

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

AGENDA ITEM NO. 6

DATE: February 8, 2017

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

BY: George Uc, Senior LAFCo Analyst

SUBJECT: Consider Adoption: Municipal Service Reviews and Sphere of Influence Updates for Orange Cove Fire Protection District and Fig Garden Fire Protection District

Recommendation: Adopt the Municipal Service Review updates prepared for Orange Cove Fire Protection District and Fig Garden Fire Protection District and update the Districts' spheres of influence by taking the following actions:

- A. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines find that the MSRs prepared for Orange Cove Fire Protection District and Fig Garden Fire Protection District are Categorically Exempt from the provisions of CEQA under Section 15306, "Information Collection."
- B. Find that the Municipal Service Reviews prepared for Orange Cove Fire Protection District and Fig Garden Fire Protection District are complete and satisfactory.
- C. Find that the written determinations within the Municipal Service Reviews, Sphere of Influence updates for Orange Cove Fire Protection District and Fig Garden Fire Protection satisfy State Law.
- D. Pursuant to Government Code sections 56425 and 56430 make the required determinations for the Municipal Service Reviews and District Sphere of Influence updates, adopt the Municipal Service Reviews prepared for the Districts, and Update the Spheres of Influence for said Districts by reaffirming the existing boundaries.

Executive Summary

Orange Cove Fire Protection District

The Orange Cove Fire Protection District (District) was formed in 1941 to provide fire protection services for the City of Orange Cove and the unincorporated rural lands near the Orange Cove area. The District operates under the Fire Protection District Law of 1987. The District's service area and sphere of influence (SOI) are conterminous and encompass 27,200 acres located within Fresno and Tulare Counties. Fresno County contains 14,434 acres, which includes City of Orange Cove, while County of Tulare contains 12,766 acres of mostly agricultural land. Fresno County is the principal county.

Fig Garden Fire Protection District

The Fig Garden Fire Protection District ("District") was formed in 1942, to provide fire protection and public safety services in accordance with Fire Protection District Law of 1881. The District's service area and sphere of influence are coterminous and encompass 441 acres. The District is completely within County of Fresno, and within an unincorporated island inside the Fresno city limits and sphere of influence (SOI) widely known as the Fig Garden neighborhood.

Staff recommends that the Commission affirm both current SOI for Orange Cove Fire Protection District and Fig Garden Fire Protection District. The attached Maps and MSRs (Attachment A, B, C, and D) provides supportive evidence and recommends the affirmation of the Districts' current SOIs. Supporting evidence is provided in the attached MSRs prepared for the subject Districts.

Fire Protection Districts

Fire Protection Districts (FPDs) are special districts organized under California Health and Safety Code section 13800 et seq., also known as the Fire Protection District Law of 1987. In particular, §13803(a) provides the authority for the organization and powers of fire protection districts. This section of the law was originally enacted in 1923, with the Legislature finding that fire protection services, rescue services, and emergency medical services are critical to the public peace, health, and safety of the State. The Legislature emphasized that, "local control over the types, levels, and availability of these services is a long-standing tradition in California which the Legislature intends to retain.

There are five fire protection districts in the County of Fresno: Bald Mountain Fire Protection District, Fig Garden Fire Protection District, Fresno County Fire Protection District, North Central Fire Protection District, and Orange Cove Fire Protection District.

In accordance with Government Code section 56066, Fresno County is the principal county for Orange Cove Fire Protection District and Fig Garden Fire Protection District and LAFCo is responsible for updating the SOIs for the Districts consistent with section 56425(g). In order to update the agencies' SOIs, Fresno LAFCo has prepared the attached service reviews in accordance with section 56430.

Orange Cove Fire Protection District - Discussion & Summary of Determinations

The OCFPD is located in the south-central portion of Fresno County in and around the City of Orange Cove. The OCFPD's service area encompasses 27,200 acres and spans the Fresno-Tulare County line. Approximately 14,434 acres of the OCFPD are in Fresno County, while 12,766 acres are in County of Tulare. The Commission's adopted SOI for the District is coterminous with the District's service area. The District's western portion lies in the valley floor and its eastern side is adjacent to the Sierra Nevada foothills.

Majority of the OCFPD's service area is unincorporated and developed with agricultural land uses. The City of Orange Cove's urban footprint overlaps 1,150 acres within the OCFPD boundaries. Territory in the City is urbanized with various land uses including but not limited to commercial, open space/recreational, multi-family, and single family-residential uses.

The OCFPD is an independent special district governed by three-member elected board of directors, known as Commissioners. The District provides structural fire suppression and a range of related services within its service area.

The OCFPD employs one full time staff member, two part-time employees, and 31 volunteer paid-call firefighters. The OCFPD is managed by the District Fire Chief, and daily operations are overseen with the assistance of the District's Office Manager/Bookkeeper.

According to the OCFPD's FY 2016-17 Budget, OCFPD received \$421,539 in revenue for the fiscal year. OCFPD revenues are obtained through various means including annual property taxes and special assessments. The OCFPD accounts for various expenditures line items in its budget. For FY 2016-17, the District's total expenses amounted to \$366,476.

The OCFPD was subject to a 2009 Fresno County Grand Jury (GJ) Report that noted various concerns associated with local governance.¹ The GJ undertook the investigation to determine whether or not proper management practices, procedures, and policies had been established by the OCFPD, and whether or not they were being followed. After reviewing the OCFPD's 2009 Grand Jury report, the 2009 CalPERS audit², and conducting a November 29, 2016, telephone conversation with District Office Manager, LAFCo staff concludes that OCFPD has made a good-faith effort to resolve the issues raised in the Grand Jury's report.

Using the Commission's 20 to 25-year planning horizon for SOIs, District management does not expect any boundary growth or activities to occur. As such, it is recommended the Commission reaffirm OCFPD's SOI.

Fig Garden Fire Protection District Discussion & Summary of Determinations

The FGFPD is located within an unincorporated area within the City of Fresno, bounded by Shaw Avenue on the north, Palm Avenue on the west, Dakota Avenue on the south, and Maroa Avenue on the east. Unincorporated territory outside the FGFPD's service area immediately to the west, east, and south receives fire protection services from North Central Fire Protection District. The FGFPD provides fire protection services primarily within the unincorporated community of Fig Garden.

The FGFPD is an independent special district governed by a three-member elected board of directors. The FGFPD's daily operations are contracted with the City of Fresno ("City"), which provides a fire chief, firefighting personnel, and staff support.

The FGFPD does not employ any staff members; however, the Agreement provides for at least three City of Fresno fire protection personnel members to staff the department office 24 hours a day. The FGFPD is managed by the City of Fresno Fire Chief, and daily operations are overseen with the assistance of the Fire Deputy Chief and assistant office personnel.

The FGFPD has 30-year agreement with the City, known as the "Fig Garden Fire Protection District-City of Fresno-Service Agreement" ("Agreement") for firefighting personnel, administration, and firefighting equipment. The FGFPD and City entered into the agreement January 2, 2006, and the Agreement is effective through June 30, 2035. The Agreement assists both agencies in that it improves customer satisfaction by coordinating emergency response teams and it eliminates service redundancies that were occurring in the Fig Garden area. Furthermore, the regionalization of fire protection services in and around Fig Garden and

¹Fresno County 2009-2010 Grand Jury Report #9, Orange Cove Fire Protection District, <http://www.fresno.courts.ca.gov/pdfs/Grand%20Jury%20Reports/Grand%20Jury%20Final%20Report%202009-2010.pdf>.

²Office of Audit Services, Public Agency Review OCFPD, Feb. 2013, <https://www.calpers.ca.gov/docs/forms-publications/compliance-orange-cove-fire.pdf>.

adjacent incorporated territories helped the City of Fresno create more effective and timely emergency response times for residents residing within these areas.

At the time this MSR was prepared the FGFPD informed LAFCO that neither the District or City of Fresno anticipated any major population or service growth projections.

The FGFPD owns its fire station facility situated at 4537 N. Wishon Avenue, Fresno, CA 93704. The fire station facility includes an apparatus bay for use of Fresno Fire Department (FFD), and it houses contracted firefighting personnel, a single fire engine, and firefighting equipment.

Using the Commission's 20 to 25-year planning horizon for SOIs, the FGFPD and Fresno Fire Department do not expect any growth to occur as it relates to including additional territory into the FGFPD, population, or expansion of the FGFPD's existing services.

Growth of the FGFPD's service area is virtually restricted by the surrounding corporate limits of the City. As such, it is recommended for the Commission to reaffirm the FGFPD's SOI.

Summary/Background

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

MSRs provide a comprehensive review of the services provided by a city or district and present recommendations with regard to the condition and adequacy of these services and whether or not modifications to a city's or district's SOI is necessary. MSRs can be used as informational tools by LAFCo and local agencies in evaluating the efficiencies of current district operations and may suggest changes in order to better serve the public.

SOI updates may involve an affirmation of existing SOI boundaries or recommend modifications to SOI boundaries. LAFCo is not required to initiate changes to an SOI based on determinations and recommendations of the service review, although it does have the power to do so.

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

1. Growth and population projections for the affected area.
2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
3. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared facilities.
6. Accountability for community service needs, including governmental structure and operational efficiencies.
7. Any other matter related to effective or efficient service delivery, as required by commission policy.

As part of the SOI update, the Commission is required to consider the following four criteria and make appropriate determinations in relationship to each:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

The attached MSRs present these determinations with District information and the analysis used in support of the determinations and recommendations

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. These MSRs are categorically exempt from the preparation of environmental documentation under a classification related to information gathering (Class 6 - Regulation section 15306), which states: "Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded." Indeed, MSRs collect data for the purpose of evaluating municipal services provided by the agencies. There are no land use changes or environmental impacts created by such studies.

There is no possibility that these MSRs and SOI updates may have a significant effect on the environment because there are no land use changes or other changes to the environment.

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Kerri Donis, FGFPD Fire Chief