

DUNLAP CEMETERY DISTRICT

MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE REVISION

Report to the
Fresno Local Agency Formation Commission

MSR-17-09 / SOI-177

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DUNLAP CEMETERY DISTRICT

Burial and interment of human remains

Contact Information

Manager: Richard “Rick” Hall
Address: P.O. Box 202
 Dunlap CA, 93621
Cemetery location: One mile south on Sands Baker Road at Ruth Hill Road intersection¹
Phone: (559) 338-2449 or (559) 288-7291

Management Information

District formation: 1941
Principal act: Health and Safety code section 9000 et seq., Public Cemetery District Law
Special district powers: Prescribed in Government Code section 9040-9056
LAFCo
Authorized services:² Own, improve, and maintain cemeteries and provide interment of human remains

Governing body: Three trustees, appointed by Fresno County Supervisor, District 5

Board members:	Appointed	Expires
Dean Carlton	02/28/2017	01/04/2021
Wendy Hall-Ahumada	02/28/2017	01/04/2021
Richard Hall	01/31/2019	01/06/2020

Board meetings: Held on an as-need basis, at the Dunlap cemetery site (APN: 190-040-50T)

Staffing: Board members volunteer and one contract accountant

Service Information

Population served: 1,654, est.
Acres served: 48,535 acres
Infrastructure: A three-acre cemetery facility

Fiscal Information

Budget: \$2,425
Sources of funding: Property taxes and fees for services provided
Rate structure: Fee schedule

Administrative Policies

Master Plan: No **Policies/Procedures:** No **SOI adopted:** 1976
SOI Revised: 2017 **Other:** None

¹ Fresno County Assessor Parcel Number 190-040-50T.
² Pursuant to Government Code Section 56425(i).

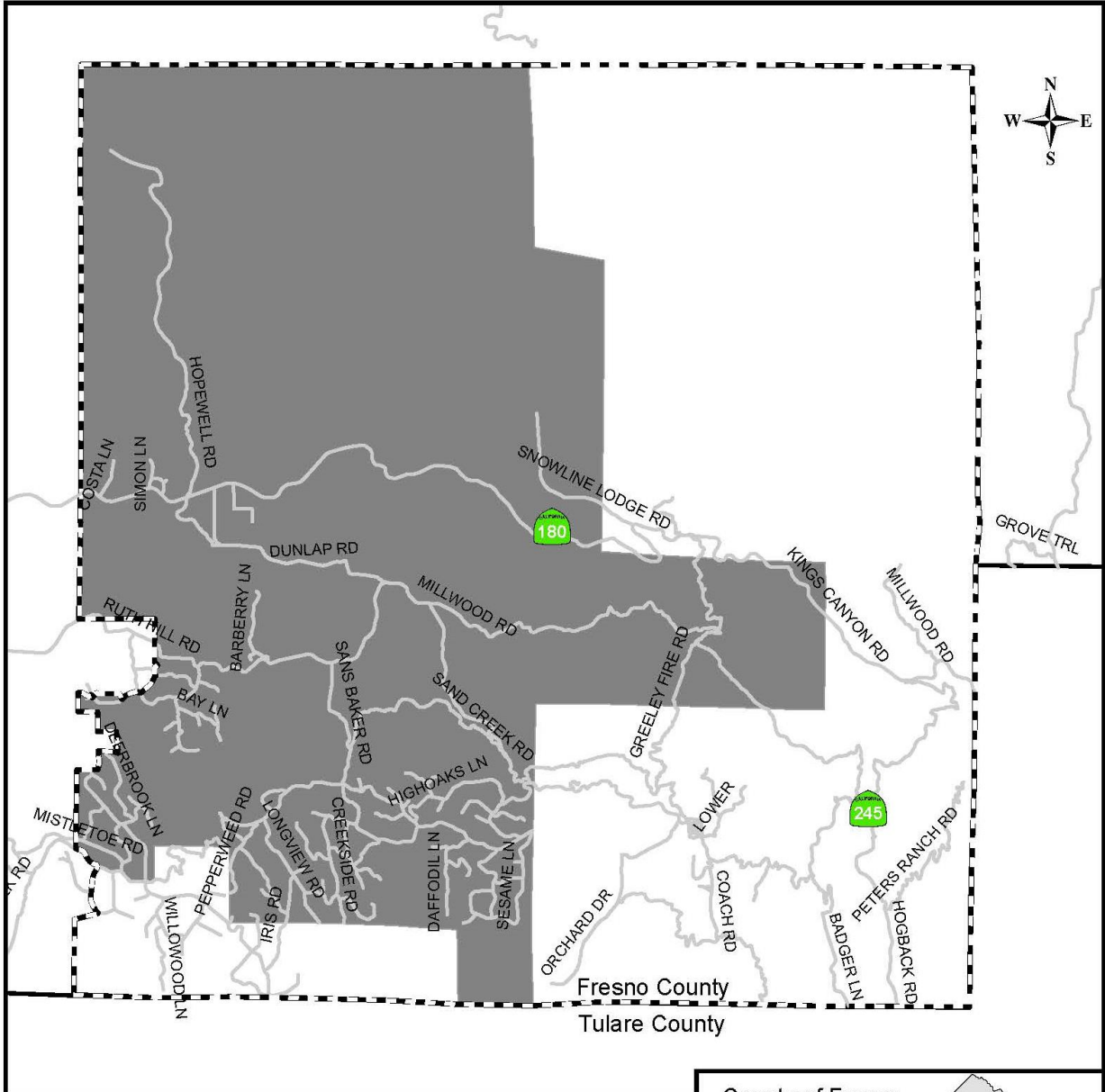
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Figure 1- District Map

Dunlap Cemetery District

Authorized Services: Burial & Interment of Human Remains

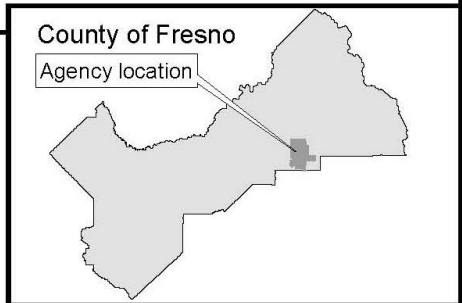


Fresno Local Agency Formation Commission

District Sphere of Influence Formation: 1941
Sphere updated: 6/09/2010
District area: 48,535 Acres
Sphere area: 92,645 Acres

District Service Area

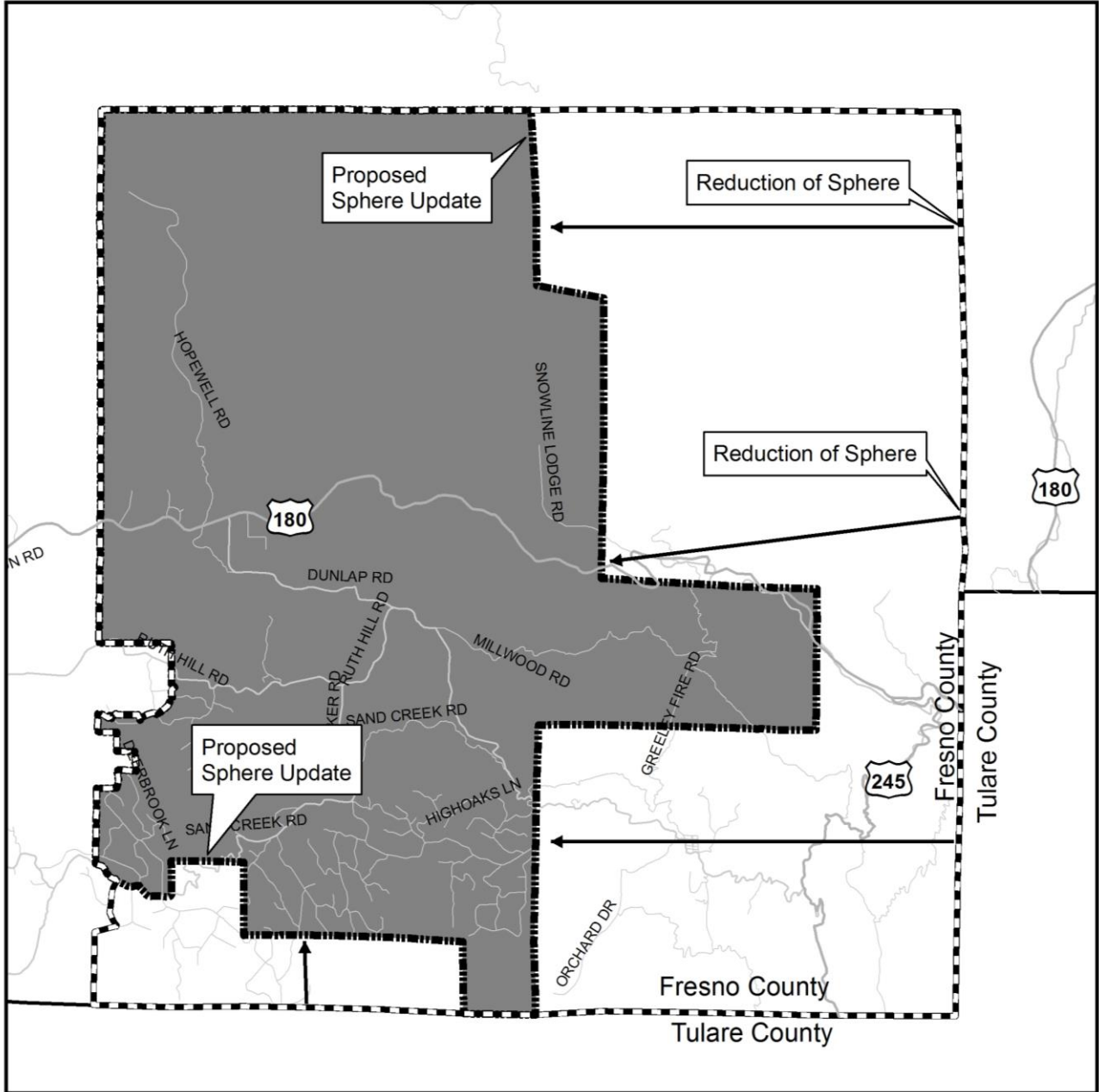
Map prepared: 06/05/2017






Document Path: K:\00-LAFCo Maps\Special Districts\Cemetery\Dunlap Cemetery\Dunlap Cemetery District Map.mxd

Figure 2 – Proposed Sphere Update, Revision

Proposed Sphere of Influence Update Dunlap Cemetery District



Fresno Local Agency Formation Commission

-  Existing sphere
-  Proposed sphere update
-  District service area



Sphere revision proposal: Reduction of 44,110 acres.
District service area and sphere will coincide.

Sphere of influence - means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission (GC sec. 56076)

1. MUNICIPAL SERVICE REVIEW

PRINCIPAL ACT

The California Legislature authorized the creation of public cemetery districts in 1909 through California Public Cemetery District Law (Health and Safety Code section 9000 *et seq.*). This law was revised in its entirety and recodified effective January 1, 2004. The Public Cemetery District Law provides broad statutory authority for public cemetery districts to own, improve, expand, and operate public cemeteries.³

The original cemetery site was founded as a private cemetery in the early 1800's by Sands Baker, the great-grandfather of Donald U. Hall. Mr. Baker owned the majority of the land near Baker's Mountain, located the Dunlap area between Jorgenson Point and Shipes Valley. On April 13, 1918, Mr. Baker died and his body was laid to rest inside the cemetery site. After Baker's death, the Baker/Hall family later donated the cemetery land to Fresno County. The Dunlap Cemetery District ("District") was formed as public cemetery district in 1941 by resolution of the Fresno County Board of Supervisors.

The District operates under California Public Cemetery District Law, (Health and Safety Code section 9000 *et seq.*). The District is an independent special district governed by a three-member board of trustees. The Board of Trustees is solely responsible for all aspects of the District's operations. The Fresno County Board of Supervisor representing supervisorial District five appoints trustees to four-year terms. Candidates eligible to serve as trustees must be a registered voter and resident within the District's boundaries.

DISTRICT SERVICE AREA

The District is located in the eastern portion of the County of Fresno. The District's boundaries are rather complex and encompass the Dunlap area, within the upper portion of the Sierra Nevada foothills. The District is approximately 20 miles northeast of City of Orange Cove and approximately 28 miles east of City of Sanger (see Figure 1). The District's service area and sphere of influence (SOI) are not coterminous. The District service area encompasses 48,535 acres, while the SOI encompasses 92,645 acres. The District's western boundaries abut with Squaw Valley Cemetery District and its north boundaries abut with Clovis Cemetery District. The District's southern boundaries abuts with Eshom Valley Public Cemetery District in Tulare County. No public cemetery abuts the District's eastern boundary edge.

Main roads within the District include State Route 180/Kings Canyon Road, Dunlap Road, Sands Baker Road, and Ruth Hill Road.

The largest population concentration within the District primarily occurs in the unincorporated community of Dunlap and the California Sierra Highlands No. 3 Subdivision, Tract No. 2279. The Fresno County General Plan land use diagram designates majority of the land within the District boundaries as rangeland and foothill rural residential.

³ Health and Safety Code (HSC) section 9000.

Unlike most other special districts, cemetery districts do not hold a monopoly on services they provide within their boundaries. Private cemeteries, both religious and secular, can and do compete with public cemeteries. As such, various private cemeteries can exist inside the jurisdictional boundaries of a public cemetery district. According to the District, there is one private cemetery within the District's boundaries, the Dormition of the Theotokos Cemetery Chapel which is operated by the Holy Monastery of Theotokos, near the St. Nicholas Ranch and Retreat Center 38576 Dunlap Road, Dunlap, CA 93621.⁴

AUTHORIZED DISTRICT SERVICES

Under Government Code (GC) section 56425(i), "when adopting, amending, or updating a sphere of influence for a special district, the commission shall establish the nature, location, and extent of any functions or classes of services provided by existing districts." LAFCo observes that the scope of District services is set forth in Public Cemetery District Law, wherein a cemetery district is authorized by its principal act to exercise all rights and power, expressed or implied under HSC section 9040-9056. A cemetery district may own, operate, improve, and maintain cemeteries and provide interment services within its boundaries. The District has exclusive jurisdiction and control over its facilities maintenance and management. According to District's principal act, public cemeteries have broad authority to exercise the following powers:

- To acquire by purchase, eminent domain, grant, gift, lease any real property;
- To sell, lease, or otherwise dispose of any real or personal property ;
- To donate any surplus real or personal property to any public agency or nonprofit organizations;
- Engage necessary employees, to define their qualifications and duties, and to provide a schedule of compensation for performance of their duties;
- To engage counsel and other professional services;
- To enter into and perform all necessary contracts;
- To adopt and enforce rules and regulations for the administration, maintenance, operation, and use of cemeteries;
- To enter joint powers agreements ;
- To appoint advisory committees to make recommendations for the ownership, improvement, expansion, and the operation of cemeteries owned by the district and the provision of interment services; and
- Burial and interment of human remains.

FRESNO LAFCO MSR POLICY DESIGNATION

A Municipal Service Review (MSR) is required in order to prepare or update a local agency's sphere of influence. It is LAFCO's observation that many special districts within Fresno County typically do not request or experience modifications to their service area or request an update or revisions to the Commission's adopted SOI for the subject agency.

⁴ The Holy Monastery of the Theotokos, CJK Design Group, <http://www.cjkdesign.com/projects/faith/the-holy-monastery-of-the-theotokos-dunlap-ca/>.

While the Commission is not required by law to make any changes to a SOI, the Commission may, at its discretion, opt to reaffirm, expand, delete a SOI, or approve, deny, or approve with conditions any changes of organization or reorganization impacting the governmental agency as a result of the information gathered during the MSR update process.⁵

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

DISTRICT GROWTH AND POPULATION PROJECTIONS

LAFCo used demographic information gathered from the US Census - American Community Survey (ACS) five-year reports for the 2011-2014 period, as well as land use policy documents adopted by the land use authorities to estimate population growth within the District's service area.

Geographic Information System (GIS) files were derived from the U.S. Census Bureau to estimate a current population for territory inside the District. According to the ACS U.S. census tracts/block group units located within the District, there is an estimated total population of 1,654 people inside the District's boundaries.⁶ The boundaries of the census tracts/block group units used to estimate population do not exactly match the boundaries of the District, but they provide a basis for reviewing possible future demands for cemetery services in the areas served by the District.

Population concentrations within the District occur in Dunlap and an area known as California Sierra Highlands No. 3 Subdivision, Tract No. 2279. The District's service area is sparsely populated with parcel lot sizes generally greater than five acres. The District's service area lies completely in the unincorporated areas of eastern Fresno County. The County of Fresno is the land use authority for land located within the District. The Fresno County General Plan designates majority of the land within the District as east rangeland and foothill rural residential.

The District is located in Fresno County's Sierra-South Regional Plan (SSRP). The SSRP is bounded by the Kings River Regional Plan on the northwest, the south fork of the Kings River on the north, Kings Canyon National Park on the east, Tulare County on the south, and Friant-Kern Canal on the west.

Unincorporated Communities in Fresno County

The Fresno Council of Governments provides growth projections for Fresno County and the spheres of influence of each of its cities between 2015 and 2050. The Fresno COG forecasts a 0.4 percent annual population growth rate assumption to forecast population growth in

⁵ Fresno Local Agency Commission – Policy 107 – Municipal Service Review Policy.

⁶ Calculated population by LAFCo based on one US census tract with 3 block group units within the District. May 30, 2017.

unincorporated areas outside of cities SOIs.⁷ According the Fresno County general plan, rural settlement areas surrounded by agricultural and open space have historically experienced little growth since their establishments. Substantial population growth in these areas is not anticipated in the future.⁸ Using the Commission's 20-year planning horizon for SOIs,⁹ LAFCo does not expect population growth or need to expand District services the District to result in a need for additional territory in the District.

District Interment Rate

Health and Safety Code identifies authorizes individuals to be interred in a cemetery district's facilities.¹⁰ The deceased must have been a resident or taxpayer of the district, or former resident or taxpayer of the district, who purchased burial plots prior to leaving the area. Family members are eligible for interment, but are limited to spouses, parents, grandparents, children, and siblings.

Qualified non-residents may be interred in any cemetery in the District providing the trustees have determined there is adequate space available to meet the foreseeable needs of the District and a non-resident fee is paid. In addition, any person not otherwise eligible may be interred in a District cemetery if private facilities are not available within a radius of 15 miles of the deceased's residence.

In the last 10 years, the District informed LAFCo that is conducts an average of four interments per year. The District does not perform cremations. Assuming an industry standard planning estimate of 550 plots per acre, the District's 3-acre cemetery facility provides for an estimated interment capacity of 1,650 plots. The District informed LAFCo that less than two acres are developed, and the District has approximately over one acre available for future interments. The District informed LAFCo that its cemetery facility has sufficient interment capacity for the next 50 years.

Disadvantaged Unincorporated Communities

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, SOI expansion, and when conducting municipal service reviews.

For any updates to a SOI of a local agency (city or special district) that provides public facilities or services related to sewer, municipal and industrial water, or structural fire protection, the Commission shall consider and prepare written determinations regarding the present and planned capacity of public facilities and adequacy of public services, and infrastructure needs or

⁷ Table 21- Projection of Total Population: Fresno County and Local Jurisdictions: 2015-2050, Fresno County 2050 Growth Projections, Fresno Council of Governments, http://www.fresnocog.org/sites/default/files/publications/RTP/2018_RTP/Fresno_COG_2050_Projections_Final_Report_050417.pdf.

⁸ County of Fresno, General Plan Agriculture and Land Use Element, page 2-26.

⁹ Fresno LAFCo policy 107-03.

¹⁰ HSC section 9060-9069.

deficiencies for any disadvantaged unincorporated community within or contiguous to the SOI of a city or special district.¹¹

GC sec. 56033.5 defines a DUC as: i) all or a portion of a “disadvantaged community” as defined by sec. 79505.5 of the Water Code (territory with an annual median household income (MHI) that is less than 80 percent of the statewide annual median household income and as defined in GC sec. 56046 and WC sec. 79505.5); and a status of ii) “inhabited territory” (12 or more registered voters), as defined by GC sec. 56046, or as determined by Commission policy. Fresno LAFCo policy further refines the definition of a DUC as having at least 15 dwelling units at a density not less than one unit per acre.

Geographic Information System (GIS) files were derived from the US Census Bureau's American Community Survey (ACS) compiled for the five-year period 2010-2014 to identify the demographic composition for the various census geographies. Although the ACS provides annual and three-year estimates, the five-year reports between years 2010-2014 provide more precise data and mapping information for analyzing small populations. The five-year reports are the most reliable form of information generated by the US Census bureau.¹² The statewide MHI 2010 through 2014 was \$61,489. Hence, the calculated threshold for a DUC is any geographic unit with a reported MHI that is less than \$49,191. The census block group data was utilized to provide the economic and population backgrounds for this section of the MSR.

According to the ACS five-year reports, U.S. census tract 64.03-block group 1 reported an MHI level of \$46,250 between 2010-2014. This census unit meets the calculated threshold for Disadvantaged Communities under the Water Code, but a majority of the parcels within the District are greater than five acres, a density that exceeds LAFCo’s DUC criteria.

For the purposes of this section of the MSR, services provided by the District do not support growth or induce population growth, nor are they enumerated in GC sec. 56425.

DISTRICT INFRASTRUCTURE

The District’s infrastructure consists of one three-acre cemetery facility that contains one low-maintenance building located one mile south on Sands Baker Road and the Ruth Hill Road intersection, APN 190-040-50T. The District also owns interment equipment, tools, and machinery needed to fulfill its responsibility and interment services. When needed, the District occasionally rents machinery and equipment from either family members or contractors within the community of Dunlap. This facility is a non-irrigated cemetery, with no wells on site. The District informed LAFCo that the cemetery site has access to water via a small water connection to a residential parcel north of the cemetery.

Facility maintenance, annual weed abatement, and general cleanup is performed by the trustees on a volunteer basis. Existing gravesites are maintained by family members visiting the cemetery.

¹¹ GC sec. 56425(e)(5).

¹² US Census Bureau, http://www.census.gov/acs/www/guidance_for_data_users/estimates/.

The District's cemetery is enclosed with barbed wire fencing held by pressured treated wood posts. Fence maintenance is performed on an as needed basis. The cemetery does not have a designated parking lot area; however, the unpaved cemetery drive approach provides adequate space for visitor parking. There are no interior streets within the cemetery.

DISTRICT FINANCES

This section of the MSR summarizes and evaluates financial information provided by District management. The District provided its financial data to assist LAFCo staff determine whether the District has sufficient revenue streams and financial systems in place to continue providing services to its residents. The following information and analysis is based on the District's annual budgets and supportive documents made available to LAFCo.

The District prepares and adopts an annual budget on or before August 30th of each year in a manner consistent with the requirements of its principal act.¹³ The District's budget projects anticipated revenues and expenditures using line items for the upcoming fiscal year. The District reports its financial activities using two major governmental funds:

- General Fund – the District's major operation fund that accounts for all the agency's financial activities.
 - Program revenue– include charges to customers for goods and services, operating grants and contributions, and capital grants and contributions.
- Endowment Care Fund – a legislatively-mandated fund that accounts for maintenance activities of District facilities.

The District's primary source of revenue is the annual property tax charged to all parcels within the District's boundaries. The District receives its share of the 1% property tax based on its pre-Proposition 13 level of taxation through the Fresno County Auditor-Controller/Treasurer-Tax Collector. The District has a substantially low tax rate of \$0.000002 per \$100 of assessed value. The District's previous MSR notes that if Dunlap residents wish to continue District services, the District's tax rate needs to be increased in order to fund annual District expenditures.

The District is primarily operated by volunteers and it receives incidental revenue from plot sales.¹⁴ The District informed LAFCo that it charges a \$50 plot fee, and a \$60 endowment fee to be interred in the District's facility. The District informed LAFCo that in some cases residents have a difficult time paying the District's fees. Furthermore, in order to keep cost low for residents, members of the board volunteer their time to excavate burial sites to bury the deceased. District board members are reimbursed as necessary for any out-of-pocket expenses related to the District.

The District informed LAFCo that Dunlap is a close-knit community and for many years, plot fees have been kept substantially low so that residents can afford to provide their loved ones a final resting place. During the course of this service review, the District informed LAFCo that the \$50 plot fee is inadequate to continue funding the District's indirect costs to perform interments. The District informed LAFCo that the board intends to consider a plot fee increase during 2017.

¹³ HSC sec. 9070-9079 *et seq.*

¹⁴ Dunlap Cemetery District, Report on Audit of Financial Statement for Year Ended June 30, 2015.

The District estimates that actual interment costs could be over \$250, which does not include the board's volunteer time and labor. LAFCo encourages the District to evaluate its actual interment costs, and suitably adjust plot fees to account for services provided by the District.

For Fiscal Year 2015-2016, the District's budget totaled \$3,230. The District's expenses only consist of \$2,400 for services and supplies, and the District had no outstanding long-term loans or debt.

The District's annual property tax revenue amounts to an average of approximately \$1,400. Additional revenues are generated from interest rates earned on District bank accounts and the endowment fund. The District's budget identifies \$200 of interest earned from its bank accounts, and \$600 in all other revenue sources. The District's fee program anticipates \$1,300 to be generated from service fees provided by the District. As previously indicated, the District subsidizes labor service costs through volunteer work. LAFCo observes that the District's revenue has not grown since 2010; however, the District is amenable to consider a plot fee increase.¹⁵

In 2004, the District requested the Fresno County Board of Supervisors (BOS) to change the one-year fiscal audits requirement to a five-year cycle for Dunlap Cemetery District, pursuant to Fresno County Policy and Government Code section 26909.¹⁶ The County BOS unanimously approved the District's request because the District met several criteria such as the District had never exceeded a \$5,000 annual budget, and the District typically operates with a budget of less than \$2,000.

During this service review, LAFCo learned that Government Code section 26909 was re-appealed in 2016 to include additional requirements as it relates to financial audits on a five-year cycle.¹⁷ The District informed LAFCo that new financial reporting regulations are more stringent, and the District has been performing annual financial audits in compliance with the County and State Auditor standards. The District's annual audits are prepared by an independent certified public accountant. The District's financial audits are submitted to the Fresno County Auditor and State Controller on an annual basis consistent with Health and Safety Code.

The District provided LAFCo with its most current independent financial statements for the year ended on June 30, 2015, prepared by an independent Certified Public Accountant, auditor. The auditor's report provides LAFCo an overview representation on the District's financial practices.

According to the Audit, the District operates on a modified accrual basis of accounting. Revenues are recorded when they become measurable and available to finance expenditures. Expenditures are recorded at the time the liability is incurred.

The auditor's report indicates that at the time the financial audit was performed, the District's financial practices conformed to generally accepted accounting principles (GAAP).

¹⁵ Communication with District Trustee, Richard Hall, June 12, 2017.

¹⁶ Fresno County report to Board of Supervisors, December 14, 2004, Dunlap Cemetery District Audit Cycle.

¹⁷ Government Code Section 26909, effective January 1, 2017.

The District has an established endowment fund. California law requires public cemetery districts to maintain an Endowment Care Fund and to collect an endowment care contribution for every interment right sold in a public district cemetery.¹⁸ The purpose of the Endowment Care Fund is to create a fund, the principal of which may never be used for any purpose, but which generates interest income which is then used for the perpetual care and maintenance of district cemeteries. Once deposits are made into the Endowment Care Fund, they can never be withdrawn or refunded to contributors. The District showed \$24,150 in its Endowment Care Fund at the time the financial audit was performed.

According to the Auditor's report, the District's general fund budget for the year ending June 30, 2015, showed \$2,632 in total revenues, while the District's total expenditures amounted to \$2,741. The Auditor's report noted a revenue deficit of \$109.¹⁹ The District had a fund balance of \$15,581 at the beginning of the 2015-16 fiscal year.

PUBLIC FACILITIES, OPPORTUNITIES FOR SHARED FACILITIES

This section of the MSR considers the use of shared facilities, and their potential to offset costs or promote greater efficiencies in service provisions within the region. Due to the District's unique history and its relative isolation from other similar special districts, it appears that there are limited opportunities for potential sharing of facilities with other agencies. It is noted that much of the work and equipment used in the performance of the District's duties is generously donated by community members.

GOVERNMENT ACCOUNTABILITY

This section of the MSR considers various topics, such as compliance with state disclosure laws, the Brown Act, public participation, i.e. open meetings, accessible staff, election processes, and the agency's governing structure. Additionally, this section of the MSR considers the agency's level of participation with the Commission's MSR program.

The California Legislature authorized the creation of public cemetery districts in 1909 through California Public Cemetery District Law. The Public Cemetery District Law was revised in its entirety and recodified effective January 1, 2004.

California HSC section 9000 *et seq.* requires each public cemetery district to have a board of trustees of at least three members to govern the District's operation. The Fresno County Supervisor representing District five is responsible for appointing persons to serve on the board who are registered voters and residents within the District boundaries. Each trustee is required to take the oath of office prior to being appointed on the District's Board, and file annual Form 700s – Statements of Economic Interests.

Fresno County is not responsible for providing any income or support to the District. Public Cemetery District Law requires trustees to exercise their independent judgment on behalf of the

¹⁸ Health & Safety Code section 9065.

¹⁹ Dunlap Cemetery District, Report on Audit of Financial Statement for Year Ended June 30, 2015.

interests of the residents, property owners, and the public as a whole and to represent the interests of the public as a whole and not solely the interests of the Board of Supervisors.²⁰

The District is an independent special district governed by a three-member board of trustees, and functions independently from the County. The terms of trustees must be staggered by appointments to terms of less than four years; otherwise, the term of office for trustees is four years.²¹ The current District board of trustees' terms are staggered and are set to expire in consecutive years as follows; term ends 2020, 2021, and 2021. The District's board of trustees are volunteers and do not receive a per diem for serving on the board, and are not otherwise compensated for their service. The major functions of the trustees is to set policy, define goals and objectives, and adopt rules and regulations as the custodians of the District's property.

Unlike other local agencies, the District board also manages the daily operations of the District. The District cemetery is maintained by volunteers and members of the board. The District consults its financial activities with one local certified public accountant (CPA). The contract CPA assists the District prepare annual budgets and annual certified financial audits.

As noted earlier, the District originally began as a private cemetery in the Dunlap area, a remote rural area in Fresno County. For over four generations, the Hall family has overseen the District's operation. The District is loosely organized and generally has infrequent service demands. The District conducts an average of five interments per year. Occasionally, the interment rate fluctuates and can drop to only two interments per year. As such, District operations are less intensive compared to public cemeteries in urban areas with dense populations. The cemetery's 1941 conversion to a public cemetery brought forth various legislative mandates that the District is required to adhere to, which will be reviewed later in this section.

District board meetings are infrequent, and are held on an as-needed basis. Information obtained by LAFCo was not conclusive when the board last convened to conduct District business. LAFCo could not determine if the District provided adequate notice consistent with the Ralph M. Brown Act. LAFCo was informed that when the board meets it convenes at the District cemetery located one mile south on Sands Baker Road and the Ruth Hill Road intersection, APN 190-040-50T.

LAFCo requested various public documents to determine whether the District has measures in place that promote government accountability. The District provided LAFCo copies of its annual budget, audited financial statements, and reports submitted to the California State Controller's Office. Furthermore, LAFCo staff traveled to the District to meet with Trustee Rick Hall to collect additional District information.

LAFCo notes that, if the District not already doing so, the District should adhere to the following Brown Act requirements:

- Prior to any District board meeting, an agenda should be prepared listing all items to be transacted by the board, and posted 72 hours in advance for public review at the location where the board intends to convene.

²⁰ HSC section 9022.

²¹ HSC section 9024.

- Agendas for special meetings should be posted at least 24 hours before the meeting, and interested parties should be provided notice.
- District board meetings should be open to the public. Each agenda should include an opportunity for the public to address the board on items not on the agenda, and within the jurisdiction of the District.

As of January 1, 2004, statute requires that all public cemeteries adopt policies and procedures, including bidding regulations, governing the purchase of supplies and equipment.²² The District was unable to provide LAFCo a copy of existing policies and/or rules of order that outline the District's government structure. LAFCo observes that the District likely does not have adequate funding to finance the preparation of a regulating policy document without passing the cost to its customers. However, there are examples of public cemetery district policies and procedures which can be modified for use by the District and can be obtained through various Public Cemetery associations such as, California Association of Public Cemeteries or Public Cemetery Alliance. For informational purposes, LAFCo includes an example of public cemetery district bylaws as Appendix A.

Historically, the District's government structure has demonstrated that it is appropriate to ensure services are provided in the Dunlap area. At the time of preparing this MSR, the District's government structure appeared to be adequate based on LAFCo's communications with the District.

ANY OTHER MATTERS RELATED TO EFFECTIVE OR EFFICIENT SERVICE DELIVERY

Governance Transparency: The District is governed by a full board of trustees that volunteer their time and good faith serving their constituency. For several generations the Hall family has contributed to the ongoing administration of the District without compensation. LAFCo notes that measuring government transparency for this specific District was subjective, in that participation with the Commission's MSR program required additional work to be performed by the trustees.

With respect to the preparation of this report, access to all public information requested by LAFCo required multiple calls and information requests to the District. Though this lack of responsiveness may be attributed to the legitimate operational constraints described in this MSR, the statutes are clear in regard to the accountability and transparency expected of a public agency. Such standards include maintaining annual basic reporting requirements, adopting an annual budget, financial audit reports, public meeting information, district facility insurance, and compliance to California Fair Political Practices Commission by filing annual Statements of Economic Interest – Form 700 with Fresno County. The District ultimately complied with LAFCo's information requests.

LAFCO notes that there is limited District public information readily available online. Telephone calls with the District secretary/trustee is the most efficient method to interact with the District.

²² HSC section 9044(a).

Finance: The District prepares detailed financial reports, which substantially relies on volunteer work and its annual property taxes levied on all properties within the District. The District has kept its expenses within its revenues, however LAFCo observes there is limited financial capacity for the District to fund unforeseen expenditures, emergencies, or purchase additional cemetery facilities, if warranted.

Service Area Boundaries and the Sphere of Influence: The District is the only cemetery district in the Dunlap area with the opportunity to annex additional land into its service area. Since adoption of the District's 1976 SOI, there have been no annexations to the District. LAFCo observes that there are 44,110 additional acres within the District's SOI available for the District to annex, however in the past 41 years the District has not actively pursued any growth. Based on information made available to LAFCo, it does not appear that the District can fund future District growth. LAFCo notes that the most populated areas are already being served by the District.

A "Sphere of influence" means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission.²³ A SOI reduction to conform it to the District's current service area may be considered by the Commission, as depicted on figure two, when it determines that the growth of a special district's physical boundaries is not probable. Such a determination would be based in part on the present and planned land uses in the District may have reached their peak and the District has interment capacity in its cemetery for many more years.

Reducing the SOI would not impair the District's ability to continue to offer services as it has for many decades. As proposed, the District's sphere of influence would coincide with its existing service area, jurisdictional boundaries.

Maintaining the SOI in its current configuration is also possible, though it would be optimal for the Commission to base such an action on evidence that the District's service area will be expanding based on the need for its services. As noted, this determination is not consistent with the information presented in this analysis.

²³ GC sec. 56076.

2. MSR DETERMINATIONS

This portion of the report addresses the factors specified in the governing statute for Municipal Service Reviews and provides analysis in conformance with GC section 56425 and Fresno LAFCo policy. Pursuant to GC section 56430, the Commission has prepared the following written determinations.

1. GROWTH AND POPULATION PROJECTIONS FOR THE AFFECTED AREA

- The District's service area lies completely in the unincorporated areas of eastern Fresno County. The County of Fresno is the land use authority for land located within the District. The Fresno County General Plan designates majority of the land within the District as east rangeland and foothill rural residential.
- The District service area encompasses 48,535 acres, while the SOI encompasses 92,645 acres.
- According to the ACS U.S. census tracts/block group units located within the District, there is an estimated total population of 1,654 people inside the District's boundaries.
- In the last 10 years, the District informed LAFCo that it conducts an average of four interments per year.
- Communication with the District indicates that it has no plans to request an SOI expansion or annex any future territory. Substantial population growth in these areas is not anticipated in the future. LAFCo does not expect population growth or need to expand District services the District to result in a need for additional territory in the District.

2. THE LOCATION OF AND CHARACTERISTICS OF ANY DISADVANTAGED UNINCORPORATED COMMUNITY WITHIN OR CONTIGUOUS TO THE SPHERE OF INFLUENCE

- There are no DUCs within the District's boundaries as defined by Fresno LAFCo policy during the preparation of this report.
- District services are limited to burial and interment of human remains, setting of headstones and maintenance of its public cemeteries. For the purposes of this section, services provided by the District do not support growth or induce population growth.

3. PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND INFRASTRUCTURE NEEDS OR DEFICIENCIES

- The District's infrastructure consists of one three-acre cemetery facility that contains one low-maintenance building located one mile south on Sands Baker Road and the Ruth Hill Road intersection, APN 190-040-50T.

- The District occasionally rents machinery and equipment from either family members or contractors within the community of Dunlap. This facility is a non-irrigated cemetery, with no wells on site. The District informed LAFCo that the cemetery site has access to water via a small water connection to a residential parcel north of the cemetery.
- The District's three-acre cemetery facility provides for an estimated interment capacity of 1,650 plots. The District informed LAFCo that less than two acres are developed, and the District has approximately over one acre available for future interments. The District informed LAFCo that its cemetery facility has sufficient interment capacity for the next 50 years.

4. FINANCIAL ABILITY OF AGENCY TO PROVIDE SERVICES

- Consistent with the requirements of its principal act, the District prepares and adopts an annual budget on or before August 30th of each year. The District's budget projects anticipated revenues and expenditures using line items for the upcoming fiscal year.
- The District receives its share of the 1% property tax based on its pre-Proposition 13 level of taxation through the Fresno County Auditor-Controller/Treasurer-Tax Collector. The District has a substantially low tax rate of \$0.000002 per \$100 of assessed value.
- The District's previous MSR notes that if Dunlap residents wish to continue District services, the District's tax rate needs to be increased in order to fund annual District expenditures.
- The District is primarily operated by volunteers and it receives incidental revenue from plot sales. The District informed LAFCo that it charges a \$50 plot fee, and a \$60 endowment fee to be interred in the District's facility. The \$50 plot fee is inadequate to continue funding the District's indirect costs to perform interments.
- The District estimates that actual interment costs could be over \$250, which does not include the board's volunteer time and labor.
- The District's financial practices conformed with generally accepted accounting principles (GAAP).
- For Fiscal Year 2015-2016, the District's budget totaled \$3,230. The District's expenses only consisted of \$2,400 for services and supplies, and the District had no outstanding long-term loans or debt.
- At the time this service review was prepared, the District informed LAFCo that the board intends to consider a plot fee increase during 2017 to address emerging annual revenue deficits.

5. STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- Due to the District's unique history and its relative isolation from other similar special districts, it appears that there are limited opportunities for potential sharing of facilities with other agencies.

6. ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENT STRUCTURE AND OPERATIONAL EFFICIENCIES

- The District is an independent special district governed by a three-member board of trustees, and functions independently from the County. The District's board of trustees are volunteers and do not receive a per diem for serving on the board, and are not otherwise compensated for their service.
- Unlike other local agencies, the District board also manages the daily operations of the District. The District cemetery is maintained by volunteers and members of the board. The District consults with one local certified public accountant to prepare annual budgets and perform certified financial audits.
- District board meetings are infrequent, and are held on an as-needed basis. Information obtained by LAFCo was not conclusive when the board last convened to conduct District business.
- LAFCo was informed that when the board meets it convenes at the District cemetery located one mile south on Sands Baker Road and the Ruth Hill Road intersection, APN 190-040-50T.
- As of January 1, 2004, statute requires that all public cemeteries adopt policies and procedures, including bidding regulations, governing the purchase of supplies and equipment.²⁴ The District was unable to provided LAFCo a copy of existing policies and/or rules of order that outline the District's government structure. The District was unable to provided LAFCo a copy of existing policies and/or rules of order that outline the District's government structure.
- The District's government structure has demonstrated that it is appropriate to ensure services are provided in the Dunlap area.

7. ANY OTHER MATTER RELATED TO EFFECTIVE OR EFFICIENT SERVICE DELIVERY, AS REQUIRED BY COMMISSION POLICY

None.

3. SPHERE OF INFLUENCE REVISION

When adopting, revising, or updating a sphere of influence for a special district, the Commission shall establish the nature, location, and extent of any functions or classes of services provided by existing districts. The Commission may require existing districts to file written statements with the commission specifying the functions or classes of services provided by those districts.

Chapter one of this MSR provides the foundation for the Commission’s SOI determinations. As previously indicated, the District’s boundaries and SOI are not coterminous. The District service area encompasses 48,535 acres, while the SOI encompasses 92,645 acres. The District owns a three-acre cemetery facility that provides a “built-out” interment capacity of 1,650 plots. At the time this MSR was prepared, the District informed LAFCo that its cemetery site facility has sufficient interment capacity for the next 50 years.

Since adoption of the District’s 1976 SOI, there have been no annexations into the District. LAFCo observes that there are 44,110 additional acres within the District’s SOI available for the District to annex, however in the past 41 years the District has not actively pursued any growth. Based on information made available to LAFCo, it does not appear that the District can fund future District growth. LAFCo notes that the most populated areas are already being served by the District.

A SOI reduction to conform it to the District’s current service area may be considered by the Commission, as depicted on Figure two in the MSR, when it determines that the growth of a special district’s physical boundaries is not probable. Reducing the SOI would not impair the District’s ability to continue to offer services as it has for many decades. As proposed, the sphere of influence would be reduced to coincide with its existing service area. The District’s jurisdictional boundaries and SOI will encompass 48,535 acres.

When Fresno LAFCO updates a sphere of influence for a local governmental agency within its purview, it must adopt specific determinations with respect to the following factors:

1. PRESENT AND PLANNED LAND USES, INCLUDING AGRICULTURAL AND OPEN-SPACE LANDS

- The County of Fresno is the land use authority for land located within the District. The Fresno County General Plan designates majority of the land within the District as east rangeland and foothill rural residential. The District is located in Fresno County’s Sierra-South Regional Plan (SSRP).
- The largest population concentration within the District primarily occurs in the unincorporated community of Dunlap and the California Sierra Highlands No. 3 Subdivision, Tract No. 2279. Majority of the land within the District boundaries is designated as rangeland and foothill rural residential.

2. PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES IN THE AREA

- The District's infrastructure consists of one three-acre cemetery facility that host one low-maintenance building located one mile south on Sands Baker Road and the Ruth Hill Road intersection, APN 190-040-50T.
- The District conducts an average of four interments per year. The District informed LAFCo that less than two acres are developed, and the District has approximately over one acre available for future interments. The District informed LAFCo that its cemetery facility has sufficient interment capacity for the next 50 years.

3. PRESENT CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES THAT THE AGENCY PROVIDES OR IS AUTHORIZED TO PROVIDE

- The District's facilities are adequate to continue supporting burial and interment of human remains within the Dunlap area.

4. EXISTENCE OF ANY SOCIAL OR ECONOMIC COMMUNITIES OF INTEREST IN THE AREA IF THE COMMISSION DETERMINES THAT THEY ARE RELEVANT TO THE AGENCY

- As observed by LAFCo, there no social or economic communities of interest exist near the District relevant to the agency's service provisions.

5. THE PRESENT AND PROBABLE NEED FOR THOSE PUBLIC FACILITIES AND SERVICES OF ANY DISADVANTAGED UNINCORPORATED COMMUNITIES WITHIN THE EXISTING SPHERE OF INFLUENCE

- The District services are limited to burial and interment of human remains, and maintenance of its public cemetery. For the purposes of this section, services provided by the District do not support growth or induce population growth. Fresno LAFCo observes that services provided by the District would not present a direct benefit to a DUC as detailed in the MSR.

4. RECOMMENDATIONS

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

1. Receive this report and any public testimony regarding the proposed Municipal Service Review and proposed sphere of influence update.
2. Find that the Municipal Service Review is exempt from the California Environmental Quality Act pursuant to section 15306 (Information Collection).
3. Approve the recommended Municipal Service Review determinations, together with any changes deemed appropriate.
4. Approve the recommended sphere of influence determinations, together with any changes deemed appropriate.
5. Approve a SOI reduction, such that the District's SOI and service area are coterminous.
6. Direct the District to adopt policies and procedures consistent with Health and Safety Code Sec. 9044 (a), in a timely manner.
7. Encourage the District to evaluate its existing plot fees, determine actual interment costs, and suitably adjust plot fees to account for services provided by the District.

5. ACKNOWLEDGEMENTS

This Municipal Service Review update was prepared by Fresno LAFCO. Supporting documentation was made available through the effective partnership between District and LAFCo. LAFCo extends its appreciation to the District board 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
2607 Fresno Street, Suite B
Fresno, California 93721

The Municipal Service Review is available on Fresno LAFCo's website, <http://www.fresnolafco.org/default.asp>

APPENDIX A – OUTLINE SJVCD TEMPLATE / EXAMPLE BYLAWS

_____ PUBLIC CEMETERY DISTRICT

BYLAWS

GENERAL PROVISIONS AND GOVERNMENT

A. GENERAL

1. Formation. The _____ Public Cemetery District is a public cemetery district formed on _____ by resolution of the _____ County Board of Supervisors and existing under the provisions of the laws of the State of California.

2. Purpose. The provisions of these Bylaws (“Bylaws”) and Policies and Procedures (“Policies”) and Rules and Regulations (“Rules”) enacted by the Board of Trustees of the _____ Public Cemetery District (“District”) are to assist the Board of Trustees of the District as it sets policy and conducts the business and affairs of the District. It is the intent and purpose of these Policies to help clarify and define the responsibilities of the officials of the District. The purpose of these Bylaws is to supplement state law and to provide more specific guidelines for the actions of the Board of Trustees of the District by means which are fair, fiscally responsible, and protective of the interests of the people of the District. These Bylaws express the consensus of the Board as to policy matters covered but are not intended to be exhaustive nor are they intended to restrict the otherwise lawful authority of the Board. Notwithstanding any other term, provision or condition of these Bylaws, no otherwise lawful act of the Board or the officers of the District shall be invalidated by reason of any term, provision or condition of these Bylaws.

3. Roster of Public Agencies. Pursuant to Government Code § 53051, each time a change is made in the name of the District, the address of the District, or a change in the members of the governing board, a statement of facts will be filed with the Secretary of State and the _____ County Clerk within ten (10) days of the change.

4. Applicable Law. That which is contained in the applicable provisions of the California Health and Safety Code and applicable provisions of the California Government Code govern the actions of the District and its Board of Trustees.

B. ORGANIZATION

1. Board of Trustees. The District is governed by a Board of Trustees consisting of five (5) members appointed by the _____ County Board of Supervisors. The Trustees shall hold office for four (4) years and until their reappointment or appointment of their successors. All Trustees’ terms shall commence on the Board’s first meeting in January following appointment and end on December 31. To the extent possible, Trustees’ terms shall be staggered so that no more than two (2) Trustees’ terms expire in the same calendar year.

2. Oath. Each Trustee shall accomplish a notarized "Oath or Affirmation of Allegiance and Affidavit of Citizenship." Two copies of the form will be mailed to the Trustees by the _____ County Board of Supervisors upon his or her appointment. One copy of the executed Oath will be forwarded to the County Clerk and one copy kept on file in the District Office.

3. Officers. The officers of the Board of Trustees shall be Chairperson and Vice Chairperson. The Board may also appoint a Secretary and, in the event any of the District's funds are withdrawn from the County and managed by the District, the Board shall also appoint a Treasurer, which person shall be bonded.

4. Election of Officers. At the first meeting in January of each year the Board shall elect a Chairperson and a Vice Chairperson to serve terms of one year. Upon the occurrence of a vacancy in one or more of the officer positions, the Board shall fill such vacancy in accordance with the law. An interim election for Board Officers may be held upon the written request of the majority of the trustees on the Board at the time.

The office of a member of the Board of Trustees shall become vacant upon:

- a. The death of the incumbent;
- b. The resignation of the incumbent;
- c. The Trustee's ceasing to discharge the duties of his or her office for the period of three (3) consecutive months, except when prevented by sickness;
- d. The physical or mental incapacitation of the incumbent due to disease, illness, or accident for a period of six (6) months or more where the remaining Board members have reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term;
- e. His or her conviction of a felony or of any offense involving a violation of his or her official duties; or
- f. His or her refusal or neglect to file his or her required oath or required Statement of Financial Interests within the time prescribed.

5. Duties of Trustees - General. The Trustees' duties shall be legislative in nature. They shall formulate and adopt policy, rules and regulations for the operation and management of the District.

- a. Open Meetings. The Trustees shall conduct their business for the public benefit, abiding by the California "Open Meeting Law" (Govt. Code §§ 54950 *et seq.*) as interpreted by court decisions and Attorney General opinions, concerning the requirements for open meetings of governmental agencies in California.
- b. Sound Judgment. They shall exercise sound and prudent judgment in conducting the business of the District and shall deal always in an ethical, honest, straight-forward, open and above-board manner with the community, the District Manager and the staff.
- c. Finances and Budgets. They shall in all ways prudently manage, preserve and

account for the District's financial resources. They shall review and approve a budget annually. They shall provide, within applicable budget limitations, adequate personnel, equipment and materials for the operation and maintenance of the _____ Public Cemetery.

d. Personnel. The Board shall establish Personnel Policies which shall provide for the recruitment, selection, retention, evaluation, discipline and termination of District employees.

e. District Manager. They shall employ a qualified, competent person as District Manager who will manage, administer and supervise the District under the direction of the Board. The Manager shall serve at the will and pleasure of the Board. The Board shall conduct at least annual formal job appraisal reviews of the District Manager pursuant to a formal review process which will be developed and documented.

f. Board Studies. They shall study ways of improving the District and the services the District provides.

g. Collective Action. They shall act collectively and they will not individually involve themselves in the day-to-day operation of the District. They shall function as a Board rather than as individuals to adopt public policies and Board procedures for guidance of the Board and Staff.

h. Community Relations. They shall keep the District Manager informed of community reaction to the District's services and assist in building positive community relations.

i. Official Functions. They shall represent the District at official functions that pertain to the District as required.

j. Litigation. They shall initiate legal action when appropriate, and vigorously defend the District against unwarranted claims or demands.

k. Workshop Meetings. It is the duty of the Chairperson to call a workshop meeting upon the appointment of any new Board Member. This is to benefit the newly appointed Trustees and acquaint them with the law governing public cemetery districts, District Bylaws, Policies and Procedures, Rules and Regulations, the Brown Act (Open Meeting Laws), the District's annual budget, and current issues under study by the Board of Trustees.

6. Clerk of the Board. The Clerk of the Board shall be the District's Office Manager or other person selected by the Board and shall attend each regular meeting of the Board and maintain a record of all proceedings thereof as required by law. If the Clerk of the Board cannot attend a meeting, the Chairperson or the District Manager shall make arrangements to have someone in attendance to properly record the Board's proceedings. It shall be the duty of the Clerk of the Board to attest to all District Resolutions. The Clerk of the Board shall attend all closed sessions of the Board as provided for in Government Code § 54957.2(a). The Clerk of the Board shall also keep a record of Board Agendas and Board Action Synopses. The Clerk is responsible for signing all legal documents and affixing the

District Seal as required. The Clerk is responsible for the publication of legal notices, appropriate action and certification and filing of documents, *e.g.*, budgets, election reports, audits, resolutions, other legal documents. The Clerk is responsible for receiving and answering all official Board correspondence, after appropriate consideration is given to the correspondence by the Board acting collectively.

C. MEETINGS

1. Regular Meetings. The regular meetings of the Board of Trustees shall normally be held on the [second Wednesday] of each month, and shall normally commence at the hour of [7:00 p.m.] at the District Offices. Notwithstanding the foregoing, the starting time of the meeting may be adjusted by order of the Chairperson to accommodate expected business.

2. Special Meetings. Special Meetings may be called at any time by the Board's Chairperson, or by a majority of the Trustees, by delivering personally or by mail, written notice of such meeting to each Trustee and by posting notice and agenda of the meeting at least 24 hours before the time of such meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered.

3. Emergency Meetings. Emergency Meetings may be called without compliance with the 24-hour notice requirement in the case of any emergency situation involving matters upon which prompt action is necessary as set forth in Government Code § 54956.5.

4. Closed Sessions. Closed sessions may be called during a regular or special meeting. The general reason for a closed session must be made public either before or after the closed session of a regular meeting, and in the advance notice of a special meeting. Closed sessions not expressly authorized by the Brown Act are prohibited.

5. Quorums. A quorum is established as a majority of the total membership of the District Board. The District Board, which has a total membership of five (5) members, requires three (3) members to conduct a meeting and requires three (3) votes in agreement to pass a motion, resolution or ordinance.

6. Meeting Procedures. The Chairperson, when present, shall preside at all meetings of the Board, shall take the chair at the hour appointed for every board meeting and immediately call the members to order and proceed with the business of the Board. The proceedings of the Board shall be conducted in accordance with the provisions of law applicable thereto and generally accepted rules of order and parliamentary procedure, except as otherwise expressly established from time to time by a majority of the total membership of the Board.

7. Meeting Attendance. Each member shall be in his or her respective seat at the hour set for each regular meeting and at the time set for any adjourned or special meeting. Any member not present when the board is called to order shall be designated in the minutes as absent. If a member arrives after a meeting commences, the recording secretary shall note his or her arrival in the minutes.

8. Agenda Organization. The business of each regular meeting of the Board shall be in the order as printed on the agenda or as directed by the Chairperson of the Board. Generally, this shall be as follows:

- a. Call to Order
- b. Pledge to Flag
- c. Public Comment
- d. Correspondence
- e. Announcements
- f. Consent Agenda
- g. Action and Information Items
 - (1) Old Business
 - (2) New Business
- h. Committee Reports
- i. Public Opportunity to Discuss Matters Not on The Agenda but Within District Jurisdiction
- j. Adjournment.

9. Materials for Non-Agenda Items. Any member intending to introduce a special item not contained in the agenda shall deliver copies of such items, if possible, to each Board member and to the public before the opening of the meeting.

10. Board Discussions. When any Board member wishes to speak, the Board member shall address the Chairperson. The Chairperson shall name the member who is first to speak and speakers shall confine their remarks to the questions under debate and avoid disparaging personal attacks or comments. The Chairperson may elect not to recognize a Board member to speak again until all other members have had an opportunity to be heard.

11. Motions and Seconds. Each motion made by any member of the Board shall require a Second. Motions and Seconds may be made by any member of the Board, including the Chairperson.

12. Roll Call Procedure. Roll call will be called in voting upon all resolutions and ordinances which govern the District, while a voice vote may be had on routine motions not affecting the Policies & Procedure, Rules & Regulations or finances of the District.

13. Required Staff Attendance. The District Manager or a representative designated by such the District Manager, shall attend all regular and special meetings of the Board unless otherwise specified by the Board. Only those staff members specifically instructed to attend by the District Manager shall be deemed to be "required to attend" within the meaning of this section.

14. Agenda Preparation. The Chairperson of the Board shall direct the preparation of the agenda by the Clerk of the Board for the regular monthly meetings for delivery and posting no later than three (3) days prior to the date of the meeting (Government Code § 54954.2) or as required by the Board.

15. Agenda Contents. The agenda shall include those matters designated by the Chairperson or any Trustee, complete with all appropriate papers and reports relating to

each matter, addressed to the Board for action. The agenda shall list the items for the Board's consideration by number with a brief statement of the subject matter sufficiently defined to apprise the public of the matter to be considered for each of the items. The agenda may include suggested actions or recommendations. All persons having agenda items shall use their best efforts to have all necessary materials to the Clerk of the Board on or before 12:00 noon on the fourth (4th) business day before the day of the regular meeting.

16. Agenda Distribution. Any written material given to a majority of the Board must be made available to the general public so long as those writings are public records. If these writings are distributed to members of the Board before the meeting, such writings must be made available to the public before the meeting. By the same token, any writings distributed to the Board during the course of the meeting must also be made available to the public at that time and will comply with section 54957.5 of the Government Code. The major exceptions to the obligation to provide the public with access to any writings distributed to members of the Board are those that deal with matters properly discussed in closed sessions or protected under Government Code section 6250 *et. seq.* which are to remain confidential. The Board has adopted a Public Records Policy and has established a reasonable fee schedule for copies of public records pursuant to Government Code section 6257.

17. Audience Comment and Seating. Any member of the public wishing to address the Board shall first identify himself or herself. Unless addressing the Board or entering or leaving the board room, all persons in the audience shall remain seated in the seats provided. It is the Board's intent to accommodate all persons who wish to attend open public meetings.

18. Demonstrations Prohibited. All demonstrations during meetings, including cheering, yelling, whistling, hand clapping, and foot stomping, are prohibited.

19. Meeting Disruptions. The exception to the right of the public to attend all meetings of the Board applies to those who attempt to disrupt the conduct of the meeting. In the event that any meeting is willfully disrupted, by a group or groups of persons, so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willingly interrupting the meeting, the Board may order the meeting room cleared and continue in session. However, only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press and other news media, except those participating in the disturbance shall be allowed to attend any session held pursuant to this exception. (Government Code § 54957.9.)

D. POWERS, DUTIES AND COMPENSATION

1. Chairperson. The Chairperson shall possess the powers and perform the duties prescribed as follows:

- a. General Direction. Have general direction over the Board room and assign seats for the use of the Board members and members of the staff, if required.

- b. **Management and Supervision.** The Chairperson shall supervise the day to-day activities of the District's management employee(s). No other Trustee shall supervise or direct any employee of the District without delegation by the Chairperson or the Board. The Chairperson shall be responsible for responding to, and taking or directing others to take appropriate action necessary as a result of, events or occurrences which do not require action by the Board, but which are beyond the authority of the staff, or for which the staff seeks or requires assistance.
- c. **Order and Decorum.** Preserve order and decorum; prevent demonstrations; and, in accord with law, order removal from the Board room any person whose conduct is deemed objectionable; and order the Board room cleared whenever deemed necessary. (Government Code § 54957.9.)
- d. **Length of Time for Public Discussion.** Allocate the length of time for public discussion of any matter in advance of such discussion with the concurrence of the Board. (Government Code section 54954.3.)
- e. **Other Powers.** Other powers as may be prescribed by the Board.
- f. **Official Spokesperson.** Shall be the official spokesperson for the Board, and the principal contact with other governmental agencies, legal counsel and the press, unless the Board delegates this authority to another.

2. **Vice-Chairperson.** In the absence or unavailability of the Chairperson to act, the Vice-Chairperson shall act as Chairperson.

3. **Trustees.** Each Trustee shall be entitled to request information, assistance, and financial or legal advice regarding matters involving the affairs of the District.

4. **Board Committees.** It shall be the responsibility of each member of a committee appointed by the Board, to be fully informed concerning the business assigned to it by the Board. Each committee shall promptly perform tasks assigned to it and report to the Board such information and recommendations as shall be necessary or proper. It shall be the responsibility of each committee to meet as needed and keep minutes of each meeting, and these minutes be available to all Board members upon their request. Each committee chairperson or designee shall report on the committee's activities at least once monthly at a Regular Board meeting with a brief oral summary. Each committee will define and submit in writing to the full Board, for approval, the scope and definition of the committee's responsibilities and a statement of priorities for each committee.

5. **Board Compensation.** The Trustees of the Board shall receive one hundred dollars (\$100) for each meeting of the Board of Trustees attended, not to exceed a total of one hundred dollars (\$400) in any calendar month. Trustees shall be allowed actual and necessary traveling and incidental expenses incurred in the performance of official business of the District, as approved by the Board. (Health and Safety Code § 9031.)

6. Notification of Impending Absence. If any member of the Board is unable to attend a meeting, the Board member shall, if possible, notify the Board Chairperson, the District Manager, or Clerk of the Board or designated representative prior to the meeting.

E. PUBLIC HEARING PROCEDURE

Procedures at public hearings shall be as follows:

1. Staff presentation/recommendations;
2. Questions of the staff;
3. Individuals speaking in support;
4. Questions of individuals speaking in support;
5. Individuals speaking in opposition;
6. Questions of individuals speaking in opposition;
7. Rebuttal (if any);
8. Public input (if any);
9. Board questions, discussion and disposition (Vote).

F. DISTRICT EXPENDITURE POLICY

Expenditures of the District shall be made only in accordance with the District's Expenditure Policy as adopted by the Board. Such Expenditure Policy shall include, at a minimum, a contracting, purchasing and disposition of property policy.

G. POLICY AMENDMENTS

Except as otherwise provided by law, any policy guideline contained herein may be suspended or amended at any time, without notice, by action of the Board.