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

AGENDA ITEM No. 9

DATE: April 18, 2007

TO: Fresno Local Agency Formation Commission

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

SUBJECT: A. **Consider Approval** – A proposed revision to the Consolidated Mosquito Abatement District's Sphere of Influence by adding 2,430 square miles of territory generally located in Eastern Fresno County (RSOI-146).

B. **Consider Approval** – Proposed Annexation of 2,430 square miles of territory generally located in Eastern Fresno County (AD-06-3).

Summary of Proposals

- The Consolidated Mosquito Abatement District initiated the proposed Sphere of Influence (SOI) Update and Annexation Proposals on December 29, 2006, with the adoption of Resolution No. 5-06 and LAFCo issued a Certificate of Filing on January 9, 2007.
- On February 7, 2007, the Commission considered the subject proposals and a request by Staff to continue said hearing until Municipal Service Reviews could be prepared for Mosquito Abatement Districts. The applicant agreed to a continuance to April 18, 2007.
- The proposal consists of a proposed Sphere of Influence (SOI) Revision and an annexation of approximately 2,430 square miles to the Consolidated Mosquito Abatement District. This area represents the foothill and forested lands located within Eastern Fresno County (see land use map).
- The SOI Update and Annexation Proposals have been requested by the Consolidated Mosquito Abatement District to expand mosquito and mosquito-borne disease surveillance and control services to areas previously not provided these services. The District has indicated that a significant desire exists for such services in order to help prevent the possible spread of avian flu.
- The Commission must make two separate determinations. First the SOI Update must be considered together with the related Municipal Service Review, and if approved, the proposed annexation may be considered.

Applicant's Proposal/Justification

The Consolidated Mosquito Abatement District is designed and committed to promote community health, comfort and prosperity by the effective and continuous control of disease carrying and pest mosquitoes. The District accomplishes its objectives using an integrated program of natural predators, biological control agents, bio-rational pesticides, elimination of mosquito breeding areas, legal abatement and public education.

Currently, the District provides only limited mosquito control services to the territory through a contract with the County of Fresno with funds provided by California State funds for mosquito control. These funds will expire on June 30, 2007, and no funding will be available to continue mosquito control services in the territory after that date.

The purpose of the proposed annexation is to provide such services to the territory on a regular and permanent basis. The annexation will be contingent on the successful approval of a Proposition 218 Benefit Assessment by ballot of property owners within the affected territory. A survey of property owners within this area was conducted on behalf of the District by SCI Consulting Group to evaluate priorities and measure the level of financial support for mosquito and mosquito-borne disease control services (see attached Opinion Survey). The survey showed overall support for the measure to be 58% of full services. Therefore, the District's Board of Trustees has decided to proceed with annexation and benefit assessment balloting.

Environmental Determination

The Consolidated Mosquito Abatement District prepared and filed a Notice of Exemption from the provisions of the California Environmental Quality Act (CEQA) under the following categories:

- Section 15301 – Existing Facilities
- Section 15302 – Replacement or Reconstruction
- Section 15306 – Information Collection
- Section 15307 – Actions by Regulatory Agencies for Protection of Natural Resources
- Section 15308 – Actions by Regulatory Agencies for Protection of the Environment
- Section 15309 – Inspections

As the Responsible Agency, the Commission is required to review and consider the District's Categorical Exemption prior to taking its action. If the Commission determines that this document is adequate, pursuant to CEQA it may make the required findings provided under "recommendations" below.

Analysis and Discussion

The Consolidated Mosquito Abatement District is an independent special district that is funded through a portion of the local property tax. The District was organized in June of 1946 and currently covers approximately 1,058 square miles of Fresno and Kings Counties. The District is governed by a Board of Trustees consisting of eleven members, including a trustee appointed from each of the nine incorporated cities and two trustees appointed by the Fresno County Board of Supervisors from the District at-large. The primary functions of the Board are to establish District policy and to provide direction of the fiscal administration of the District.

Services provided by the District include mosquito and disease surveillance, mosquito suppression and control, mosquito source reduction, and public education and information. Each of these services are described and evaluated within the Service Plan attached to this report.

Existing District facilities consist of a headquarters in the City of Selma plus five separate depots located in Clovis, Sanger, Reedley, Kingsburg, and between the communities of Caruthers and Riverdale. The proposal will not result in the need for any new facilities being constructed within the affected territory.

If the Proposal is approved by the Commission, an assessment for services would not be changed unless voters approve this special tax through the Proposition 218 process. If voters in

the subject territory vote not to pay the required assessment, the SOI expansion area and annexation would not be practical since services could not be provided.

Municipal Service Review and Sphere of Influence Update Requirements

A Municipal Service Review (MSR) including recommendations concerning the appropriateness of a District's SOI must be made prior to consideration of a change in District boundaries. Staff had previously presented the MSR for the Consolidated Mosquito Abatement District under Agenda Item #8. Assuming that the Commission has approved the MSR and SOI Update and adopted written determinations for each in accordance with Government Code Sections 56425 and 56430 and the Commission's Policies, Standards, and Procedures, it may take action upon the subject request.

Consistency with LAFCo Policies, Standards and Procedures

The requested SOI amendments and annexations to the Consolidated Mosquito Abatement District are consistent with the Cortese-Knox-Hertzberg Local Government Act (Government Code Section 56425) and Fresno LAFCo Commission Policies, Standards and Procedures (Section 330—Sphere of Influence Updates and Revision).

Approval of these requests would carry out LAFCo's 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.

Conducting Authority

The affected territory is inhabited and not all property owners have consented to the annexation. Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, should this Proposal be approved, it will be necessary to set a protest hearing. The protest hearing cannot be held prior to the expiration of the reconsideration period (30 days), and the date of the hearing shall not take place less than 21 days after notice is given.

Recommendations: Make Findings and Tentatively Approve With Conditions

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find the Proposal to be Categorically Exempt.
- B. Make the following approvals, determinations, and findings to approve and authorize the requested amendment to the Consolidated Mosquito Abatement District Sphere of Influence:
 1. Find that the requested amendments to the Consolidated Mosquito Abatement District Sphere of Influence are consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and LAFCo Commission *Policies, Standards and Procedures*, including, but not limited to, Sections 100, 200, and 330, and that this action carries out LAFCo's 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.
 2. Find that approval of the requested amendment to the Consolidated Mosquito Abatement District Sphere of Influence is based on sufficient information as provided to the Commission in the Municipal Service Review and Sphere of

Influence Update, the Executive Officer's Report to the Commission, and 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.

3. Find that all public notices of this Commission's hearing of this matter were duly given in accordance with State law.
- C. Approve the proposed Sphere of Influence Revision (RSOI-146) consisting of an additional 2,430 square miles of territory to the Consolidated Mosquito Abatement District and proposed Annexation consisting of the same affected territory for the Consolidated Mosquito Abatement District (AD-06-3).
 - D. Make the following findings to approve the proposed annexation to the Consolidated Mosquito Abatement District:
 1. Find that the proposed annexation is consistent with LAFCo Policies, Standards and Procedures Section 210 - Standards for Annexation to Cities and Urban Service Districts (01-13), and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
 2. Find that approval of the proposed annexation is based on sufficient information as provided to the Commission, the Executive Officer's report to the Commission, and all other testimony 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, and Commission Policies, Standards and Procedures.
 - E. Approve the proposed annexation to the Consolidated Mosquito Abatement District as depicted in Figure 2, heretofore attached.
 - F. The annexation shall not be recorded until verification has been provided to the satisfaction of the Executive Officer acknowledging that the voters have authorized and approved additional taxes resulting from the Proposition 218 requirement.

APPLICATION INFORMATION

1. Affected Territory

Acreage:	2,430 square miles
Current Land Use:	Foothill and forested lands
Ag Contracts/Parcels	1,025 Contracts / 15,422 Parcels
Landowners/Registered Voters:	Landowners: 11,397 / Voters: 6,870

2. Cities and Districts Included Wholly or Partially within the Affected Territory.

County of Fresno	Fresno County Library District
Dunlap Cemetery District	Fresno County Fire Protection District
State Center Community College District	Sierra Resource Conservation District
Clovis Cemetery District	West Fresno Red Scale Protective District
Central Valley Pest Control District	Sierra Unified School District
Kings Canyon Unified School District	Navelencia Resource Conservation District
Bald Mountain Fire Protection District	Fresno Metropolitan Flood Control District
Big Creek Community Service District	Sierra Cedars Community Service District
Squaw Valley Cemetery District	Community Services District No. 1
County Service Area's 1, 23, 31, 34, and 44	Sierra-Kings Hospital District
Consolidated Mosquito Abatement District	Maintenance District No. 1
Waterworks Districts No. 18, 37, 38, 40, and 41	

3. Costs and Other Changes Affecting Residents or Landowners

Costs will be determined by a Prop. 218 benefit assessment by ballot of property owners in the affected territory.

4. Agencies and Individuals Submitting Comments (see Correspondence and Comments)

- Betty Vaughn, Elections Division, County of Fresno
- Chief Becky Robertson, Fresno County Fire Protection District
- Glenn Allen, REHS, Fresno County Health
- Karen Bosch-Cobb, Interim County Librarian

5. Territory Boundaries: The boundaries of the proposed annexation are definite and certain, and there are no conflicts with lines of assessment ownership. The map and description are not sufficient per Dominick LaVerne (Fresno County Assessor, Assessment Services Supervisor) for recordation or filing with the State Board of Equalization. **A revised map and legal description title are required per the County Assessor's specifications.**

6. Registered Voter Data

The County of Fresno Elections Office reported that on January 8, 2007, there were **six thousand eight hundred and seventy** (6,870) registered voters in the affected territory.

7. Compliance with the Requirements of CEQA

Lead Agency: Consolidated Mosquito Abatement District

Level of Analysis: Categorical Exemption

8. Proponent: Steve Mulligan, Manager, Consolidated Mosquito Abatement District

9. Public Notice of Hearing – Public notice concerning this Proposal was issued by the Executive Officer pursuant to State law.

10. Individuals and Agencies Receiving this Report

- LAFCo Commissioners and Alternates
- Ken Price, Baker, Manock, and Jensen
- Bernard Jimenez, Planning Manager, Development Services Department
- Margie McHenry, Public Works and Planning
- Steve Mulligan, Consolidated Mosquito Abatement District