master application is necessary for extension of service requests);
- Nature of the request;
- Location of proposed recipient(s), address, APN, and total acreage of the affected property(ies);
- Maps depicting:
 - subject property.
 - all public improvements needed to fulfill the proposed extension,
 - city limit/district boundary. and
 - affected local agency's sphere of influence (SOI);
- A draft copy of the proposed agreement or contract between local agency and owners of the affected properties;
- A local agency contact;

² Note: An extension of service may be exempt from GC sec. 56133; see "Important exemption in the statute" later in this worksheet. If the extension is exempt the Executive Officer will communicate this in writing and fee will be returned.

- Known alternate providers of the type of service to be extended; and
- Fee per Fresno LAFCo policy 350-10.

Process

Extension of service requests are not changes of organization pursuant to GC 56021 and are not publicly noticed pursuant to GC 56658(b)(1); rather, the process is administrative in nature with typical notice of action given only to the subject local agency, the party requesting service, Fresno County Public Works and Planning, County Auditor/Controller, and County Assessor.

Within 30 days of receipt of an application for approval by a city or district of a contract to extend services outside its jurisdictional boundary, the executive officer shall determine whether the request is complete and acceptable for filing or whether the request is incomplete.

If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the applicant, specifying those parts of the request that are incomplete and the manner in which they can be made complete.

When the request is deemed complete, the executive officer shall, not more than 90 days from the date that the request is deemed complete, approve, disapprove, or approve with conditions the contract for extended services.

The executive officer may forward a copy of the application to the Fresno County Department of Public Works and Planning for review, comment, and recommended conditions of approval including necessity for encroachment permits, utility easements, and so forth.

If the executive officer has denied a request for extension of service, the local agency or an affected party may request that the executive officer's action be reconsidered by the commission within 30 days of executive officer action per GC sec. 56895.

There are essentially two thresholds to consider: is the service to be extended to property(ies) inside or outside of a SOI. If the subject property is inside of the affected agency's SOI:
GC 56133 (b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.

In comparison, service to property(ies) outside of the affected agency's SOI is a substantially higher threshold:

GC 56133 (c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:

(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

Regarding (1), above, in the event that the requested extension is outside a SOI, as soon as possible, the local agency should contact Fresno County Department of Public Health, Environmental Health Division at (559) 600-3271 for a finding of an existing or impending threat to the public health or safety.

Regarding (2) above, Public Utilities Code sec. 241 identifies a “Water corporation” as including every corporation or person owning, controlling, operating, or managing any water system for compensation within this State. Maps and statements on file with the commission are:

- Columbia Canal Company
- Shaver Lake Point One Mutual Water Company
- Shaver Lake Point Two Mutual Water Company
- Bakman Water Company

Important exemption in the statute

GC sec. 56133 (e) This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section does not apply to an extended service that a city or district was providing on or before January 1, 2001. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.

Typical Conditions of Approval

The LAFCo resolution authorizing extension of service pursuant to GC 56133 typically includes the following condition of approval:

- The record owner of title to each property shall record a covenant, in a form acceptable to the (service provider), stating that the record owner, and all subsequent owners of the subject property, shall not protest the future annexation of the subject property if such annexations are not subject to conditions, excluding the facts pertaining to the

annexation itself or the extension of service, which might materially prejudice those holding an interest in the real property.

- Other conditions of approval may be added to reflect circumstances unique to the application.

Distribution of Resolution


Upon expiration of the reconsideration period, the Executive Officer will distribute the resolution authorizing extension of service to the:

- local agency providing the extended service,
- owner(s) of the affected property,
- Fresno County Department of Public Works and Planning, and
- Fresno County Auditor-Controller/Treasurer-Tax Collector.

The Executive Officer shall provide a summary report of the resolution to the Commission at the next available meeting.

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

AGENDA ITEM No. 8

DATE: July 10, 2024
TO: Fresno Local Agency Formation Commission
FROM: Brian Spaunhurst, Executive Officer 
BY: Jessica Gibson, LAFCo Analyst II
SUBJECT: **Consider Adoption:** Municipal Service Review and Sphere of Influence Update for the City of Clovis. File No. RSOI-210/MSR-23-02 (Shepherd North)

- Attachment A** - Clovis Shepherd North SOI Update map
- Attachment B** - Clovis MSR and SOI Update
- Attachment C** - Notice of Determination/CEQA Findings
- Attachment D** - Determinations and Recommendations

Recommendations: Adopt the Municipal Service Review (MSR) prepared for the City of Clovis and update the Clovis Sphere of Influence (SOI) by taking the following actions:

Action 1: Municipal Service Review, LAFCo File No. MSR-23-02

- A. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines find that the MSR prepared for the City of Clovis is Categorically Exempt from the provisions of CEQA under Section 15306, "Information Collection."

Action 2: Clovis Shepherd North SOI Update, LAFCo File No. RSOI-210

- B. Acting as Responsible Agency pursuant to CEQA Guidelines, find that prior to approving the Clovis Shepherd North SOI update, the environmental effects of the Proposal as shown in Environmental Impact Report SCH No. 2022050180, prepared and certified by the City of Clovis as Lead Agency, were reviewed and considered, and determine these documents to be legally adequate pursuant to CEQA Guidelines Section 15096. **(Attachment C)**

Action 3: Written Determinations and Recommendations

- A. Find that the MSR prepared for the City of Clovis is complete and satisfies State law.
- B. Find that the written determinations of the MSR have been prepared consistent with Government Code ("GC") sec. 56430 and adopt the MSR prepared for the City of Clovis. **(Attachment B)**

- C. Find that approval of the requested Clovis Shepherd North SOI update is based on sufficient information provided to the Commission in the MSR, SOI determinations, the Executive Officer's Report to the Commission, all other testimony, evidence and information provided by persons and interested agencies, and is in compliance with State law, including, but not limited to, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).
- D. Find that the proposed Clovis Shepherd North SOI update fulfills LAFCo's purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies to advantageously provide for the present and future needs of the County and its communities.
- C. Adopt the required written determinations for the Clovis Shepherd North SOI update and determine that these written determinations have been prepared pursuant to GC sec. 56425(e).
- D. Find that all public notices of this Commission's hearing of this matter were duly given in accordance with State law.
- E. Approve the "Clovis Shepherd North SOI Update" and revise the Clovis SOI to include the area bounded by Sunnyside Avenue to the west, Perrin Avenue to the north, Fowler Avenue to the east, and Shepherd Avenue to the south; approximately 155 acres in size as depicted in **Attachment A**.
- F. Make the following Clovis MSR and SOI update recommendations:
 - a. Direct the City of Clovis to demonstrate its commitment to "participate in regional farmland conservation, including the establishment of comprehensive agricultural preserves or easements" consistent with its Clovis General Plan, Land Use Element Policy 4.4 Farmland Conservation. (Agriculture Preservation Section)
 - b. Advise the City of Clovis to evaluate its unaccommodated Housing Need from the fourth cycle Regional Housing Needs Assessment of 4,425 lower-income units, as noted in the Clovis Housing Element. (Growth and Population Projections Section)
 - c. Advise the City of Clovis to continue its working efforts with the International Water District and Garfield Water District to ultimately secure additional surface water supplies, in anticipation of urban development within the Clovis SOI. (Water Services Section)

Proponent: City of Clovis, John Holt, City Manager

Summary

This proposal is a request by the City of Clovis, via City Council Resolution, to add approximately 155 acres of territory into Clovis SOI (“Proposal”). The Proposal area is bounded by Sunnyside Avenue to the west, Perrin Avenue to the north, Fowler Avenue to the east, and Shepherd Avenue to the south. **(Attachment A)** The Proposal will allow for annexation and development of 77 acres and includes approximately 78 acres of non-development area into the updated Clovis SOI. The 2014 Clovis General Plan depicts urban land uses for the entire Proposal area.

Overview of Clovis MSR

This MSR update is prepared in response to the City of Clovis’ Shepherd North SOI update application (RSOI-210) filed with Fresno LAFCo.

The Proposal requests that the Commission consider a revision to the Clovis SOI to encompass approximately 155 acres. The entire area is located in the City’s planning area, but outside the existing City SOI. The 2014 Clovis General Plan identifies the proposed area between the Northwest Urban Center and the Northeast Urban Center, located north of the current Clovis SOI.

The proposed SOI revision as submitted by the City encompasses 39 unincorporated parcels that are owned by 37 different landowners. The Proposal will allow for future annexation, approval, and subsequent development of the 77 acre development area which includes three unincorporated parcels to be developed in phases, subdivided into 580 single-family residential dwelling units with an additional 49 outlots for roads, utilities, greenspace, landscaping, and pedestrian paths.

On March 18, 2024, the City of Clovis certified its Environmental Impact Report for the Shepherd North Project (SCH No. 2022050180). The City determined that the parcels to be included in the Proposal will facilitate orderly, infill residential development as planned in the City’s General Plan and assist the City to achieve its planned goals and objectives.

The Proposal will not add new jobs to the City, rather, predominantly rural residential and medium-high density residential land use designations.

City-County Agreement

As prescribed by State law, City of Clovis and Fresno County representatives convened to discuss the proposed SOI update; and, both local agencies have reached a formal agreement by the way of a Memorandum of Understanding on the proposed SOI. On June 4, 2024, the County of Fresno Board of Supervisors executed the Fourth Amendment to the 2017 Amended and Restated Memorandum of Understanding (MOU): County of Fresno and City of Clovis.

Although LAFCo is not a party to the City-County MOU, the agreement is evidence of an exchange of property tax revenue upon annexation, and includes standards of annexation, conditional commitments, and other matters of interest to both parties.

MSR Availability and Public Review

LAFCo Policy 112-05 requires that a draft MSR be posted on the Commission’s website with a minimum 21-day public review period. The Clovis MSR update was circulated June 19, 2024 through July 10, 2024.

Pursuant to GC sec. 56427, mailed notices were sent to all affected local agencies and owners of land within the affected territory. Additionally, a 21-day notice of Commission hearing was published June 19, 2024, in *The Business Journal*.

Background

A) Request for Amendments of the Sphere of Influence

Section 56428 of CKH authorizes any person or local agency to file a written request with the LAFCo executive officer requesting an amendment to a sphere of influence adopted by the Commission. GC sec. 56425 and 56430 govern LAFCos’ procedural measures aimed at assessing the requested SOI amendment.

On January 31, 2023, LAFCo received Clovis’ initial SOI update application submitted on behalf of the Clovis City Council. The application was issued the LAFCo file number; RSOI-210 Clovis Shepherd North Sphere of Influence update. Shortly thereafter, LAFCo worked with City staff to retain city growth projection data and municipal service information to complete the draft Clovis Municipal Service Review and SOI update.

B) Statutory Findings for a Sphere of Influence Amendment

A sphere of influence is defined and discussed in sections 56076, 56425, and 56426.6 of CKH. CKH defines a sphere of influence as the "plan for the probable physical boundaries and service area of a local agency, as determined by the Commission" (GC sec. 56076). Furthermore, CKH charges the Commission with approving spheres of influence "in order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies to advantageously provide for the present and future needs of the county and its communities." (GC sec. 56425(a))

Prior to the City submitting an application to the Commission to update its sphere, representatives from the City and County met pursuant to GC sec. 56424(b) and discussed the proposed new sphere and explored methods to agree on development standards and planning and zoning requirements within the SOI expansion that would promote the logical and orderly development of areas within the sphere. This agreement was approved by the Clovis City Council and the Fresno County Board of Supervisors on June 4, 2024, as the fourth

amendment to the 2017 Amended and Restated Memorandum of Understanding (MOU): County of Fresno and City of Clovis. A copy of the MOU is on the record with the Commission.

Written determinations for a sphere of influence amendment pursuant to CKH are presented here and analyzed in detail in **Attachment D** of this report:

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; and
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

Clovis SOI Analysis

Currently, City of Clovis encompasses approximately 17,413 acres, and the Clovis SOI contains 22,592 acres. The Proposal requests the Commission to revise the current Clovis SOI with the addition of 155 acres of unincorporated land into the updated Clovis SOI.

The Fresno County General Plan Land Use Element designates the development area as Low Density Residential and is zoned AL-20 (Limited Agriculture). The non-development area is designated a Rural Residential and is zoned RR (Rural Residential) by Fresno County. Inclusion of the territory to the Clovis SOI requires a General Plan Land Use Amendment to adjust the land uses from Rural Residential (RR) to Low Density (L) and Medium High Density (MH) to accommodate the proposed development density. It is anticipated that amending the SOI will be followed with the Vista Ranch Master Plan, which will include the Shepherd North project, coinciding with a project and annexation for the development area.

By Commission policy, a sphere of influence is generally considered a 20 to 25-year planning horizon to identify the probable growth area of a community. The City has determined that the parcels to be included in the SOI expansion facilitate and encourage orderly growth and development, both essential to the social, fiscal, and economic well-being of the community.

The final program environmental impact report for the Shepherd North project and SOI expansion are available on the City of Clovis website.¹

Analyses and determinations required by CKH are contained in the Municipal Service Review and Sphere of Influence update prepared for the Commission and are augmented by the 2014

¹ <https://cityofclovis.com/planning-and-development/planning/planning-projects/shepherd-north-soi/>

Clovis General Plan, the General Plan Amendments, and the certified EIR for the Shepherd North Project (SCH No. 2022050180).

In summary, the MSR determinations support an SOI expansion as orderly and logical growth of the City that would provide for efficient extension of municipal services.

The MSR and supporting data provides the evidence to support each determination. GC section 56430 requires that in order to prepare and update spheres of influence, the Commission shall first conduct a municipal service review and prepare a written statement of its determinations with respect to each of the following:

1. Growth and population projections for the affected area.
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared facilities.
6. Accountability for community service needs, including governmental structure and operational efficiencies.
7. Any other matter related to effective or efficient service delivery, as required by commission policy.

Required Findings and Determinations

Under CKH, there are a series of required findings that need to be made in respect to this Proposal. Staff presents in this report and attachments the evidence and analyses in support of the required findings.

SOI Expansion and Williamson Act Land Conservation Contracts

Under GC sections 56426, and 56426.6(a), the Commission shall not approve a change to the sphere of influence of a local government agency of territory that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1) if that local government agency provides, or would provide, facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract and the landowner consents to the change to the sphere of influence.

Williamson Act Contracts in the affected area are administered by Fresno County as a means to conserve productive agricultural resources. **The Clovis MSR notes that there are no active Williamson Act Contracts within the area requested to be included in revised Clovis SOI.**

Environmental Determination

The City of Clovis, acting as lead agency under California Environmental Quality Act (CEQA), prepared a Final Program Environmental Impact Report (EIR) for the Shepherd North project. The SOI expansion was included in the project description and analyzed in the EIR. The City of Clovis made necessary findings, certified the Revised Final EIR, and adopted a Statement of Facts, Findings and Overriding Considerations, and Mitigation Monitoring Program on March 18, 2024. These environmental documents can be found on the City of Clovis' website.²

As the "Responsible Agency" pursuant to CEQA Guidelines, the Commission is required to independently review and consider the environmental effects of the Project as presented in the adopted Final EIR for the City of Clovis General Plan prior to reaching its decision on the Proposal (sec. 15096 *et seq.* of the CEQA guidelines).

After such review, the Commission must find if there are any feasible alternatives or mitigation measure(s) within the Commission's power and authority that would substantially lessen or avoid any significant effect the Project would have on the environment identified in the certified EIR. Prior to reaching a decision on the proposed Clovis SOI update, the Commission is also required to make findings pursuant to the GC sections: 15091, 15093, 15096(g)(1), and 15096(h) of the CEQA Guidelines.

Individuals and Agencies Receiving this Report

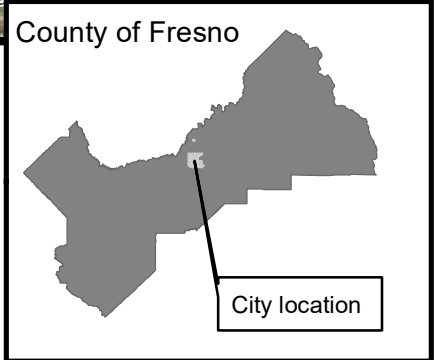
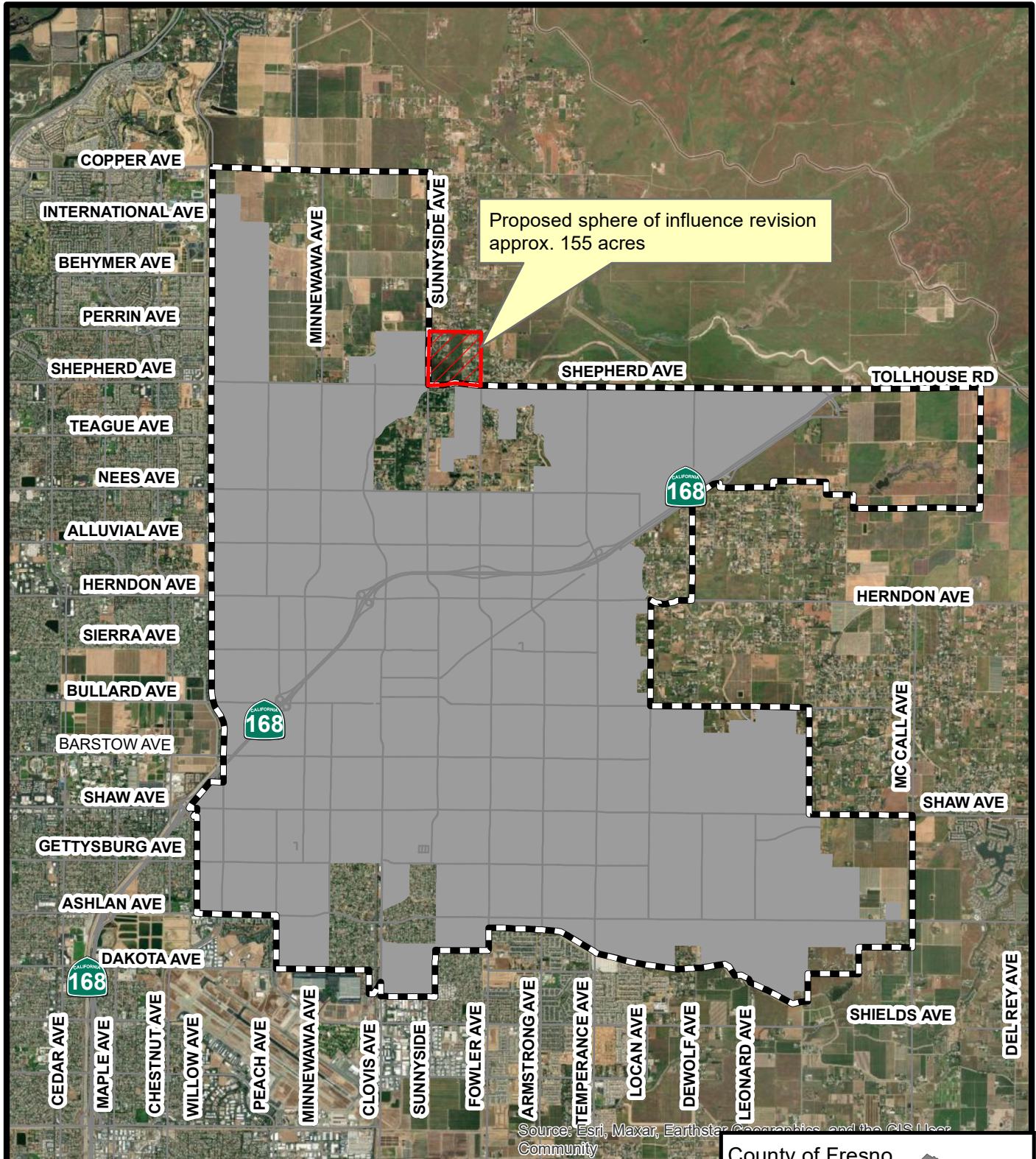
- Jessica Johnson, LAFCo Counsel
- Bernard Jimenez, Planning & Resource Management Officer, Fresno County Department of Public Works and Planning
- Will Kettler, Manager, Fresno County Development Services & Capital Projects
- John Holt, City Manager, City of Clovis
- George Gonzales, City of Clovis
- Liz Salazar, City of Clovis

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²<https://cityofclovis.com/planning-and-development/planning/planning-projects/shepherd-north-soi/>


City of Clovis

Proposed sphere of influence revision



Fresno Local Agency Formation Commission

-  Proposed sphere revision
-  Sphere of influence
-  City limit



Sphere area: 22,592 acres
 City area: 17,413 acres

Date: 1/31/2024

CITY OF CLOVIS

MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE

Report to the Fresno Local Agency Formation Commission

MSR-23-02 / RSOI-210

Brian Spaunhurst, Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, Analyst II
Joel Matias, Analyst I
Juan Lara, former Analyst III
Bricen Beck, former LAFCo Intern
Matthew Myrassamy, former LAFCo Intern

1401 Fulton Street, Suite 800
Fresno, CA 93721

Hearing Date: July 10, 2024

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Profile: City of Clovis

Contact Information

City Manager: John Holt
Alternate Contact: Andrew Haussler, Assistant City Manager
City Hall Address: 1033 Fifth Street
 Clovis, CA 93612
Phone: (559) 324-2060
Office Hours: 8:00 a.m. to 4:30 p.m., Monday - Friday
Website: www.cityofclovis.com

Management Information

Date Incorporated: February 27, 1912
Enabling Act: Government Code Title 4 (Government of Cities)
Organize As: General Law City

Vision Statement: *“The City that is committed to the Clovis Community Family, their needs, their values and a quality way of life for all; reflecting that commitment in how it develops and in the activities it undertakes.”*

Governing Body: Mayor and four City Council Members elected at-large; Mayor and Mayor Pro Tem have two-year terms and Council Members have staggered four-year terms

Elections: Elections Code sec. 10100 *et seq.* (General Provisions)

Council Members:	First Elected to Office	Current Term Ending
Lynne Ashbeck, Mayor	March 2001	November 2024
Vong Mouanoutoua, Pro Tem	March 2017	November 2024
Matt Basgall	December 2022	November 2026
Drew Bessinger	March 2017	November 2026
Diane Pearce	December 2022	November 2026

City Council Meetings: Held on the first, second, and third Monday of each month, 6:00 p.m. at Clovis City Hall

Staffing: 607 employees, as of February 2023

Service Information

Population Served: 123,665
Incorporated Limits: 16,852 acres, as of May 2023
Sphere of Influence: 22,592 acres
Proposal: Add 155 acres at the NE corner of Shepherd and N. Sunnyside Avenues (see Figure 2)

Fiscal Information

Budget: \$297.5 million (FY 2022-23)

Administrative Policies

Policies/Procedures: Yes
General Plan: 2014 Clovis General Plan
Municipal Code: <https://www.codepublishing.com/CA/Clovis/>
Previous SOI Update: 2019, addendum adopted 2020

Preface

This Municipal Services Review (MSR) is prepared by the Fresno Local Agency Formation Commission (LAFCo) to examine the municipal services provided by the City of Clovis. Fresno LAFCo is required to prepare this MSR by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000, et seq.), effective on January 1, 2001.

This MSR examines the following City Services:

- Planning and Management Practices
- Agency Finances
- Growth and Population Projections
- Disadvantaged Unincorporated Communities
- Parkland and Recreational Open Space
- Agriculture Preservation
- Stormwater Drainage
- Street Maintenance
- Public Transportation
- Fire Protection
- Law Enforcement
- Wastewater Services
- Water Service
- Community Sanitation Services
- Shared Facilities

Credits

Clovis City staff provided a substantial portion of the information included in this document, including budgets, financial statements, various plans, and responses to LAFCO's data inquiries. Fresno LAFCo extends its appreciation to those individuals at the City of Clovis that provided information, documents, and assistance crucial to this review.

Figure 1. City Limits and Sphere of Influence

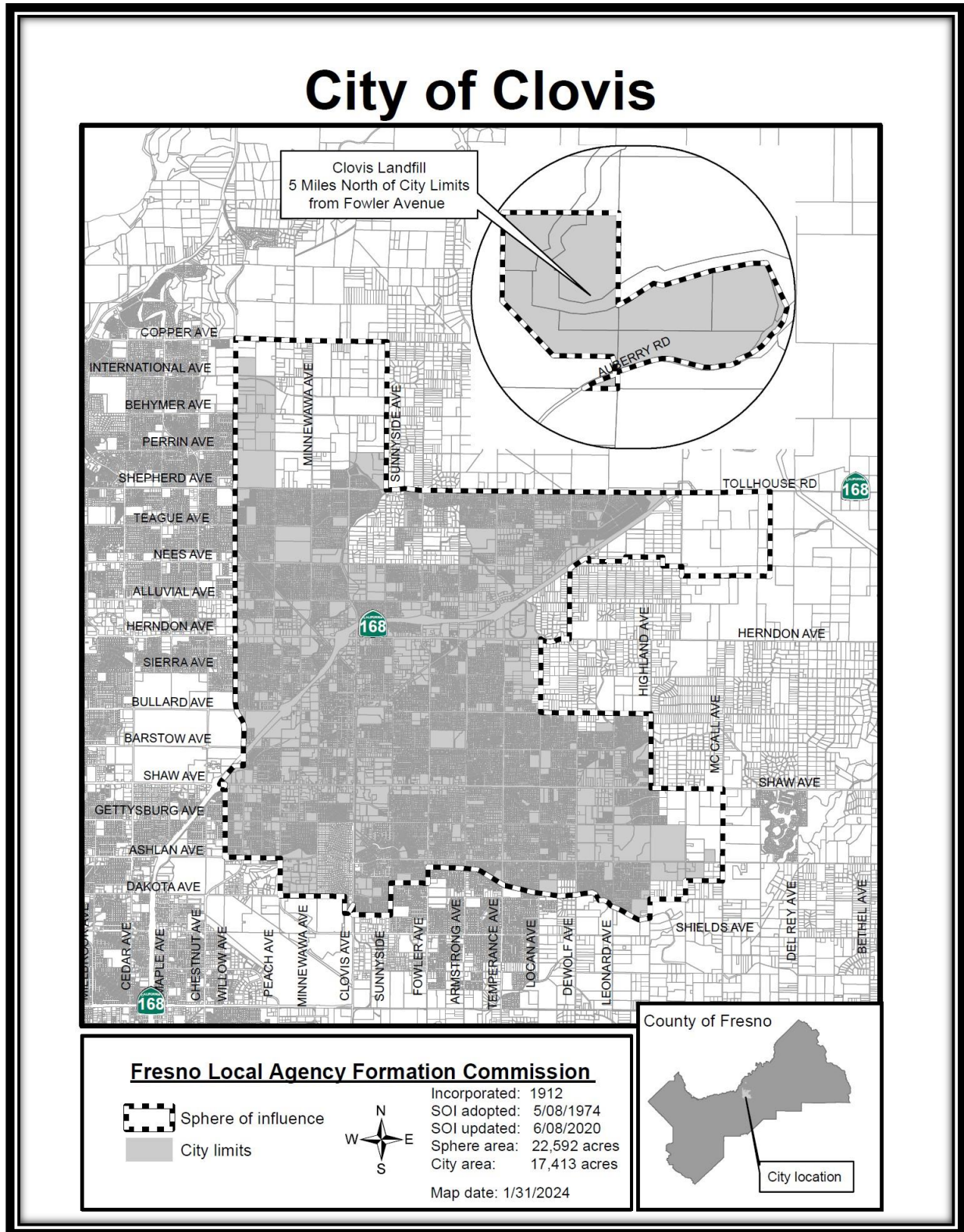


Figure 2. Proposed Shepherd North SOI Update (LAFCo File No. MSR-23-02/RSOI-210)

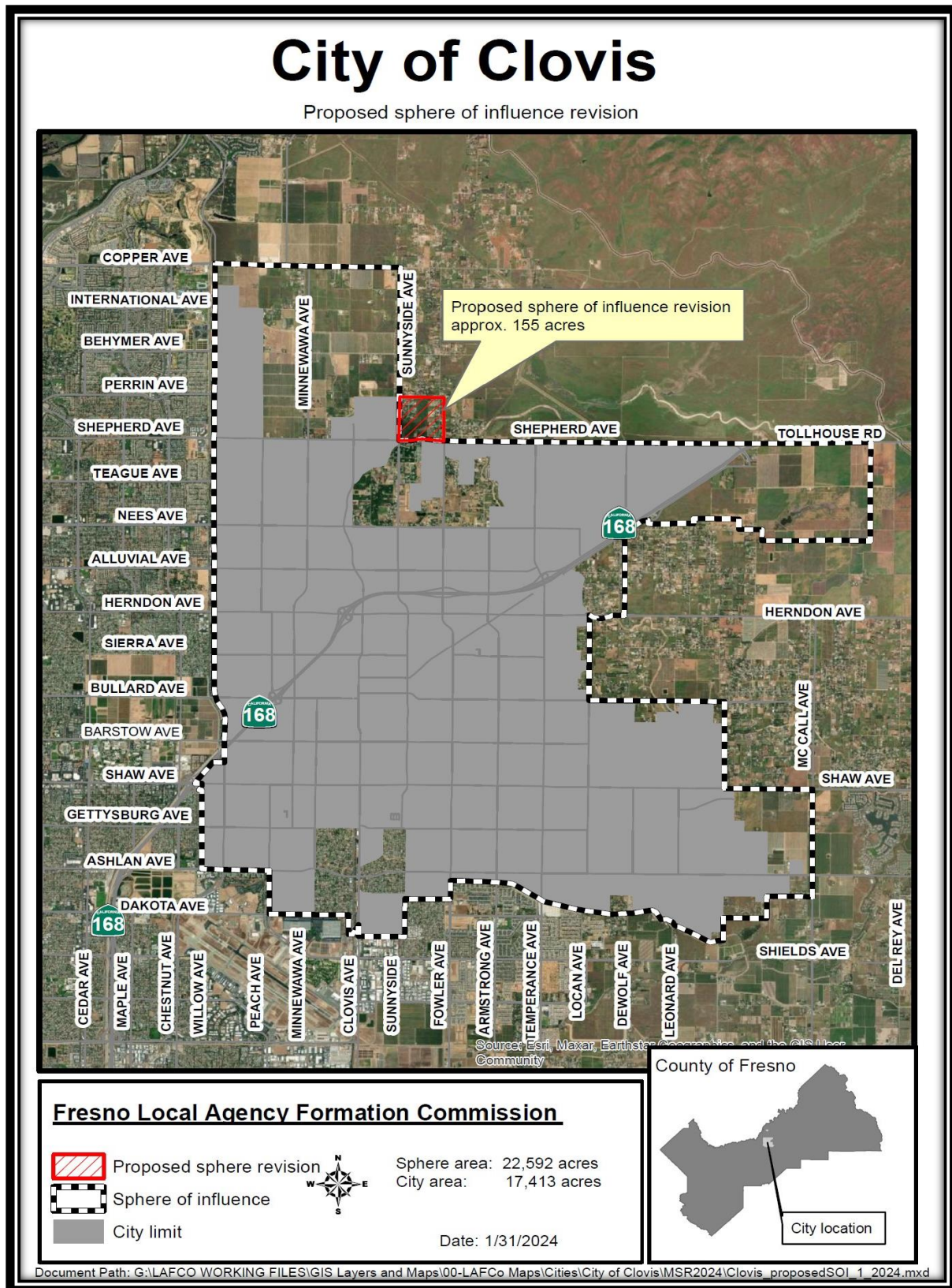


Figure 3. Shepherd North SOI Update Proposed Land Use

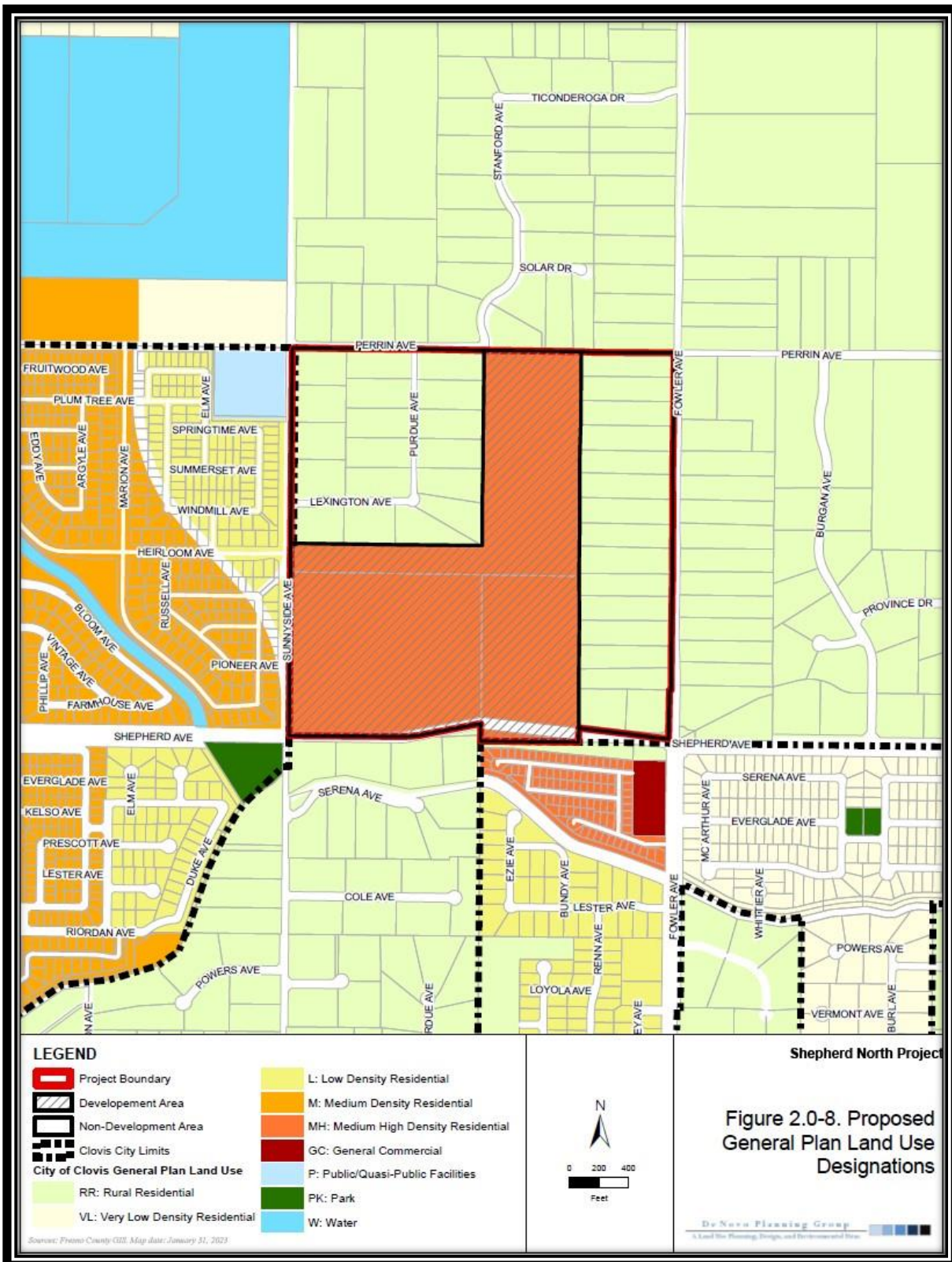
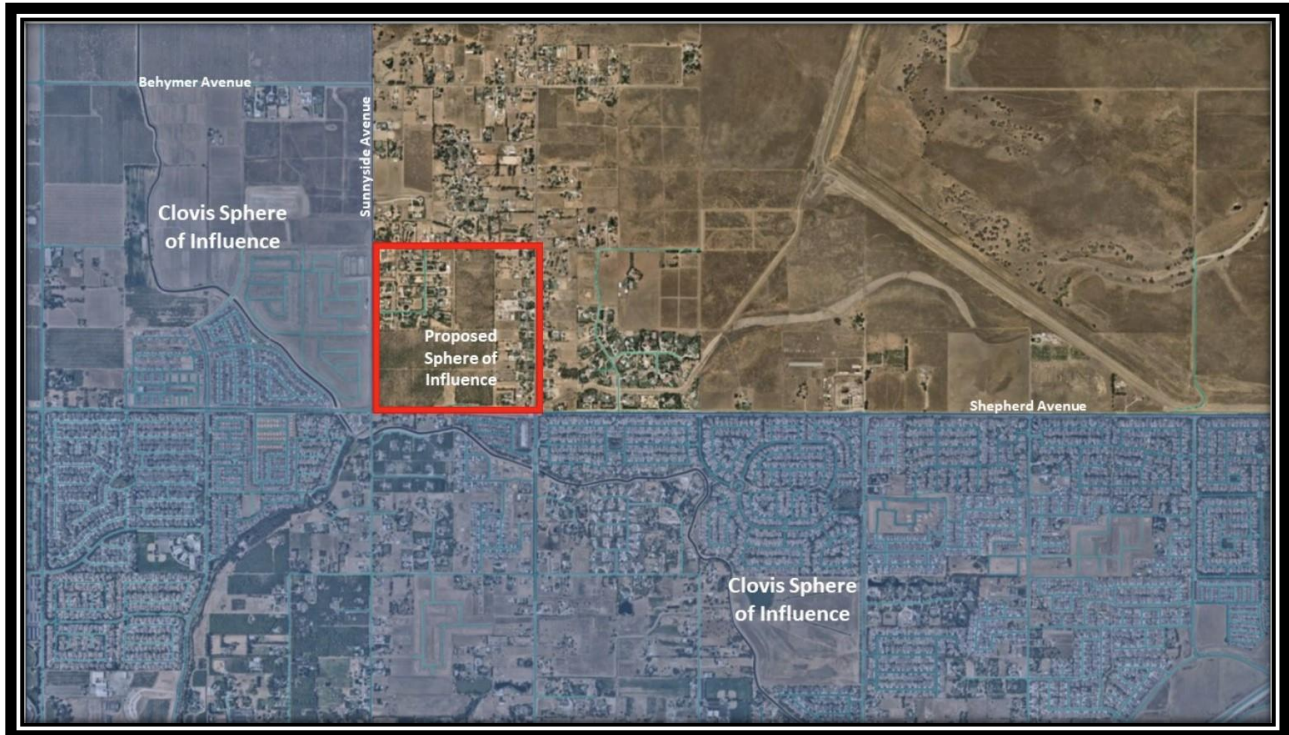


Figure 4. Aerial View of Proposed Shepherd North SOI Update



Source: City of Clovis

Executive Summary

Purpose of this Service Review

This MSR is prepared in response to the City of Clovis' Shepherd North sphere of influence (SOI) update application filed with Fresno LAFCo in January of 2023. This MSR is prepared for the Commission's consideration to determine whether the City has adequate public services, exiting policies, and planning efforts in place to extend public services into the existing and proposed SOI over the next 20 to 25 years, as required by California statute.

Sphere of Influence and Proposed Sphere Update

In 2019, LAFCo updated the 2015 Clovis SOI by adding 1,036 acres to the planned Northeast Urban Center. The SOI revision represented an addition of 4.9 percent to the Clovis SOI. The SOI update included a portion of the City's Northeast Urban Center (NEUC) growth area, and planned land uses are reflected in the adopted 2014 Clovis General Plan.

In 2020, LAFCo amended the 2019 Clovis SOI with an addendum to encompass the existing Clovis landfill located five miles north of city limits, adding 447 acres of noncontiguous territory to the Clovis SOI. The landfill site was previously annexed into the City under the provisions of the Cortese-Knox Act of 1985 which allowed cities to annex noncontiguous territory when the land is owned by the agency and is intended for municipal purposes.

In 2023, the City of Clovis filed a proposal request with LAFCo to expand the City of Clovis' SOI to include 155 acres consisting of parcels generally located north of Shepherd Avenue to Perrin Avenue, and from Sunnyside Avenue to Fowler Avenue. The proposed SOI update is situated in the City's planning area identified in the Clovis 2014 General Plan. The SOI expansion will allow for annexation of 155 acres, including 77 acres of development at the northeast quadrant of Sunnyside Avenue and Shepherd Avenue and 78 acres of non-development at the southeast quadrant of Sunnyside Avenue and Perrin Avenue, and west of Fowler Avenue from Shepherd Avenue to Perrin Avenue.

Communities of Interest Relevant to the Clovis SOI

The current Clovis SOI update is limited to only a portion; however, LAFCo as a regional agency is responsible for assisting the State legislature with promoting orderly development and growth while fulfilling many regional priorities. This MSR update also considers communities of interest within the 2014 Clovis General Plan's Plan Area that may present a future opportunity to include in a future City SOI updates. Within the vicinity of the Clovis SOI, the following communities are substantial rural residential development east of the SOI including:

- County Waterworks District No. 42 (Alluvial & Fancher Avenue)
- County Service Area No. 47 (Quail Lake)
- County Service Area No. 10 (Cumorah Knolls) and CSA No. 10A (Mansionettes Estates #3)
- County Service Area No. 51 (Dry Creek)

California Environmental Quality Act (CEQA)

A Municipal Service Review is a data collection planning study to inform future actions and therefore is exempt from environmental review. However, this application includes Clovis' request to LAFCo to consider an update to the Clovis SOI that requires an amendment to the Clovis 2014 General Plan after approval by the Clovis City Council with the following conditions:¹

- The proposed change is and will be fiscally neutral or positive.
- The proposed change can be adequately served by public facilities and would not negatively impact service on existing development or the ability to service future development.
- The proposed change is consistent with the Urban Village Neighborhood Concept when within an Urban Center.
- General Plan amendments proposing a change from industrial, mixed-use business campus, or office (employment generating) land use designations to non-employment-generating land use designation shall be accompanied by an analysis of the potential impacts on the City's current and long-term jobs-housing ratio, as well as an evaluation on the change or loss in the types of jobs.
- This policy does not apply to:
 - County designations within the Clovis Planning Area or changes made by the City Council outside of the sphere boundary to reflect changes made by the County of Fresno.
 - Changes initiated by public agencies (such as school districts, flood control) for use by public agencies.
 - Changes initiated by the city within a specific plan.

The 2014 Clovis General Plan provides a vision for future growth using a planning period from 2014 through 2035, and the adopted General Plan Amendment 2021-005 modifies the Clovis Land Use Diagram and designates planned land uses for the Development Area of the Shepherd North Project (approximately 77 acres) to be included in the 155-acre SOI update.

The Clovis draft environmental impact report (EIR) for the Shepherd North Project site was prepared and circulated for the public review period from July 21, 2023 through September 4, 2023, and the Final EIR was certified by Clovis City Council on March 18, 2024.

The 2014 Clovis General Plan identifies LAFCo as a Responsible Agency. The plan specifically envisioned phased SOI updates intended to facilitate planned outward City growth through year 2035. The Clovis SOI update would enable the City to plan for extended municipal services and the imminent annexation of new territory into the City. LAFCo considered the certified 2014 Clovis General Plan Update for its review and update of the Clovis Shepherd North SOI update, and LAFCo anticipates that future urban development within the affected area would be developed as contemplated in the City's certified 2014 General Plan.

¹ City of Clovis, 2014 General Plan and Development Code Update SCH# 2012061069, Volume II. Web: https://cityofclovis.com/wp-content/uploads/2023/07/Volumell_AppxBthroughL-1.pdf

LAFCo and Municipal Service Reviews

This MSR is prepared pursuant to legislation enacted in 2000 that requires LAFCos to conduct a comprehensive review of municipal service delivery and update the spheres of influence (SOI) of all agencies under LAFCo's jurisdiction. This chapter provides an overview of LAFCo's history, powers, and responsibilities. It discusses the origins and legal requirements for preparation of the Municipal Service Reviews (MSR). Finally, the chapter reviews the process for MSR review, MSR approval, and SOI updates.

LAFCo Overview

After World War II, California experienced dramatic growth in population and economic development. With this boom came a demand for housing, jobs and public services. To accommodate this demand, many new local government agencies were formed, often with little forethought as to the ultimate governance structures in a given region, and existing agencies often competed for expansion areas. The lack of coordination and adequate planning led to a multitude of overlapping, inefficient jurisdictional and service boundaries, and the premature conversion of California's agricultural and open-space lands.

Recognizing this problem, in 1959, Governor Edmund G. Brown, Sr. appointed the commission on Metropolitan Area Problems. The commission's charge was to study and make recommendations on the "misuse of land resources" and the growing complexity of local governmental jurisdictions. The commission's recommendations on local governmental reorganization were introduced in the Legislature in 1963, resulting in the creation of a Local Agency Formation Commission, or "LAFCo," operating in every county.

LAFCo was formed by the Legislature as a countywide agency to discourage urban sprawl and encourage the orderly formation and development of local government agencies. LAFCo is responsible for coordinating logical and timely changes in local governmental boundaries, including annexations and detachments of territory, incorporations of cities, formations of special districts, and consolidations, mergers and dissolutions of districts, as well as reviewing ways to reorganize, simplify, and streamline governmental structure. The commission's efforts are focused on ensuring that services are provided efficiently and economically while agricultural and open-space lands are protected. To better inform itself and the community as it seeks to exercise its charge, LAFCo conducts service reviews to evaluate the provision of municipal services within the county.

LAFCo regulates, through approval, denial, conditions and modification, boundary changes proposed by public agencies or individuals. It also regulates the extension of public services by cities and special districts outside their jurisdictional boundaries. LAFCo is empowered to initiate updates to the SOIs and proposals involving the dissolution or consolidation of special districts, mergers, establishment of subsidiary districts, and any reorganization including such actions. Otherwise, LAFCo actions must originate as petitions or resolutions from affected voters, landowners, cities or districts.

Fresno LAFCo consists of five regular members: two members from the Fresno County Board of Supervisors, two City Council members, and one public member who is appointed by the other members of the Fresno Local Agency Formation Commission. There is an alternate in each category. Independent special districts are not currently represented on the LAFCo Commission. All commissioners are appointed to four-year terms.

While serving on the commission, all commission members shall exercise their independent judgement on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of this division. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority.²

Commission Members, 2023

Two members from the Board of Supervisors appointed by the Board of Supervisors: Nathan Magsig, Buddy Mendes, and alternate position is currently vacant

Two City Council members representing the cities in the County, appointed by the City Selection Committee: Daniel Parra, Gary Yep, and alternate Scott Robertson

One member from the general public appointed by the other four commissioners: Mario Santoyo and alternate position is currently vacant

Municipal Service Review Origins

The MSR requirement was enacted by the Legislature months after the release of two influential studies recommending that LAFcos conduct reviews of local agencies. These reports are described more fully as follows.

Little Hoover Commission

In May 2000, the Little Hoover Commission released a report entitled *Special Districts: Relics of the Past or Resources for the Future?* This report focused on governance and financial challenges among special districts, and the barriers to LAFco’s pursuit of district consolidation and dissolution. The report raised the concern that “the underlying patchwork of special district governments has become unnecessarily redundant, inefficient and unaccountable.”

In particular, the report raised concern about a lack of visibility and accountability among some independent special districts. The report indicated that many special districts hold excessive reserve funds, and some receive questionable property tax revenue. The report expressed concern about the lack of financial oversight of the districts. It asserted that financial reporting by special districts is inadequate, that districts are not required to submit financial information to local elected officials and concluded that district financial information is “largely meaningless as a tool to evaluate the effectiveness and efficiency of services provided by districts, or to make comparisons with neighboring districts or services provided through a city or county.”

The report questioned the accountability and relevance of certain special districts with uncontested elections and without adequate notice of public meetings. In addition to concerns about the accountability and visibility of special districts, the report raised concerns about special districts with outdated boundaries and outdated missions. The report questioned the public benefit provided by

² California Government Code § 56331.4 (Added by renumbering Section 56325.1 by Stats. 2021, Ch. 31, Sec. 5. (AB 1581) Effective January 1, 2022.)

healthcare districts that have sold, leased or closed their hospitals, and asserted that LAFCOs consistently fail to examine whether they should be eliminated. The report pointed to service improvements and cost reductions associated with special district consolidations but asserted that LAFCOs have generally failed to pursue special district reorganizations.

The report called on the Legislature to increase the oversight of special districts by mandating that LAFCOs identify service duplications and study reorganization alternatives when service duplications are identified, when a district appears insolvent, when district reserves are excessive, when rate inequities surface, when a district's mission changes, when a new city incorporates, and when service levels are unsatisfactory. To accomplish this, the report recommended that the state strengthen the independence and funding of LAFCOs, require districts to report to their respective LAFCOs, and require LAFCOs to study service duplications.

Commission on Local Governance for the 21st Century

The Legislature formed the Commission on Local Governance for the 21st Century (21st Century Commission) in 1997 to review statutes on the policies, criteria, procedures and precedents for city, county and special district boundary changes. After conducting extensive research and holding 25 days of public hearings throughout the state, at which it heard from over 160 organizations and individuals, the 21st Century Commission released its final report, *Growth Within Bounds: Planning California Governance for the 21st Century*, in January 2000. The report examines the way that government is organized and operates, and establishes a vision of how the state will grow by “making better use of the often invisible LAFCOs in each county.”

The report points to the expectation that California's population will double over the first four decades of the 21st Century, and raises concerns that our government institutions were designed when our population was much smaller, and our society was less complex. The report warns that without a strategy open spaces will be swallowed up, expensive freeway extensions will be needed, job centers will become farther removed from housing, and this will lead to longer commutes, increased pollution and more stressful lives. *Growth Within Bounds* acknowledges that local governments face unprecedented challenges in their ability to finance service delivery, since voters cut property tax revenues in 1978 and the Legislature shifted property tax revenues from local government to schools in 1993. The report asserts that these financial strains have created governmental entrepreneurship in which agencies compete for sales tax revenue and market share.

The 21st Century Commission recommended that effective, efficient, and easily understandable government be encouraged. In accomplishing this, the 21st Century Commission recommended consolidation of small, inefficient or overlapping providers, transparency of municipal service delivery to the people, and accountability of municipal service providers. The sheer number of special districts, the report asserts, “has provoked controversy, including several legislative attempts to initiate district consolidations,” but cautions LAFCOs that decisions to consolidate districts should focus on the adequacy of services, not on the number of districts.

Growth within Bounds observed that LAFCOs cannot achieve their fundamental purposes without a comprehensive knowledge of the services available within each county, the current efficiency of providing service within various areas of the county, future needs for each service, and expansion capacity of each service provider. Further, the report asserted that many LAFCOs lack such knowledge and should be

required to conduct such a review to ensure that municipal services are logically extended to meet California’s future growth and development.

MSRs require LAFCOs to look broadly at all local agencies that provide one or more municipal services and to examine the order, logic, and efficiency of their services. The 21st Century Commission recommended that the review include water, wastewater, and other municipal services that LAFCo judges to be important to future growth. The Commission recommended that the service review be followed by consolidation studies and be performed in conjunction with updates of SOIs. The recommendation was that service reviews be designed to make several important determinations, each of which was incorporated verbatim in the subsequently adopted legislation. The Legislature since has consolidated the determinations into six categories, and most recently added another category totaling seven required findings as of the drafting of this report.

Municipal Service Review Legislation

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCo to review and update SOIs not less than every five years and to review municipal services before updating SOIs. The requirement for a service review arises from the identified need for a more coordinated and efficient public service structures to support California’s anticipated growth. The service review provides LAFCo with a tool to study existing and future public service conditions comprehensively and to evaluate organizational options for accommodating growth, preventing urban sprawl, and ensuring that critical services are provided efficiently.

Pursuant to Government Code §56430(a), the Commission must a review and adopt the MSR prior to taking action to update spheres of influence.

Effective January 1, 2008, Government Code §56430 requires LAFCo to conduct a review of municipal services provided in the county by region, sub-region or other designated geographic area, as appropriate, for the service or services to be reviewed, and prepare a written statement of determination with respect to each of the following topics:

- Growth and population projections for the affected area;
- The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the SOI (effective July 1, 2012);
- Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies (including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence);
- Financial ability of agencies to provide services;
- Status of, and opportunities for, shared facilities;
- Accountability for community service needs, including governmental structure and operational efficiencies; and
- Any other matter related to effective or efficient service delivery, as required by commission policy.

The Municipal Service Review (MSR) is a tool that is used by LAFCo to collect information and evaluate service provisions and service providers from a broader perspective. As mentioned elsewhere in this document, an approved MSR is required before LAFCo can adopt or update an SOI. It should be noted that the MSR process and approval will not always result in adopting or updating an SOI. While state law does provide that an MSR can be conducted in conjunction with an action to establish or update a SOI, the two processes and actions are distinct and separate functions under the LAFCo authorities. Municipal Service Review Process:

For the City of Clovis, the MSR process involves the following steps:

- Outreach: LAFCo outreach and explanation of the project
- Data discovery: City provides documents and responds to LAFCo questions
- Profile review: internal review and comment on LAFCo draft profile of the City
- Public review draft MSR: review and comment on LAFCo draft MSR – a 21-day period
- LAFCo hearing: attend and provide public comments on MSR

MSRs are exempt from California Environmental Quality Act (CEQA) pursuant to §15262 (feasibility or planning studies), §15306 (information collection), or §15061(b)(3) (common sense exemption) of the CEQA Guidelines. LAFCo’s actions to adopt MSR determinations are not considered “projects” subject to CEQA.

This review will be available for use by LAFCo, the County, cities, special districts, and the public to better understand how services are provided by the City of Clovis. Additionally, the review will be a resource to inform LAFCo decisions, including:

- updating spheres of influence,
- initiating or considering jurisdictional boundary changes,
- considering other types of LAFCo applications, and
- providing a resource for further studies.

LAFCo will use this report as a basis to update the sphere of influence for the City of Clovis. The report contains a discussion of various alternative government structures for efficient service provision. LAFCo is not required to initiate any boundary changes based on service reviews. However, LAFCo, other local agencies (including cities, special districts or the County), or the public may subsequently use this report together with additional research and analysis, where necessary, to pursue changes in jurisdictional boundaries. Government Code §56375(a) gives LAFCo the power to initiate certain types of boundary changes consistent with a service review and sphere of influence study. These boundary changes include:

- consolidation (joining two or more cities or districts into a single new successor city or district),
- dissolution (termination of the existence of a district and its corporate powers),
- merger (termination of the existence of a district by the merger of that district with a city),
- establishment of a subsidiary district (where the city council is designated as the board of directors of the district), or
- a reorganization that includes any of the above.

LAFCo may also use the information presented in the service reviews in reviewing future proposals for annexations or extensions of services beyond an agency’s jurisdictional boundaries or for proposals seeking amendment to the sphere of influence boundaries.

Other entities and the public may use this report as a foundation for further studies and analysis of issues relating to the services offered by the City of Clovis.

Fresno LAFCO Municipal Service Review Policy 112

On June 8, 2022, Fresno LAFCo revised its Policies, Standards, and Procedures Manual. The Municipal Service Review policy–Section 112 was formerly Municipal Service Review policy–Section 107 of the 2014 LAFCo Policy Manual. The MSR policy provides direction for the implementation of the commission’s MSR program, and outlines how local agencies under LAFCo’s purview are to be evaluated.

The goal of the Fresno LAFCo MSR program is to provide cities and special districts with an assessment on their provision of services, make recommendations regarding areas of improvement, and determine whether an agency is equipped to effectively provide services within its existing or expanded SOI.

In order to achieve this goal, MSRs will:

- Evaluate a local agency—including, but not limited to, services delivered by the agency or other agencies, the agency’s compliance with its principal act, activities of its legislative body, the agency’s managerial practices, sufficiency of its annual budget, presence of an agency’s long-range plan for services, opportunities for public participation at its legislative body’s meetings, and the agency’s compliance with "sunshine" laws, such as the Brown Act—in order to present thoughtful and accurate information in support of Commission determinations;
- Provide recommendations to encourage effective and efficient municipal service delivery;
- Build and maintain effective relationships between LAFCo and local agencies; and
- Encourage local agencies affected by these policies to include LAFCo at the beginning of any city planning application that may result in an annexation or SOI amendment or extension of services.

The following MSR policies assist LAFCo staff in preparation of MSRs in order to update or revise a local agency’s SOI in compliance with the Cortese-Knox-Hertzberg Act (CKH). These policies are based on circumstances unique to Fresno LAFCo and as such will ensure that municipal services are evaluated in an orderly, logically, and efficient manner.³

- The SOI should reflect a 20 year planning horizon and may include additional areas that may relate to the agency’s planning. This boundary shall be reviewed and either affirmed or, if necessary, updated on average of every five years thereafter.

³ Fresno LAFCo Policy Manual Section 112-6.

- The Commission will evaluate proposed SOI amendments in light of many of the local agency's own adopted plans and policies including, but not limited to, its general or master plan and related CEQA documents, service plans, annual budgets, fee structure, and capital improvement plans.
- MSRs may be updated independently from an SOI modification, either to facilitate review of an agency's service deficiencies or in response to other LAFCo actions.
- The Commission reserves the right to have an MSR prepared by a consultant under contract with the Commission and associated expenses may be borne by the requesting local agency.

Sphere of Influence Updates

The commission is charged with developing and updating the sphere of influence (SOI) for each City and special district within the County. An SOI is a LAFCo-approved plan that designates an agency's probable future boundary and service area. Spheres are planning tools used to provide guidance for individual boundary change proposals and are intended to encourage efficient provision of organized community services, discourage urban sprawl and premature conversion of agricultural and open space lands, and prevent overlapping jurisdictions and duplication of services.

Every determination made by a commission must be consistent with the SOIs of local agencies affected by that determination. For example, territory may not be annexed to a City or district unless it is within that agency's sphere. The SOI essentially defines where and what types of government reorganizations (e.g., annexation, detachment, dissolution and consolidation) may be initiated. If and when a government reorganization is initiated, a number of procedural steps must be conducted for a reorganization to be approved. Such steps include more in-depth analysis, LAFCo consideration at a noticed public hearing, and processes by which affected agencies and/or residents may voice their approval or disapproval.

SOIs should discourage duplication of services by local governmental agencies, guide the commission's consideration of individual proposals for changes of organization, and identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations.

The Cortese-Knox-Hertzberg Act (CKH) requires LAFCo to develop and determine the SOI of each local governmental agency within the County and to review and update the SOI every five years, as necessary. LAFCos are empowered to adopt, update, and amend the SOI. They may do so with or without an application and any interested person may submit an application proposing an SOI amendment.

LAFCo may recommend government reorganizations to particular agencies in the County, using the SOIs as the basis for those recommendations. In determining the SOI, LAFCo is required to complete a service review and adopt the seven determinations previously discussed. In addition, in adopting or amending an SOI, LAFCo must make the following determinations:

- Present and planned land uses in the area, including agricultural and open-space lands;
- Present and probable need for public facilities and services in the area;
- Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide;

- Existence of any social or economic communities of interest in the area if the commission determines these are relevant to the agency;
- Present and probable need for water, wastewater, and structural fire protection facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence; and
- In the case of special districts, the nature, location, and extent of any functions or classes of services provided by existing districts.

This chapter provides an overview of LAFCO's history, powers and responsibilities. It discusses the origins and legal requirements for preparation of the MSRs. Finally, this chapter reviews the process for MSR review, MSR approval and SOI updates.

City of Clovis Overview

Background

The City of Clovis was incorporated on February 27, 1912, as a general law city of the State of California. The City of Clovis (“City”) is located in the central portion of Fresno County, approximately 6.5 miles northeast of the City of Fresno downtown area. The City is surrounded by unincorporated Fresno County to the north, east, and south and by the City of Fresno to the west and southwest.

This MSR analyzes Clovis’ service levels, capacity, and its service planning efforts to extend its service provisions to the northeast corner of Sunnyside and Shepherd Avenue. The City has requested LAFCo to consider the expansion of the Clovis SOI to include 155 acres into the Clovis SOI.

The SOI is defined as the probable physical boundaries and service area of the local agency reflecting a 20-year planning horizon and may include additional areas that relate to the agency’s planning. The Commission will evaluate the proposed SOI expansion in light of many adopted plans and policies, including the City’s general plan, environmental documentation, service plans, annual budgets, service fees, and capital improvement plans.

The first Clovis SOI was adopted in 1974. On October 10, 2007, the Commission reaffirmed the 2000 Clovis SOI as supported by its first Municipal Service Review. In 2012, the City requested that LAFCo update the Clovis SOI to include 0.65 acres of public right-of-way near SR 168 and Shaw Avenue into the Clovis SOI.⁴

In 2015, LAFCo updated the 2012 Clovis SOI by adding 860 acres to the City’s Northwest Urban Center. The 2015 updated Clovis SOI encompassed 21,109 acres. In April 2019, Clovis updated the 2015 SOI by adding 1,036 acres to the City’s Northeast Urban Center, encompassing a 22,145-acre SOI.⁵ In July 2020, LAFCo adopted an addendum to the 2019 Clovis SOI which included the existing Clovis Landfill Facility and added an additional 447 acres, encompassing a 22,592-acre SOI. The proposed SOI revision includes 155 acres north of Shepherd Avenue to Perrin Avenue, from Sunnyside Avenue to Fowler Avenue, encompassing a 22,747-acre SOI. The City’s 2014 General Plan establishes land uses for a much larger plan area, beyond the existing SOI, that encompasses approximately 47,000 acres.

The Clovis SOI is generally bounded by Copper Avenue to the north, Willow Avenue to the west, Academy Avenue to the east, and Shields Avenue to the south. State Route 168 (SR-168) bisects the City from the southwest to the northeast.

Governance

A five-member City Council elected at-large governs the City of Clovis. The City Council has an appointed City Manager that is responsible for the day-to-day operations of the City and is assisted by the Clovis executive management team and administration staff. The City employs approximately 607 full-time employees that manage a wide variety of professional and technical municipal services.

⁴ LAFCo File No. RO-12-4 (Shaw-Winery Southwest Reorganization). Processed concurrently with the Clovis SOI update proposal RSOI-159.

⁵ LAFCo File No. RSOI-185.

City-County Meeting and Agreement

As prescribed by State law, the City of Clovis and County representatives have convened to discuss the proposed SOI update;⁶ additionally, both local agencies have reached a formal agreement by the way of a Memorandum of Understanding on the proposed SOI.

In June 2024, the County of Fresno Board of Supervisors executed the Fourth Amendment to the 2017 Amended and Restated Memorandum of Understanding (MOU): County of Fresno and City of Clovis. Although the LAFCo is not a party to the City-County MOU, the agreement provides a mutual agreement between both parties that addresses exchange of tax revenue upon annexation, standards of annexation, conditional commitments, and other matters of interest to both parties.⁷

The proposed SOI update will add 155 acres at the northeast corner of Sunnyside and Shepherd Avenues. The entire area is located in the City’s planning area, but outside the existing City SOI. The 2014 Clovis General Plan identifies the proposed area between the Northwest Urban Center and the Northeast Urban Center and is located north of the current Clovis SOI. The proposed area is generally bounded north of Shepherd Avenue to Perrin Avenue, from Sunnyside Avenue to Fowler Avenue.

The proposed SOI revision as submitted by the City will allow for future annexation, 77 acres for development and approximately 78 acres for non-development. The 77 acre development area includes three unincorporated parcels to be developed in phases, subdivided into 580 single-family residential dwelling units with an additional 49 outlots for roads, utilities, greenspace, landscaping, and pedestrian paths.

The City informed LAFCo that there are no active Williamson Act Contracts within the area requested to be included in the revised SOI.

Services Evaluated

This MSR examines the following City Services:

Planning and Management Practices	Disadvantaged Unincorporated Communities
Agency Finances	Parkland and Recreational Open Space
Growth and Population Projections	Agriculture Preservation
Street Maintenance	Stormwater Drainage
Public Transportation	Wastewater Services
Fire Protection	Water Services
Shared Facilities	Community Sanitation Services
Law Enforcement	

⁶ Government Code Section 56425(b) – City-County meeting and agreement.

⁷ June 4, 2024, Fourth Amendment to the 2017 Amended and Restated Memorandum of Understanding (MOU): County of Fresno and City of Clovis.

Planning and Management Practices

While public sector management standards vary depending on the size and scope of the organization, there are minimum standards that guide fulfillment of local government’s responsibilities. Well-managed organizations routinely evaluate their many service plans, annually assess performance levels, and regularly look for ways to improve their services. The City of Clovis, for example, relies on several benchmarks to track each department’s productivity. The Clovis City Manager’s office periodically reviews department performance, prepares an annual budget before the beginning of the fiscal year, conducts periodic financial audits to safeguard the public trust, and conducts community-based advanced planning to forecast future service needs. This section of the service review describes and evaluates the planning and management practices employed by the City that guide its capacity to provide public facilities and services to present and planned development.

Organizational Structure

The City of Clovis is governed by a five-member council, elected at large and accountable to the residents of Clovis. A general municipal election is held every two years on even years to fill City Council positions after members serve a four-year term. Council member’ terms are staggered so that three of the five terms expire on the same cycle, and two terms expire on the following election cycle. Every two years, the City Council elects one of its members to serve as the City Mayor and another member to serve as the Mayor Pro Tempore for a period of two years. There is no limit on the number of times a candidate can run for re-election to the City Council.⁸

The City operates under the Council-Manager form of government, which means that the City Council appoints a city manager who is responsible to administer the daily operations of the City. The City Council provides policy direction to the City Manager who works with the City’s administration team and the citizens to implement the direction of the Council.

The Council works closely with the City Manager, various citizen advisory commissions and committees, and solicits public comments from its residents to make decisions on behalf of its citizens. The City Council also focuses on creating and updating community goals and policies, votes on major projects, decides on long-term community growth strategies, and makes land use decisions, capital improvement plans, capital financing programs, and strategic plans. Additionally, the City Council appoints a City Attorney to represent and advise the City Council on legal matters, approves a five-member Planning Commission, and approves a seven-member Personnel Commission.

Other Council appointed commissions and committees responsible for setting policy include the Senior Activities Advisory Board comprised of five representatives appointed by the mayor for two-year terms, the Consolidated Mosquito Abatement District as a Board of Trustees’ member appointed as a representative for two or four-year terms, and the Fresno Metropolitan Flood Control District as a Board of Directors member appointed by the Council as a representative for a four-year term.

The City’s major operations are organized into seven departments including:⁹

⁸ City of Clovis, City Council.

⁹ City of Clovis, 2022-23 Annual Budget, Organization Chart, page 12.

- City Manager – Economic Development, Housing and Community Development, City Clerk Operations, Information Technology, Successor Agency
- Finance – Accounting/Reporting, Utility Billing, Budgeting, City Treasurer
- Fire – Operations, Training, Fire Prevention, Emergency Preparedness, Administration
- General Services – Personnel/Risk Management, Senior Services, Public Transit, Recreation Services, Facilities Maintenance, Purchasing
- Public Utilities – Water, Wastewater, Community Sanitation, Parks, Street Maintenance, Street Lighting, Traffic Signals, and Fleet
- Planning and Development Services – Planning, Building, Engineering Services, Community Investment Program
- Police – Administration and Support Services, Communication, Patrol and Jail Services, Investigations, Youth and Animal Services

The City relies on paid professional staff to conduct the daily business and manage the operation of the City. As of May 2023, the City employs 607 employees, which is an increase of 20 employees compared to FY 2021-22.¹⁰ Each department manager provides its respective employees with annual professional development evaluations, tracks employee goals and develops performance measures, and coordinates professional training courses and/or continued education opportunities. The City also provides services through agreements with other public agencies and private contractors.

Clovis City Council

The Clovis City Council carries out its responsibilities through the implementation of the Clovis General Plan, Clovis Municipal Code, and other state laws. The City Council is regularly informed by each department on existing service levels, service demands, and future service needs, and during the development of each annual budget. Each department maintains performance reports, end-of-year assessments, service strategic plans, or five-year service plans.

Each department has adopted planning policy documents, guidelines, and procedures that describe their respective responsibilities. Existing service plans are regularly reviewed, and appropriate changes are proposed for the City Council's consideration when deemed necessary.

The City of Clovis has an official city website, <https://www.cityofclovis.com/> that provides information pertaining to the City's history, city plans, business, city departments and services, employment opportunities, governance, city news, and community events.

The Clovis City Council regularly convenes at 6:00 p.m. on the first, second, and third Monday of each month unless such Monday is a legal holiday, in which event the meeting will be held on the next business day at the City of Clovis Council Chambers, 1033 Fifth Street, Clovis, CA 93612.¹¹

¹⁰ City of Clovis, 2023-24 Annual Budget, Personnel Section, page 57.

¹¹ City of Clovis, City Council.

Clovis Vision and Values and Priority Goal Setting

The “Clovis Vision Statement” was initially established as part of the 1993 General Plan update by the Clovis’ Citizen Advisory Committee to provide guidance for the implementation of the City’s General Plan. The Clovis Vision Statement is reviewed every few years by City Council and is focused on an annual basis by the Clovis City Council during the development of the city’s Annual Budget. The Clovis Vision Statement reads:

“A City that is committed to the Clovis Community Family, their needs, their values and a quality way of life for all; reflecting that commitment in how it develops and in the activities it undertakes.”

The purpose of the statement is to communicate the most desirable qualities that will prevail in the City of Clovis of the future, and to build on the City’s current values and opportunities while inspiring its citizens to achieve the community’s highest potential. Additionally, it serves as a guide for future design of the City and its services to make sure decisions are made that will perpetuate community values and further enhance the quality of living.¹²

The City Council periodically conducts goal-setting and strategic planning community workshops to develop a blueprint of goals and set targets for the Council to achieve. Goals express the expectation for direction and achievement for the next five-year period or longer, and targets action of those programs and projects to be addressed with the budget cycle. To help achieve the goals the City Council reviews and updates these goals annually.¹³ The Clovis City Council has adopted the following goals:

- Provide for orderly and planned community growth consistent with the vision adopted with the General Plan and regularly seek community response.
- Make Clovis the safest City in the Valley providing quick and effective response to high priority calls for emergency services.
- Provide for cutting edge economic development strategies to grow business, jobs, and to enhance the revenue base of the community; position City resources to support businesses competing in today’s global market.
- Provide for a financially sustainable City as the community grows and look to the long term
- Make Clovis a great place for all families to live healthy, work productively, learn continuously, and play actively from generation to generation.
- Provide strong and effective local leadership for the community, demonstrating a model for others; provide regional leadership and influence decision making through active participation in the big issues.
- Maintain and articulate a distinct community identity and community pride.
- Promote citizen engagement and develop a shared responsibility for community involvement.
- Maintain Clovis as a public sector employer of choice and ensure that this team advances the City’s Mission.

¹² City of Clovis, Government, City Council Goals.

¹³ Ibid.

In order to achieve these City goals, the City of Clovis uses various long-range planning documents including the General Plan, Specific Plans (for sub-areas of the General Plan), service and infrastructure master plans, various project and facility plans, and the Five-Year Community Investment Program. These plans are reviewed annually to ensure consistency with current law, trends, and technologies.¹⁴

Clovis Planning Commission

The Clovis Planning Commission is a permanent committee made up of five individuals who are appointed by the City Mayor and subject to approval by the City Council, to review, advise, and act on matters related to planning and development of the City.¹⁵ Members of the Planning Commission must be residents of the City, active individuals in the community, and be familiar with local concerns when dealing with new development proposals. The Planning Commission act in an advisory capacity to the City Council, so Commission membership may occasionally change in response to changes in the Mayor or City Council membership.

The Planning Commission assesses, reviews, and advises the City Council on fundamental City growth issues related to land use, housing needs, municipal services, and environmental protection. The specific role and functions of the Planning Commission are established in the Clovis Municipal Code and include responsibilities as both an advisory body to the City Council and as a final decision making body for certain land use applications. The Commission conducts public hearings and makes recommendations to the City Council on proposals and applications for General Plan and Specific Plan amendments, rezoning applications, development code amendments, planned development permits, development agreements, and other policy matters.

The Municipal Code identifies the Planning Commission as the final decision-making body for development-related applications including conditional use permits, variances and tract maps. However, any Planning Commission action can be requested to be appealed to the City Council. The City Council can either uphold the Commission’s decision, overturn it, modify it with or without conditions, or send it back to the Planning Commission for further study. The Planning Commission works closely with Clovis’ Planning and Development Services Department, and regular Planning Commission meetings are held monthly at 6:00 p.m. in the Clovis Council Chambers at City Hall on the fourth Thursday of every month.¹⁶

Personnel Commission

The Clovis Personnel Commission acts in an advisory capacity to the City Manager and the City Council with respect to the City’s Personnel Rules and Regulations and competitive service. The Commission is responsible for hearing appeals of certain personnel actions as provided in the City’s Personnel Rules and Regulation.¹⁷

The Personnel Commission is composed of seven-commissioners appointed by the Mayor, subject to approval of the City Council. Potential Personnel Commissioner candidates must be residents of the City, and all commissioners are appointed to four-year terms. The Commissioners’ terms are staggered; three

¹⁴ Ibid.

¹⁵ Government Code Sec. 65100 *et seq.*

¹⁶ City of Clovis, Municipal Code Sec. 9.50.040

¹⁷ City of Clovis, Personnel.

terms end on the same even year, while the remaining four terms end on the following even-year. Members of the Personnel Commission are appointed based on the recommendation of the Clovis Personnel Division. Prior to making its recommendation, the Personnel Division is required to seek, interview, screen, and recommend the best candidate to be officially appointed by the Mayor. Additionally, the Mayor or City Manager are often present when conducting an interview for the Personnel Commission.

City Attorney

The City Attorney is an appointed office established under the laws of the state of California and the Clovis Municipal Code. The City's legal counsel is presently retained by contract as determined by the City Council. The City Attorney is the City's chief legal advisor and represents the City in civil actions, prosecutes violations of the Municipal Code, pursues right-of-way acquisitions, and drafts ordinances, resolutions, contracts, leases, deeds, covenants, bond, financial documents, and other legal documents.¹⁸

All City departments contribute to a pro rata share to fund the primary operations of the City Attorney's office. When departments require litigation or special legal services funded by sources other than the General Fund, the additional expense is charged to the receiving department.¹⁹

City Manager

The City Manager is appointed by the City Council to serve as the chief administrative officer of the City. The City Manager is responsible for administering all operations, finances, activities, and projects consistent with City Council policy directives and applicable municipal, state, and federal laws. The City Manager appoints all department managers, and based on recommendations by department heads, the City Manager is authorized to confirm any hire and/or terminate any employee of the City.²⁰

The City Manager is advised on city projects, plans, and community service needs by Directors of multiple departments. The role oversees four major divisions – City Clerk, Administration, Assistant City Manager, Executive Management Team – and performs various functions within the City Manager's Department including Administration, Economic Development, Affordable Housing, City Clerk, and Information Technology. Recent reorganization shifts oversight of the City Clerk Division to the City Manager and the Information Technology Division to the Assistant City Manager.²¹

City Clerk

The Clovis City Clerk performs various professional and managerial duties that support the City Manager, City Council, City Attorney, and works with the public to address any citizen concerns. The City Clerk facilitates the execution of official and legislative processes, City Council Meetings, Agendas, Minutes, Ordinances, Resolutions, and City contracts, documenting the proceedings and retaining other legal and historical records. The Clerk also manages the proper maintenance and disposition of City records and

¹⁸ Ibid.

¹⁹ City of Clovis, Annual Budget 2022-23, City Attorney Department.

²⁰ City of Clovis, City Manager's Office.

²¹ City of Clovis, Annual Budget 2022-23, City Manager Department.

information according to statute, including the transfer of all written documents to electronic images for ease of storage and retrieval.²² The City Clerk division consists of two employees.²³

Amongst many responsibilities, the City Clerk conducts and oversees the municipal election process, files all state and local financial disclosure statements and election campaign disclosure statements, maintains and publishes the Municipal Code, and prepares legal and promotional publications and notices of public hearings.²⁴

Planning Practices

The City's central planning document is the Clovis General Plan. The current general plan was adopted by the Clovis City Council on August 25, 2014, with a planning horizon of twenty years (2035). In conjunction with the 2014 General Plan, Clovis also adopted a Development Code Update and certified an Environmental Impact Report (EIR). The General Plan establishes a comprehensive framework through which the City manages its growth and development to ensure it efficiently and effectively provides public facilities and services. The General Plan is organized into chapters, or elements, addressing land use, economic development, circulation, housing, public facilities and services, environmental safety, open space and conservation, and air quality. The Clovis Housing Element was adopted in conjunction with the Fresno Multi-Jurisdictional Housing Element on March 7, 2016.

In addition to the Clovis 2014 General Plan and Development Code, the City of Clovis has several planning documents that provide more focused direction relative to specific geographic areas or development topics. Development projects considered by the City are evaluated against these planning documents to ensure compliance. The following documents are in place:²⁵

- Central Clovis Specific Plan
- Herndon-Shepherd Specific Plan
- Loma Vista Specific Plan
- Shaw Avenue Specific Plan
- Urban Greening Master Plan
- Harlan Ranch Master Plan
- Heritage Grove Master Plan and Design Guidelines
- Dry Creek Preserve Master Plan
- Loma Vista Community Center Master Plan
- Clovis Parks Master Plan
- Heritage Grove City Center Village Master Plan
- Home Place Master Plan

²² Ibid.

²³ City of Clovis, 2022-23 Annual Budget, page 85.

²⁴ City of Clovis, 2022-23 Annual Budget, City Manager Department.

²⁵ Ibid.

Finance Planning

The City’s Finance Department includes the functions of Finance Administration and Debt Service which provides support to other operating divisions regarding finance issues. The Finance Administration is responsible for maintaining the financial accounting system, budgeting, financial reporting, utility billing and collection, business license administration, accounts payable, payroll, investments, and bond administration. The Finance Department consists of 21 employees.²⁶

The City’s Finance Department reviews and audits revenues and departmental budgets, prepares the annual Comprehensive Financial Report based on the findings of an independent Certified Public Accountant, prepares the annual budget, and provides discussion and analysis of the City of Clovis' financial performance and an overview of the City's financial activities.

The City also prepares a five-year financial forecast that analyzes the City’s long-term fiscal condition, existing conditions, and provides insight on the City's upcoming fiscal condition. The five-year forecast is based on a reasonable set of economic and operational assumptions. The City uses this five-year forecast as a resource management tool to inform both the City Council and the City Manager’s Office on fiscal trends and foreseeable issues that can be addressed early in the planning process in order to assure continued financial success. Each adopted report is posted on the City’s website.

Economic Development

The City of Clovis Community and Economic Development Department (CEDD) offers services to promote the City as an attractive location for businesses considering expansion and/or relocation to the region, support the continued growth of existing businesses, start-up and entrepreneurial enterprises, and promote Clovis as a desirable tourist destination. The CEDD is committed to supporting a thriving business community.

Planning and Development Services

The City’s Planning and Development Services Department integrates the planning, engineering, and building divisions under a single department while adhering to the department’s mission to “preserve the Clovis Way of Life by employing excellence in cooperative planning, reliable engineering, and sustainable building controls.” The Planning and Development Services Department consists of 62 allocated positions.²⁷

The Planning Division is responsible for day-to-day and long-range planning and implementation of the City’s General Plan. The Planning Division is responsible for preparing policies to carry out the goals and objectives of the General Plan, Specific Plans, Master Plans, and policy documents according to state environmental standards. Additional responsibilities include the timely processing of development applications, land use entitlements, review of residential subdivisions, site plans, multi-residential developments, environmental reviews, conditional use permits, conducting community meetings, and updating zoning ordinances.

²⁶ City of Clovis, 2022-23 Annual Budget, Finance Department.

²⁷ City of Clovis, 2022-23 Annual Budget, Planning and Development Services Department.

The Engineering Division ensures that private development adheres to all City requirements, conditions of approval, and development standards with regard to construction and capital development. The Engineering Division also implements the City's Community Investment Program, the construction and expansion of new infrastructure, and maintains all city infrastructure.

The Building Division is comprised of inspectors and plan examiners that review and determine whether all new projects meet the California Building Code standards. The Building Division issues construction permits, conducts building inspections, and safeguards health property and public welfare by regulating and controlling the design, construction, quality of materials, and issues use of occupancy permits.

Fire Department

The Clovis Fire Department is responsible for providing fire suppression, technical rescue, hazardous materials spill/release mitigation, emergency medical services (EMS), community risk reduction services, and emergency management. Additional Clovis Fire Department functions include strategic planning, administration, fire cause and origin investigations, code enforcement, public education, and community preparedness.

The Fire Department is comprised of three divisions – Emergency Operations, Community Risk Reduction, Fire Administration – which promote sound planning, economic efficiency, and effective use of the City resources while providing essential and valuable services regularly updated in the following guiding documents:²⁸

- 2022-2027 Strategic Plan
- 2022-2027 Standards of Coverage
- 2022 Annual Report – Fire Protection
- 2022 Fire Department Organizational Chart

The Department's Administration and Support Services is responsible for administering the Accreditation program, development and administration of the Fire Department Budget. Fire Administration and Support Services also provides administrative analysis, report preparation, coordination of programs, incident response data management, time keeping, and other routine duties performed daily that support the delivery of emergency and non-emergency services. Administration and Support Services also identifies, writes, and manages grants to supplement funding for all department programs. The Clovis Fire Department consists of 67 employees.²⁹

The City of Clovis Fire Department provides and receives automatic aid from the Fresno Fire Department and Fresno County Fire Protection. These agreements have been approved by the Clovis City Council, Fresno City Council, and the Fresno County Fire Protection District's Board of Directors and do not expire. The intention of automatic aid is for when an individual has an emergency and calls 911, they receive the closest emergency response unit no matter where the incident is located. This agreement enables the Clovis Fire Department to continually meet industry best practices such as National Fire Protection Association (NFPA 1710).

²⁸ City of Clovis, Fire Department, SOC & Annual Report.

²⁹ City of Clovis, 2022-23 Annual Budget, Fire Department.

The City of Clovis can also request support through the California Master Mutual Aid System, a formal agreement all California cities must participate in, which operates to provide firefighting for a variety of events including wildfires, landslides, earthquakes, and other major events.³⁰ In order for a city to request mutual aid, all of the Fire Department resources must be assigned to emergency incidents and the jurisdiction no longer has any available emergency resources.

Police Department

The Clovis Police Department (CPD) is responsible for enforcement of state and city laws, investigation of crimes, apprehension of criminal, reducing traffic collisions, maintenance of ongoing crime prevention programs, and building ties with the community and other local law enforcement agencies. The CPD consists of 112 sworn officers and 101 non-sworn professional staff. The CPD participates in mutual aid agreements for policing service with the City of Fresno, Fresno County Sheriff, and California Highway Patrol.

The CPD maintains the following planning documents:³¹

- Annual Police Department End of Year Reports
- Clovis Police Department Patrol Beat Maps
- Graffiti Removal Program
- Citizens Complaint Procedures
- Master Service Plan – Police Service

Public Utilities Department

The Clovis Public Utilities Department is a service and maintenance organization with the principal duty of providing essential municipal services, maintaining infrastructure, and strategically planning for operations and infrastructure to meet future City growth. These responsibilities include water supply and distribution, wastewater collection and treatment, solid waste collection and disposal, and street cleaning. The infrastructure maintained includes the City's street system, traffic signals, street lighting, parks, street landscaping, fleet maintenance, and procurement of the City's vehicles and equipment.³²

The department is divided into the Utilities, Signals, Street Lighting, and Parks Division, the Street Maintenance and Community Sanitation Division, and the Fleet and Technical Services Division with differing operational and budgetary responsibilities. The Public Utilities Department consists of 198 employees.³³

The Public Utilities Department maintains the following planning documents, which are available on the City's website:³⁴

³⁰ City of Clovis, 2022-27 Fire Department Community Risk Assessment & Standards of Cover. Web: <https://cityofclovis.com/wp-content/uploads/2022/11/Standards-of-Cover-2022-2027.pdf>

³¹ City of Clovis, Police Department, General Information.

³² City of Clovis, 2022-23 Annual Budget, Public Utilities Department.

³³ Ibid.

³⁴ City of Clovis, Public Utilities, Forms and Schedules.

- 2014 Master Service Plan
- Sewer System Management Plan
- 2021 Sewer System Management Plan Audit
- Certified Backflow Testers
- Community Clean-up Program and Schedule
- Consumer Confidence Report – Water Quality Report 2021
- Groundwater Management Plan 2006
- Recycled Water Master Plan Update 2017
- Service and Community Values of the Clovis Public Utilities Department
- Wastewater Master Plan Update Phase III 2017
- Refuse Route Map and Schedule
- Urban Water Management Plan 2020
- Water Facilities Master Plan 2008
- Water Master Plan Phase I 1995
- Water Master Plan Phase II 1999
- Water Master Plan Phase III 2018

General Services Department

The Clovis General Services Department provides a range of services including Senior Services, Transit, and Clovis Recreation Programs while handling personnel and purchasing, ensuring fair opportunities and conditions for prospective business dealings. General Services also maintains all City facilities including the Police and Fire Headquarters, City Hall, the Senior Activity Center, Public Utilities yard, the Clovis Recreation Center, and six fire stations. In addition to maintenance, General Services provides power, lighting, heating, ventilating, and cooling for all City buildings.³⁵ The General Services Department consists of 53 full-time employees and approximately 90 part-time extra-help employees.

Personnel and Management Practices

It is the responsibility of the immediate department supervisor to observe and evaluate the job performance of assigned staff as well as to provide appropriate orientation to the job, and implementation of each departments guidelines and planning policies.

From a broad approach, each department within the City of Clovis conducts performance evaluations for its employees to encourage open communication between the employee, follow employees, and supervisor/s regarding expectations and performance, identify opportunities for professional development, establish employee goals and objectives for upcoming year, and the employee's future within the organization.

The anniversary of a personnel action such as promotion, demotion, or transfer to a different class or reclassification determines the due date of the performance evaluation. Regular employees in the

³⁵ City of Clovis, General Services.

competitive service except for management employees are placed within a five-step salary range as follows:³⁶

1. The first step shall be the minimum rate and shall normally be the hiring rate for the class. In cases where it is difficult to secure qualified personnel, or if a person of unusual qualifications is engaged, appointment may be made by the Appointing Authority at the second or third step. Initial appointments above step three must be authorized by Council action.
2. The second step is an incentive advancement to encourage an employee. An employee may be advanced to the second step by the Appointing Authority after the completion of one-year actual and continuous satisfactory service.
3. The third step represents the middle value of the salary range and is the rate at which a fully qualified, experienced and ordinarily conscientious employee may expect to be paid after a reasonable period of satisfactory service. The Appointing Authority may advance an employee to the third step after the completion of not less than one year of actual and continuous satisfactory service at the second step.
4. The fourth step is for an employee whose work is above standard for the classification/position. The Appointing Authority may advance an employee to the fourth step at the completion of not less than one year of actual and continuous service at the third step upon satisfactory evidence that the employee's work is above standard.
5. The fifth step is for an employee whose work is consistently above standard service. The Appointing Authority may advance an employee to the fifth step after completion of not less than one year of actual and continuous service at the fourth step upon satisfactory evidence that the employee's work has been consistently above standard.

The first through third steps are considered entry level dependent upon experience and qualifications. The fourth step is considered the mid-range representing a highly qualified and experienced level. The remaining fifth step requires sustaining above standard or better performance for advancement to and maintenance of these levels.

³⁶ City of Clovis, Personnel, Employee Resources, Policies and Procedures, Personnel Rules and Regulations.

Agency Finances

Overview

This section of the MSR provides an overview of Clovis' financial health and a context for assessing the City's financial ability to provide services. This section of the service describes and evaluates the City's budget for fiscal years (FY) 2021-22 and 2022-23, the 2022 Annual Comprehensive Financial Report (ACFR), the City of Clovis five-year forecast, and Clovis' Budget-at-a-Glance. Additional information was collected through communication with City staff.

Budget Process

The Clovis Municipal Code (CMC) requires that the City Manager prepare a balanced budget to submit to the City Council by the third meeting in May of each year, outlining anticipated revenues and expenditures for the upcoming fiscal year. CMC also requires that the City Council adopt a balanced budget no later than June 30 to assure that continuity of government services remains intact. The proposed budget becomes effective excluding provision for capital improvements.³⁷ Annual appropriated budgets are adopted for the General Fund, Special Revenue Funds, Capital Project Funds, and Debt Service Funds. Spending plans are also adopted for the Proprietary Funds.

The Clovis City Council considers the proposed budget during a noticed public hearing and may add to, subtract from, or change appropriations within revenues and reserve estimates, as available. Once adopted, the City Manager has discretion to transfer appropriations within specific funds not to exceed \$5,000 for appropriations, and \$2,500 on reserves. Any budget changes greater than the limited amounts require consideration by City Council action.

The City of Clovis has established fiscal policies that governs its financial administration. Clovis' financial policies are designated to protect the City's assets, provide stability in its funding base, and ensure that adequate funding resources are secured for the upcoming year. The budget's objectives include securing adequate allocations to maintain appropriate service levels for public safety, crime prevention, hazard prevention, and emergency response. Additional funding measures are allocated toward the annual implementation of the City's 2014 General Plan, which includes updates of all service delivery plans, general plan amendments, and infrastructure master plans.

The City of Clovis policy requires that an emergency reserve be established on all budgetary accounts. The General Fund target reserve is set at 20-25 percent; the current General Fund reserve is approximately 22 percent, which is equivalent to \$21 million at the beginning of FY 2022-23. The City's financial policy requires that each operational fund account also establishes a minimum reserve of 10 percent unless capital borrowing or extraordinary fiscal conditions require that higher levels of reserve be maintained.

For FY 2022-23, Clovis' adopted budget amounted to \$297.4 million. Clovis also includes \$48.4 million in capital improvement expenditures which directs \$43 million to the Community Investment Program (CIP)

³⁷ City of Clovis, 2022-23 Annual Budget. Web: <https://cityofclovis.com/wp-content/uploads/2022/05/22-23-Budget.pdf>

and \$5.4 million to capital projects in other funds.³⁸ In addition, the budget for the General Fund includes a \$4.6 million unassigned fund balance to cover any minor unanticipated revenue shortfalls that may occur during the year. The City of Clovis does not issue long-term debt to fund its current operations.

Additionally, City of Clovis contracts with an independent auditor to audit its financial record for the preceding fiscal year on an annual basis. The financial audits, also known as its Annual Comprehensive Fiscal Report (ACFR), are prepared by a certified public accounting firm in accordance with generally accepted auditing practices of the government finance industry. Clovis' City Council receives an annual ACFR for its previous year no later than December 31st of each year. Along with the preparation of the annual budgets and ACFRs, city personnel prepares a five-year forecast that analyzes the City's long-term fiscal condition. City trends and issues are identified and addressed early in support for meeting service needs of the City's residents.

Budget Strategy

In 2014, Clovis completed a new General Plan, which is at the top of the City's land use regulation hierarchy. It is the foundation for most of the Council's budgeting decisions in terms of capital facilities, staffing, programs, utility infrastructure, and levels of service. It establishes a land use pattern for lands beyond the City limit. The 2014 General Plan provides the vision and guidance for capital improvements and the development of City infrastructure. It is used to create development impact fees and provides the basis for environmental analysis of the growth of the City.

THE GENERAL PLAN IS INTENDED TO GUIDE DEVELOPMENT FOR A PERIOD OF TEN YEARS AND WILL BE THE BASIS OF THE CITY'S ANNUAL FIVE-YEAR OPERATING AND CAPITAL FORECAST, AND BEYOND. TO FINANCE CURRENT GROWTH, THE CITY HAS A VARIETY OF USER AND DEVELOPER FEES TO PAY FOR STREETS, PARKS, WATER WELLS AND LINES, AND SEWER LINES.

The City reviews these fees on an annual basis to assure that the fee structure is in line with the cost of construction. The Water and Sewer Funds have approved annual increases of 3 percent into the future, if necessary. The Community Sanitation Fund has approved annual increases of 4 percent into the future, if needed. For FY 2021-2022, the City implemented a 3 percent increase in water, a 4 percent increase in recycling and green-waste, and a 3 percent increase in refuse service.

City Revenues

The following sections discuss specific areas of the financial status of the City in more detail. These areas include overall City revenues and expenditures, the General Fund, several of the major enterprise funds, the CIP, City assets and liabilities, the pension systems and other liabilities, debt service, and City bond ratings.

The City of Clovis General Fund recognizes its revenue sources in two categories, "discretionary" and "non-discretionary" revenues. According to Clovis' budget, "discretionary" means revenue that the City can decide, without restriction, how these funds can be used. Discretionary revenues consist of property taxes, most sales taxes, and business license fees.

³⁸ Ibid.

In contrast, Clovis defines “non-discretionary” as revenues that have restrictions and the City must spend these revenues on specific programs for which they are intended. For example, gas tax revenues that must be used toward street maintenance programs, and development fees that must be used for the City’s land use entitlement process, permitting, and inspection of the new development. These types of revenues are considered non-discretionary.

According to Clovis’ budget for FY 2022-23, the City anticipates revenues to amount to \$297.4 million. The discretionary category makes up 25 percent of the City’s General Fund, while 75 percent is non-discretionary revenue. For FY 2022-23, Clovis’ discretionary revenues amounted to \$72.4 million, of which \$72.1 million was appropriated in the General Fund and \$0.3 million was transferred to the Planning and Development Service Fund to pay for the general public benefits supported by the Department. For FY 2022-23, Clovis’ non-discretionary revenue amounted to \$225 million. Of the discretionary revenues, the City will use over 87 percent, or \$63.2 million, of the total \$72.4 million of discretionary funds for public safety.³⁹

The City of Clovis identifies revenue resources in the following categories – charges for service (36.3%), charges to other departments (19.4%), payments from other agencies (17.9%), property taxes (10.5%), sales taxes (8.6%), other taxes (3.6%), licenses and permits (1.4%). The smallest revenue categories include other finance sources, other revenues, use of money and property, and City fines; each generate less than 1 percent in revenues, respectively.

According to Clovis’ budget for fiscal year 2022-23, the City anticipates the following funding revenue streams:

Item	Amount
Property taxes	\$33,525,000
Sales and use tax	\$31,528,000
Other taxes	\$11,105,000
Licenses and permits	\$5,607,000
Fines	\$193,000
Use of money and property	\$1,114,000
From other agencies	\$37,835,000
Charges for current services	\$106,152,000
Other revenues	\$726,000
Charges to other departments	\$67,263,600
Other financing sources	\$0

At the beginning of FY 2022-23, the City started the year with an available fund balance of \$101,730,603. The sum of anticipated revenues (\$295,048,600) and the available fund balance at the beginning of the year (\$101,730,603) amount to \$396,779,203.

³⁹ City of Clovis, 2022-23 Annual Budget, page 3.

Clovis' expenditures and expenses for FY 2022-23 consist of the following budget line items:

Items	Amount
Salaries-Regular	\$56,868,400
Overtime	\$5,542,000
Extra Help	\$3,142,700
Benefits	\$34,547,800
Vehicle Charges	\$13,452,000
Energy	\$8,724,400
Communications	\$653,000
Professional Services	\$29,970,900
Repair and Maintenance	\$5,749,300
State Mandates	\$1,080,000
Special Events	\$107,500
Building And Equipment Rental	\$52,000
Office Supplies	\$667,700
Materials And Supplies	\$6,729,000
Travel And Meeting Expenses	\$367,300
Training	\$1,072,100
Dues And Subscriptions	\$460,100
Administration and Overhead	\$26,049,700
Employee Related ISF Charges	\$34,793,600
Liability Insurance Program ISF	\$4,772,700
Debt Service	\$14,297,000
Capital Outlays/Improvements	\$48,388,200

Clovis' total expenditure for FY 2022-23 amount to \$297,487,400. According to the City's budget, the City will have a net transfer balance of \$150,000 and the City expects that it will end the year with a fund balance of \$99,441,803. Based on the City Council adopted FY 2022-23 Annual Budget, there is sufficient influx of funding resources to allow the City to continue to provide acceptable levels of public services, municipal services, and continuation of operations of various public facilities.

Property Taxes

The following sections provide additional information related to the City's tax revenue base.

Property taxes comprise the largest source of budgeted revenue in the City's General Fund. Annual property tax revenue totals approximately 11 percent of the General Fund revenues. For FY 2022-23, the City received \$33,525,000 in property taxes on real and personal property.⁴⁰

The Fresno County Auditor-Controller/Treasurer-Tax Collector assesses property owners within the County and distributes the tax to the appropriate local agencies based on their shared percentage on its pre-Proposition 13 level of taxation. The City's share of the county-wide 1 percent is 18.57 percent gross

before reductions.⁴¹ Clovis' property tax revenue fluctuates and it is influenced by increased assessed valuations associated with new construction, new annexations to the City, and topped by the statutory regulation of maximum increases in assessed valuation of 2 percent per year.

Property Taxes in Lieu of Vehicle License Fee – General Fund

Most vehicles are assessed a Vehicle License Fee (VLF), in lieu of property tax, based on the purchase price/value when acquired and funds go to cities/counties. VLF decreases for the first 11 renewal years (18 for park trailers) or until the vehicle is transferred in ownership.⁴²

In 2004, the State of California reduced the vehicle license tax rate to 0.65% of value, thus reducing the taxes allocated to counties and cities.⁴³ The State's general fund backfill was also eliminated. Instead, counties and cities now receive additional transfers of property tax revenues in lieu of VLF. The property tax in lieu of VLF for the City increases annually in proportion to the growth in gross assessed valuation. According to the City's budgets, the property tax in lieu of VLF amounts to \$12,400,000 (12%) of the Clovis General Fund.⁴⁴

Sales & Use Taxes

The City of Clovis receives sales tax revenue based on one percent (1%) of the taxable sales that take place within the City limits. The City and the County have agreed to share this percentage, and the County receives 5-8% of the City's one percent.⁴⁵

Clovis' largest sales tax revenue generators include commercial business that provide general consumer goods (31%), auto sales (19%), state and county pools (15%), building and construction (13%), restaurants and hotels (10%), and fuel and service stations (6%).

Clovis' top 10 retail companies generate 40 percent of the sales tax, and the top 100 retailers generate 80 percent of the sales tax for the City. Sales and use tax revenues contribute approximately \$31,070,000 into the Clovis General Fund, which consist of the second largest source of tax revenue base for the City, totaling approximately 28 percent of revenue for FY 2022-23.

Franchise Fees

Franchise fees are payments to the City from a utility company for use of the City's streets and rights of way for services provided. Franchise fees comprise approximately four percent (4%) of the City's General Fund revenue for FY 2022-23, which amounts to \$2,840,000. The City collects the fees from Pacific Gas and Electric, Comcast Cable, and AT&T/DirecTV based on their gross receipts within the City.

⁴¹ City of Clovis, 2022-23 Annual Budget, page 36.

⁴² California Department of Motor Vehicles,
https://www.dmv.ca.gov/portal/dmv/detail/pubs/brochures/fast_facts/ffvr34

⁴³ Ibid.

⁴⁴ City of Clovis, 2022-23 Annual Budget, page 36.

⁴⁵ City of Clovis, 2022-23 Annual Budget, page 37.

Business Licenses

All people doing business within the City of Clovis are required to obtain a City business license. The City charges a business fee based on annual gross receipts. Clovis has a minimum and a maximum business license fee, which is annually adjusted for inflation. Business licenses and permits comprise 4.4 percent of the City's General Fund revenues for FY 2022-23, which amounts to \$4,240,000.

Other Taxes

This category includes transient occupancy tax, real property transfer tax, and card room permits for the General Fund. The City anticipates that revenues in this category will increase based on the increasing hotel occupancy rates. For FY 2022-23, other taxes comprise approximately 3.8 percent of the City's General Fund revenue, which amounts to \$5,455,000. The City anticipates that revenues in this category will continue to increase in the future with the anticipation of consumer confidence in using hotels and entertainment is returning.

Fees & Charges For Current Services

Fees and charges for current services comprise approximately 35.8 percent of revenues for FY 2022-23, which amounts to \$106,152,000. Included in that amount is \$12,917,000 for the General Fund and \$5,623,000 from the landscape assessment district (special revenues). General services (an internal service fund) is expected to receive \$2,612,000 and the capital projects funds are projected to receive \$15,639,000, collectively. The enterprise funds are anticipated to collect \$23,250,000 for community sanitation, \$14,833,000 for sewer service, \$20,917,000 for water service, and \$10,361,000 for planning and development services.⁴⁶

These fees and charges provide cost recovery for various services providing direct benefit to the individuals or businesses utilizing a service. These fees and charges include permit fees, inspection fees, citation revenues, gate fees from parks, building inspection fees, planning fees, parking fees, and miscellaneous other fees.

Other fees and charges for services are collected within the various enterprise funds, such as water and wastewater for services provided by those enterprise operations. The schedule of rates, fees, and charges for residential solid waste service, wastewater service, and water service are detailed in the City's Master Fee Schedule, which is published on the City's website.

Expenditures

Primary General Fund expenditures consist of employee expenses inclusive of salaries, benefits and retirement contributions, operations and maintenance expenditures, pension obligation bonds, and interdepartmental charges.

The City of Clovis FY 2022-23 budget for all funds totals \$297.5 million. The budget represents a 20 percent decrease compared to estimated expenditures for the previous FY 2021-22, due primarily to several large

⁴⁶ City of Clovis, 2022-23 Annual Budget, page 29.

General Fund budget represents an eight percent (8%) increase compared to estimated expenditures for FY 2021-22.

As adopted, the largest budgeted expense is capital improvements, which comprises 25 percent of the net City budget, and those costs amount to \$60.7 million. Public utilities comprises 22 percent of the budget, while public safety comprises 21 percent of the budget. As shown below, the City's anticipated expenditures are expected to go towards the following line items:

- General Government – \$8,838,800 (3%)
- Public Safety – \$69,893,200 (23%)
- Planning and Development Services – \$14,873,500 (5%)
- Capital Investments Program – \$43,021,000 (14%)
- Public Utilities – \$75,386,100 (26%)
- Culture and Recreation – \$18,531,500 (6%)
- Internal Services – \$66,943,300 (23%)

Personnel Costs

This section provides an overview of Clovis' personnel costs by major departments. For the proposed 2022-23 annual budget, City of Clovis approved 599 full-time positions in eight major departments, City Clerk, City Manager, General Services, Finance, Fire, Police, Planning and Development Services, and Public Utilities. Although not a department, the City accounts for the City Council and City Attorney offices in a separate expenditure ledger.

The Clovis Police Department is the largest department in the City, which consists of 31 percent of all City employees. Public Utilities is the second largest (30%), while Fire is the third largest department (12%) in the City of Clovis.

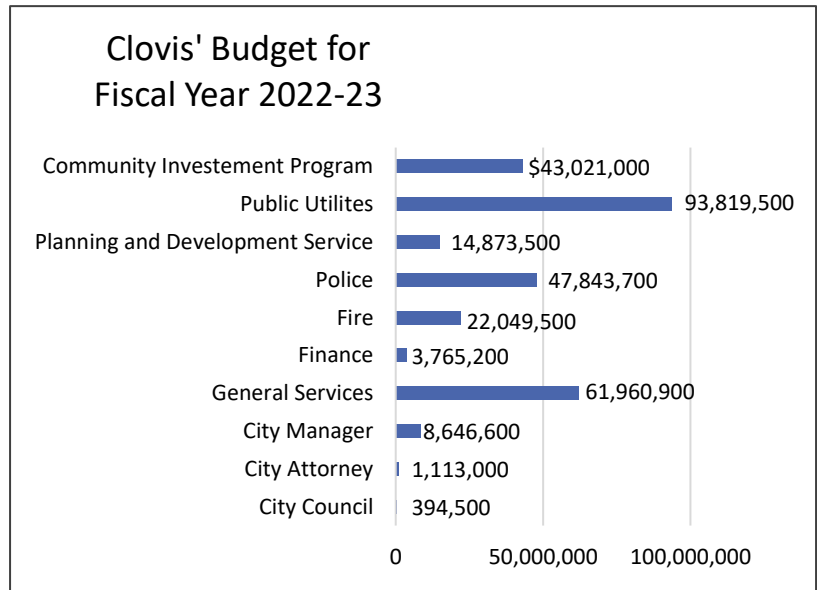
According to the Clovis' financial information, each department consists of the following staff levels:

- City Management – 26.75 positions
- General Services – 51.10 positions
- Finance – 21 positions
- Fire – 73 positions
- Police – 184 positions
- Planning and Development Services – 60.85 positions
- Public Utilities – 182.30 positions

Clovis City Council consists of five elected council members. The City contracts legal counsel services with Lozano Smith Attorneys at Law.

According to the Clovis Budget for FY 2022-23, the following expenditures are attributed to personnel costs:⁴⁷

- City Council – \$394,500
- City Attorney – \$1,113,000
- City Manager – \$8,646,600
- General Services – \$61,960,900
- Finance – \$3,765,200
- Fire – \$22,049,500
- Police – \$47,843,700
- Planning and Development Services – \$14,873,500
- Public Utilities – \$93,819,500
- Community Investment Program – \$43,021,000



Community Investment Program

The City maintains a five-year Community Investment Program (CIP) and updates this program annually. According to Clovis’ budget for FY 2022-23, the Community Investment Program represents a major portion of the total recommended budget and is devoted to improvements to the physical infrastructure that supports and sustains continued community development.

The CIP plans for improvement in the following areas: sewer construction, park projects, street construction, water construction, housing and community development, refuge construction, and general government facilities. For FY 2022-23, the City budgeted approximately \$7,154,000 toward Community Investment Programs.

Annual Comprehensive Financial Report

Consideration has been given to the Clovis’ Annual Comprehensive Financial Report (ACFR) for the year ending June 30, 2022. This section provides a summary of Clovis’ ACFR, which is prepared in accordance with Generally Accepted Auditing Standards (GAAS) by a firm of licensed certified public accountants.⁴⁸

According to the ACFR, the City of Clovis has an established comprehensive internal control framework that is designed to protect the government’s assets from loss, theft, or misuse; in addition, the framework is designed to administrate all of the City’s financial accounts in conformity with GAAP. The ACFR consists of a series of financial statements, including government-wide and fund financial statements. The government-wide financial statements provide a broader view of the City’s finances and report information on all the non-fiduciary activities of the primary government and its components units. The

⁴⁷ City of Clovis, 2022-23 Annual Budget, page 64.

⁴⁸ In the United States, the GAAS are promulgated by the Auditing Standards Board, a division of the American Institute of Certified Public Accountants (AICPA).

fund financial statements provide more detailed information about the City's most significant funds, which can be classified into the following categories: governmental funds, proprietary funds, and fiduciary funds.

The City's government-wide financial statements provide information about the City as a whole and present a long-term view of the City's finances. They include all assets and liabilities of the City using the accrual basis of accounting. Under the accrual basis of accounting, revenues are recorded when earned and expenses are recorded when the liability is incurred, regardless of the timing of related cash flow. Property taxes are recognized as revenue in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements by the provider have been met. Proprietary fund financial statements also use the accrual basis of accounting.

The governmental fund financial statements, in contrast, focus on the near-term inflows and outflows of spendable resources and use a modified accrual basis of accounting. Under the modified accrual basis, the City records revenues as soon as they are measurable and available, meaning they will be collected in the current period or within 60 days of "the end of the current fiscal period" to pay for liabilities of the current fiscal period. Expenditures generally are recorded when a liability is incurred. However, debt service expenditures as well as expenditures related to compensated absences, claims and judgments, are recorded only when payment is due.

Property taxes, franchise taxes, licenses and interests associated with the current fiscal period are all considered to be susceptible to accrual and the City recognizes these items as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the City.⁴⁹

The City reports its major governmental accounts in two major funds, the General Fund and the Local Transportation Fund. Clovis' General Fund is the City's primary operating fund, accounting for all financial resources of the City, except those funds required to be accounted for in another fund. The Local Transportation Fund accounts for the City's share of the Transportation Development Act funds allocated by the state that are restricted to capital street improvements and maintenance and for the deposits by developers for special street improvement projects.

In addition, Clovis' major proprietary funds pay for the following listed items:

- **Community Sanitation Fund** – accounts for the activities of the City's refuse collection and disposal operations, landfill operations, and street sweeping operations
- **Sewer Disposal Fund** – accounts for the activities of the City's sanitary sewer system operations
- **Water Fund** – accounts for the activities of the City's water production and distribution operations
- **Transit Fund** – accounts for the activities of the City's public transit system operations
- **Planning and Development Services Fund** – accounts for the activities of the City's planning, engineering, and building inspection operations

Furthermore, Clovis reports the following fund types:

⁴⁹ City of Clovis, Comprehensive Annual Financial Report for Fiscal Year ended on June 30, 2022, page 45.

- **Internal Service Funds** – accounts for general liability and property damage insurance, fleet management services, retirement, workers' compensation, health, unemployment and Medicare insurance, facility maintenance and enhancement, telecommunication and information technology, and other general services provided to other departments or agencies of the City on a cost-reimbursement basis
- **Custodial Funds** – accounts for assets held by the City for certain special assessments collected and distributed on behalf of the districts
- **Private-Purpose Trust Funds** – accounts for assets of the former Clovis Community Development Agency during the wind-down period

According to the Clovis' ACFR for FY ending on June 30, 2022, Clovis' government-wide total assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources (net position) at the close of the fiscal year by \$952 million, which is seven percent (7%) more than 2021.⁵⁰ Governmental activities finished the year with a positive net position balance of \$659 million, an increase of \$53 million, or 9 percent more than in 2021. Business-type activities finished the year with a positive balance of \$294 million, an increase of \$14 million, or 5 percent (5%), over 2021.

Of the total net position, \$808 million is the City's net investment in capital assets (e.g. land, buildings and improvements, machinery and equipment and the road network) less any related debt used to acquire those assets that is still outstanding.⁵¹ The City's investment in capital assets increased \$41 million, restricted net position increased by \$6 million and unrestricted net position increased \$19 million, accounting for the increase in total net position of \$66 million. This is primarily due to the City's investment in the road network, building and related improvements, machinery, and equipment.⁵²

Restricted net position is \$49 million, which represents five percent (5%) of the total net position. Restricted net position represents those resources that are subject to external restrictions on how they may be used by City of Clovis. These restrictions are established by bond covenants or restrictions on the use of funds by state or federal regulations.

Unrestricted net position represents those resources which may be used to meet the City's ongoing commitments to citizens and creditors. Government-wide unrestricted net position is \$95 million of the total net position, which is an increase of 25 percent from the previous year. Governmental activities have a negative \$(22) million unrestricted net position, which is an increase of \$10 million compared to 2021. Business-type activities have \$118 million in unrestricted net position, an increase of \$9 million compared to 2021.

Governmental activities account for \$659 million, or 69 percent, of the total government-wide net position. This is an increase of \$53 million, or 9 percent, over June 30, 2021. Donated and constructed assets increased by \$36 million while the amounts available for debt service, street and road construction, and community development decreased by \$6 million. Additionally, the amount accumulated during the year for normal activities, unrestricted net position, increased by \$10 million.

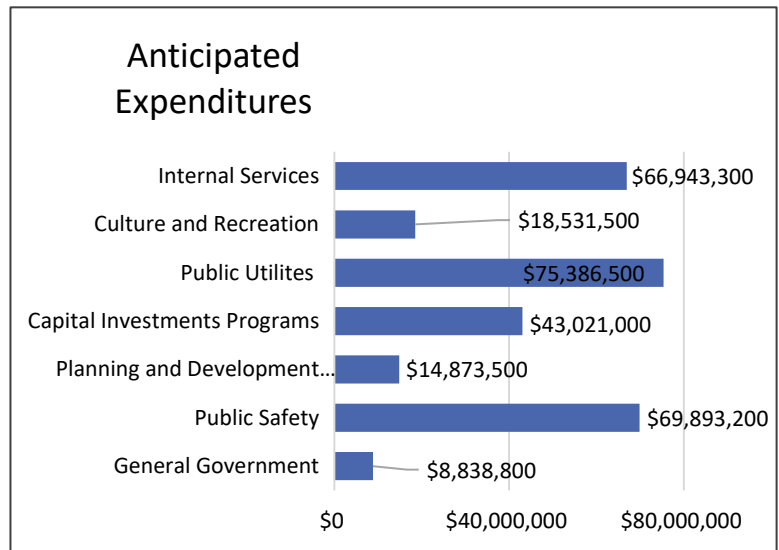
⁵⁰ City of Clovis, Comprehensive Annual Financial Report for Fiscal Year ended on June 30, 2022, page 16

⁵¹ City of Clovis, Comprehensive Annual Financial Report for Fiscal Year ended on June 30, 2022, page 19.

⁵² Ibid.

Total governmental revenues for the year were \$140 million, which is \$11 million, or eight percent (8%), more than in 2021. Total governmental expenses for the year were \$87 million, a decrease of \$11 million, or 11 percent, from 2021. Public Safety, which includes police and fire, accounts for \$55 million, or 64 percent, of the total governmental activities’ expenses. Public Safety expenses decreased \$7 million, or 12 percent, from 2021 primarily due to in salary savings related to police department vacancies.

As of June 30, 2022, the Clovis General Fund balance was \$37 million, which represents a net increase of \$12 million from June 30, 2021. The unassigned balance of \$8.4 million is available for carryover to fund future general fund expenditures. The Clovis General Fund ended the year with a restricted balance of \$7.4 million.



The Local Transportation Fund, used to account for all street construction projects, incurred less than budgeted expenditures as a result of several large projects awarded towards the end of the fiscal year and limited staff resources. The ending fund balance of \$22.4 million is \$2 million more than June 30, 2021.

The \$8.4 million unassigned portion is the amount carried over to offset the impact of revenue shortfall that may occur in the next year due to economic uncertainty.

According to the ACFR, the City’s governmental funds ended the year with positive fund balances. The ending fund balance for all funds is \$76 million, which is a \$14 million increase from the previous year. Of the total fund balance, \$8 million, or 11 percent, is unassigned, which within the limitations of the fund’s purpose, is available for spending at the City’s discretion.

All the internal service funds finished with positive unrestricted net position. The current liability for workers’ compensation claims is \$8.7 million. The City funds the current year workers’ compensation expenditures with charges to City programs. The City has also funded approximately \$2.8 million of the accrued liability through charges to City programs in prior years. The balance of the liability is of a long-term nature, not requiring current resources, and therefore has not been funded.

Assets and Liabilities

As indicated earlier, the City’s government-wide total assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources (net position) at the close of the FY 2021-22 by \$952 million, which is seven percent (7%) more than 2021. Of this amount, \$95 million, is in unrestricted net position, which was available to meet the City’s ongoing commitments to citizens and creditors.

According to the Clovis’ ACFR, all of the City’s long-term liabilities relate to the net pension liability and acquisition of capital assets. Some of those assets include the City’s corporation yard, fire stations, police

vehicles, sewer and water infrastructure including the surface water treatment plant and the sewer treatment-water reuse facility. Capital assets are utilized to provide services and are not available for future spending. The repayment of debt on these assets must be provided from other sources since the capital assets themselves cannot be used to liquidate these liabilities.

Donated assets include developer donated land as well as the improvements on the land including streets, curbs and gutters, sidewalks, street lighting, and landscaping. Included in the total amount of capital grants and contributions on the government-wide statement of activities is \$20,532,187 of developer donated assets. Property, plant, and equipment of the primary government is depreciated over the estimated useful lives using the straight-line method, half-year convention.

Intangible assets include capital assets, which include property, plant, equipment, right to use and infrastructure assets (roadways), are reported in the applicable governmental or business-type activity columns in the government-wide financial statements. Intangible assets also include the purchase of sewer capacity rights and water entitlement rights. The City purchased sewer capacity rights and water entitlement rights from the City of Fresno at the Fresno Regional Wastewater Treatment Plant. The total amount of \$41,022,726 is reported in the City's Sewer Disposal Enterprise Fund. The City of Clovis purchased water entitlement rights from the Fresno Irrigation District (FID) for surface water. The total amount of \$11,618,786 is reported in the City's Water Enterprise Fund.

During FY 2020-21, the City issued a direct borrowing note in the amount of \$2,340,000. The note pays principal and interest semiannually on December 5 and June 5, at an interest rate of 1.71 percent. The proceeds from the note are being used for the purchase of 21 police vehicles and one fire truck.

Notes from direct borrowings on June 30, 2022, are as follows:⁵³

- Governmental Activities
 - 2014 corporation yard – \$5,880,117
 - 2011 solar project – \$1,400,300
 - 2013 animal shelter – \$1,865,573
 - 2014 safety vehicles – \$152,125
 - 2015 PD/fire communication tower – \$682,040
 - 2015 solar project – \$1,494,055
 - 2016 safety vehicles – \$188,785
 - 2018 safety vehicles – \$121,525
 - 2019 safety vehicles – \$356,618
 - 2021 safety vehicles – \$1,692,960

At the end of FY 2022-23, the City of Clovis total for direct borrowings amounted to \$13,834,128.

Debt/Debt Service

The City of Clovis has several long-term debt obligations consisting of assessment district bonds, tax allocation bonds, lease revenue bonds, certificates of participation, revenue bonds, long-term loans,

⁵³ City of Clovis, Annual Comprehensive Financial Report for Fiscal Year ended on June 30, 2022, page 66.

capital leases, and long-term contracts. At the present time there is no outstanding general obligation bond debt.

The City utilizes long-term debt to fund its capital needs. It is City policy to undertake long-term debt to fund capital assets (including infrastructure) when those assets will be a benefit over several budget years and there is a need to conserve liquid assets (cash). The City has been able to finance various projects with very attractive rates due to the City's favorable credit rating.

The long-term debts are payable from revenue sources that are not an obligation of the general taxpayer and do not fall under the legal debt limitation. These debts include tax allocation bonds (which are an obligation of the Clovis Successor Agencies), loans, revenue bonds, revenue bonds and contracts (which are an obligation of the revenues received in the water, refuse and sewer enterprise operations), and capital leases (which are leases secured by the leased asset). Total non-general obligation debt by type as of June 30, 2022, is as follows:⁵⁴

Capital Leases	\$13,834,128
Long-Term Loans	\$2,170,422
Long-Term Contracts	\$2,355,574
Revenue Bonds	\$102,480,000
Long-Term Interfund Loans	\$22,800,000
Total	\$143,640,124
Successor Agency Tax Allocation Bonds	\$10,415,000

Bond Rating

The City of Clovis receives an updated bond rating when a new bond is issued or as a part of annual reviews of the City's debt portfolio and financial position by ratings agencies. In the latter situation, ratings upgrades or downgrades are only issued when material fiscal and operational events either positively or negatively affect outstanding debt issuances. The latest ratings were in relation to the 2017 Wastewater Revenue Refunding Bonds. The City of Clovis ratings for the 2017 Wastewater Revenue Refunding Bonds were as follows:

Insured Rating: Standard & Poor's: "AA"

Underlying Moody's: "A1"

Underlying Standard & Poor's: "A+"

The most recent rating adjustment occurred in July 2019, when Moody's upgraded the City's 2013 Water Revenue Refunding Bonds to A1 from Aa3. This was due to the system's exceptionally healthy liquidity position and strong rate management.

Clovis Five-Year Financial Forecast

Clovis' Five-Year Financial Forecast ("Report") through FY 2026-27 represents the City's effort to analyze its fiscal condition based on its set of economic factors and operational assumptions. City management

⁵⁴ City of Clovis, 2022-23 Annual Budget.

and the City Council utilize the study to identify trends and issues that can be addressed early on in order to assure fiscal success. The Reports are snapshots in time and an approximation of what could occur in the future if all of the City’s assumptions are realized within a five-year window, or beyond. As with any forecast or prediction, the City’s assumptions and projections for the nearer years carry more certainty and confidence than for the years further into the future.⁵⁵

According to the Report, the Clovis General Fund is constrained by three major areas: 1) City tax base revenue has slowed down in growth 2) California Public Employees’ Retirement System (CalPERS) costs are rising significantly due to recent changes and 3) demand for municipal services increases concurrently with the City’s growth. The following bullet points summarize Clovis trends and financial issues on the horizon:

- City Tax Revenue
 - City tax base revenue has slowed down in growth due to a cultural change in how people spend their money and due to the shift to online purchases. Clovis’ sales tax during the forecast period is expected to grow at five percent (5%) annually with population growth at 800 residential units per year.⁵⁶
- CalPERS
 - The impact of the PERS costs is significant; those costs will rise from 11 percent of the General Fund budget a few years ago to 15 percent by FY 2026-27. Essentially, that means the level of service plus the transfers to the reserve that can be provided in FY 2026-27 will be only 96 percent of what could have been provided without this rise in PERS costs.
- Demand for municipal services increases concurrently with the City’s growth. The City of Clovis forecasts the following actions:
 - The City continues to grow and, in recent years, the growth has been faster than the long term average. The growth drives some revenue growth, but it also drives a growing demand for services. Police and Fire departments comprise the largest expenditures in the General Fund and are most impacted by this growing demand. Failure to grow these departments, as well as other General Fund departments, at a rate corresponding to the growth of the City will result in an erosion of the level of service that is provided.
 - The Water Enterprise Fund is forecast to maintain stable reserves with annual 3% rate increases that have been adopted. As of 2018, a reserve for the Sustainable Groundwater Management Act (SGMA) has been established within the Water Enterprise Fund to provide for future projects that will inevitably be mandated by these regulations. The forecast also includes continued contributions to the reserves for drought contingency

⁵⁵ City of Clovis, Five-Year Financial Forecast through FY 2026-27.

⁵⁶ City of Clovis, Five-Year Financial Forecast through FY 2026-27.

through 2024-25 and for the Sustainable Groundwater Management Act (SGMA) through 2026-27.

- The Sewer Enterprise Fund is forecast to maintain stable reserves with annual 3% rate increases that have been adopted. Beginning in FY 2022-23, a 3% rate increase is included in each year of the forecast period to keep up with rising operating, maintenance, and capital costs, and to maintain a sufficient fund balance for future bonding capacity. An interfund loan is shown beginning in FY 2023-24 of the forecast due to projections that the collection of Development Impact fees for Sewer Major Facilities will be insufficient to cover the debt service payments. However, there are sufficient funds in the bond charge fund balance collected in prior years to continue the full \$7.30 per month rebate to customers until FY 2026-27. The ability to continue to rebate funds back to ratepayers will be monitored closely throughout the forecast period.
- The Community Sanitation Enterprise Fund is projected to finish the current fiscal year with a working capital balance of approximately \$10 million on June 30, 2022. A 4% annual increase, or portion thereof, was approved by Council in November 2004 to be implemented as necessary. In FY 2021-22, the Council implemented a refuse rate increase of 3%. A decrease of 1.5% is recommended in FY 2022-23 and increases of 4% are projected thereafter for the remainder of the forecast period. To keep pace with the recycling and green waste contract increases, the approved 4% annual increase is projected for these operations. In FY 2021-22, Council approved a \$0.50 rate increase for Street Sweeping charges in the City of Clovis Municipal Code resulting in a new rate of \$2.75 per month beginning July 1, 2022. The forecast reflects an increase in closure and post closure costs identified in the revised Joint Technical Document (JTD) dated March 2017 prepared in agreement with the California Department of Resources Recycling and Recovery (CalRecycle) and the California Regional Water Quality Control Board (RWQCB).
- The Transit Fund shows no net position in the near-term due to the revenue recognition policy change for the Transportation Development Act (TDA) funds that include Local Transportation Funds (LTF) and State Transit Assistance (STA). These TDA funds are required to be deferred until the funds are spent. The deferral is projected to decline in FY 2021-22 and FY 2022-23 due to the construction of a transit center. Starting in FY 2024-25, the deferred revenue is projected to increase and to be spent on future operating and capital needs. With funding for transit constantly in flux due to state and local revenues and budgeting, the types and levels of funding will be closely monitored to make any necessary adjustments to current service levels should the need arise.
- The Planning and Development Services (PDS) Department transitioned into an Enterprise Fund in FY 2012-13. This allows for services to be adjusted as demand fluctuates. The FY 2022-23 forecast estimates 800 units to be constructed; this is consistent with the City's historical average of 800 units per year. Commercial activity is expected to be less than in recent years, but still trending higher than our historical average. The Building Division revenue fluctuates based on construction valuation of the different projects; dwelling unit numbers are just one indicator. The PDS Department is projected to finish FY 2021-22

with a working capital balance of approximately \$9.7 million. In addition, if needed, PDS can shift staff resources from its Development Review Unit to its Community Investment Unit, should development activity dramatically slow down. The forecast reflects that the PDS Department will continue to maintain a prudent reserve that allows for immediate adjustments, should they become necessary.

- The Internal Service Fund group is projected to be self-balancing throughout the forecast period. Each of the funds within the Internal Service Fund group is continually reviewed to determine where more cost-effective programs and services can be utilized, and expenditure reductions implemented wherever possible to reduce costs to all other City operations.
- The Debt Service Fund group will be fully funded to make all debt payments and meet all legal obligation(s).

In order to meet the increasing demand for services for the growing City, transfers to the General Government Facilities Fund are possible for various much needed capital projects and throughout the forecast period, ongoing transfers to the emergency reserve are being increased to attain a level of 24.5 percent of expenditures almost reaching the target of 25 percent. The City was able to put funds aside for long overdue building maintenance and capital projects in addition to building up the Fleet Fund for future vehicle purchases. The FY 2021-22 budget was prepared on a fairly conservative basis. Therefore, most budgets are experiencing better than estimated outcomes such as revenues exceeding budgeted estimates while expenditures are not exceeding budgeted estimates. The City notes that its five-year forecast is expected to be balanced, and provides for growth in critical services.

Growth and Population Projections

This section comprises the growth and population analysis for the City of Clovis. It considers demographic information prepared by California Department of Finance, U.S. Census, and land use policy documents adopted by City of Clovis to identify growth estimates within the City’s incorporated limits and the sphere of influence.⁵⁷

The sphere of influence (SOI) means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission.⁵⁸ The Commission’s determination of the SOI is based on its analysis of growth and population projections of the City of Clovis and corresponding municipal service needs.

Land Use Planning

The 2014 Clovis General Plan establishes its land use foundation through a vision statement that captures the pledge to its residents, “A city that is committed to the Clovis community family, their needs, their values, and a quality way of life for all; reflecting that commitment in how it develops and in the activities it undertakes.”

The General Plan creates policies and provides for the general distribution, location, and extent of present and future land uses that guide land use decisions and shape development of the City. The 2014 General Plan evaluated three planning boundaries that outline the City’s planning strategy: City limits, the Clovis SOI, and the “Plan Area,” which encompasses 47,805 acres (75 square miles) and extends beyond the current Clovis SOI.

According to the 2014 General Plan, the City’s land use designations (land use diagram) regulate development within the City’s incorporated limits, while eight general plan elements regulate development within the Clovis SOI and the Plan Area. According to the 2014 General Plan, the Plan Area’s objectives are to enable Clovis to influence land use decisions that directly affect the City; preserve of right-of-way for regional transportation routes; and leverage control of development design, phasing, and infrastructure provision in outlying areas.⁵⁹ The City estimates that the ultimate buildout of the entire planning area is not expected to occur for at least 70 years.

Nine principle objectives guide Clovis’ land use planning efforts. The General Plan Advisory Committee (GPAC) assisted the Planning Commission and City Council in establishing the following guiding principles:

- Preserve the authenticity of Old Town Clovis and plan new development that creates a sense of community and place.
- Support access to superior lifelong education for all Clovis residents.

⁵⁷ California Department of Finance. Web: https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-1_2023PressRelease.pdf

⁵⁸ GC sec. 56076.

⁵⁹ City of Clovis, 2014 General Plan - Land Use Element, Clovis Planning Area and Buildout Summary. <https://cityofclovis.com/wp-content/uploads/2018/10/Clovis-General-Plan-2014.pdf>

- Create a sustainable community through incorporating long-term thinking into short-term decision-making.
- Create housing, employment, and lifestyle opportunities for all ages and incomes of residents.
- Strengthen social networks that create pride and a commitment to action within the Clovis community.
- Use and design public open space resources for trails, parks, and recreation where people live, work, and play.
- Foster stewardship as a primary means of conserving and enhancing natural resources, and promoting connections to the Sierra.
- Foster economic growth.
- Support regional efforts to work interconnectedly to improve the economy and the quality of life in the San Joaquin Valley.

Clovis' planning strategy is supported by a series of Land Use Element (LUE) goals and policies that augment the 1993 General Plan's growth concept of concentrating city growth into three urban centers identified as the Southeast (Loma Vista), Northwest, and Northeast growth areas.

Growth Area No. 1 – Southeast Urban Center (SEUC) also known as Loma Vista is located in the southeastern portion of Clovis' SOI. The SEUC is bounded by Bullard Avenue to the north, Locan Avenue to the west, the Gould Canal on the south, and McCall Avenue to the east. The SEUC encompasses approximately 3,307 acres and the entire center is located within the existing Clovis SOI.

Growth Area No. 2 – Northwest Urban Center (NWUC) also known as Heritage Grove is located in the northwest corner of Clovis' SOI. The NWUC is bounded by Copper Avenue to the north, Sunnyside Avenue to the east, Shepherd Avenue to the south, and the Willow Avenue to the west. The NWUC encompasses approximately 2,624.53 acres and the entire center is located within the existing Clovis SOI.

Growth Area No. 3 – Northeast Urban Center (NEUC) is the largest village center and it is located northeast of Clovis' City limits and City SOI. The NEUC is generally bounded by Copper Avenue to the north, the Friant-Kern Canal and Dog Creek Canals for the eastern boundary, Herndon Avenue to the south, and Armstrong Avenue to the west. The NEUC encompasses approximately 9,522.47 acres and the entire plan area is located outside the existing Clovis SOI.

Each growth area is designed as a self-sustaining urban village, with varying land uses that create a village center atmosphere, transit centers, school facilities, open space, parks and recreation areas, and residential neighborhoods of varying densities. Together the urban villages are intended to provide housing, employment, agricultural, industrial, educational, health care, and recreational opportunities for residents of the urban center. Clovis' growth areas are noncontiguous; however, the three locations will be interconnected through a series of multipurpose corridors.

The following 2014 General Plan goals and policies summarize Clovis' planning efforts:

Land Use Element – Goal 3: Orderly and sustainable outward growth into three Urban Centers with neighborhoods that provide a balanced mix of land uses and development types to support a community lifestyle and small town character.

- **Policy 3.1: Planning for the entire Urban Center.** Require a comprehensive design document (such as a master plan, specific plan, or design guidelines) for each Urban Center prior to authorizing new development. In addition to any statutory requirements, each document should provide direction on:
 - consistency with the General Plan
 - visual appearance
 - a mix of housing types, tenure options, and price points
 - non-vehicular circulation within and connections to the remainder of Clovis and adjacent communities
 - centralized public services, community park, open space, trails, and recreation facilities
 - adequate provision of education facilities
- **Policy 3.3: Completion of Loma Vista.** The city prioritizes the completion of Loma Vista while allowing growth to proceed elsewhere in the Clovis Planning Area in accordance with agreements with the County of Fresno and LAFCo policies.
- **Policy 3.4: Infrastructure investment.** The City may invest in infrastructure in the Northeast and Northwest Urban Centers if and when the City is satisfied that the investment is fiscally neutral or beneficial and that there will be adequate funding to provide public services.
- **Policy 3.5: Fiscal sustainability.** The City shall require establishment of community facility districts, lighting and landscaping maintenance districts, special districts, and other special funding or financing tools in conjunction with or as a condition of development, building or permit approval, or annexation or sphere of influence amendments when necessary to ensure that new development is fiscally neutral or beneficial.
- **Policy 3.6: Mix of housing types and sizes.** Development is encouraged to provide a mix of housing types, unit sizes, and densities at the block level. To accomplish this, individual projects five acres or larger may be developed at densities equivalent to one designation higher or lower than the assigned designation, provided that the density across an individual project remains consistent with the General Plan.
- **Policy 3.7: Urban Village Neighborhood Concept.** Residential developments in Urban Centers must contribute to and become a part of a neighborhood by incorporating a central park feature, a school complex, a hierarchy of streets, pedestrian pathways, or other neighborhood amenities. Higher density residential should be next to lands designated Mixed Use Village. The City may also require the application of the urban village neighborhood concept in areas outside of an Urban Center.
- **Policy 3.8: Land use compatibility.** Within Urban Centers, new development that is immediately adjacent to properties designated for rural residential and agricultural uses shall bear the major responsibility of achieving land use compatibility and buffering.
- **Policy 3.9: Connected development.** New development in Urban Centers must fully improve roadway, pedestrian, and bicycle systems within and adjacent to the proposed project and connect to existing urbanized development.

Land Use Element – Goal 4: Orderly development of the General Plan outside of the City boundary.

- **Policy 4.1: Clovis leadership.** The City shall take a leadership role in the land use planning for the sphere of influence and entire Clovis General Plan Area.
- **Policy 4.2: Surface water entitlements.** The city should not approve annexation unless any and all surface water entitlements are retained; any and all surface water entitlements shall be transferred to the city upon development.
- **Policy 4.3: Future environmental clearance.** The City shall monitor development and plan for additional environmental clearance as development levels approach those evaluated in the General Plan EIR.
- **Policy 4.4: Farmland conservation.** Participate in regional farmland conservation, including the establishment of comprehensive agricultural preserves or easements, through efforts such as the Fresno County Model Farmland Conservation Program or the San Joaquin Valley Greenprint.

Eventual buildout of the City under the General Plan is not linked to a timeline and is based on conventional forecasts to allow appropriate phasing and funding of city services and infrastructure to serve development of parcels consistent with the general plan goals and policies.⁶⁰ To ensure that the City can balance existing and future development as growth occurs, the City of Clovis monitors residential and non-residential development on an annual basis to maintain consistency with the General Plan.

Table 1. Proposed Land Use Designations

Land Use Designation	Acres	% of Total
City Boundary	14,859	—
Rural Residential	17	<1%
Very Low Density Residential	563	4%
Low Density Residential	4,127	28%
Medium Density Residential	1,622	11%
Medium High Density Residential	752	5%
High Density Residential	255	2%
Commercial	835	6%
Office	277	2%
Industrial	548	4%
Mixed Use Business Campus	419	3%
Mixed Use Village	190	1%
Park	181	1%
School	679	5%
Public/Quasi-Public Facilities	229	3%
Open Space	117	1%
Water	552	4%
Right-of-Way ¹	3,279	22%
Sphere of Influence (SOI)	5,633	—
Agriculture	68	1%
Rural Residential	941	17%

⁶⁰ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.10 – Land Use Element.

Very Low Density Residential	108	2%
Low Density Residential	1,068	19%
Medium Density Residential	1,143	20%
Medium High Density Residential	336	6%
High Density Residential	191	3%
Very High Density Residential	21	<1%
Commercial	50	1%
Office	69	1%
Mixed Use Business Campus	185	3%
Mixed Use Village	488	9%
Park	118	2%
School	34	1%
Public/Quasi-Public Facilities	46	1%
Open Space	93	2%
Water	55	1%
Right-of-Way ¹	617	11%
Plan Areas beyond City and SOI	27,313	—
Agriculture	5,521	20%
Rural Residential	10,147	37%
Very Low Density Residential	104	<1%
Low Density Residential	1,044	4%
Medium Density Residential	1,635	6%
Medium High Density	663	2%
High Density Residential	286	1%
Very High Density Residential	102	<1%
Commercial	39	<1%
Mixed Use Business Campus	360	1%
Mixed Use Village	324	1%
Park	235	1%
School	361	1%
Public/Quasi-Public Facilities	11	<1%
Open Space	4,067	15%
Water	427	2%
Planned Rural Community ²	325	1%
Special Commercial ²	170	1%
Right-of-Way ¹	1,493	5%
TOTAL	47,805³	—

¹ Includes parcelized and nonparcelized right-of-way acreages; percentages may not total 100.

² Areas in the Plan Area beyond the City and SOI that apply Fresno County land use designations.

³ Total acreage includes the parcelized (43,569 acres) and nonparcelized right-of-way (4,236) acreages in the overall Plan Area.

Source: Clovis 2014 General Plan and Development Code Update Revised Draft PEIR SCH#2012061069, Table 3-3.

Table 2. Buildout Statistical Summary

Scenario	Acres	Units	Household	Population	Employment	Building SF
Existing Conditions (2013)	47,805	42,000	40,500	115,000	31,500^a	13,050,000
City Boundary	14,859	36,500	35,000	100,000	30,000	12,600,000
SOI	5,633	2,000	2,000	6,000	1,000	200,000
Plan Areas beyond City and SOI	27,313	3,500	3,500	9,000	500	210,000
Proposed General Plan Update (2035 Scenario)	47,805	67,200	63,900	184,100	62,400	37,410,000
City Boundary	14,859	45,400	43,100	124,400	50,000	30,625,000
SOI	5,633	13,200	12,600	36,100	6,300	2,545,000
Plan Areas beyond City and SOI	27,313	8,600	8,200	23,600	6,100	4,240,000

Proposed General Plan Update (Full Buildout)	47,805	107,100	101,800	294,300	106,900	51,300,000
City Boundary	14,859	46,000	43,700	126,800	63,200	32,300,000
SOI	5,633	22,600	21,500	61,800	15,000	7,700,000
Plan Areas beyond City and SOI	27,313	38,500	36,600	105,700	28,700	11,300,000
Notes: SF = square feet						
^a At the time this Draft PEIR was prepared, the most recent employment data was for 2011.						

Source: Clovis 2014 General Plan and Development Code Update Revised Draft PEIR SCH# 2012061069, Table 3-4.

Current Population and Demographics

LAFCo uses data from several population-tracking agencies to estimate existing population levels in the City: California Department of Finance population statistics and the U.S. Census Bureau. These agencies track changes in population, employment, and demand for housing for locations within the Clovis’ planning area. These population figures do not presume change in the City boundaries or General Plan area or the City’s SOI.

As of January 1, 2022, the California Department of Finance (DOF) estimates that City of Clovis has an estimated population of 123,665 people, which is equivalent to a 1.6 percent growth change, compared to DOF population estimates for year 2021. DOF’s annual demographic report ranks City of Clovis as eighth in the DOF’s “10 cities under 300,000 with the largest numeric change” category. Most recent population estimates show that Clovis grew by 1,998 new residents from January 1, 2021 through January 1, 2022.⁶¹

For Fresno County, DOF population reports show that in 2021 the county had 1,009,231 residents. By the start of 2022, Fresno County’s population reached 1,011,273 residents, an increase of 2,042 new residents in Fresno County, which is equivalent to a 0.2 percent change.

Another source of information referenced in this report is the American Community Survey (ACS) five-year reports prepared by the United States Census Bureau for the five-year period of 2017 to 2021. The five-year reports encapsulate 60 months of collected data and provides the most reliable form of demographic averages published by the U.S. Census Bureau.⁶² According to the ACS report, during 2017 through 2021, the City of Clovis had a population of 118,488 residents.⁶³ For the same timeframe 2017-2021, the ACS reported that the County of Fresno had a population of 1,003,150 residents.

Tarpey Village is an unincorporated island situated outside Clovis’ southwest city limits and within the Clovis SOI. The U.S. Census identifies Tarpey Village as a “census designated place” with a population of 3,997 residents.⁶⁴ Although Tarpey Village is not within Clovis’ city limits, residents of Tarpey Village receive Clovis water and the City of Fresno provides sewer services.

⁶¹ State of California, Department of Finance, E-1 Population Estimates for Cities, Counties, and State - January 1, 2021 and 2022.

⁶² American Community Survey, “When to Use 1-year or 5-year Estimates.” Web: <https://www.census.gov/programs-surveys/acs/guidance/estimates.html>

⁶³ U.S. Census, American Fact Finder-American Community Survey 5-year estimates, 2017-2021. Population, Clovis city, California.

⁶⁴ U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171).

As of 2021, the U.S. Census reports show that 29.4 percent of Clovis' total population is under the age of 18, and approximately 13.1 percent of the total population is over the age of 65. By comparison, 28.2 percent of Fresno County's total population is under the age of 18, while 12.6 percent of Fresno County's is over the age of 65.⁶⁵

Clovis' median age is 34.9 years, while the median age in Fresno County is 32.6 years old. There are 40,815 housing units in Clovis of which 66.4 percent are owner-occupied. Clovis' median house value for owner-occupied homes is \$361,800. The average person per household is 3.01 people and the median household income is \$89,769.

By comparison, there are 341,686 housing units in Fresno County, of which approximately 54.1 percent are owner-occupied. Fresno County's median house value for owner occupied homes is \$288,100. The average person per house in Fresno County is 3.14 people, and the median household income is \$61,276.

Based on the 2017-2021 ACS conducted by the U.S. Census Bureau, the City's employment is organized by occupation and industry sectors. In total, the City of Clovis has an employed civilian labor force (16 years and older) of 53,277 persons.⁶⁶

According to the Census data, the following job sector (categories) contain employees within Clovis:

Occupation	Total number of employees
Management, business, science, and arts occupations	23,821
Management, business, and financial occupations	8,534
Computer engineering, and science occupations	2,986
Education, legal, community service, arts, and media occupations	8,388
Healthcare practitioner and technical occupations	3,913
Service occupations	8,920
Protective service occupations	1,683
Sales and office occupations	12,266
Natural resources, construction, and maintenance occupations	3,423
Production, transportation, and material moving occupations	4,847

The largest industry during the 2017-2021 period was management, business, science, and arts occupations, sales and office occupations, and service occupations. It should be noted that ACS survey estimates have margins of error in every category, and the information provides a reasonable average over a five-year period.

Clovis' Growth Forecast

Based on economic conditions and assumptions, local and state job growth forecasts, the 1993 General Plan projected an average annual growth rate range of 2.7 percent and 2.9 percent through the year 2030.

⁶⁵ U.S. Census, Quick Facts. Web: <https://data.census.gov/table?g=0500000US06019&d=ACS+5-Year+Estimates+Data+Profiles&tid=ACSDP5Y2021.DP05>

⁶⁶ U.S. Census, American Community Survey, 5-year estimates, 2017-2021, S2401: Occupation by Sex for the Civilian Employed Population 16 years and over, City of Clovis, California.

The 1993 General Plan identified enough land for development to accommodate 62,435 housing units and a population of 182,775 residents at buildout based on land use designations.⁶⁷

The 2014 Clovis General Plan updates population forecasts that reaffirm the City's steady growth as anticipated in 1993. Clovis' 2014 General Plan notes that between 2007 through 2013, the City's population grew by 11 percent, which is an increase from 90,155 to 100,091 residents.⁶⁸

Based on DOF's most recent population estimate in 2022 and DOF's population estimate in 2018, LAFCo notes that Clovis' population has increased by 9.1 percent, which is an increase from 113,300 to 123,665 residents within a five-year period.

The 2014 General Plan forecasts population growth using the 2035 scenario and the full buildout scenario. Under the 2035 scenario, Clovis estimates that population would increase by 24.4 percent within the existing city limits, 501.7 percent in the Clovis SOI, and 162.2 percent in the entire Plan Area.⁶⁹ Clovis' population growth is estimated to reach 124,400 residents by 2035, an additional 36,100 within the SOI, and 23,600 residents in the non-SOI Plan Area. Under the 2035 scenario, development of Clovis' entire Plan Area would generate a total population of 184,100 residents. The majority of Clovis' forecasted population growth (65 percent) would occur outside of the City's existing city limits.⁷⁰

Under the full buildout scenario, Clovis' population growth would occur outside of the City's existing boundaries and the City projects its population to increase by 25,700 persons in the SOI, and by 82,100 persons in the Plan Area. The full buildout scenario would contribute 179,300 additional residents to the Plan Area compared to existing population conditions. According to the 2014 General Plan, full buildout of the Plan Area would result in 294,300 persons, which is more than 150 percent of the existing population. As stated above, development of the City's general plan is not linked to a specific timeline and would likely occur beyond a 50-year planning horizon.

The City's corporate limits will not remain static; rather, strategic city growth will be guided by the City's general plan, and facilitated through the annexations of new territory into the City. Therefore, the City's anticipated growth represents the population that it may generate based on land use designations and densities permitted by the City's general plan.

Fresno Council of Governments Estimates

In 2017, the Fresno Council of Governments (Fresno COG) prepared a technical study titled, "Fresno County 2050 Growth Projections" that provides growth projections for Fresno County and each city's sphere of influence between 2015 and 2050. According to Fresno COG's 2015 data, there were 114,800

⁶⁷ City of Clovis, 1993 General Plan Program, page 2-13. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/1993-General-Plan.pdf>

⁶⁸ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-13-Population-and-Housing.pdf>

⁶⁹ Ibid.

⁷⁰ Ibid.

persons (11.8 percent of the County) in Clovis and the Clovis SOI.⁷¹ Between 2015 and 2050, Clovis' SOI is projected to grow by 54.4 percent with the equivalency of 62,440 new residents. Subject to market trends, Fresno COG forecasts a 1.2 percent annual population growth rate assumption for the Clovis SOI through year 2050.

Fresno COG forecast shows the Clovis SOI may hold the following projections per year:

Year	Number of Projected residents
2020	126,850
2025	136,350
2030	145,050
2035	153,490
2040	161,580
2045	169,220

Fresno COG forecasts that the Clovis SOI may reach a population of 177,210 residents by 2050. As considered by Fresno COG, the Clovis SOI is projected to add 18,210 new households within the SOI in addition to the 2015 threshold of 40,660 households.⁷²

Similar to the City's general plan, Fresno COG's projections assume a larger jurisdictional boundary than the existing city limits because territories within the SOI are poised for annexation to accommodate future development and city municipal services.

Housing Element

The California Legislature has declared LAFCo's role in promoting logical formation and orderly development of local agency boundaries in order to discourage urban sprawl, preserve open-space and prime agricultural lands, and efficiently extend government services. This policy is to be enacted with a preference granted to accommodating additional growth of local agencies that can best accommodate and provide necessary governmental services and housing for persons and families of all incomes in the most efficient manner feasible.⁷³ This section of the MSR provides a summary of Clovis' fifth and sixth cycle Housing Elements.

The City's 2008 housing element identifies Clovis' historical growth estimates over a 26-year timeline, from 1980 to 2006. Between 1980 and 1990, the City's population increased by 49 percent, an increase from 33,021 to 49,300 residents. From 1990 to 2000, Clovis' population increased by 44 percent, an increase from 49,300 to 70,746 residents. From 2000 through 2006, Clovis' population grew by 27 percent, an increase from 70,746 to 89,924 residents.⁷⁴

⁷¹ Fresno County 2050 Growth Projections, Fresno County Council of Governments. Web: https://www.fresnocog.org/wp-content/uploads/publications/Demographics/Fresno_COG_2050_Projections_Final_Report_050417.pdf

⁷² Ibid.

⁷³ GC Section 56001, Legislative Findings and Declarations.

⁷⁴ City of Clovis, 1993 General Plan Housing Element, Section 2.2: Projected Housing Need, page 4-6. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/1993-General-Plan.pdf>

The Department of Finance (DOF) estimates that between 2010 through 2022, Clovis' population increased by 29.3 percent, a population increase from 95,631 residents in 2010 to 123,665 residents in 2022 over the twelve-year period.

The County of Fresno and twelve of the fifteen cities in the County prepared and jointly launched the Multi-Jurisdictional 2015-2023 Housing Element (MJHE) for the fifth round of housing element updates.⁷⁵ Fresno COG coordinated the efforts of all twelve participating cities and the County of Fresno for the planning period from December 31, 2015, through December 31, 2023. The multi-jurisdictional collaboration is intended to facilitate a regional effort to address housing needs pursuant to State Housing Element law through a single certified housing element document.⁷⁶

According to the Clovis' fifth cycle Housing Element, Clovis has been assigned a Regional Housing Need Assessment (RHNA) of 6,328 units, including 2,321 very low-income units, 1,145 low-income units, 1,018 moderate income units, and 1,844 above moderate income units. The City maintains and annually updates the inventory of residential land resources in order to ensure that adequate sites are available to meet its RHNA numbers. The MJHE update notes that the city has developed a parcel-specific inventory of sites suitable for future residential development. Furthermore, the City has measured the suitability of these sites based on the development standards in place and their ability to facilitate the development of housing to meet the needs of the City's current and future residents.

Clovis' Housing Element notes that the City has an unaccommodated need from the fourth cycle RHNA of 4,425 lower-income units. To meet this shortfall, the City has completed its Assembly Bill 1233 Carry-Over Analysis Summary for units constructed between 2006 through 2013.⁷⁷ AB 1233 requires that for the purpose of making the assessment and inventory for meeting the RHNA for new housing units, if the City or County fail to identify or make available adequate sites to accommodate the allocated units, then within a year of the planning period of the new housing element, the agencies must zone or rezone adequate sites that will accommodate the unaccommodated portion of the RHNA from the prior planning period.

Based on units constructed, vacant sites identified in the 2008 Housing Element, and sites that the City of Clovis has pre-zoned, and annexed, Clovis meets its fourth cycle RHNA in the moderate- and above moderate-income category, but has 4,425 units of unaccommodated need in the lower-income category. While the City rezoned a substantial amount of land at densities that could accommodate the lower-income RHNA, only the 717 units on sites zoned R-4 meet the State law requirements for adequate sites.⁷⁸

Clovis' fifth cycle Housing Element notes that since the new planning period runs from January 1, 2013, to December 31, 2023, the City's RHNA (of 6,328 units) can be reduced by the number of units built or that are under construction since January 1, 2013. Clovis building permit data shows that the City has issued permits for 854 single-family units, all of which were in the moderate-income levels.

⁷⁵ MJHE Participating Agencies: Fresno County, Clovis, Coalinga, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, and Selma.

⁷⁶ GC Section 65580 *et seq.*

⁷⁷ Assembly Bill 1233, Jones, Housing Element: Regional Housing Need. Web: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB1233

⁷⁸ Table 2B-3, Appendix 2B: City of Clovis, Fresno Multi-Jurisdictional Housing Element adopted March 7, 2016.

The City anticipates that it can also reduce its RHNA by the number of new units with projects that are planned, approved, or pending construction. Clovis' housing element shows an inventory of residential projects that are either approved or in the planning process and scheduled to be constructed by December 31, 2023. Clovis intends to continue participating in the MJHE to address the ongoing housing needs of the City and the 13 participating jurisdictions.

The City of Clovis is in the process of updating its sixth-cycle Housing Element for years 2023-2031. Two public workshops were held at Tarpey Elementary School and were open for the public to participate. On March 13, 2023, the City approved a Public Review Draft for the sixth-cycle Housing Element and is expected to be adopted by end of 2024. The latest version of the 2023-2031 Draft Housing Element is available on the City's website.⁷⁹

Each housing element update for the City must establish that it has adequate zoning and land use designations to satisfy the RHNA. Available land, both vacant and non-vacant, is identified and described in the Housing Element for residential development in order to accommodate a variety of housing types. According to the Clovis' sixth cycle Housing Element, Clovis has been assigned a Regional Housing Need Assessment (RHNA) of 8,977 units, including 2,926 very low-income units, 1,549 low-income units, 1,448 moderate income units, and 3,054 above moderate income units.

In order to meet Clovis' assigned RHNA, the City facilitated the annexation of the Willow Corridor RHNA Annexation area, including Heritage Grove City Center Villages Master Plan and the urban center portion of The Villages Specific Plan, to comply with State law.

Vacant Land Inventory

Within the Clovis SOI, the City informed LAFCo that it has 1,479 acres of vacant lands within its Mixed Use Zone District—which includes Mixed Use Village and Mixed Use Business Campus uses. The City informed LAFCo that development of the vacant land identified in the Mixed Use zone district might occur within a 13-year timeline, at an average development rate of 113 acres per year, subject to economic conditions and development market trends. The timeframe and development rate per year is an estimate only.

Similarly, within the Clovis SOI, the Residential Zone District represents approximately 1,007 acres of existing vacant land. The Residential Zone District is the largest category and it includes the following density levels: Very Low Density Residential, Low Density Residential, Medium Density Residential, Medium High Density Residential, High Density Residential, and Very High Density Residential.

Clovis estimates that the 1,007 acres could be developed at an average of four units per acre. The City informed LAFCo that development of the vacant lands identified in the residential zone districts might occur within a 23-year planning timeline at an average rate of 750 units per year. Forecasting residential development is highly volatile and is subject to economic conditions and market trends.

The City informed LAFCo that within the Clovis City limits, there are 1,007 vacant parcels ranging from 0.070 acres (3,070 sq. ft.) to 0.489 acres (21,295 sq. ft.) in lot sizes. Combined, the total vacant lot inventory amounts to approximately 148.898 acres which are currently available for development.

⁷⁹ City of Clovis, 2023-2031 Revised Draft Housing Element, November 2023. Web: <https://cityofclovis.com/wp-content/uploads/2023/11/2023-2031-Housing-Element-Draft-Second-Revised-HCD-Draft.pdf>

Existing and Pending Planned Developments

The City is in the initial phase of the Environmental Impact Report (EIR) process for the Vista Ranch Master Plan, which will include the Shepherd North project, to guide future development and redevelopment of the site for industrial, business park, and commercial uses. Areas outside of City limits, but within the existing Clovis SOI include areas designated on the City’s 2014 General Plan for low and medium density residential uses, industrial and business parks, as well as areas for mixed use and high density residential. There are a number of existing and pending developments within the City. These approved or pending projects include:

Loma Vista Community Plan – Approved Developments

- **The Home Place Master Plan Community (TM6364)** located on the north side of Ashlan Avenue, between Leonard and Thompson Avenues.
- **A new Sanger Unified School District school campus site** on the west side of McCall Avenue, south of Shaw Avenue.

Northwest Urban Center – Pending/Active Project

- **The Villages Specific Plan** located on the north side of Shepherd Avenue, between N. Willow and N. Sunnyside Avenues.

Northeast Urban Center – Pending/Active Projects

- **Vista Ranch Master Plan** located on the north side of Shepherd Avenue, west of the Big Dry Creek Dam.

Proposed Sphere of Influence

The City of Clovis has requested that the commission consider a revision to the 2019 Clovis SOI to encompass approximately 155 acres into the City’s existing SOI boundaries. The following analysis will identify existing and proposed land use designations as identified in the Clovis 2014 General Plan, determine service need, and make recommendations in order to promote the orderly development of the City.

The proposed SOI revision is generally bounded by Perrin Avenue to the north, Shepherd Avenue to the south, Sunnyside Avenue to the west, and Fowler Avenue on the east. The proposed SOI revision as submitted by the City encompasses 39 unincorporated parcels that are owned by 37 different landowners and would add 155 acres to the Clovis SOI.

THE CITY INFORMED LAFCO THAT THERE ARE NO ACTIVE WILLIAMSON ACT CONTRACTS WITHIN THE AREA REQUESTED TO BE INCLUDED IN THE REVISED SOI.

The 2014 Clovis General Plan identifies the following land uses for the 155-acre SOI revision proposal:⁸⁰

- Agriculture land = 0 acres
- High Density Residential (15.1 to 25 DU/AC) = 0 acres
- Low Density Residential (2.1 to 4.0 DU/AC) = 0 acres
- Medium Density Residential (4.1 to 7.0 DU/AC) = 0 acres
- Medium High Density Residential (7.1 to 15 DU/AC) = 77 acres*
- Mixed Use Business Campus = 0 acres
- Mixed Use Village = 0 acres
- Open space = 5.54 acres (* included in the 77 acres)
- Park = 0.90 acres (* included in the 77 acres)
- Promenade/Pedestrian Circulation = 2.39 acres (* included in the 77 acres)
- Rural Residential = 78 acres
- School = 0 acres
- Trails = 2.25 acres (* included in the 77 acres)
- Very High Density Residential = 0 acres

Based on Clovis' estimates, the proposed SOI revision is anticipated to create 580 single-family residential units.⁸¹ City of Clovis identified the above general plan land use designations to prevent the premature conversion of farmland, by encouraging infill development, by requiring new development to be built at considerably higher densities, and by providing for balanced development, including substantial emphasis on increasing the jobs-housing ratio. The proposed SOI revision will not add new jobs to the City, rather, predominantly rural residential and medium-high density residential land use designations.

⁸⁰ City of Clovis, Final EIR, Shepherd North Project, November 2023; DU/AC = dwelling units per acre.

⁸¹ Correspondence with the City of Clovis.

Disadvantaged Unincorporated Communities

The purpose of Senate Bill 244 (Wolk, 2011) is to address the complex legal, financial, and political barriers that contribute to regional inequity and infrastructure deficits within disadvantaged unincorporated communities (DUCs). Cities, counties, special districts, and LAFCo are all required by SB 244 to identify and include DUCs in their respective long-range planning.

State law directs the commission to consider and prepare written determinations regarding the present and planned capacity of public facilities and adequacy of public services, and infrastructure needs or deficiencies for any disadvantaged unincorporated community within or contiguous to the SOI of a city or special district.

THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000 (CKH) REQUIRES LAFcos TO MAKE DETERMINATIONS REGARDING DUCs FOR ANY UPDATES TO AN 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.

Government Code sec. 56033.5 defines a “Disadvantaged Unincorporated Community” as an inhabited territory, as defined by Government Code sec. 56046, or as determined by commission policy, that constitutes all or a portion of a “disadvantaged community” as defined by section 79505.5 of the California Water Code (WC). A DUC is defined as an inhabited territory (which means that there are 12 or more registered voters within the underlying annexation⁸²) and with an annual median household income (MHI) that is less than 80 percent of the statewide annual median household income. Furthermore, on January 9, 2013, Fresno LAFCo exercised its authority and adopted a local policy refining the DUC definition to include that a DUC shall have at least 15 dwelling units at a density not less than one unit per acre.

LAFCo policy includes a definition for a “Legacy Community,” a geographically isolated community that meets the DUC criteria, is at least 50 years old, and is beyond the adopted SOI of any city. Pursuant to LAFCo policy 111-4, when approving any new or updated SOI for a city or special district, the city or special district shall be required to identify any legacy community within one mile of its existing or proposed SOI.

SB 244 also prohibits LAFCos from approving any annexation to a city of territory that is greater than 10 acres if a DUC is contiguous to the proposed annexation, unless an application to annex the DUC has been filed with Fresno LAFCo.⁸³ State law allows two exceptions:⁸⁴ 1) if a prior application for annexation of the same DUC has been made in the preceding five years; or, 2) if the commission finds, based upon written evidence, that a majority of the registered voters within the affected territory are opposed to annexation.

City of Clovis Demographic Background

This section of the MSR uses the American Community Survey (ACS) five-year estimates for year 2017 to 2021 datasets to identify the demographic composition of various locations near the City of Clovis. The ACS is sponsored by the U.S. Census Bureau and is part of the Decennial Census Program. According to

⁸² GC sec. 56046 – definition “Inhabited territory”

⁸³ Fresno LAFCo policies add ‘or within 300 feet’ to the contiguous criteria.

⁸⁴ GC sec. 56375 (8)(A).

the U.S. Census Bureau, the ACS five-year reports are the most reliable form of information generated by the U.S. Census because they are multi-year estimates utilized to describe average characteristics of population and housing to give an average value over the full data period. Although the Census Bureau offers annual estimates, three-year estimates, and five-year estimate reports, in LAFCo's judgment, the five-year estimates provide the most reliable data and mapping information to analyze small, populated locations.

Like any statistical database, LAFCo has determined that, as of the date of the adoption of the DUC policy, there may be deficiencies in census data to accurately assess median income in unincorporated communities. As a result, LAFCo policy provides opportunity to consider various sources of information, i.e. demographic surveys, site investigation, and other materials supplied by government agencies or interested parties, in order to make a determination that a DUC exists.

This section to the report also uses Geographic Information System (GIS) data, including but not limited to, County of Fresno's parcel mapping, aerial photography, and US Census data tract and block group data to quantify the economic composition of all the census block groups within the vicinity of Clovis' city and SOI boundaries. On average, US census block group units have a population of 600 to 3,000 people and provide the number of households, population, and MHI data for those residents residing within the geographic unit.

The City of Clovis is the second largest city in Fresno County with an estimated population of 123,665.⁸⁵ The City of Clovis has 40,815 households of which 66.4 percent are owner occupied and 33.6 percent are renter occupied. According to Census' data, Clovis' average household size is 3.12 people. The Census estimates that there are 38,762 families within Clovis, and the average family size is 3.52. Approximately 68 percent of Clovis' total population is over the age of 18, and the City's median age group is 33.7 years old.

About 36.3 percent of Clovis' adult population over the age of 25 have a bachelor's degree or higher education, 38.4 percent have some college experience or an associate's degree, 19.1 percent have an education equivalent to a high school diploma, while less than 3.4 percent have an education less than a high school diploma.

According to the 2017-2021 ACS five-year estimates, City of Clovis' reported income levels are higher than that of the County and the state as a whole. During the surveyed 2017-2021 timeline, Clovis had a median household income (MHI) of \$89,769, while Fresno County reported an MHI of \$61,276. During the same timeline, the Statewide MHI for California was \$84,097.

Pursuant to WC sec. 79505.5, any location with a MHI less than \$67,277 meets the income threshold for identifying Disadvantaged Communities. For the purpose of the LAFCo process, a DUC must be inhabited, located outside of a city's incorporated limits, within or near the city's SOI, and have at least 15 dwelling units at a density not less than one unit per acre.

LAFCo surveyed the unincorporated areas using aerial photography, site visit(s), and GIS maps to determine whether any DUCs exist within or near the Clovis SOI. LAFCo staff also assessed census tracts

⁸⁵ State of California, Department of Finance, E-5 Population Estimates for Cities, Counties, and State – January 1, 2022.

and block group units within a one-mile distance outside the adopted and proposed SOI boundaries. LAFCo staff did not identify any DUCs, as defined by commission policy, within Clovis' SOI or within the proposed SOI revision area. As of June 2018, LAFCo observed that all census units located in Clovis' existing and proposed SOI exceed the MHI threshold as defined Fresno LAFCo's Policy 111 and CKH.

Parks and Recreation Services & Open Space

Service Overview

The Clovis Parks Division (“Division”) is administered by the City of Clovis’ Public Utilities Department at 155 North Sunnyside Avenue, Clovis, CA 93611. A full-time park manager oversees the Division with the assistance of 25 full-time employees and the use of contractors for most of the streetside landscaping. The responsibility of the Division is to maintain the City’s recreational facilities, streetscape, parks, trails, and other landscaped open space areas, City trees, and City building grounds.⁸⁶ A few parks and open spaces within City limits are privately owned and maintained by Homeowner Associations (HOA’s).

The Parks Division maintains approximately 544 acres of City parks and landscaping including the following:⁸⁷

- 76 parks totaling 153 acres – two of these parks include active recreational areas with lighted baseball diamonds, lighted soccer fields, snack bars, restroom buildings, and beach volleyball and basketball courts; 12 are medium-sized parks that include picnic areas, play lots, restrooms, and open spaces; remaining 62 parks are passive neighborhood and mini parks, most with tot lots scattered throughout the community
- 274 acres of green belts, street gardens, and landscaped median islands
- 100 acres of trails and paseos
- Architectural neighborhood entry lighting and structural features
- Six acres of building grounds at the Civic Center, Old Town Clovis, Senior Center, Los Altos Corporation Yard, new Police/Fire Headquarters, and miscellaneous City properties
- 11 acres of undeveloped parkland and miscellaneous public right-of-way property
- Approximately 42,000 City street trees

The Division’s responsibilities include:

- Planning and carrying out recreational opportunities for all segments of the City
- Maintenance, operation, and development of parkland and open space
- Maintenance of City facilities

Clovis General Plan – Open Space and Conservation Element

The Open Space and Conservation Element of the 2014 General Plan provides goals and policies for ongoing development, maintenance, and funding of existing and new City parks. The 2014 General Plan Land Use Diagram identifies several sites for future parks and open space in newly planned areas. These sites include underutilized lands as well as multi-benefit areas, such as basin parks. The Clovis Parks Master Plan aligns with the following 2014 General Plan goals and policies.

⁸⁶ City of Clovis, 2018 Clovis Parks Master Plan, page 10. Web: https://cityofclovis.com/wp-content/uploads/2019/05/Clovis-Parks-Master-Plan-Final-3_19-18.pdf

⁸⁷ Correspondence with City staff and Clovis Parks Division; City of Clovis, 2022-23 Annual Budget, page 172.

Open Space and Conservation Element – Overarching Goal: Recreation and open space that enhances quality of life, contributes to healthy community, and conserves Clovis’ natural and cultural resources.

Goal 1: Parks and recreation facilities that are environmentally and fiscally sustainable and meet the needs of existing and future residents.

- **Policy 1.1: Parkland Standard.** Provide a minimum of 4 acres of public park land for every 1,000 residents.
- **Policy 1.2: Existing Parks.** Upgrade and rehabilitate existing parks as necessary to meet the needs of the community.
- **Policy 1.3: New Parks and Recreation Facilities.** Provide a variety of parks and recreation facilities in underserved and growing areas of the community.
- **Policy 1.4: Joint Use of Education Facilities.** Provide a balanced system of parks and recreation facilities through joint use of facilities owned by school districts.
- **Policy 1.5: Multipurpose Open Space.** Design public facilities as multipurpose open space and recreation to serve the community’s infrastructure needs while preserving and enhancing open space and water features. Prioritize the use of existing basins for existing areas and for future areas prioritize the development of separate park facilities available year-round.
- **Policy 1.6: Linkages.** Link open space, parks, and recreation facilities by incorporating flood control channels into the City’s bicycle and trail system.
- **Policy 1.7: Sustainability.** Develop new and maintain existing parks and recreation facilities to achieve fiscal and environmental sustainability.
- **Policy 1.8: Funding.** Require new development to provide pocket and neighborhood parks, dedicate land for area parks, and pay impact fees for community and regional parks. Require new development to establish lighting and landscape maintenance districts to fund operations and maintenance.
- **Policy 1.9: Master Plan.** Periodically update the Parks Master Plan to direct the implementation of the City’s open space facilities.

Goal 2: Natural, agricultural, and historical resources that are preserved and promoted as key features for civic pride and identity.

Goal 3: A built environment that conserves and protects the use and quality of water and energy resources.

The 2014 General Plan Parks and Recreation Element includes a desired parkland standard of 4.9 acres of park/open space per 1,000 residents.⁸⁸ Currently, the City’s Parks Division maintains approximately 544 acres of City parks and landscaping.

Parks Master Plan

The Clovis City Council adopted the Parks Master Plan on April 16, 2018.⁸⁹ The purpose of the Master Plan is to assist the City in planning for growth of Clovis’ park system and recreational facilities over the next several years. The Master Plan facilitates the development of future public facilities, recreational programs, and services consistent with the vision and policies of the 2014 Clovis General Plan. The Parks Master Plan also provides a strategic guidance in the provisions of park services to develop, promote, utilize, manage, and maintain a functional park system in the City of Clovis. The Master Plan serves as a guide for future policy development, prioritize demand and opportunity, and as an action plan for the next five to ten years.⁹⁰

During the creation of the Master Plan, Clovis identified factors and created a priority list of the important General Plan’s goals as the Master Plan was implemented. The City has current standards, goals, and objectives in place for parks and open space that have contributed to the development of the Parks Master Plan. The City’s Parks Master Plan augments the goals and policies identified in the 2014 Clovis General Plan, Clovis Active Transportation Plan, Clovis Urban Greening Plan, and City Ordinances.

The City of Clovis recognizes its Park and Open Space Facilities in seven classifications: Pocket, Neighborhood, Area, Community, Regional, School, or Basin Parks.⁹¹

- ***Pocket Parks*** are the smallest park classification and add up to one acre in size. These parks are located in residential neighborhoods and planned for families and children. Typically, these parks provide picnic and sitting areas and should be accessible by foot or bicycle. Currently, the City has 1.5 acres of Pocket Parks made up of three locations.
- ***Neighborhood Parks*** range from one to two acres in size. These parks are tailored to the neighborhoods they serve and serve a broad range of individuals. The City has 66.5 acres of Neighborhood Parks, which amount to 59 parks. Three of these Neighborhood Parks—Harlan Ranch, Olive Tree Park, and Serenity Park—are maintained by Homeowner Associations.
- ***Area Parks*** are larger than Neighborhood Parks, and range from 3 to 20 acres in size. Area Parks provide amenities for multiple age groups and connect to neighborhoods via trails or sidewalks. The City has 11 Area Parks totaling 17 acres.

⁸⁸ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.15 – Recreation, page 5.15-12. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-15-Recreation.pdf>

⁸⁹ City of Clovis, 2018 Parks Master Plan. Web: https://cityofclovis.com/wp-content/uploads/2019/05/Clovis-Parks-Master-Plan-Final-3_19-18.pdf

⁹⁰ Ibid.

⁹¹ City of Clovis, 2018 Parks Master Plan, page 30.

- ***Community Parks*** range from 15 to 100 acres. The Community Parks are intended to meet a wide range of recreation and social needs focused on both passive and active recreation. The City has five Community Parks totaling 47 acres.
- ***Regional Parks*** are parks that service multiple cities, cross political jurisdictions, and exceed 100 acres in size. There are currently no existing Regional Parks in the City of Clovis.
- ***Basin Park*** are dual-use parks and are developed in partnership with Fresno Metropolitan Flood Control District. Basin Parks typically range from five to 20 acres and their uses are generally limited to dry periods due to their main priority as flood control facilities. There are currently three Basin Parks totaling 21.13 acres.⁹²
- ***School Parks*** are school sites used in concert with, or in lieu-of, other classes of parks to meet open space needs. The City maintains an “open gate” policy for Clovis Unified School District (CUSD) land and facilities available for recreational use after normal school hours and during the summer. There are approximately 271 acres of CUSD sites available for shared use.

The City’s Park Master Plan provides an inventory of all parks within the City of Clovis. A complete park data assessment and planned park site locator are also included in the City’s Park Master Plan document. During the preparation of the Parks Master Plan, several community representatives, as well as City Council members, requested to prioritize the development of a Citywide Dog Park Master Plan.⁹³ Currently, there are two dog parks under design, Letterman Dog Park and the expansion of the Sierra Bicentennial Dog Park. Features for the dog parks include, benches, waste receptacles, dog waste bag dispensers, drinking fountains, and a shade structure. Funding for the Dog Parks is being made available by the 2018 Parks Bond Act.

Within the City limits, Clovis manages four existing multi-purpose trail networks that connect Clovis’ neighborhoods. The multipurpose trails are planned for by the City and extended with new development within the planned trail areas. The four primary City trails include:⁹⁴

- **Clovis Old Town Trail** – extends north/south and northwest/southeast through the central and northwest area of the City
- **Dry Creek Trail** – extends northeast/southwest through the northwest areas of the City
- **Enterprise Trail** – extends northwest/southeast through the northern area of the City
- **PG&E Trail** – extends east/west, north of Bullard Avenue from Temperance Avenue to Fowler Avenue

⁹² City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.15 - Recreation. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-15-Recreation.pdf>

⁹³ City of Clovis, Planning and Development, Projects, Engineering, Dog Park Master Plan. Web: <https://cityofclovis.com/wp-content/uploads/2019/10/Dog-Park-Master-Plan-Oct-2019.pdf>

⁹⁴ City of Clovis, 2018 Parks Master Plan.

Existing City Park Facilities

According to the Parks Division, the City, along with various HOAs, own and/or operates three pocket parks, 59 neighborhood parks, 11 area parks, five community park, and three basin parks that total approximately 153 acres. City residents may obtain additional park and recreation information on the City's Parks website located at <https://cityofclovis.com/public-utilities/parks/>.

Nearly all City parks are equipped with tables, chairs and barbeques available for citizens and non-citizens of the City to rent for any special occasion. Park facility reservations may be made online or in person at the Public Utilities Department headquarters, between 7:00 a.m. and 3:00 p.m. Monday through Friday. Clovis residents can make reservations up to 90 days in advance. Non-residents can make reservations up to 30 days in advance. The City of Clovis maintains 1.5 acres of pocket parks and 66.5 acres of neighborhood parks. The following list provides the pocket parks' and neighborhood parks' names and locations:

1. Town & Country 2 – south of Lester Avenue at Douglas Avenue
2. Northwood – northeast corner of Cromwell and Joshua Avenues
3. Williamsburg II – Citadel and Decatur Avenues
4. Birchwood – southwest corner of Chennault and Helm Avenues
5. Blackhorse II – northeast corner of Birch and Marion Avenues
6. Monte Vista 26 – Fir Avenue between Fordham and Stanford Avenues
7. Been – south of Magill Avenue between Helm and Cindy Avenues
8. Helm Holland – Helm and Holland Avenues
9. Kiwanis – southeast corner of Barstow and Villa Avenues
10. Fifth Harvard – Fifth Street and Harvard Avenue
11. Music Avenue – Music Avenue, north of Estabrook Avenue
12. Camden – southeast corner of Redington Avenue and Hampton Way
13. Riordan – east of Clovis Avenue at Vermont Avenue
14. TR 5486/Harlan Ranch 1 – southeast corner of Pamela and Prescott Avenues
15. TR 5486/Harlan Ranch 2 – south of Prescott Avenue
16. TR 5613/Harlan Ranch 7 – Serena Lane
17. Sunriver – east of Filbert Avenue
18. Tenaya Sun Ranch – Caesar and Magill Avenues
19. Bullard/Fifth Couplet – Bullard Avenue and Fifth Street, east of Sunnyside Avenue
20. West End Couplet – Bullard Avenue and Fifth Street, west of Clovis Avenue
21. Liberty – northeast corner of Fifth Street and Hughes Avenue
22. Private 3 – southwest corner of Fairmont Avenue and Hornet Avenue
23. Arrowhead – corner of Kaweah Avenue and Redington Avenue
24. Harland Ranch 3 – Everglade and Sanders Avenues
25. Harland Ranch 5 – south side of Everglade Avenue
26. Harland Ranch 6 – south side of Everglade Avenue
27. Town & Country 1 – north side of Everglade Avenue between Burgan and Burl Avenues
28. Woods – Powers Avenue between Dartmouth and Perry Avenues
29. Pinnacles – west side of Villa Avenue between Powers and Lester Avenues
30. Rancho Paloma II – Decatur Avenue between Burgan and North Ash Avenues

31. Cambridge Colony – south side of El Paso Avenue between Harvard and DeWitt Avenues
32. Quail Hollow – Goshen Avenue between Homsy and Orangewood Avenues
33. Monte Vista 31 – northeast corner of Birch and Fordham Avenues
34. Fox Run – Wrenwood and Park Avenues
35. Westcal – Roberts Avenue between McKelvy and Magnolia Avenues
36. Monte Vista 21 – northwest corner of Lincoln and Pistachio Avenues
37. Monte Vista 10 – northwest corner of Dennis and Holly Avenues
38. Silverton 2 – northeast corner of Keats and Magnolia Avenues
39. California Countrywood – San Jose Avenue between Coventry and Carson Avenues
40. Summit 5 – southwest corner of Holland and Carson Avenues
41. Summit 4 – southwest corner of Hampton and Hornet Avenues
42. TR4194/Seville – northeast corner of Bellaire and McKelvy Avenues
43. Palmira – Redington and Maine Avenues
44. TR5484/Los Arbolitos – northeast corner of Santa Ana and Twinberry Avenues
45. East West – Holland and Maine Avenues
46. TR5264 – Venice and Miramar Avenues
47. TR5539/Harlan Ranch 4 – southeast corner of N. Chesterfield Lane and Barclay Square
48. TR4958/Countryside – southeast corner of Richmond and Adler Avenues
49. Loma Vista – Blackwood and Finchwood Avenues
50. Linear 6 – along Gibson Avenue
51. Linear 5 – along Gibson Avenue
52. Linear 4 – along Escalon Avenue
53. Linear 2 – east of Temperance Avenue along unnamed street within Harlan Ranch
54. Linear 1 – between Everglade and Powers Avenues
55. Linear 3 – intersection of Deauville Circle
56. Granville Park – southwest corner of Carson and Vermont Avenues
57. Camden Pace Park – southeast corner of Hampton Way and Redington Avenue
58. Gallery Park – Hampton Way and Marengo Avenue
59. Grove Park – southwest corner of Wrenwood and Encino Avenues
60. Bunny Park – N. Sanders and Sussex Avenues
61. Regent Park – Pontiac and Saginaw Avenues
62. Chadwick Park – Saginaw and Descanso Avenues

City of Clovis maintains 11 acres of Area Parks and five acres of Community Parks. The following list provides the Area Parks' and Community Parks' names and locations:

1. Deauville – northwest corner of Temperance and Deauville Avenues
2. Stanford El Paso – southwest corner of El Paso and Stanford Avenues
3. Cottonwood – southwest corner of Alluvial and Clovis Avenues
4. Treasure Ingmire – southwest corner of Clovis and Sierra Avenues
5. Thorburn – Alamos and Coventry Avenues
6. San Gabriel – south of Gabriel Avenue, west of Adler Avenue
7. Gettysburg – east of Burl Avenue, north of Richert Avenue
8. TR4248/Westcal II – southeast corner of Dakota and Baron Avenues
9. Pasa Tiempo – northwest corner of De Wolf Avenue and Barstow Avenues

10. Harlan Ranch Recreation Center – northeast corner of Harlan Ranch and Dara Avenues
11. Railroad – northeast corner of Alluvial and Peach Avenues
12. Dry Creek – northeast corner of Alluvial and Clovis Avenues
13. Letterman – west of Villa Avenue, south of Bullard Avenue
14. Sierra Bicentennial – west of Sunnyside Avenue, south of Herndon Avenue
15. David McDonald Park – northeast corner of Temperance and Sierra Avenues
16. Dry Creek Trailhead Park – southwest corner of Sunnyside and Shepherd Avenues

City of Clovis jointly maintains 21 acres of Basin Parks in agreement with the Fresno Metropolitan Flood Control District. The following list provides the three Basin Park names and locations:

1. Basin IE – north of Ashlan Avenue at Fordham Avenue
2. Helm Ranch Community Park (Basin S) – northwest corner of Ashlan and Minnewawa Avenues
3. Rotary Basin – southeast corner of Barstow and Villa Avenues

Recreational opportunities also include various sports leagues for all Clovis and area residents. The Clovis Area Recreation (CAR) Department provides recreational programs, including adult youth sports programs, leagues, and drop-in games and is responsible for operating the City of Clovis batting cages (84 N. Sunnyside Avenue), Clovis Rotary Skate Park (908 Villa Avenue), adult slow-pitch softball at Clovis Rotary Park (100 Barstow Avenue), and the Clovis Recreation Center (3495 Clovis Avenue).

Staffing Level

The Division operates within City of Clovis’ Public Utilities Department. One Park Manager oversees the operation of the Division, and he/she reports to the Assistant Public Utilities Director.

The Park Manager is assisted by 25 professional employees identified in the following classifications:

Occupation	Total Number of Employees
Administrative Assistant	1 part-time
Engineer	1 part-time
Assistant Public Utilities Director	1 part-time
Maintenance Workers/Senior Maintenance	13 full-time
Management Analyst	1 part-time
Principal Office Assistant	1 part-time
Parks Maintenance Lead	3 full-time
Parks Maintenance Lead	3 full-time
Parks Manager	1 full-time
Utility Worker	7 full-time

The City's Landscape Maintenance District (LMD) provides funding for the ongoing maintenance of parks, greenbelts, streetscape, urban forest, and lighting systems located within the LMD for the enjoyment of the citizens of Clovis. Approximately 62 percent of the City's landscaped acreage is within the LMD.

Park Facility Funding

The Parks Division is responsible for maintaining all City parks, trails and lighting, street landscaping, trees, and numerous recreational facilities. The goal of the City's Park Division is to maintain recreation facilities, streetscape, parks and other landscape open space area, City trees, and building ground facilities at a reasonable cost to its citizens and maintain facilities at the best possible condition proportionate with available funding resources.

Over half of Clovis' park acreage maintenance is funded by the City's General Fund, which is made up of general revenues. The majority of the revenue comes from sales and property tax revenues. In addition to general revenue, Chapter 3.4 of the Clovis Municipal Code, "Park Acquisition and Development," outlines the fee imposed on all residential developments, hotels, motels, assisted living facilities, commercial, professional, and industrial buildings. The fee is determined by the City Council and is reviewed on an annual basis. The monies generated from this park acquisition and development fee are to be used solely for the acquisition of land for parks and recreational areas, master planning, and design and construction of such lands already acquired or in the City's possession.

In addition, the City of Clovis Landscape Maintenance District No. 1 (LMD) was established in July 1985 in accordance with the Landscaping and Lighting Act of 1972. The purpose of Clovis' LMD is to levy a special assessment tax to fund the ongoing operation and maintenance cost of the City's landscaped areas and interior parks benefiting the community. The City's operation and maintenance fee funds the mowing, edging, fertilizing, weed control, irrigation system, pruning, plant replacement, and facility lighting. The LMD also accounts for the replacement of aged playground equipment.

Consistent with the City's Engineering Report, the City sets an annual assessment tax for all properties within the LMD boundaries to levy the tax on the annual property tax bills. Each annexation to the district is required to go through an individual assessment so that the cost of maintenance of landscape or park areas will be borne entirely by the benefit area that is being developed and annexed into the LMD. Information provided by City staff indicates that the City's LMD has sufficient revenues and fee adjustments to cover the cost of operations and maintenance of the City's park facilities.⁹⁵

According to the Parks Division and the City of Clovis' budget for Fiscal Year 2022-23, the Parks/Landscape Maintenance budget accounts for the following items:

- Total Parks/Landscaped areas (in acres) maintained, as of July 1, 2023 – 544 acres
- Maintenance cost per acre per year – estimated to be \$12,000
 - Park/Landscaped area (in acres) maintained by the City's General Fund – 212 acres
 - Maintenance cost per acre per year – \$9,434
 - Park/Landscaped areas (in acres) maintained by the LMD – 348 acres
 - Maintenance cost per acre per year – \$12,356

According to the City's FY 2022-23 revised budget, the City's Parks Division has a budget of \$6,886,400. The Division's main sources of revenue include state grants, facility reimbursements, planning and

⁹⁵ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.15 - Recreation. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-15-Recreation.pdf>

procession fees, engineering processing fees, user fees, miscellaneous fees, and general fund-discretionary. For FY 2022-23 the Division anticipated the following revenues:⁹⁶

Items	Amount
Rents & Concessions	\$6,000
Facility reimbursements	\$88,000
Planning & Processing fees	\$30,000
Engineering Processing Fees	\$30,000
User Fees	\$4,730,000
Miscellaneous Income	\$10,000
Discretionary Funds	\$2,003,4000

The City's LMD budget for professional services amounted to \$4,693,000. The maintenance district generates revenue solely from user fees.⁹⁷

City Parks Division five-year outlook suggest several of the benefit zones have accumulated sufficient reserves and are adjusted annually, if needed, to coincide with maintenance costs. Some of the benefit zones still need to build reserves.

The LMD as a whole continues to have adequate reserves to carry it through 2023. Benefit zones without the capability of an automatic assessment will periodically require an assessment increase election.⁹⁸

Demand/Service Adequacy

The Quimby Act of 1975, as established in state law, allows cities and counties to establish a standard of three acres of local parkland per 1,000 people. The Clovis 2014 General Plan establishes a goal of four acres of parkland per 1,000 residents, which exceeds the requirement set forth by the California's Quimby Act.

Based on the City's recent population estimate of 124,556 residents and the park goals set forth by the 2014 General Plan, the City is working successfully toward meeting the park area goals. Currently, the City has 81 designated City parks that total approximately 173 acres. Clovis' existing park deficit is approximately 267 acres of parkland space. The goal for future planning increases the park area to approximately 380 acres and substantially increases the number of trails.⁹⁹

The City's Parks Master Plan notes that by incorporating the estimated 135 acres (50%) of the school recreation facilities into the City's parkland inventory provides a ratio of 2.78 acres to 1,000 residents, much closer to the City's 2014 General Plan goal. By doing so, additional Open Space and Recreation Area owned by Clovis Unified School District would enable the City to be much closer to meeting its goal.

⁹⁶ City of Clovis, 2022-23 Annual Budget, pages 173-175.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ City of Clovis, 2018 Clovis Parks Master Plan, page 46. Web: https://cityofclovis.com/wp-content/uploads/2019/05/Clovis-Parks-Master-Plan-Final-3_19-18.pdf

Implementation of the City’s 2014 General Plan update would allow for substantial population growth and increased use and demand on existing parks and recreational facilities. The projected increase in population from the proposed project would lead to additional demands on parks and recreational facilities in both the 2035 and full buildout scenarios. A total of 745 acres of park land are designated within the City’s SOI and notwithstanding the City’s plans for these facilities, developing the needed long-term capital and maintenance funds is critical to the success of the City’s vision. Thus, the Quimby Act establishes a funding mechanism for parkland acquisition for all local jurisdictions.

The Clovis Municipal Code requires that developers must dedicate parkland or pay in-lieu fees to enable the City to acquire a ratio of 4.0 acres of parkland per 1,000 residents. All future parks are expected to be funded through the City’s General Fund, the Clovis LMD No. 1, state and federal grants, and development impact fees, as outlined in the City’s Park Acquisition and Development Fee Program, per Section 3.4.03 of the City’s Municipal Code.¹⁰⁰

Table 3. Park Acquisition and Development Fees

Land Use Type	Fee
Residential	\$3,230 per unit
Retail	\$0.48 per building SF
Office	\$0.89 per building SF
Industrial	\$0.44 per building SF
Source: City of Clovis Master Development Fee Schedule, Effective July 15, 2013.	

The Clovis 2014 General Plan land use diagram also proposes future trails and green belt paths along SR-168 towards Harlan Ranch, throughout Loma Vista (Dog Creek Trail, Jefferson Trail, Enterprise Trail, Loma Vista Paseos), along the City’s southern boundary (Gould Trail), and in the Northwest Urban Center to connect to the existing Dry Creek Trail.

According to the Clovis 2014 General Plan, the City’s projected full buildout beyond 2035 would result in an estimated population growth of up to 294,300 additional residents. According to the proposed parkland standard, the City would require 1,177 acres of parkland at full buildout to meet the needs of the larger population. As such, the Clovis 2014 General Plan land use diagram designates 2,328 acres of parkland at full buildout which amounts to a park land ratio of 7.91 acres per 1,000 residents.¹⁰¹

Infrastructure Needs

The City’s FY 2022-23 budget outlines facility improvements for the City’s Parks Division. The following infrastructure needs are anticipated to receive funding through a combination of the City’s General Fund, State grant funds, and user fees. The following infrastructure needs include, but are not limited to, the following items:

- Park property acquisition – acquire property for the future development of City park sites and trails (development fees)

¹⁰⁰ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.15 - Recreation. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-15-Recreation.pdf>

¹⁰¹ Ibid.

- Park improvements – City participation in miscellaneous projects and unforeseen expenses that are development related
- Sierra Bicentennial Park/Sunnyside and Sierra
 - modify and improve existing sports field per Master Plan (contingent upon funding)
 - modify and improve existing dog park (Park Bond Act per capita grant funded)
- Letterman Park – install a dog park on the existing park site (Park Bond Act per capita grant funded)
- Sierra and Temperance
 - grade site and install turf, trees, irrigation, security lighting, hardscape, and structures (contingent upon grant funding and community contributions)
 - construct playlot with play equipment (development fees)
 - construct cover over stage (contingent upon grant funding and FMFCD participation)
- Regional Park Northeast Area
 - develop a Master Plan for a City of Clovis regional park site (development fees)
 - develop facilities, including lighting, for soccer fields and baseball diamonds (contingent upon funding)
- Railroad Park/Peach and Alluvial – install a fitness workout station (contingent upon funding)
- Basin 1E/ Ashlan and Gould
 - construct baseball and soccer facilities, irrigation, trees, and turf (development fees and FMFCD participation)
 - install recreation fields and parking lot ramps (development fees and FMFCD participation)
 - construct restroom (contingent upon grant funding)
 - construct sport lighting (contingent upon grant funding)
- Trail System Survey – bike and pedestrian survey and counting data for the Clovis trail system (Measure C funded)
- Trail Counter Display – install bike and pedestrian counting display on the Clovis trail system (Measure C funded)
- Clovis Old Town Trail – construct a handicap unisex restroom adjacent to Fire Station 3 for trail users to alleviate use of Station restrooms (contingent upon funding)
- Dry Creek Trail/Willow to Old Town Trail – complete unfinished portion of trail (contingent upon grant funding)
- Dry Creek Trail Lighting/Minnewawa to Cottonwood Park – install lighting along trail (contingent upon grant funding)
- Dry Creek/Enterprise Canal Trail Connection – construct connection between the two existing trail west of Fowler (Measure C funded)
- Enterprise Canal Trail – complete unfinished portion of the trail on the bank of canal east of Sunnyside
 - contingent on an agreement with Fresno Irrigation District (contingent upon Measure C funding)
- Gould Canal Trail (Peach to Minnewawa) – grading and surface improvements to the canal bank to be used as a trail (contingent upon CDBG funding)
 - purchase property for the future development of Gould Canal Trail (development fees)

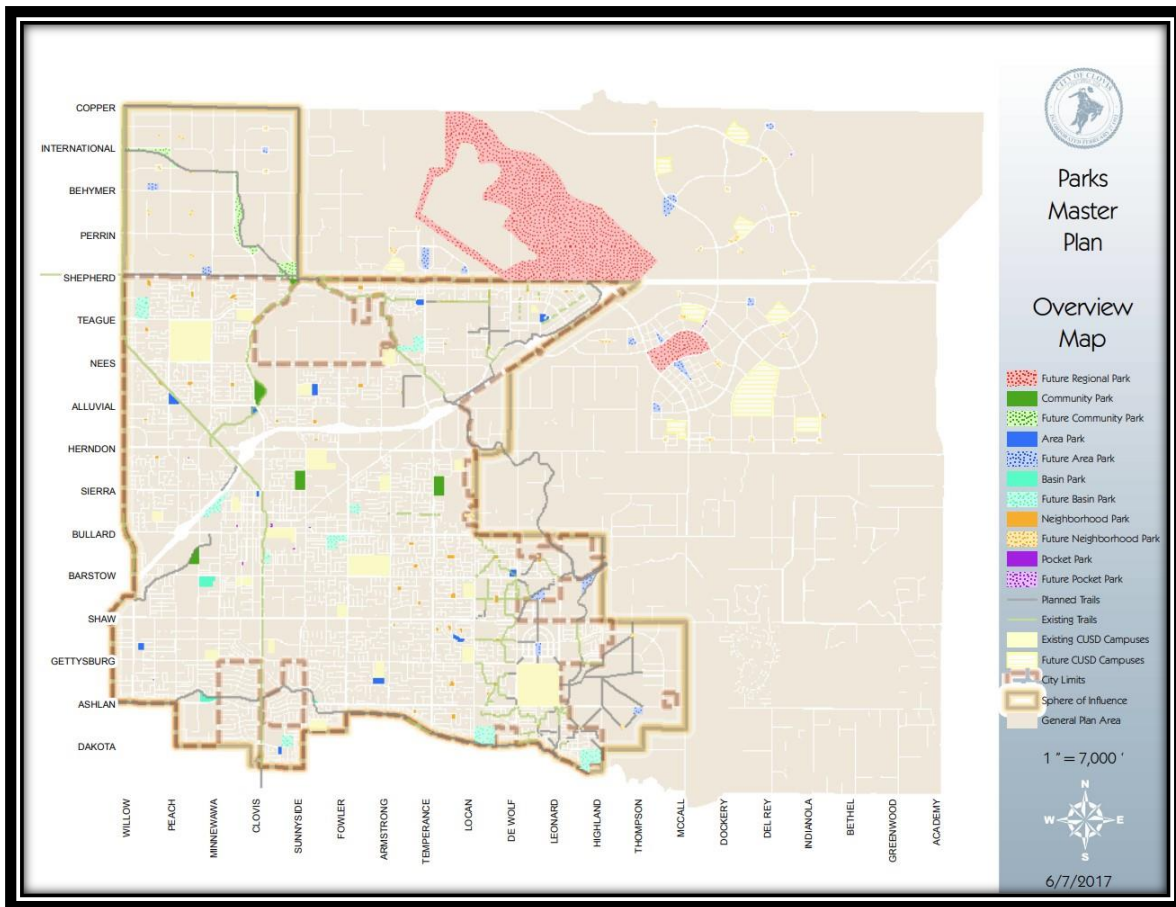
- Sierra Gateway Regional Trail (Shepherd to DeWolf Phase II) – install trail lighting (contingent upon grant funding)
- SR168/Enterprise Canal Pedestrian Bridge (Phase II-Final Design, Phase III-Construction) – construct Pedestrian bridge over SR-168 east of Temperance along the Enterprise Canal Trail (contingent upon funding)

Joint Power Agreements for Parkland Space

The City of Clovis and Clovis Unified School District (CUSD) have a Joint Powers Agreement (JPA) for the use of district school recreational facilities by the public. CUSD maintains an “open gate” policy for CUSD land facilities available for recreational use. Although not owned or maintained by the City, the recreational areas of CUSD schools are also applied to meeting the City’s park standard. Therefore, half of the 271 acres of CUSD school playfields, approximately 135 acres are credited toward meeting the City’s parkland standard.

Combining the City’s 158 acres of parkland and 135 acres of CUSD facilities, the City has a total of 293 acres of developed parkland contributing toward the parkland standard. Per the City’s 2014 General Plan, an estimated population for the Clovis area is 124,556. The City is required to provide approximately 498 acres of parkland, which results in a parkland deficit of approximately 205 acres. As mentioned previously, the Clovis 2014 General Plan Update introduced a new parkland standard of four acres per 1,000 residents. As evaluated by the General Plan Update EIR, a total of 745 acres of parkland are designated and assumed to develop within the City and SOI in the 2035 scenario using a population forecast of 184,100. The proposed parkland would equate to 4.05 acres per 1,000 residents under the 2035 scenario, which achieves the City’s proposed parkland standard.

Figure 5. Parks Master Plan Map



Agriculture Preservation

Municipal Service Reviews and spheres of influence empower LAFCo to implement its legislative objective to “discourage urban sprawl, preserve open-space and prime agricultural lands, and encourage the orderly formation and development of local agencies based upon local conditions and circumstances (§56301).” Although LAFCO does not have direct land use authority and does not manage service-providing agencies, LAFCo can serve as an intermediary for the state in addressing growth challenges through the periodic updates of each SOI as mandated in GC sec. 56425.

Prime Agricultural Land

LAFCo notes that there are two similar definitions for “Prime Agricultural Land” set forth in California statute. State law defines “Prime Agricultural Land” (PAL) for cities and counties in Government Code section 51201. PAL means any of the following:

- (a) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.
- (b) Land which qualifies for rating 80 through 100 in the Storie Index Rating.
- (c) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
- (d) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.
- (e) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre for three of the previous five years.

In contrast, the Cortese-Knox-Hertzberg (CKH) Local Government Reorganization Act provides a reasonably close definition for PAL that coincides with criteria given in GC sec. 51201.¹⁰² CKH defines PAL as an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

¹⁰² Government Code Sec. 56064 “Prime agricultural land”

- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

Agriculture Land

Land immediately outside City of Clovis' northern, southern, and eastern city limits consists of agricultural land uses and incidental rural residential units. The City of Fresno abuts Clovis' western edge that generally follows Willow Avenue.

As depicted in Clovis' 2014 General Plan, the City of Clovis plans for urban land uses for areas beyond its existing SOI. A substantial portion of Clovis' "*Plan Area*" contains land that has been identified by the California, Department of Conservation Farmland Mapping and Monitoring Program ("State") as Important Farmland. The Important Farmland designation within Clovis' *Plan Area* consists of four categories: *Prime Agricultural Land*, Lands of Statewide Importance, Lands of Unique Characteristics, and Lands of Local Significance.

The City of Clovis takes a leadership role in land use planning by assessing a larger *Plan Area* in its general plan than just the territory within its adopted SOI. In fact, Clovis' 2014 General Plan considers a *Plan Area* that encompasses 47,805 acres, nearly double in size than the existing Clovis SOI. As evaluated in the 2014 General Plan, Clovis' *Plan Area* is generally bounded by Copper Avenue on the north, Willow Avenue on the west, Academy Avenue on the east, and Shields Avenue on the south.

Clovis' *Plan Area* boundaries included approximately 10,199 acres of land designated as agriculture use, of which 9,810 acres of land is located outside the adopted Clovis SOI.¹⁰³ For the purpose of this section of the MSR, LAFCo narrows its agricultural land analysis to locations primarily identified within the City's adopted SOI and proposed SOI revision.

The Clovis SOI encompasses 22,592 acres, of which 16,852 acres are inside Clovis' City limits. Currently, there are 5,130 acres of land outside of Clovis' City limits and inside the Clovis SOI. The 2014 Clovis General Plan designates urban land uses for all territory identified within the Clovis SOI. No agricultural land use designations exist inside Clovis' incorporated limits.

Williamson Act Contracts

The California Land Conservation Act, or Williamson Act (WAC) was adopted in 1965.¹⁰⁴ The WAC was established to encourage the preservation of agricultural lands in view of the increase in trend toward their "premature and unnecessary" urbanization. The WAC enables counties and cities to designate

¹⁰³ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.2 – Agriculture and Forestry Resources.

¹⁰⁴ Government Code section 51200 *et seq.*, California Land Conservation Act of 1965.

agricultural preserves (Williamson Act lands) and offer preferential taxation to agricultural landowners based on the income-producing value. In return for the preferential tax rate, the landowner is required to sign a contract with the county or city agreeing not to develop the land for a minimum of 10 years. The contract is renewed automatically on its anniversary date unless a notice of nonrenewal or petition for cancellation is filed with the respective agency.¹⁰⁵

There are 1,382 acres of existing ag land within the Clovis SOI that are protected by WACs,¹⁰⁶ of which 1,365 acres are designated by the state as Prime Agricultural Land (PAL), while 17 acres are designated as non-PAL.

Of the total 1,365 acres identified as PAL within the Clovis SOI, 855 acres have filed non-renewal WAC notices with Fresno County, while 510 acres remain in PAL designations and have active WACs.¹⁰⁷ By landowners recording a nonrenewal or WAC cancellation form with Fresno County, a property owner is providing notice of their intent to exit a WAC. LAFCo observes that PAL is primarily located in Clovis' Northwest Urban Center Area, and incidental PAL designations are found in the City's Southeast Urban Center area – Loma Vista Specific Plan. None of the proposed territory is designated as PAL in Clovis' Shepherd North SOI revision request nor is it subject to an active WAC.

Open Space General Plan Designation

There are relatively small areas of riparian forest along Clovis' Dry Creek, Dog Creek, and Red Bank Slough areas. Dry Creek traverses the City, SOI, and non-SOI plan area, Dog Creek traverses the SOI and non-SOI plan area, and Red Bank Slough crosses the non-SOI plan area. There are no forest or timberlands in the City, in the existing SOI, or non-SOI plan area.

Agricultural Lands

While agricultural uses continue to dominate much of the regional landscape, only moderate amounts of agricultural land remains in production within the City's SOI and plan area, primarily in the eastern, southeastern, and southwestern areas. The Clovis 2014 General Plan Land Use Element currently identifies approximately 10,199 acres designated for agricultural use, approximately 9,810 acres in the entire plan area, and 389 acres of that in the existing SOI. Relative to total land area, 23 percent of the entire plan area is designated for agricultural use. No land in the City of Clovis is designated for agriculture land use.¹⁰⁸

Buildout of the General Plan Update would convert 3,206 acres of prime farmland, 1,834 acres of farmland of statewide importance, and 1,585 acres of unique farmland to nonagricultural land uses.¹⁰⁹ A majority of vacant land along the urban edge was actively cultivated agricultural land at one time, although

¹⁰⁵ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.2 – Agriculture and Forestry Resources. Web: <http://www.ci.clovis.ca.us/Portals/0/Documents/Planning/GeneralPlanUpdate/June2014Review/Ch%2005-02%20AG.pdf?ver=2014-06-23-140407-560>

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

portions may have been purchased in anticipation of future urban expansion. In some instances, agricultural land uses were discontinued along the fringes of the City in anticipation of urban use. While the City of Clovis has adopted policies to discourage the premature conversion of agricultural land to urban uses, there is nothing to deter premature disinvestment in agricultural land.

Clovis General Plan 2035 Growth Scenario

This section of the MSR assesses the City of Clovis’ general plan, land use policies, and local agriculture conditions to determine what structures are in place or are needed to support balanced growth while preserving important agricultural and open space resources.

Implementation of the City of Clovis General Plan Update in the 2035 scenario would convert all existing agricultural land within the Clovis SOI to urban use as planned for in the 2014 Clovis General Plan.¹¹⁰ The Clovis general plan’s environmental review document recognizes that the conversion of farmland is a significant and unavoidable impact on agricultural land, even after mitigation is employed. LAFCo recognizes that City policies exist which provide for a balanced approach to preserve prime agricultural land within the Clovis SOI.

The City has a policy that states, any project that includes 20 acres or more designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland shall be required to prepare or fund an agricultural resource evaluation prior to project approval.¹¹¹ Furthermore, the resource evaluation shall use generally accepted methodologies (such as the Land Evaluation and Site Assessment Model) to identify the potentially significant impact of the loss of agricultural land as well as the economic viability of future agricultural use of the property.

If the evaluation determines that the conversion is significant, the City requires a mitigation at a 1:1 ratio of converted to preserved acreage, or payment of its valuation equivalent if a fee mitigation program is established through a regional agricultural preservation program, such as the Model Farmland or SJV Greenprint, if adopted by the City of Clovis. Furthermore, LAFCo observes that the City has yet to adopt a regional agricultural preservation program.

For annexation at the fringe of the city, Clovis implements a “Right to Farm Covenant” on each subdivision map, parcel map, or site plan contiguous to unincorporated agricultural land. The right to farm covenant supports the City’s conservation efforts by creating an agricultural easement program that respect existing farmland operations.

The 2014 Clovis General Plan provides the City’s goals, policies, and implementation programs that aim to sustain and preserve existing and future agricultural lands. The 2014 Clovis General Plan – Open Space and Conservation Element policy seeks to protect and preserve open space, productive agricultural areas, and environmental resources by aligning with the following General Plan goals and policies:¹¹²

¹¹⁰ Ibid.

¹¹¹ City of Clovis, General Plan EIR Mitigation Measure 2-1.

¹¹² City of Clovis, General Plan SCH#2012061069, adopted August 25, 2014. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Clovis-General-Plan-2014.pdf>

Goal 2: Natural, agricultural, and historic resources that are preserved and promoted as key features for civic pride and identity.

- **Policy 2.1: Stewardship.** Promote responsible planning and management of land and resources among property owners.
- **Policy 2.2: New development.** Encourage new development to incorporate on-site natural resources and low impact development techniques.
- **Policy 2.3: Visual resources.** Maintain public views of open spaces, parks, and natural features. Enhance views along roadways and trails. Preserve Clovis' view shed of the surrounding foothills and orient new development to capitalize on views of the Sierra Nevada.
- **Policy 2.4: Agricultural lands.** Preserve the city's agricultural legacy through the Agricultural land use designation, memorialize agricultural history and culture, and facilitate thoughtful conversion of lands to development.
- **Policy 2.5: Right to farm.** Support, encourage, and protect agricultural operations within Clovis and recognize their right to farm.
- **Policy 2.6: Biological resources.** Support the protection of biological resources through the conservation of high quality habitat area.
- **Policy 2.7: Native plants.** Encourage the use of native and climate-appropriate plant species and prohibit the use of plant species known to be invasive.
- **Policy 2.8: Urban forest.** Maintain and enhance a diverse and healthy urban forest on public and private lands.

Furthermore, the 2014 Clovis General Plan, **Land Use Element Policy 4.4: Farmland conservation** states that the City will participate in regional farmland conservation, including the establishment of comprehensive agricultural preserves or easements, through efforts such as the Fresno County Model Farmland Conservation Program or the San Joaquin Valley Greenprint. LAFCo observes that Clovis' Land Use Element seeks to take a collaborative approach to preserve farmland by working with local and regional agencies that advocate for the preservation of farmland.

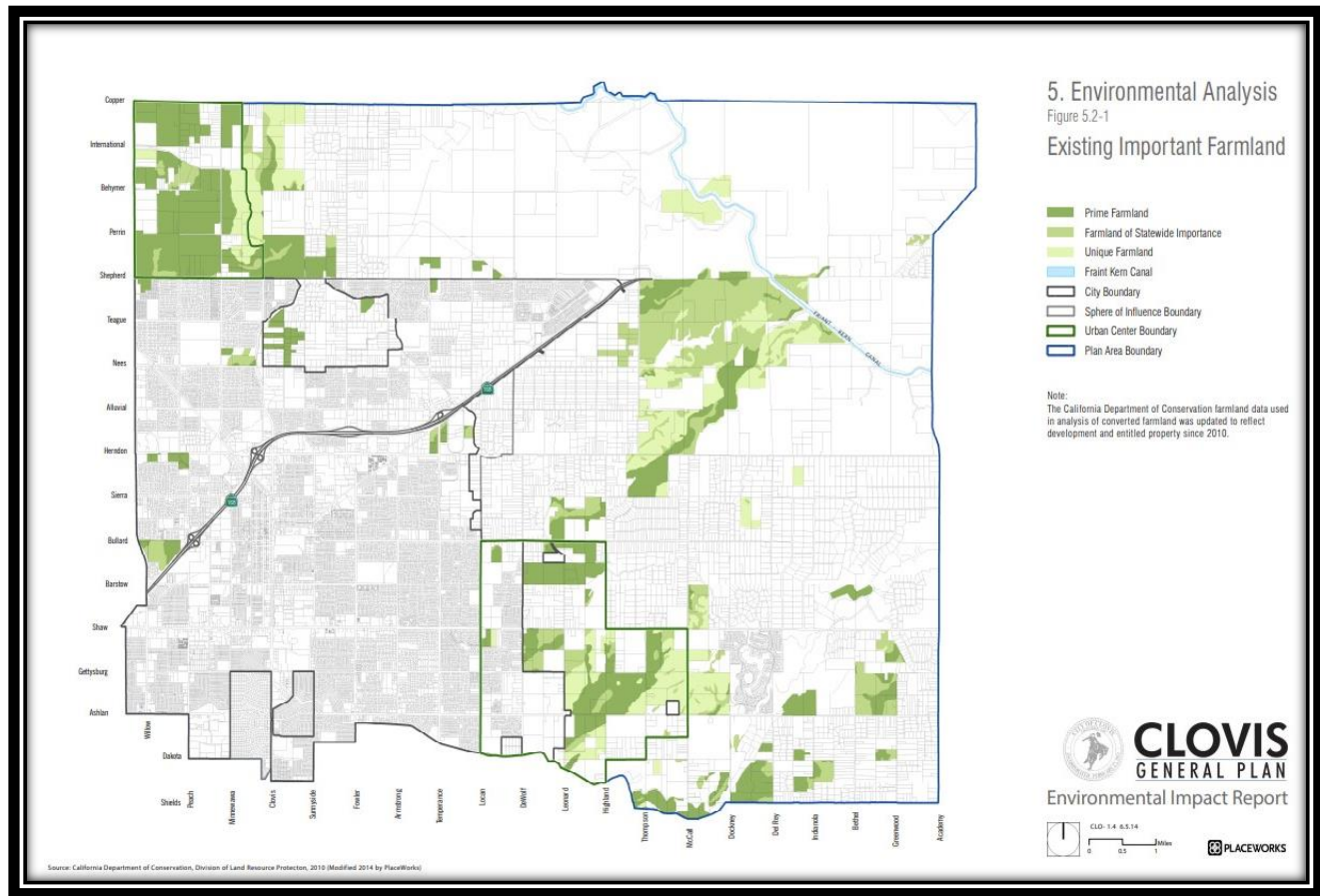
Fresno LAFCo Policy Standards for Annexation

LAFCo policy 210, requires that each proposal is consistent with the adopted SOI of a city, and that the proposal is consistent with the city or county general plan, and that each proposal results in planned, well ordered, efficient development patterns and service areas, and does not encourage urban sprawl.

Prior to filing an annexation application with the LAFCo, each city must pre-zone the subject territory consistent with the City's general plan for any land proposed to be annexed by the city or petitioners, as the case may be. Pre-zoning is the legal process of placing a city zoning designation by action of the City Council to unincorporated territory or a portion of territory outside the city limits. LAFCo's standards for

annexation also require each proposal demonstrate that development can be provided with all urban services and improvement or facilities necessary through a service plan. As such, annexations must be contiguous to existing city limits and do not create islands, and minimize creation of peninsulas and corridors, or distort jurisdictional boundaries.

Figure 6. Environmental Impact Report – Existing Important Farmland



Storm Water Drainage System

Service Overview

This section of the MSR provides a general assessment on how storm water is managed within the City of Clovis and plans to extend service within the Clovis sphere of influence (SOI). Storm water drainage and flood control service is provided by Fresno Metropolitan Flood Control District (FMFCD) through a regional joint powers agreement between FMFCD, County of Fresno, City of Fresno, City of Clovis, and California State University-Fresno. The joint powers agreement authorizes the agencies to convey storm water runoffs to multiple drainage points and basins that are owned by FMFCD.

Fresno Metropolitan Flood Control District

FMFCD was formed in 1956, and it operates independently from the City of Fresno, City of Clovis, County of Fresno, and California State University-Fresno. The FMFCD is located in the north central portion of Fresno County between the San Joaquin and Kings River. FMFCD’s service area includes the City of Fresno, City of Clovis, and all unincorporated land west and northeast of the Fresno-Clovis metropolitan area.

FMFCD is authorized by statute to control storm waters within approximately 400 square miles of urban area and rural foothill watersheds, known as the Fresno County Stream Group.¹¹³ About 270 square miles of the service area lies within the area covered by the Fresno Area Regional Groundwater Management Plan.¹¹⁴ The FMFCD currently has three reservoirs, five planned regional flood control detention basins, and 163 local basins constructed within its service area, and/or locations that are in the planning phase. The FMFCD service area extends beyond the City of Clovis and City of Fresno’s corporate boundaries.

FMFCD IS INVOLVED WITH THE NATIONWIDE URBAN RUNOFF PROGRAM (NURP) IN CONJUNCTION WITH THE ENVIRONMENTAL PROTECTION AGENCY (EPA). THE NURP WAS CREATED TO DETERMINE THE EXTENT THAT URBAN RUNOFF CONTRIBUTES TO WATER QUALITY PROBLEMS AND TO EVALUATE THE VARIOUS MANAGEMENT PRACTICES.

Within the metropolitan area, FMFCD is the lead agency for storm water quality management and has the primary responsibility for implementing a Storm Water Quality Management Program developed jointly with the City of Clovis, City of Fresno, County of Fresno, and California State University-Fresno. FMFCD monitors water deliveries for flood control/recharge basins and tests the chemical composition of sediments that collect in basins.¹¹⁵

¹¹³ Chapter 73 of the California Water Code Appendix, Special Legislation Enabling Act, Fresno Metropolitan Flood Control District.

¹¹⁴ Fresno Area Regional Groundwater Management Plan, adopted in December 2006.

¹¹⁵ Ibid.

Storm Drainage

FMFCD's first operational priority is the protection of people and property from flood damage and aims to conserve water by retaining storm water runoff in basins to facilitate storm water percolation; and cooperating with the Cities of Fresno and Clovis to direct imported surface water entitlements to District facilities for percolation. Additional information on FMFCD is provided in FMFCD's 2016 District Services Plan update.¹¹⁶

The topography of the valley floor portion of the FMFCD's service area is relatively flat, sloping gently from the northeast to the southwest. East of the valley floor, the terrain becomes undulating valleys and ridges of the Sierra foothills followed by peaks of the western Sierra Nevada Mountains. The District service area consists of the flat agricultural landscape characteristics of the San Joaquin Valley, the urban landscape of Clovis and Fresno, and the oak and conifer forests of the eastern Sierra Foothills and the Sierra Nevada Mountains.

City of Clovis is situated within three major drainage stream areas known as Dry Creek, Dog Creek, and Redbank Slough. Dry Creek is located north of the City limits, and streams flow into the Herndon Canal located west of the City of Clovis and in the City of Fresno. Dog Creek is located south of the Dry Creek drainage area. Dog Creek is a tributary of Redbank Slough that discharges into Mill Ditch to the south of Clovis.¹¹⁷

FMFCD reservoirs are:

- Big Dry Creek Reservoir (includes Dog Creek) has a total storage capacity of about 30 thousand acre-feet (TAF) and controls up to 230-year flood flows
- Fancher Creek Dam and Reservoir holds up to 9.7 TAF and controls up to 200-year flood flows
- Redbank Creek Dam and Reservoir holds up to one TAF and controls up to 200-year flood flows

Storm waters within the City of Clovis are conveyed through a network of storm drains that are discharged into a series of 39 retention basins within the Clovis City limits, most of which provide drainage for one to two square-mile sections of the City of Clovis. Locations outside of the City limits and inside of the Clovis SOI drain into natural streams, and discharge into either Big Dry Creek Reservoir (north of the City) or Red Bank Dam (east of the City). The rural flood control system consists of facilities and operations which control the flow from several low elevation streams that drain a part of the west slope of the Sierra Nevada between the San Joaquin and Kings Rivers.¹¹⁸

Storm water runoff in the City of Clovis is conveyed through a system of street gutters, underground storm drains, retention/detention basins, pumping stations, and open channels that are maintained by FMFCD. The City of Clovis Public Utilities Department provides street, curb, and gutter maintenance, which are

¹¹⁶ Fresno Metropolitan Flood Control District, 2016 Services Plan Update SCH# 19911132. Web: <https://www.fresnofloodcontrol.org/wp-content/uploads/2022/09/Final-Subsequent-EIR-12-20-17.pdf>

¹¹⁷ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH# 2012061069, Section 5.9 – Hydrology and Water Quality. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-09-Hydrology-and-Water-Quality.pdf>

¹¹⁸ Fresno Metropolitan Flood Control District, 2013 District Services Master Plan Update Draft Initial Study, page 11. Web: <https://www.fresnofloodcontrol.org/wp-content/uploads/2022/09/Final-Subsequent-EIR-12-20-17.pdf>

components used to convey storm water into FMFCD’s storm drain inlets. Storm drainage infrastructure is expanded and/or improved with each new development within the City of Clovis. The City of Clovis consults with FMFCD on all development proposals made to the City to ensure adequate storm drainage is achieved with each development project.

FMFCD works with the City of Clovis, City of Fresno, and County of Fresno to design and size all flood control detention and retention basins to accommodate storm water from each basin’s drainage area based on land use patterns, drainage ways, and planned land uses identified in the Land Use Elements of each local agency’s general plan.

According to the Clovis 2014 General Plan, each FMFCD basin within the City limits has a current capacity to retain six inches of storm water runoff for a ten-day period, and infiltrate 75 to 80 percent of annual rainfall into groundwater basins.¹¹⁹ FMFCD’s basins are built according to design criteria that exceed the statewide Standard Urban Storm Water Mitigation Plan standards.

In addition to their flood control and water quality functions, many FMFCD basins are used for groundwater recharge with imported surface water during the dry season through contracts with the Fresno Irrigation District (FID) and the Cities of Fresno and Clovis; such recharge can total up to 29,575 acre feet per year.¹²⁰

Discharges of storm water to the storm drainage system within FMFCD’s Storm Drainage and Flood Control Master Plan areas must meet the requirements of FMFCD’s Fresno-Clovis Storm Water Quality Management Program (SWQMP) issued in 2013.¹²¹ The SWQMP was developed pursuant to Order No. R-5-2013-0080. The SWQMP provides the basis for compliance with the National Pollutant Discharge Elimination Systems (NPDES) Municipal Storm Water Permit. The cities of Clovis and Fresno, Fresno County, FMFCD, and California State University-Fresno are co-permittees on this permit.

Flood Hazards

The urban areas of Clovis are largely protected from flooding using the flood control infrastructure maintained by the FMFCD. Regionally, the major flood issues are associated with the San Joaquin River, the Kings River, and their tributaries. Three major dams have been constructed to control the flows on the Rivers, including the Friant and Mendota Dams on the San Joaquin River and Pine Flat Dam on the Kings River. In addition, a number of reservoirs, detention basins, and canals have been constructed on streams east of the Fresno-Clovis area to prevent flooding and convey flows around developed areas.

Funding

Although FMFCD is independent from the City of Clovis, the City assists FMFCD to collect impact fees for each new project in the City. The City of Clovis Municipal Code requires that developers make a payment

¹¹⁹ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH# 2012061069, Section 5.9 – Hydrology and Water Quality. Web:

<https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-09-Hydrology-and-Water-Quality.pdf>

¹²⁰ Ibid.

¹²¹ Fresno-Clovis Storm Water Quality Management Program, December 2013. Web:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/fresno/r5-2013-0080.pdf

of Local Drainage Fees to fund construction of local drainage facilities that are planned in the Fresno Metropolitan Flood Control District – Urban Storm Drainage System Master Plan before approval of a final subdivision map, or before the construction of any land development project.

City of Clovis Municipal Code Chapter 8.12 prohibits construction, location, or alteration of structures in a 100-year flood zone designated by FEMA except with a development permit from the City Building Official. Storm drains and detention basins may be built by FMFCD, developers, or both by partnership. Annexations into the City of Clovis are subject to expansions of the urban storm water system consistent with NPDES requirements, and the FMFCD Storm Drainage Master Plan.

Circulation and Street Maintenance Services

Service Overview

The Clovis Public Utilities Department performs street maintenance services on 500 miles of paved city streets. The specific services related to the maintenance and operations of these streets and bikeways are road maintenance, traffic paint and signage, concrete maintenance, traffic signals and street lighting, median islands and buffers, street trees, and street sweeping.

This section reviews Clovis' adopted policies, its circulation network, and its street maintenance program, and describes the City's circulation and maintenance services.

General Plan Goals

The City of Clovis' 2014 General Plan Circulation Element provides City goals and policies that comprise the operational standard for the Street Maintenance Unit. The following 2014 General Plan goals and corresponding policies summarize Clovis' Circulation Element that sets the vision for the City's complete street system and transportation network.

Circulation Element – Overarching Goal: A comprehensive and well-maintained multimodal circulation system that provides for the safe and efficient movement of people and goods.

- **Circulation Element Goal 1:** A context-sensitive and “complete streets” transportation network that prioritizes effective connectivity and accommodates a comprehensive range of mobility needs.
- **Circulation Element Goal 2:** A roadway network that is well-planned, funded, and maintained.
- **Circulation Element Goal 3:** A multimodal transportation network that is safe and comfortable in the context of adjacent neighborhoods.
- **Circulation Element Goal 4:** A bicycle and transit system that serves as a functional alternative to commuting by car.
- **Circulation Element Goal 5:** A complete system of trails and pathways accessible to all residents.
- **Circulation Element Goal 6:** Safe and efficient goods movement with minimal impacts on local roads and neighborhoods.
- **Circulation Element Goal 7:** A regional transportation system that connects Clovis to the San Joaquin Valley region.

Street Classification and Function

Roadways in the City of Clovis are categorized according to the volume and the level of service they are designed to provide. Roadway functional classifications in Clovis include freeways, expressways, principal arterial roads, minor arterial roads, collector roads, local collector roads, and residential streets.

Two major functions of roadways are to provide mobility for through traffic and to provide direct access to adjacent properties. Roadways prioritize these two functions differently. For instance, arterial roadways prioritize the movement of traffic over access to individual adjacent properties, and local streets prioritize access to private properties over through movement. Roadways also provide bicycle and pedestrian access and allow for the circulation of non-vehicular traffic.¹²²

California State Route 168 (SR-168) is the backbone of Clovis' regional transportation network and provides access to and from the City of Clovis. SR-168 bisects the City of Clovis and travels in a southwest to northeast direction. SR 168/west ends at the SR-180 interchange located approximately two miles south of the Clovis city limits. SR-168's connection to SR-180 serves as an important link that connects Clovis residents to larger highways such as SR-41, SR-99, and SR-145. Additionally, Herndon Avenue and Temperance Avenue serve as expressways connecting metropolitan area traffic to, from, and through the City.

Clovis' street network is organized largely on a grid system of collector and arterial streets spaced approximately half a mile apart throughout most of the City. These streets collect traffic from the local roadways (residential streets) that make up the remainder of the City's roadway network. SR-168 and the City of Clovis' major expressways and arterials accommodate regional and cross-city traffic. Collector streets and local roadways generally serve short- to medium-length trips within neighborhoods. Ashlan Avenue, Bullard Avenue, and Clovis Avenue are examples of arterials that connect neighborhoods in and around Clovis. Collector streets – such as Barstow Avenue, Gettysburg Avenue, and Peach Avenue – are primarily used for travel within Clovis, and they connect neighborhood traffic to arterials and expressways.

All future roadway system improvements associated with urban development activities under the City's General Plan are designed in accordance with the City's established roadway design standards. These capital improvement projects will be subject to review and consideration by the engineering staff of the Planning and Development Services Department (PDS) Engineering Services. This section of PDS oversees and manages capital improvements within the City limits. Furthermore, Clovis Engineering Services implements the City's Circulation Plan and roadway design guidelines, the California Manual of Uniform Traffic Control Devices, and the Caltrans Roadway Design Manual. Information related to construction standard drawings, request for proposals, and announcements on all project bidding opportunities is provided on the Engineering Services website. Implementation of the local and state level street design regulations reduce the opportunity for creating circulation and roadway hazardous conditions, creating conflicting uses, or causing a detriment to emergency vehicle access.

Street Maintenance

The condition of street pavement is typically evaluated by local agencies using a Pavement Management System (PMS), which regularly evaluates pavement conditions and establishes a cost-effective maintenance strategy. Each segment of pavement is rated for distress (i.e., cracks and potholes) and the

¹²² City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.16 – Transportation and Traffic. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-16-Transportation-and-Traffic.pdf>

extent and severity of distress. Having an up-to-date PMS allows the local agency to quickly and efficiently gauge road maintenance needs and efficiently allocate resources.

The City's PMS system is updated regularly throughout the year by the Public Utilities Department. The condition of pavement can be extended through preventative maintenance by several different methods depending on the state of the pavement. Common methods are crack sealing, slurry, chip seals, cape seals, thin overlays, grind out, and repave. Pavement with major structural distress may require a full reconstruction involving removal and replacement of the street segment.

Transportation funding is reliant on a per gallon tax. Vehicles have grown increasingly fuel-efficient, resulting in less gas tax revenue being generated. Recent increases in the gas tax rate will provide help in efforts to continually increase the Cities pavement conditions.

Pavement management studies have shown that it is more cost-effective to maintain pavement in good condition than to let it deteriorate to the point that it requires a major overlay or reconstruction. Street reconstruction is generally needed once asphalt is 20-35 years old, with the asphalt lifespan depending on the use and preventative maintenance efforts. The City of Clovis regularly performs preventative maintenance, including crack sealing, on many of its roadways.

The City of Clovis performs street maintenance of the roadway infrastructure and necessary facilities within the City's corporate limits through services such as pavement patching, street striping, sign installation and removal, street sweeping, removal of debris, storm drain maintenance, weed abatement, tree trimming and removal, and graffiti removal. The Clovis Public Utilities Department owns its equipment, tools, and necessary materials to maintain the street, curb, and gutters that move traffic and convey water into the storm drains. The City's equipment can be used to make basic street improvements to streets and sidewalks as necessary.

The Public Utilities Department has an adopted residential street sweeping schedule that divides the City into 10 sweeping zones. The City sweeps residential zones twice a month, generally at the beginning and at the end of the month.¹²³ Clovis residents are encouraged to keep vehicles and other objects off the street on sweeping days during the hours of 6:00 a.m. to 2:30 p.m. The City also conducts leaf sweeping during the months of November and December to help clear the storm drains to ensure better drainage during the rainy season.

The Public Utilities Department works closely with the Planning and Development Services Department's Engineering Service Unit to coordinate projects that address infrastructure maintenance needs. The Engineering Service Unit administers the majority of the City's Capital Improvement Program projects and identifies funding resources, whether they are city or state grant funding. The Engineering Service Unit collects development impact fees pursuant to City policy. Within the Engineering Service Unit, the Special Projects team works with Clovis residents and neighborhoods to identify projects for funding in future budgets. Such projects include traffic signs, signals, street lighting, undulations, re-striping, traffic and safety concerns, and any other concerns addressing both vehicle and pedestrian traffic and safety.

¹²³ City of Clovis, Street Sweeping Schedule. Web: <https://cityofclovis.com/public-utilities/streets/sweeping-schedule/>

The Engineering Service Unit regularly conducts street maintenance surveys and traffic counts, frequently evaluates the condition of the City's streets, and develops an updated pavement management program to guide future maintenance and repair efforts. With this evaluation methodology, the City of Clovis is able to determine whether existing roadways are in need of repair and maintenance and secure the appropriate funding resource through its Community Investment Program (CIP) or Five-year Financial Forecast. Additionally, in compliance with the Americans With Disabilities Act (ADA), the Public Utilities Department works with Engineering Services to identify and improve access within the public rights-of-way to ensure more mobility to those in need.

Concrete maintenance is another service provided by the City that is limited to the grinding of trip hazards. Sidewalk maintenance is the responsibility of the adjacent property owner.¹²⁴ As a condition of approval for new development, the City requires that new sidewalks be fully funded by development fees and be constructed by the developer. Property owners may be liable for injuries that result from a damaged sidewalk and are therefore responsible to monitor the condition of sidewalks and trees in their front yard. Property owners are advised by the City to contact the City about any major issues related to cracked sidewalks. The City offers a loan program to property owners, loaning up to \$2,500 to make necessary repairs.

Pedestrian networks and bicycle pathways are regularly maintained by the Public Utilities Department. According to the City, Class II bike lane maintenance is completed every year and bike lane stencils are refreshed every two years or as needed. Pedestrian and bikeway repairs are conducted 2-3 times per week in the winter and 1-2 times per week during the summer.¹²⁵ Major improvements such as pavement resurfacing, repair of uplifted sidewalk or pathway by roots, and other sidewalk issues are mitigated upon the request of the community. Similarly, lighting within pedestrian networks and bicycle pathways are maintained as needed, typically in response to community input. The City's goal is to restore lighting within two weeks of notice.

Traffic signal installation and maintenance is overseen by the traffic engineer assigned to the Engineering Service Unit. Professional electricians within the Public Utilities Department perform electrical repair and maintenance of all the signals and respond to signal malfunctions 24 hours a day.

Median islands and landscape features within the public right-of-way are kept free of weeds and trash throughout the year by the Public Utilities Department or contracted landscape companies. Median island irrigation is provided by sprinklers and drip irrigation systems maintained by the City.

The Public Utilities Department also trims City trees that could interfere with streetlights and pedestrian and traffic safety. Street tree services include routine pruning, fallen limb pick-up, and tree removal for street trees that are dead, dying, or posing an immediate danger. The Public Utilities Department is available 24 hours a day for tree emergencies.

The City of Clovis informed LAFCo that the City's roadways meet the existing needs for public roadway facilities and services within the City and meet the minimum standard as identified by the 2014 General

¹²⁴ City of Clovis, Ordinance 13-08 – Chapter 7.9 Sidewalk Area Maintenance and Repair. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Ordinance-13-08.pdf>

¹²⁵ City of Clovis, Active Transportation Plan Draft, September 2023. Web: https://cityofclovis.com/wp-content/uploads/2023-10-19_Clovis-Active-Transportation_Final-Plan_rev.pdf

Plan Circulation Element. The City anticipates that it is able to meet probable needs for public roadway facilities and services as the City grows outward.

Circulation Rating and Planned Street Improvements

The Clovis 2014 General Plan Circulation Element provides policy direction for the development and maintenance of all modes of circulation: vehicular, pedestrian, and bicycle. These policies are organized into funded projects through the City's adopted annual budget and capital improvement plan. Project priorities are established by comparing the Circulation Element performance goals with ongoing observations of roadway operations.

Vehicular traffic operations are evaluated using level of service (LOS) as the primary measure of performance. Roadway LOS is a qualitative description of traffic flow from the motorist's perspective. The Highway Capacity Manual (HCM) by the Transportation Research Board defines six levels of service: LOS A, B, C, D, E, and F. These grades represent the perspective of drivers only and are an indication of the comfort and convenience associated with driving as well as speed, travel time, traffic interruptions, and freedom to maneuver. LOS can fluctuate over time based on volume per capacity ratios for morning and evening peak rush hours in a day.

The City of Clovis and City of Fresno General Plans identify LOS-D as the lowest acceptable LOS. The County of Fresno allows LOS-D conditions within the sphere of influence (SOI) of Fresno and Clovis and strives to maintain LOS-C conditions for all other county roadways. An LOS-C is defined as traffic flow with speeds at or near free-flow speed. The freedom to maneuver within the traffic stream is noticeably restricted, and lane changes require more care and vigilance on the part of the driver.¹²⁶ In contrast, LOS-D is defined as travel speeds beginning to decline slightly with increasing flows and freedom to maneuver within the traffic stream is noticeably limited.

In many areas of Clovis, the City plans pedestrian and bicycle trails that are identified as multimodal pathways to be expanded in the future. City of Clovis adopted its Clovis Active Transportation Plan in October 2023, which identifies existing and planned bicycle facilities within Clovis including trails, bikeways, and paseos. The multimodal pathway system is designed to interconnect with Class I trails and bikeways in the City of Fresno and in a section of Fresno County. Other completed trails include facilities along Dry Creek, Enterprise Canal, Gould Canal, and the Old Town Trail. Class II bike lanes exist along portions of Alluvial Avenue, Armstrong Avenue, Ashlan Avenue, Barstow Avenue, Bullard Avenue, Clovis Avenue, DeWolf Avenue, Fowler Avenue, Gettysburg Avenue, Herndon Avenue, Highland Avenue, Leonard Avenue, Locan Avenue, Minnewawa Avenue, Nees Avenue, Peach Avenue, Shaw Avenue, Shepherd Avenue, Sierra Avenue, Sunnyside Avenue, Teague Avenue, Temperance Avenue, and Willow Avenue.

Planning and Development Services (PDS) is planning to utilize a combination of state and federal transportation grants, development impact fees, and special tax assessments to maximize the use of allocated funding for maintenance of city streets, traffic flow improvements, and leveraging local funds. In FY 2022-23, the City anticipates performing reconstruction, overlay, and widening on heavily-traveled roads, including:

¹²⁶ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.16 – Transportation and Traffic. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-16-Transportation-and-Traffic.pdf>

- **Alluvial Avenue** – from Sunnyside to Fowler (scheduled to begin design this FY and construction in FY 2024-25)
- **Armstrong Avenue** – from Bullard to Sierra (currently in design and scheduled construction later this FY)
- **Armstrong Avenue Improvements** – from Herndon to Alluvial Avenues (design scheduled for FY 2025-26 and construction in FY 2026-27) and from Alluvial to Nees Avenues (reconstruct/overlay street) (design scheduled for FY 2023-24 and construction in FY 2025-26)
- **Ashlan Avenue Improvements** – from Willow to Peach Avenues and from Temperance to Locan Avenues (reconstruct/overlay street); and De Wolf Avenue to Locan Avenue (reconstruct/overlay street)
- **Barstow Avenue Improvements** – from Fowler to Armstrong Avenues, from Villa to Minnewawa Avenues, from Sunnyside to Fowler Avenues, from Clovis to Sunnyside Avenues, from Willow to Villa Avenues (reconstruct/overlay street)
- **Bullard Avenue Improvements** – from Villa to Minnewawa Avenues and from Minnewawa to De Witt Avenues (reconstruct/overlay street/restripe)
- **Clovis Avenue Improvements** – from Shepherd to Teague Avenues, and from Sierra Avenue to Fifth Street (reconstruct/overlay street)
- **De Wolf Avenue Improvements** – from Bullard to Barstow Avenues (reconstruct/overlay street)
- **Fifth Street Improvements** – from Woodworth to Clovis Avenues (reconstruct/overlay street)
- **Fowler Avenue Improvements** – from Alluvial to Nees Avenues, from Ashlan Avenue to City limits / Leonard Avenue, and from Alluvial to Herndon Avenues (reconstruct/overlay street)
- **Gettysburg Avenue Improvements** – from Temperance to Armstrong Avenues and from Sierra Vista Parkway to Clovis Avenue
- **Herndon Avenue Improvements** – from Armstrong to Temperance Avenues, from Fowler to Temperance Avenues, and from Villa to Clovis Avenues (reconstruct/overlay street)
- **Locan Avenue Improvements** – from Bullard to Barstow Avenues and from Shaw to Barstow Avenues (overlay street)
- **Minnewawa Avenue Improvements** – from Alluvial to Herndon Avenues, south of Herndon Avenue, from Nees to Teague Avenues, from Barstow to Bullard Avenues, and from Gettysburg to Ashlan Avenues (reconstruct/overlay street/widening)
- **Nees Avenue Improvements** – from Clovis Avenues to Sunnyside Avenues and from Temperance to Locan Avenues (street widening/reconstruct/overlay street)
- **Peach Avenue Improvements** – from Shepherd to Teague Avenues, from Teague to Nees Avenues, Gettysburg to Ashlan Avenues, and from Ashlan to Dakota Avenues (reconstruct/overlay street)
- **Pollasky Avenue Improvements** – from Third Street to Sierra Avenue
- **Shaw Avenue Improvements** – from Armstrong to Temperance Avenues, from Temperance to Locan Avenues, and from Peach to Villa Avenues
- **Sierra Avenues Improvements** – from Willow to Peach Avenues and from Villa to Clovis Avenues (Overlay street)
- **Sunnyside Avenue Improvements** – from Nees to Alluvial Avenues, from Fifth Street to Barstow Avenue, from Third Street to Fifth Street, and Barstow to Shaw Avenues (overlay street/widening)
- **Teague Avenue Improvements** – from Minnewawa to Clovis Avenues and Willow to Peach Avenues (reconstruct/overlay street)
- **Temperance Avenue Improvements** – from Herndon Avenue to SR168, from Bullard to Barstow Avenues, and from Alluvial to Herndon Avenues (reconstruct / overlay street)
- **Third Street Improvements** – from Clovis to Tollhouse Avenues (curb & gutter)

- **Tollhouse Improvements** – from Herndon to Temperance Avenues, from Fowler to Armstrong Avenues, and from Sunnyside to Fowler Avenues (overlay street)
- **Villa Avenue Improvements** – from Gettysburg to Swift Avenues (overlay street)
- **Willow Avenue Improvements** – from Sierra to Herndon Avenues, from Sierra to Bullard Avenues, from Bullard to Barstow Avenues, and from Shaw to Barstow Avenues (Reconstruct / overlay street)

In FY 2022-23, the Public Utilities Department budget allocated \$17,832,000 to planned street maintenance projects throughout the City of Clovis.

Pedestrian and Bicycle Pathways

The City of Clovis has an adopted Active Transportation Plan (ATP) that identifies existing and planned pedestrian and bicycle pathways throughout the City. The Clovis ATP seeks to reduce Clovis residents' auto dependency and increase availability of alternative ways to travel within the City.

The Clovis ATP is guided by the following City vision:

“A city with a complete and connected network of trails, walkways, and bikeways that provides convenient and intuitive connections to key destinations and supports travel within and between neighborhoods. The network improves quality of life by encouraging walking and bicycling for transportation and recreation.”¹²⁷

The ATP classifies pedestrian and bicycle pathways, and identifies opportunities to improve existing facilities and build new facilities in such a way that bicycle and pedestrian users are more prominently considered.

The City's pedestrian network is comprised of the following parts: a shared trail/pathway network on Class I trail (described below), a network of paseos, and a network of sidewalks on the shoulder of existing City streets. Recommended improvements to the City's pedestrian network are identified in the ATP after conducting a citywide sidewalk network gap analysis.

Pedestrian walkways include a network of designated sidewalks, marked crosswalks, and curb ramps. The curb ramps provide wheelchair access on and off existing sidewalks and nearly all curb ramps include yellow truncated dome pads to alert visually impaired pedestrians of the exits or entrance to street crossings.

Class I trails are paved, shared-use paths intended to accommodate bicyclists including children, families, and less confident bicyclists, as well as pedestrians. Class I trails follow existing waterways and greenways and are a component of a community path system separate from motor vehicle traffic. Motorized vehicles are not permitted on shared-use paths except for City-authorized maintenance work. Major Class I trails include Dry Creek Trail, Old Town Trail, Enterprise Trail, and the Sierra Gateway Trail.

¹²⁷ City of Clovis, Active Transportation Plan Draft, September 2023. Web: https://cityofclovis.com/wp-content/uploads/2023-10-19_Clovis-Active-Transportation_Final-Plan_rev.pdf

Class II bike lanes are portions of the roadway defined for the preferential or exclusive use of bicyclists by striping, signage, and pavement markings, and are located on major arterials and collectors. Class II buffered bicycle lanes are proposed portions of roadway which require additional roadway width but provide more separation between bicyclists and motorists. Installing Class II buffered bicycle lanes may also require additional studies to determine whether parking or lane removal, if required, is feasible.

Class III bike routes are on-street routes intended to provide continuity to the bikeway system. Bike routes are designated by signs or pavement markings and are shared by motorists. Class III neighborhood greenways, or “bicycle boulevards”, are proposed networks of local streets designated and designed to prioritize bicycle use. Neighborhood greenways utilize traffic calming measures such as speed humps, traffic circles, or curb extensions may be used to control speeds and reduce cut-through traffic.

Class IV separated bike lanes are within the street right-of-way and physically separated from motor traffic. By prohibiting pedestrians, Class IV separated bike lanes are distinct from both sidewalks and Class I trails. Separated bikeways can be either one-way or two-way. The long-term vision for bicycling may include upgrading existing or recommended Class II bike lanes and Class II buffered bike lanes to Class IV separated bike lanes where appropriate.

Paseos are trails that provide connections for walking, bicycling, and rolling within neighborhoods located in the southeast part of the City, as well as planned connections between existing paseos in the northeast and northwest areas. Community members of all ages can walk or bike along paseos which provide a protected, off-street travel option through tree-lined linear parks.

Street and Pedestrian/ Bicycle Pathway Demand

On September 26, 2013, Governor Jerry E. Brown signed legislation creating the Active Transportation Program (ATP) in the Department of Transportation (Caltrans). Statewide, the ATP was created to encourage increased use of active modes of transportation such as biking and walking. The program consolidates previous federal and state funded programs – Transportation Alternatives Program (TAP), Safe Routes to Schools (SRTS), and Bicycle Transportation Account (BTA). The ATP is administered by Caltrans, the Division of Local Assistance, Office of State Programs.¹²⁸

The City of Clovis reports its future demand of non-motorized means of transportation in its adopted 2023 Clovis ATP. The Plan defines a clear vision for the City’s active transportation network and proposes framework for implementing projects, programs, and policies for the next 20 to 25 years. The Clovis ATP supports walking, bicycling, transit, and use of other emerging modes of personal transport as alternatives to driving. The City expects that the ATP will position the City to secure available grant funding to fulfill projects that would reduce automobile trips and vehicle miles traveled.¹²⁹

The Clovis ATP expands on existing policies identified in the Circulation Element of the 2014 Clovis General Plan. Additionally, the 2023 Clovis ATP consists of several transportation planning documents previously adopted by the City, such as:

¹²⁸ Caltrans Active Transportation Program. Web: <https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/active-transportation-program>

¹²⁹ City of Clovis, Active Transportation Plan Draft, September 2023.

- City of Clovis Active Transportation Plan (2016)
- Central Clovis Specific Plan (2016)
- Loma Vista Specific Plan (2003, 2015)
- Guidance for Uncontrolled Crosswalk Treatments (2016)
- Heritage Grove Design Guidelines (2016)
- Fresno-Clovis Class IV Bikeway Design Guide (2017)
- Clovis Standard Specifications (2020)
- Fresno Council of Governments Multijurisdictional Local Road Safety Plan (2022)
- Fresno Council of Governments Regional Transportation Plan (2022)
- Fresno Council of Governments Regional Active Transportation Plan (2018)

Table 4. Mileage of Existing and Proposed Bicycle Network by Facility Type

Facility Type	Existing (miles)	Proposed (miles)	Total (miles)
Trail (Class I)	23	27	50
Paseos	14	8	22
Bicycle Lane (Class II)	59	58	117
Buffered Bicycle Lane (Class II)	0	27	27
Neighborhood Greenway (Class III)	0	4	4
Bicycle Route (Class III)	<1	7	7
Total	96	131	227
Note: Bikeway mileage in terms of street centerline mileage; does not differentiate between streets with bikeways on one or both sides.			
Source: City of Clovis, Active Transportation Plan Draft, September 2023.			

Funding Resources

The City funds street maintenance services through several accounts within the Public Utilities Department. The following separate accounts generally fund Clovis’ ongoing street maintenance services as a whole: Street Maintenance, Street Lighting, Storm Drainage, and Landscape Maintenance District.

According to the FY 2022-23 Clovis budget, the Street Maintenance, Street Lighting, and Storm Drainage Units are funded through property taxes, special assessments, and available grant funding. For FY 2022-23, the Street Maintenance Unit budget amounted to \$2,857,300, the Street Lighting Unit amounted to

\$2,459,900, the Storm Drain Unit amounted to \$32,700, and the Landscape Maintenance District amounted to \$4,693,000.¹³⁰

The City of Clovis regularly pursues available transportation related grants, whether they are administered through local or state agencies. Most recently, several roadway and transportation improvement projects within Clovis have been funded by the Fresno County Transportation Authority (FCTA) with Measure C funds. In 1986, Fresno County voters passed Measure C, a half-cent sales tax aimed at improving the overall quality of Fresno County's transportation system, including the County and all 15 cities within the County. Measure C was renewed by the voters on November 6, 2006. The FCTA was created by the voters to administer the Measure C Program and ensure the revenue is received and distributed appropriately. The Measure C funds improve local roadways by repairing potholes and paving streets and sidewalks, ensure ADA compliance, and fund ride-share incentive programs and environmental enhancement programs that lessen the impact of emissions in the Central Valley.¹³¹

Approximately 68 percent of street maintenance is funded by impact fees and easement rental charges, and the remaining 32 percent is funded by gas taxes and Measure C. Street maintenance does not budget for any General Fund use. The 2022-23 fiscal year will focus on lane striping and sign replacement operations.¹³²

According to the FCTA's annual report for FY 2020-21, the City of Clovis has received the following Measure C revenue totals to date with interest in the following local transportation program categories: \$1,408,875.67 for street maintenance, \$46,529.58 for ADA compliance projects, \$1,362,330.60 as flexible funding, \$339,889.35 for pedestrian walkways and trails, and \$90,893.91 for bicycle facilities.

The City of Clovis used Measure C funding to make improvements including the widening of Herndon Avenue, traffic signal installation at Temperance Avenue and DeWolf Avenue, and constructing a six-lane divided expressway on Shaw Avenue from DeWolf Avenue to McCall Avenue with traffic signals, curb and gutters, and other major improvements.

Additional Measure C projects that have begun or are anticipated to begin construction include a bike and pedestrian survey and counting data for the Clovis trail system, a bike and pedestrian counting display on the Clovis trail system, a connection between Dry Creek trail and Enterprise Canal trail west of Fowler, sealing and pavement rejuvenation of various city streets and trails prioritized using the Pavement Management System, installation of wheelchair accessible (ADA) ramps at various locations, and reconstruction, overlay, and widening of city streets. Several projects slated for construction and improvement are contingent of Measure C funding.¹³³ In November 2022, a ballot item for an extension and continuation of Sales Tax Measure C was defeated by failing to obtain a two-thirds vote for approval.

¹³⁰ City of Clovis, 2022-23 Annual Budget.

¹³¹ Fresno County Transportation Authority, Measure C Annual Report for Fiscal Year 2020-21. Web: https://measurec.com/wp-content/uploads/2022/10/MEC12047_2021_Annual_Report_FNL9_8.5x10.25-web.pdf

¹³² City of Clovis, 2022-23 Annual Budget.

¹³³ Ibid.

Staff Levels

The City’s street maintenance is achieved through collaboration with various units within the Department, including Administration (Clovis Public Utilities), Street Cleaning, Street Lighting, Storm Drainage, Landscape Maintenance, and Community Facilities District Management. The Department also works closely with the Planning and Development Services Department and the Engineering Services/Community Investment Program to plan major capital improvement projects and secure adequate funding.

The Public Utilities Department is overseen by a Director who reports to the City Manager. The Street Maintenance Division consists of 11 employees that work full-time and various other employees that split their time among multiple Public Utilities divisions.

The Street Maintenance Division is operated by the following employees under these categories:

Occupation	Number of Employees
Administrative Assistant	1 part-time
Assistant Public Utilities Director	1 part-time
Engineer I/Engineer II, Civil Engineer	1 part-time
Senior Engineer Inspector	1 part-time
Maintenance Lead Workers	2 full-time
Maintenance Workers / Senior Maintenance Workers	9 full-time
Management Analyst	1 part-time
Principal Office Assistant	1 part-time
Staff Analyst	1 part-time
Street Maintenance Manager	1 full-time
Supervising Civil Engineer	1 part-time
Utility Workers	2 full-time

The Clovis Public Utilities Department provides the following street maintenance services:

- Signage and street surface maintenance
- Temporary repairs of curbs, gutters, sidewalks, and ramps
- Surface repair and restriping of streets and bike paths
- Tree trimming, landscape, and replanting of vegetation
- Streetlights, signals, and lighting maintenance work
- Median island and landscape service for lighting maintenance districts and service community facility districts
- Street sweeping

Challenges

Many streets in the City are reaching their maturity and will require significant attention over the next five years. These streets were installed in the ‘60s, ‘70s, and ‘80s, and while preventative maintenance has done much to prolong their life, many need more costly overlay or reconstruction. This will require focused effort by both the Street Maintenance Division and Engineering Division to ensure that all

available funds are allocated where the most benefit will be derived. The City’s strategy is to allocate these limited resources in a manner that maximizes the average Pavement Condition Index (PCI), rather than fixing the worst streets first. The City will continue to use preventative maintenance methods such as rubberized asphalt cape seals to keep the overall Pavement Condition Index as high as possible and to maximize the limited funds available.¹³⁴

Public Transportation Services

Service Overview

The Clovis General Services Department (“GSD”) is responsible for providing internal departmental services to City departments, as well as a program of services to the community, including Senior Services, Transit, and Recreation programs. The GSD Community Services Division Transit Section is responsible for the operation, management and the long-range planning for public transportation consisting of Clovis’ Stageline and Roundup transit services. Additionally, the Transit Section oversees contracted transit services with City of Fresno’s - Fresno Area Express (“FAX”).

Transit System

The Transit Section manages the City's Stageline and Roundup transportation programs. Stageline is a fixed-route public transit program (meaning that buses operate along a prescribed route according to a fixed schedule). The City maintains approximately 114 Stageline bus stops, 23 of which have shelters with a bench, and an additional 51 stops with a bench only. In contrast to Stageline, Roundup is a demand-responsive paratransit service for members of the disabled community.

Maintenance and Inspection

Transportation and vehicle maintenance is accomplished by the Public Utilities Department (“PUD”) Maintenance Division at the PUD headquarters at 155 N. Sunnyside Avenue, Clovis. This maintenance facility is equipped to provide standard vehicle and bus maintenance including bodywork, painting, welding, and auto mechanics. Vehicle air conditioning service is provided by a contracted outside vendor and the City is billed a flat rate for work performed on City vehicles. All maintenance mechanics employed by the City of Clovis are Automotive Service Excellence (ASE) certified.

Each Clovis transit vehicle is inspected for safety and maintenance in compliance with California Highway Patrol inspection protocol every 45 days or 3,000 miles, whichever comes first. Emergency maintenance service calls are addressed as soon as the incident is reported to the Maintenance Division.¹³⁵

The City of Clovis owns 30 buses, ten wheelchair accessible vans, two regular mini-vans, two large 7-passenger wheelchair accessible vans, a 26-passenger trolley, and two zero-emission battery electric shuttle buses that are operating as part of a pilot project. Roundup operates 17 buses, twelve wheelchair accessible vans, while Stageline uses 13 lift-equipped buses and two vans for driver switch-out, and the

¹³⁴ Ibid.

¹³⁵ Fresno Council of Governments, Triennial Performance Audit of Clovis Transit Services, FY 2012-13 - FY 2014-15, January 2017.

trolley is used as a rental for special events.¹³⁶The two zero-emission buses are used in both Stageline and Roundup service.

Stageline Bus Service

Stageline provides public transportation within the City limits on two fixed-routes and two specified connection routes to accommodate school transportation and students at California State University, Fresno. The two specified routes operate early morning and late afternoon to accommodate student ridership. Stageline operates on 30-minute headways. A route-redesign project is underway and will result in a complete revision of Stageline routes with the goal of providing efficient, direct service along major street corridors within Clovis and part of Fresno.

Stageline operates 13 lift-equipped buses, two vans for driver switch-out and a trolley for special events as a rental.¹³⁷ All Stageline buses have bike racks that can accommodate two bicycles at a time. Stageline operates approximately 303 days a year throughout the City of Clovis and with limited availability in some areas of the City of Fresno and the County of Fresno. Stageline does not operate on Sundays and specific holidays, which accounts for 62 non-operation days.¹³⁸

Stageline's bus rides are free for everyone. Transfers to FAX buses are not issued. Additionally, Stageline bus stations connect within minutes to and from three of FAX's routes located in Clovis. FAX Bus Route 9 currently provides service to Clovis residents. Clovis reimburses FAX through a formal contract with the City of Fresno.

Stageline offers various programs including public outreach and multilingual material and advertisements. Assistance with boarding or exiting, wheelchair securement, and lifts are available from bus drivers when necessary or upon request. Google Maps provides interactive trip planning and route assistance for Clovis Transit via website and app.

Roundup Bus Service

Roundup transit services provide door-to-door service to disabled Clovis residents.¹³⁹ Roundup is available to qualified passengers that are disabled or have physical disabilities and must submit an Americans with Disabilities Act (ADA) application to be approved for eligibility. Roundup consists of 17 lift-equipped fleet buses all on scheduled demand-responsive appointments. Roundup also operates twelve passenger vans, all of which are wheelchair accessible.¹⁴⁰ Qualified passengers may schedule transit services to and from anywhere within the City of Clovis and trips into Fresno.

Ride requests can be made up to 14 days in advance, but no later than the close of regular business one day before the ride date. Same-day appointments are available as time allows. Riders will be given an estimated time of arrival within a 30-minute window. Passengers may utilize a smart-phone app to book

¹³⁶ Fresno Short Range Transit Plan, 2018-2022.

¹³⁷ Stageline Passenger Policies. Web: <https://www.ci.clovis.ca.us/Departments-Services/Transit-Services>

¹³⁸ Holiday Schedule. Web: <https://clovistransit.com/holiday-schedule/>

¹³⁹ Consolidated Transportation Service Agency Operations Programs and Budget for FY 2018-19.

¹⁴⁰ Fresno-Clovis Metropolitan Area Short Range Transit Plan 2022-26.

rides and follow the movement of the bus in real-time. The driver will wait five minutes after arriving for the passenger after which the driver will leave to continue on-time service for other passengers.

Passengers ride free of charge on all Clovis Transit vehicles.¹⁴¹ Roundup operates Monday through Friday 6:00 a.m. to 7:15 p.m. and service to Fresno operates 7:00 a.m. to 5:00 p.m. Saturday and Sunday service hours are from 7:30 a.m. to 3:30 p.m. and limited to Clovis trips only.

A holiday schedule applies to the Clovis public transit schedules for both lines, affecting service hours with reduced route schedules or no service. Clovis Transit temporarily reduces hours of operation on Veteran's Day, the day after Thanksgiving, and Martin Luther King Jr. Day. Clovis Transit does not provide service on the following holidays – Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Year's Day, President's Day, Easter Sunday, and Memorial Day.¹⁴² Holiday schedules may include additional days of limited or no service in accordance with City holidays.

There are no express buses in the Clovis Stageline and Roundup system for commuters and all buses operate as local service, with frequent stops. Although there doesn't appear to be sufficient travel demand to support commuter express buses now, it is projected that by the year 2030 there will be enough travel demand in the Fresno-Clovis Metropolitan area that may warrant an investment in express commuter buses.

The Transit Division regularly conducts public outreach, shares ridership educational material and provides community announcements. The majority of the public outreach consists of sharing information with the community on how to use public transit, learning to read schedules and maps to various social service groups, including senior groups, students and new residents.

The Transit Division participates in video policing program with local law enforcement and each bus is equipped with five or six surveillance cameras.¹⁴³ During FY 17-18, utilizing Caltrans Proposition 1B Transit Safety and Security Grants, an outdated on-board camera/surveillance system was replaced with a new camera system with live video feed capabilities in all Clovis Transit buses and wheelchair-accessible vans. The initiative is serving as a deterrent to vandalism and other crimes. The system is web-based, which allows local law enforcement to have immediate access.¹⁴⁴

Organizational Structure, Staffing Level, and Committees

Day-to-day activities of the Transit Section are managed by a Transit Supervisor who reports all activities to the General Services Manager. The General Services Manager reports to the Director of General Services who, in turn, reports to the Clovis City Manager. The General Services Manager is assisted by 70 professional employees identified in the following classifications:

¹⁴¹ Clovis Transit. Web: <https://clovistransit.com/>

¹⁴² Holiday Schedule. Web: <https://clovistransit.com/holiday-schedule/>

¹⁴³ City of Clovis, Policies related to individual users of Clovis Transit Roundup services.

¹⁴⁴ Consolidated Transportation Service Agency, Operations Programs and Budget, FY 2018-19 Clovis Urban Area, May 2018.

Occupation	Number of Employees
Transit Supervisor	1 full-time
Transit Management Analyst (Operations)	1 full-time
Transit Management Analyst (Grants and Projects)	1 full-time
Administrative Office Assistants	1 full-time (principal), 4 part-time
Bus Drivers	16 full-time, 24 part-time
Van Drivers	16 part-time
Lead Bus Drivers/Trainers	4 full-time
Transit Dispatcher	2 full-time
Bus Washer/Maintenance	3 part-time

The General Services Manager of the Community Services Division is responsible for managing the day-to-day operations of the transit services, including scheduling workshops and driver training. According to Fresno Council of Government's (COG) most recent Triennial Audit Recommendation on Clovis' Transit System, the City of Clovis should establish a formal on-going training program for its transit employees in anticipation of the new transportation hub and continue their education with regard to the Americans with Disabilities Act.¹⁴⁵ The Transit Division operates and maintains 40 transit vehicles operated by Stageline and Roundup.¹⁴⁶

In addition to the Transit Section staff, the City of Clovis has two committees formed to provide input to the City's public transit decision-making process. The ADA Public Advisory Committee is a standing committee that consists of City staff and members of the public and make recommendations regarding transit ADA issues. The Social Services Transportation Advisory Committee ("SSTAC") consists of members from the public with varied interests and makes recommendations on policy and technical issues to the City of Clovis and to the Fresno Council of Government.¹⁴⁷

Transit Division Funding

The goal of the Transit Division is to provide a public transit system designed to meet the local transit needs of all community residents that is safe, dependable and accessible to all. Clovis Transit is funded through a combination of state funded Local Transportation Funds (LTF), State Transit Assistance (STA), local Measure C, and various state grants for special projects.

A substantial portion of the Transit Division's operational funding is derived from the City's share of the LTF. This source of revenue stream is generated by a 1/4 cent tax on general sales, which is collected by the state and distributed to the local agencies on a formula basis for support of local transportation services.¹⁴⁸

As of FY 2014-15, all LTF funding is required to be allocated toward transit for cities with populations greater than 100,000. Since Clovis' population is greater than 100,000, the City expects its Transit Division

¹⁴⁵ Consolidated Transportation Service Agency Operations Programs and Budget for FY 2018-19 Clovis Urban Area, May 2018.

¹⁴⁶ Ibid.

¹⁴⁷ Fresno-Clovis Metropolitan Area Short Range Transit Plan, 2022-26. Adopted June 2021.

¹⁴⁸ City of Clovis, 2022-23 Annual Budget.

to be fully funded through its entire allocation of LTF. According to Clovis' budget for FY 2022-23, the City anticipates \$6,801,200 in revenue from the LTF. Additional funding sources may include concession sales, taxes, transit farebox revenue, and state grants for transportation. According to the City of Clovis' budget for FY 2018-19, the Transit Division receives the following revenue sources:

- rents and Concessions – \$45,000
- taxes – \$1,753,000
- state grants – \$123,000

During FY 2022-23, the Transit Division's revenue amounted to a total of \$8,722,200, while total anticipated expenditures amounted to \$8,722,200. Any excess revenue is deferred for use in future years.

The Transit Division's five-year outlook emphasizes safe transportation for the community and employees through enhanced cleaning, security and efficient operations. Clovis focuses on providing information about routes and bus location in an accessible format. The City will continue to coordinate with transit providers in the Clovis-Fresno Metropolitan area.¹⁴⁹

Infrastructure Needs

On an annual basis, the City of Clovis General Services Department evaluates the Department's infrastructure needs and identifies necessary projects to fund through the annual preparation of the City of Clovis' budget. Additionally, the Clovis Transit Section prepares and maintains the Clovis Short-Range Transit Plan (SRTP).

In 2021, the City of Clovis updated its SRTP, incorporating transportation service goals and recommendations for fiscal years 2022 through 2026. The SRTP uses a five-year planning horizon, and the document is reviewed and updated on a biennial basis. The SRTP provides the Transit Section policy direction, and it identifies specific recommendations in support of the implementation of the Fresno County's Regional Transportation Plan. The 2018 Regional Transportation Plan is administered by Fresno COG and the Plan establishes regional transportation goals for the Fresno-Clovis Metropolitan Area and Fresno County through year 2042.

According to Clovis' FY 2022-23 budget, the City has identified a much-needed transit center to be constructed within the City to improve customer ridership experience, provide easier transfers between routes and expand staff training facilities and office space. The new centrally located transit center was completed in January of 2024.

The City has identified the projects listed below in its most recent SRTP that address transit service needs within the City of Clovis. Completion of these projects depends on the City's ability to secure adequate funding; therefore, completion may not be linked to a specific timeline. The list below summarizes the City's goals to improve infrastructure needs:

- replace aged transit vehicles
- purchase of additional ADA compliant fleet vehicles

¹⁴⁹ City of Clovis, 2022-23 Annual Budget.

- invest in ‘real-time’ bus locator and end-user application for passengers
- re-brand bus services to attract new riders

Additional transit infrastructure needs are identified in the budget, including:¹⁵⁰

- coordination with the City of Fresno to transfer passengers between paratransit services to/from Clovis for Fresno residents
- continue to enforce the new no-show policy in an effort to reduce the number of no-shows and late cancellations on Roundup in order to improve efficiency

Service Adequacy

The City of Clovis maintains a fleet of thirty transit buses, two battery-electric buses, 12 wheelchair accessible vans, two regular mini-vans, and a trolley. In 2021, the two electric buses were added to the fleet in compliance with the California Air Resources Board, pursuant to State Law. The table below summarizes transit trends and key indicators of service adequacy for the Clovis Stageline service area. Key indicators are passengers/ridership, vehicle hours, revenue per hour, total operating expense per passenger, and total operating expense per revenue hour.

Table 5. Clovis Stageline Operating and Productivity Trends – FY 2016-2020 & FY % Change

Indicator	FY2016	FY2017	FY2018	FY2019	FY2020	FY17	FY18	FY19	FY20
Total Passengers	154,451	131,597	130,515	116,911	112,478	-14.8%	-0.8%	10.4%	-3.8%
Vehicle Hours	21,193	21,401	21,631	21,841	19,473	0.9%	1.1%	1.0%	10.8%
Vehicle Miles	258,156	257,006	256,067	252,928	235,712	-0.4%	-0.4%	-1.2%	-6.8%
Operating Costs (\$)	\$2,192,279	\$1,959,622	\$2,328,477	\$2,635,317	\$2,719,150	-10.6%	18.8%	13.2%	3.2%
Fares (\$)	\$439,478	\$391,924	\$465,695	\$527,063	\$114,832*	-10.6%	18.8%	13.2%	78.2%
Employees	16.5	16.5	16.5	16.5	16.5	0.0%	0.0%	0.0%	0.0%
Passenger/Hour	7.29	6.15	6.03	5.35	5.78	-15.8%	-0.3%	11.3%	8.0%
Passenger/Mile	0.60	0.51	0.51	0.46	0.48	-15.0%	0.0%	-9.8%	4.4%
Cost/Vehicle Hour (\$)	\$103.44	\$91.57	\$107.65	\$120.66	\$139.64	-11.4%	17.5%	12.1%	15.7%
Cost/Vehicle Mile (\$)	\$8.49	\$7.62	\$9.09	\$10.42	\$11.54	-10.2%	19.3%	14.6%	10.6%
Vehicle Hours/Employee	1,284	1,297	1,311	1,324	1,180	1.0%	1.1%	1.0%	10.9%
Operating Subsidy/Passenger (\$)	\$13.32	\$13.90	\$17.84	\$21.67	\$23.15	4.3%	20.1%	21.5%	6.8%
Farebox Ratio	20%	20%	20%	20%	0%*	0.0%	0.0%	0.0%	-
Farebox ratio w/out Measure C	6.1%	7.0%	5.0%	3.9%	0%*	14.75%	28.7%	-22%	-

*Farebox ratio was suspended due to the coronavirus pandemic by California State Legislature. Fare calculation for FY 2020 only includes cash fare, trolley rental, and advertising revenue. Previous years included Measure C to meet required farebox ratio.

Source: Fresno Council of Governments, Transit Productivity Evaluation.

¹⁵⁰ Consolidated Transportation Service Agency, Operations Program and Budget for FY 2018-19, Clovis Urban Area, May 2018.

Transportation Impacts

In response to SB 743, the City of Clovis initiated efforts to establish a framework for analyzing transportation impacts that would be consistent with the State’s mandates and City policy. The City developed the Interim Transportation Impact Analysis Guidelines adopted on July 20, 2020. The adoption of the Interim Transportation Impact Analysis Guidelines provides guidance to city staff, applicants, and consultants on the requirements to evaluate transportation impacts for projects in the city for the purpose of determining impacts under the California Environmental Quality Act.¹⁵¹ The Interim Transportation Impact Analysis Guidelines are intended to:

- promote conformance with applicable City and State regulations
- provide evaluation consistent with CEQA
- ensure consistency in preparation of studies by applicants and consultants
- provide predictability in content for City staff and the public in reviewing studies

The guidelines are intended to be comprehensive, however, not all aspects of every transportation analysis can be addressed within this framework and the City staff reserves the right to use its judgement to request exemptions and/or to modify requirements for specific projects at the time of the review application.

The city’s TIA Guidelines provide the following five screening criteria to determine if a project will require a detailed VMT analysis:

- small projects
- provision of affordable housing
- local-serving retail
- project located in a High-Quality Transit Area (HQTA)
- project located in low VMT area

¹⁵¹ City of Clovis, 2014 General Plan and Development Code Update SCH#2012061069, Circulation Element.

Fire Protection and Emergency Medical Services

Service Overview

City of Clovis Fire Department (CFD) was established in 1917 and currently provides a range of services that will be described later in this section. The CFD headquarters is located within the Clovis Civic Center at 1233 Fifth Street, Clovis. The CFD headquarters serves a variety of functions and is a shared facility with Clovis Police Department and Fresno County Sheriff personnel. This section of the service review discusses fire protection and emergency medical services provided by the CFD in the City of Clovis.

Fire Protection Goals and Vision

The Clovis Fire Department’s Strategic Plan sets forth a comprehensive vision and mission statement that provides the agency with a clear understanding of its purpose. The Fire Department Strategic Plan identifies the core values that allow the agency’s members, individually and collectively, to carry out the day-to-day functions in support of the Mission. The Fire Department’s Mission states:

Provide for the fire and life safety of the community in the most professional, courteous, and efficient manner possible.

Prevent Harm: To our Community, To our Firefighters, To our Environment

Be Professional: In our Appearance, In our Performance, In our Reputation

Use Resources Wisely: With our Budget, With our Time, With our People

Clovis Fire Department

The CFD’s service area consists of approximately 26 square miles and the department’s responsibilities include the following types of duties: fire protection, emergency medical services, urban search and rescue, high angle, trench, water and confined space rescue, hazardous condition mitigation, strategic planning, administration, fire investigations, code enforcement, public education, emergency preparedness, and disaster response and coordination. The City of Clovis shares its western limits with the City of Fresno, while Clovis’ southern and eastern limits are shared with both City of Fresno and Fresno County Fire Protection District. The City of Clovis has automatic aid request and mutual aid agreements for extended fire protection services with the City of Fresno and Fresno County Fire Protection District/CAL FIRE.

The Department’s service area includes a population of approximately 124,523 residents, and in 2022, the department responded to 12,244 calls for service. The CFD is staffed with 70 employees, and the department works around the clock, 365 days per year. There are six Clovis fire stations located throughout the City and nineteen total personnel on duty at any time serving the Community from the six fire stations. Each of the six fire apparatus are staffed daily with a professionally trained Fire Captain, Fire Engineer, and Firefighter. In addition, the department staffs one Battalion Chief daily to provide shift oversight and incident command. CFD personnel are organized in the following categories:¹⁵²

¹⁵² City of Clovis, 2022-23 Annual Budget.

- 2 Staff Analysts
- 3 Battalion Chiefs
- 18 Fire Captains
- 1 Fire Chief
- 1 Deputy Fire Chief
- 18 Fire Engineers
- 1 Management Analyst
- 1 Specialist Project/Life Safety Enforcement Manager
- 24 Firefighters
- 1 Fire & Life Safety Specialist
- 1 Fire Inspector
- 2 Training Officers

Non-sworn personnel such as office and administrative assistants provide administrative support and community risk reduction activities including code enforcement, emergency preparedness, and fire prevention.

Fire protection coverage is accomplished by a three-shift schedule (A, B, and C) spread amongst the six fire stations located throughout the City to provide the best service possible to the community. Each shift is comprised of one (1) Battalion Chief, six (6) Captains, six (6) Engineers, and six (6) Firefighters.

Clovis Fire Department Structure

Fire protection services are regulated by federal and state regulations. The International Fire Code (IFC) is a model code regulating minimum fire-safety requirements for new and existing buildings, facilities, storage, and processes. The model code includes specialized, technical, fire- and life-safety regulations, as well as, establishing standards for fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, use and storage of hazardous materials, protection of emergency responders, industrial processes, and many other general and specialized fire-safety requirements.

At state level, the 2023 California Fire Code regulates fire protection and safety standards associated with all building and construction standards. The California Fire Code is found in Title 24 of the California Code of Regulations, Part 9.

Furthermore, the Clovis General Plan and municipal code identify land use categories, development standards, and other general provisions that ensure all new development is consistent and comply with the City's fire restrictions. Locally, Clovis Fire restrictions are found in Title 4 – Public Safety and Title 8 – Building Regulations of the Clovis Municipal Code. Additionally, the CFD has its adopted Fire Department Standards available on the City's website that addresses building, access, signage, and exiting requirements for all commercial and residential structures within the City.¹⁵³

¹⁵³ City of Clovis, Fire Department, Fire Standards. Web: <https://cityofclovis.com/fire/prevention/fire-standards/>

Responsibilities of the CFD are distributed through four divisions – Emergency Operations, Community Risk Reduction, Emergency Preparedness, and Administration. The Department continues to promote sound planning economic efficiency and effective use of City resources, while providing essential and valuable services. The four fire department divisions responsibilities are summarized as follows.

The Emergency Operations Division

The Emergency Operations Division is responsible for providing the resources needed by Fire Department personnel who respond daily to requests for emergency and non-emergency services from the citizens of Clovis. The Operations Division activities include responding to fires, emergency medical services, mutual/automatic aid, motor vehicle accidents, wildland, and public assistance. The Training Bureau activities include training of new employees, in-service training for all department employees, certification and licensure, and coordinated use of the Fire Training Center. Support Services Bureau activities include apparatus maintenance, facilities maintenance, and station supplies. The Communications Bureau has the responsibility for coordinating dispatch services to the Fire Department. Fire dispatch services are provided via a contract with the Fresno County Emergency Medical Services Division. Dispatch services coordinate the emergency response of all City fire resources and mutual or automatic aid resources.

Community Risk Reduction

The Community Risk Reduction Division is responsible for providing community risk reduction activities through two bureaus – Fire Prevention and Emergency Preparedness. The Fire Prevention Bureau supports local businesses and building development through activities, such as inspections and plan review to ensure occupancies comply with fire codes, standards, and local ordinances. Additional risk reduction is performed through public education where citizens learn about actions they can take to reduce their fire risk and learn emergency preparedness skills that are essential during times of crisis. Within the Division, the Investigations Team has the responsibility to investigate all fires for cause and origin.

Emergency Preparedness

The Emergency Preparedness Division has the responsibility of preparing and carrying out emergency plans to protect property and the citizens of Clovis in case of actual or threatened conditions of disaster or extreme peril. This includes having an emergency plan in place, maintaining an Emergency Operations Center (EOC), and ensuring that policies and procedures are compliant with the National Incident Management System (NIMS) guidelines and exercises are conducted to evaluate system effectiveness. Within the Emergency Preparedness section are the Hazardous Materials Team and Urban Search and Rescue Team. These teams are capable of responding throughout California to emergency incidents that require specialized tools, equipment, and personnel.

Fire Administrative

The Fire Administration Division is responsible for supporting all department operations, administering the Accreditation program, and the development and administration of the Fire Department budget. Fire Administration provides administrative analysis, report preparation, coordination of programs, incident response data management, timekeeping, and other routine duties performed daily that support the

delivery of emergency and non-emergency services. Fire Administration also identifies, writes, and manages grants to supplement funding for all department programs.

Mutual Aid Agreements

As noted earlier, CFD provides fire protection to the City of Clovis and supplements protection through an automatic request and aid agreement with the City of Fresno Fire Department and the Fresno County Fire Protection District.

Communications and Dispatch

When a request for emergency or non-emergency is received, emergency operators define the dispatching parameters for the closest available engine company to report and respond to the scene. Both American Ambulance Service and the Clovis Fire Department are dispatched to all high priority emergency medical calls within the Clovis City limits.

The City of Clovis monitors two distinct measures of call volume and workload. First is the number of requests for service that are defined as either “dispatches” or “calls.” Dispatches/calls are the number of times a distinct incident was created involving Clovis Fire Department units deployed within the City limits or two neighboring auto/mutual aid agreements.

On the other hand, “responses” are the number of times that an individual unit(s) respond to a call. The City Fire Department uses responses on all Unit and Station level analyses, which account for all elements of workload and performance of the fire department. The City of Clovis categorized all calls in the following categories – Fire, EMS, Rescue/MVA, Hazardous Condition, Good Intent/Service Call, and False Alarm, respectively.¹⁵⁴

The Fire Department does not capture 100% of all call time interval from the pick-up of the phone line to the time the call is created. According to City information, the reason for this is only 76% of all calls are received by the City of Clovis primary Public Safety Answering Point (PSAP). The remainder or about 34% of all calls are transferred from other PSAPs, such as California Highway Patrol or Fresno County Fire Protection District.

The City of Clovis PSAP is the Clovis Police Department (dispatch operators). The police department transfers calls to alert the appropriate agency or City department to respond. All calls received are also transferred to the Fresno County EMS Communications Center for call processing and unit alerting. The City does not provide paramedic service but receives such services through coordination with the Fresno county-wide emergency medical service contract.

Service Adequacy

Like other branches of the City, the Clovis Fire Department defines the levels of service for the community it protects based on the unique characteristics of the Clovis community and availability of fiscal resources.

¹⁵⁴ City of Clovis, 2022-27 Fire Department Community Risk Assessment & Standards of Cover. Web: <https://cityofclovis.com/wp-content/uploads/2022/11/Standards-of-Cover-2022-2027.pdf>

In establishing its goals, the Clovis Fire Department used nationally recognized standards and best practices including, but not limited to, the National Fire Protection Association (NFPA) Standards, the CFAI 10th Edition Fire and Emergency Services Self-Assessment Manual, the Utstein Reporting Criteria, American Heart Association guidelines, and the Insurance Services Office-Fire Suppression Rating Schedule. The Clovis Fire Department also incorporated community input on the levels of service they want as residents.¹⁵⁵

As identified by the Commission on Fire Accreditation International (CFAI) process, a Standards of Cover (SOC) document adopted by the agency to have jurisdiction sets the foundation for service level goals. The CFD uses two principal measures to determine protection services for the community and future development.

- The first principle is distribution. Distribution describes station locations that provide for first rapid response and fire personnel deployment to reduce fire and medical aid emergencies before they result in further life/property loss. Distribution is measured by how much of the jurisdiction is covered by first response units within our adopted response time goal of arrival within 5 minutes or less 90% of the time.
- The second principle is concentration. Concentration measures how many multiple units are within sufficient proximity to provide the necessary tools, equipment and personnel, known as an effective response force, for a large scale incident or when another unit is assigned to a concurrent emergency. An initial effective response force is one that has been determined likely to stop the escalation of a fire emergency and bring it effectively under control.

In addition to these factors, the Clovis Fire Department has conducted several station location studies over the last ten years to ensure efficient and effective operations. Stations have generally been located within a 4.5-to-5 mile distance of each other and near major street intersections.¹⁵⁶

Previous studies identified various station configurations that could serve City growth depending on the type of development and infrastructure planned for these areas. Currently, the Clovis Fire Department operates out of six fire stations located in the following locations.

¹⁵⁵ Ibid.

¹⁵⁶ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.14 – Public Services. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-14-Public-Services.pdf>

Table 6: CFD Fire Stations Service the City of Clovis Area

Fire Station Number	Address	Equipment	Staff per shift
Station 1	633 Pollasky Avenue	Truck, Reserve Truck	3-4
Station 2	2300 Minnewawa Avenue	Engine, Reserve Engine, Urban Search and Rescue Unit	3
Station 3	555 N Villa Avenue	Engine, Reserve Engine	3
Station 4	2427 Armstrong Avenue	Engine, Water Tender, Brush Engine	3
Station 5	790 N Temperance Avenue	Engine, Hazmat Unit, OES Engine	3
Station 6	2388 Encino Avenue	Engine	3

The 2022-27 CFD Standards of Coverage for Emergency Response state that fire-station service areas are between 4.5 and five square miles with minimum staffing at each fire station of one captain, one engineer, and one firefighter per 24-hour period.

All six fire stations are within the designated 4.5 to five-mile distance of each other and are staffed with the minimum standard requirement as suggested by the 2022-27 CFD Standards of Coverage for Emergency Response.¹⁵⁷

According to Clovis 2022-23 annual budget information, the Fire Department’s response goal states, "provide the first unit on the scene of an emergency medical call with a total response time of six minutes and thirty seconds (6:30), 90% of the time. This included one minute and thirty seconds of call processing, one minute for turn out, and four minutes for travel."¹⁵⁸

During 2022, the Clovis Fire Department had a response time goal for its First Unit Arrival in under 6:30, the actual 90% response time was 7:21. In 2022, the Clovis Fire Department received 12,244 calls for service.¹⁵⁹

The City of Clovis has a class rating of “Class II” through the Insurance Service Office (ISO). The ISO is an agency that evaluates fire protection features for all fire departments by establishing rates for underwriters, such as property insurance providers. ISO uses a rating system that is based on a scale of one through 10, with one being the best fire protection rating and 10 being the worst. The ISO rating “Class II” is based on ISO Public Protection Classification Program’s assessment and scoring of the District in four primary areas: Emergency Communications, Water Supply, Community Risk Reduction, Fire Department.¹⁶⁰ The rating is assigned for the urban area such as for the City of Clovis.

¹⁵⁷ Ibid.

¹⁵⁸ City of Clovis, 2022-23 Annual Budget, page 150.

¹⁵⁹ City of Clovis, Fire Department, About Clovis FD. Web: <https://cityofclovis.com/fire/about-fd/>

¹⁶⁰ Ibid.

The Clovis Fire Department also measures community satisfaction and service delivery through community input. The Fire Department collects data from clients and citizens who receive CFD service by distributing a questionnaire to complete and return after evaluating the department’s performance. The Clovis Fire Department’s goal is to receive an “excellent” service rating 90 percent of the time. During 2022, the completed questionnaires rated the department as excellent 90 percent of the time.¹⁶¹

Funding Resources

The Clovis Fire Department funding resources come from the City’s General Fund, which consists of property taxes, special assessment, development impact fees, state grant funding, and user fees. The Clovis Fire Department is primarily funded by discretionary revenue. A discretionary revenue summary report is also provided in the City’s 2022-23 adopted budget.

The Fire Department’s annual budget consists of four categories – Emergency Services, Life Safety and Enforcement, Emergency Preparedness, and Fire Administration.

For FY 2022-23, the Fire Department budgeted \$20,103,400 for Emergency Services, \$685,300 for Life Safety and Enforcement, \$142,300 for Emergency Preparedness, and \$1,118,500 for Fire Administration. The Fire Department’s total budget for FY 2022-23 totaled \$22,049,500. All funds are retained from the City’s General Fund.

The City’s annual budget document provides a plan and the needed funding for the Clovis Fire Department to carry out its mission. Each year, the Fire Department provides the City Manager with its proposed budget for the department for the upcoming fiscal year, along with department goals.

The following subsections provide a summary of each of the Fire Department’s four budgeted categories:

Emergency Services

The Emergency Service’s budget is identified in section 61000 of the Clovis annual budget. This category includes operational expenditures for the Fire Department’s Operations, Support Services, Training and Communications Divisions. The Emergency Services budget accounts for the following fire personnel:

- 1 Deputy Fire Chief
- 3 Battalion Chiefs
- 18 Fire Captains
- 18 Fire Engineers
- 24 Firefighters
- 2 Training Officers (Captains)

The Fire Department’s Emergency Services budget funds for 66 fire personnel positions. Total anticipated expenditure amounts to \$20,103,400, while anticipated revenues from taxes, state grants, project participation, user fees, and miscellaneous income are expected to fund the majority of the expenditures.

¹⁶¹ City of Clovis, 2022-23 Annual Budget.

The City's General Fund is used to balance the department's operational costs. The Emergency Services budget amounts to \$20,103,400 for the 2022-23 fiscal year.

The Clovis Fire Department has an adopted Master Administrative Fee Schedule and is available on the City of Clovis' website.¹⁶² The Fire Department regularly reviews its Master Fee Schedule and makes necessary changes for the City Council to consider.

Life Safety and Enforcement

Life Safety and Enforcement budget is identified in section 62000 of the Clovis annual budget. This category includes operational expenditures for the Fire Prevention, Emergency Preparedness, and the Fire Investigation Divisions. The Life Safety and Enforcement budget accounts for the following fire personnel:

- 1 Fire & Life Safety Specialist
- 1 Fire Inspector
- 1 Specialist Project/Life Safety Enforcement Officer

The Life Safety and Enforcement Services budget funds four fire personnel positions. Total anticipated expenditure amounts to \$685,300, while anticipated revenues from building permits, planning and procession fees, user fees, and miscellaneous income are expected to fund the majority of the expenditures. The City's General Fund is used to balance the department's operational costs. The Life Safety and Enforcement budget amounts to \$685,300 for the 2022-23 fiscal year.

Emergency Preparedness

The Emergency Preparedness' budget is identified in section 63000 of the Clovis annual budget. This category includes operational expenditure for preparing and carrying out emergency plans, fire training, leadership training, support to the Clovis Emergency Response Team, maintaining an Emergency Operations Center (EOC), and maintaining policies consistent with the National Incident Management System (NIMS) guidelines.

The Emergency Preparedness' budget funds various fire safety and strategic planning documents, as well as personnel to seek and secure the necessary resources to fund equipment and necessary training essential to maintain current capabilities in the handling of hazardous materials and urban search and rescue emergencies. Total anticipated expenditure amounts to \$142,300 and the City funds the Emergency Preparedness operation with available discretionary funds and federal grant opportunities.

Fire Administration

The Fire Administration budget is identified in section 64000 of the Clovis annual budget. The Fire Administration budget includes operational expenditures for all supporting department operations, administering the accreditation program, administrative analysis, report preparation, coordination of programs, incident response data management, timekeeping, and other routine duties performed daily that support the delivery of emergency and non-emergency services. The Fire Administration division

¹⁶² City of Clovis, Fire Department, Master Fee Schedule, as of January 1, 2023. Web: <https://cityofclovis.com/wp-content/uploads/2022/12/2023-Master-Fee-Schedule.pdf>

prepares and administers the Fire Department’s budget. The Fire Administration expenditures for the department’s administrative support and plan and administration of fire department programs amount to \$1,118,500 for the 2022-23 fiscal year.

The Fire Administration budget accounts for the following fire personnel:

- 1 Management Analyst
- 1 Fire Chief
- 2 Staff Analysts

Community Facility District – Fire Service

Additional Fire Department funding is obtained through development impact fees. In 2004, the Clovis City Council approved the formation of Community Facilities District 2004-01 to provide supplemental operational funding for police and fire in growth areas north of Herndon Avenue and east of Locan Avenue.¹⁶³

As a condition to develop in the City of Clovis, all projects after 2004 are required to petition to be annexed to the District. The District was created to mitigate any public safety impacts created by new development, as well as to ensure consistency with general plan goals and policies.

The impact fee for fire service is collected on residential, commercial, industrial, and public land uses. Pursuant to the City of Clovis Master Development Fee Schedule, effective September 15, 2018, the fire development impact fee is \$1,014 per unit. These fees are collected and deposited in the Fire Department Fee Account and used solely to construct, equip, and furnish fire stations.

Properties annexed into the District are required to provide funding for public safety operations in new growth areas. Major conditions of approval include:

- The maximum annual tax will be \$241.70 for single family residential and \$208.70 for multi-family residential.
- The maximum tax will be increased by the Escalator Factor, which is the greater of the change in CPI or percentage change in population.
- There will be a review no later than five years of inception for the Community Facilities District.
- The annual tax will not apply to commercially zoned property.
- The tax will apply only to property for which a building permit is issued after January 1, 2004, and is located east of Locan and north of Sierra.

In August 2018, the Community Facilities Citizens Oversight Committee reviewed the 2015-16 to 2017-18 fiscal year actual expenditures and the 2018-19 fiscal year annual budgets of the Clovis Fire and Police Departments and concluded that the actual and budgeted expenditures by the departments were appropriate and within the intent and purpose of the district. Revenue and allocation of costs attributable

¹⁶³ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.14 – Public Services.

to the Community Facilities District 2004-01 were also determined appropriate. The committee recommended that the district and associated tax assessments continue as currently established.

Furthermore, Title 4 (Public Safety) of the Clovis Municipal Code establishes 13 chapters addressing public safety programs and measures. Chapter 4.10 (Fire Facility Development Impact Fee) of Title 4 of the Clovis Municipal Code establishes a financing mechanism to construct, equip, and furnish fire stations to serve the City and its sphere of influence as community growth requires. Pursuant to LAFCo policy 106-04, the City has a Fire Transition Agreement with the Fresno County Fire Protection District.

Facilities and Capacity

As previously indicated, the Clovis Fire Department provides fire service to approximately 26 square miles and operates out of six fire stations. The Clovis Fire Department has several adopted planning documents in place that assess and forecast the purchase of future fire station sites to ensure that fire protection is maintained as the City grows.

Infrastructure Needs

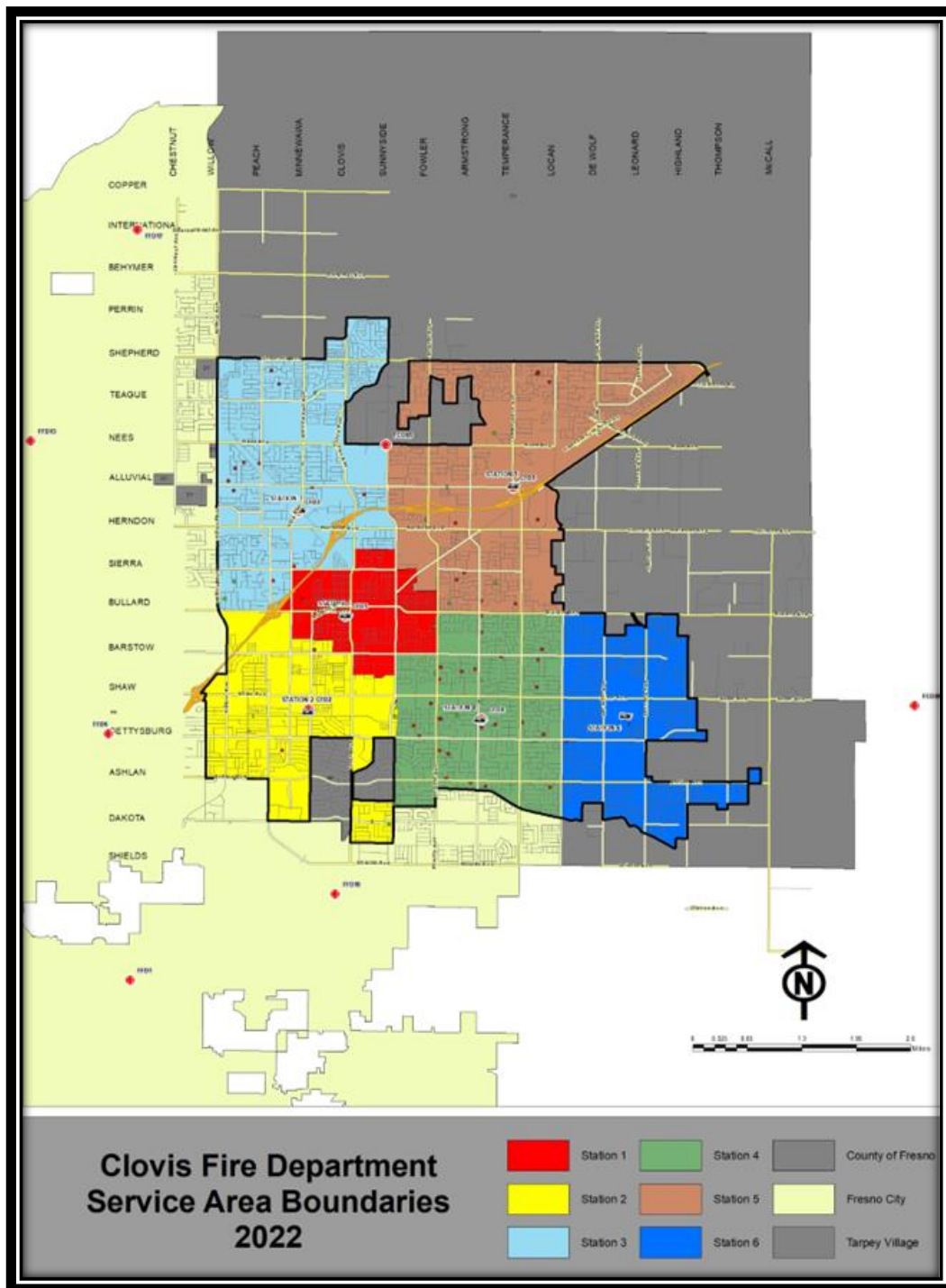
Existing facilities are adequate to maintain a sufficient level of services for future growth in the City of Clovis. Increased population densities may require commensurate increases in firefighter staffing, facilities and equipment to maintain current levels of service, regardless of where this growth occurs with the difference being that the location and design of fire stations may become more dependent on density and availability than running distances between fire stations.

The Clovis Fire Department Personnel regularly interact and participate in development review committees to address upcoming development projects within the City. The Clovis Fire Department works closely with the Planning and Development Services Department to address City concerns and the extension of City infrastructure to new development projects.

Challenges

Although there are currently six fire stations in the City, staffing levels may be a key issue that must be addressed. The national standard for firefighter staffing is 1 per 1,000 residents whereas the City of Clovis has .52 firefighters per 1,000 residents. This is below The National Fire Protection Association Standard (NFPA) 1710, which provides recommendations for minimum workforce standards to accomplish provisions of fire suppression and emergency medical services.

Figure 7. Fire Department Service Area Boundaries



Law Enforcement Services and Public Safety

Service Overview

The Clovis Police Department (CPD) is responsible for law enforcement within the City of Clovis. The CPD headquarters is located within the Clovis Civic Center at 1233 Fifth Street, Clovis. The CPD headquarters serves a variety of functions and is a shared facility with the Clovis Fire Department. This section of the Municipal Service Review discusses law enforcement services and public safety in the Clovis area.

Clovis Police Department Goals and Vision

The Clovis 2014 General Plan Public Facilities and Services Element states the City's goals for its police and law enforcement services. The following Clovis general plan goals and policies establish the City's public service staff levels.

Public Facilities and Service Element – Goal 6: High quality emergency services that establish a real and perceived sense of safety and security for Clovis residents, businesses, and visitors.

- **Policy 6.1: Fire and police service.** Maintain staffing, facilities, and training activities to effectively respond to emergency and general public service calls.
- **Policy 6.2: Resource allocation.** Periodically conduct service level studies to analyze crime and emergency service performance data, to evaluate the effectiveness of prevention and reduction strategies, and to allocate resources accordingly.
- **Policy 6.3: Emergency medical calls.** Explore options to lessen the demand on fire and police services or expand reimbursement programs to ensure the service pays for measured impacts.
- **Policy 6.5: Public safety hot spots.** Prioritize improvement and enforcement activities to minimize existing and prevent future public safety hot spots. Reevaluate siting and development standards for facilities that generate high demands for service calls.
- **Policy 6.6: Interagency support.** Participate in mutual aid system and automatic aid agreements to back up and supplement capabilities to respond to emergencies.
- **Policy 6.7: Interagency communications.** Maintain an effective communication system between emergency service providers within Clovis and neighboring jurisdictions.
- **Policy 6.9: Community outreach.** Conduct outreach in the community to promote personal and public safety in daily life and in cases of emergency. Regularly update and inform the public on the real levels of crime and safety to strengthen the perceived sense of personal security.

On an annual basis, each department within the City of Clovis establishes goals for the upcoming fiscal year's budget. The following summarizes CPD's goals for FY 2022-23:

- Meet response time goals for Priority 1, 2, and 3 calls.
- Meet or exceed our goal of high customer satisfaction (90% or better) ratings.
- Keep California Crime Index Rate at one of the lowest rates in the Valley.
- Develop future leaders in the department through succession planning.
- Address all quality-of-life issues to maintain a healthy community.
- Monitor and address gang, parole, and probation related incidents.
- Increase community outreach through planned events in neighborhoods, parks, and schools.

Clovis Police Department

The CPD is dedicated to fighting crime through all traditional and creative means to protect residents and visitors in a manner that builds public confidence and improves the quality of life in Clovis.¹⁶⁴ The CPD implements local and state laws, conducts crime investigations, apprehends criminals, maintains ongoing crime prevention programs, and builds ties with the community and participates in joint crime prevention efforts with local law enforcement agencies. The CPD serves a community of over 120,000 people, and Clovis is currently ranked as the safest city in the Central Valley.¹⁶⁵

The City of Clovis has an adopted Master Service Plan for its Police Department. The Department's long-range planning effort is guided by the CPD Master Service Plan's recommendations and is dependent on the City's adequate funding availability. The Master Service Plan anticipates a gradual increase of its officers based on the City's growth rate. The 2014 Clovis General Plan notes that police personnel increases its officers per 1,000 residents and strives to achieve a ratio of 1.3 sworn officers per 1,000 residents.

The CPD currently employs 111 sworn officers, and 65 non-sworn professional staff members that assist with the daily operation and management of the Department. The CPD is organized into six major divisions:¹⁶⁶

- Patrol
- Communications
- Administration
- Investigations
- Support Services
- Youth & Animal Services

In addition, the CPD participates in a mutual aid assistance agreement for policing service with the Fresno County Sheriff and California Highway Patrol. CPD operations are funded through the General Fund, Community Facilities District (CFD) fund and grants.

¹⁶⁴ City of Clovis, Police Department.

¹⁶⁵ Ibid.

¹⁶⁶ City of Clovis, 2014 Master Service Plan Update, Public Safety section.

Clovis Police Department Structure

For the purpose of this section, Law Enforcement is evaluated in seven categories, as described in the City's annual Police Department budget:¹⁶⁷

- Patrol Division
- Communications Division
- Investigations Division
- Youth Services Division
- Support Services Division
- Administrative Division
- Animal Shelter Division

Patrol Division

The Clovis Police Department is comprised of 111 sworn officers: a chief of police, three captains, four lieutenants, 12 sergeants, 13 community service officers, 14 corporals, and 77 police officers/recruits. The Division's staff levels should increase in tandem with the City's population growth trends.

The Patrol Division is the most active division within the CPD. Patrol is managed by a captain and lieutenants. Each shift or team is directly supervised by a sergeant. Nine sergeants directly supervise corporals, officers and community service officers during each shift. On patrol, each corporal is assigned a beat and is in charge of working with both citizens and businesses to decrease crime and blight in each of their areas. The neighborhood corporals work closely with other City departments and businesses to ensure that the Clovis Municipal Code and state law is adhered. For example, Neighborhood corporals review development proposals with the City's Planning and Development Services Department, and provide comments and perspective on land use entitlements, address potential safety concerns early in the process, and coordinate on issues related to alcohol and entertainment permits within the City.¹⁶⁸

The City's Patrol's Traffic Division focuses on traffic safety, education, enforcement of traffic laws, and implements the Driving under the Influence (DUI) checkpoints and DUI saturations. The Patrol Division's effective and proactive approach toward eliminating criminal activity and protecting its citizens has helped create a safe community for the citizens of Clovis. Uniformed officers include both sworn and community service officers that respond to calls for service, enforcement of law, provide for safety and security of the public, and represent the Police Department in their daily interaction with the citizens of Clovis.¹⁶⁹

The Patrol Division also includes specified operations, such as the SWAT team, K-9 unit, crisis negotiations, explosive ordinance disposal (EOD), unmanned aerial vehicle (UAV-drone), and jail operations.¹⁷⁰

The Community Liaison works closely with the rental management and property owners to resolve any problems within the community. The Police Chaplain Program assists various City department members

¹⁶⁷ Ibid.

¹⁶⁸ City of Clovis 2022-23 Annual Budget.

¹⁶⁹ City of Clovis 2022-23 Annual Budget, page 146.

¹⁷⁰ City of Clovis 2022-23 Annual Budget.

and the victims of crime during traumatic events or times of grief.¹⁷¹ Additional information is provided in the “Service Adequacy” of this chapter.

Communications

The Communications section provides dispatch services for the Police Department and receives all 911 calls within the incorporated City limits and surrounding areas. The Division provides information, identifies resources and determines if dispatch police response is appropriate.

The Division consists of one Communications supervisor, five lead public safety dispatchers, and 17 public safety dispatchers. As the primary contact between the police department and 911 callers, the Division is responsible to answer both emergency and non-emergency calls 24 hours a day, seven days a week.

Public Safety Dispatchers are required to attend the Public Safety Dispatchers’ Basic Course and complete a 12-month “in-house” training program as part of the employment selection and training process. Dispatchers are required to complete and receive ongoing professional development training offered by California’s Commission on Peace Officer Standards and Training (POST). POST was established by the State Legislature in 1959 to set minimum selection and training standards for California Law Enforcement.¹⁷²

Investigations

The Investigations section is responsible for follow-up on all felony cases, cases of a sensitive nature and preparing the cases for submittal to the District Attorney's Office. The Division is comprised of two main components: General Investigations and the Special Enforcement Team (SET).

The Investigations section consists of 19 officers, all overseen by a police captain. Clovis’ Investigation team is staffed by a digital forensic analyst, a crime analysis supervisor, two crime specialists, 15 police officers, two sergeants, two community service officers, two police corporals, and a management analyst.

The General Investigation section conducts a wide range of assignments, including computer crimes and identity theft cases to sexual assault and sex offender programs, homicide investigations, robberies, property crimes, domestic violence follow-up and tracking, missing persons, crime analysis and predictive policing. The crime analysis unit provides research on crime trends, patterns and series to both the Patrol and Investigation divisions. The crime specialist works with both investigations and the county probation agency.

The SET handles both narcotic and gang crimes. They are focused on mid-level and street-level drug dealers and users, and cases involving gang members, narcotics trafficking, human trafficking, prostitution, and pimping. SET collaborates with the Patrol Division, Fresno County Sheriff, state and federal agencies on larger investigations where additional detectives can provide support to yield a successful outcome.

¹⁷¹ Ibid.

¹⁷² POST website, Commission on Peace Officer Standards and Training <https://post.ca.gov/About-Us>

SET is also responsible for identifying and tracking individuals that are known gang members within the City, individuals that participate in gang activities, high profile criminals, and individuals that enhance gang operations. SET cooperates and communicates with local law enforcement agencies and state and federal law enforcement agencies to increase productivity and avoid duplication of investigation efforts.¹⁷³

Youth Services

The Youth Services unit provides services to mitigate and prevent youth drug and alcohol abuse and provides resources to prevent repeat juvenile offenders. The Youth Services is staffed by one police service manager who oversees the unit, one community service officer, and one staff analyst.

In a collaborative effort, Youth Services is committed to supporting parents by providing information about parenting and education about juvenile trends related to alcohol, drugs, and tobacco use and works closely with local organizations and local schools within the Clovis Unified School District (CUSD) to consistently deter juvenile crime and hold juvenile offenders accountable.

The Youth Services division is also responsible for graffiti removal within the Clovis City limits.

The mission of the Youth Services is to encourage youth within the City of Clovis to consistently demonstrate behavior that produces social, emotional, educational, and economic success by providing multiple programs, services, and activities to support families in the community.¹⁷⁴

The programs provided by the CPD Youth Services are the following:

- **The Diversion Program** – holds juveniles accountable and supports parental authority. This program is for juveniles who are deemed out-of-control, run away from home, commit misdemeanor criminal offenses, or are chronically truant. The process begins with a hearing and review of the behavior in question. If the juvenile hearing officer determines that the juvenile meets the above criteria, then the hearing officer places the juvenile on a diversion contract. The contract directs the juvenile to complete a specific number of days in the Community Service Work Program and to follow up with community resources that may help the juvenile to improve their misbehavior.
- **The Juvenile Work Program (JWP)** – holds juveniles accountable for misbehavior in the community. The police department coordinates juvenile work programs to remove weeds and debris from public areas, such as vacant lots, alleyways, parks, and parking lots. Juveniles also assist in cleaning up graffiti throughout the City.
- **Graffiti Abatement** – removes graffiti and mitigates repeat offenders. The program's goals are to remove graffiti within 24 to 48 hours of being notified and to arrest chronic offenders.
- **Drug Education Program (DEP)** – educates juveniles on the hazards of substance abuse. A five-hour course is held once a month during the school year and is taught by a Clovis Police Officer. The class is interactive and teaches juveniles the dangers and consequences of alcohol and drug use.

¹⁷³ City of Clovis, 2022-23 Annual Budget, page 127.

¹⁷⁴ Ibid.

- **Clovis Police Youth Academy** – provides professional development for teens interested in a career in law enforcement. Through the Youth Academy, students will not only have the opportunity to develop skills in these areas and receive specific job training, but also the opportunity to grow as leaders, communicators, and future professionals. To participate, students must have at least a 3.0 GPA, submit an application, pass a background check, and demonstrate a strong commitment to regularly attend and participate in all aspects of the program.

Support Services/Record, Property, and Evidence

The Support Service unit encompasses diverse duties that focus on providing services to customers and citizens of Clovis. The unit is comprised of 15 full-time employees who service in the following capacity: a records supervisor, two administrative assistants, six principal office assistants, a property and evidence supervisor, a senior property/evidence technician, a property/evidence technician, and two senior systems video analysts.

The unit's functions include record keeping and maintenance, citizen and business services, fleet management, police officer training, equipment and supplies, report typing, court liaison, service of subpoenas, records requests, federal and state reporting, distribution of records and reports to allied agencies. The unit also manages the Police Department's safe drug drop-off box located at the CPD's headquarters.¹⁷⁵

Administrative Services

The Administrative Services provides leadership, general direction, and oversight for the entire police department. The Division is comprised of the following officers: a police chief, three police captains, four police lieutenants, and a management analyst.

The Chief of Police administers, advises, and provides general direction to the Clovis Police Division out of the Administration Services Division. This Division is responsible for providing administrative support to the chief of police, special projects, research, internal audits and compliance, internal investigations, state and federal grant administration, public information officer duties, hiring, employee injury, and oversight of workers' compensation issues.¹⁷⁶

Animal Shelter/Services

The Animal Services Division is responsible for responding to calls for service in the community, protecting animals, investigating cruelty, issuing municipal code violations, representing the City in administrative hearings, operating the Miss Winkles Clovis Pet Adoption Center, and overseeing the stray animal facility. The Division is comprised of the following staff: two supervisors of animal services, six animal control officers, an animal services aide, a staff analyst, and a principal office assistant. The Animal Services Division works closely with Clovis veterinarians to achieve the primary goals of increasing the pet adoption

¹⁷⁵ City of Clovis, 2022-23 Annual Budget, page 128.

¹⁷⁶ Ibid.

rate, providing information on proper pet care, and educating the public on the importance of reducing the pet population through spaying and neutering.¹⁷⁷

Police Department Public Facilities

In 2003, the CPD and Fire Department operations and administrative offices relocated from their previous locations to a newly constructed 70,000 square-foot facility located within the Clovis Civic Center at 1233 Fifth Street. The CPD headquarters is equipped with conference rooms, training rooms, office space, and a detention facility.

CPD states that existing police public facilities, including personnel, equipment, and office facilities, are adequately serving the City. The City informed LAFCo that in anticipation of the continued growth of the City's population and development, CPD has proposed future facilities to accommodate future growth.

As a shared facility with the Clovis Fire Department, the headquarters houses the Clovis Fire Department's administration, including investigators, inspectors, battalion chiefs, the fire marshal, and other officials.

Law Enforcement Staffing

The Clovis 2014 General Plan Public Facilities and Services Element states the City's goals for its police and law enforcement services. The number of sworn officers per capita is a traditional indicator of service levels within the jurisdiction of a local agency. However, there are no established state or national standards for police staffing levels because population totals do not directly reflect demands placed on local law enforcement agencies.

As of 2023, the CPD employs 176 full-time employees of which 111 are sworn officers.¹⁷⁸ Based on the most recent Department of Finance population estimates, Clovis has a population of 124,523 people.¹⁷⁹ As such, the City police ratio is 0.90 officers per 1,000 residents based on DOF's estimates. In accordance with recommendations from the Police Department Master Service Plan and dependent on funding, the CPD is anticipating to gradually increase its police officer per 1,000-residents ratio to 1.3 sworn officers per 1,000 residents.¹⁸⁰ The Police Department provides equitable wages and benefit packages to its officers and employees, which reduces employee turnover levels within the Department.

In addition, the Police Department provides local residents the opportunity to volunteer within certain divisions in the Police Department. The Police Reserve Unit and Citizen Volunteer Program in Police Services assist police officers with administrative support in records, investigations and active field patrol. All reserves are required to fulfill state training requirements and devote a minimum of 10 hours per month.¹⁸¹ The City informed LAFCo that it currently has 10 volunteers enrolled within the police reserves program. The City informed LAFCo that volunteers learn various functions of the CPD, and include students, physicians, teachers, retired citizens, and military personnel. Police reserves help extend the

¹⁷⁷ Ibid.

¹⁷⁸ City of Clovis, 2022-23 Annual Budget.

¹⁷⁹ State of California, Department of Finance, *E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2022 and 2023*. Clovis, California, May 2023.

¹⁸⁰ City of Clovis, 2014 Master Service Plan Update, Public Safety, Administrative Services.

¹⁸¹ City of Clovis, Police, General Information.

reach of Clovis' police department and complement the department's ability to establish a strong police presence.

Law Enforcement Finances

The Clovis Police Department is funded through the Clovis General Fund and the Community Investment Program. The Police Department regularly pursues available state and federal grants to assist with specific projects or operations of the department.

The police department also receives funding collected by the Community Facilities District 2004-01 (CFD), which applies to properties within the CFD primarily in growth areas north of Herndon Avenue and east of Locan Avenue. The CFD was created to ensure that new development in these areas can fund adequate police and fire protection as the development occurs farther away from the Clovis urban center.

The Clovis Municipal Code authorizes a Public Safety Fee to establish a method for funding the coordinated acquisition and development of CPD facilities, which ensure that police and emergency services in the City and growth area within the SOI are adequately maintained. The Police Impact Fees are collected on all residential, commercial, industrial, and public land use developments. The City informed LAFCo that its Police Impact Fees are \$1457.00 per unit. These police department fees are collected and deposited in the Police Department Fee Account to be used solely for constructing, equipping, and furnishing police stations; it should not be used for maintenance or upkeep of existing police department facilities.¹⁸²

According to the City of Clovis 2022-23 FY budget, the Clovis Police Department and all divisions within the department had a budget of \$47,843,700.¹⁸³ The budget identifies the following Police Department divisions with their corresponding budgets:

The Patrol Division is the largest operation with a budget of \$25,736,400. The Communications Division has a respective budget of \$3,489,200, Investigations at \$5,888,500, Youth Services at \$761,700, Support Services at \$5,302,100, Administration at \$4,482,200, and Animal Shelter/Services at \$2,183,600.

According to the CPD, the Department's long-range planning effort is guided by the CPD Master Service Plan's recommendations, and the Department has been able to maintain Clovis as the safest city in the Central Valley.¹⁸⁴ According to the CPD's website, Clovis was recently named as the first ranked "Best City in California to raise a family."

Service Adequacy

Service adequacy can be gauged by a variety of factors, such as response times, clearance rates (the portion of crimes solved), staffing ratios, and awards and recognitions. Empirical information suggests that a differential law enforcement response based on a priority system leads to both citizen and officer

¹⁸² City of Clovis, 2023-24 Master Development Fee Schedule.

¹⁸³ City of Clovis 2022-23 Annual Budget.

¹⁸⁴ City of Clovis, Police Department.

satisfaction. Response times are dependent on the agency’s staffing level and size of the jurisdiction served.

The Clovis Police Department annually assess crimes committed within the City and summarize the police department performance in an end-of-year report that identifies incidents, accidents, crimes, and arrests for the previous year. The Police Department tracks crime, incident reports, and monitors all City activities in nine beats also known as patrol service areas.¹⁸⁵

According to the end-of-year report for incidents in 2022, there were 74,048 total incidents reported during that year. Beat 5 had the most public initiated service calls with 7,187 incidents, while Beat 9 had the least public initiated service calls with 99 incidents. In contrast, Beat 5 had the most officer initiated incidents with 4,984, and Beat 9 had the least officer initiated incidents with 47.¹⁸⁶

According to the CPD, on average Fridays have the highest number of calls for public incidents, while Sundays tend to have the least number of calls for incidents. The Police Department receives the highest peak time service calls between 3:00 p.m. to 4:00 p.m. on Fridays.

Clovis’ top 10 incident types are: assists, welfare checks, alarms, animal complaints, miscellaneous investigations, follow ups, non-domestic disturbances, suspicious activities, unwanted, and ordinance violations. Based on the Clovis top 10 public incident locations, Beat 5 has the highest calls for officer assistance requests due to the Police Department being located in this beat, followed by Beat 4 and Beat 7.

In terms of traffic collisions, the intersection of Shaw Avenue and Willow Avenue has the highest number of collision incidents in both collisions with injuries and non-injuries followed by the intersection of Clovis Avenue and Shaw Avenue. Total collision reports for Clovis in 2022 was 902, up by 7.38% from 2021.¹⁸⁷ Friday is the highest day of collision reports with peak hours between 5:00 p.m. and 6:00 p.m.

According to CPD’s annual report, there were two homicides in 2022 and five homicides in 2021. According to Clovis’ 2022-23 City budget, Clovis is committed to maintain the “safest city in the Valley” recognition by providing quick and effective response to high priority calls for emergency services.

Response Times

Generally, CPD evaluates its performance based on call response times. The City of Clovis service calls are categorized into three types of calls: Priority 1 – imminent threat to life; Priority 2 – in-progress crime that could be against a person or property; Priority 3 – non-emergency, (i.e. cold reports of crimes, tows, etc.)

CPD’s response time goal for Priority 1 calls is less than five minutes. Response time goal for Priority 2 calls is less than 10 minutes and less than 15 minutes for Priority 3 calls.¹⁸⁸ Priority 1 average response time estimates for FY 2021-22 were at an average of 4.11 minutes compared to the previous year, which the

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.14 – Public Services.

actual average was 3.97 minutes.¹⁸⁹ The Department’s response times have slightly increased over the past year, in part due to the decrease in staffing levels and increases in call volume received by the CPD communications center.

As an indicator, the Clovis Police Department strives to have citizen survey responses show either "above average" or "excellent" service ratings at least 90 percent of the time. According to Clovis’ data, the police department had a 93 percent estimated approval rating for FY 2021-22, and a 94 percent approval rating for FY 2020-21.

As previously mentioned, during the 2022 calendar year, the CPD received 74,048 incident calls for service. In 2021, CPD received a grand total of 77,828 calls for incidents, which represents a 4.85 percent decrease.¹⁹⁰ During 2022, CPD received 41,297 public calls for incidents and 26,058 officer initiated incidents.¹⁹¹

CALIFORNIA CRIME INDEX (CCI) REPRESENTS THE NUMBER OF CRIMES PER 100,000 RESIDENTS. CLOVIS’ CRIME INDEX WAS ESTIMATED AT 583 CRIMES PER 100,000 RESIDENTS IN 2022, AND AT 628 ACTUAL CRIMES PER 100,000 IN 2021.

Service Demand

For 2022, the overall violent crime was down in the City of Clovis. At the same time, however, fraud and cases of theft increased. While it appears some non-violent crimes were also down, service calls for transient camps, mental health concerns, and shoplifting saw a dramatic increase.¹⁹² Gang activity increased in part due to the implementation of AB 109, prison realignment, and overcrowding issues at the local level.¹⁹³

As for crimes recorded with the Uniform Crime Reporting (UCR) system, those up in 2022 include forcible rape (14.7 percent increase), aggravated assault (1.8 percent increase), motor vehicle theft (4.4 percent increase), larceny theft (3.2 percent increase), and Federal Bureau of Investigation (FBI) total offenses (1.2 percent increase). Meanwhile, crimes that experienced a decrease in 2022 were homicide (60 percent decrease), burglary (11.3 percent decrease), California Crime Index (CCI) total offenses (2.7 percent decrease), arson (75 percent decrease), and robbery (9.8 percent decrease).¹⁹⁴

¹⁸⁹ City of Clovis 2022-23 Annual Budget.

¹⁹⁰ City of Clovis, Police Department, End of Year Report 2022.

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ City of Clovis 2022-23 Annual Budget.

¹⁹⁴ City of Clovis, Police Department, End of Year Report 2022.

Wastewater Services

Service Overview

This section of the MSR provides a general assessment of wastewater service management by the City of Clovis. The City of Clovis Public Utilities Department (Clovis PUD) provides collection, conveyance, treatment, and reclamation of wastewater generated by residential, commercial, and industrial sewer customers. The City of Clovis does not provide wastewater service outside of its corporate boundaries.

Wastewater Collection and Treatment Division

The Clovis Wastewater Division (Wastewater Division) operates under the direction of the Clovis PUD and is responsible for the operation and maintenance of Clovis' sewer collection and treatment system consisting of approximately 432 miles of sewer pipelines, lift stations, associated machinery and equipment including the Clovis Sewage Treatment/Water Reuse Facility (ST/WRF). The City's sewer system consists of an extensive network of underground sewer pipelines, lift stations, and pump stations necessary to collect wastewater from the source and to convey effluent for treatment. The City of Clovis conveys wastewater either to the Clovis ST/WRF or to the Fresno-Clovis Regional Wastewater Reclamation Facility (Fresno-Clovis RWRf). Additionally, the Wastewater Division manages a contract for the maintenance and operation of the City's ST/WRF.

The Wastewater Division is responsible for user rate analyses and master planning, monitors the City's wastewater rate production, plans capital projects, regulatory compliance, and manages the City's 11.6 percent ownership and capacity rights held at the Fresno-Clovis RWRf.

General Plan Goals and Policy

The City of Clovis 2014 General Plan Public Facilities and Service Element establishes goals and policies for its public facilities. The following Clovis General Plan goals and policies establish direction with regard to the City's wastewater and treatment services.

Public Facilities and Service Element – Goal 1: Reliable and cost-effective infrastructure systems that permit the city to sustainably manage its diverse water resources and needs.

- **Policy 1.1: New Development.** New development shall pay its fair share of public facility and infrastructure improvements.
- **Policy 1.3: Annexation.** Prior to annexation, the City must find that adequate water supply and service and wastewater treatment and disposal capacity can be provided for the proposed annexation. Existing water supplies must remain with the land and be transferred to the City upon annexation approval.
- **Policy 1.4: Development-Funded Facilities.** The City may require developments to install onsite or offsite facilities that are in excess of a development's fair share. However, the City shall establish a funding mechanism for future development to reimburse the original development for the amount in excess of the fair share costs.

- **Policy 1.5: Recycled Water.** Use recycled water to reduce the demands for new water supplies. Support the expansion of recycled water infrastructure throughout Clovis and require new development to install recycled water infrastructure where feasible.
- **Policy 1.6: Master Plans.** Periodically update water, recycled water, wastewater, and stormwater (developed and maintained by Fresno Metropolitan Flood Control District) master plans and require all new development to be consistent with the current master plans.
- **Policy 1.7: Groundwater.** Stabilize groundwater levels by requiring that new development water demands not exceed the sustainable groundwater supply.
- **Policy 1.8: Water Facility Protection.** Protect existing and future water, wastewater, and recycled water facilities from encroachment by incompatible land uses that may be allowed through discretionary land use permits or changes in land use or zoning designations.

Wastewater Collection System

The Wastewater Master Plan is a culmination of a multi-phase project to update the City’s 1995 Wastewater Master Plan Phase I-A. The City’s master plan provides long range planning and a course of action for the City to follow with respect to wastewater service needs through the year 2035 and beyond. The master planning process consists generally of developing design criteria, defining wastewater service areas, developing wastewater flow projections, analyzing and designing collection system pipelines, and summarizing results.

The Wastewater Collection Master Plan was developed by the City and consulting engineers with a focus on its service areas, wastewater flow projections and capacities, collection system analysis and design, master plan plats, regional trunk sewer system issues, flow metering of the Clovis trunk sewer lines, and elements of Clovis’ Wastewater System Infrastructure. Wastewater flow projections were determined for all areas within the Clovis sphere of influence (SOI) except for areas planned for rural residential development or agricultural uses. The Wastewater Collection Management Plan used the land use designations of the Clovis 2014 General Plan to project wastewater flow generation rates for land within the SOI.

In April 2017, the City updated its 2008 Wastewater Master Plan Update Phase II, by comprehensively assessing and updating the Master Plan to reflect necessary changes made by the 2014 Clovis General Plan land use diagram. This update, known as the Clovis Wastewater Master Plan Update Phase III, Wastewater Collection System Master Plan (2017 WCMP) was prepared for the City by Blair, Church & Flynn Consulting Engineers and approved by the City Council in April 2017.¹⁹⁵ The 2017 WCMP addresses planned growth, and it provides the City wastewater flow generation and sewer flow calculations using a Geographic Information System (GIS) based hydraulic modeling software.¹⁹⁶

¹⁹⁵ City of Clovis, Public Utilities, 2017 Wastewater Master Plan Update - Phase III.

¹⁹⁶ Ibid.

The 2017 WCMP planning area encompasses seven major service areas and is coterminous with the Clovis 2014 General Plan, extending beyond the SOI to account for future infrastructure needs in the City of Clovis' southeast, northwest, and northeast urban centers.

In 1998, the Clovis City Council adopted its Water and Sewer Repair Policy. This policy clarifies the City and private property owners' responsibilities concerning maintenance of the sewer pipes. Public sewer mains located within the City's rights-of-way are maintained by the City whereas the maintenance of sewer laterals that connect a City sewer main to the building or point of use is the responsibility of the property owner. All sewer connections and main construction are inspected by City Officials, in conformance with standards, specifications, and the Clovis Municipal Code Section 6.4.04.¹⁹⁷

The City's sewer service area is divided into seven major areas: Herndon, Fowler, Sierra, Peach, Northwest, Northeast, and Southeast. The City's sewer collection system conveys wastewater and discharges into four regional trunk lines – Herndon, Fowler, Sierra, and Peach. Sewage is ultimately conveyed to either the City of Clovis' ST/WRF or the Fresno-Clovis Regional Wastewater Treatment Facility. The regional trunk lines are connected to the City of Fresno's sewer system, enabling Clovis to convey wastewater to the Fresno-Clovis Regional Wastewater Reclamation Facility (Fresno-Clovis RWRf) located southwest of the City of Fresno near Jensen Avenue and Cornelia Avenue. The Clovis Southeast, Northwest, and Northeast trunk lines convey wastewater to the Clovis ST/WRF.¹⁹⁸

Clovis' Sewer System, Wastewater Management, and Water Reuse Facility

The following section provides a summary of Clovis' sewer infrastructure, water management, the Sewage Treatment/Water Reuse Facility (Clovis ST/WRF), and the City's share of the Fresno-Clovis RWRf.

Sewer cleaning operations are conducted by Clovis Wastewater Collection Division personnel using three sewer cleaning equipment trucks. They are a combination vacuum/high-pressure water jetting sewer-cleaning trucks. The City's goal is to clean every sewer main at least once annually. However, there are a few sewer segments that require cleaning more frequently due to maintenance issues.¹⁹⁹

Lift and Pump Stations

The sewer system in the Fresno-Clovis metropolitan area generally relies on gravity to convey wastewater. Lift stations and pumping stations are used when local topography prevents this. A lift station has a shorter sewer force main and is used to move wastewater vertically to a higher elevation, then continue to rely on gravity to convey wastewater toward its destination. A pump station, in contrast, has a longer force main and pumps wastewater horizontally to convey wastewater longer distances. The City's collection system includes six lift stations and two pumping stations. All lift stations have pumping redundancy and pump stations have backup generators for power outages. The two pump stations are used to divert and convey wastewater from the Fowler Trunk line to the Clovis ST/WRF.

The following is an inventory of pump and lift stations by location and function within the Clovis City Limits.

¹⁹⁷ City of Clovis, Public Utilities, 2019 Sewer System Management Plan.

¹⁹⁸ City of Clovis, Public Utilities, 2017 Wastewater Master Plan Update - Phase III.

¹⁹⁹ Ibid.

- Pump Station E – located at the northeast corner of Ashlan and Leonard Avenues. Pump Station E is designed to receive the combined wastewater flows from the Northwest, Northeast and Southeast Service Areas. Pump Station E discharges via a force main to the Clovis ST/WRF on the north side of Ashlan Avenue between Thompson and McCall Avenues.
- Pump Station B – located east of Fowler Avenue and south of Ashlan Avenue, just north of the Gould Canal. Pump Station B is primarily used to divert wastewater flow from the Fowler Trunk Sewer to the Clovis ST/WRF.
- Lift Station 1 – NW corner of Helm and Holland in the Peach Service Area
- Lift Station 3 – SE corner of Gettysburg and Phillip in the Peach Service Area
- Lift Station 5 – Tollhouse north of Barstow in the Peach Service Area
- Lift Station 6 – SW corner of Peach and Stuart in the Sierra Service Area
- Temporary Lift Station F/E – NE corner of Fowler and Everglade in the Herndon Service Area
- Temporary Lift Station S/N – West side of Sunnyside and south of Nees in the Herndon Service Area

An eighth existing pump station is not currently in use located at Barstow and Villa and would require significant work in the event it becomes necessary to be in service again.

Treatment Capacity

The Clovis ST/WRF opened in 2009 and is located north of Ashlan Avenue, between Thompson Avenue and McCall Avenue in the Loma Vista Specific Plan area. According to the 2017 WCMP, the Clovis ST/WRF has a current treatment capacity of 2.8 million gallons per day (mgd). The City expects that the planned phased expansion of the Clovis ST/WRF will increase its treatment capacity to up to 8.4 mgd and permit it to treat future flows from the Northwest, Northeast, and Southeast Service Areas. Treatment at this facility is expected to grow to 5.6 mgd or 6,273 acre-feet per year by approximately 2035, depending on growth and implemented alternative projects.

The 2017 WCMP observed that Clovis will need to plan to divert a portion of future flows generated by the Northwest, Northeast and Southeast Service Areas to its Fowler Service Area and convey the flow to the Fresno-Clovis RWRf for treatment. The City expects that the Fowler Trunk line and downstream sewer system are capable of accommodating the additional demand to the Fresno-Clovis RWRf. Per the 2017 WCMP, the City plans to acquire 0.881 mgd of treatment capacity at the Fresno-Clovis RWRf to make up the difference between Clovis' current capacity and the total planned capacity.

The City of Clovis has a current acquired amount of treatment capacity between the Clovis ST/WRF and Fresno-Clovis RWRf of 12.1 mgd, in contrast to the total planned treatment capacity of 18.581 mgd.²⁰⁰

According to the City, the Clovis ST/WRF produces a disinfected, tertiary-treated water supply that can be used for both landscaping and agricultural uses throughout the City. At its buildout capacity, the Clovis ST/WRF will be able to produce over 3 billion gallons of recycled water per year, the equivalent of the total water used by approximately 19,000 homes every year. Treated wastewater not used for City landscaping or adjacent agriculture use is currently sent to Fancher Creek where it is combined with seasonal surface flows for agricultural use. Treated wastewater can also be sent to the Little Dry Creek diversion channel.

Fresno-Clovis Regional Wastewater Reclamation Facility

The Fresno-Clovis RWRf is located on about 2,000 acres to the southwest of the City of Fresno. As a condition of a Federal Clean Water Grant, the City of Fresno was designated as the Regional Sewer Agency for the Fresno Clovis Metropolitan area in 1966. The City of Fresno owns and operates the Fresno-Clovis RWRf under a Joint Powers Agreement (JPA) with Clovis, who shares an equitable ownership interest in the RWRf. The County of Fresno and other smaller agencies are also wastewater dischargers to the RWRf, though governed under separate agreements. Wastewater generated within the Herndon, Fowler, Sierra, and Peach Service Areas is currently discharged to the Fresno-Clovis RWRf for treatment.

The Fresno-Clovis RWRf provides treatment for the Fresno-Clovis metropolitan area and is rated with a capacity of 88 mgd. Through the JPA, the City of Clovis has a current acquired treatment capacity of 9.3 mgd and rights to purchase additional capacity. The City of Clovis anticipates that an additional 0.881 mgd of treatment capacity will be necessary to accommodate future urban growth outside the current Clovis SOI. Additional treatment capacity at the RWRf can be acquired in increments of about 1.0 mgd as needed.²⁰¹

The Fresno-Clovis RWRf operates under the General Waste Discharge Requirements order from the California Regional Water Quality Control Board – Central Valley Region.²⁰² Effluent disposal is primarily accomplished through infiltration beds located at the facility and by direct application on agricultural fields for irrigation of non-food crops.

Up to five mgd of wastewater is also treated to disinfected tertiary recycled water standards as defined by Title 22 of the California Code of Regulations. This recycled water can be used for farming or landscape irrigation.²⁰³

Wastewater Treatment Capacity

²⁰⁰ City of Clovis, Public Utilities, 2017 Wastewater Master Plan Update - Phase III.

²⁰¹ City of Clovis, 2019 Sewer System Management Plan.

²⁰² City of Fresno, Public Utilities, Sewer & Wastewater, Fresno-Clovis Regional Wastewater Reclamation Facility. Web: <https://www.fresno.gov/publicutilities/sewer-wastewater/wastewater-facilities-infrastructure/#regional-wastewater-reclamation-facility>

²⁰³ Ibid.

Existing wastewater generation by the City of Clovis is estimated at about 7.9 MGD based on data from January 2022 through May 2023. Based on a 2022 population of approximately 124,000, the per person generation rate is approximately 65 gallons per person per day.

The City of Clovis has an available combined treatment capacity between Clovis ST/WRF (2.8 mgd) and Fresno-Clovis RWRf (9.3 mgd) of 12.1 mgd according to the 2017 WCMP. Based on the 2014 General Plan, the City plans for several phased projects to occur that will increase Clovis ST/WRF's wastewater treatment capacity from 2.8 mgd to 8.4 mgd.

Additionally, the City expects to purchase and acquire additional treatment capacity at the Fresno-Clovis RWRf that will increase its entitlement from the existing 9.3 mgd to 10.181 mgd. Together with the additional capacity developed in the future phase of the Clovis ST/WRF, the total additional treatment capacity will add 6.481 MGD, totaling 18.581 MGD of capacity in the future. Additional treatment capacity at the RWRf can be acquired in increments of about 1.0 mgd as needed by Clovis.²⁰⁴

Based on Clovis' 2014 General Plan, development of the City increases demand, the City plans to undertake multiple phased projects at the Clovis ST/WRF and expects to acquire additional treatment capacity at the regional plant that would provide the City a combined treatment capacity of 18.581 mgd at ultimate build out. Construction and financing of major sewer trunk lines, treatment capacity and recycled water transmission to serve City growth will be funded through development impact fees.²⁰⁵

Clovis' development standards, as well as the terms of the City-County Memorandum of Understanding stipulate that all urban development within the Clovis SOI, but outside the City limits, should be annexed into the City. At that time, the landowner can process the appropriate land use entitlements and the City can determine whether adequate water supply, wastewater treatment capacity, and water and wastewater conveyance capacities can be provided for the proposed annexation. The City of Clovis Planning and Development Services Department reviews all new development proposals and ensures that proposals are consistent with Clovis' adopted water, sewer, wastewater, and stormwater master plans.²⁰⁶

Planning Documents

City of Clovis 2019 Sewer System Management Plan

To provide a consistent, statewide regulatory approach to address sanitary sewer spills, the State Water Board adopted Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2022-0103-DWQ (Sanitary Sewer Systems General Order) on December 6, 2022. The Sanitary Sewer Systems General Order requires public agencies that own or operate sanitary sewer systems to develop and implement sewer system management plans and report all sanitary sewer spills to the State Water Board's online California Integrated Water Quality System (CIWQS) Sanitary Sewer

²⁰⁴ City of Clovis, Public Utilities, 2017 Wastewater Master Plan Update - Phase III.

²⁰⁵ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.17 – Utilities and Service Systems.

²⁰⁶ Ibid.

System Database.²⁰⁷ The City of Clovis last comprehensively updated its Sewer System Management Plan in July 2019, with smaller updates since then.

The Clovis SSMP element identifies the City’s goals for the management, operation, and maintenance of the sewer system and discusses the role of the SSMP in supporting these goals. These goals will provide direction to City staff to focus efforts on maintaining the system and making improvements.

Regulatory requirements state that at minimum, the City shall conduct periodic internal audits of the SSMP every two years, and the report must be kept on file with City officials. The most recent audit was completed by the City in 2021. The purpose of the audit shall focus on evaluating the effectiveness of the SSMP and the City’s compliance with the requirements of the SSMP. The audit shall also include the identification of any deficiencies in the City’s SSMP and identify steps to correct such deficiencies.²⁰⁸

During Clovis’ fiscal years (FY) 2019-2020 and 2020-2021, the City of Clovis sanitary sewer collection system underwent minimal system changes. According to the audit, development within the Clovis’ sewer collection system has been rapid with residential development leading the way. During this audit period, the Southeast Service Area (Loma Vista) remains the primary area of development with infill projects in the Northeast Service Areas and new residential housing tracts in the Northwest Service Area (Heritage Grove). The collection system slightly increased with new development located primarily in the southeast service area of the City (Loma Vista), which has adequate sewer capacity, and newer infrastructure is in place.

Over the past two years, no new major facilities or projects have been initiated or completed by the City which would impact how the collection system operates. One new residential lift station was added to the system during this audit period. Since the first SSMP audit in 2015, the sanitary sewer collection system has grown steadily from 342 miles of sewer mains in 2013 to 432 miles in 2023, a 26 percent increase. The collection system remains well-positioned to convey sewage waste safely and effectively throughout Clovis to treatment facilities.

City of Clovis, Wastewater Master Plan Update, Phase III

The Clovis Wastewater Master Plan Update Phase III, Wastewater Collection System Master Plan (2017 WCMP) is the last phase of an effort the City began in 1995 to update the City’s Wastewater Master Plan. The 2017 WCMP addresses planned urban growth as presented in the 2014 Clovis General Plan.²⁰⁹

The 2017 WCMP is a policy document that provides direction to City staff with regard to ongoing community planning and development activities in the City in conformance to the 2014 Clovis General Plan, and necessary updates may be warranted in response to future general plan updates.

²⁰⁷ California Water Boards, State Water Resources Control Board, General Order Information. Web: https://www.waterboards.ca.gov/water_issues/programs/sso/

²⁰⁸ City of Clovis, 2019 Sewer System Management Plan.

²⁰⁹ City of Clovis, Public Utilities, 2017 Wastewater Master Plan Update - Phase III.

Sewer System Finances and Staff Levels

The sewer service operation consists of three key funds within the City’s budget. The sewer service fund, sewer construction–enterprise fund, and sewer construction-developer fund. The sewer service fund is self-supporting from sewer user fees. It accounts for the operation and maintenance of Clovis’ sanitary sewer system, including operating costs of the City’s share of Fresno-Clovis RWRf. The sewer construction-enterprise fund accounts for capital expenditures associated with construction and expansion of the City’s sewer mains. Funds are transferred into the fund from the Sewer Service Fund for user-related projects and from the City’s Developer Trust Fund as reimbursements are made for developer projects. The sewer construction-developer fund accounts for the revenue from developer fees from the Major Facilities Sewer charge, and accounts for capital improvements for major trunk sewer projects and expansion at the treatment plant.²¹⁰

City customers are billed bimonthly for service per the City’s adopted rates. User rates consist of charges for the maintenance of sewer lines, treatment of wastewater, operation of the Sewer Treatment/Water Reuse Facility, and fees to meet the City’s sewer bond covenants. The City of Clovis sewer service revenue is projected to grow proportionately to new units, along with rate increases of three percent annually if deemed necessary by the City Council. Increases of three percent are projected for FY 2022-23 through FY 2024-25.²¹¹

In 2012, the City implemented a sewer bond coverage charge that is billed to all city sewer users to partially cover the debt service on development-related bonds. Each year the coverage charge is evaluated by the Public Utilities Department for any revision necessary to meet required bond coverage. If any coverage revisions are needed, the Public Utilities Department forwards the appropriate coverage adjustment for the City Council’s confirmation. Beginning July 1, 2021, no bond change is projected through June 30, 2025.²¹²

The wastewater system is operated and maintained by a staff of 16 employees consisting of administration, engineers, maintenance workers, inspectors, and utility workers. The Clovis Wastewater Collection and Treatment Division’s operating budget is fully funded by user fees, and it annually amounts to \$18,632,500.²¹³

Expansion of the Wastewater Collection System is an obligation of new development and expansion projects are funded by development impact fees. The City sewer impact fees and connection fees are established and collected by the Public Utilities Department. Pursuant to the Clovis 2014 General Plan policy, new developments are required to pay for their fair share of public facility and infrastructure improvements and may be required to install onsite or offsite facilities in excess of a development’s fair share.²¹⁴

²¹⁰ City of Clovis, 2022-23 Annual Budget, page 11.

²¹¹ City of Clovis, 2022-23 Annual Budget, page 41.

²¹² Ibid.

²¹³ City of Clovis, 2022-23 Annual Budget, page 181.

²¹⁴ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.17 – Utilities and Service Systems.

The Fresno-Clovis RWRf operates under the City of Fresno’s management. Clovis’ sewer capacity ownership at the Fresno-Clovis RWRf is paid by the City, and the City recovers its cost from Clovis’ user accounts. Capacity ownership fees are adjusted through the JPA, which may consist of collectively modifying or updating the mutual contracts held at Fresno-Clovis RWRf.

Construction and financing of regional sewer trunk lines, treatment capacity and recycled water transmission to serve growth is funded in the City of Clovis with development impact fees as stated in Clovis Municipal Code Section 6.4.03, which authorizes charges for sewer connections, including charges to fund construction of sewer mains and of house branches extending from sewer mains to property lines. The amounts of such fees are set forth in the City’s Master Development Fee Schedule.

Sewer Bonds

Local agencies can secure municipal service bonds to construct or expand a public water or sewer system. A utility service bond is secured by the revenue that the utility service can derive in the course of its operation. The local agency does not back the bond itself; however, the agency is responsible to repay the principal and interest bonded. An agency is able to collect fees from its utility ratepayers to repay the bond holders. Clovis has been able to finance various projects with very attractive rates due to the City’s favorable credit rating.²¹⁵

The following list summarizes the City’s sewer bonds:

- In March 2007, the City issued the 2007 Wastewater Revenue Bonds to pay for the initial phase of construction of Clovis’ ST/WRF. The bond paid for construction of Clovis’ sewer treatment water reuse facility, pump stations, recycled water mains, deep sewer trunk lines, and additional force mains. The amount of the bond was \$68,540,000, and as of August 2017, the City has repaid the full amount.²¹⁶
- In July 2013, the City issued the 2013 Sewer Enterprise Revenue Bonds for \$12,500,000 to refinance the 1998 Sewer Enterprise Revenue Bonds for which proceeds were used to refund the 1991 Fowler Trunk Contract payable to the City of Fresno, and the 1991 Armstrong Trunk Certificates of Participation. The City’s 2022-23 budgeted payment is \$615,000 for principal and \$404,000 for interest. The City’s last payment is scheduled for FY 2027-28.
- In August 2015, the City issued the 2015 Wastewater Refunding Revenue Bonds for the purpose of refunding the \$21,600,000 of outstanding 2005 Wastewater Bonds. The Wastewater bonds were issued to pay for the initial phase of construction of Clovis’ Wastewater Treatment Plant, a pump station, sewer trunk, and a force main. The City’s 2022-23 budgeted payment is \$180,000 for principal and \$866,000 for interest. The City’s last payment on the 2015 bond is scheduled for August 2035, the same as the refunded 2005 bonds.

²¹⁵ City of Clovis, 2022-23 Annual Budget, page 47.

²¹⁶ City of Clovis, 2017-18 Annual Budget, page 54.

- In August 2017, the City issued the 2017 Wastewater Refunding Revenue Bonds for the purpose of refunding the \$50,710,000 of outstanding 2007 Wastewater Bonds, which was previously mentioned. The City's 2022-23 budgeted payment is \$1,635,000 for principal and \$2,201,000 for interest. The final payment on the 2017 Bonds is scheduled for August 2039, the same as the refunded 2007 bonds.²¹⁷

According to the Clovis' budget, in FY 2022-23, the Sewer Construction-Developer Fund has no current plans to borrow from the Sewer Enterprise Fund to meet required bond covenants. The interest rate on the loan is variable and is set at the annual rate of return earned by the City's pooled cash and will be paid annually. Repayment will begin when development fee revenue exceeds revenue bond payment requirements.²¹⁸

In 1993, the City of Fresno issued Revenue Bonds for the upgrade and expansion of the Fresno-Clovis Regional Wastewater Treatment Plant. The City of Clovis is obligated contractually to the City of Fresno to make semi-annual payments based on Clovis' 8.11 percent share of the project. Clovis' FY 2022-23 budgeted payment is \$1,152,000 for principal and \$81,000 for interest. The final payment is scheduled for September 2023.²¹⁹

Infrastructure Needs

The City has prepared several master planning documents that provide policy direction for the wastewater collection and conveyance system, wastewater treatment systems, and recycled water facilities. The master service plans are reviewed and updated by the City on an annual basis to ensure that the City has sufficient capacity to meet existing and future service demands. As noted earlier, the City participates in a biennial audit as required by the California State Water Resources Control Board for owners of wastewater collection systems with more than one mile of pipeline to adopt and implement a Sewer System Management Plan (SSMP).²²⁰

The City's infrastructure requires routine system maintenance and regular preventative maintenance. Preventive maintenance is focused on critical, high-maintenance sewer mains that require more frequent inspection, maintenance and/or repair. Inspection of sewer lines using closed circuit television (CCTV) is done on a scheduled and systematic basis.

The annual Community Investment Program (CIP) is regularly reviewed and updated for projects that address infrastructure needs. Additionally, the City also updates its five-year CIP based on City trends, infrastructure need, and development interest to identify potential projects consistent with the vision of the 2014 General Plan.

According to the Clovis 2017 WCMP, the City plans for several infrastructure projects for the period of 2017 through 2027. Implementation of the 2017 WCMP will include following sewer-related capital improvement projects:

²¹⁷ City of Clovis, 2022-23 Annual Budget, page 52.

²¹⁸ City of Clovis, 2022-23 Annual Budget, page 49.

²¹⁹ City of Clovis, 2022-23 Annual Budget, page 52.

²²⁰ City of Clovis, 2021 Sewer System Management Plan Audit Report, May 2022.

- **CIP Project 6-A** consists of a force main system of two parallel force main pipelines approximately 4.6 miles in length, together with a pump station near the intersection of Shepherd and Willow Avenues. This project will convey flow along Shepherd Avenue from Willow Avenue to the DeWolf Trunk Sewer at DeWolf Avenue.
- **CIP Project 6-B** consists of approximately 2.4 miles of DeWolf Trunk Sewer improvements ranging from 24 to 36 inches in diameter on the DeWolf Avenue alignment, from Owens Mountain Parkway to Bullard Avenue.

Both projects are proposed for implementation by approximately 2035, or longer should the City implement alternative projects. Completion of both projects will enable the City to convey wastewater from the Northwest Urban Center to the Clovis Surface Treatment/Water Recycling Facility (ST/WRF).²²¹

- **CIP Projects AA through EE** consists of several wastewater treatment projects including the Phase II and Phase III expansion of the Clovis ST/WRF.

Additionally, City of Clovis intends to purchase additional wastewater treatment capacity at the Fresno-Clovis RWRf from the City of Fresno. Estimated capacity costs have been made by the City of Clovis, based on City records, however estimated cost will need to be refined prior to the City of Clovis making the purchase.²²²

- **CIP Project A and CIP Project B** are optional wastewater conveyance projects that could be constructed to delay the implementation of CIP Project 6-A, should such delay be considered necessary or advisable to the City.

CIP Project A consists of a pump station that would be sited near the intersection of Clovis Avenue and Herndon Avenue, together with a 1.6 mile force main system in Herndon Avenue that would convey some flow diverted from the Herndon Trunk Sewer to the Armstrong Trunk Sewer at Armstrong Avenue, in the Fowler Service Area.

CIP Project B consists of a pump station that would be sited near Willow Avenue and Spruce Avenue, together with a 0.64 mile force main system along Willow Avenue that would convey some flow diverted from the Herndon Trunk Sewer to the Sierra Trunk Sewer.

By diverting flow from the Herndon Trunk Sewer, these projects could extend the time in which interim sewer capacity could be provided in the Herndon Trunk Sewer for early development in the Northwest Urban Center and the Dry Creek Preserve area.

CIP Project A alone could delay implementation of Project 6-A by approximately two years. In combination with CIP Project B, the two optional projects could delay implementation of Project 6-A up to four years.

²²¹ Ibid.

²²² Ibid.

- **2018 Report of Wastewater Service Considerations for the Northwest Service Area** is a supplemental Wastewater Master Plan report that presents optional wastewater conveyance projects that could be constructed to further delay the implementation of CIP Project 6-A and 6-B and even project AA.

Service Adequacy

This section examines indicators of service adequacy, including regulatory compliance, treatment effectiveness, sewer overflows, and collection system integrity.

The City operates the Clovis ST/WRF under the provisions specified in Waste Discharge Requirements (WDR) Order No. R5-2019-0021 issued by the California Regional Water Quality Control Board Central Valley Region. Clovis' WDR order was adopted by the State on April 4, 2019.²²³ Order No. R5-2019-0021 was issued pursuant to section 402 of the federal Clean Water Act and implementing regulations adopted by the United States Environmental Protection Agency (EPA) and chapter 5.5, division 7 of the Water Code (commencing with section 13370).

The City of Clovis contracts with Jacobs Engineering Group, Inc. to operate the Clovis ST/WRF. The treatment system consists of primary, secondary, and tertiary units. Wastewater flows from the primary treatment units into two main bioreactor trains used for secondary treatment. Each bioreactor train consists of two anoxic zones followed by one aerobic zone with two aeration grids. Flow from the aerobic zone is pumped to the membrane filtration units, which provide tertiary treatment. The tertiary-treated effluent is disinfected using an ultraviolet light (UV) for disinfection system. Disinfected tertiary-treated wastewater is stored in a 3.08 million gallon bolted-steel tank. A second 3.08 million gallon bolted-steel tank will be added with the completion of Phase II.

Solids are passed through a solids reduction process utilizing interchange tanks. Following the interchange tanks, the reduced solids are purged into the digester and sent to dewatering equipment. The dewatered biosolids are hauled offsite to the Clovis Municipal Solid Waste Landfill or to a Class B Solids land application facility or composting facility. Transportation and disposal/reuse of the biosolids are regulated by the EPA under 40 C.F.R. part 503.

The order also serves as the National Pollution Elimination Discharge System (NPDES) permit for point source discharges from this facility to surface waters. The City's NPDES permit is NPDES No. CA0085235, which also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This order also serves as a Master Recycling Permit pursuant to article 4, chapter 7, division 7 of the Water Code (commencing with section 13500).

Under the several regulating programs, the City of Clovis is required to provide regular self-monitoring reports to the RWQCB on a quarterly basis, and contain information pertaining to flow records, construction activity, permit compliance, etc. As previously noted in the City's planning efforts, the City is currently in Phase I and expects that the various planned projects at the Clovis ST/WRF will address

²²³ California Regional Water Quality Control Board (RWQCB), Central Valley Region, Order R5-2019-0021, City of Clovis. Web: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/fresno/r5-2019-0021.pdf

existing effluent limitations and discharge prohibitions associated with Phases I and II.²²⁴ Furthermore, the City’s biennial audit of the City of Clovis’ SSMP provides for the City to allocate resources toward improvements or enhancements of the City’s sewer collection system.

At the time this service review was prepared, the City of Clovis informed LAFCo that the City’s wastewater collection system is in “good-to-exceeding standards” operational condition. Field operations, management, and support staff routinely demonstrate a high level of dedication to maintaining all components of the system. The Public Utilities Department continues to invest in equipment and professional staff training to maintain sewer system reliability. Sanitary Sewer Overflows have been low in number and have not negatively affected the environment.

City growth has been rapid, but maintained within planned growth areas. Collection and Treatment systems operate below design capacities with available capacity for growth. Planned development into the Northwest Service Area is in the early stages. The growth area will require expansion of the current sanitary sewer system including a future pump station and force mains, which are currently being installed with associated development. Planning for the growth continues to be an active process shared between Public Utilities and Planning and Development Services staff working in collaboration on design, phasing and reviewing financial forecasts. With growth comes increased demands for sewer service. Currently, the City of Clovis is well-positioned to meet these demands.²²⁵

²²⁴ City of Clovis, Public Utilities, 2017 Wastewater Master Plan Update - Phase III.

²²⁵ City of Clovis, 2021 Sewer System Management Plan Audit Report, May 2022.

Water Services

Service Overview

This section of the MSR provides a general assessment of water service provided by the City of Clovis. The City of Clovis Public Utilities Department (Clovis PUD) Water Division is responsible for the production and distribution of the City's water supply. The City's water infrastructure consists of a public water distribution system, wells and disinfection facilities, water storage facilities, and a surface water treatment facility. The City also develops a recycled water supply from its Sewage Treatment/Water Reuse Facility (ST/WRF) that is strictly used for City and California Public Health Department approved uses, i.e. landscape irrigation or construction.

The Water Division manages the City's groundwater recharge programs, the recycled water system, city contracts, joint power agreements, and master planning of the City's water infrastructure. The Water Division performs water quality tests and reports, water system compliance, water conservation programming, groundwater recharge, and planning consistent with State regulations.

Water Division

The Water Division operates under the direction of the Clovis PUD. The Water Division headquarters is located at 155 North Sunnyside Avenue, Clovis. The Clovis water system consists of 600 miles of water lines, 36 active wells, a 0.5 MG elevated storage tank, two 2.0 MG above ground storage tanks, a 2.5 MG above ground storage tank at the SWTP, recharge basins, and associated machinery and equipment including the Clovis Surface Water Treatment Plant (Clovis SWTP). As of 2023, the City provides municipal potable water to almost 40,000 metered water connections.²²⁶

General Plan Goals and Policy

The Clovis 2014 General Plan Public Facilities and Service Element and the Open Space and Conservation element establish policies for its public facilities. The following general plan policies establish direction with regard to the City's water services.

Public Facilities and Service Element – Goal 1: Reliable and cost-effective infrastructure systems that permit the city to sustainably manage its diverse water resources and needs.

- **Policy 1.1: New Development.** New development shall pay its fair share of public facility and infrastructure improvements.
- **Policy 1.2: Water Supply.** Require that new development demonstrate contractual and actual sustainable water supplies adequate for the new development's demands.

²²⁶ City of Clovis, 2020 Urban Water Management Plan Update, adopted July 12, 2021; Annual Budget-at-a-Glance 2023-24.

- **Policy 1.3: Annexation.** Prior to annexation, the City must find that adequate water supply and service and wastewater treatment and disposal capacity can be provided for the proposed annexation. Existing water supplies must remain with the land and be transferred to the City upon annexation approval.
- **Policy 1.4: Development-Funded Facilities.** The City may require developments to install onsite or offsite facilities that are in excess of a development's fair share. However, the City shall establish a funding mechanism for future development to reimburse the original development for the amount in excess of the fair share costs.
- **Policy 1.5: Recycled Water.** Use recycled water to reduce the demands for new water supplies. Support the expansion of recycled water infrastructure throughout Clovis and require new development to install recycled water infrastructure where feasible.
- **Policy 1.6: Master Plans.** Periodically update water, recycled water, wastewater, and storm water master plans and require all new development to be consistent with the current master plans.
- **Policy 1.7: Groundwater.** Stabilize groundwater levels by requiring that new water development demands not exceed the sustainable groundwater supply.
- **Policy 1.8: Water Facility Protection.** Protect existing and future water, wastewater, and recycled water facilities from encroachment by incompatible land uses that may be allowed through discretionary land use permits or changes in land use or zoning designations.

Open Space and Conservation Element – Goal 3: A built environment that conserves and protects the use and quality of water and energy resources.

- **Policy 3.3: Well Water.** Prohibit the use of new private wells in new development.
- **Policy 3.4: Drought-Tolerant Landscaping.** Promote water conservation through the use of drought tolerant landscaping on existing and new residential properties. Require drought-tolerant landscaping for all new commercial and industrial development and city-maintained landscaping, unless used for recreation purposes.
- **Policy 3.5: Energy and Water Conservation.** Encourage new development and substantial rehabilitation projects to exceed energy and water conservation and reduction standards set in the California Building Code.

City Water Plans

The City plans for its water supply through various master plan documents. The following City plans identify Clovis' vision for its existing and future water resources.

- **Clovis Urban Water Management Plan 2020 Update (UWMP)** – ensures efficient use of urban water supplies, continues to promote conservation programs and policies, ensures that sufficient

water supplies are available for future beneficial use, and provides a mechanism for response during water drought conditions per the City’s Water Shortage Contingency Plan (WSCP). The UWMP is updated every five years; thus, the next UWMP is scheduled for 2025.

- **Clovis 2017 Water Master Plan Update Phase III (2017 Water Master Plan)** – examines the feasibility of Clovis’ planned growth as identified in its 2014 General Plan. The 2017 Water Master Plan considers urban growth from a water resources perspective and develops a plan for future water public facilities for the City to implement as the City experiences eastern and northern outward growth. Water supplies considered include surface, groundwater, and reclaimed water.
- **Clovis 2017 Recycled Water Master Plan (RWMP)** – provides an evaluation of the City’s current recycled water resources and best management practices. The 2017 RWMP identifies potential recharge/recycling opportunities based on the City’s 2014 General Plan land use designations, and conditions of the City’s existing public facilities. The 2017 RWMP also provides analysis for future water demands, and potential projects that increase recycled water opportunities that may offset future water demand.
- **Groundwater Sustainability Plan (GSP)** – outlines the statutory framework and groundwater management for the North Kings Groundwater Sustainability Agency (NKGSA), of which the City of Clovis is a member, in response to the Sustainable Groundwater Management Act of 2014 (SGMA) and codified in California Water Code Section 10720 *et seq.*

Regulations and Clovis’ Water Distribution System

The City relies upon groundwater, surface water, and recycled water to serve its ratepayers. Surface water is treated at the Clovis Surface Water Treatment Plant located near Bullard and Leonard Avenues or is used for recharge at the Marion Recharge Basins located at Alluvial and Sunnyside. The City regularly tests its entire water system, from wells to service connection points to collect water quality samples that are reported to the State Water Resources Control Board, Division of Drinking Water (SWRCB).

The City’s potable water is supplied from surface water and groundwater wells. The City of Clovis operates its Surface Water Treatment Plant, groundwater wells, and distribution system under Revised Domestic Water Supply Permit No. 03-12-19P-003 dated January 16, 2019, and Amendment to the Domestic Water Supply Permit No. 09-12-20PA-012 dated August 28, 2020.

Groundwater Supply

The City has historically relied primarily on groundwater supplies; however, with the startup of the surface water treatment plant (SWTP) in 2004, that reliance has shifted. Groundwater extraction has been reduced since 2016 and is expected to continue to be reduced or stabilize, and the use of surface water will continue to increase to meet new demands. The City continues to increase its surface water and recycled water supply usage to a point where the groundwater extraction is not greater than the

sustainable yield in a normal year, or extraction is offset with intentional recharge. In 2020, groundwater pumping accounted for 26 percent of the City’s total available water supply.²²⁷

The City’s groundwater supply is currently drawn from 36 active groundwater wells and one additional well currently on standby, which has a total capacity of approximately 37,690 gallons per minute (gpm). There are six planned wells, adding a planned capacity of 4,750 gpm and bringing the total well capacity to 42,440 gpm. Two of the existing active wells (well 10 and well T-5) are offline due to 1, 2, 3-trichloropropane (TCP) and polyfluoroalkyl substances (PFAS) water quality concerns, and one well is listed as standby due to iron and manganese concerns.²²⁸

During the 2020 calendar year, the City pumped 12,105 acre-feet (AF) of groundwater from its 36 available wells and conducted 5,316 AF of intentional recharge activities. Groundwater pumping for years 2016 through 2020 averaged to 12,048 AF. For sustainability purposes, it is presently understood by the City that 9,400 AF per year can be sustainably used from the aquifer; however, the Sustainable Groundwater Management Act implementation may affect that number in the future.²²⁹

According to the 2017 Water Master Plan, the City’s largest production well is Well No. 26 at 2,200 gpm, and the lowest production well is Well No. 23 at 300 gpm. Of the City’s active wells, average production is 1,200 gpm.²³⁰

Intentional recharge is highly dependent on precipitation and will vary year to year, declining greatly during dry water years. In drought conditions, the City’s ability to recharge groundwater is reduced due to decreased surface water supplies. Based on the City’s 30-year average, the intentional groundwater recharge average amounted to approximately 8,412 AFY, whereas for years 2014 through 2016, drought conditions resulted in greatly reduced recharge amounts averaging 2,279 AFY. In 2020, the City had an intentional recharge amount of 5,316 AF as noted earlier.²³¹

The 2017 Water Master Plan Phase III indicates that all active wells are in good condition. Most City wells have a 60-year life expectancy, and the City regularly conducts field assessments to determine necessary maintenance projects. According to the 2017 Water Master Plan, the City has plans to construct six new wells and an additional 80 acres of recharge basins.

Surface Water Supply

Much of the City overlies the Fresno Irrigation District (FID). The City has access to surface water through several contracts, all of which are delivered to the City via FID. The various surface water supplies are from the Kings River and Friant Division of the Central Valley Project.

The City’s water allocation from FID, per the Cooperative Agreement, is dependent on the type of water year for water scenarios: normal/average year, single-dry year, or multiple-dry year periods. During an average/normal water year, the City’s current entitlement would equate to approximately 28,000 AF. The

²²⁷ City of Clovis, 2020 Urban Water Management Plan, page 6-18.

²²⁸ City of Clovis, 2020 Urban Water Management Plan, well 10 and well T-5.

²²⁹ City of Clovis, 2020 Urban Water Management Plan, page ES-4.

²³⁰ City of Clovis, Water Master Plan Update - Phase III, page 4-6.

²³¹ City of Clovis, 2020 Urban Water Management Plan, page ES-3.

City's allocation from the Kings River is proportional to the total acreage of the City's included area to the total FID area receiving water. According to the UWMP, the City has received on average 17,011 AFY, though this has varied from 9,452 AF in the severe drought of 2015 to over 24,958 AF in 2017.

During the development of this service review, Clovis' Water Division informed LAFCo that the City will receive an estimated 39,000 AF of its surface water entitlement in 2023.

The City and FID are also parties to a Firm Surface Water Supply Agreement effective September 1, 2019. Under the Firm Water Supply Agreement, FID agrees to develop and make available to the City a new firm annual water supply of up to 7,000 AFY. The maximum annual supply was initially set at 1,000 AF and increase each year until the maximum of 7,000 AF annually is to be reached in 2045. Unlike the water supply from the Cooperative Agreement, this supply is irrespective of the type of water year experienced, making it a firm water supply.

The City's SWTP is permitted for operation at a maximum flow rate of 22.5 million gallons per day (gpd). The Clovis SWTP is classified as a T5 water treatment facility by the State Water Resources Control Board, and the City treats this water supply in accordance with Title 22 of the California Code of Regulations.²³² A review of the SWRCB's sanitary survey reports shows that the City has not received any enforcement action since the last sanitary survey for the Clovis SWTP.

Water Service Demand

As of 2020, the City provided service to approximately 36,351 water connections, which were comprised of residential and nonresidential customers.²³³ Its average daily water consumption is 22.2 mgd. The demands for water consumption were met with an estimated delivery of 26,000 AF, which also includes the Tarpey Village population.²³⁴

OF THE TOTAL AMOUNT OF POTABLE WATER DISTRIBUTED IN 2020, RESIDENTIAL HOMES ACCOUNTED FOR 67 PERCENT AND NONRESIDENTIAL CONNECTIONS ACCOUNTED FOR 33 PERCENT.

According to the City of Clovis water permit issued by the State Water Resource Control Board, Division of Drinking Water, the total system source capacity of the City's groundwater wells is approximately 36,564 gpm. The City has a combined total source capacity of approximately 52,254 gpm using the 36 active wells and the Clovis SWTP.²³⁵

According to the State's data, the City's public water system has adequate source capacity to supply the maximum day demand (MDD) of approximately 33,792 gpm. The City meets peak demands with active sources (groundwater and surface water), storage, and standby sources.

Projected Water Demand

²³² City of Clovis, Amendment to the Domestic Water Supply Permit, page 6.

²³³ California Water Boards, State Water Resources Control Board, City of Clovis Water Permit Amendment No. 09-12-20PA-012, 2020 Sanitary Survey, August 28, 2020.

²³⁴ City of Clovis, 2022-23 Annual Budget, page 161.

²³⁵ California Water Boards, State Water Resources Control Board, City of Clovis Water Permit Amendment No. 09-12-20PA-012, 2020 Sanitary Survey, August 28, 2020, page 3.

The City’s 2020 Urban Water Management Plan projects water demands for 2025 through 2040 based on City adopted land uses via 2014 Clovis General Plan.²³⁶ The City anticipates that emerging State conservation laws and development of the Sustainable Groundwater Management Act will further restrict future planned water usage. Additionally, higher density housing could offset or change future planned water usage. In the City’s 2020 UWMP, the City identified the following water demand projections for surface water, groundwater, and recycled water supplies as growth of the City occurs.

Table 7. City Water Potable and Raw Water Demand by Sector

Use Type	Additional Description	Projected Water Use (AF) [1]			
		2025	2030	2035	2040
Single Family	Includes Residential Landscaping	18,546	18,558	20,353	22,327
Multi-Family	Includes Residential Landscaping	2,713	2,715	2,978	3,266
Commercial	Includes schools	3,052	3,346	3,670	4,026
Institutional		852	934	1,025	1,124
Industrial		324	355	389	427
Landscape [2]	Portable Water	1,336	1,465	1,607	1,763
Other	Construction	93	101	111	122
Losses [3]	Accounts for real and apparent losses	1,321	1,449	1,589	1,743
Intentional Groundwater Recharge [4]		8,400	8,400	8,400	8,400
Total		36,637	37,324	40,122	43,198

Notes:
 [1] Projected water is based on the 2020 Water Use Target of 199 gallons per capita per day (gpcd) for non-residential uses and 183 gpcd and 167 gpcd for residential uses.
 [2] Recycled water is not reported in this table.
 [3] Water loss is the total water supplied minus authorized consumption.
 [4] Based on the 30-year average intentional recharge the City has conducted since 1990.

Table 8. Projected Surface Water Supply Demand

Supply Source	2020 (AF)	2025 (AF)	2030 (AF)	2035 (AF)	2040 (AF)
Kings River [1]	18,039	19,227	22,717	26,208	32,100
FID Agreement [2]	0	2,500	4,000	5,000	6,000
CVP Class II	0	433	867	1,300	1,300
GWD Class I	0	550	1,100	1,650	1,750
IWD Class I	0	0	500	1,000	1,200
Total	18,039	22,710	29,184	35,158	42,350

Notes:

²³⁶ City of Clovis, 2020 Urban Water Management Plan, page 4-7.

[1] Kings River supply includes surface water supplies from both the City’s agreement with FID, including a cap at 7.12% of the FID area on the first agreement (equating to 32,100 AF and anticipated to be reached in 2040 based on the City’s growth rate) and an additional 7,000 AF firm water supply by 2045. Both provisions are shown in the 2019 agreement.
 [2] Per the 2019 FID Agreement, up to 1,000 AF in 2020 and up to 7,000 AF in 2045, Firm Supply

According to Clovis’ 2020 Urban Water Management Plan, the table below summarizes the City’s anticipated combined groundwater and surface water supplies and demand for 2025 through 2040 in a normal/average year. Overall, the City expects that water supplies would exceed anticipated demand as City growth occur through 2040.

Table 9. Normal Year Supply and Demand Comparison

	2025	2030	2035	2040
Supply Totals	50,739	58,937	65,034	74,650
Demand Totals	39,737	42,824	46,422	52,598
Difference	11,002	16,113	18,612	22,052
Units: AF				

Water Supply Reliability

The City pumps groundwater from a non-adjudicated aquifer known as the Kings Subbasin. This subbasin is part of the larger San Joaquin Valley Groundwater Basis within the Tulare Lake Hydrologic Region of California, as designated by the California Department of Water Resources.²³⁷ Though the subbasin has been identified in a state of critical overdraft, there are no current pumping restrictions. The City’s use of groundwater is subject to the Sustainable Groundwater Management Act (SGMA), and groundwater extraction will be regulated by the North Kings Groundwater Sustainability Agency (NKGSA). The City anticipates that its recharge programs and water banking facilities will help Clovis balance its long-term groundwater use.

DETERMINING THE WATER SUPPLY RELIABILITY IS COMPLEX AND VARIES ACCORDING TO LEGAL ISSUES, ENVIRONMENTAL CONSTRAINTS, WATER QUALITY, AND CLIMATIC VARIATIONS.

The Kings River surface water supply is conveyed to the City by the Fresno Irrigation District (FID). Annual precipitation and snowmelt levels influence the City’s surface water allocation. According to the Clovis 2020 Urban Water Management Plan, the City’s water contract with Fresno Irrigation District is considered reliable; however, surface water allocations are vulnerable to drought conditions.

The City considers recycled water supplies a consistent source. Its current supply is limited by existing infrastructure. The City’s 2017 Recycled Water Master Plan anticipates that recycled water supply will increase with city growth and the commensurate construction of recycled water distribution infrastructure.

Overall, the City’s 2020 Urban Water Management Plan evaluates Clovis water reliability based on these scenarios: normal/average year, single-dry year, and multiple-dry year period. During a single dry year, the City’s surface water supplies are anticipated to be reduced by as much as 66 percent. The City’s projected single dry year supply and demand from 2025 through 2040 are shown below.²³⁸ During a single

²³⁷ California Department of Water Resources, “California’s Groundwater Update 2020,” Bulletin 118.

²³⁸ City of Clovis, 2020 Urban Water Management Plan, page 7-5.

dry year, surface water supplies are prioritized for City customers; demand for recharge surface water supply is reduced by eliminating the City’s recharge activities. Under drought conditions, the City implements the water shortage contingency plan as necessary.

Table 10. Single Dry Year Supply and Demand Comparison

	2025	2030	2035	2040
Supply Total	37,838	43,586	47,233	53,109
Demand Total	34,272	37,359	40,957	47,133
Difference	3,567	6,228	6,276	5,976
Units: AF				

Infrastructure Needs

The City’s Community Investment Program provides a process for developing the logical order of construction of projects identified in the City’s 2020 Urban Water Management Plan. The City also evaluates its various master plans so that capital projects support and sustain continued community development. The Community Investment Program is included in the City’s annual budget, and it provides a list of infrastructure projects needed for the upcoming year.

Planned Surface Water Resources

According to the Kings River Handbook, 28 water agencies hold water contracts to obtain Kings River surface water.²³⁹ Kings River water supply is appropriated via contracts among various agencies, and the Kings River Water Association strictly regulates water apportionments. LAFCo notes that several regulating agencies will need to review and approve any new water exchange agreements that the City intends to pursue to balance future City growth. Kings River water supply is regulated by, but not limited to the following agencies: the United States Bureau of Reclamation, Kings River Water Association, and the contracted water agencies.

Future development of Clovis’ planned Northwest Urban Center (north of Enterprise Canal) and the Northeast Urban Center relies on the City’s ability to secure a reliable water supply. Some of this new supply could be from Garfield Water District and International Water District. The City anticipates that additional surface water will be retained for “municipal and industrial” use from the following districts.

Garfield Water District

The Garfield Water District (GWD) partially overlays the northwest portion of the Clovis SOI and three parcels within the Clovis city limits along International Avenue. Approximately half of the District lies within the Clovis SOI and is generally bounded by Garonne Avenue to the north, North Chestnut Avenue to the west, the Enterprise Canal to the south, and North Fowler Avenue to the east.

²³⁹ Kings River Handbook, Kings River Conservation District and Kings River Water Association, Fifth Printing, September 2009. Web: https://krcd.org/wp-content/uploads/2023/01/handbook_2009-3-columns.pdf

The GWD was formed in 1956 to provide agricultural irrigation water to land within its boundaries. The District's service area and sphere of influence are coterminous measuring approximately 1,809 acres of agricultural land. Approximately half of the GWD's service area lies within the City of Clovis SOI, approximately 90 acres within the City of Fresno, and approximately 894 acres are north of the Clovis SOI in the unincorporated portion of Fresno County.

The GWD distributes irrigation water to 21 landowners. The GWD has a contract to receive up to 3,500 acre-feet of Class I water from the Friant-Kern Canal through its Central Valley Project contract with the United States Department of the Interior, Bureau of Reclamation (USBR).²⁴⁰

The City informed LAFCo that as a condition of approval the City will require developers in the Northwest Urban Center to demonstrate their ability to secure adequate water supply as a condition of annexation consistent with the 2014 General Plan Policy – 1.2 Water Supply, of the Public Facilities and Service Element.

With half of GWD within the City's SOI, an estimated 1,750 AFY is expected to be added to the City's supply upon development. As the City grows and annexes portions of the GWD, CVP Class I water rights will be transferred to the City and added to the overall water supply portfolio upon development of this portion of the Northwest Urban Center.²⁴¹

International Water District

International Water District (IWD) is located immediately east of Clovis city limits and entirely within the Clovis SOI. The IWD's boundaries are generally Shepherd Avenue to the north, Thompson Avenue to the west, Del Rey Avenue to the east, and stair steps from Del Rey along the Pup Creek alignment to Thompson Avenue.

The IWD is an independent special district formed in 1952 to provide agriculture irrigation water to a family-owned farm operation that constituted the IWD's boundaries. The IWD service area and SOI are coterminous and encompass approximately 741 acres of agricultural land.

The IWD distributes irrigation water to 10 parcels that are owned by five landowners within the District's service area. The IWD has a contract to receive up to 1,200 acre-feet of Class I water from the Friant-Kern Canal through its Central Valley Project contract with the USBR.²⁴² IWD's CVP contract differs from the GWD CVP contract in that USBR allows the IWD's contracted water supply to be used for irrigation as well as municipal and industrial (M&I) purposes within its USBR-approved Contractor's Service Area (USBR's Contracted Service Area is analogous to the IWD's service area). In contrast, M&I water means water made available from the CVP other than irrigation water made available to the contractor. M&I water includes water supply used for human use and purposes such as the watering of landscaping or pasture for animals.

²⁴⁰ United States Department of the Interior, Bureau of Reclamation, CVP Contract No. 14-06-200-9421D (Garfield Water District). Web: https://www.usbr.gov/mp/nepa/includes/documentShow.php?Doc_ID=24921

²⁴¹ City of Clovis, 2023 Shepherd North Project, Draft EIR SCH#2022050180. Web: https://cityofclovis.com/wp-content/uploads/2023/11/Clovis-Shepherd-North_FEIR_11-3-23.pdf

²⁴² United States Department of the Interior, Bureau of Reclamation, CVP Contract No. 14-06-200-585A-LTR1 (International Water District). Web: <https://www.usbr.gov/mp/cvp-water/docs/latest-water-contractors.pdf>

Historical averages show that IWD annually receives 90 percent of its contracted water allocation from USBR, which amount to an annual delivery average of 1,080 AF.

IWD’s water contract is periodically reviewed by USBR, and the District has initiated conversation with USBR to convert its water service contract into a “repayment contract.” Under Section 4011 of the Water Infrastructure Improvement Act of 2016, any contracted water agency is allowed to convert its agricultural and municipal water service contract to a repayment contract to allow for payment of allocable construction costs that would otherwise have been repaid to USBR over an extended term, typically a range of 20 years. The repayment contract is a permanent contract that entitles USBR contracted water agencies such as IWD to secure a proportionate share of the yield of the Friant Division in perpetuity. IWD informed LAFCo that it expects to work with USBR in 2019 to begin the process to convert IWD’s water service contract into repayment contract.

On February 4, 2019, LAFCo staff met with USBR officials to learn about the IWD-City planned contracted water reassignment process. USBR officials informed LAFCo that IWD’s contracted water supply reassignment would require USBR to review and update IWD’s water supply contract. The process may result in IWD requesting a new designee to receive a portion or all of IWD’s federal contracted water supply. The City and IWD plan to work with USBR to ensure that a majority of IWD’s 1,200 acre-feet of Class I CVP water can be assigned to Clovis to support the planned development of the City’s Northeast Urban Center.

According to Clovis’ 2020 Urban Water Management Plan, the City anticipates that approximately 1200 AF of IWD’s CVP water may be added to the City’s supply to support development of the Northeast Urban Center.

Recycled Water Resource

The City operates a recycled water supply system from the treatment of wastewater at the Clovis Sewage Treatment/Water Reuse Facility (ST/WRF). The recycled water system is independent from Clovis’ water system. The City uses its purple line system to retain and distribute treated recycled water supplies to a limited number of landscaping, construction, and irrigation customers. The City’s recycled water supply program offsets a portion of the City’s groundwater and surface water-supply demand.

The Clovis ST/WRF is located north of Ashlan Avenue between Thompson and McCall Avenues. Recycled water produced by the Reuse Facility complies with Title 22 standards (California Code of Regulations), which means permitted uses of this source of supply include many uses such as irrigation, impounding, cooling, and commercial/industrial applications.

City of Clovis’ recycled water distribution system consists of dedicated “purple pipe” ranging from 10- to 36-inches in diameter that run along the eastern edge of the City. In 2015, the City’s recycled water service area encompassed approximately 178-acres located generally south of the Dry Creek Reservoir and east of Clovis.²⁴³ Clovis’ recycled water lines consist of approximately twenty-nine miles of pressurized lines that provide recycled water to eastern Clovis from Loma Vista to Harlan Ranch.

²⁴³ City of Clovis, 2017 Recycled Water Master Plan.

Currently, recycled water is primarily used for irrigation of public and private landscape within the service area. The Clovis ST/WRF has an annual average recycled water treatment capacity of about 3,100 acre-feet per year (AFY), or 2.8 MGD. In 2020, the Clovis ST/WRF generated about 1,870 AF of recycled water with existing customers (irrigation) using 396 AF and the remainder, 1,474 AF, discharged to Fancher Creek.²⁴⁴ In 2020, approximately 28 percent of the total recycled water yield at the ST/WRF was used for within the service area, while 72 percent was discharged into Fancher Creek. Current areas receiving recycled water include CA-168 between Shepherd Avenue and Sierra Avenue, Clovis Community Medical Center, and multiple City parks and landscape areas.

Landscape irrigation will continue to be the main use of recycled water in the future for the City. The City is working with Clovis Unified School District to evaluate the use of recycled water for landscape areas. Caltrans expanded its use of recycled water along CA-168 from Armstrong Avenue to Sierra Avenue. The City is exploring the use of recycled water for groundwater recharge. The recycled water produced could be used for agricultural purposes; farmers are interested in utilizing the water to irrigate crops.²⁴⁵

Table 11. Current and Projected Recycled Water District Beneficial Uses

Name of Agency Producing (Treating) the Recycled Water			City of Clovis				
Name of Agency Operating the Recycled Water Distribution System			City of Clovis				
Supplemental Water Added in 2020			None				
Source of 2020 Supplemental Water			None				
Beneficial Use Type	General Description of 2020 Users	Level of Treatment	2020	2025	2030	2035	2040
Agricultural Irrigation		Tertiary	136	150	75	0	0
Landscape Irrigation (excludes golf courses)	Public and Private Landscape	Tertiary	574	1,550	2,525	3,501	4,476
Groundwater Recharge			0	1,400	2,900	2,799	4,924
Total			710	3,100	5,500	6,300	9,400

The City expects that additional planned facility projects will expand the City’s ability to increase the existing treatment capacity nearly eightfold by 2035, and potentially increase Clovis’ recycling capacity nearly twelvefold by 2040.

Recharge Projects

The Kings Sub basin is recharged through a joint effort between the Cities of Fresno and Clovis, the Fresno Irrigation District (FID), and the Fresno Metropolitan Flood Control District (FMFCD). The City intentionally

²⁴⁴ Ibid.

²⁴⁵ City of Clovis, 2020 Urban Water Management Plan, pages 6-9, 6-11.

recharges the aquifer by delivering a portion of its surface water entitlement via FID canals to both a city-owned recharge facility and FMFCD ponding/recharge basins located throughout the City. The City of Clovis participates in the following recharge programs.

City of Clovis manages the Marion Recharge Facility which encompasses an 80 acre area that has recharged up to 6,100 AFY. The volume of intentional recharge varies year to year depending on the City's annual surface water allocation and the duration of FID's seasonal run of their conveyance system(s).

In 2004, the City and FID entered into the Waldron Pond Water Supply Reliability Agreement to finance and construct the Waldron Banking Facility (WBF), which is managed by FID. The WBF is comprised of approximately 225 acres of percolation basins and extraction wells and located near the City of Kerman. The estimated annual water yield is approximately 10,000 AF with the City's 'available annual yield' amounting to 90 percent, or approximately 9,000 AF. The agreement stipulates the annual yield is the amount of water percolated during the current calendar year less a ten percent leave behind. WPBF is estimated to annually produce approximately 10,000 AF of water supply recharge. The City is entitled to receive up to 90 percent (9,000 AF) of the annual yield at WPBF. Currently, the City banks its entitled allocation; however, the City plans on taking the water in dry years to augment its water supply. Bank means that the City opts out from receiving a water delivery so that a credit (based on availability) can be collected on a later day.

The City and FID have an agreement for Boswell Groundwater Banking Facility (BGBF). The BGBF is managed by FID and is located in central Fresno County. BGBF consists of a 100-acre basin and three recovery wells. Available water supplies to the FID are conveyed through the Lower Dry Creek Canal into BGBF where the water is intentionally recharged to the groundwater table. The City of Clovis has access up to 4,500 AFY of surface water from BGBF. In the event the Facility cannot produce the 4,500 AFY of surface water, FID will endeavor to acquire supplemental water for Clovis from other sources, which the City will be required to fund.²⁴⁶

Authorized Services by Contract Outside City Limits - Water Customers

As of January 1, 2001, Government Code section 56133 requires local agencies to first request and receive written approval from LAFCo to provide new or extended services by contract or agreement outside its jurisdictional boundary but within the adopted sphere of influence (SOI) in anticipation of a later change of reorganization. Furthermore, if consistent with adopted policy, the LAFCo may authorize the extension of service outside of the agency's SOI to respond to an existing or impending threat to the public health or safety of the residents of the affected territory. The concept of the statute lies with LAFCo's responsibility of discouraging urban sprawl and LAFCo's evolving role in regional growth management agency.

Tarpey Village

City of Clovis PUD provides water to Tarpey Village, an unincorporated island situated immediately south of the Clovis city limits. Tarpey Village is situated generally south of Gettysburg Avenue, east of

²⁴⁶ City of Clovis, 2020 Urban Water Management Plan, pages 6-14, 6-17.

Minnewawa Avenue, north of Dakota Avenue alignment, and west of Sunnyside Avenue. Parcels within this area receive Clovis municipal water. The City of Fresno provides wastewater collection to this area.

Clovis became the municipal water provider to Tarpey Village through the 1988 merger of Fresno County Waterworks District No. 8 (WWD No. 8) with the City of Clovis.²⁴⁷ City of Clovis inherited eight wells from the merger. Since then, five of the original eight wells have either failed or have been abandoned by the City, leaving three wells to provide water supply to Tarpey residents. The three wells that serve Tarpey Village have a well capacity of 2,092 gpm.²⁴⁸

In July 2023, the City adopted new water rates structured on drought and non-drought years. Drought and non-drought rate structure was initially adopted in 2016, after the passing of California Proposition 218. Tarpey Village residential customers who are not individually metered are charged a flat rate of \$131.01 per two-month period in non-drought times and \$163.20 per two-month period in drought times, which may vary depending on the gross consumption of all the unmetered customers. Tarpey unmetered customers will pay an excess consumption charge for use over 63,000 gallons in non-drought or drought times.

The City plans to meter all Tarpey Village connections and anticipates that all Tarpey water customers will have metering systems installed by 2025 as required by State law. The City is working with the property owners to continue to install meters and to obtain a fully metered status. Since the 2015 UWMP, 57 unmetered Tarpey customers have had meters installed and 364 customers remain unmetered.²⁴⁹

The county island of Tarpey Village is the only unincorporated community outside of the Clovis city limits within the Clovis SOI that receives City water service. The Tarpey area is considered built out and the population assumed to remain constant, while the City has developed around Tarpey's western, northern, and eastern edges. City does not anticipate annexation of Tarpey Village in the near future.

The 2014 Clovis General Plan designates residential and commercial land uses within the Tarpey community. Likewise, the Fresno County General Plan designates a majority of the land within Tarpey Village as Single Family Residential as identified in the County's R1 Single Family Residential Zoning District. Most of the land within Tarpey Village is already developed and constructed to Fresno County development standards. The Fresno city limits abut the southern edge of Tarpey Village.

Rural Residential Address: 3602 Shepherd Avenue

In 2005, LAFCo approved an extension of Clovis water service to a rural residential parcel located north of Shepherd Avenue and east of Peach Avenue.²⁵⁰ The City expects that future growth north of Shepherd Avenue between Peach Avenue and Minnewawa Avenue will contain the annexation of this one-acre property into the City of Clovis. The water account is still active but there has been no usage for three years.

²⁴⁷ Fresno LAFCo File No. DOD-87-2 (Waterworks District No. 8).

²⁴⁸ City of Clovis, 2017 Water Master Plan Update – Phase III.

²⁴⁹ City of Clovis, 2020 Urban Water Management Plan, page 9-2.

²⁵⁰ Fresno LAFCo File No. OS-05-1 (Herrera Water Service Request) approved November 2, 2005.

Clovis Hills Community Church²⁵¹

Clovis Hills Community Church is located near the intersection of Willow Avenue and International Avenues, and as of August 9, 2023, is located within the Clovis city limits. Prior to 2010, the Church relied solely on two private wells to serve its water needs.

In 2010, two reported well failures prompted the Church to seek a more reliable water supply from neighboring water agencies. Although the Church property is located in the Clovis SOI, the City did not have available water lines in the area to connect the Church. According to LAFCo record, the extension of service application filed by the Church with LAFCo recognized that several agreements took place in order to assist the Church. In summary, because the Church property is located within GWD and is entitled to receive a portion of the annual allocation of Garfield Water District's USBR Class I contracted water supply, the GWD agreed to convey the Church's surface water allocation to the City of Fresno's surface water treatment plant for treatment. The City of Fresno then agreed to receive, treat, and deliver the water supply to the Church property until such time that Clovis' water lines became available near Willow Avenue and International Avenue. The agreement received the City of Clovis' consent.

On September 8, 2010, LAFCo approved, with conditions, the extension of municipal water service to Clovis Hills Community Church. As a condition of LAFCo approval, Clovis Hills Community Church provided evidence to Clovis and LAFCo of its consent to a future annexation to the City of Clovis. Clovis Hills Community Church provided LAFCo evidence of its executed Extra-Territorial Water Service Agreement with City of Fresno.²⁵²

The City of Clovis has since installed and extended water lines along Willow Avenue to Copper Avenue, and the City's water infrastructure is now in place to allow Clovis Hills Community Church to connect to City water services. On April 20, 2020, LAFCo approved an extension of water service authorizing water infrastructure to the property with a conditional Extra-Territorial Agreement between Clovis Hills Community Church and the City of Clovis, stipulating that the record owner will not oppose future annexation to the City.²⁵³

On August 9, 2023, LAFCo approved the Shepherd-Willow Northeast Reorganization, which included the annexation of Clovis Hills Community Church. The reorganization included the annexation of approximately 560.9 acres to the City of Clovis as part of the greater Heritage Grove Master Plan, one of three urban centers identified in the 2014 Clovis General Plan.²⁵⁴

Rural Residential Address: 5844 East Teague Avenue

In 2017, the City of Clovis requested LAFCo to authorize the extension of water service to the rural residential, single family unit located north of Teague Avenue and west of Linda Avenue. The application was submitted to LAFCo due a private well failure that became a health and risk concern.²⁵⁵ The property

²⁵¹ Clovis Hills Community Church is no longer outside the Clovis City limits but inclusion of this section remains for historical background purposes.

²⁵² Fresno LAFCo File No. OS-10-1 (Clovis Hills Community Church – Extension of Municipal Water Service).

²⁵³ Fresno LAFCo file No. OS-20-3 (Clovis Hills Community Church) approved on April 20, 2020.

²⁵⁴ Fresno LAFCo file No. RO-23-03 (Shepherd-Willow Northeast Reorganization) approved on August 9, 2023.

²⁵⁵ Fresno LAFCo file No. OS-17-01 (KJP Rev) approved on March 27, 2017.

remains outside the City limits but within the Clovis sphere of influence, and majority of the neighboring parcels are already developed with large scale rural residential units. As a condition to City water service, the property owner agreed to waive any right to object to or withdraw consent to Clovis' annexation of the affected property in the future.

Water Funding

The City charges user fees to all water customers to cover the costs of water production, distribution, and treatment of the City's water resources. In July 2023, the City adopted new water rates approved through the annual budget process and structured on two rates specified in California Proposition 218 – drought and non-drought rates. The non-drought rates apply to years with a normal water supply and reduced water usage is not required. The drought rates apply to years when the City is short of water or required to reduce water usage. The 2022-23 annual budget anticipates normal conditions and non-drought rates.

The City's water rates are also structured on water usage and connection type, either residential or commercial accounts. For the City's individually metered residential and commercial customers, the City has a tiered rate structure in addition to a fixed base rate; residential users have three tiers while commercial users have two tiers. Non-metered users in Tarpey Village and construction water users have the same fixed rate. The City also considers other cost factors in establishing annual water rates, for example new unit connections and annual step rate increases.

In 2016, the City Council approved an ordinance for an annual rate increase of 3 percent for water services. The rate adjustment Ordinance provides that the monthly user rates and minimum charges will be adjusted by City Council each July 1st by a maximum not to exceed 3 percent.

Prior to June 30th of each year, the ordinance requires that the Clovis PUD director evaluate the water enterprise fund balance and, if the balance is adequate without the annual adjustment or with a lesser adjustment, the Clovis PUD Director may recommend the City Council to suspend, reduce, or increase the water rates for the upcoming fiscal year. According to the City's FY 2022-23 budget, the City's five-year forecast shows a projected three percent increase in rates annually through 2025 and is intended to cover increased costs to treat and distribute potable water, major capital improvements, and to provide debt service coverage.²⁵⁶

Clovis funds its water service provisions through three major accounts:

- **Water Service Fund** is an enterprise fund in which revenues are generated from water usage charges and include delivery of water, regulatory monitoring and compliance, and associated expenditures to maintain the City's public water distribution system in operation. Revenue within the Water Service Fund may be allocated to fund the City's Water Main Construction Fund, which accounts for ongoing projects, maintenance, and updates of the City's water lines.
- **Water Construction-Enterprise Fund** accounts for revenue from developer fees and expenditures to construct and expand the City water system and installation of water mains.

²⁵⁶ City of Clovis, 2022-23 Annual Budget, page 41.

- **Water Construction-Developer Fund** accounts for the revenue from developer fees and for capital improvements for major water lines, water wells, and other major capital improvements. It accounts for user-related projects from the Water Construction Developer Trust Fund, and this fund accounts for revenue from developer impact fees and expenditures for the installation of major water line projects.

City customers are billed bimonthly for service per the City's adopted rates. User rates consist of charges for the maintenance of water lines, treatment of water, and fees to meet the City's water bond covenants. The City of Clovis water service revenue is projected to grow proportionately to City growth, and the City's fee structures include appropriate rate increases if deemed necessary to be adjusted by the City Council. Beginning in Fiscal Year 2018-19 and beyond, a 3% increase is projected.²⁵⁷

According to the City's budget for FY 2022-23, total Water Service revenues are anticipated to amount to \$21,441,000 (Water Enterprise). Water user rates generate a majority of the revenues for the Water Division. For the same year, Water Service expenditures are expected to amount to \$21,073,900. The largest expenditure categories are personnel salaries, energy costs, and administration overhead. For FY 2022-23, the Clovis budget identifies \$5,759,000 reserved for water construction projects in its Capital Improvement Funds.

The City identifies water related debt in two categories – long-term interfund loans and revenue bonds.

According to the City's budget for FY 2022-23, the General Service Fund borrowed \$7,500,000 from the Water Service Fund to finance the construction of Fire Station #6. The interest rate on the loan is variable and is set at the annual rate of return earned by the City's pooled cash. Repayment begins in FY 2022-23 with annual principal payments of \$750,000 and interest at the annual rate of return earned by the California State Local Agency Investment Fund (LAIF).

The City issued a revenue the 2013 Water Improvement Bond for \$31,810,000, and the outstanding balance amounts to \$15,400,000 as of June 30, 2022. The City expects to pay an additional \$3,014,000 toward the 2013 Water Improvement Bond during the current fiscal year. The proceeds were used to refinance the 2003 Water Improvement Bonds for which proceeds were issued to pay for a surface water treatment plant, a water banking, plant, transmission lines and canal improvements. The final payment is scheduled for March 2028. Included in the 2022-23 budget is \$2,265,000 for principal and \$749,000 for interest.²⁵⁸

Water Division Staffing

Based on the population and complexity of the City's distribution system, the City's distribution system is classified as a D4 system. The surface water treatment plant is classified as a T5 treatment plant. The City's operation and maintenance of the water distribution system are under the supervision of a Public Utilities Director, an Assistant Public Utilities Director, a Utilities Manager, and a Water Production Manager. The City employs 45 full-time equivalent staff members in the Water Division.

²⁵⁷ Ibid.

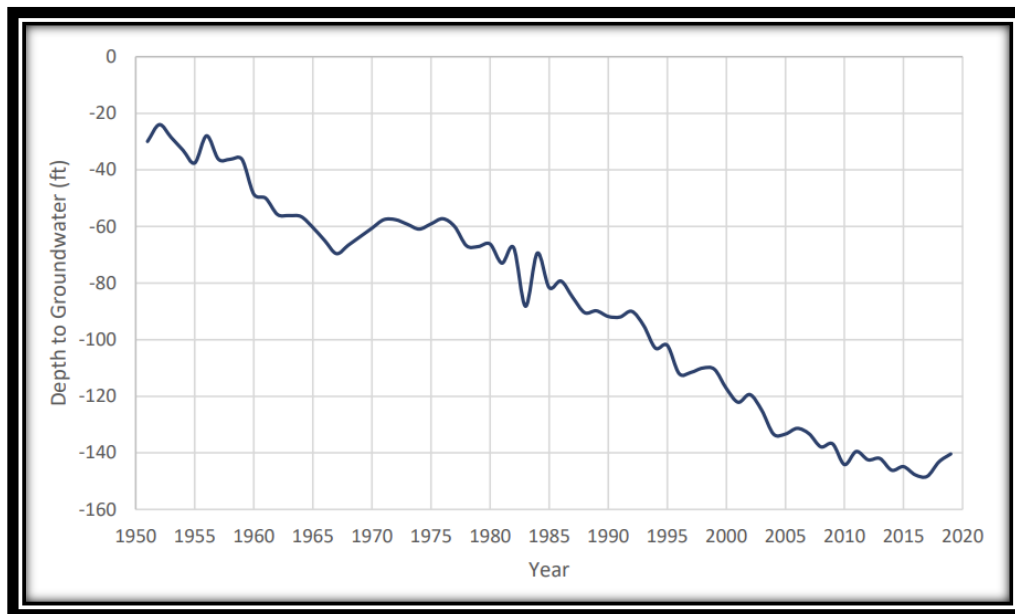
²⁵⁸ City of Clovis, 2022-23 Annual Budget, page 48.

The Chief Water Treatment Plant Operator/Water Production Manager is responsible for the day-to-day operation of the water system. The City’s SWTP is staffed for 12 hours each day and unmanned for 12 hours each day. The City has utilized unmanned operation since April 2006. According to Clovis’ water permit, at the end of each staffed shift, the City is required to conduct an alarm check and submit the results of the alarm check to the SWRC, Division of Drinking Water with the City’s monthly surface water treatment plant reports. Clovis’ Water Division maintains maps of the water system, and the City and staff have developed and follow the emergency notification plan for the City.

Sustainable Groundwater Management Act

The City lies within the Kings Groundwater Sub-basin, which is also within the San Joaquin Basin Hydrologic Area. The Kings Sub-basin has been identified as critically over drafted. In the past 30 years, the groundwater table has dropped 48 feet, from a depth of 92 feet in 1990 to a depth of 140 feet in 2019.²⁵⁹

Figure 8. Historic Depth to Groundwater



Source: City of Clovis

Governor Edmund G. Brown Jr. signed California’s Sustainable Groundwater Management Act (SGMA) into law on September 16, 2014. This three-part legislation requires local agencies to develop groundwater sustainability plans that are compatible with their regional economic and environmental needs. SGMA creates a framework for sustainable local groundwater management for the first time in California’s history. SGMA required local agencies to form Groundwater Sustainability Agencies (GSAs) in local groundwater basins by June 2017, and requires the adoption of Groundwater Sustainability Plans (GSPs) for groundwater basins deemed high priority by 2020.

²⁵⁹ City of Clovis, 2020 Urban Water Management Plan, page 6-3.

The City of Clovis lies within the North Kings Groundwater Sustainability Agency (NKGSA), which includes the groundwater pumping entities of Fresno Irrigation District, County of Fresno, City of Fresno, City of Kerman, Biola Community Services District, Bakman Water Company, Fresno Metropolitan Flood Control District, Garfield Water District, International Water District, California State University-Fresno, Malaga County Water District, and Pinedale County Water District. The NKGSA is a Joint Powers Agency under (Government Code sec. 6500, et seq) that is governed by a seven-member board of directors that consists of one elected official from each participating agency, appointed by each respective agency's board to serve on the GSA's governing board. The NKGSA board consists of seats held by:

- Fresno Irrigation District
- Garfield Water District, International Water District, Fresno Irrigation District
- Bakman Water Company, Biola Community Services District, City of Kerman, Fresno Metropolitan Flood Control District
- City of Clovis
- City of Fresno
- County of Fresno
- At-large

The Advisory Committee is established by the North Kings GSA Board of Directors as a standing committee to assist with the development of the necessary processes and programs needed by the North Kings GSA Board of Directors to implement the mission of the North Kings GSA. Each party identified in the Joint Powers Authority (JPA) agreement can appoint a member of the Advisory Committee and a designated alternative. Each July, the official roster of the Advisory Committee members and selected alternatives are reviewed and approved. The Committee is supported by a series of workgroups established for specific purposes as determined by the Executive Officer. The Advisory Committee meets monthly on the second Friday of the month at 1:30 PM.²⁶⁰

Under State statute, NKGSA is responsible for developing and implementing a groundwater sustainability plan (GSP) by 2020 that will meet the sustainability goal of the basin and ensure that it is operated within its sustainable yield, without causing undesirable results.

SGMA identifies six sustainability indicators to be monitored and reported in order to document sustainability: lowering groundwater levels, reduced groundwater storage, seawater intrusion, degraded groundwater quality, land subsidence, and surface water depletion. The NKGSA documents all applicable with the exception of seawater intrusion.

Water Agencies within Clovis' 2014 General Plan Boundary, Full Buildout

Within the vicinity of the Clovis SOI, three County Service Areas (CSAs) and one waterworks district (WWD) provide domestic water service to rural county residents. Although these special districts are currently outside the Clovis SOI, potential opportunities in the future may exist for shared water facilities. The following water service agencies are listed by proximity to the existing Clovis SOI.

²⁶⁰ North Kings Groundwater Sustainability Agency, North Kings GSA Advisory Committee. Web: <https://northkingsgsa.org/about/advisory-committee/>

County Waterworks District No. 42 (Alluvial & Fancher Avenue)

County Waterworks District No. 42 (WWD 42) was formed in 1972 to provide community water for rural residents. WWD 42 is a dependent district governed by the County of Fresno Board of Supervisors (BOS). The Fresno County Division of Public Works and Planning, Resources and Parks Division, Special District Administration provides staff support and administers all functions of WWD 42.

Under Government Code section 25212.4, the BOS may appoint one or more advisory committees to provide advice to the County regarding the District's services. WWD 42 has an active citizen advisory committee that assists with communication between residents, County Resource staff, and BOS. Meetings of the citizen's advisory committee are held on an as-needed basis and typically are held at the City of Clovis' Police Headquarters, Community Room, 1233 Fifth Street, Clovis, CA.

WWD 42 is adjacent to the City's eastern boundary, located at the northeast quadrant of Alluvial Avenue and DeWolf Avenue. The District encompasses a total of 362 acres and serves 104-metered residential connections. Not all parcels identified in the WWD 42 service area are connected to the public water system; forty-three parcels have their own private wells that are not connected to the public water system. WWD 42 obtains its domestic water from three groundwater wells, and district customers pay a flat rate for water use collected on a bi-monthly basis. The District does not have an entitlement to surface water, and fully relies on groundwater to serve its customers.²⁶¹

The Sustainable Groundwater Management Act (SGMA), signed into law in 2014, established a new structure for managing California's groundwater resources at the local level by local agencies, or Groundwater Sustainability Agencies (GSAs). WWD 42 is located within the North Kings Groundwater Sustainability Agency (NKGSA), a Joint Powers Authority responsible for managing groundwater resources within a portion of the Kings Sub-basin. State law requires the NKGSA to manage groundwater resources within its boundary in a sustainable manner through the implementation of a groundwater sustainability plan. The aquifer underlying the NKGSA and water source for WWD 42 is currently in a regional condition of overdraft.

The State Water Resources Control Board adopted statewide emergency drought regulations in January 2022, to be effective for one year unless the State Water Board determines that it is no longer necessary, modifies it, or readopts the regulation. The Fresno County BOS recommended Stage 1 Water Conservation for WWD 42 for the 2022-23 water year as it most closely aligns with restrictions imposed on water users throughout the state by the statewide emergency drought regulations.

On January 21, 2020, the Fresno County BOS conducted a public hearing in accordance with State Proposition 218 concerning a proposed water service fee increase for WWD 42. As a result of a majority protest, the proposed fee increase was not passed and WWD 42's fees remained the same. In FY 2022-23, the district will continue exploring options for a new rate.

The high peak usage period for WWD 42 during the 2021-22 water year, April 1 through March 31, were the months of June, July, and August. During the high peak usage period, user demand averaged approximately between 147,400 and 156,900 gallons per month per parcel. Overall water demand for

²⁶¹ Report to the Board of Supervisors – County of Fresno, County Waterworks District 42, FY 2022-23. Web: <https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/67390-wwd-42-22-23.pdf>

high peak usage months was approximately 48 percent of well capacity. Well capacity continues to exceed user demand for the 2021-22 water year.²⁶² WWD 42 is considered a small water supplier by the State Water Resources Control Board.

WWD 42 is largely developed with rural residential uses with vestigial undeveloped parcels. No growth of the District service area or SOI is expected to occur. During the 2014 Clovis General Plan update process, the City considered including the District in the City SOI but took no action based on property owner opposition. The 2014 Clovis General Plan update did not designate future urban land uses for WWD 42.

County Service Area No. 47 (Quail Lake)

County Service Area No. 47 (CSA 47) was formed in 1995 to provide potable water and wastewater services to the Quail Lake Estate Subdivision. CSA 47 is a dependent district governed by the County BOS. The Fresno County Division of Public Works and Planning, Resources and Parks Division, Special District Administration provides staff support and administers all functions of the CSA.

CSA 47 service area is coterminous with its SOI and consists of 375 acres which includes 708 residential parcels, and 3 commercial and public facility parcels generally located between Ashlan Avenue and Shaw Avenues, east of McCall Avenue and west of Ambler Avenue. It is within a half mile of the Clovis SOI, and within two miles of the Clovis city limits. CSA 47 fully relies on two groundwater wells to deliver potable water to its customers. District customers pay a flat rate for water and sewer use with bi-monthly billing. CSA 47 is fully built-out; therefore, the number of connections is projected to remain the same.²⁶³

The Sustainable Groundwater Management Act (SGMA), signed into law in 2014, established a new structure for managing California's groundwater resources at the local level by local agencies, or Groundwater Sustainability Agencies (GSAs). CSA 47 is located within the North Kings Groundwater Sustainability Agency (NKGSA), a Joint Powers Authority responsible for managing groundwater resources within a portion of the Kings Sub-basin. State law requires the NKGSA to manage groundwater resources within its boundary in a sustainable manner through the implementation of groundwater sustainability plan. The aquifer underlying the NKGSA and water source for CSA 47 is currently in a regional condition of overdraft.

The State Water Resources Control Board adopted statewide emergency drought regulations in January 2022, to be effective for one year unless the State Water Board determines that it is no longer necessary, modifies it, or readopts the regulation. The Fresno County BOS recommended Stage 1 Water Conservation for CSA 47 for the 2022-23 water year as it most closely aligns with restrictions imposed on water users throughout the state by the statewide emergency drought regulations.

On November 1, 2016, the current water and wastewater service rates went into effect as approved by the Fresno County BOS in accordance with State Proposition 218 guidelines. The newly restructured water fee and increased sewer fee includes an inflation adjustment of 3.0 percent annually over a five-year period. In FY 2022-23, the district will continue exploring options for a new rate.

²⁶² County of Fresno, Annual Water Conservation Report, 2022-23 Water Year, March 22, 2022. Web: <https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/67462-annual-water-conservation-report-2022-2023.pdf>

²⁶³ Ibid.

The high peak usage period for CSA 47 during the 2021-22 water year, April 1 through March 31, was the month of May. During the high peak period, user demand averaged approximately 32,500 gallons per month per parcel. Overall water demand for high peak usage was approximately 24 percent of well capacity. Well capacity continues to exceed user demand for the 2021-22 water year. CSA 47 is considered a small water supplier by the State Water Resources Control Board.²⁶⁴

In the 2020-21 fiscal year, CSA 47 installed a redundant third water pump to serve in the event of catastrophic failure of both pumps, at a cost of approximately \$19,162.

CSA 47 is the primary administrator of the District's water recharge facility located within the Red Bank Slough. The Quail Lake Homeowners Association and Fresno Irrigation District have an agreement that enables Fresno Irrigation District to recharge the facility between April 15 and June 1, on an annual basis. The recharge goal amounts to 400 or more acre-feet of water each year, except in the case of a severe drought when the water is unavailable.²⁶⁵

County Service Area No. 10 (Cumorah Knolls) and CSA No. 10A (Mansionette Estates No. 3)

LAFCo recognizes County Service Area No. 10 (CSA 10) as a District that provides services to two noncontiguous services areas. CSA 10 consists of CSA 10 (Cumorah Knolls) and CSA 10A (Mansionette Estates No. 3). The two service areas are located east of the Clovis SOI. CSA 10 is a dependent district governed by the County BOS. The Fresno County Division of Public Works and Planning, Resources and Parks Division, Special District Administration provides staff support and administers all functions of the CSA. Both service areas receive potable water from groundwater wells. CSA 10 and CSA 10A are considered small water suppliers by the State Water Resources Control Board.

The Sustainable Groundwater Management Act (SGMA), signed into law in 2014, established a new structure for managing California's groundwater resources at the local level by local agencies, or Groundwater Sustainability Agencies (GSAs). CSA 10 and CSA 10A are located within the North Kings Groundwater Sustainability Agency (NKGSA), a Joint Powers Authority responsible for managing groundwater resources within a portion of the Kings Sub-basin. State law requires the NKGSA to manage groundwater resources within its boundary in a sustainable manner through the implementation of groundwater sustainability plan. The aquifer underlying the NKGSA and water source for CSA 10 and CSA 10A are currently in a regional condition of overdraft.

The State Water Resources Control Board adopted statewide emergency drought regulations in January 2022, to be effective for one year unless the State Water Board determines that it is no longer necessary, modifies it, or readopts the regulation. The Fresno County BOS recommended Stage 1 Water Conservation for CSA 10 and CSA 10A for the 2022-23 water year as it most closely aligns with restrictions imposed on water users throughout the state by the statewide emergency drought regulations.

CSA 10 (Cumorah Knolls) was formed in 1963 to provide landscape maintenance of a roadway median and bridle paths in Cumorah Knolls, water service was subsequently added. CSA 10 is approximately two and

²⁶⁴ Ibid.

²⁶⁵ Report to the Board of Supervisors – County of Fresno, County Service Area 47 – Quail Lake Estates, FY 2022-23. Web: <https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/67374-csa-47-22-23.pdf>

a half miles east of the Clovis SOI and located northwest of Shaw Avenue and Academy Avenue. CSA 10 encompasses 134 acres and distributes potable water to 47 metered connections. CSA 10 provides groundwater from two wells.

The high peak usage period for CSA 10 (Cumorah Knolls) during the 2021-22 water year, April 1 through March 31, was the month of July. During the high peak period, user demand averaged approximately 160,500 gallons per month per parcel. Overall water demand for high peak usage was approximately 20 percent of well capacity. Well capacity continues to exceed user demand for the 2021-22 water year. CSA 10 is considered a small water supplier by the State Water Resources Control Board.²⁶⁶

Most parcels are developed with rural residential homes. Monthly fees for water services are billed on a bi-monthly basis. All of the water services in this subdivision are metered. A basic rate is charged for the service and rates for additional water consumption and pipe diameter. Yearly assessments are collected for road median landscape maintenance, street lighting, state water surveillance fees, and a surcharge for water system improvements. CSA 10 also receives a portion of property tax revenues from the State.

A Proposition 218 process for a fee increase was approved by CSA 10 property owners and adopted by the Board of Supervisors on February 25, 2014. The fee increase includes an inflation factor based on the Consumer Price Index for All Urban Consumers (CPI-U) not to exceed five percent each year for five years and ended in FY 2018-19.²⁶⁷

In 2002, CSA 10A (Mansionette Estates No. 3) was annexed to CSA 10 to provide water service, street lighting, landscape maintenance, wetlands monitoring and maintenance, and road maintenance. CSA 10A is approximately a half mile north of the Clovis SOI and located south of Herndon Avenue between DeWolf Avenue and Highland Avenue. CSA 10A encompasses 77 acres and consists of 29 metered water connections. CSA 10A provides groundwater from two wells.

The high peak usage period for CSA 10A (Mansionette Estates No. 3) during the 2021-22 water year, April 1 through March 31, was the month of July. During the high peak period, user demand averaged approximately 146,200 gallons per month per parcel. Overall water demand for high peak usage was approximately 40 percent of well capacity. Well capacity continues to exceed user demand for the 2021-22 water year.²⁶⁸

Monthly fees collected for water services are billed on a bi-monthly basis. Each residence has a metered service for domestic use and a separate metered service for landscape irrigation. Fees for each service consist of a basic flat rate with a water allocation and two tiered rates based on additional water usage. There is no inflation adjustment for water service fees. Annual assessments are collected with property taxes for landscape maintenance of a road median, road maintenance, wetlands monitoring, and street

²⁶⁶ County of Fresno, Annual Water Conservation Report, 2022-23 Water Year, March 22, 2022. Web: <https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/67462-annual-water-conservation-report-2022-2023.pdf>

²⁶⁷ Report to the Board of Supervisors – County of Fresno, County Service Area 10 – Cumorah Knolls, FY 2022-23. Web: <https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/67118-csa-10-22-23.pdf>

²⁶⁸ County of Fresno, Annual Water Conservation Report, 2022-23 Water Year, March 22, 2022. Web: <https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/67462-annual-water-conservation-report-2022-2023.pdf>

lighting. Assessments are adjusted annually based on the rate of inflation, but not to exceed three percent. The street lighting assessment is not adjusted for inflation.

In 2001, the Board of Supervisors adopted fees for water services, and assessments for wetlands monitoring and maintenance, landscape maintenance and road maintenance through a Proposition 218 proceeding. In late 2001, the Board of Supervisors adopted assessments for street lighting through a Proposition 218 proceeding.²⁶⁹

County Service Area No. 51 (Dry Creek)

CSA 51 was formed in 2007 to provide water service for the rural residential community north of Shepherd Avenue and east of Sunnyside Avenue. However, since its formation CSA 51 has not been able to secure funding, nor retain any water infrastructure to begin providing any water service to parcels within the district service area. CSA 51 service area includes 1,782 acres and is planned to provide water services to 432 developed parcels. Currently, all 432 parcels continue to rely on their own private wells for their domestic water needs.

CSA 51 and Fresno County Division of Resources and Parks, Special District Administration staff have completed the design of the water system infrastructure and the Assessment Engineer's Report. A Proposition 218 hearing and vote were conducted and failed. The District has no budget, no audited financial statements, nor a reliable source of annual revenues. The County recognizes that the lack of funding constrains the County's ability to reinstate any activity or revisit a second attempt to pursue a new Proposition 218. Furthermore, on June 10, 2010, several landowners within CSA 51 filed litigation against the County alleging, among other things, that the County failed to comply with the California Environmental Quality Act (CEQA). Pending litigation throughout the years has made it extremely difficult for CSA 51 to move forward toward attaining a public water system. Nevertheless, landowners and the County will need to reassess whether CSA 51 will ever provide a service, or if there is a possibility to dissolve CSA 51.

²⁶⁹ Report to the Board of Supervisors – County of Fresno, County Service Area 10 Zone A – Mansionettes No. 3, FY 2022-23. Web: <https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/67120-csa-10a-wo-2223.pdf>

Community Sanitation Services

Service Overview

The Clovis Community Sanitation Division (“Sanitation Division”) operates under the direction of the Clovis Public Utilities Department. The Sanitation Division consists of four units – Refuse Collection, Refuse Landfill, Refuse Contracts, and Street Cleaning. The City of Clovis contracts residential recycling and green waste collection, and large commercial customer accounts with private vendors. Private solid waste collection vendors are authorized to operate within the City limits for two years, and biennial extensions may occur through negotiated franchise agreements with the City of Clovis for collection of construction and demolition debris.

Community Sanitation Division

The following description summarizes the four units that make up the Community Sanitation Division:

The **Refuse Collection Unit** is responsible for collecting and disposing of municipal solid waste generated by residential and commercial customers within the City. The Refuse Collection Unit is primarily funded through user fees that pay for the operational and improvement costs. For improved cost accounting and control, the Refuse Collection Unit is subdivided into four accounts – Administration, Residential, Commercial, and Community Cleanup.

The **Refuse Landfill Unit** is responsible for operation and maintenance of the Clovis Landfill. The Landfill Unit is responsible for proper management and disposal of all municipal waste at the City’s landfill in accordance with federal, state, county, and city ordinances.

The **Refuse Contracts Unit** oversees and creates contracts with private vendors for the removal of debris and refuse-related materials. The Contracts Unit coordinates contracts with refuse compacting companies, roll-off service providers for large businesses, and the City’s residential and commercial recycling and organics collection programs.

The **Street Cleaning Unit** provides street sweeping services of all streets within the City limits. The City’s street sweepers clean debris in residential areas twice per month, and downtown street areas twice per week. The Street Cleaning Unit is responsible for reducing debris and particulate matter and improves air quality, storm water quality, and the overall quality of life for the residents of Clovis. The street cleaning and maintenance service is evaluated in the Circulation and Street Maintenance Services section of the Clovis MSR.

General Plan Goals and Policy

The City of Clovis 2014 General Plan, Public Facilities and Service Element establishes goals and policies for its public facilities and solid waste service provisions. The following goals establish related policy direction with regard to the City’s solid waste service and community sanitation services.

Public Facilities and Services Element - Goal 2: A cost-effective, integrated waste management system that meets or exceeds state and federal recycling and waste diversion mandates.

- **Policy 2.1: Minimize Landfill Disposal of Solid Waste.** Promote solid waste source reduction, reuse, and recycling; composting; and the environmentally safe transformation of wastes.
- **Policy 2.2: Waste Diversion Rate.** Meet the State’s current and future waste diversion goals through the City’s recycling and diversion programs.
- **Policy 2.3: Expanded Recycling.** Increase recycling by commercial, industrial, and multi-family generators.
- **Policy 2.4: Green and Household Hazardous Materials Waste.** Encourage city-wide participation in green waste reduction and household hazardous waste disposal programs.
- **Policy 2.5: Clovis Landfill.** Maintain at least 15 years of ongoing landfill capacity.
- **Policy 2.6: Solid Waste Facility Encroachment.** Protect existing or planned solid waste facilities from encroachment by incompatible land uses that may be allowed through discretionary land use permits or changes in land use or zoning designations.

Residential Solid Waste

The City’s Refuse Collection Unit is responsible for collecting and disposing of municipal solid waste generated by residential and some commercial customers within the City limits. Standard residential service consists of three 96-gallon bins, solid waste, recyclables, and yard waste that are emptied by the City once a week. The City of Clovis’ Public Utilities Department website provides detailed information with regard to refuse collection regulations, household hazardous waste, green waste, construction and debris, SB-1383, and City announcements and information data.²⁷⁰

To address the threat to public health and safety caused by illegal dumping, Clovis implements its semi-annual Community Clean-Up (CCU) Program. Twice a year City refuse trucks make rounds throughout the City and collect many items that are not picked up by the regular garbage service. The CCU Program is geared primarily for single-family residences; however, homeowner associations and planned unit developments may also participate if they contact the Community Sanitation Division to coordinate specific pick-up locations prior to the clean-up event date. The CCU Program is a major undertaking. Participating residents must follow the restrictions during the scheduled clean-up dates that identify proper placement of trash and debris, green waste, metal, old appliances, and furniture. The City does not provide residential solid waste services or collect solid waste during its CCU Program outside of its corporate boundaries.

Contracts for Commercial, Construction and Demolition Debris

The City of Clovis maintains a roster of City-approved construction and demolition haulers. Non-exclusive franchises for roll-off collection services were awarded to sixteen private solid waste haulers and private

²⁷⁰ City of Clovis, Public Utilities.

haulers effective July 1, 2023.²⁷¹ These companies to assist the City collect solid waste, construction and demolition debris.²⁷² Customers are able to select from among these companies based upon services and rates. With the exception of single-family residential accounts, the City does not regulate the rates of these companies. In exchange for the granting of the right to collect roll-off boxes under the non-exclusive agreement, the franchised companies pay the City a franchise annual fee of \$1,000 per year to conduct business within the City.

The exclusive franchise for collecting and hauling commercial solid waste and recycling materials, which included commercial and industrial accounts is updated annually and can be viewed at <https://cityofclovis.com/public-utilities/recycling-and-refuse/>. As of 2023, 16 companies provide solid waste containers ranging from 20 to 40-yard dumpsters in size. The franchise agreements are effective for two-year terms, plus extensions at the City Council's sole discretion.²⁷³ Under the agreement, the contractors were required to provide collection services in accordance with the Standard Non Exclusive Franchise Agreement, which requires the hauler to report the annual quantities of waste that are disposed of in landfills and the quantities of waste that are diverted through recycling programs to the City.²⁷⁴ The annual reports are then used by the City to inventory the quantities of material that are recycled and disposed of in the landfills in order to calculate and pay its share of the AB 939 surcharge associated with solid waste discharge in the local landfills.²⁷⁵

AB 939, California's Integrated Waste Management Act of 1989, is a state mandate that requires local agencies to participate in the creation of the Countywide Integrated Waste Management Plan (CIWMP). The CIWMP provides an overview of the waste management infrastructure for Fresno County and the 15 cities within the County. The CIWMP provides a description of the County infrastructure and plan administration, describes the most recent countywide solid waste management practices, provides a summary of the Source Reduction and Recycling Elements, Household Hazardous Waste Elements, and Non-disposal Facility Elements for the County, and provides financing information for the CIWMP.²⁷⁶

Community Sanitation Service Staffing

The Clovis Public Utilities Department coordinates the oversight and support of its operating units, and manages the Community Sanitation Division's strategic business planning, resource management, organizational development, personnel and labor relations, fiscal management, project management, and performance metrics. Utility billing is also included by the Department and is coordinated with the City's Finance Department. The Public Utility Department actively works with Planning and Development Services Department (PDS) to review and comment on development projects and to coordinate its long range planning and engineering efforts with the general planning conducted by PDS.

²⁷¹ City of Clovis, Approved Construction and Demolition Debris Haulers. Web: <https://cityofclovis.com/wp-content/uploads/2023/04/Approved-Hauler-List-07-01-2023.pdf>

²⁷² City of Clovis, Approved Construction and Demolition (CD) haulers through years 2024 and 2025.

²⁷³ City of Clovis, City Council Hearing Staff Report June 12, 2017. Award non-exclusive franchise agreement for hauling of Construction and Demolition Debris.

²⁷⁴ City of Clovis, Service Agreement – Template Example.

²⁷⁵ Ibid.

²⁷⁶ CalRecycle. Web: <https://calrecycle.ca.gov/lgcentral/library/policy/ciwmpenforce/>

Organizationally, the Clovis Public Utilities Department is divided into three divisions, with operational and budgetary responsibilities within the Department. Traffic Signals, Street Lighting, Storm Drain, Parks, Wastewater, and Water sections report to one Division Head, while Street Maintenance, Solid Waste, and Street Cleaning sections report to another Division Head. Fleet and Engineering services report to another Division Head. Community Sanitation Division has steadily grown in the past few years. In the FY 2021-22 budget, the Division employed 61 employees. Since then, eight new employees were added to the Division through the City’s adoption of the FY 2023-24 budget. For the purpose of this section, Community Sanitation Division consists of four units – Refuse Collection, Refuse Landfill, Refuse Contracts, Street Cleaning – and as of July 1, 2023, the City’s Community Sanitation Division employed 69 positions ranging from administrative assistants to engineers and utility workers. A majority of the Division’s operations are accomplished by an estimated 62 employees, while the remaining employees are support staff for operations.

The Community Sanitation Division is currently staffed by the following positions:²⁷⁷

Occupation	Number of Employees
Administrative Assistant	1 part-time
Assistant Public Utilities Director	1 full-time
Disposal Leadworker	3 full-time
Engineer I/Engineer II/Civil Engineer	1 full-time, 1 part-time
Engineering Tech/Senior Engineering Tech	1 part-time
Equipment Operator	2 full-time
Landfill Leadworker	1 full-time
Landfill Supervisor	1 full-time
Maintenance Worker/Senior Maintenance Worker	1 full-time
Management Analyst	1 part-time
Principal Office Assistant	2 full-time
Public Utilities & Information Manager	1 part-time
Public Utilities Director	1 part-time
Sanitation Operator/Senior Sanitation Operator	27 full-time
Senior Engineering Inspector	1 part-time
Solid Waste Manager	1 full-time
Staff Analyst	1 part-time
Street Sweeper Operator	6 full-time
Supervising Civil Engineer	1 part-time
Utility Worker	20 full-time

Community Sanitation Financing

The Clovis Community Sanitation Division is fully funded through user fees, and service charges for specific services if requested. The Public Utilities Department regularly pursues available state and federal grants for its divisions to assist with specific projects or operations of the department.

²⁷⁷ City of Clovis, 2022-23 Annual Budget, page 179.

According to the City of Clovis' 2022-23 fiscal year budget, the Clovis Community Sanitation Division and all units within the Division had a budget of \$25,604,100, which is balanced by user fees.²⁷⁸

The Community Sanitation Fund is self-supported from user fees and the Division is operated as a City business or "enterprise." All revenue from service charges related to the collection and disposal of solid waste, recycling, green waste, and street-sweeping fees is deposited into the Community Sanitation Fund. All costs including depreciation of equipment and machinery are also recorded in this fund. User fees and refuse charges are collected from both residential and commercial users based on different rates depending on type of service and frequency of service.

The City of Clovis provides the solid waste collection service and bills to customers for all services bi-monthly. Per household per month includes \$4.61 for recycling, \$6.76 for green waste, and for refuse collection and disposal, \$25.12 for a 48-gallon bin or \$26.44 for a 96-gallon bin. Customers are able to request an additional garbage totter for \$26.44 per month.²⁷⁹ Each utility customer is billed \$5.72 per month for street sweeping service. The City of Clovis utility billing occurs every two months and each account is billed for a two-month period of service that consists, in total services, of water, wastewater, refuse, street sweeping, recycling, and green waste. Commercial sites are billed similarly to residential customers. Commercial sites will have different refuse rates, sewer pre-treatment charges, metered sewer rates, and metered water. The rates for sewer pre-treatment and metered sewer will depend upon the type of business that is being operated at that site.

The City of Clovis Finance Department collects all utility user fees, and the Department is authorized to start or stop utility services when a customer submits a request to the City. The Finance Department bills for the costs of all city services provided and thus avoids duplication of billing for services provided by the City. In June 2023, the City Council passed municipal code Ordinance 23-04 that makes it "mandatory for every occupied property with the City to receive at least the City-provided basic service capacity and billing therefor."²⁸⁰ This ordinance affects all commercial, industrial and residential and can be found here: <https://www.codepublishing.com/CA/Clovis/>.

In July 2005, the Clovis City Council adopted a maximum annual 4 percent rate escalator for refuse charges that are annually reviewed, and if necessary, may be adjusted every first day of July. According to City information, City refuse rates are projected to increase in 2024-25 through 2025-26 at 4 percent each year after. Recycling and green waste rates are projected to increase by the approved 4 percent for 2024-25 through 2025-26 and increase by 4 percent annually. Street cleaning charges are anticipated to increase by 4 percent in 2024-25 through 2025-26 and are anticipated to grow based on the estimated increase in residential and commercial units.²⁸¹

City of Clovis Refuse Bond

In August 1998, the City of Clovis issued the \$16 million Refuse Revenue Bonds for financing landfill improvements.²⁸² According the City of Clovis' Comprehensive Annual Financial Report for the fiscal year

²⁷⁸ Ibid.

²⁷⁹ City of Clovis, Financial Documents, Utility Billing and Service, Rates and Fees.

²⁸⁰ Clovis Municipal Code Section 6.3.05 – Mandatory Service: Applications for Refuse Service.

²⁸¹ City of Clovis, 2022-23 Annual Budget, page 40.

²⁸² City of Clovis Audited Financial Statements – For the Fiscal Year ended June 30, 2017.

ending June 30, 2017, the purpose of the 1998 Refuse Revenue Bond was to finance several capital improvements to the Refuse Enterprise, and to refund the 1988 lease payments, and related 1987 Certificates. The bonds had interest rates varying from 3.80 to 5.00 percent and the final payment occurred September 2018.

Clovis Landfill Liabilities

The most recent Clovis Annual Comprehensive Financial Report indicates that City of Clovis has recorded liabilities for landfill closure, post-closure maintenance, and for landfill corrective action in the Community Sanitation Fund, an Enterprise Fund. The City's landfill closure liability, based on landfill capacity used to date, is recorded based on the information provided by their analysis. The landfill corrective action liability is based on the estimated cost of known or reasonably foreseeable corrective action that may be required at the facility.

As of June 30, 2022, the City estimated that landfill operations have used approximately 37 percent of the site's capacity, an estimated remaining life of approximately 35 years. The corresponding estimated remaining cost is \$21,069,673. The estimated capacity remaining is 6,195,531 cubic yards and the estimated landfill closure liability is \$5,002,240. The current estimated cost of known and/or reasonably foreseeable corrective action is \$4,500,000 and the City currently has \$1,000,000 set aside for this purpose.²⁸³

Facilities and Capacity

Solid waste generated in the City of Clovis is transferred to three landfills: City of Clovis Landfill, American Avenue Disposal Site, and Avenal Regional Landfill. A majority of the residential solid waste generated in Clovis is transferred to the Clovis Landfill by the City of Clovis' waste haulers.

The City of Clovis owns the Clovis Landfill located on 15679 Auberry Road, Clovis, CA 93619 approximately 13 miles north of the Clovis city limits. The Clovis Landfill is classified as an active solid waste disposal landfill by CalRecycle. The landfill facility encompasses 210 acres with a maximum capacity of 7,800,000 cubic yards. As of 2023, the Clovis Landfill has a landfill design capacity of 5,116,998 tons and is anticipated to close by 2055.²⁸⁴ According to CalRecycle, the Clovis Landfill has a maximum permitted throughput of 2,000 tons per day of solid waste and is inspected on a monthly basis by the Fresno County Department of Public Health, Environmental Health Division.²⁸⁵ According to City of Clovis' documentation, its landfill receives on average a disposal rate of 178 tons per calendar day.²⁸⁶

²⁸³ City of Clovis, Annual Comprehensive Financial Report – For the Fiscal Year ended June 30, 2022.

²⁸⁴ United States Environmental Protection Agency, Landfill Methane Outreach Program, Landfill/Project Database. Web:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.epa.gov%2Fsystem%2Ffiles%2Fdocuments%2F2023-07%2FLandfillmopdata.xlsx&wdOrigin=BROWSELINK>

²⁸⁵ State of California, CalRecycle, SWID Facility Details, City of Clovis Landfill (10-AA-0004). Web:

<https://www2.calrecycle.ca.gov/SolidWaste/Site/Summary/347>

²⁸⁶ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.17-36 – Utilities and Service Systems.

Clovis citizens also have the option to haul their own solid waste to other nearby landfills such as the American Avenue Disposal Site or the Avenal Regional Landfill.

The American Avenue Disposal Site is operated by County of Fresno, and this facility is the County's regional landfill located at 18950 West American Avenue, Kerman, CA 93630. This facility is able to accept all types of solid waste and recycling materials. In addition, the County of Fresno's Household Hazardous Waste Facility is located at 1327 West Dan Ronquillo Drive, Fresno, CA 93706 for drop off and safe disposal of various chemicals and substances.²⁸⁷ The American Avenue Disposal Site has a daily accepting capacity of 2,200 tons per day, and on average, this facility accepts 1,149 tons per day.²⁸⁸ The American Avenue Disposal Site encompasses 440 acres with a maximum capacity of 32,700,000 cubic yards.²⁸⁹ As of 2023, the American Avenue Disposal site has a landfill design capacity of 26,838,800 tons and is anticipated to close by 2044.²⁹⁰

The Avenal Regional Landfill is owned by the City of Avenal and operated by Waste Connections, Inc. This facility is regulated by Kings County Health Department/Environmental Health Services and located at 1200 Skyline Boulevard, Avenal, CA 93204. This facility is able to accept normal household garbage, non-hazardous commercial waste, farm or agricultural waste, municipal solid waste, construction debris, concrete and asphalt, yard waste, tree branches, non-putrescible dry waste, clean fill soil, dead animals, non-hazardous industrial waste, etc.²⁹¹ The Avenal Regional Landfill has a daily accepting capacity of 6,000 tons per day, and on average, this facility accepts 1,040 tons per day.²⁹² The Avenal Regional Disposal site encompasses 173 acres with a maximum capacity of 36,300,000 cubic yards.²⁹³ As of 2023, the Avenal Regional Landfill has a landfill design capacity of 20,803,536 tons and is anticipated to close in 2108.²⁹⁴

The Solid Waste Management Division owns and operates 19 frontline collection trucks and six frontline sweepers. The Community Sanitation Unit also owns and operates nine additional trucks, three additional sweepers, one roll-off, and three utility claws for bulky items.

As reported in the City's 2014 General Plan, the City's existing waste disposal facilities are considered adequate to maintain a sufficient level of service for future population growth in the City through 2035,

²⁸⁷ County of Fresno, Department of Public Works and Planning, Resources and Parks Division. Web: <https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/resources-and-parks-division/recycling-and-solid-waste-disposal/household-haz>

²⁸⁸ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.17-36 – Utilities and Service Systems.

²⁸⁹ CalRecycle. Web: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4535?siteID=352>

²⁹⁰ United States Environmental Protection Agency, Landfill Methane Outreach Program, Landfill/Project Database. Web:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.epa.gov%2Fsystem%2Ffiles%2Fdocuments%2F2023-07%2FLandfillmopdata.xlsx&wdOrigin=BROWSELINK>

²⁹¹ Avenal Landfill Information. Web: <https://www.wasteconnections.com/avenal-landfill/#faq-avenal>

²⁹² City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.17-38 – Utilities and Service Systems.

²⁹³ CalRecycle. Web: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/3755?siteID=898>

²⁹⁴ United States Environmental Protection Agency, Landfill Methane Outreach Program, Landfill/Project Database. Web:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.epa.gov%2Fsystem%2Ffiles%2Fdocuments%2F2023-07%2FLandfillmopdata.xlsx&wdOrigin=BROWSELINK>

which is the planning period of the Clovis General Plan. Existing facilities can accommodate project-generated solid waste for the 2035 scenario but not for full buildout.²⁹⁵ The City of Clovis Community Sanitation Division develops performance measures yearly to determine the pounds of waste, recycling and composting generated by each household, business and multi-family unit and updates estimates of future waste generation with the latest growth projections.

Service Adequacy

This section reviews regulatory compliance and diversion rates as indicators of solid waste collection service adequacy. Landfill facilities are regulated by the Environmental Protection Agency (EPA), California Environmental Protection Agency, the California Department of Resources, Recycling, and Recovery (CalRecycle) and a designated local enforcement agency (LEA), the role of which is played by the Fresno County Department of Public Health (FCDPH) in Fresno County.

According to the most recent information collected by CalRecycle, Facility Inspectors with Fresno County Department of Public Health, Environmental Health Division performed the most recent inspection on July 21, 2023, and FCDPH/LEA staff found that the landfill facility complied with applicable state mandates and operating in compliance with Facility File Permit No. 10-AA-0004.²⁹⁶ The City of Clovis complies with the Fresno County Integrated Waste Management Plan, which has been approved and filed with CalRecycle. The City of Clovis Fire Department inspects the facility to ensure that the Clovis Landfill complies with applicable fire standards pursuant to Public Resources Code section 44151 that requires all solid waste facilities outside any city comply with flammable clearance provisions.

²⁹⁵ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.17-36 – Utilities and Service Systems.

²⁹⁶ CalRecycle. Web: <https://www2.calrecycle.ca.gov/SolidWaste/SiteInspection/Index/347>

Shared Facilities

This section examines Clovis' current arrangements and potential opportunities for shared facilities with other agencies to reduce costs for services. City growth may present additional opportunities for future sharing of public facilities. The City of Clovis has numerous joint functions such as mutual aid/request agreements and shared facilities with other local agencies.

City Participation in Mutual or Automatic Aid Agreements

Fire Protection

The City of Clovis Fire Department provides and receives automatic aid from the Fresno Fire Department and Fresno County Fire Protection District. As a fire agency within Fresno County, Clovis provides automatic aid within a one-mile service area outside of the Clovis boundaries. Most often, those calls support Fresno City Fire Department or Fresno County Fire Protection District. Clovis' partner agencies also provide coverage within the City of Clovis boundaries when our resources may be deployed on other calls. Requests outside of the automatic aid area are handled through mutual aid agreements that define the scope of services and process by which those calls will be handled. To ensure automatic aid calls do not create service gaps in either jurisdiction, regular monitoring of aid received or given is conducted.²⁹⁷

Automatic Aid also enables the City of Clovis Fire Department to assemble a minimum of sixteen (16) professionally trained firefighters at the scene of a working structure fire and when needed receive a full second alarm of an additional ten (10) firefighters. This agreement enables the Clovis Fire Department to continually meet industry best practices such as National Fire Protection Association (NFPA 1710).

The City of Clovis can also request California State Master Mutual Aid, which is a formal agreement in which all California cities must participate. In order for a city to request mutual aid, all of the Fire Department resources must be assigned to emergency incidents and the jurisdiction no longer has any available emergency resources.

Law Enforcement

The City of Clovis provides a Law Enforcement Mutual Aid Agreement with the City of Fresno and the Fresno County Sheriff's Department. The mutual aid agreement enables the City to assist or request assistance from neighboring law enforcement agencies during times of emergency. The purpose of the agreement is to reduce dangers to life and property posed by civil disorder, natural disasters, riots and similar emergencies to ensure the maintenance of normal, orderly government. In addition, the Mutual Aid Agreement enables the Fresno County Sheriff and City of Fresno Police to have access to office facilities at the Clovis Police Department headquarters.

Wastewater Treatment

²⁹⁷ City of Clovis, Clovis Fire Department – 2022-27 Community Risk Assessment & Standards of Cover, page 83.

The City of Clovis has a Shared Facilities Agreement for sewer treatment capacity at the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF). The City of Fresno is the Regional Sewer Agency for the Fresno-Clovis Metropolitan Area (FCMA). The City of Fresno owns and operates the Fresno-Clovis RWRF under a Joint Powers Agreement (JPA) with Clovis, who shares an equitable ownership interest in the RWRF. The County of Fresno and other smaller agencies are also wastewater dischargers to the RWRF, though governed under separate agreements.

Clovis has four connections to the City of Fresno’s sewer collection system. The Herndon, Fowler, Peach, and Sierra trunk sewers are metered by the City of Fresno upon entering the regional system.²⁹⁸

Solid Waste and Hazardous Material Collection

The City of Clovis participates in a countywide household hazardous waste collection facility program with all jurisdictions within the County of Fresno. The agreement enables Clovis residents to dispose hazardous materials at the County of Fresno Regional Household Hazardous Waste (HHW) Facility located at 1327 West Dan Ronquillo Drive, Fresno, CA. City and County residents can dispose of paint, sharps and medications, pesticides, automotive fluids, batteries, electronic waste and other products that are considered hazardous waste. There is no charge for residential waste; however, there are limits on the types and quantities of items accepted at the HHW.

Storm Drainage

The City of Clovis’ Storm Drain System is operated and maintained by the Fresno Metropolitan Flood Control District (FMFCD). The City of Clovis works with FMFCD in a collaborative effort to address the expansion and conveyance of storm water within the City of Clovis. All development within the City is reviewed for adequate drainage, improvements to the drainage, and/or expansion of the storm drainage system. The FMFCD service area includes both City of Fresno and the City of Clovis, and the District’s system consists of over 163 drainage areas averaging one to two square miles each. The FMFCD currently owns and operates 640 miles of pipeline, 154 storm water retention basins, and 70 pumping stations. The construction of an additional 12 retention basins is planned by the District. Drainage service for new development is funded through development fees paid upon approval of the development. Ideally, drainage services are provided concurrently with construction of the development project in the City.²⁹⁹

Surface Water Agreements

Surface water to the City of Clovis is supplied to the City through a Contractual Agreement with the Fresno Irrigation District (FID) by which the City receives a portion of FID’s Entitlement to the Kings River and Friant Division of the Central Valley Project. The agreement requires FID to make available to the City the proportional share of all available surface water to the amount of FID land that lies within the City of Clovis. FID owns two water recharge facilities that have been built by the FID in cooperation with the City

²⁹⁸ City of Clovis, 2019 Sewer System Management Plan.

²⁹⁹ City of Clovis, 2014 General Plan and Development Code Update Draft PEIR SCH#2012061069, Section 5.17 – Utilities and Service Systems. Web: <https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-17-Utilities-and-Service-Systems.pdf>

of Clovis, the Waldron Banking Facility and Boswell Groundwater Banking Facility.³⁰⁰ The purpose of these facilities is to bank surplus water supplies, thereby making it available to the City as needed.

The City has two agreements that provide surface water supplies to the City. Two additional water districts are located within the City's 2014 General Plan Boundaries: Garfield Water District (GWD) and International Water District (IWD). Both have access to Class I CVP surface water supplies. The GWD holds a Class I CVP contract for 3,500 AFY. With half of GWD within the City's SOI, an estimated 1,750 AFY is expected to be added to the City's supply upon development. The IWD holds a Class I CVP contract for 1,200 AFY. The City's General Plan designates a portion of the District's area as industrial and residential use. At build-out, it is estimated that the entire 1,200 AFY supply will be added to the City's supply with urbanization, supplies associated with these areas are expected to be added to the City's supply. The City uses their surface water supplies in two primary ways, as potable water supply after being treated at the City's Surface Water Treatment Plant (SWTP), or as groundwater recharge in various basins located in and around the City's service area.³⁰¹

Joint Power Agreements

City participation in Joint Powers Agreements include the following items:

- Upper Kings Basin Integrated Regional Water Management Joint Powers Agreement
- North Kings Groundwater Sustainability Agency – a regional planning effort to address groundwater overdraft issues within the upper Kings Sub-basin and is a collaborative effort to bring groundwater supplies into balance pursuant to the Sustainable Groundwater Management Act of 2014
- Fresno-Clovis Regional Sewerage System Joint Powers Agreement – provides joint capacity use and capacity rights/ownership in the regional treatment facility, and trunk line connection to convey sewage into the regional sewage system
- Local Agency Workers Compensation Excess – workers compensation insurance
- Central San Joaquin Risk Management Authority – liability mitigation insurance
- Fresno County Council of Governments – local regional transportation governing collaborative

³⁰⁰ City of Clovis, 2020 Urban Water Management Plan Update, pages 6-5, 6-14.

³⁰¹ City of Clovis, 2020 Urban Water Management Plan Update, page 6-1.

Municipal Service Review Determinations

The LAFCo has prepared this MSR for the City of Clovis in accordance with Government Code section 56430. State law requires LAFCOs to identify and evaluate public services provided by the City and possible changes to the City SOI.

The following provides LAFCo's written statement of its determinations with respect to each of the following:

1) Growth and population projections for the affected area.

- The 2014 Clovis General Plan establishes its land use foundation through a vision statement that captures the pledge to its residents. The General Plan creates policies and provides for the general distribution, location, and extent of present and future land uses that guide land use decisions that shape development of the City. The City's 2014 General Plan regulates development within the City's incorporated limits and guides land uses in the plan area through policies in its eight general plan elements.
- Clovis' General Plan growth concept concentrates City growth into three urban centers known as the Southeast (now known as Loma Vista), Northwest (now known as Heritage Grove), and Northeast growth areas. The Southeast Urban Center (SEUC) encompasses approximately 3,307 acres and the entire center is located within the existing Clovis SOI. The Northwest Urban Center (NWUC) encompasses approximately 2,625 acres and the entire center is located within the existing Clovis SOI. The Northeast Urban Center (NEUC) encompasses approximately 9,522 acres and the entire plan area is located outside the existing Clovis SOI.
- The proposed SOI update will add 155 acres to the Clovis SOI, currently located within the City's planning area but not included within the planned three urban centers.
- Clovis' requested SOI revision is a step toward fulfilling the general plan economic development goal for "regionally and globally competitive office and industrial employment centers that deliver desirable career opportunities for residents, create wealth-building opportunities for entrepreneurs, and attract private investment." Based on Clovis' estimates, the proposed SOI revision is anticipated to create 605 residential units.
- As of January 1, 2022, the California Department of Finance (DOF) estimates that City of Clovis has an estimated population of 123,665 people, which is equivalent to a 1.6 percent growth change, compared to DOF population estimates for year 2021.
- In 2016, Clovis, along with 11 other cities in Fresno County and the County of Fresno, jointly launched the Multi-Jurisdictional Housing Element (MJHE) for the fifth round of housing element updates. Clovis has been assigned a Regional Housing Need Assessment (RHNA) of 6,328 units, including 2,321 very low-income units, 1,145 low-income units, 1,018 moderate income units, and 1,844 above moderate income units. The City maintains and annually updates the inventory of residential land resources in order to ensure that adequate sites are available to meet its RHNA numbers.

- Clovis' Housing Element notes that the City has an unaccommodated need from the fourth cycle RHNA of 4,425 lower-income units. To meet this shortfall, the City has completed its AB 1233 Carry-Over Analysis Summary for units constructed between 2006 through 2013.
- Implementation of the City of Clovis General Plan Update in the 2035 scenario would convert all existing agricultural land within the City's SOI to urban use as planned for in the 2014 Clovis General Plan.
- The Clovis 2014 General Plan's environmental review document recognizes that the conversion of farmland is a significant and unavoidable impact on agricultural land, even after mitigation is employed. LAFCo recognizes that City policies exist that provide for a balanced approach to preserve prime agricultural land within Clovis' SOI.

2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

- Government Code sec. 56033.5 defines a "Disadvantaged Unincorporated Community" as an inhabited territory, as defined by Government Code sec. 56046, or as determined by commission policy, that constitutes all or a portion of a "disadvantaged community" as defined by section 79505.5 of the California Water Code (WC).
- The MSR used the American Community Survey (ACS) five-year estimates for year 2017 to 2021 datasets to identify the demographic composition of various locations near the City of Clovis.
- According to the 2017-2021 ACS five-year estimates, City of Clovis' reported income levels are higher than that of the County and the state as a whole. During the surveyed 2017-2021 timeline, Clovis had a median household income (MHI) of \$89,769, while Fresno County reported an MHI of \$61,276. During the same timeline, the Statewide MHI for California was \$84,097. Pursuant to WC sec. 79505.5, any location with a MHI less than \$67,277 meets the income threshold for identifying Disadvantaged Communities. As of June 2018, LAFCo observed that all census units located in the existing and proposed SOI exceed the MHI threshold as defined Fresno LAFCo's Policy 111 and CKH.

3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.

- The General Plan provides the vision and guidance for capital improvements and the development of city infrastructure; and it is used to create development impact fees and provides the basis for environmental analysis of the growth of the City.
- The Clovis Park Division maintains approximately 544 acres of the City's recreational facilities, streetscape, parks, trails, and other landscaped open space areas, city trees, and city building grounds.

- The Open Space and Conservation Element of the 2014 General Plan provides goals and policies for ongoing development, maintenance, and funding, of existing and new city parks. The City of Clovis has an adopted Clovis Parks Master Plan that aligns with the 2014 Clovis General Plan goals and policies. The 2014 Clovis General Plan Parks and Recreation Element includes a desired parkland standard of 4.0 acres of park/open space per 1,000 residents.
- The City of Clovis has a park deficit of approximately 267 acres of parkland space. The goal for future planning increases the park area to approximately 380 acres and substantially increases the number of trails. The City's Parks Master Plan notes that by incorporating the estimated 135 acres (50%) of the school recreation facilities into the City's parkland inventory provides a ratio of 2.78 acres to 1,000 residents, much closer to the City's 2014 General Plan goal.
- The City of Clovis anticipates that city growth will increase demand on Parks and Recreation Open Space. The City's LMD as a whole continues to grow at a corresponding rate to balance growth with adequate funding.
- Storm water runoff in the City of Clovis is conveyed through a system of street gutters, underground storm drains, retention/detention basins, pumping stations, and open channels that are maintained by Fresno Metropolitan Flood Control District (FMFCD). The City of Clovis Public Utilities Department provides street, curb, and gutter maintenance, which are components used to convey storm water into FMFCD's storm drain inlets. Storm drainage infrastructure is expanded and/or improved with each new development within the City of Clovis.
- The City assists FMFCD to collect impact fees for each new project in the City. The City of Clovis Municipal Code requires that developers make payment of Local Drainage Fees to fund construction of local drainage facilities that are planned in the Fresno Metropolitan Flood Control District Urban – Urban Storm Drainage System Master Plan before approval of a final subdivision map, or before the construction of any land development project.
- The Clovis Public Utilities Department performs street maintenance services on 500 miles of paved city streets. The condition of street pavement utilizes a Pavement Management System (PMS), which regularly evaluates pavement conditions and establishes a cost-effective maintenance strategy.
- The City of Clovis' 2014 General Plan Circulation Element provides City goals and policies that comprise the operational standard for the Clovis Street Maintenance Unit. Roadway system improvements associated with urban development activities under the City's 2014 General Plan are designed in accordance with the City's established roadway design standards, the California Manual of Uniform Traffic Control Devices, and the Caltrans Roadway Design Manual.
- The Clovis Engineering Service Unit regularly conducts street maintenance surveys and traffic counts, frequently evaluates the condition of the City's streets, and develops an updated pavement management program to guide future maintenance and repair efforts.
- The City of Clovis has an adopted Active Transportation Plan that identifies existing, planned pedestrian walkways, and bicycle pathways throughout the City for the next 20 to 25 years. The

Clovis ATP seeks to reduce Clovis residents' auto dependency and increase availability of alternative ways to travel within the City.

- The Clovis General Services Department, Community Services Division, Transit Section is responsible for the operation, management, and the long-range planning for public transportation consisting of Clovis' Stageline and Roundup transit services.
- Each Clovis transit vehicle is inspected for safety and maintenance in compliance with California Highway Patrol inspection protocol every 45 days or 3,000 miles, whichever comes first. Emergency maintenance service calls are addressed as soon the incident is reported to the Maintenance Division.
- The Clovis Transit Division's five-year outlook emphasizes safe transportation for the community and employees through enhanced cleaning, security, and efficient operations. On an annual basis, the City of Clovis General Services Department evaluates the Department's infrastructure needs and identifies necessary projects to fund through the annual preparation of the City of Clovis' budget.
- According to Clovis' FY 2022-23 budget, the City has identified a much needed transit center to be constructed within the City to improve customer ridership experience, provide easier transfers between routes, and expand staff training facilities and office space. The new centrally located transit center was completed in January of 2024.
- The Clovis Fire Department responsibilities include the following types of duties: fire protection, emergency medical services, urban search and rescue, high angle, trench, water and confined space rescue, hazardous condition mitigation, strategic planning, administration, fire investigations, code enforcement, public education, emergency preparedness, and disaster response and coordination.
- The City of Clovis shares its western limits with the City of Fresno, while Clovis' southern and eastern limits are shared with both City of Fresno and Fresno County Fire Protection District. The City of Clovis has automatic aid request and mutual aid agreements for extended fire protection services with the City of Fresno and Fresno County Fire Protection District/CAL FIRE.
- All six Clovis fire stations are within the designated 4.5 to five-mile distance of each other and are staffed with the minimum standard requirement as suggested by the 2022-27 CFD Standards of Coverage for Emergency Response.
- The City of Clovis Fire Department has a class rating of "Class II" through the Insurance Service Office (ISO). The ISO rating "Class II" is based on ISO Public Protection Classification Program's assessment and scoring of the District in four primary areas: 1) Emergency Communications, 2) Water Supply, 3) Community Risk Reduction, 4) Fire Department. The rating is assigned for the urban area such as for the City of Clovis.
- The 2014 Clovis General Plan and municipal code identify land use categories, development standards, and other general provisions that ensure all new development is consistent and complies with the Federal, State, and local fire code restrictions. Clovis Fire Department has its

adopted Fire Department’s Standards available on the City’s website that addresses building access, signage, and exiting requirements for all commercial and residential structures within the City.

- The Fire Department works closely with the Planning and Development Services Department to address City concerns and the extension of City infrastructure to new development projects.
- The City of Clovis has an adopted Master Service Plan for its Police Department. The Department’s long-range planning effort is guided by the CPD Master Service Plan’s recommendations and is dependent on the City’s adequate funding availability.
- The Clovis Police Department is dedicated to fighting crime through all traditional and creative means to protect residents and visitors in a manner that builds public confidence and improves the quality of life in Clovis. The 2014 Clovis General Plan notes that police personnel increases its officers per 1,000 residents and strives to achieve a ratio of 1.3 sworn officers per 1,000 residents. The City police ratio is 0.90 officers per 1,000 residents’ base on DOF’s estimates.
- The Clovis Police Department implements local and state laws, conducts crime investigations, apprehends criminals, maintains ongoing crime prevention programs, and builds ties with the community and participates in joint crime prevention efforts with local law enforcement agencies. The CPD serves a community of over 120,000 people, and Clovis is currently ranked as the safest city in the Central Valley.
- Clovis Police Department states that existing police public facilities, including personnel, equipment, and office facilities, are adequately serving the City. The City informed LAFCo that in anticipation of the continued growth of the City’s population and development, CPD has proposed future facilities to accommodate future growth.
- The Clovis Police Department annually assess crimes committed within the City and summarize the police department performance in an end-of-year report that identifies incidents, accidents, crimes, and arrests for the previous year.
- The Clovis Wastewater Division operates under the direction of the Clovis PUD and is responsible for the operation and maintenance of Clovis’ sewer collection and treatment system consisting of over 432 miles of sewer pipelines, lift stations, associated machinery and equipment including the Clovis Sewer Treatment/Water Reuse Facility (ST/WRF).
- The City of Clovis 2014 General Plan Public – Facilities and Service Element establishes goals and policies for its public facilities. The City of Clovis 2017 Wastewater Collection Master Plan provides long range planning and a course of action for the City to follow with respect to wastewater service needs through the year 2035 and beyond.
- The 2017 Wastewater Collection Master Plan planning area is coterminous with the Clovis 2014 General Plan, extending beyond the SOI to account for future infrastructure needs in City of Clovis’ southeast, northwest, and northeast urban centers.

- The Clovis Surface Treatment /Water Reuse Facility has a current treatment capacity of 2.8 mgd. The City expects that planned phased expansion of the Clovis ST/WRF will increase its treatment capacity to up to 8.4 mgd and permit it to treat future flows from the northwest, northeast, and southeast service areas. Complete buildout of the Clovis ST/WRF will provide the City with the opportunity to meet its projected wastewater treatment needs over the next 25 to 30 years.
- The City of Clovis has an available combined treatment capacity between the Clovis ST/WRF and Fresno-Clovis RWRP of 12.1 mgd according to the 2017 WCMP.
- At its buildout capacity, the Clovis ST/WRF will be able to produce over 3 billion gallons of recycled water per year. Treated wastewater not used for City landscaping or adjacent agriculture use is sent to Fancher Creek where it is combined with seasonal surface flows for agricultural use.
- Existing wastewater generation by the City of Clovis is estimated at about 7.9 mgd based on flow metering data from January 2022 through May 2023. Based on a 2022 population of approximately 124,000, the per person generation rate is approximately 65 gallons per person per day.
- The City plans for its water supply through various master plan documents: 2014 Clovis General Plan, Clovis 2020 Urban Water Management Plan, Clovis 2017 Water Master Plan, The Clovis 2017 Recycled Water Master Plan.
- The City of Clovis operates its Surface Water Treatment Plant (SWTP), groundwater wells, and distribution system under Revised Domestic Water Supply Permit No. 03-12-19P-003 dated January 16, 2019, and Amendment to the Domestic Water Supply Permit No. 09-12-20PA-012 dated August 28, 2020.
- According to the City of Clovis water permit issued by the State Water Resource Control Board, Division of Drinking Water, Clovis' total source capacity of the City's groundwater wells is approximately 36,564 gpm. The City has a combined total source capacity of approximately 52,254 gpm using the 36 active wells and the Clovis SWTP (surface water).
- As of 2020, the City provided service to approximately 36,351 water connections, which were comprised of residential and nonresidential customers. Its average daily water consumption is 22.2 mgd.
- The City's groundwater supply is currently drawn from 36 active groundwater wells; the City has one additional well currently on standby due to iron and manganese concerns. During the 2020 calendar year, the City pumped 12,105 acre-feet (AF) of groundwater from its 36 available wells and conducted 5,316 AF of intentional recharge.
- The City reports that as of 2020 it has a combined total groundwater pumping capacity of 37,690 gpm. There are six planned wells, adding a planned capacity of 4,750 gpm for a total well capacity of 42,440 gpm upon completion.
- The 2017 Water Master Plan indicates that all active wells are in good condition. Most City wells have a 60-year life expectancy, and the City regularly conducts field assessments to determine

necessary maintenance projects. According to the 2017 Water Master Plan, the City has plans to construct six new wells and an additional 80 acres of recharge basins.

- Clovis' surface water supply is retained from the Kings River and Friant Division of the Central Valley Project. The City's current surface water entitlement with Fresno Irrigation District equates to approximately 28,000 AF during an average/normal water year. The City's allocation from the Kings river is proportional to the total acreage of the City's included area to the total FID area receiving water. According to the UWMP, the City has received on acreage 17,011 AFY, though this has varied from 9,452 AF in the severe drought of 2015 to over 24,958 AF in 2017.
- During 2018, Clovis' Water Division informed LAFCo that the City will receive an estimated 39,000 AF of its surface water entitlement in 2023.
- Future development of Clovis' planned Northwest Urban Center (north of Enterprise Canal) and the Northeast Urban Center relies on the City's ability to secure a reliable water supply, possibly retained from Garfield Water District and International Water District.
- Historical averages show that IWD annually receives 90 percent of its contracted water allocation from USBR, which amount to an annual delivery average of 1,080 AF. According to Clovis' 2020 Urban Water Management Plan, the City anticipates that approximately 1,200 AF of IWD's CVP water may be added to the City's supply to support development. USBR officials informed LAFCo that IWD's contracted water supply reassignment would require USBR to review and update IWD's water supply contract. The process may result in IWD requesting a new designee to receive a portion or all of IWD's federal contracted water supply.
- The City operates a recycled water supply system from the treatment of wastewater at the Clovis Sewage Treatment/Water Reuse Facility (ST/WRF). The City's recycled water supply program offsets a portion of the City's groundwater and surface water-supply demand.
- The Clovis ST/WRF has an annual average recycled water treatment capacity of about 3,100 AFY, or 2.8 mgd. In 2015, the Clovis ST/WRF generated about 1,870 AF of recycled water with existing customers (irrigation) using 396 AF and the remainder, 1,474 AF, discharged to Fancher Creek.
- The City expects that additional planned facility projects will expand the City's ability to increase the existing treatment capacity nearly eightfold by 2035, and potentially increase Clovis' recycling capacity nearly twelvefold by 2040.
- LAFCo has authorized the extension of water service outside of Clovis' city limits to: Tarpey Village, Rural Residential located on 3602 Shepherd Avenue, Rural Residential Address located on 5844 East Teague Avenue. With the exception of Tarpey Village, as a condition to City water service, property owners agree to waive any right to object to or withdraw consent to Clovis' annexation of affected properties in the future.
- The Clovis Sanitation Division consists of four units: Refuse Collection, Refuse Landfill, Refuse Contracts, and Street Cleaning.

- The Clovis Public Utilities Department coordinates the oversight and support of its operating units, and manages the Community Sanitation Division’s strategic business planning, resource management, organizational development, personnel and labor relations, fiscal management, project management, and performance metrics.
- To address the threat to public health and safety caused by illegal dumping, Clovis implements its semi-annual Community Clean-Up Program. Twice a year City refuse trucks make rounds throughout the City and collect many items that are not picked up by the regular garbage service.
- The Public Utility Department actively works with Planning and Development Services Department (PDS) to review and comment on development projects and to coordinate its long range planning and engineering efforts with the general planning conducted by PDS.
- Solid waste generated in the City of Clovis is transferred to three landfills: City of Clovis Landfill, American Avenue Disposal Site, and Avenal Regional Landfill. A majority of the residential solid waste generated in Clovis is transferred to the Clovis Landfill by the City of Clovis’ waste haulers.
- The City of Clovis owns the Clovis Landfill located on 15679 Auberry Road, Clovis, CA 93619 approximately 13 miles north of the Clovis city limits. The City estimated that landfill operations have used approximately 37 percent of the site’s capacity, an estimated remaining life of approximately 35 years. The estimated capacity remaining is 6,195,531 cubic yards. The Clovis landfill was last inspected on July 21, 2023, with no violations reported to CalRecycle.
- The City’s existing waste disposal facilities are considered adequate to maintain a sufficient level of service for future population growth in the City through 2035, which is the planning period of the 2014 Clovis General Plan. The City of Clovis Community Sanitation Division develops performance measures yearly to determine the pounds of waste, recycling and composting generated by each household, business, and multi-family unit and updates estimates of future waste generation with the latest growth projections.

4) Financial ability of agencies to provide services.

- The Clovis Municipal Code (CMC) requires that the City Manager prepare a balanced budget to submit to the City Council by the third meeting in May of each year, outlining anticipated revenues and expenditures for the upcoming fiscal year. CMC also requires that the City Council adopt a balanced budget no later than June 30, to assure that continuity of government services remains intact.
- The 2014 Clovis General Plan establishes the foundation for most of the Council's budgeting decisions in terms of capital facilities, staffing, programs, utility infrastructure, and levels of service; it establishes a land use pattern for lands beyond the City limit.
- The City of Clovis has established fiscal policies that governs its financial administration. Clovis’ financial policies are designated to protect the City’s assets, provide stability in its funding base, and ensure that adequate funding resources are secured for upcoming year.

- The City of Clovis' budget objectives include securing adequate allocations to maintain appropriate service levels for public safety, crime prevention, hazard prevention, and emergency response. Additional funding measures are allocated toward the annual implementation of the City's 2014 General Plan, which includes updates of all service delivery plans, general plan amendments, and infrastructure master plans.
- Clovis policy requires that an emergency reserve be established on all budgetary accounts. The General Fund target reserve is set at 20-25 percent of General Fund expenditures. The current General Fund reserve is estimated to be approximately 22 percent, which is equivalent to \$21 million, at the beginning of FY 2022-23.
- For FY 2022-23, Clovis' adopted budget amount to \$297.4 million. Tax-based revenues, including sales taxes, property taxes, and property taxes in lieu of VLF combined, make up 58 percent of the City's General Fund anticipated revenues for FY 2022-23. Clovis also includes \$48.4 million in capital improvement expenditures which directs \$43 million to the Community Investment Program (CIP) and \$5.4 million to capital projects in other funds.
- Clovis' total budgeted expenditures for FY 2022-23 amount to \$297,487,400. According to the City's budget, the City will have a net transfer balance of \$150,000 and the City expects that it will end the year with a fund balance of \$99,441,803. Based on the City Council adopted FY 2022-23 Annual Budget, there is sufficient influx of funding resources to allow the City to continue to provide acceptable levels of public services, municipal services, and continuation of operations of various public facilities.
- City of Clovis contracts with an independent auditor to audit its financial records for the preceding fiscal year on an annual basis. The City's financial audits, also known as its Annual Comprehensive Financial Report (ACFR), is prepared by the City and audited by a certified public accounting firm in accordance with generally accepted auditing practices of the government finance industry. Clovis' City Council receives the annual ACFR for its previous year no later than December 31st of each year.
- The City utilizes long-term debt to fund its capital needs. It is City policy to undertake long-term debt to fund capital assets (including infrastructure) when those assets will be a benefit over several budget years and there is a need to conserve liquid assets (cash). The City has been able to finance various projects with very attractive rates due to the City's favorable credit rating. As of June 30, 2022, the City's total non-general obligation debt totaled \$143,640,124.
- The City of Clovis receives an updated bond rating when a new bond is issued or as a part of annual reviews of the City's debt portfolio and financial position by ratings agencies. The City of Clovis ratings for the 2017 Wastewater Revenue Refunding Bonds were as follows:
 - Insured Rating: Standard & Poor's: "AA"
 - Underlying Moody's: "A1"
 - Underlying Standard & Poor's: "A+"
- Clovis' Five-Year Financial Forecast through FY 2026-27 represents the City's effort to analyze its fiscal condition based on its set of economic factors and operational assumptions. City

management and City Council utilize the study to identify trends and issues that can be addressed early on in order to assure fiscal success.

- Over half of Clovis' park acreage maintenance is funded by the City's General Fund, which is made up of general revenues. The majority of the revenue comes from sales and property tax revenues.
- The City's Municipal Code, Chapter 3.4, "Park Acquisition and Development", outlines the fee imposed on all residential developments, hotels, motels, assisted living facilities, commercial, professional, and industrial buildings. The fee is determined by the City Council and is reviewed on an annual basis.
- According to the City's FY 2022-23 budget, the City's Parks Division had a budget of \$6,886,400. The Division's main sources of revenue include state grants, facility reimbursements, planning and procession fees, engineering processing fees, user fees, miscellaneous fees, and the general fund-discretionary.
- The City's Municipal Code requires that developers must dedicate parkland or pay in-lieu fees to enable the City to acquire a ratio of 4.0 acres of parkland per 1,000 residents. All future parks are expected to be funded through the City's General Fund, the Clovis LMD No. 1, state and federal grants, and development impact fees, as outlined in the City's Park Acquisition and Development Fee Program, per Section 3.4.03 of the City's Municipal Code.
- The City funds street maintenance services through several accounts within the Public Utilities Department: Street Maintenance, Street Lighting, Storm Drainage, and Landscape Maintenance District.
- The City of Clovis regularly pursues available transportation related grants, whether they are administered through local or state agencies. Most recently, several roadway and transportation improvement projects within Clovis have been funded by the Fresno County Transportation Authority (FCTA) with Measure C funds.
- A substantial portion of Clovis Transit Division's operational funding is derived from the City's share of the Local Transportation Fund (LTF). This source of revenue stream is generated by a 1/4 cent tax on general sales, which is collected by the state and distributed to the local agencies on a formula basis for support of local transportation services. According to Clovis' budget for FY 2022-23, the City anticipates \$6,801,200 in revenue from the LTF.
- The Clovis Fire Department funding resources come from the City's General Fund, which consists of property taxes, special assessment, development impact fees, state grant funding, and user fees. The Fire Department is primarily funded by discretionary revenue. The Fire Department's budget consists of four categories: Emergency Services, Life Safety and Enforcement, Emergency Preparedness, and Fire Administration.
- Additional Fire Department funding is obtained through development impact fees. The Community Facilities District 2004-01 was formed to provide supplemental operational funding for police and fire in growth areas north of Herndon Avenue and east of Locan Avenue. All projects after 2004 are required to petition to be annexed to the Community Facilities District 2004-01.

The Community Facilities District was created to mitigate any public safety impacts created by new development, as well as to ensure consistency with general plan goals and policies.

- For FY 2022-23, the Clovis Fire Department budgeted \$20,103,400 for Emergency Services, \$685,300 for Life Safety and Enforcement, \$142,300 for Emergency Preparedness, and \$1,118,500 for Fire Administration. The Fire Department's total budget for FY 2022-23 totaled \$22,049,500. All funds are retained from the City's General Fund.
- The Clovis Fire Department has an adopted Master Administrative Fee Schedule, and the schedule is available on the City of Clovis' website. The Fire Department regularly reviews its Master Fee Schedule and makes necessary changes for the City Council to consider. Each year, the Fire Department provides the City Manager its proposed budget for the department for the upcoming fiscal year along with department goals.
- The Clovis Police Department is funded through the Clovis General Fund and the Community Investment Program. The Police Department regularly pursues available state and federal grants to assist with specific projects or operations of the department.
- The police department also receives funding collected by the Community Facilities District 2004-01 (CFD), which applies to properties within the CFD primarily in growth areas north of Herndon Avenue and east of Locan Avenue. The CFD was created to ensure that new development in these areas can fund adequate police and fire protection as the development occurs farther away from the Clovis urban center.
- According to the Clovis Police Department, the Department's long-range planning effort is guided by the CPD Master Service Plan's recommendations, and the Department has been able to maintain Clovis as the safest city in the Central Valley. According to the CPD's website, Clovis was recently named as the first ranked "Best City in California to raise a family."
- The Clovis Police Department provides local residents the opportunity to volunteer within certain divisions in the Police Department. The Police Reserve Unit and Citizen Volunteer Program in Police Services assist police officers with administrative support in records, investigations, and active field patrol.
- The City operates the Clovis Wastewater Reuse Facility under the provisions specified in Waste Discharge Requirements (WDR) Order No. R5-2019-0021 issued by the California Regional Water Quality Control Board Central Valley Region. Clovis' WDR order was adopted by the State on April 4, 2019.
- Under the several regulating programs, the City of Clovis is required to provide regular self-monitoring reports to the RWQCB on a quarterly basis, and contain information pertaining to flow records, construction activity, permit compliance, etc.
- The Clovis sewer service operation consists of three key funds within the City's budget. The sewer service fund, sewer construction-enterprise fund, and sewer construction-developer fund. The sewer service fund is funded by user rates. It accounts for the operation and maintenance of Clovis' sanitary sewer system and pays the City's fair share of Fresno-Clovis RWRf.

- The Clovis Wastewater Collection and Treatment Division’s operating budget is fully funded from user fees, and annually amounts to \$18,632,500.
- The City has prepared several master planning documents that provide policy direction for the wastewater collection and conveyance system, wastewater treatment systems, and recycled water facilities. The master service plans are reviewed and updated by the City on an annual basis to ensure that the City has sufficient capacity to meet existing and future service demands.
- At the time this service review was prepared, the City of Clovis informed LAFCo that the City’s wastewater collection system is in “good-to-exceeding standards” operational condition. The Public Utilities Department continues to invest in equipment and professional staff training to maintain reliable sewer system.
- The City charges user fees to all water customers to cover the costs of water production, distribution, and treatment of the City’s water resources. The City’s water rates are based on water usage and connection type, either residential or commercial accounts.
- According to the City’s budget for FY 2022-23, total Water Service revenues are anticipated to amount to \$21,441,000 (Water Enterprise). Water user rates generate a majority of the revenues for the Water Division. For the same year, Water Service expenditures are expected to amount to \$21,073,900. The largest expenditure categories are personnel salaries, energy costs, and administration overhead.
- City customers are billed bimonthly for service per the City’s adopted rates. Users rates consists of charges for the maintenance of water lines, treatment of water, and fees to meet the City’s water bond covenants. City of Clovis water service revenue is projected to grow proportionately to City growth, and the City’s fee structures include appropriate rate increases if deemed necessary to be adjusted by the City Council. Beginning in Fiscal Year 2018-19 and beyond, a 3% increase is projected.
- The City’s Community Investment Program provides a process for developing the logical order of construction of projects identified in the City’s 2020 Urban Water Management Plan. The City also evaluates its various master plans so that capital projects support and sustain continued community development.
- The City of Clovis Finance Department collects all utility user fees and is authorized to start or stop utility services when a customer submits a request to the City. The Finance Department bills for the costs of all city services provided and thus avoids duplication of billing for services provided by the City.
- The Clovis Community Sanitation Division is fully funded through user fees, and service charges for specific services if requested. The Public Utilities Department regularly pursues available state and federal grants for its divisions to assist with specific projects or operations of the department.
- According to the City of Clovis’ FY 2022-23 budget, the Clovis Community Sanitation Division and all units within the Division had a budget of \$25,604,100, which is balanced by user fees.

- The Community Sanitation Fund is self-supported from user fees and the Division is operated as a City business or "enterprise." All revenue from service charges related to the collection and disposal of solid waste, recycling, green waste, and street-sweeping fees is deposited into the Community Sanitation Fund.
- City of Clovis has recorded liabilities for landfill closure, post-closure maintenance, and for landfill corrective action in the Community Sanitation Fund, an Enterprise Fund. The City's landfill closure liability, based on landfill capacity used to date, is recorded based on the information provided by analysis. As of June 30, 2022, the City estimated that landfill operations have used approximately 37% of the site's capacity, an estimated remaining life of approximately 35 years. The corresponding estimated remaining cost is \$21,069,673.

5) Status of, and opportunities for, shared facilities.

- The City of Clovis and Clovis Unified School District (CUSD) have a Joint Powers Agreement for the use of district school recreational facilities by the public. CUSD maintains an "open gate" policy for CUSD land facilities available for recreational use.
- Storm water drainage and flood control service with City of Clovis is provided by Fresno Metropolitan Flood Control District (FMFCD) through a regional joint powers agreement between FMFCD, County of Fresno, City of Fresno, City of Clovis, and California State University-Fresno. The joint powers agreement authorizes the agencies to convey storm water runoffs to multiple drainage points and basins that are owned by FMFCD.
- In a collaborative effort, the Clovis Police Department/Youth Services is committed to supporting parents and works closely with local organizations and local schools within the Clovis Unified School District to consistently deter juvenile crime and hold juvenile offenders accountable.
- The City of Fresno owns and operates the Fresno-Clovis Regional Wastewater Reclamation Facility under a Joint Powers Agreement (JPA) with Clovis and the County of Fresno. As indicated earlier, a majority of wastewater generated within the Clovis city limits is currently discharged to the Fresno-Clovis RWRf for treatment. Through the JPA, City of Clovis has capacity ownership of 9.3 mgd and rights to purchase additional capacity. The Clovis entitlement represents 11percent of the Fresno-Clovis RWRf's total capacity.
- The City of Clovis anticipates that an additional 0.881 mgd of treatment capacity at the Fresno-Clovis RWRf will be necessary to accommodate future urban growth outside the current Clovis SOI.
- The Kings Sub basin is recharged through a joint effort and shared recharge facilities between the Cities of Fresno and Clovis, the Fresno Irrigation District (FID), and the Fresno Metropolitan Flood Control District (FMFCD).
 - Waldron Pond Banking Facility (WPBF) is managed by FID. The WPBF is estimated to annually produce 10,000 acre-feet of water supply recharge. The City is entitled to receive up to 90 percent (9,000 AF) of the annual yield at WPBF.

- Boswell Groundwater Banking Facility (BGBF) is managed by FID. The BGBF consists of a 100-acre basin and three recovery wells. The City of Clovis has access up to 4,500 AFY of surface water from BGBF.
- Additional opportunities for shared water recharge facilities may arise among member agencies of the North Kings Groundwater Sustainability Agency (NKGSA). The GSA is composed of the Fresno Irrigation District, the County of Fresno, the City of Fresno, the City of Kerman, Biola Community Services District, Bakman Water Company, Fresno Metropolitan Flood Control District, Garfield Water District, California State University Fresno, and International Water District. Under State statute, NKGSA is responsible to develop and implement a groundwater sustainable plan (GSP) by 2020 that will meet the sustainability goal of the basin and ensure that it is operated within its sustainable yield, without causing undesirable results.
- The City of Clovis Fire Department provides and receives automatic aid from the Fresno Fire Department and Fresno County Fire Protection. The automatic aid enables the city to provide the closest emergency response unit no matter where the incident is located when an individual has an emergency and calls 911. No jurisdiction has formal boundaries when it comes to emergency responses.
- The City of Clovis provides a Law Enforcement Mutual Aid Agreement with the City of Fresno and the Fresno County Sheriff's Department. The mutual aid agreement enables the City to assist or request assistance from neighboring law enforcement agencies during times of emergency.
- The City of Clovis participates in a countywide household hazardous waste collection facility program with all jurisdictions within the County of Fresno. The agreement enables Clovis residents to dispose hazardous materials at the County of Fresno Regional Household Hazardous Waste (HHW) Facility located at 1327 West Dan Ronquillo Drive, Fresno, CA.
- Surface water to the City of Clovis is supplied to the City through a Contractual Agreement with the Fresno Irrigation District (FID) by which the City receives a portion of FID's Entitlement to Kings River Water proportional to the amount of FID land that lies within the City of Clovis. FID owns two water recharge facilities that have been built by the FID in cooperation with the City of Clovis, the Waldron Pond and Boswell Groundwater Banking Facility. The purpose of these facilities is to bank surplus water supplies, thereby making it available to the City as needed.
- Future shared water facilities and supplies within the Clovis SOI are identified to include the International Water District (IWD) and Garfield Water District (GWD). Both have access to Class I CVP surface water supplies. The GWD holds a Class I CVP contract for 3,500 AFY. With half of GWD within the City's SOI, an estimated 1,750 AFY is expected to be added to the City's supply upon development. The IWD holds a Class I CVP contract for 1,200 AFY. The City's General Plan designates a portion of the District's area as industrial and residential use. At build-out, it is estimated that the entire 1,200 AFY supply will be added to the City's supply. The IWD anticipates that its water rights under contract with United States Bureau of Reclamation will be transferred to the City of Clovis to be utilized to support future urban development.

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

- The City of Clovis is governed by a five-member elected council, elected at large and accountable to the residents of the City. The Clovis City Council carries out its responsibilities through the implementation of the Clovis General Plan, Clovis Municipal Code, and other state laws.
- The Clovis City Council convenes regularly on the first, second, and third Monday of each month at 6:00 p.m. at 1033 Fifth Street, Clovis, CA 93612.
- The City Council appoints a city manager who is responsible to oversee the daily operations of the City. As of May 2023, the City relies on 607 paid professional staff to conduct the daily business and manage the operations of the City.
- The Council works closely with the City Manager, various citizen advisory commissions and committees, and solicits public comments from its residents to make decisions on behalf of its citizens. The City Council also focuses on creating and updating community goals and policies, votes on major projects, decides on long-term community growth strategies, and makes land use decisions, capital improvement plans, capital financing programs, and strategic plans.
- The City Manager is responsible for administering all operations, finances, activities, and projects consistent with City Council policy directives and applicable municipal, state, and federal laws. The City Manager's Executive Team advises the City Manager on all city projects, plans, and community service needs. The Executive Team consists of the following departments: Economic Development, Finance Director, Fire Chief, Police Chief, General Services Director, Planning and Development Director, Director of Public Utilities.
- The Clovis Planning Commission is a permanent committee made up of five individuals who have been appointed by the City Mayor and voted upon by City Council to review, advise, and act on matters related to planning and development of the City.
- The Planning Commission works closely with Clovis' Planning and Development Services Department, and regular Planning Commission meetings are held monthly at 6:00 p.m. in the Clovis Council Chambers at City Hall on the fourth Thursday of each month.
- The Clovis Personnel Commission is a seven-member body appointed based on the recommendation of the Clovis Personnel Division and responsible for hearing appeals of certain personnel actions as provided in the City's Personnel Rules and Regulations. Potential Personnel Commissioner candidates must be residents of the City, and all commissioners are appointed by the City Council to four-year terms.
- The City's major operations are organized into seven departments including City Manager, Finance, Fire, General Services, Public Utilities, Planning and Development Services, and Police.

- Each department has adopted planning policy documents, guidelines, and procedures that describe their respective responsibilities. Existing service plans are regularly reviewed and appropriate changes are proposed for the City Council’s consideration when deemed necessary.
- City of Clovis has two committees formed to provide input to the City’s public transit decision making process. The ADA Advisory Committee is a standing committee that consists of City staff and members of the public and make recommendations regarding transit ADA issues. The Social Services Transportation Advisory Committee (SSTAC) consists of members from the public with varied interests, and makes recommendations on policy and technical issues to the City of Clovis and to the Fresno Council of Government.

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

- Land immediately outside City of Clovis’ northern, southern, and eastern city limits consists of agricultural land uses and incidental rural residential units. The City of Fresno abuts Clovis’ western edge that generally follows Willow Avenue.
- The City of Clovis takes a leadership role in land use planning by assessing a larger *Plan Area* in its 2014 Clovis General Plan than just the territory within its adopted SOI. Clovis’ *Plan Area* boundaries included approximately 10,199 acres of land designated as Agriculture use. Of which, 9,810 acres of land is located outside of the adopted Clovis SOI. There are 5,130 acres of land outside of Clovis’ city limits and inside Clovis’ SOI. The 2014 Clovis General Plan designates urban land uses for all territory identified within the City SOI, and no agricultural land use designations exist inside Clovis’ incorporated limits.
- There are 1,382 acres of existing ag land within Clovis’ SOI that are protected by Williamson Act Contracts (WACs), of which 1,365 acres are designated by the state as Prime Agricultural Land (PAL), while 17 acres are designated as non-PAL. Of the total 1,365 acres identified as PAL in Clovis’ SOI, 855 acres have filed non-renewal to the Williamson Act Contract with Fresno County, while 510 acres remain in PAL designations and have active WACs.
- None of the proposed territory is designated as PAL in Clovis’ Shepherd North SOI revision request nor is it subject to an active WAC.
- Agricultural uses continue to dominate much of the regional landscape, only moderate amounts of agricultural land remains in production within the City’s SOI and plan area, primarily in the eastern, southeastern, and southwestern areas.
- The 2014 Clovis General Plan, Land Use Element Policy 4.4 Farmland Conservation states that the City will “Participate in regional farmland conservation, including the establishment of comprehensive agricultural preserves or easements, through efforts such as the Fresno County Model Farmland Conservation Program or the San Joaquin Valley green print.” LAFCo observes that the City has yet to engage in a regional agricultural preservation program.

Sphere of Influence Update

Fresno LAFCo has prepared this service review consistent with Government Code section 56430 in order to update the Clovis SOI in accordance with GC section 56425. The purpose of the service review is to get a “big picture” of the public services provided by a local agency, determine service needs, and make recommendations in order to promote the orderly development of local agencies.

The Municipal Service Review was prepared in conjunction with City of Clovis’ proposed sphere update request to add approximately 155 acres of territory into the Shepherd North portion of the Clovis SOI. In summary, the service review found that the City of Clovis is efficiently providing its various municipal services within its corporate boundaries, and has adequate capacity, phased infrastructure improvement programs, and adequate planning efforts by type of service to support additional growth within the proposed SOI update.

Sphere Analysis

LAFCo staff reviewed the Clovis’ proposed SOI update in light of the data collected during the MSR process, as well as from correspondence with Clovis City representatives, County of Fresno Public Works and Planning, Special Districts Administration, a comprehensive review of previous LAFCo actions. LAFCo staff reviewed the Clovis’ 2014 General Plan, County of Fresno General Plan, and assessed the proposed SOI update in order to provide the Commission a sound SOI update recommendation for its consideration.

Update the SOI as requested by Clovis:

This option aligns with the Clovis City Council’s vision for future growth, and it would memorialize the 2024 County-City Memorandum of Understanding (Fourth Amendment to MOU) with respect to the proposed SOI update. Approval of the SOI update would allow landowners within the affected territory to continue their planning efforts with the City, and ultimately to allow the future annexation of properties within the proposed SOI expansion area. As requested by the City, the Clovis SOI would be updated to add approximately 155 acres to the Shepherd North area.

Sphere of Influence Determinations

This section of the report fulfills the requirements of Government Code section 56425 and allows LAFCo to update the Clovis SOI consistent with the written determinations for the City of Clovis.

In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following pursuant to Government Code section 56425(e):

1) The present and planned land uses in the area, including agricultural and open-space lands.

- City of Clovis adopts and maintains a General Plan. The 2014 Clovis General Plan establishes its land use foundation through a vision statement that captures the City pledge to its residents. The

General Plan creates policies and provides for the general distribution, location, and extent of present and future land uses that guide land use decisions that shape development of the City.

- The 2014 Clovis General Plan identifies a growth concept that concentrates City growth into three urban centers known as the Southeast (Loma Vista), Northwest (Heritage Grove), and Northeast growth areas. The City informed LAFCo that there are no active Williamson Act Contracts within the area requested to be included in revised SOI.
- The proposed Clovis SOI updated will add 155 acres of the Shepherd North area into the Clovis SOI. It is anticipated that amending the Clovis SOI will be followed with an annexation for the area. The planned land uses are reflected in General Plan Amendment 2021-005, amending 77 acres of the Shepherd North area within the adopted 2014 Clovis General Plan.
- Therefore, the Clovis SOI update appears to adequately meet present and future service needs of residents.

2) The present and probable need for public facilities and services in the area.

- The City of Clovis provides a wide array of municipal services within its corporate limits. Extension of infrastructure and municipal resources would be necessary to accommodate future development within the SOI update. The City implements various Master Plans, as identified in the MSR, and City staff regularly identifies community service needs in its annual budget and five-year Community Investment Program.
- The City also coordinates among the various City departments and local agencies to provide and develop plans for the City's future service needs. The City of Clovis implements an annexation program that historically has shown adequate levels of service can be delivered to annexed areas within the SOI. The City's 2014 General Plan and Master Service Plan depict areas in which the City anticipates growth and plans for services to be extended.
- City of Clovis has established development impact fees, and developer-required mitigation in the form of infrastructure improvements required from new projects and similar programs to monitor public service needs of new development. Development within the SOI is required to extend physical infrastructure to individual sites and pay pro-rata fees for other City services as a condition of project approval. The physical infrastructure is generally available adjoining the City limits.
- The City is prepared to provide municipal services to this area when it annexes and develops.

3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

- The City of Clovis demonstrates that it has adequate capacity to provide the necessary municipal services, as identified in the MSR, to its constituency within its existing incorporated boundaries. The City of Clovis regularly reviews its service levels and updates its various master service plans for each major department within the City. Each service plan, i.e. water, wastewater, police, fire protection, parks and recreation, augments the Clovis 2014 General Plan goals and policies, as

well as determines appropriate service thresholds and necessary resources to be allocated for the expansion of City services.

- The City has planned accordingly through the community investment program, annual budget, and adoption of the 2014 General Plan – Public Facilities and Services Element to meet future growth consistent through year 2035.

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.

- Since its 1983 inclusion to the Clovis SOI, Tarpey Village has been within the long range plan of the City. Tarpey Village is a residential and commercial community consisting of approximately 401 acres, located on both sides of Clovis Avenue between Dakota and Gettysburg Avenues. Clovis became the municipal water provider to Tarpey Village through the 1988 merger of Fresno County Waterworks District No. 8 (WWD No. 8) and the City of Clovis. Currently, retail water delivery is provided by Clovis PUD to Tarpey Village. Wastewater collection and treatment is provided by the City of Fresno. Annexation of Tarpey community could be considered when there is evidence of sufficient support by its residents for such action. During the MSR update, the City informed LAFCo that it does not anticipate annexation of Tarpey Village in the near future.

5) For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

- As of June 2018, LAFCo observed that all census units located in existing Clovis SOI and proposed SOI exceed the MHI threshold as defined Fresno LAFCo's Policy 111 and CKH.

Recommendations

In consideration of information gathered and evaluated in this 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 CEQA Guidelines 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 update determinations, together with any changes deemed appropriate.
5. Find that as a Responsible Agency, Fresno LAFCo considered the certified 2014 Clovis General Plan Update EIR (SCH# 2012061069) for its review and update of the Clovis Shepherd North SOI update, and LAFCo anticipates that future urban development within the affected area would be developed as contemplated in the City's certified 2014 General Plan Update and 2024 General Plan Amendment 2021-005.
6. Find that the LAFCo reviewed the proposed Clovis Shepherd North SOI revision has been environmental reviewed in its entirety by the Shepherd North – Environmental Impact Report SCH# 2022050180 prepared by the City of Clovis, Lead Agency, pursuant to the California Environmental Quality Act (CEQA).
7. Determine that the proposed Clovis Shepherd North SOI revision is consistent with the 2014 Clovis General Plan, the 2024 General Plan Amendment 2021-005, and the environmental assessment has been adequately considered under City's 2014 General Plan Environmental Impact Report SCH# 2012061069 and the Shepherd North – Environmental Impact Report SCH# 2022050180.
8. Revise the City of Clovis sphere of influence to include 155 acres of the Clovis Shepherd North territory as depicted in **Figure 2** of the MSR.
 - a. Direct the City of Clovis to demonstrate its commitment to “participate in regional farmland conservation, including the establishment of comprehensive agricultural preserves or easements” consistent with its 2014 General Plan, Land Use Element Policy 4.4 Farmland Conservation. (Agriculture Preservation)
 - b. Advise the City of Clovis to evaluate its unaccommodated Housing Need from the fourth cycle Regional Housing Needs Assessment of 4,425 lower-income units, as noted in the Clovis Housing Element. (Growth and Population Projections)

- c. Advise the City of Clovis continue its working efforts with International Water District and Garfield Water District to ultimately secure additional surface water supplies, in anticipation of urban development within the Clovis SOI. (Water Services)

Acknowledgements

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

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

Fresno Local Agency Formation Commission
1401 Fulton Street, Suite 800
Fresno, California 93721

The Municipal Service Review is available on Fresno LAFCo's website,
<https://www.fresnolafco.org/>

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Notice of Determination

Appendix D

To: [X] Office of Planning and Research
U.S. Mail: P.O. Box 3044
Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113
Sacramento, CA 95814

From: Public Agency: City of Clovis
Address: 1033 Fifth Street
Clovis, CA 93612
Contact: George Gonzalez
Phone: 559.324.2383

[X] County Clerk
County of: Fresno
Address: 2220 Tulare St
Fresno, CA 93721

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2022050180

FILED

MAR 19 2024

TIME 9:26am

Project Title: Shepherd North Project

Project Applicant: City of Clovis

Project Location (include county): City of Clovis, Fresno County

FRESNO COUNTY CLERK
By Cyan Edmisten DEPUTY

Project Description:

The Project Area includes the whole of the Project site (approximately 155 acres), encompassing the approximate 77-acre Development Area and the approximate 78-acre Non-Development Area. The Development Area includes the parcels proposed for annexation that will be entitled for subdivision and development. This will include a Sphere of Influence (SOI) Expansion, General Plan Amendment, Pre-zone, Annexation/Reorganization, Tentative Tract Map, Planned Development Permit, and Residential Site Plan Review. The Non-Development Area includes the parcels proposed to be included in the SOI expansion that will not be developed.

This is to advise that the City of Clovis has approved the above (X) Lead Agency or () Responsible Agency

described project on 3/18/24 and has made the following determinations regarding the above described project.

- 1. The project [X] will [] will not] have a significant effect on the environment.
2. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
[] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [] were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [] was not] adopted for this project.
5. A statement of Overriding Considerations [X] was [] was not] adopted for this project.
6. Findings [X] were [] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

1033 Fifth Street, Clovis CA 93612

Signature (Public Agency): [Signature] Title: Senior Planner

Date: 3/19/2024 Date Received for filing at OPR:



FINDINGS OF FACT / STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

SHEPHERD NORTH PROJECT
(SCH # 2022050180)

NOVEMBER 2023

Prepared for:

City of Clovis | Planning Division
1033 Fifth Street
Clovis, CA 93612
Phone: (559) 324-2340

Prepared by:

De Novo Planning Group
1020 Suncastr Lane, Suite 106
El Dorado Hills, CA 95762
(916) 580-9818

D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm



FINDINGS OF FACT / STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

SHEPHERD NORTH PROJECT (SCH # 2022050180)

NOVEMBER 2023

Prepared for:

City of Clovis | Planning Division
1033 Fifth Street
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Phone: (559) 324-2340

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
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(916) 580-9818

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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FINDINGS FOR THE SHEPHERD NORTH PROJECT

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, § 21000 et seq.)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requires the City of Clovis (City), as the CEQA lead agency, to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR. (Pub. Resources Code, § 21081.)

This document explains the City's findings regarding the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the Shepherd North Project (Project) and the City decision-makers' ultimate determinations of the feasibility of the Project alternatives considered in the EIR. The statement of overriding considerations in Section VII, below, identifies the economic, social, technical, and other benefits of the Project that the City decision-makers have determined should override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the Project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment.

The Final EIR (which includes the Draft EIR, comments, responses to comments, and revisions to the Draft EIR) for the Project, examined the proposed Project and four alternatives to the Project including: (1) No Project (No Build) Alternative; (2) Increased Density Mixed Use Alternative; (3) Reduced Density Alternative; and (3) Reduced Sphere of Influence Alternative.

The Findings and Statement of Overriding Considerations are presented for adoption by the City Council, as the City's findings under CEQA and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis, substantial evidence, and conclusions of this City Council regarding the Project's environmental impacts, mitigation measures, and alternatives to the Project, as well as the overriding considerations, which in this City Council's view, justify approval of the Project, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

Project Overview

The Shepherd North Project (Project) site is located directly north of the City of Clovis limit line at the northeast corner of North Sunnyside Avenue and East Shepherd Avenue. The Project site is bounded on the north by Perrin Road, on the east by North Fowler Avenue, on the south by East Shepherd Avenue, and on the west by North Sunnyside Avenue. Figures 2.0-1 and 2.0-2 in Chapter 2.0 of the Draft EIR show the proposed Project's regional location and vicinity. The Project site is in the southwest quadrant of Section 21, Township 12 South, Range 21 East, Mount Diablo Base and Meridian (MDBM).

The proposed Project will provide a variety of housing types and lot sizes that will accommodate a range of housing objectives and buyer needs with a goal to ensure housing for a variety of families and lifestyles. The Development Area will accommodate up to 605 residential units. Specifically, the northern portion of the Development Area is planned to include the development of up to 101 single-family residences with lot sizes ranging from approximately 5,400 square feet to 15,900 square feet. The southern portion of the Development Area is planned for smaller lot single-family residences, with lot sizes ranging from approximately 1,980 to 3,800 square feet, and with larger corner lots that are approximately 4,200 to 7,500 square feet.

The proposed Project includes open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks. The main park would be located within the central portion of the Development Area, which would connect to a network of promenades and trails located within and along the perimeter of a portion of the Development Area. The promenade and trail network would also link to adjacent trails located in the planned residential community to the west, as well as the trail at Dry Creek and Clovis Old Town to the south.

The Project site includes several distinct planning boundaries. The following terms are used throughout this document to describe planning area boundaries within the Project site:

- Project Area – Includes the whole of the Project site (approximately 155 acres), encompassing the approximate 77-acre Development Area and the approximate 78-acre Non-Development Area.¹
 - Development Area - Includes the parcels being annexed that will be entitled for subdivision and development. This will include a Sphere of Influence (SOI) Expansion, General Plan Amendment, Pre-zone, Annexation/Reorganization, Tentative Tract Map, Planned Development Permit, and Residential Site Plan Review.

¹ It should be noted that the term 'Project Area' is used interchangeably with 'Project Site', throughout the EIR.

- Non-Development Area - Includes the parcels being included in the SOI expansion that will not be entitled for subdivision or development. This includes two separate areas, each described as an Expansion SubArea. The two Expansion SubAreas total 78 acres and are defined as Expansion SubArea North and Expansion SubArea East.

The Project site is designated as Rural Residential (RR) under the City of Clovis General Plan. The Project site is currently located outside of the Clovis city limits, and therefore does not have City-designated zoning. The proposed Project includes a request for Development Area pre-zoning (which is consistent with the proposed General Plan Land Uses) of Single-Family Planned Residential Development Zoning (R-1-PRD).

The proposed Project includes an amendment of the City's SOI to include the entirety of the approximately 155-acre Project site. The area is currently located in the City's Planning Area, but outside of the City's SOI. The amendment of the City's SOI will require an application and approval by the Fresno Local Agency Formation Commission (LAFCO) and the County of Fresno.

The principal Project objective is the expansion of the City's SOI to include the Project site, and the annexation/reorganization, approval and subsequent development of the Development Area.

Refer to EIR Chapter 2.0, Project Description, of the Draft EIR for a more complete description of the details of the proposed Project.

PROCEDURAL BACKGROUND

Notice of Preparation Public Circulation: The City of Clovis circulated a Notice of Preparation (NOP) of an EIR for the proposed Project on May 9, 2022 to the State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, Organizations and Interested Persons. A public scoping meeting was held on May 25, 2022 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and comments received on the NOP by interested parties are presented in Appendix A. The commenters are provided below.

- Native American Heritage Commission (May 10, 2022)
- Department of Toxic Substances Control (May 18, 2022)
- Robert Shuman (May 25, 2022)
- Jared Callister (May 25, 2022)
- State Water Resources Control Board (June 6, 2022)
- California Department of Conservation (May 26, 2022)
- County of Fresno (June 2, 2022)
- Fresno Irrigation District (June 7, 2022)
- Fresno Metropolitan Flood Control District (June 10, 2022)
- California Department of Transportation (June 10, 2022)
- San Joaquin Valley Air Pollution Control District (June 10, 2022)

Notice of Availability and Draft EIR: The City published a public Notice of Availability (NOA) for the Draft EIR on July 21, 2023, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2022050180) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from July 21, 2023 through September 6, 2023. It is noted that the original closure of the 45-day review was September 4, 2023, but the City extended the review by a few extra days beyond the 45-day period. Comments dated through September 6, 2023 were accepted and addressed in the Final EIR.

The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

Final EIR: The City of Clovis received 24 comment letters on the Draft EIR during the public review period, which was extended through September 6, 2023 for a 47-day review period. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the comments received during this public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Errata.

The comments received did not provide evidence of any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City’s findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the Project (e.g., NOA).
- The Draft EIR and Final EIR, including comment letters, and technical materials cited in the documents.
- All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants in relation to the EIR.
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code § 21167.6(e).

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Clovis Planning Division, 1033 Fifth Street, Clovis, CA 93612 or online at:

<https://cityofclovis.com/planning-and-development/planning/planning-projects/shepherd-north-soi/>

FINDINGS REQUIRED UNDER CEQA

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Further, the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” (*Id.*) Section 21002 also provides that “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles established by the Legislature in Public Resources Code § 21002 are implemented, in part, through the requirement in Public Resources Code § 21081 that agencies must adopt findings before approving projects for which an EIR is required.

CEQA Guidelines § 15091 provides the following direction regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(See also Public Resources Code, § 21081, subd. (a)(1)-(3).)

As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15126.6(f)(1) [determining the feasibility of alternatives].) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a “reduced herd” alternative to a proposed dairy as infeasible because the alternative failed to meet the “fundamental objective” of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.)

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the project’s benefits outweigh its significant unavoidable adverse environmental effects. (Pub. Resources Code, §§ 21001, 21002.1(c), 21081(b).)

CEQA Guidelines § 15093 provides the following direction regarding a statement of overriding considerations:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to § 15091.

MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program has been prepared for the Project and, if the Project is approved, will be adopted concurrently with these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1).) The City will use the Mitigation Monitoring Program to track compliance with Project mitigation measures.

CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

In adopting these Findings, this City Council finds that the Final EIR was presented to this City Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment of the City.

SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. TRANSPORTATION AND CIRCULATION

1. IMPACT 3.13-1: PROJECT IMPLEMENTATION WOULD RESULT IN VMT INCREASES THAT ARE GREATER THAN 87 PERCENT OF BASELINE CONDITIONS.
 - (a) Potential Impact. The potential for the Project to result in VMT increases that are greater than 87 percent of Baseline conditions is discussed on pages 3.13-18 through 3.13-23 of the Draft EIR.
 - (b) Mitigation Measure. No feasible mitigation measures were identified.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Remaining Impacts. The proposed development was evaluated against the screening criteria in OPR's Technical Advisory. A detailed VMT analysis was conducted using methodology discussed in Appendix I of the Draft EIR. The proposed residential development would result in a significant transportation impact if it would 1). generate vehicle travel exceeding 87 percent of the established

baseline VMT under existing (baseline) or cumulative conditions, or 2). result in an increase in total VMT in the model area.

Table 3.13-2 in Section 3.13 of the Draft EIR summarizes the regional threshold and Project VMT per capita. As shown in Table 3.13-5, the Project VMT per capita is 20.7 percent higher than the City's VMT per capita threshold. Therefore, based on the TIA Guidelines, the project will have a significant VMT impact.

Project design features aim to promote overall mobility with the goal of reducing VMT and reducing greenhouse gas emissions. Implementation of these Project design features may possibly reduce the Project's VMT by approximately up to 1.18 percent. A combination of measures from several VMT reduction strategies were incorporated into the Project design to achieve this VMT reduction as outlined above. This included strategies that are aimed at reducing the number of automobile trips generated by the Project, shift more trips from automobile to non-automobile modes, and/or reduce the distances that people drive.

Ultimately, however, the City of Clovis is a suburban community with land use characteristics that are more spread out when compared to dense urban communities. The land use and transportation characteristics of suburban communities such as Clovis, can make it difficult, or impossible to achieve VMT reductions to levels that the City has established as a goal, and ultimately, as a threshold of significance for CEQA analysis. The Project design features are estimated to offset some of the VMT impacts of the Project by reducing VMT by up to 1.18 percent, but this reduction will not reduce the impact to a less than significant level.

Based on the above, the impact would remain significant and unavoidable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to VMT increases that are greater than 87 percent of Baseline conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 4.20: UNDER CUMULATIVE CONDITIONS, PROJECT DEVELOPMENT WOULD RESULT IN VMT INCREASES THAT ARE GREATER THAN 87 PERCENT OF BASELINE CONDITIONS.

- (a) Potential Impact. The potential for the Project to result in VMT increases that are greater than 87 percent of Baseline conditions is discussed on page 4.0-19 of the Draft EIR.
- (b) Mitigation Measure. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The Project VMT per capita is 20.7 percent higher than the City's VMT per capita threshold. Project design features aim to promote overall mobility with the goal of reducing VMT and reducing greenhouse gas emissions. Implementation of these Project design features may possibly reduce the Project's VMT. The Project design features can help offset some of the VMT impacts of the Project.

Because the development would generate vehicle travel exceeding 13 percent below the established city-wide average under Existing and Cumulative Conditions, even with implementation of Project Design measures that provide mitigating effects, development of the proposed Project would have a cumulatively considerable contribution and a significant and unavoidable impact.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts related to VMT increases that are greater than 87 percent of Baseline conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

A. BIOLOGICAL RESOURCES

1. IMPACT 3.4-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES.

- (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status bird species is discussed on page 3.4-22 through 3.4-28 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-1.
- (c) Findings. According to the California Natural Diversity Database (CNDDDB), there are thirteen (13) special-status bird species that are documented within the nine-quadrangle region for the Project site, including: black-crowned night heron (*Nycticorax nycticorax*), burrowing owl (*Athene cunicularia*), California horned lark (*Eremophila alpestris actia*), double-crested cormorant (*Nannopterum auritum*), great egret (*Ardea alba*), least Bell's vireo (*Vireo bellii pusillus*), snowy egret (*Egretta thula*), Swainson's hawk (*Buteo swainsoni*), tricolored blackbird (*Agelaius tricolor*), and Western yellow-billed cuckoo (*Coccyzus americanus Occidentalis*). The Project site may provide suitable foraging habitat for a variety of potentially occurring special-status birds, including some of those listed above. Potential nesting habitat is present in a variety of trees located within the Project site and in the vicinity. There is also the potential for other special-status birds that do not nest in this region and represent migrants or winter visitants to forage on the Project site.

Several bird species discussed above are protected under federal, state, or local regulations. The Project would result in the removal of an orchard, which is not high-quality nesting or foraging habitat for special-status birds. Powerlines and trees located in the region represent potentially suitable nesting habitat for a variety of special-status birds. Additionally, the agricultural land with low growing crops or grasslands represents potentially suitable nesting habitat for the ground-nesting birds. In general, most nesting occurs from late February and early March through late July and early August, depending on various environmental conditions. The CNDDDB does not provide any records of special status birds on the Project site, or in the immediate vicinity. Nevertheless, birds are highly mobile and can be expected to fly over the Project site at times. They could use the site for foraging, although it is not high-quality habitat for foraging. The Project site does not contain high quality nesting habitat for special status birds given that it is an orchard.

New sources of noise and light during the construction and operational phases of the project could adversely affect nesters if they located adjacent to the Project site in any given year. Additionally, the proposed Project would eliminate the open undeveloped land on the Project site, which could serve as limited foraging habitat for birds throughout the year. Mitigation Measure 3.4-1 requires preconstruction surveys for active nests of special-status birds and buffers around nests should they be identified during the surveys. Development of the proposed Project, with the Mitigation Measure 3.4-1, would ensure that potential impacts to special-status birds are reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status bird species will be mitigated to a less than significant level.

2. **IMPACT 3.4-4: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS MAMMAL SPECIES.**

- (a) **Potential Impact.** The potential for the Project to result in direct or indirect effects on special-status mammal species is discussed on pages 3.4-28 and 3.4-29 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-2.
- (c) **Findings.** According to the CNDDB, there are eight special-status mammal species that are documented within the nine-quadrangle region for the Project site, including: American badger (*Taxidea taxus*), Fresno kangaroo rat (*Dipodomys nitratooides exilis*), hoary bat (*Lasiurus cinereus*), pallid bat (*Antrozous pallidus*), San Joaquin kit fox (*Vulpes macrotis mutica*), San Joaquin pocket mouse (*Perognathus inornatus*), spotted bat (*Euderma maculatum*), and western mastiff bat (*Eumops perotis californicus*).

The Project site is frequently disturbed from active agricultural activities. As a result, the Project site does not contain high quality habitat for the American badger or Fresno kangaroo rat. American badger, Fresno kangaroo rat, San Joaquin kit fox, or San Joaquin pocket mouse have not been documented within nine miles of the Project site. It is unlikely that the Project site is used by American badger, Fresno kangaroo rat, San Joaquin kit fox, or San Joaquin pocket mouse and these species have not been observed during recent or previous field surveys. Therefore, the proposed Project would have a less than significant impact on these species.

Development of the Project site would eliminate foraging habitat for special-status bats by removing the agricultural areas. These special-status bat species, or evidence of bat

presence (i.e. guano), were not observed during the field surveys and have not been documented on the Project site; therefore, they are not expected to be directly affected. Implementation of Mitigation Measure 3.4-2 requires surveys for active maternity roosts if removal of suitable roosting areas (i.e., buildings, trees, shrubs, bridges, etc.) must occur during the bat pupping season (April 1 through July 31). If a special-status bat maternity roost is located, appropriate buffers around the roost sites would be required. Therefore, development of the proposed Project with Mitigation Measure 3.4-2, would ensure that potential impacts to special status bat species are reduced to a less than significant impact.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status mammal species will be mitigated to a less than significant level.

B. CULTURAL AND TRIBAL RESOURCES

1. **IMPACT 3.5-1: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL OR ARCHAEOLOGICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5.**

- (a) **Potential Impact.** The potential for the Project to cause a substantial adverse change to a significant historical or archaeological resource, as defined in CEQA Guidelines §15064.5, is discussed on pages 3.5-14 through 3.5-17 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.
- (c) **Findings.** The Development Area primarily contains farmland. Three residential dwellings and a warehouse were removed in approximately 2020. The majority of the Development Area is in active agricultural use. The Non-Development Area is located within the City of Clovis' Planning Area but is outside of the City's existing Sphere of Influence and contains existing single-family residences.

The Project site is not located in an area known to have historical and archaeological resources. However, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown historical and archaeological resources. Implementation of Mitigation Measure 3.5-1 would ensure that this potential impact is less than significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.5-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as

identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change to a significant historical or archaeological resource will be mitigated to a less than significant level.

2. **IMPACT 3.5-2: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES.**

- (a) **Potential Impact.** The potential for the Project to disturb human remains, including those interred outside of formal cemeteries is discussed on page 3.5-17 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.
- (c) **Findings.** While no human remains were found during field surveys of the Project site, implementation of the Mitigation Measure 3.5-1 would ensure that all construction activities which inadvertently discover human remains implement state-required consultation methods to determine the disposition and historical significance of any discovered human remains. Mitigation Measure 3.5-1 provides the appropriate procedures if subsurface deposits believed to be human in origin are discovered during construction and/or ground disturbance. This would include all work being halted within a 100-foot radius of the discovery in order for the appropriately qualified professionals to evaluate the find and provide recommendations on how to proceed. If the appropriately qualified professional determines that the find is not human remains, work may resume immediately and no agency notifications are required. However, if the appropriately qualified professional determines that the find is human remains, procedures are outlined in Mitigation Measure 3.5-1 on how to proceed to ensure that the County Coroner is contacted for an evaluation, and appropriate mitigation or treatment measures are developed based on the findings of the coroner. Implementation of Mitigation Measure 3.5-1 would ensure that the potential to disturb human remains, including those interred outside of formal cemeteries, would be reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.5-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to disturb human remains, including those interred outside of formal cemeteries, will be mitigated to a less than significant level.

3. **IMPACT 3.5-3: CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PUBLIC RESOURCES CODE SECTION 21074, AND THAT IS: LISTED OR ELIGIBLE FOR LISTING IN THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES,**

OR IN A LOCAL REGISTER OF HISTORICAL RESOURCES AS DEFINED IN PUBLIC RESOURCES CODE SECTION 5020.1(k), OR A RESOURCE DETERMINED BY THE LEAD AGENCY.

- (a) Potential Impact. The potential for the Project to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or a resource determined by the lead agency, is discussed on page 3.5-18 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.
- (c) Findings. While no specific resources have been identified through consultation with affiliated tribes, it is possible that unknown tribal cultural resources may be present within the Development Area. The Proposed Project would be required to follow development requirements, including compliance with local policies, ordinances, and applicable permitting procedures related to protection of tribal resources. Mitigation Measure 3.5-1 has been incorporated to provide the appropriate procedures if subsurface deposits believed to be tribal resources, and/or human in origin are discovered during construction and/or ground disturbance. This would include all work being halted within a 100-foot radius of the discovery in order for the appropriately qualified professionals to evaluate the find and provide recommendations on how to proceed. If the appropriately qualified professional determines that the find does not represent a resource that might qualify as a tribal resource, work may resume immediately and no agency notifications are required. However, if the appropriately qualified professional determines that the find does represent a resource that might qualify as a tribal resource, procedures are outlined in Mitigation Measure 3.5-1 on how to proceed to ensure that the resource is evaluated, and appropriate mitigation or treatment measures are developed.

As discussed under Impacts 3.5-1 and 3.5-2, development of the proposed project could impact unknown archaeological resources including Native American Tribal artifacts and human remains. Implementation of Mitigation Measure 3.5-1 would ensure that the potential impact to tribal resources, including human remains, would be reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.5-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, and that is: Listed or eligible for listing in the California Register of Historical

Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or a resource determined by the lead agency will be mitigated to a less than significant level.

C. GEOLOGY AND SOILS

1. IMPACT 3.6-6: THE PROPOSED PROJECT HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE.

- (a) Potential Impact. The potential for the Project to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature is discussed on page 3.6-23 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
- (c) Findings. Although the Project site is not expected to contain subsurface paleontological resources, the Project site is in an area known to have these resources and it is possible that undiscovered paleontological resources could be encountered during ground-disturbing activities. Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. Implementation of Mitigation Measure 3.6-1 would ensure steps would be taken to reduce impacts to paleontological resources in the event that they are discovered during construction, including stopping work in the event potential resources are found, evaluation of the resource by a qualified paleontologist and appropriate handling of any potential resource. This mitigation measure would reduce this impact to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature will be mitigated to a less than significant level.

D. HAZARDS AND HAZARDOUS MATERIALS

1. IMPACT 3.8-1: POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.

- (a) Potential Impact. The potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable

upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.8-20 through 3.8-24 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1 and 3.8-2.
- (c) Findings. Based on the review of historical aerial photographs, a site reconnaissance, and contacts with the local regulatory agencies, there is evidence that potential areas of concern (PAOCs) exist in connection with the historical uses of the Development Area. During the course of the Phase I Environmental Site Assessment (ESA), no evidence of recognized environmental conditions (RECs), controlled RECs (CRECs) and historical RECs (HRECs) were identified in conjunction with the Development Area as defined by ASTM E 1527-13. However, the following PAOCs are presented:
- Adjacent to the north of the on-site warehouse² and lined against its back wall, three approximately 250-gallon aboveground storage (AST) tanks were observed. Two ASTs contained diesel fuel and the third contained gasoline. Additionally, four 55-gallon drums containing motor oil were observed to be located to the west of the ASTs, which exhibited minimis staining. The site reconnaissance was completed a day following a heavy rain event and it was not clear if the ground surface below the ASTs and/or drums exhibited any significant petroleum product staining because the ground remained saturated with rainwater precluding visual observations. Consequently, the specific condition of the ground surface underlying the ASTs and drums is unknown. The ASTs and drums are shown in Figure 3.8-1.
 - The review of aerial photographs indicates that the Development Area was utilized for agricultural purposes from at least 1937 to the present and that residential structures and associated outbuildings occupied the property from at least 1937, 1979 and 1987 to the present. No records of USTs for the Development Area are on file with the local regulatory agencies; however, USTs on rural or agricultural properties historically have been exempt from requirements for registration with regulatory agencies. Furthermore, Kazan's (the Phase I ESA author) experience with such properties has shown that it was not uncommon for property owners/operators to install USTs for their convenience, especially in the vicinity of structures, which are undocumented and whose presence would remain unknown in spite of the standard data research conducted in the course of this Phase I ESA. It is therefore possible that subsurface features such as unregistered fuel USTs may exist within the structure-related portions of the Development Area, which remain unknown based on the absence of any regulatory, municipality, and/or interview data, or other evidence indicating their presence or location. Consequently, despite

² Note – this warehouse was removed in 2020.

an absence of data suggesting their presence, the presence or absence of USTs associated with on-site structures in a historical agricultural setting on the Development Area is unknown.

Additionally, two domestic water wells and five agricultural water wells were observed to be associated with the Development Area. If the on-site water wells are not to be used in the future, they should be properly abandoned/destroyed in accordance with state and local guidelines. The wells are shown in Figure 3.8-1 of the Draft EIR.

Further, construction workers and the general public could be exposed to hazards and hazardous materials as a result of improper handling or use during construction activities (particularly by untrained personnel); transportation accidents; or fires, or other emergencies. Construction workers could also be exposed to hazards associated with accidental releases of hazardous materials, which could result in significant impacts to the health and welfare of people and/or wildlife. Additionally, an accidental release into the environment could result in the contamination of water, habitat, and countless resources. Compliance with existing regulatory requirements of the Regional Water Quality Control Board would require the preparation of a project specific Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is required to include project specific best management measures that are designed to control erosion and the loss of topsoil to the extent practicable using best management practices (BMPs) that the RWQCB has deemed effective in controlling erosion, sedimentation, and runoff during construction activities.

Mitigation Measure 3.8-1 was developed to ensure that a well abandonment permit is obtained from Fresno County Department of Public Health Environmental Health Division, and that all on-site wells are properly abandoned. Mitigation Measure 3.8-2 was developed to ensure that additional testing is performed prior to the issuance of grading permits for construction activities in several areas that have been deemed to have potentially hazardous conditions present. The additional testing will investigate whether any of these areas contain hazardous materials that need special treatments. Mitigation Measure 3.8-2 also specifies that all construction or demolition activities comply with Cal/OSHA asbestos and lead worker construction standards, and offsite disposal requirements. This measure also provides specifications for additional soil sampling in stained areas prior to soil disturbance activities. Overall, consistency with federal, State, and local laws and regulations related to the handling of hazardous materials discussed above and implementation of Mitigation Measures 3.8-1 and 3.8-2 would ensure that potential impacts are reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Measures 3.8-1 and 3.8-2 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably

foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be mitigated to a less than significant level.

E. NOISE

1. **IMPACT 3.11-1: OPERATIONAL NOISE - THE PROPOSED PROJECT HAS THE POTENTIAL TO GENERATE A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.**

- (a) **Potential Impact.** The potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies during operation is discussed on pages 3.11-15 through 3.11-19 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.11-1 and 3.11-2.
- (c) **Findings.** Tables 3.11-9 and 3.11-10 in Section 3.11 of the Draft EIR compare the existing and existing plus project noise scenario. A change of 3 decibels (dB) or more is required to have a perceptible difference in noise levels. When comparing existing plus project levels to existing levels, Sunnyside Avenue from Project Intersection 1 to Shepherd Avenue has the potential for significant impact as the only roadway segment with an increase of more than 3 dB.

The Project's proposed residential properties are outside of Shepherd Avenue's and Sunnyside Avenue's 70 A-weighted dB (dBA) community noise equivalent level (CNEL) contours. Residences along the first row of Sunnyside will experience levels up to 69.9 dBA CNEL at the property line. Residences along Shepherd Avenue will be exposed to levels up to 69.1 dBA CNEL at the property line. These are within the normally compatible levels for residential uses, but above the exterior 65 dBA CNEL standard as outlined in Table ES-1 of the 2014 General Plan. To meet the exterior residential standards of 65 dBA CNEL, the unshielded residential private yards within 100 ft of the centerline of Shepherd Avenue and Sunnyside Avenue must be shielded by 6-foot sound walls.

The Project's proposed residential properties are outside of Shepherd Avenue's and Sunnyside Avenue's 70 dBA CNEL contours. Residences along the first row of Sunnyside will experience levels up to 69.9 dBA CNEL at the property line. Residences along Shepherd Avenue will be exposed to levels up to 69.1 dBA CNEL at the property line. These are within the normally compatible levels for residential uses, but above the exterior 65 dBA CNEL standard as outlined in Table ES-1 of the 2014 General Plan. To meet the exterior residential standards, the unshielded residential private yards within

100 ft of the centerline of Shepherd Avenue and Sunnyside Avenue must be shielded by 6-foot sound walls as required by Mitigation Measure 3.11-1. The noise calculations show that along Shepherd Avenue a 6' soundwall placed at 70 feet from the centerline (along all unshielded residential private yards within 100 ft of the centerline of Sunnyside and Shepherd Avenues) would result in noise attenuation from 69.1 dBA CNEL down to a range of 62.7 to 63.1 dBA CNEL depending on the precise location along Shepherd Avenue. This range is below the 65 dBA CNEL noise standards with the 6' soundwall installed along all unshielded residential private yards within 100 ft of the centerline of Sunnyside and Shepherd Avenues.

The noise calculations also show that along Sunnyside Avenue a 6' soundwall placed at 47 feet from the centerline (along all unshielded residential private yards within 100 ft of the centerline of Sunnyside and Shepherd Avenues) would result in noise attenuation from 69.9 dBA CNEL down to a range of 63.7 dBA CNEL. This is below the 65 dBA CNEL noise standards with the 6' soundwall installed along all unshielded residential private yards within 100 ft of the centerline of Sunnyside and Shepherd Avenues. Furthermore, as required by Mitigation Measure 3.11-2, any unshielded residential glass facades within 100 ft of the centerline of Shepherd Avenue or Sunnyside Avenue directly facing the subject roadway must have an STC rating of 30 or more. This includes any 2nd-floor windows which would not be shielded by the 6-foot sound walls. Implementation of the following mitigation measures will ensure that these potential impacts are reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.11-1 and 3.11-2 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies during operation will be mitigated to a less than significant level.

2. **IMPACT 3.11-2: CONSTRUCTION NOISE - THE PROPOSED PROJECT HAS THE POTENTIAL TO GENERATE A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.**
 - (a) **Potential Impact.** The potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies during construction is discussed on pages 3.11-19 and 3.11-20 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.11-3 and 3.11-4.
- (c) Findings. During the construction of the Project, including roads, water, sewer lines, and related infrastructure, noise from construction activities would add to the noise environment in the Project vicinity. Construction noise is considered a short-term impact and would be considered significant if construction activities are taken outside the allowable times as described in the City of Clovis Municipal Code Section 5.27.604. Construction is anticipated to occur during the permissible hours according to the City's Municipal Code. Construction noise will have a temporary or periodic increase in the ambient noise level above the existing within the Project vicinity. Typical operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. Noise levels will be the loudest during the grading phase. The modeling assumes construction equipment as close as 25 feet from the adjacent residences and an average of 550 feet away from the adjacent residences. Unmitigated noise levels at 550 feet have the potential to reach 60 dBA Leq and 92 dBA Lmax at the nearest sensitive receptors during grading. Noise levels for the other construction phases would be lower, approximately from 46 to 59 dBA Leq and 86 to 93 dBA Lmax. This would be a 13 dB Leq daytime increase in the ambient noise level at the residents along Perrin Rd., Purdue Ave., and East Lexington Ave.

Furthermore, noise reduction policies within the General Plan and standards within the Municipal Code are provided to further reduce construction noise. Mitigation Measure 3.11-3 embodies a preexisting legal requirement from City of Clovis Municipal Code Section 5.27.604 that ensures that construction activities are performed within specific hours. Mitigation Measure 3.11-4 provides specific requirements for attenuating noise during construction. With implementation of the Mitigation Measure 3.11-3 and 3.11-4, the potential impacts are reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.11-3 and 3.11-4 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies during construction will be mitigated to a less than significant level.

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

Aesthetics and Visual Resources: The following specific impacts were found to be less than significant: 3.1-1, 3.1-2, and 3.1-3.

Agricultural Resources: The following specific impacts were found to be less than significant: 3.2-1, 3.2-2, and 3.2-3.

Air Quality: The following specific impacts were found to be less than significant: 3.3-1, 3.3-2, 3.3-3, 3.3-4, and 3.3-5.

Biological Resources: The following specific impacts were found to be less than significant: 3.4-1, 3.4-2, 3.4-5, 3.4-6, 3.4-7, 3.4-8, 3.4-9, and 3.4-10.

Geology and Soils: The following specific impacts were found to be less than significant: 3.6-1, 3.6-2, 3.6-3, 3.6-4, 3.6-5, and 3.6-7.

Greenhouse Gases, Climate Change, and Energy: The following specific impacts were found to be less than significant: 3.7-1 and 3.7-2.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant: 3.8-2, 3.8-3, 3.8-4, 3.8-5, and 3.8-6.

Hydrology and Water Quality: The following specific impacts were found to be less than significant: 3.9-1, 3.9-2, 3.9-3, 3.9-4, 3.9-5, and 3.9-6.

Land Use and Population: The following specific impacts were found to be less than significant: 3.10-1, 3.10-2, 3.10-3, and 3.10-4.

Noise: The following specific impacts were found to be less than significant: 3.11-3, 3.11-4, and 3.11-5.

Public Services and Recreation: The following specific impacts were found to be less than significant: 3.12-1, 3.12-2, 3.12-3, 3.12-4, 3.12-5, and 3.12-6.

Transportation and Circulation: The following specific impacts were found to be less than significant: 3.13-2 and 3.13-3.

Utilities: The following specific impacts were found to be less than significant: 3.14-1, 3.14-2, 3.14-3, 3.14-4, 3.14-5, and 3.14-6, 3.14-7.

The Project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

Aesthetics and Visual Resources: The following specific impact was found to be less than cumulatively considerable: 4.1, 4.2, and 4.3.

Agricultural Resources: The following specific impact was found to be less than cumulatively considerable: 4.4.

Air Quality: The following specific impact was found to be less than cumulatively considerable 4.5.

Biological Resources: The following specific impact was found to be less than cumulatively considerable: 4.6.

Cultural and Tribal Resources: The following specific impact was found to be less than cumulatively considerable: 4.7.

Geology and Soils: The following specific impact was found to be less than cumulatively considerable: 4.8.

Greenhouse Gases, Climate Change, and Energy: The following specific impact was found to be less than cumulatively considerable: 4.9 and 4.10.

Hazards and Hazardous Materials: The following specific impact was found to be less than cumulatively considerable: 4.11.

Hydrology and Water Quality: The following specific impacts were found to be less than cumulatively considerable: 4.12, 4.13, 4.14, and 4.15.

Land Use and Population: The following specific impact was found to be less than cumulatively considerable: 4.16 and 4.17.

Noise: The following specific impact was found to be less than cumulatively considerable: 4.18.

Public Services and Recreation: The following specific impact was found to be less than cumulatively considerable: 4.19.

Transportation and Circulation: The following specific impact was found to be less than cumulatively considerable: 4.21.

Utilities: The following specific impacts were found to be less than cumulatively considerable: 4.22, 4.23, 4.24, 4.25, and 4.26.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the Project;
- The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact; or
- The EIR determined that the impact is beneficial (would be reduced) for the Project.

VI. PROJECT ALTERNATIVES

A. IDENTIFICATION OF PROJECT OBJECTIVES

An EIR is required to identify a range of reasonable alternatives to the project. The “range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects.” (CEQA Guidelines Section 15126.6(c).) “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).” (CEQA Guidelines Section 15126.6(f)(1).)

The principal Project objective is the expansion of the City’s SOI to include the Project site, and the annexation/reorganization, approval and subsequent development of the Development Area.

The quantifiable objectives include the development of up to 605 single-family residential units. The quantifiable objectives include the development of open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks. The Project objectives also include the installation of new public and private roadways that will provide pedestrian and vehicular access to the Project site and surrounding community areas, and other improvements, including water supply, storm drainage, sewer facilities and landscaping to serve the residential uses.

The goals of the proposed development are as follows:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in *A Landscape of Choice to modestly increase urban density*.
- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City requirements as stated in the latest Regional Housing Needs Analysis (RHNA).
- Provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Expand the City’s Sphere of Influence in order to establish a logical and orderly boundary that promotes the efficient extension of municipal services.

B. ALTERNATIVES ANALYSIS IN EIR

The alternatives analysis provides a summary of the relative impact levels of significance associated with each alternative for each of the environmental issue areas analyzed in the Draft EIR. The environmental analysis for each of the alternatives is included in Chapter 5.0.

1. NO PROJECT (NO BUILD) ALTERNATIVE:

The **No Project (No Build) Alternative** is discussed on pages 5.0-3, and 5.0-4 through 5.0-21 of the Draft EIR. Under the No Project (No Build) Alternative development of the Project site would not occur, and the Project site would remain in its current existing condition. It is noted that the No Project (No Build) Alternative would fail to meet the Project objectives.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics and Visual Resources, Agricultural Resources, Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Population, Noise, Public Services and Recreation, Transportation and Circulation, and Utilities.

While the City recognizes the environmental benefits of the No Project (No Build) Alternative, this alternative would not achieve any of the Project objectives. Specifically, this alternative would not: provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in A Landscape of Choice to modestly increase urban density; establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City Requirements as stated in the latest Regional Housing Needs Analysis (RHNA); provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections; establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards; or expand the City's Sphere of Influence in order to establish a logical and orderly boundary that promotes the efficient extension of municipal services.

Senate Bill 330 was enacted in 2019 and is known as the "Housing Crisis Act of 2019." In passing SB 330, the Legislature declared "a statewide housing emergency, to be in effect until January 1, 2025." (Stats. 2019, ch. 654, § 2(b).) By increasing the housing supply in the City, the Project would help to ameliorate some of the conditions described by the Legislature.

The No Project would represent an undesirable policy outcome that fails to meet what the City considers to be key project objectives. The alternative is therefore infeasible. Stated another way, specific economic, legal, social, technological, or other considerations make infeasible the No Project Alternative identified in the Final EIR.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

2. INCREASED DENSITY MIXED USE ALTERNATIVE:

The **Increased Density Mixed Use Alternative** is discussed on pages 5.0-3, and 5.0-21 through 5.0-38 of the Draft EIR. Under the Increased Density Mixed Use Alternative, the proposed Project would be developed at a higher density for the residential uses and would also include a mixed-use component to the alternative. Approximately 80 percent of the Development Area (62 acres) would be developed with 605 residential units (9.75 du/ac). This would still fall under the Medium-High Density (MH) 7.1–15.0 du/ac land use category. The remaining 15 acres of the Development Area would be developed with a mix of commercial and higher density residential. The mixed-use area would have 10 acres for High Density (H) 15.1–25.0 du/ac. The alternative assumes 195 apartments constructed at a density of 19.5 du/ac. There would also be 5 acres of Neighborhood Commercial (NC) (Max FAR 0.50). This area would be developed as a neighborhood-scale shopping facility. The FAR would allow for 108,000 square feet of commercial. It is anticipated that the commercial would include an anchor store such as a small supermarket with a wide range of ancillary uses including banks, restaurants, service businesses, and other related activities are generally found in these planned commercial centers.

Findings: This alternative would not reduce any impacts compared to the Project. Impacts related to Aesthetics and Visual Resources, Agricultural Resources, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality would be equal to the Project. The remaining resources areas (Air Quality, Greenhouse Gases, Climate Change, and Energy, Land Use and Population, Noise, Public Services and Recreation, Transportation and Circulation, and Utilities) would have greater impacts to the Project.

The alternative is not environmentally superior to the Project with respect to any category of environmental impact for which the Project has significant unavoidable effects, and the alternative would not substantially lessen or avoid any of the significant unavoidable effects of the Project. (See also DEIR, p. 5.0-73 [Table 5.0-1: Comparison of Alternative Project Impacts to the Proposed Project.]

Reducing the physical area to construct the same number of dwelling units would require increasing the building height to accommodate the necessary square footage for a dwelling unit. The remaining area would also have development, but of a different use. This increased massing at the Project's locations is not as compatible with the adjoining neighborhoods of existing one- and two-story single-family homes. Historically, the City Council generally prefers the greater number of one- and two-story homes that will be built under the Project as compared with this alternative which may require three story homes. Public comments have shown a preference for one story housing over multi-story housing. Under the circumstances, this one alternative is less compatible with existing City development patterns and adjacent neighborhoods.

Additionally, there is not a proven market demand for the increased density at this site. The higher density housing would be more aligned with metropolitan urban centers, but not as much in suburban areas. The site is located within an area of the City which consists of traditional one- and two-story single-family homes. In this particular location, meeting market demand is strongly associated with compatibility with the scale of the existing residential neighborhoods. The lower density housing is more compatible with the market and the neighborhood, whereas a higher density with taller residential buildings would not be as compatible.

Moreover, in the absence of any need under CEQA to decrease the proposed development footprint of the Project by opting instead to approve this alternative, the City is inclined to give weight to the Project applicants' professional judgment regarding the housing mix to propose on the subject properties. The Project applicants have not sought approval of this alternative. Rather, the applicants proposed a mix of housing units in a configuration that reflected the professional judgment of their planners, architects, engineers, consultants, attorneys, and other development experts. The City sees no reason to impose on the applicants a development mix and configuration at odds with what they proposed, particularly when such a configuration is not necessary in order to reduce the severity of any of the significant unavoidable impacts of the Project. A local agency decision-making body "may approve a developer's choice of a project once its significant adverse environmental effects have been reduced to an acceptable level that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable." (Laurel Hills, *supra*, 83 Cal.App.3d at p. 521.)

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

3. REDUCED DENSITY ALTERNATIVE:

The **Reduced Density Alternative** is discussed on pages 5.0-3, and 5.0-38 through 5.0-55 of the Draft EIR. Under the Reduced Density Alternative, the proposed Project would have a reduced density in the Development Area that would fall under the Very Low Density (VL) 0.6–2.0 du/ac land use. The alternative assumes 150 residential units at approximately 2 du/ac. This use is described as large lot single-family residences and appurtenant structures within an identifiable residential neighborhood. This alternative would include neighborhood parks and all the infrastructure necessary to connect to City services.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction or slight reduction of impacts Air Quality, Greenhouse Gases, Climate Change and Energy, Land Use and Population, Noise, Public Services and Recreation, Transportation and Circulation, and Utilities. The remaining resources areas (Aesthetics and Visual Resources, Agricultural Resources, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Hazardous and Hazardous Materials, and Hydrology and Water Quality) would have equal or similar impacts to the Project.

The alternative is less desirable than the Project and does not provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. The following two project objectives are not fully met:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in *A Landscape of Choice* to modestly increase urban density.
- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City Requirements as stated in the latest Regional Housing Needs Analysis (RHNA).

The Reduced Density Alternative would provide housing (150 units), but it would be 455 units less than what is proposed. The first objective listed above references “*A Landscape of Choice*” which is a regional document that provides direction for the region to utilize urban land as efficiently as possible while providing an adequate supply of a broad range of housing types and densities to meet market demand. One of the guiding principles recommends measures to facilitate and encourage compact growth to all urban land uses including commercial, industrial and institutional uses. The Reduced Density Alternative is not consistent with this guidance for the region.

The second objective listed above references establishing a mix of housing to provide for local and regional housing demand, and consistent with the City requirements in the latest Regional Housing Needs Analysis (RHNA). In light of the Legislature’s repeated determinations in recent years that California is facing a statewide housing crisis, State has provided the City with good reason to exercise its legislative discretion to facilitate the construction of new housing. Government Code section 65889.5, subdivision (a)(1)(A), states that “[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.” Subdivision (a)(1)(D) of that section adds that “[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.” The Reduced Density Alternative would result in 455 fewer units than the proposed Project, which is not consistent with Legislature’s guidance for solving California statewide housing crisis.

This alternative would also reduce the property tax revenue compared to the Project.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

4. REDUCED SPHERE OF INFLUENCE ALTERNATIVE:

The **Reduced Sphere of Influence Alternative** is discussed on pages 5.0-3, and 5.0-55 through 5.0-72 of the Draft EIR. Under the Reduced Sphere of Influence Alternative, the proposed Project would only expand the Sphere of Influence and annex the Developed Area and would exclude the 78-acre Sphere of Influence (SOI) expansion to the north and east of the Development Area. Physically, there is little difference between the proposed Project and this alternative. It is noted, however, that the reduction in the SOI would eliminate that possibility of the Non-Development Area connecting to City services at some point in the future, if desired by those residents.

Findings: All environmental topics would have equal impacts compared to the Project.

On balance, the alternative is less desirable than the Project and does not provide benefits to the community when compared to the proposed Project. This alternative would not achieve all of the Project objectives. For example, the Reduced Sphere of Influence Alternative would not meet the fifth Project objective because it would not expand the SOI to the north and east of the Development Area in alignment with the long-term growth plans for the City of Clovis. Also, the expansion of the SOI is intended to provide a future possibility for the Non-Development Area to connect to City services at some point in the future, if desired by those residents, however, that possibility would be eliminated under this alternative.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

4. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As shown on Table 5.0-1 of the Draft EIR (on page 5.0-73), a comparison of alternatives is presented. The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Reduced Density Alternative would be the environmentally superior alternative because all environmental issues would have reduced impacts compared to the proposed Project. It is noted that the Reduced Density Alternative does not fully meet all of the Project objectives. The following two project objectives are not fully met:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in *A Landscape of Choice* to modestly increase urban density.

- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City Requirements as stated in the latest Regional Housing Needs Analysis (RHNA).

The Reduced Density Alternative would provide housing (150 units), but it would be 455 units less than what is proposed. The first objective listed above references “*A Landscape of Choice*” which is a regional document that provides direction for the region to utilize urban land as efficiently as possible while providing an adequate supply of a broad range of housing types and densities to meet market demand. One of the guiding principles recommends measures to facilitate and encourage compact growth to all urban land uses including commercial, industrial and institutional uses. The Reduced Density Alternative is not consistent with this guidance for the region.

The second objective listed above references establishing a mix of housing to provide for local and regional housing demand, and consistent with the City requirements in the latest Regional Housing Needs Analysis (RHNA). In light of the Legislature’s repeated determinations in recent years that California is facing a statewide housing crisis, State has provided the City with good reason to exercise its legislative discretion to facilitate the construction of new housing. Government Code section 65889.5, subdivision (a)(1)(A), states that “[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.” Subdivision (a)(1)(D) of that section adds that “[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.” The Reduced Density Alternative would result in 455 fewer units than the proposed Project, which is not consistent with Legislature’s guidance for solving California statewide housing crisis.

For the reasons provided above, this alternative is determined to be infeasible and rejected.

VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE SHEPHERD NORTH FINDINGS

As described in detail in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the Project:

- Impact 3.13-1: Project development would result in VMT increases that are greater than 87 percent of Baseline conditions;
- Impact 4.20: Under Cumulative conditions, Project development would result in VMT increases that are greater than 87 percent of Baseline conditions.

The following statements identify the reasons why, in the City Council's judgment, the benefits of the Project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the Project can be found in the preceding findings, in the Project itself, and in the record of proceedings as defined herein. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant adverse environmental effects and is an overriding consideration warranting

approval. Thus, if a court were to find that any particular benefit is not supported by substantial evidence, the City Council would rely on whatever benefit(s) that the court did find were supported by substantial evidence.

The City finds that the Project would have the following economic, social, technological, and environmental benefits:

1. **Expansion of the City's Housing Stock.** One objective of the Project references establishing a mix of housing to provide for local and regional housing demand, and consistent with the City requirements in the latest Regional Housing Needs Analysis (RHNA). In light of the Legislature's repeated determinations in recent years that California is facing a statewide housing crisis, State has provided the City with good reason to exercise its legislative discretion to facilitate the construction of new housing. Government Code section 65889.5, subdivision (a)(1)(A), states that "[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California." Subdivision (a)(1)(D) of that section adds that "[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects." The Project will provide housing resources to meet the demands of a growing population of the region, thereby helping to lessen upward pressure on housing costs. By adding new residential units in the City, the Project directly addresses the crisis, thereby furthering state housing policy while providing additional places for Clovis residents to live.
2. **Consistency with A Landscape of Choice.** One objective of Project references "*A Landscape of Choice*" which is a regional document that provides direction for the region to utilize urban land as efficiently as possible while providing an adequate supply of a broad range of housing types and densities to meet market demand. One of the guiding principles recommends measures to facilitate and encourage compact growth to all urban land uses including commercial, industrial and institutional uses. The Project is generally consistent with the guiding principles. The Project is located adjacent to existing uses, and in the context of surrounding uses would be considered infill because it would develop a mostly vacant property surrounded by existing and/or planned development. The Project is located on existing community streets and includes new public streets to serve the new residences.
3. **Create Employment Opportunities for Local Residents.** The Project will have a positive impact on employment levels in the City by generating diversity in employment opportunities, including near-term construction, home sales, and materials sales jobs. In the longer-term, employment opportunities will include maintenance, contracting/renovation, landscaping, home resales, and other services. The Project population will also generate demand for local goods and services, increasing economic activity in the City. Consequently, it is reasonably expected that the City and its residents will enjoy the economic and social benefits from added employment opportunities and economic activity created by the Project.

4. **Contribute to and Fund Needed Infrastructure Improvements.** The Project consists of new development that will be required to contribute to needed infrastructure improvements by paying its fair share towards infrastructure improvements. The Project will also construct or contribute to funding other infrastructure improvements that will benefit additional development projects and City residents and visitors.
5. **Increase Customer Base for Retail Activity.** The Project will provide additional residents to the City who will have disposable income to support the City's retailers and increase retail activity.
6. **Generate Economic Benefits from Taxes.** The Project will provide increased property tax revenue to the City, local schools, and other agencies. Additionally, residents will purchase items that will generate additional sales tax revenue. These revenues will benefit the City and other local governmental agencies, and their residents and constituencies, by providing needed revenue for the provision of required services and amenities. Specific to the City of Clovis, these revenues will go to the City's General Fund, which is the primary source of funding for the construction, operation and maintenance of a number of essential City services, programs and facilities, including fire and police services, recreation programs, transit operations and administrative functions, among other things.

CONCLUSION

The City Council has balanced these benefits and considerations against the potentially significant unavoidable environmental effects of the Project and has concluded that the impacts are outweighed by these benefits, among others. After balancing environmental impacts against Project benefits, the City Council has concluded that the benefits the City will derive from the Project, as compared to existing and planned future conditions, outweigh the risks. The City Council believes the Project benefits outlined above override the significant and unavoidable environmental costs associated with the Project.

In sum, the City Council adopts the mitigation measures in the FEIR, adopts the final Mitigation Monitoring and Reporting Plan, and approves the Project, after finding that any residual or remaining effects on the environment resulting from the Project, identified as significant and unavoidable in the preceding Findings of Fact, are acceptable due to the benefits set forth in the preceding Statement of Overriding Considerations.

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Attachment D

Municipal Service Review Determinations

The LAFCo has prepared this MSR for the City of Clovis in accordance with Government Code section 56430. State law requires LAFCos to identify and evaluate public services provided by the City and possible changes to the City SOI.

The following provides LAFCo's written statement of its determinations with respect to each of the following:

1) Growth and population projections for the affected area.

- The 2014 Clovis General Plan establishes its land use foundation through a vision statement that captures the pledge to its residents. The General Plan creates policies and provides for the general distribution, location, and extent of present and future land uses that guide land use decisions that shape development of the City. The City's 2014 General Plan regulates development within the City's incorporated limits and guides land uses in the plan area through policies in its eight general plan elements.
- Clovis' General Plan growth concept concentrates City growth into three urban centers known as the Southeast (now known as Loma Vista), Northwest (now known as Heritage Grove), and Northeast growth areas. The Southeast Urban Center (SEUC) encompasses approximately 3,307 acres and the entire center is located within the existing Clovis SOI. The Northwest Urban Center (NWUC) encompasses approximately 2,625 acres and the entire center is located within the existing Clovis SOI. The Northeast Urban Center (NEUC) encompasses approximately 9,522 acres and the entire plan area is located outside the existing Clovis SOI.
- The proposed SOI update will add 155 acres to the Clovis SOI, currently located within the City's planning area but not included within the planned three urban centers.
- Clovis' requested SOI revision is a step toward fulfilling the general plan economic development goal for "regionally and globally competitive office and industrial employment centers that deliver desirable career opportunities for residents, create wealth-building opportunities for entrepreneurs, and attract private investment." Based on Clovis' estimates, the proposed SOI revision is anticipated to create 605 residential units.
- As of January 1, 2022, the California Department of Finance (DOF) estimates that City of Clovis has an estimated population of 123,665 people, which is equivalent to a 1.6 percent growth change, compared to DOF population estimates for year 2021.
- In 2016, Clovis, along with 11 other cities in Fresno County and the County of Fresno, jointly launched the Multi-Jurisdictional Housing Element (MJHE) for the fifth round of housing element updates. Clovis has been assigned a Regional Housing Need Assessment (RHNA) of 6,328 units, including 2,321 very low-income units, 1,145 low-income units, 1,018 moderate income units, and 1,844 above moderate income units. The City maintains and annually updates the inventory of residential land resources in order to ensure that adequate sites are available to meet its RHNA numbers.

- Clovis' Housing Element notes that the City has an unaccommodated need from the fourth cycle RHNA of 4,425 lower-income units. To meet this shortfall, the City has completed its AB 1233 Carry-Over Analysis Summary for units constructed between 2006 through 2013.
- Implementation of the City of Clovis General Plan Update in the 2035 scenario would convert all existing agricultural land within the City's SOI to urban use as planned for in the 2014 Clovis General Plan.
- The Clovis 2014 General Plan's environmental review document recognizes that the conversion of farmland is a significant and unavoidable impact on agricultural land, even after mitigation is employed. LAFCo recognizes that City policies exist that provide for a balanced approach to preserve prime agricultural land within Clovis' SOI.

2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

- Government Code sec. 56033.5 defines a "Disadvantaged Unincorporated Community" as an inhabited territory, as defined by Government Code sec. 56046, or as determined by commission policy, that constitutes all or a portion of a "disadvantaged community" as defined by section 79505.5 of the California Water Code (WC).
- The MSR used the American Community Survey (ACS) five-year estimates for year 2017 to 2021 datasets to identify the demographic composition of various locations near the City of Clovis.
- According to the 2017-2021 ACS five-year estimates, City of Clovis' reported income levels are higher than that of the County and the state as a whole. During the surveyed 2017-2021 timeline, Clovis had a median household income (MHI) of \$89,769, while Fresno County reported an MHI of \$61,276. During the same timeline, the Statewide MHI for California was \$84,097. Pursuant to WC sec. 79505.5, any location with a MHI less than \$67,277 meets the income threshold for identifying Disadvantaged Communities. As of June 2018, LAFCo observed that all census units located in the existing and proposed SOI exceed the MHI threshold as defined Fresno LAFCo's Policy 111 and CKH.

3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.

- The General Plan provides the vision and guidance for capital improvements and the development of city infrastructure; and it is used to create development impact fees and provides the basis for environmental analysis of the growth of the City.
- The Clovis Park Division maintains approximately 544 acres of the City's recreational facilities, streetscape, parks, trails, and other landscaped open space areas, city trees, and city building grounds.

- The Open Space and Conservation Element of the 2014 General Plan provides goals and policies for ongoing development, maintenance, and funding, of existing and new city parks. The City of Clovis has an adopted Clovis Parks Master Plan that aligns with the 2014 Clovis General Plan goals and policies. The 2014 Clovis General Plan Parks and Recreation Element includes a desired parkland standard of 4.0 acres of park/open space per 1,000 residents.
- The City of Clovis has a park deficit of approximately 267 acres of parkland space. The goal for future planning increases the park area to approximately 380 acres and substantially increases the number of trails. The City's Parks Master Plan notes that by incorporating the estimated 135 acres (50%) of the school recreation facilities into the City's parkland inventory provides a ratio of 2.78 acres to 1,000 residents, much closer to the City's 2014 General Plan goal.
- The City of Clovis anticipates that city growth will increase demand on Parks and Recreation Open Space. The City's LMD as a whole continues to grow at a corresponding rate to balance growth with adequate funding.
- Storm water runoff in the City of Clovis is conveyed through a system of street gutters, underground storm drains, retention/detention basins, pumping stations, and open channels that are maintained by Fresno Metropolitan Flood Control District (FMFCD). The City of Clovis Public Utilities Department provides street, curb, and gutter maintenance, which are components used to convey storm water into FMFCD's storm drain inlets. Storm drainage infrastructure is expanded and/or improved with each new development within the City of Clovis.
- The City assists FMFCD to collect impact fees for each new project in the City. The City of Clovis Municipal Code requires that developers make payment of Local Drainage Fees to fund construction of local drainage facilities that are planned in the Fresno Metropolitan Flood Control District Urban – Urban Storm Drainage System Master Plan before approval of a final subdivision map, or before the construction of any land development project.
- The Clovis Public Utilities Department performs street maintenance services on 500 miles of paved city streets. The condition of street pavement utilizes a Pavement Management System (PMS), which regularly evaluates pavement conditions and establishes a cost-effective maintenance strategy.
- The City of Clovis' 2014 General Plan Circulation Element provides City goals and policies that comprise the operational standard for the Clovis Street Maintenance Unit. Roadway system improvements associated with urban development activities under the City's 2014 General Plan are designed in accordance with the City's established roadway design standards, the California Manual of Uniform Traffic Control Devices, and the Caltrans Roadway Design Manual.
- The Clovis Engineering Service Unit regularly conducts street maintenance surveys and traffic counts, frequently evaluates the condition of the City's streets, and develops an updated pavement management program to guide future maintenance and repair efforts.
- The City of Clovis has an adopted Active Transportation Plan that identifies existing, planned pedestrian walkways, and bicycle pathways throughout the City for the next 20 to 25 years. The

Clovis ATP seeks to reduce Clovis residents' auto dependency and increase availability of alternative ways to travel within the City.

- The Clovis General Services Department, Community Services Division, Transit Section is responsible for the operation, management, and the long-range planning for public transportation consisting of Clovis' Stageline and Roundup transit services.
- Each Clovis transit vehicle is inspected for safety and maintenance in compliance with California Highway Patrol inspection protocol every 45 days or 3,000 miles, whichever comes first. Emergency maintenance service calls are addressed as soon the incident is reported to the Maintenance Division.
- The Clovis Transit Division's five-year outlook emphasizes safe transportation for the community and employees through enhanced cleaning, security, and efficient operations. On an annual basis, the City of Clovis General Services Department evaluates the Department's infrastructure needs and identifies necessary projects to fund through the annual preparation of the City of Clovis' budget.
- According to Clovis' FY 2022-23 budget, the City has identified a much needed transit center to be constructed within the City to improve customer ridership experience, provide easier transfers between routes, and expand staff training facilities and office space. The new centrally located transit center was completed in January of 2024.
- The Clovis Fire Department responsibilities include the following types of duties: fire protection, emergency medical services, urban search and rescue, high angle, trench, water and confined space rescue, hazardous condition mitigation, strategic planning, administration, fire investigations, code enforcement, public education, emergency preparedness, and disaster response and coordination.
- The City of Clovis shares its western limits with the City of Fresno, while Clovis' southern and eastern limits are shared with both City of Fresno and Fresno County Fire Protection District. The City of Clovis has automatic aid request and mutual aid agreements for extended fire protection services with the City of Fresno and Fresno County Fire Protection District/CAL FIRE.
- All six Clovis fire stations are within the designated 4.5 to five-mile distance of each other and are staffed with the minimum standard requirement as suggested by the 2022-27 CFD Standards of Coverage for Emergency Response.
- The City of Clovis Fire Department has a class rating of "Class II" through the Insurance Service Office (ISO). The ISO rating "Class II" is based on ISO Public Protection Classification Program's assessment and scoring of the District in four primary areas: 1) Emergency Communications, 2) Water Supply, 3) Community Risk Reduction, 4) Fire Department. The rating is assigned for the urban area such as for the City of Clovis.
- The 2014 Clovis General Plan and municipal code identify land use categories, development standards, and other general provisions that ensure all new development is consistent and complies with the Federal, State, and local fire code restrictions. Clovis Fire Department has its

adopted Fire Department's Standards available on the City's website that addresses building access, signage, and exiting requirements for all commercial and residential structures within the City.

- The Fire Department works closely with the Planning and Development Services Department to address City concerns and the extension of City infrastructure to new development projects.
- The City of Clovis has an adopted Master Service Plan for its Police Department. The Department's long-range planning effort is guided by the CPD Master Service Plan's recommendations and is dependent on the City's adequate funding availability.
- The Clovis Police Department is dedicated to fighting crime through all traditional and creative means to protect residents and visitors in a manner that builds public confidence and improves the quality of life in Clovis. The 2014 Clovis General Plan notes that police personnel increases its officers per 1,000 residents and strives to achieve a ratio of 1.3 sworn officers per 1,000 residents. The City police ratio is 0.90 officers per 1,000 residents' base on DOF's estimates.
- The Clovis Police Department implements local and state laws, conducts crime investigations, apprehends criminals, maintains ongoing crime prevention programs, and builds ties with the community and participates in joint crime prevention efforts with local law enforcement agencies. The CPD serves a community of over 120,000 people, and Clovis is currently ranked as the safest city in the Central Valley.
- Clovis Police Department states that existing police public facilities, including personnel, equipment, and office facilities, are adequately serving the City. The City informed LAFCo that in anticipation of the continued growth of the City's population and development, CPD has proposed future facilities to accommodate future growth.
- The Clovis Police Department annually assess crimes committed within the City and summarize the police department performance in an end-of-year report that identifies incidents, accidents, crimes, and arrests for the previous year.
- The Clovis Wastewater Division operates under the direction of the Clovis PUD and is responsible for the operation and maintenance of Clovis' sewer collection and treatment system consisting of over 432 miles of sewer pipelines, lift stations, associated machinery and equipment including the Clovis Sewer Treatment/Water Reuse Facility (ST/WRF).
- The City of Clovis 2014 General Plan Public – Facilities and Service Element establishes goals and policies for its public facilities. The City of Clovis 2017 Wastewater Collection Master Plan provides long range planning and a course of action for the City to follow with respect to wastewater service needs through the year 2035 and beyond.
- The 2017 Wastewater Collection Master Plan planning area is coterminous with the Clovis 2014 General Plan, extending beyond the SOI to account for future infrastructure needs in City of Clovis' southeast, northwest, and northeast urban centers.

- The Clovis Surface Treatment /Water Reuse Facility has a current treatment capacity of 2.8 mgd. The City expects that planned phased expansion of the Clovis ST/WRF will increase its treatment capacity to up to 8.4 mgd and permit it to treat future flows from the northwest, northeast, and southeast service areas. Complete buildout of the Clovis ST/WRF will provide the City with the opportunity to meet its projected wastewater treatment needs over the next 25 to 30 years.
- The City of Clovis has an available combined treatment capacity between the Clovis ST/WRF and Fresno-Clovis RWRP of 12.1 mgd according to the 2017 WCMP.
- At its buildout capacity, the Clovis ST/WRF will be able to produce over 3 billion gallons of recycled water per year. Treated wastewater not used for City landscaping or adjacent agriculture use is sent to Fancher Creek where it is combined with seasonal surface flows for agricultural use.
- Existing wastewater generation by the City of Clovis is estimated at about 7.9 mgd based on flow metering data from January 2022 through May 2023. Based on a 2022 population of approximately 124,000, the per person generation rate is approximately 65 gallons per person per day.
- The City plans for its water supply through various master plan documents: 2014 Clovis General Plan, Clovis 2020 Urban Water Management Plan, Clovis 2017 Water Master Plan, The Clovis 2017 Recycled Water Master Plan.
- The City of Clovis operates its Surface Water Treatment Plant (SWTP), groundwater wells, and distribution system under Revised Domestic Water Supply Permit No. 03-12-19P-003 dated January 16, 2019, and Amendment to the Domestic Water Supply Permit No. 09-12-20PA-012 dated August 28, 2020.
- According to the City of Clovis water permit issued by the State Water Resource Control Board, Division of Drinking Water, Clovis' total source capacity of the City's groundwater wells is approximately 36,564 gpm. The City has a combined total source capacity of approximately 52,254 gpm using the 36 active wells and the Clovis SWTP (surface water).
- As of 2020, the City provided service to approximately 36,351 water connections, which were comprised of residential and nonresidential customers. Its average daily water consumption is 22.2 mgd.
- The City's groundwater supply is currently drawn from 36 active groundwater wells; the City has one additional well currently on standby due to iron and manganese concerns. During the 2020 calendar year, the City pumped 12,105 acre-feet (AF) of groundwater from its 36 available wells and conducted 5,316 AF of intentional recharge.
- The City reports that as of 2020 it has a combined total groundwater pumping capacity of 37,690 gpm. There are six planned wells, adding a planned capacity of 4,750 gpm for a total well capacity of 42,440 gpm upon completion.
- The 2017 Water Master Plan indicates that all active wells are in good condition. Most City wells have a 60-year life expectancy, and the City regularly conducts field assessments to determine

necessary maintenance projects. According to the 2017 Water Master Plan, the City has plans to construct six new wells and an additional 80 acres of recharge basins.

- Clovis' surface water supply is retained from the Kings River and Friant Division of the Central Valley Project. The City's current surface water entitlement with Fresno Irrigation District equates to approximately 28,000 AF during an average/normal water year. The City's allocation from the Kings river is proportional to the total acreage of the City's included area to the total FID area receiving water. According to the UWMP, the City has received on acreage 17,011 AFY, though this has varied from 9,452 AF in the severe drought of 2015 to over 24,958 AF in 2017.
- During 2018, Clovis' Water Division informed LAFCo that the City will receive an estimated 39,000 AF of its surface water entitlement in 2023.
- Future development of Clovis' planned Northwest Urban Center (north of Enterprise Canal) and the Northeast Urban Center relies on the City's ability to secure a reliable water supply, possibly retained from Garfield Water District and International Water District.
- Historical averages show that IWD annually receives 90 percent of its contracted water allocation from USBR, which amount to an annual delivery average of 1,080 AF. According to Clovis' 2020 Urban Water Management Plan, the City anticipates that approximately 1,200 AF of IWD's CVP water may be added to the City's supply to support development. USBR officials informed LAFCo that IWD's contracted water supply reassignment would require USBR to review and update IWD's water supply contract. The process may result in IWD requesting a new designee to receive a portion or all of IWD's federal contracted water supply.
- The City operates a recycled water supply system from the treatment of wastewater at the Clovis Sewage Treatment/Water Reuse Facility (ST/WRF). The City's recycled water supply program offsets a portion of the City's groundwater and surface water-supply demand.
- The Clovis ST/WRF has an annual average recycled water treatment capacity of about 3,100 AFY, or 2.8 mgd. In 2015, the Clovis ST/WRF generated about 1,870 AF of recycled water with existing customers (irrigation) using 396 AF and the remainder, 1,474 AF, discharged to Fancher Creek.
- The City expects that additional planned facility projects will expand the City's ability to increase the existing treatment capacity nearly eightfold by 2035, and potentially increase Clovis' recycling capacity nearly twelvefold by 2040.
- LAFCo has authorized the extension of water service outside of Clovis' city limits to: Tarpey Village, Rural Residential located on 3602 Shepherd Avenue, Rural Residential Address located on 5844 East Teague Avenue. With the exception of Tarpey Village, as a condition to City water service, property owners agree to waive any right to object to or withdraw consent to Clovis' annexation of affected properties in the future.
- The Clovis Sanitation Division consists of four units: Refuse Collection, Refuse Landfill, Refuse Contracts, and Street Cleaning.

- The Clovis Public Utilities Department coordinates the oversight and support of its operating units, and manages the Community Sanitation Division's strategic business planning, resource management, organizational development, personnel and labor relations, fiscal management, project management, and performance metrics.
- To address the threat to public health and safety caused by illegal dumping, Clovis implements its semi-annual Community Clean-Up Program. Twice a year City refuse trucks make rounds throughout the City and collect many items that are not picked up by the regular garbage service.
- The Public Utility Department actively works with Planning and Development Services Department (PDS) to review and comment on development projects and to coordinate its long range planning and engineering efforts with the general planning conducted by PDS.
- Solid waste generated in the City of Clovis is transferred to three landfills: City of Clovis Landfill, American Avenue Disposal Site, and Avenal Regional Landfill. A majority of the residential solid waste generated in Clovis is transferred to the Clovis Landfill by the City of Clovis' waste haulers.
- The City of Clovis owns the Clovis Landfill located on 15679 Auberry Road, Clovis, CA 93619 approximately 13 miles north of the Clovis city limits. The City estimated that landfill operations have used approximately 37 percent of the site's capacity, an estimated remaining life of approximately 35 years. The estimated capacity remaining is 6,195,531 cubic yards. The Clovis landfill was last inspected on July 21, 2023, with no violations reported to CalRecycle.
- The City's existing waste disposal facilities are considered adequate to maintain a sufficient level of service for future population growth in the City through 2035, which is the planning period of the 2014 Clovis General Plan. The City of Clovis Community Sanitation Division develops performance measures yearly to determine the pounds of waste, recycling and composting generated by each household, business, and multi-family unit and updates estimates of future waste generation with the latest growth projections.

4) Financial ability of agencies to provide services.

- The Clovis Municipal Code (CMC) requires that the City Manager prepare a balanced budget to submit to the City Council by the third meeting in May of each year, outlining anticipated revenues and expenditures for the upcoming fiscal year. CMC also requires that the City Council adopt a balanced budget no later than June 30, to assure that continuity of government services remains intact.
- The 2014 Clovis General Plan establishes the foundation for most of the Council's budgeting decisions in terms of capital facilities, staffing, programs, utility infrastructure, and levels of service; it establishes a land use pattern for lands beyond the City limit.
- The City of Clovis has established fiscal policies that governs its financial administration. Clovis' financial policies are designated to protect the City's assets, provide stability in its funding base, and ensure that adequate funding resources are secured for upcoming year.

- The City of Clovis' budget objectives include securing adequate allocations to maintain appropriate service levels for public safety, crime prevention, hazard prevention, and emergency response. Additional funding measures are allocated toward the annual implementation of the City's 2014 General Plan, which includes updates of all service delivery plans, general plan amendments, and infrastructure master plans.
- Clovis policy requires that an emergency reserve be established on all budgetary accounts. The General Fund target reserve is set at 20-25 percent of General Fund expenditures. The current General Fund reserve is estimated to be approximately 22 percent, which is equivalent to \$21 million, at the beginning of FY 2022-23.
- For FY 2022-23, Clovis' adopted budget amount to \$297.4 million. Tax-based revenues, including sales taxes, property taxes, and property taxes in lieu of VLF combined, make up 58 percent of the City's General Fund anticipated revenues for FY 2022-23. Clovis also includes \$48.4 million in capital improvement expenditures which directs \$43 million to the Community Investment Program (CIP) and \$5.4 million to capital projects in other funds.
- Clovis' total budgeted expenditures for FY 2022-23 amount to \$297,487,400. According to the City's budget, the City will have a net transfer balance of \$150,000 and the City expects that it will end the year with a fund balance of \$99,441,803. Based on the City Council adopted FY 2022-23 Annual Budget, there is sufficient influx of funding resources to allow the City to continue to provide acceptable levels of public services, municipal services, and continuation of operations of various public facilities.
- City of Clovis contracts with an independent auditor to audit its financial records for the preceding fiscal year on an annual basis. The City's financial audits, also known as its Annual Comprehensive Financial Report (ACFR), is prepared by the City and audited by a certified public accounting firm in accordance with generally accepted auditing practices of the government finance industry. Clovis' City Council receives the annual ACFR for its previous year no later than December 31st of each year.
- The City utilizes long-term debt to fund its capital needs. It is City policy to undertake long-term debt to fund capital assets (including infrastructure) when those assets will be a benefit over several budget years and there is a need to conserve liquid assets (cash). The City has been able to finance various projects with very attractive rates due to the City's favorable credit rating. As of June 30, 2022, the City's total non-general obligation debt totaled \$143,640,124.
- The City of Clovis receives an updated bond rating when a new bond is issued or as a part of annual reviews of the City's debt portfolio and financial position by ratings agencies. The City of Clovis ratings for the 2017 Wastewater Revenue Refunding Bonds were as follows:
 - Insured Rating: Standard & Poor's: "AA"
 - Underlying Moody's: "A1"
 - Underlying Standard & Poor's: "A+"
- Clovis' Five-Year Financial Forecast through FY 2026-27 represents the City's effort to analyze its fiscal condition based on its set of economic factors and operational assumptions. City

management and City Council utilize the study to identify trends and issues that can be addressed early on in order to assure fiscal success.

- Over half of Clovis' park acreage maintenance is funded by the City's General Fund, which is made up of general revenues. The majority of the revenue comes from sales and property tax revenues.
- The City's Municipal Code, Chapter 3.4, "Park Acquisition and Development", outlines the fee imposed on all residential developments, hotels, motels, assisted living facilities, commercial, professional, and industrial buildings. The fee is determined by the City Council and is reviewed on an annual basis.
- According to the City's FY 2022-23 budget, the City's Parks Division had a budget of \$6,886,400. The Division's main sources of revenue include state grants, facility reimbursements, planning and procession fees, engineering processing fees, user fees, miscellaneous fees, and the general fund-discretionary.
- The City's Municipal Code requires that developers must dedicate parkland or pay in-lieu fees to enable the City to acquire a ratio of 4.0 acres of parkland per 1,000 residents. All future parks are expected to be funded through the City's General Fund, the Clovis LMD No. 1, state and federal grants, and development impact fees, as outlined in the City's Park Acquisition and Development Fee Program, per Section 3.4.03 of the City's Municipal Code.
- The City funds street maintenance services through several accounts within the Public Utilities Department: Street Maintenance, Street Lighting, Storm Drainage, and Landscape Maintenance District.
- The City of Clovis regularly pursues available transportation related grants, whether they are administered through local or state agencies. Most recently, several roadway and transportation improvement projects within Clovis have been funded by the Fresno County Transportation Authority (FCTA) with Measure C funds.
- A substantial portion of Clovis Transit Division's operational funding is derived from the City's share of the Local Transportation Fund (LTF). This source of revenue stream is generated by a 1/4 cent tax on general sales, which is collected by the state and distributed to the local agencies on a formula basis for support of local transportation services. According to Clovis' budget for FY 2022-23, the City anticipates \$6,801,200 in revenue from the LTF.
- The Clovis Fire Department funding resources come from the City's General Fund, which consists of property taxes, special assessment, development impact fees, state grant funding, and user fees. The Fire Department is primarily funded by discretionary revenue. The Fire Department's budget consists of four categories: Emergency Services, Life Safety and Enforcement, Emergency Preparedness, and Fire Administration.
- Additional Fire Department funding is obtained through development impact fees. The Community Facilities District 2004-01 was formed to provide supplemental operational funding for police and fire in growth areas north of Herndon Avenue and east of Locan Avenue. All projects after 2004 are required to petition to be annexed to the Community Facilities District 2004-01.

The Community Facilities District was created to mitigate any public safety impacts created by new development, as well as to ensure consistency with general plan goals and policies.

- For FY 2022-23, the Clovis Fire Department budgeted \$20,103,400 for Emergency Services, \$685,300 for Life Safety and Enforcement, \$142,300 for Emergency Preparedness, and \$1,118,500 for Fire Administration. The Fire Department's total budget for FY 2022-23 totaled \$22,049,500. All funds are retained from the City's General Fund.
- The Clovis Fire Department has an adopted Master Administrative Fee Schedule, and the schedule is available on the City of Clovis' website. The Fire Department regularly reviews its Master Fee Schedule and makes necessary changes for the City Council to consider. Each year, the Fire Department provides the City Manager its proposed budget for the department for the upcoming fiscal year along with department goals.
- The Clovis Police Department is funded through the Clovis General Fund and the Community Investment Program. The Police Department regularly pursues available state and federal grants to assist with specific projects or operations of the department.
- The police department also receives funding collected by the Community Facilities District 2004-01 (CFD), which applies to properties within the CFD primarily in growth areas north of Herndon Avenue and east of Locan Avenue. The CFD was created to ensure that new development in these areas can fund adequate police and fire protection as the development occurs farther away from the Clovis urban center.
- According to the Clovis Police Department, the Department's long-range planning effort is guided by the CPD Master Service Plan's recommendations, and the Department has been able to maintain Clovis as the safest city in the Central Valley. According to the CPD's website, Clovis was recently named as the first ranked "Best City in California to raise a family."
- The Clovis Police Department provides local residents the opportunity to volunteer within certain divisions in the Police Department. The Police Reserve Unit and Citizen Volunteer Program in Police Services assist police officers with administrative support in records, investigations, and active field patrol.
- The City operates the Clovis Wastewater Reuse Facility under the provisions specified in Waste Discharge Requirements (WDR) Order No. R5-2019-0021 issued by the California Regional Water Quality Control Board Central Valley Region. Clovis' WDR order was adopted by the State on April 4, 2019.
- Under the several regulating programs, the City of Clovis is required to provide regular self-monitoring reports to the RWQCB on a quarterly basis, and contain information pertaining to flow records, construction activity, permit compliance, etc.
- The Clovis sewer service operation consists of three key funds within the City's budget. The sewer service fund, sewer construction-enterprise fund, and sewer construction-developer fund. The sewer service fund is funded by user rates. It accounts for the operation and maintenance of Clovis' sanitary sewer system and pays the City's fair share of Fresno-Clovis RWRP.

- The Clovis Wastewater Collection and Treatment Division’s operating budget is fully funded from user fees, and annually amounts to \$18,632,500.
- The City has prepared several master planning documents that provide policy direction for the wastewater collection and conveyance system, wastewater treatment systems, and recycled water facilities. The master service plans are reviewed and updated by the City on an annual basis to ensure that the City has sufficient capacity to meet existing and future service demands.
- At the time this service review was prepared, the City of Clovis informed LAFCo that the City’s wastewater collection system is in “good-to-exceeding standards” operational condition. The Public Utilities Department continues to invest in equipment and professional staff training to maintain reliable sewer system.
- The City charges user fees to all water customers to cover the costs of water production, distribution, and treatment of the City’s water resources. The City’s water rates are based on water usage and connection type, either residential or commercial accounts.
- According to the City’s budget for FY 2022-23, total Water Service revenues are anticipated to amount to \$21,441,000 (Water Enterprise). Water user rates generate a majority of the revenues for the Water Division. For the same year, Water Service expenditures are expected to amount to \$21,073,900. The largest expenditure categories are personnel salaries, energy costs, and administration overhead.
- City customers are billed bimonthly for service per the City’s adopted rates. Users rates consists of charges for the maintenance of water lines, treatment of water, and fees to meet the City’s water bond covenants. City of Clovis water service revenue is projected to grow proportionately to City growth, and the City’s fee structures include appropriate rate increases if deemed necessary to be adjusted by the City Council. Beginning in Fiscal Year 2018-19 and beyond, a 3% increase is projected.
- The City’s Community Investment Program provides a process for developing the logical order of construction of projects identified in the City’s 2020 Urban Water Management Plan. The City also evaluates its various master plans so that capital projects support and sustain continued community development.
- The City of Clovis Finance Department collects all utility user fees and is authorized to start or stop utility services when a customer submits a request to the City. The Finance Department bills for the costs of all city services provided and thus avoids duplication of billing for services provided by the City.
- The Clovis Community Sanitation Division is fully funded through user fees, and service charges for specific services if requested. The Public Utilities Department regularly pursues available state and federal grants for its divisions to assist with specific projects or operations of the department.
- According to the City of Clovis’ FY 2022-23 budget, the Clovis Community Sanitation Division and all units within the Division had a budget of \$25,604,100, which is balanced by user fees.

- The Community Sanitation Fund is self-supported from user fees and the Division is operated as a City business or "enterprise." All revenue from service charges related to the collection and disposal of solid waste, recycling, green waste, and street-sweeping fees is deposited into the Community Sanitation Fund.
- City of Clovis has recorded liabilities for landfill closure, post-closure maintenance, and for landfill corrective action in the Community Sanitation Fund, an Enterprise Fund. The City's landfill closure liability, based on landfill capacity used to date, is recorded based on the information provided by analysis. As of June 30, 2022, the City estimated that landfill operations have used approximately 37% of the site's capacity, an estimated remaining life of approximately 35 years. The corresponding estimated remaining cost is \$21,069,673.

5) Status of, and opportunities for, shared facilities.

- The City of Clovis and Clovis Unified School District (CUSD) have a Joint Powers Agreement for the use of district school recreational facilities by the public. CUSD maintains an "open gate" policy for CUSD land facilities available for recreational use.
- Storm water drainage and flood control service with City of Clovis is provided by Fresno Metropolitan Flood Control District (FMFCD) through a regional joint powers agreement between FMFCD, County of Fresno, City of Fresno, City of Clovis, and California State University-Fresno. The joint powers agreement authorizes the agencies to convey storm water runoffs to multiple drainage points and basins that are owned by FMFCD.
- In a collaborative effort, the Clovis Police Department/Youth Services is committed to supporting parents and works closely with local organizations and local schools within the Clovis Unified School District to consistently deter juvenile crime and hold juvenile offenders accountable.
- The City of Fresno owns and operates the Fresno-Clovis Regional Wastewater Reclamation Facility under a Joint Powers Agreement (JPA) with Clovis and the County of Fresno. As indicated earlier, a majority of wastewater generated within the Clovis city limits is currently discharged to the Fresno-Clovis RWRf for treatment. Through the JPA, City of Clovis has capacity ownership of 9.3 mgd and rights to purchase additional capacity. The Clovis entitlement represents 11percent of the Fresno-Clovis RWRf's total capacity.
- The City of Clovis anticipates that an additional 0.881 mgd of treatment capacity at the Fresno-Clovis RWRf will be necessary to accommodate future urban growth outside the current Clovis SOI.
- The Kings Sub basin is recharged through a joint effort and shared recharge facilities between the Cities of Fresno and Clovis, the Fresno Irrigation District (FID), and the Fresno Metropolitan Flood Control District (FMFCD).
 - Waldron Pond Banking Facility (WPBF) is managed by FID. The WPBF is estimated to annually produce 10,000 acre-feet of water supply recharge. The City is entitled to receive up to 90 percent (9,000 AF) of the annual yield at WPBF.

- Boswell Groundwater Banking Facility (BGBF) is managed by FID. The BGBF consists of a 100-acre basin and three recovery wells. The City of Clovis has access up to 4,500 AFY of surface water from BGBF.
- Additional opportunities for shared water recharge facilities may arise among member agencies of the North Kings Groundwater Sustainability Agency (NKGSA). The GSA is composed of the Fresno Irrigation District, the County of Fresno, the City of Fresno, the City of Kerman, Biola Community Services District, Bakman Water Company, Fresno Metropolitan Flood Control District, Garfield Water District, California State University Fresno, and International Water District. Under State statute, NKGSA is responsible to develop and implement a groundwater sustainable plan (GSP) by 2020 that will meet the sustainability goal of the basin and ensure that it is operated within its sustainable yield, without causing undesirable results.
- The City of Clovis Fire Department provides and receives automatic aid from the Fresno Fire Department and Fresno County Fire Protection. The automatic aid enables the city to provide the closest emergency response unit no matter where the incident is located when an individual has an emergency and calls 911. No jurisdiction has formal boundaries when it comes to emergency responses.
- The City of Clovis provides a Law Enforcement Mutual Aid Agreement with the City of Fresno and the Fresno County Sheriff's Department. The mutual aid agreement enables the City to assist or request assistance from neighboring law enforcement agencies during times of emergency.
- The City of Clovis participates in a countywide household hazardous waste collection facility program with all jurisdictions within the County of Fresno. The agreement enables Clovis residents to dispose hazardous materials at the County of Fresno Regional Household Hazardous Waste (HHW) Facility located at 1327 West Dan Ronquillo Drive, Fresno, CA.
- Surface water to the City of Clovis is supplied to the City through a Contractual Agreement with the Fresno Irrigation District (FID) by which the City receives a portion of FID's Entitlement to Kings River Water proportional to the amount of FID land that lies within the City of Clovis. FID owns two water recharge facilities that have been built by the FID in cooperation with the City of Clovis, the Waldron Pond and Boswell Groundwater Banking Facility. The purpose of these facilities is to bank surplus water supplies, thereby making it available to the City as needed.
- Future shared water facilities and supplies within the Clovis SOI are identified to include the International Water District (IWD) and Garfield Water District (GWD). Both have access to Class I CVP surface water supplies. The GWD holds a Class I CVP contract for 3,500 AFY. With half of GWD within the City's SOI, an estimated 1,750 AFY is expected to be added to the City's supply upon development. The IWD holds a Class I CVP contract for 1,200 AFY. The City's General Plan designates a portion of the District's area as industrial and residential use. At build-out, it is estimated that the entire 1,200 AFY supply will be added to the City's supply. The IWD anticipates that its water rights under contract with United States Bureau of Reclamation will be transferred to the City of Clovis to be utilized to support future urban development.

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

- The City of Clovis is governed by a five-member elected council, elected at large and accountable to the residents of the City. The Clovis City Council carries out its responsibilities through the implementation of the Clovis General Plan, Clovis Municipal Code, and other state laws.
- The Clovis City Council convenes regularly on the first, second, and third Monday of each month at 6:00 p.m. at 1033 Fifth Street, Clovis, CA 93612.
- The City Council appoints a city manager who is responsible to oversee the daily operations of the City. As of May 2023, the City relies on 607 paid professional staff to conduct the daily business and manage the operations of the City.
- The Council works closely with the City Manager, various citizen advisory commissions and committees, and solicits public comments from its residents to make decisions on behalf of its citizens. The City Council also focuses on creating and updating community goals and policies, votes on major projects, decides on long-term community growth strategies, and makes land use decisions, capital improvement plans, capital financing programs, and strategic plans.
- The City Manager is responsible for administering all operations, finances, activities, and projects consistent with City Council policy directives and applicable municipal, state, and federal laws. The City Manager's Executive Team advises the City Manager on all city projects, plans, and community service needs. The Executive Team consists of the following departments: Economic Development, Finance Director, Fire Chief, Police Chief, General Services Director, Planning and Development Director, Director of Public Utilities.
- The Clovis Planning Commission is a permanent committee made up of five individuals who have been appointed by the City Mayor and voted upon by City Council to review, advise, and act on matters related to planning and development of the City.
- The Planning Commission works closely with Clovis' Planning and Development Services Department, and regular Planning Commission meetings are held monthly at 6:00 p.m. in the Clovis Council Chambers at City Hall on the fourth Thursday of each month.
- The Clovis Personnel Commission is a seven-member body appointed based on the recommendation of the Clovis Personnel Division and responsible for hearing appeals of certain personnel actions as provided in the City's Personnel Rules and Regulations. Potential Personnel Commissioner candidates must be residents of the City, and all commissioners are appointed by the City Council to four-year terms.
- The City's major operations are organized into seven departments including City Manager, Finance, Fire, General Services, Public Utilities, Planning and Development Services, and Police.

- Each department has adopted planning policy documents, guidelines, and procedures that describe their respective responsibilities. Existing service plans are regularly reviewed and appropriate changes are proposed for the City Council’s consideration when deemed necessary.
- City of Clovis has two committees formed to provide input to the City’s public transit decision making process. The ADA Advisory Committee is a standing committee that consists of City staff and members of the public and make recommendations regarding transit ADA issues. The Social Services Transportation Advisory Committee (SSTAC) consists of members from the public with varied interests, and makes recommendations on policy and technical issues to the City of Clovis and to the Fresno Council of Government.

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

- Land immediately outside City of Clovis’ northern, southern, and eastern city limits consists of agricultural land uses and incidental rural residential units. The City of Fresno abuts Clovis’ western edge that generally follows Willow Avenue.
- The City of Clovis takes a leadership role in land use planning by assessing a larger *Plan Area* in its 2014 Clovis General Plan than just the territory within its adopted SOI. Clovis’ *Plan Area* boundaries included approximately 10,199 acres of land designated as Agriculture use. Of which, 9,810 acres of land is located outside of the adopted Clovis SOI. There are 5,130 acres of land outside of Clovis’ city limits and inside Clovis’ SOI. The 2014 Clovis General Plan designates urban land uses for all territory identified within the City SOI, and no agricultural land use designations exist inside Clovis’ incorporated limits.
- There are 1,382 acres of existing ag land within Clovis’ SOI that are protected by Williamson Act Contracts (WACs), of which 1,365 acres are designated by the state as Prime Agricultural Land (PAL), while 17 acres are designated as non-PAL. Of the total 1,365 acres identified as PAL in Clovis’ SOI, 855 acres have filed non-renewal to the Williamson Act Contract with Fresno County, while 510 acres remain in PAL designations and have active WACs.
- None of the proposed territory is designated as PAL in Clovis’ Shepherd North SOI revision request nor is it subject to an active WAC.
- Agricultural uses continue to dominate much of the regional landscape, only moderate amounts of agricultural land remains in production within the City’s SOI and plan area, primarily in the eastern, southeastern, and southwestern areas.
- The 2014 Clovis General Plan, Land Use Element Policy 4.4 Farmland Conservation states that the City will “Participate in regional farmland conservation, including the establishment of comprehensive agricultural preserves or easements, through efforts such as the Fresno County Model Farmland Conservation Program or the San Joaquin Valley green print.” LAFCo observes that the City has yet to engage in a regional agricultural preservation program.

Sphere of Influence Determinations

This section of the report fulfills the requirements of Government Code section 56425 and allows LAFCo to update the Clovis SOI consistent with the written determinations for the City of Clovis.

In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following pursuant to Government Code section 56425(e):

1) The present and planned land uses in the area, including agricultural and open-space lands.

- City of Clovis adopts and maintains a General Plan. The 2014 Clovis General Plan establishes its land use foundation through a vision statement that captures the City pledge to its residents. The General Plan creates policies and provides for the general distribution, location, and extent of present and future land uses that guide land use decisions that shape development of the City.
- The 2014 Clovis General Plan identifies a growth concept that concentrates City growth into three urban centers known as the Southeast (Loma Vista), Northwest (Heritage Grove), and Northeast growth areas. The City informed LAFCo that there are no active Williamson Act Contracts within the area requested to be included in revised SOI.
- The proposed Clovis SOI updated will add 155 acres of the Shepherd North area into the Clovis SOI. It is anticipated that amending the Clovis SOI will be followed with an annexation for the area. The planned land uses are reflected in General Plan Amendment 2021-005, amending 77 acres of the Shepherd North area within the adopted 2014 Clovis General Plan.
- Therefore, the Clovis SOI update appears to adequately meet present and future service needs of residents.

2) The present and probable need for public facilities and services in the area.

- The City of Clovis provides a wide array of municipal services within its corporate limits. Extension of infrastructure and municipal resources would be necessary to accommodate future development within the SOI update. The City implements various Master Plans, as identified in the MSR, and City staff regularly identifies community service needs in its annual budget and five-year Community Investment Program.
- The City also coordinates among the various City departments and local agencies to provide and develop plans for the City's future service needs. The City of Clovis implements an annexation program that historically has shown adequate levels of service can be delivered to annexed areas within the SOI. The City's 2014 General Plan and Master Service Plan depict areas in which the City anticipates growth and plans for services to be extended.
- City of Clovis has established development impact fees, and developer-required mitigation in the form of infrastructure improvements required from new projects and similar programs to monitor public service needs of new development. Development within the SOI is required to extend physical infrastructure to individual sites and pay pro-rata fees for other City services as a

condition of project approval. The physical infrastructure is generally available adjoining the City limits.

- The City is prepared to provide municipal services to this area when it annexes and develops.

3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

- The City of Clovis demonstrates that it has adequate capacity to provide the necessary municipal services, as identified in the MSR, to its constituency within its existing incorporated boundaries. The City of Clovis regularly reviews its service levels and updates its various master service plans for each major department within the City. Each service plan, i.e. water, wastewater, police, fire protection, parks and recreation, augments the Clovis 2014 General Plan goals and policies, as well as determines appropriate service thresholds and necessary resources to be allocated for the expansion of City services.
- The City has planned accordingly through the community investment program, annual budget, and adoption of the 2014 General Plan – Public Facilities and Services Element to meet future growth consistent through year 2035.

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.

- Since its 1983 inclusion to the Clovis SOI, Tarpey Village has been within the long range plan of the City. Tarpey Village is a residential and commercial community consisting of approximately 401 acres, located on both sides of Clovis Avenue between Dakota and Gettysburg Avenues. Clovis became the municipal water provider to Tarpey Village through the 1988 merger of Fresno County Waterworks District No. 8 (WWD No. 8) and the City of Clovis. Currently, retail water delivery is provided by Clovis PUD to Tarpey Village. Wastewater collection and treatment is provided by the City of Fresno. Annexation of Tarpey community could be considered when there is evidence of sufficient support by its residents for such action. During the MSR update, the City informed LAFCo that it does not anticipate annexation of Tarpey Village in the near future.

5) For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

- As of June 2018, LAFCo observed that all census units located in existing Clovis SOI and proposed SOI exceed the MHI threshold as defined Fresno LAFCo's Policy 111 and CKH.

Recommendations

In consideration of information gathered and evaluated in this 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 CEQA Guidelines 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 update determinations, together with any changes deemed appropriate.
5. Find that as a Responsible Agency, Fresno LAFCo considered the certified 2014 Clovis General Plan Update EIR (SCH# 2012061069) for its review and update of the Clovis Shepherd North SOI update, and LAFCo anticipates that future urban development within the affected area would be developed as contemplated in the City's certified 2014 General Plan Update and 2024 General Plan Amendment 2021-005.
6. Find that the LAFCo reviewed the proposed Clovis Shepherd North SOI revision has been environmental reviewed in its entirety by the Shepherd North – Environmental Impact Report SCH# 2022050180 prepared by the City of Clovis, Lead Agency, pursuant to the California Environmental Quality Act (CEQA).
7. Determine that the proposed Clovis Shepherd North SOI revision is consistent with the 2014 Clovis General Plan, the 2024 General Plan Amendment 2021-005, and the environmental assessment has been adequately considered under City's 2014 General Plan Environmental Impact Report SCH# 2012061069 and the Shepherd North – Environmental Impact Report SCH# 2022050180.
8. Revise the City of Clovis sphere of influence to include 155 acres of the Clovis Shepherd North territory as depicted in **Figure 2** of the MSR.
 - a. Direct the City of Clovis to demonstrate its commitment to “participate in regional farmland conservation, including the establishment of comprehensive agricultural preserves or easements” consistent with its 2014 General Plan, Land Use Element Policy 4.4 Farmland Conservation. (Agriculture Preservation)
 - b. Advise the City of Clovis to evaluate its unaccommodated Housing Need from the fourth cycle Regional Housing Needs Assessment of 4,425 lower-income units, as noted in the Clovis Housing Element. (Growth and Population Projections)


- c. Advise the City of Clovis continue its working efforts with International Water District and Garfield Water District to ultimately secure additional surface water supplies, in anticipation of urban development within the Clovis SOI. (Water Services)

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

AGENDA ITEM No. 9

DATE: July 10, 2024

TO: Fresno Local Agency Formation Commission

FROM: Brian Spaunhurst, Executive Officer 

BY: Joel Matias, LAFCo Analyst I

SUBJECT: **Consider Approval - City of Clovis "Shepherd-Sunnyside Northeast Reorganization."** A proposed reorganization consisting of the detachment of approximately 80.269 acres from the Fresno County Fire Protection District and Kings River Conservation District and annexation of this territory to the City of Clovis and said territory being located on the northeast corner of Shepherd and North Sunnyside Avenues. (LAFCo File No. RO-24-05)

Applicant: City of Clovis

Landowners/Parties of Real Interest (100% Consent): City of Clovis, Great Bigland LP,

(This proposed reorganization has been placed on the consent agenda without notice pursuant to Govt. Code sec. 56662(a) because the territory is uninhabited, no affected local agency has submitted a written demand for notice and hearing, and all property owners have consented in writing to the annexation.)

RECOMMENDATION: Approve by Taking the Following Actions:

Action 1:

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act ("CEQA") Guidelines, find that prior to approving the proposed reorganization, the environmental effects of the Proposal as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency, were reviewed and considered, and determine these documents to be adequate pursuant to CEQA Guidelines section 15096.

Action 2:

- B. Find that the proposed reorganization is consistent with LAFCo Policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH").
- C. Find pursuant to CKH and information in the record that:
 - a. The territory is uninhabited; and

- b. All landowners and affected agencies have consented to the reorganization.
- D. Assign the distinctive short form designation “Shepherd-Sunnyside Northeast Reorganization” and approve the reorganization subject to the following conditions of approval:
- a. Pursuant to Fresno LAFCo Policy 108-07, the Executive Officer shall record the approved application if all conditions have been satisfied and once, he or she has determined that the facts pertaining to the application during the time of recording are materially similar to those facts considered by the Commission when the application was approved. Facts, as used in the proceeding sentence, is defined to include, but is not limited to, whether or not the proposed project is materially similar to the project described in any application before the Commission.
 - b. Ownership of land permitting, the annexation shall include the full-width right-of-way along Shepherd Avenue as depicted in the legal description and map.
- E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

Executive Summary

On March 18, 2024 the City of Clovis adopted Resolution No. 24-27 requesting the Commission to begin proceedings for the “Shepherd-Sunnyside Northeast Reorganization” to detach approximately 80.269 acres from the Fresno County Fire Protection District and Kings River Conservation and annex it to the City of Clovis.

Proposal/Land Use

- The proposal consists of the detachment of approximately 80.269 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation to the City of Clovis.
- Information related to the proposals affected territory, land use, proposed development, special districts, surrounding areas, and existing/proposed services can be found on **Attachment A**.
- The affected territory is not within the City of Clovis’ sphere of influence (**Attachment B**) and is contiguous to the Clovis’ city limits (**Attachment C**).
- The proposal is currently zoned AL-20 (Limited Agricultural) and has been rezoned to the Clovis R-1-PRD (Single-Family Residential-Planned Residential Development), by Pre-zone City Ordinance No. R2021-009
- The territory is uninhabited.
- The proposal is consistent with the Clovis General Plan Land Use Diagram.

Consistency with LAFCo Policies, Standards and Procedures

- The County has determined that the proposal is consistent with the Memorandum of Understanding (Master Tax Sharing Agreement) and the Standards for Annexation between the City of Clovis and County of Fresno.
- The proposal is subject to the 10-year property tax allocation agreement between the City of Clovis and the Fresno County Fire Protection District set to expire in 2029.
- The proposal is consistent with the CKH and LAFCo Policies, Standards, and Procedures, including, but not limited to, sections 100 and 200.
- All properties within the proposal have been rezoned to the Clovis R-1-PRD (Single-Family Residential-Planned Residential Development), by Pre-zone City Ordinance No. R2021-009.
- The City of Clovis is within the North Kings GSA and has a Groundwater Recharge Plan in place.

Revenue & Tax Code

Fresno County has determined that proposed Shepherd-Sunnyside Northeast Reorganization involving the annexation of 80.269 acres is consistent with the standards of annexation contained in exhibit I of the Amended and Restated Memorandum of Understanding between the City of Clovis and County of Fresno therefore no further tax negotiations are necessary pursuant to Revenue and Tax Code section 99b.

Relationship to Regional Housing Goals and Policies

The proposal will assist in the implementation of Policy 1.2 of the City of Clovis General Plan Housing Element, which states “Facilitate development of new housing for all economic segments of the community, including extremely low-, very low-, low-, moderate- and above moderate-income households.

Sustainable Groundwater Management Act

California’s Sustainable Groundwater Management Act (“SGMA”) was signed into law by former Governor Edmund G. Brown Jr. on September 16, 2014. This three-part legislation requires local agencies to develop groundwater sustainability plans that are compatible with their regional economic and environmental needs. SGMA creates a framework for sustainable local groundwater management for the first time in California’s history.

SGMA requires local agencies to form Groundwater Sustainability Agencies (“GSAs”) in local groundwater basins by June 2017 and requires the adoption of Groundwater Sustainability Plans (“GSPs”) for groundwater basins deemed high priority by year 2020. The North Kings GSA will represent the City of Clovis.

After annexation, the water entitlement within the area will be managed by the City of Clovis.

The Clovis water system is composed of 37 domestic wells to provide its need for residents.

Environmental Determination

Previously Certified Environmental Impact Reports

In 2003, the City of Clovis certified an environmental impact report (EIR) for the Southeast Urban Center Specific Plan, which was later rebranded to become the Loma Vista Specific Plan. The Loma Vista Specific Plan EIR evaluated the development of the 3300 acre specific plan area, which encompasses the 310 acre subject property. In 2014, the City of Clovis certified an EIR in conjunction with a comprehensive update to its General Plan. A mitigation monitoring program, findings of fact, and a statement of overriding considerations were adopted in conjunction with both EIRs.

Project Level Applications

Project level applications are those which allow the development of a specific land use on a specific site. Project level applications include the tract map and planned development permit. The project level applications were found to be consistent with the 2014 General Plan and the individual zone districts proposed through prezone application. The City determined that in accordance to CEQA Guideline Section 15132, subdivision (a) an EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impact found not to be significant, and significant cumulative impact, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts.

The City of Clovis, acting as “Lead Agency” under CEQA, filed an exemption for the Home Place Mater Plan, Prezone, Tract Map, Planned Development and Annexation filed with the Fresno County Clerk’s office on March 19, 2024 Document No. E202310000202 consistent with the requirements of CEQA. The Notice of Determination determined the project would have a significant impact on the environment therefore, the preparation of an Environmental Impact Report is required.

As “Responsible Agency”, the Commission is required to review and consider the City’s environmental documents prior to taking its action. If the Commission determines that these documents are adequate, pursuant to CEQA, it may make the required findings provided under “Recommendations” above.

Pursuant to CEQA Guidelines section 15096(i), if the Commission determines that these documents are adequate, a Notice of Determination will be prepared and filed with the County of Fresno Clerk’s office in compliance with section 21152 of the Public Resources Code.

Costs and Other Changes Affecting Residents or Landowners

The proposed Project was not located within the City’s existing SOI; therefore, a SOI expansion was required for the project.

Agencies and Individuals Submitting Comments

- None

Territory Boundaries

The boundaries of the proposed annexation **are** definite and certain, and the County Assessor has determined that the map and legal description **are adequate** to file with the State Board of Equalization.

Registered Voter Data

The County of Fresno Elections Office reported that there were **zero** registered voters in the affected territory.

Compliance with the Requirements of CEQA

Lead Agency: City of Clovis

Level of Analysis: Non-Exemption

Finding: Exemption (See Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the July 10, 2024 file).

Individuals and Agencies Receiving this Report

- LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- Kings River Conservation District
- Fresno County Fire Protection District
- Liz Salazar Assistant Planner, City of Clovis

Attachment A

PROPOSAL INFORMATION

1. Affected Territory

Acreage:	80.269
Current Land Use:	AL-20 (Limited Agricultural)
Number of Residences/ Population:	Residents: 0/ Population: 0 estimated
Registered Voters:	Voters: 0
Assessor Parcel Number(s):	557-021-21, 557-021-20, 557-021-19

2. Proposed Development - The affected territory will be developed with 580 unit planned development community with a homeowner’s association.

3. Surrounding Territory – Rural Residential to the north and east. Single-Family Residential and Rural Residential to the west and south.

4. Existing Service Agencies and Proposed Service Changes

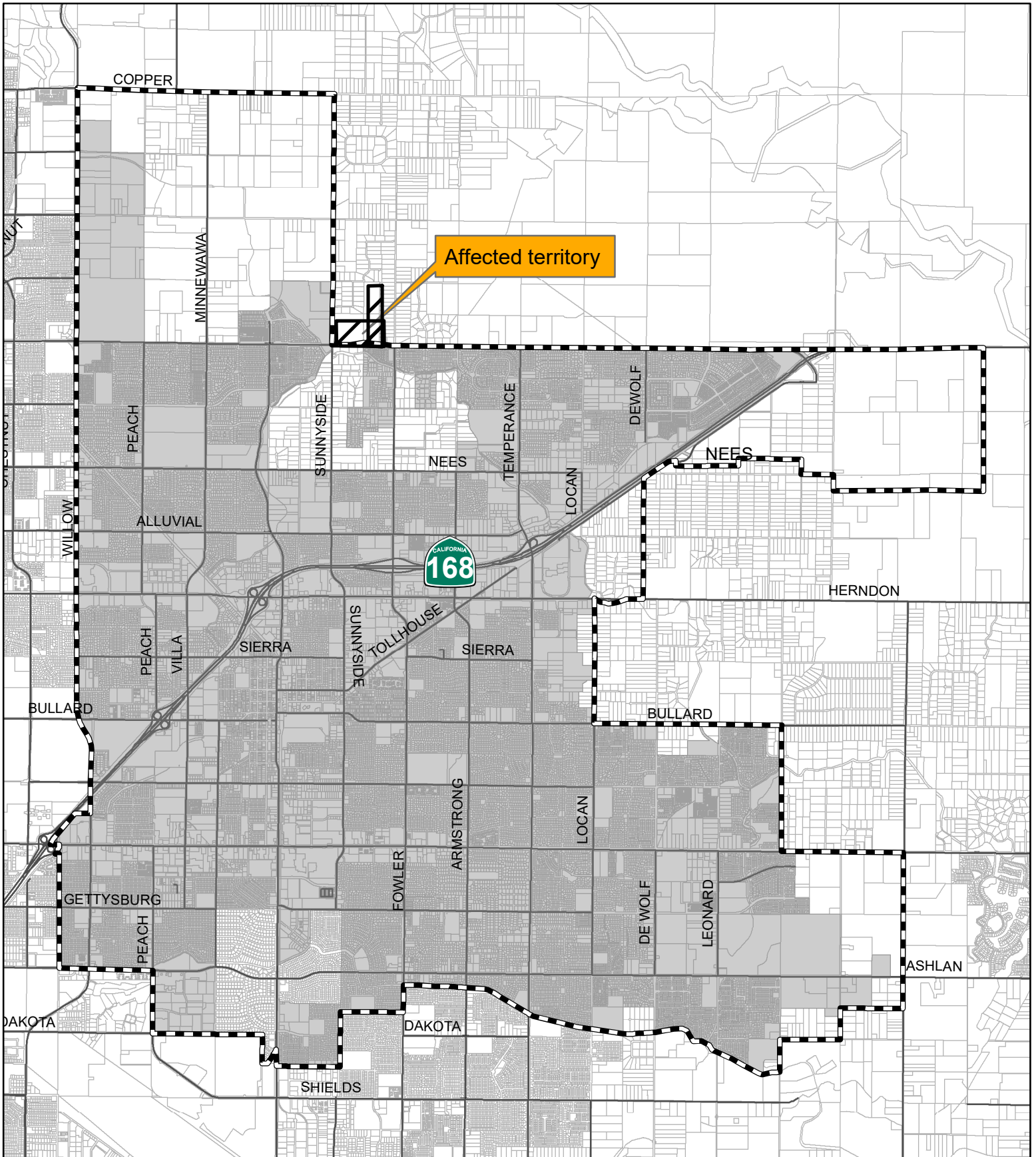
Service	Existing Service	Change
Water	Wells/ Groundwater	City of Clovis
Sewer	Private Septic	City of Clovis
Solid Waste	Private Collection	City of Clovis
Street Light	Not Applicable	City of Clovis
Park and Recreation	Not Applicable	City of Clovis
Fire Protection	Fresno County Fire Protection District	Clovis Fire Department
Police Protection	Fresno County Sheriff’s Department	Clovis Police Department
Storm Drainage	Fresno Metropolitan Flood Control District	Fresno Metropolitan Flood Control District

(See Service Plan on our website at www.fresnolaftco.org)



5. Cities and Districts Included Wholly or Partially Within the Affected Territory

Fresno County	Fresno County Library
Clovis Cemetery District	Fresno County Fire Protection District
County Service Area No. 51	Sierra Resource Conservation District
Kings River Conservation District	Consolidated Mosquito Abatement District
Clovis Memorial District	City of Clovis
Clovis Unified School District	Fresno Irrigation District
State Center Communiy College District	West Fresno Red Scale Pest Control District

ATTACHMENT B



Fresno Local Agency Formation Commission



-  Clovis city limits
-  Clovis SOI



ATTACHMENT C



Fresno Local Agency Formation Commission

-  Clovis city limits
-  Clovis SOI

