

---

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

---

**CONSENT AGENDA ITEM No. 9**

**DATE:** December 5, 2007

**TO:** Fresno Local Agency Formation Commission

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

**SUBJECT:** **Consider Adoption** – Municipal Service Review and Sphere of Influence Update Prepared for County Service Area No. 50

**Summary / Background**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCo to review and update, as necessary, special district Spheres of Influence (SOIs) before January 1, 2008, and every five years thereafter. Prior to, or in conjunction with an agency's SOI update, LAFCo is required to conduct a *Municipal Service Review* (MSR) for each agency.

On December 13, 2006, the Commission directed staff to enter into a contract with Braitman & Associates to prepare MSRs and Sphere of Influence (SOI) Updates for numerous cities and special districts. The attached MSR has been prepared for County Service Area No. 50.

Municipal Service Reviews provide a comprehensive review of the services provided by, or to be provided by, a city or district and present recommendations with regard to the condition and adequacy of these services.

State law requires that the Commission adopt written MSR determinations for each of the following nine criteria:

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

There are 23 county service areas operating within Fresno County. This report covers County Service Area (CSA) No. 50. CSA Nos. 1, 5, 23, 30, 32, 34, 35, 38, 43, 44, and 49 also appear on today's agenda.

## **Environmental Determination**

The California Environmental Quality Act ("CEQA") requires that the Commission undertake and review an environmental analysis before granting approval of a project, as defined by CEQA. The MSR is categorically exempt from the preparation of environmental documentation under a classification related to information gathering (Class 6 - Regulation section 15306), which states: "Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded." Indeed, this MSR collects data for the purpose of evaluating municipal services provided by the agency. There is no land use change or environmental impact created by such a study.

Furthermore, the MSR qualifies for a general exemption from environmental review based upon CEQA Regulation section 15061(b)(3), which states: "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

There is no possibility that this MSR may have a significant effect on the environment because there are no land use changes associated with the document. If the Commission approves and adopts the MSR and determines that the project is exempt from CEQA, staff will prepare and file a notice of exemption with the County of Fresno, as required by CEQA Regulation section 15062.

## **Discussion / Summary of Determinations**

County Service Area (CSA) No. 50 (Auberry Fire) encompasses approximately 31,114 acres (48.6 square miles) in the vicinity of the communities of Prather and Auberry. The District was formed in 2003 to provide a stable revenue stream to support fire and emergency services conducted by the Auberry Volunteer Fire Department, which has been in operation since 1957. Previously, the volunteer Fire Department relied solely on donations from the community.

The District provides fire suppression and emergency medical response services. There are 1,313 parcels within the District's boundaries, 800 of which are developed with residential and commercial uses.

District infrastructure includes a fire engine and a building in which the fire engine is housed. The fire engine and building are owned by the County, not by the District. County staff state that consideration may be given to transferring these assets to the District. No additional infrastructure needs were identified in the MSR.

The District is governed by the County Board of Supervisors and is administered by the Special Districts Administrator Office of the Fresno County Public Works and Planning Department. The Office also provides administrative services to a total of 23 CSAs and six Waterworks Districts within Fresno County. The District has a three-member Citizens Advisory Council that facilitates communication with District staff.

The District's FY 2006-07 projected revenues of \$108,729 includes revenues derived from assessments (\$76,605), carryover funds (\$31,039), and interest (\$200). Projected expenses of \$108,729 include support for the Auberry Volunteer Fire Department (\$67,900), general reserves (\$34,039), and contingencies (\$6,790).

No cost avoidance opportunities, opportunities for shared facilities, or alternative government structure options were identified in the MSR. The District has opportunities to restructure assessments on an annual basis.

Based on information received from the District, it appears that the District is adequately serving the territories within its existing boundaries.

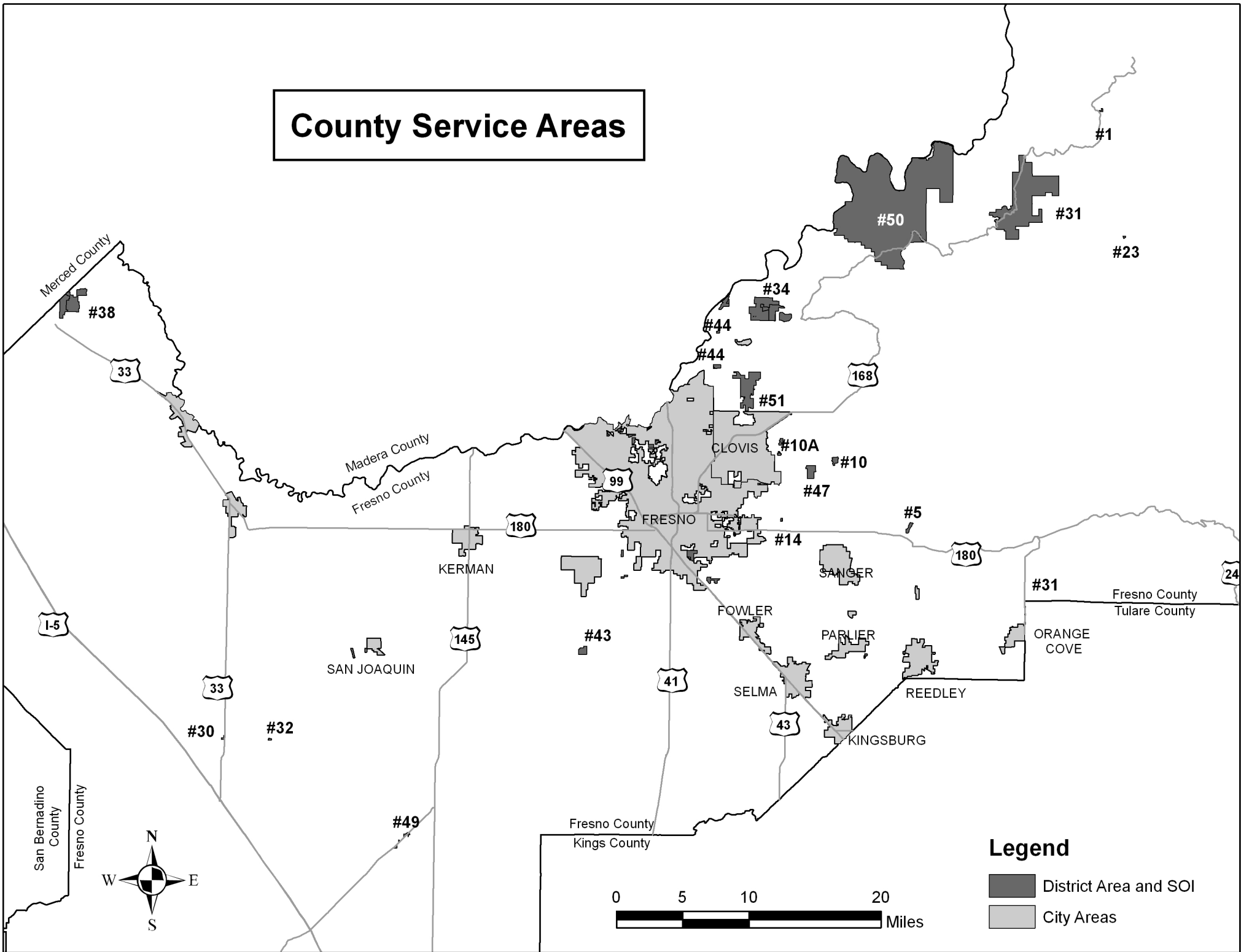
In conducting research for the MSR prepared for CSA No. 50, staff learned that following formation of the District in 2003, follow-up action was never taken to establish a Sphere of Influence for CSA No. 50, as required by State law. It appears that following formation of the District, a recommendation was never brought back to the Commission to adopt the requisite SOI.

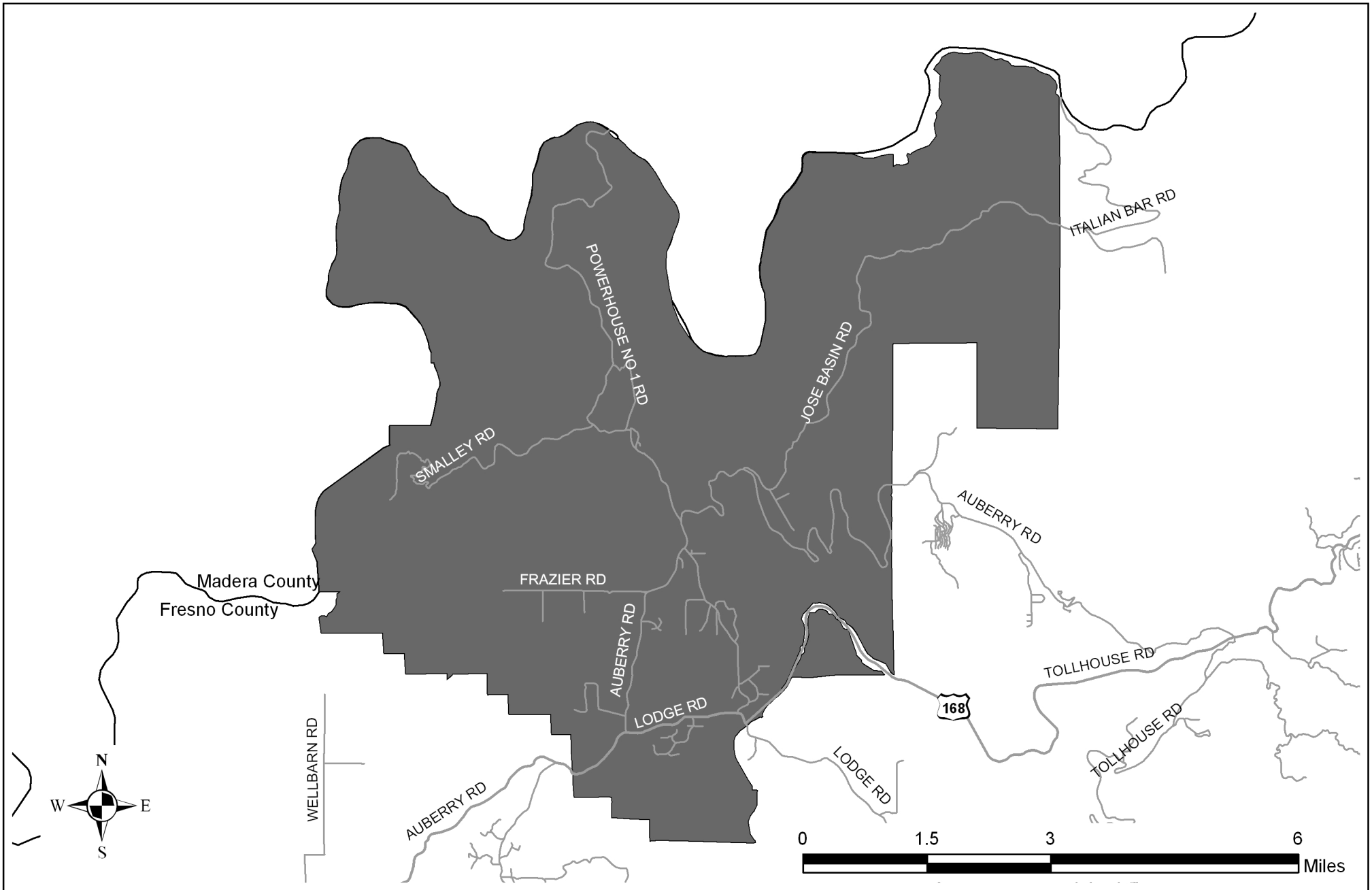
Staff did not realize that a SOI had not been established for the District until after required notices for this hearing had already been mailed and published. As a result, the notice did not indicate a SOI would be established for the District and, therefore, the Commission can not establish a Sphere for the District at this hearing. Staff recommends the Commission adopt the MSR prepared for the District and direct staff to return to the Commission at a later hearing with a recommendation that the Commission establish a Sphere of Influence for the District.

**Recommendations:**

- A. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to adopting the written determinations, the Municipal Service Review determinations under consideration are Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15306, "Information Collection" and the general exemption from environmental review, CEQA Section 15061(b)(3).
- B. Find the Municipal Service Review prepared for County Service Area No. 50 (Auberry Volunteer Fire Department) is complete and satisfactory.
- C. Pursuant to Government Code Sections 56430 adopt the determinations as presented in the Municipal Service Review document.
- D. Pursuant to Government Code Sections 56430 make the required determinations for the Municipal Service Review and adopt the Municipal Service Review prepared for County Service Area No. 50 (Auberry Volunteer Fire Department) by Braitman and Associates.
- E. Direct staff to set for public hearing an item to consider and establish a Sphere of Influence for the District as required by State law.

# County Service Areas





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

Provides Fire Services

District Formed: 2004

SOI Adopted:

Map Date: September 2007

District Area: 31,144 Acres

Sphere Area:

### Legend

District Area



**Section #4.** Pursuant to Government Code Sections 56430, this Commission makes the required determinations for the Municipal Service Review and adopts the Municipal Service Review prepared for County Service Area No. 50 (Auberry Volunteer Fire Department) by Braitman and Associates.

**Section #5.** Direct staff to set for public hearing an item to consider and establish a Sphere of Influence for the District as required by State law.

**Section #6.** - The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882 and to file, as appropriate, in the Office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by State law.

\* \* \* \* \*

**ADOPTED THIS 5<sup>th</sup> DAY OF DECEMBER, 2007, BY THE FOLLOWING VOTE:**

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

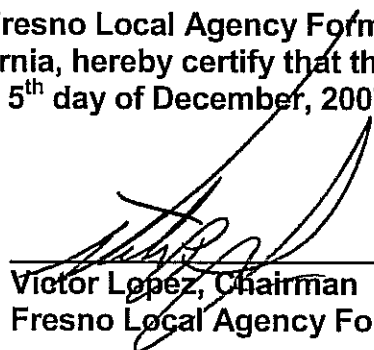
**NOES:** None

**ABSENT:** None

STATE OF CALIFORNIA)  
COUNTY OF FRESNO )

**CERTIFICATION**

I, Victor Lopez, Chairman of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 5<sup>th</sup> day of December, 2007.

  
\_\_\_\_\_  
Victor Lopez, Chairman  
Fresno Local Agency Formation Commission

# **COUNTY SERVICE AREA No. 50**

## **MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE**

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

Prepared By:

Braitman & Associates  
8277 Cheshire St.  
Ventura, CA 93004

December 2007

# 1. MUNICIPAL SERVICE REVIEW

## Description of District

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

The Board of Supervisors governs the District. The Special District Administrator within the County Public Works and Planning Department manages the District.

## District Services

The District supports fire suppression and emergency medical response. There are 1,313 parcels in the district, of which about 800 are developed with residential and commercial uses.

# 2. MSR DETERMINATIONS

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

## **Infrastructure Needs and Deficiencies**

The District has no facilities. The engine used by the District and the structure in which it is housed is owned by the County and not by CSA No. 50. County staff state that consideration may be given to transferring these assets to the District.

## **Growth and Population Projections**

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

## **Financing Constraints and Opportunities**

The projected revenue for Fiscal-Year 2006-07 of \$108,729 includes assessments (\$76,605), carryover funds (\$31,924) and interest (\$200).

Projected expenses of \$108,729 include support to Auberry Volunteer Fire Department (\$67,900), general reserves (\$34,039) and contingencies (\$6,790).

It appears these financing sources will avoid unmet financial obligations for continued support for fire and emergency medical services.

### **Cost-Avoidance Opportunities**

There are no apparent cost avoidance opportunities.

### **Opportunities for Rate Restructuring**

There are annual opportunities to restructure assessments.

### **Opportunities for Shared Facilities**

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

### **Government Structure Options**

There are no readily apparent government structure options.

### **Management Efficiencies**

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

### **Local Accountability and Governance**

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

## **3. SPHERE OF INFLUENCE REVIEW AND UPDATE**

Government Code Section 56076 defines Sphere of Influence as “A plan for the probable physical boundaries and service area of a local agency, as determined by the commission.”

### Description of Current Sphere of Influence

The District does not have an established Sphere of Influence. Following formation of the District in 2003, an item recommending that a Sphere of Influence be established was not brought to the Commission for its review.

It appears that the District is able to adequately serve territories within its existing boundaries. Staff will return to the Commission at a later hearing with a request to establish the District’s Sphere of Influence coterminous with the District’s boundaries.

## 4. ACKNOWLEDGEMENTS & REFERENCES

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

Fresno County Special Districts Administration provided information on which the evaluation is based. Special Districts Administrator Raymond Ramirez and Patrick Hinds of his staff were instrumental in providing data.

### Available Documentation

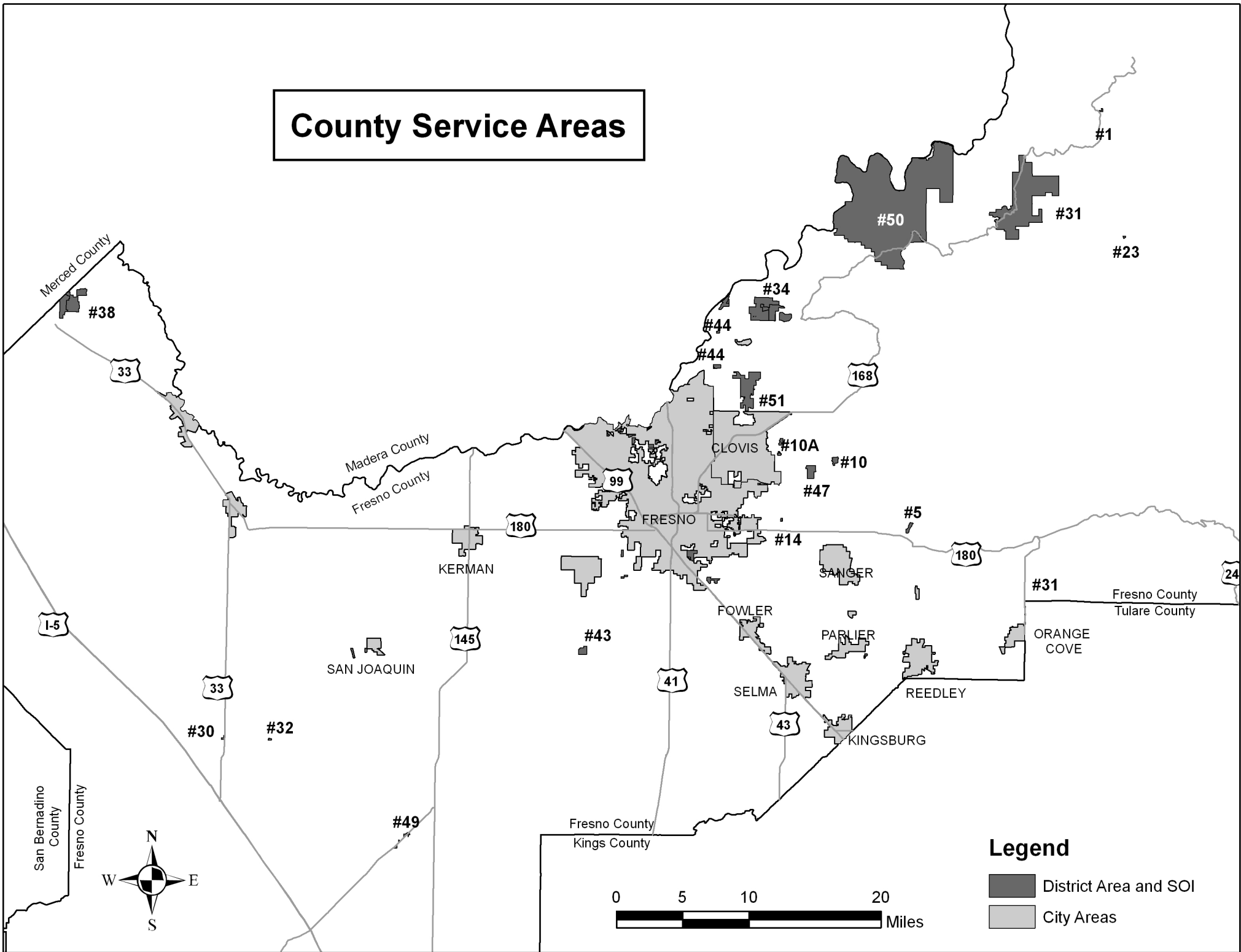
The “Request for Information for Municipal Service Reviews” submitted by the District and supporting documents referred to therein are available in the LAFCO office.

## 5. RECOMMENDATIONS



In consideration of information gathered and evaluated during the Municipal Service Review it is recommended the Commission:

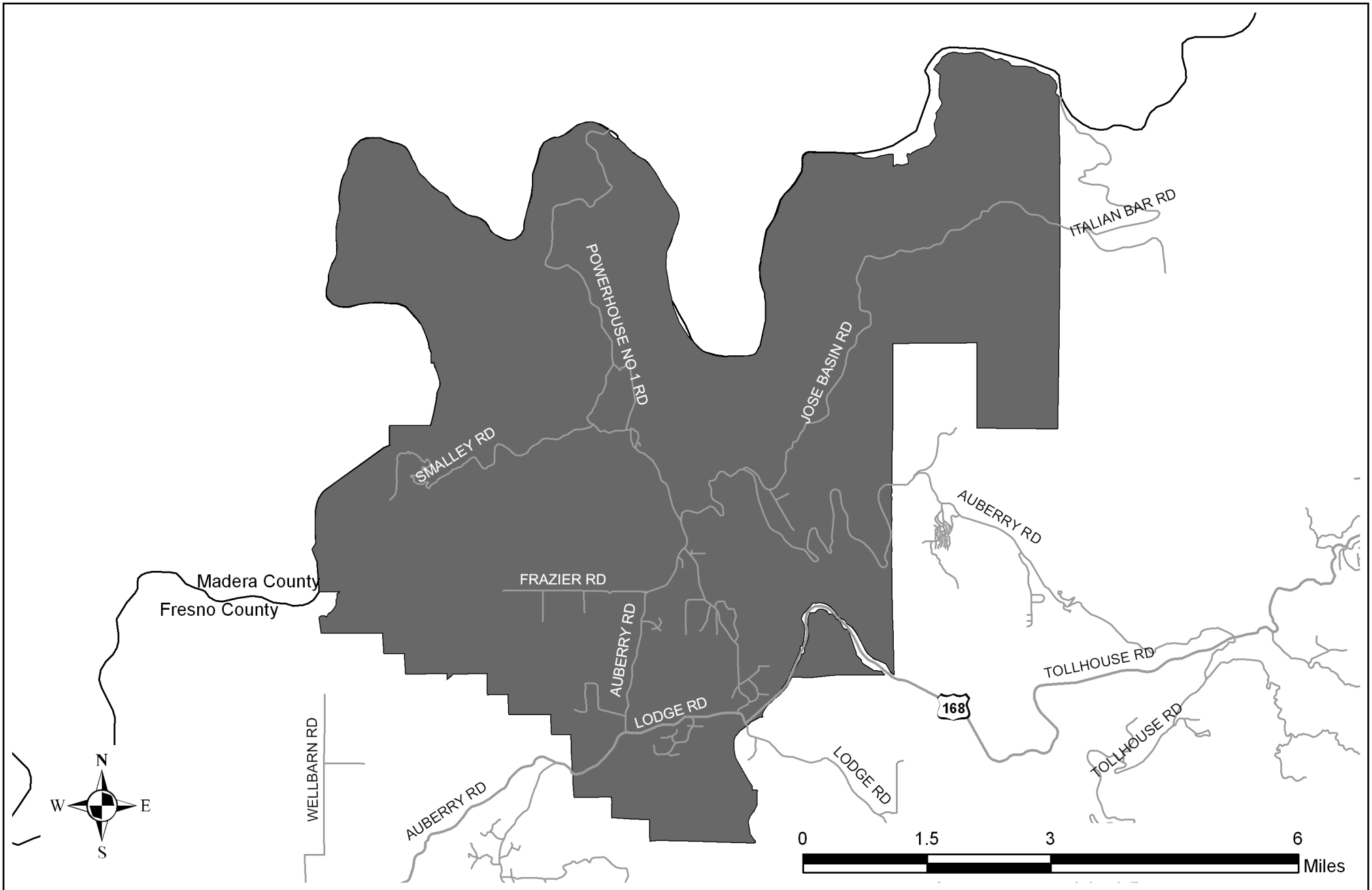
1. Accept public testimony regarding the proposed Municipal Service Review.
2. Approve the recommended Municipal Service Review determinations, together with any changes deemed appropriate.
3. Direct Staff to return to the Commission at a subsequent hearing with a recommendation for establishing of a Sphere of Influence.

# County Service Areas



## Legend

-  District Area and SOI
-  City Areas



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

Provides Fire Services

District Formed: 2004

SOI Adopted:

Map Date: September 2007

District Area: 31,144 Acres

Sphere Area:

**Legend**

 District Area