

**COUNTY SERVICE AREA NO. 50
AUBERRY VOLUNTEER
FIRE DEPARTMENT**

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

Report to the
Fresno Local Agency Formation Commission

MSR-19-04 / SOI-192

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**Adopted:
August 14, 2019**

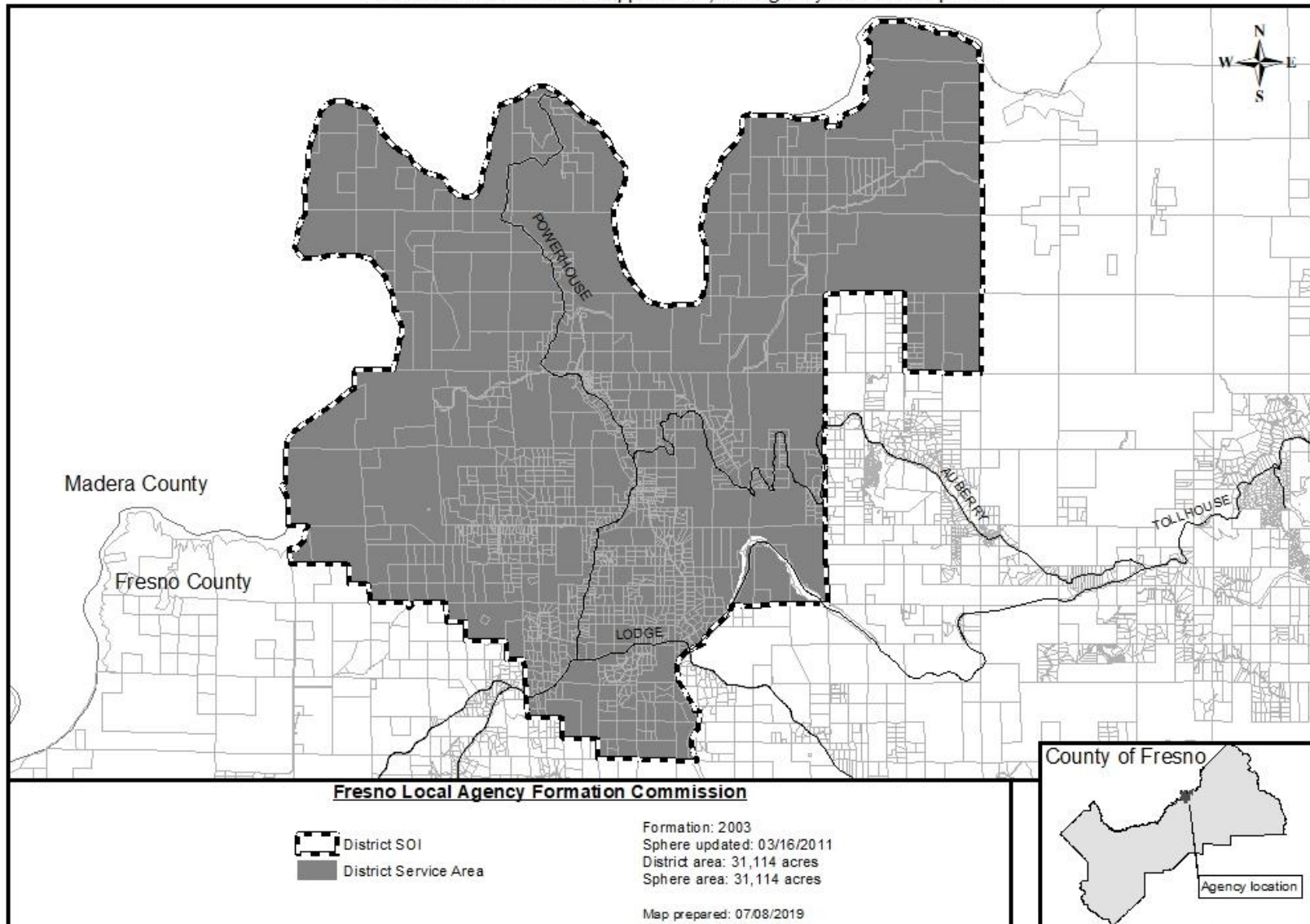
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Figure 1 – District Map

County Service Area No. 50 (Auberry Volunteer Fire Department)

Authorized services: fire suppression, emergency medical response



1. MUNICIPAL SERVICE REVIEW

PRINCIPAL ACT

County Service Area No. 50 (“District”) was formed in 2003 under County Service Area Law pursuant to Government Code (GC) sec. 25210 *et seq.* to provide fire protection and emergency medical services near the unincorporated community of Auberry.

The District’s service area and sphere of influence are coterminous and encompasses 31,114 acres. The District is a dependent special district governed by the Fresno County Board of Supervisors (“BOS”). The BOS has appointed a five-member Citizens Advisory Committee (“CAC”) for the District to provide advice to the BOS on items related to the District. District administration and billing services are managed by the Fresno County Public Works and Planning Department, Resource Division Special District Administration. The District contracts with the Auberry Fire Department for volunteer fire personnel to operate the fire station and provide emergency response. District operation and fire services are regulated by the Health and Safety Code (“HS”) sec. 14825 *et seq.*, “Fire Companies in Unincorporated Towns”² and emergency medical services are provided pursuant to HS sec. 1797 *et seq.*, Division 2.5, “Emergency Medical Services.”

DISTRICT BACKGROUND

The Auberry Volunteer Fire Department (“AVFD”) was established as a nonprofit organization volunteer fire department in 1965 and funded by community donations, fundraisers, and in-kind contributions. The AVFD served the area in and around the community of Auberry and adjacent to and west of the Bald Mountain Fire Protection District. In 1989, the AVFD received its 501(c)(3) nonprofit organization designation from the US Internal Revenue Services.³

In 1984, much of the territory near Auberry and Prather was within the Bald Mountain Fire Protection District (“Bald Mountain FPD”) sphere of influence (“SOI”). However, due to issues regarding a proposed special tax assessment, and the cost to annex Auberry into the Bald Mountain FPD, the Bald Mountain FPD did not pursue annexation of Auberry.

The District’s formation process began in the early 2000s when a formal committee of landowners and the Auberry Emergency Services Committee surveyed the Auberry and Prather areas in an effort to create a local fire department that would increase fire protection in these communities. According to LAFCo record, by mid-2002 approximately 32 percent of the landowners within the District’s current boundaries (an estimated total of 1,265 parcels) were in favor of the CSA formation.

By October 2002, LAFCo adopted Resolution No. RSOI-125, which reduced the Bald Mountain FPD SOI by approximately 31,144 acres to facilitate the subsequent formation of CSA No. 50. A successful Proposition 218 election within the proposed District enabled the CSA to levy a special assessment on all properties within its proposed service area. On April 30, 2003, Fresno

² Health and Safety Code sec. 14825.

³ Section 501(c)(3) is the portion of the US Internal Revenue Code that allows for federal tax exemption of nonprofit organizations.

LAFCo formed the District by adopting Resolution No. FD-03-01. The Fresno County Recorder recorded the creation of the District on February 13, 2004 (Document #20040034813).

DISTRICT SERVICE AREA

The District's service area is generally located in the Sierra Nevada foothills, near the unincorporated community of Auberry in northeastern Fresno County. The District's northern boundary follows the San Joaquin River along the Fresno-Madera County line, while Auberry Road generally follows the District's southern limits, and Sugar Loaf Road follows the District's eastern edge.

The unincorporated community of Prather is located approximately three miles southeast of the District while the City of Clovis is approximately 23 southwest of the District.

The District's service area and sphere of influence are coterminous and encompasses 31,144 acres. Within the District, elevation varies from approximately 1,700 feet to approximately 2,018 feet. There are approximately 1,230 rural parcel lots within the District of which many are vacant, foothills, and grazing land. Within the District's service area there are 425 parcels zoned as agriculture, 710 rural residential units, 50 multiple family units, 11 churches, one convalescent home (no longer in service), and 27 commercial properties. Majority of the residential units sit on lots of five acres or larger.

The District's service area consists of mixed oak woodland. Majority of the land within the District is identified as grazing land by the California Department of Conservation, Farmland Mapping and Monitoring Program. There are incidental parcels within the District, generally located west of Powerhouse Road, under Williamson Act Land Conservation Contracts. The San Joaquin River Gorge Recreation Area, managed by the U.S. Bureau of Land Management, is located on the north side of the District's service area.

For purposes of fire management, the Districts presents a wildland-urban interface ("WUI") zone, meaning that existing homes within the Auberry community are located in an area that is prone to brush or rangeland fires based on climate conditions, the amount, type, and distribution of vegetation in proximity to structures located within the District. In general, most communities within a WUI zone consist of defined boundaries noticeable by physical structures, compact/complete neighborhoods, and dense populations. In comparison, the District Fire Chief informed LAFCo that the District's WUI designation differs from most common WUI locations because the housing units or commercial centers in the Auberry area are remote from each other and distributed across a large geographic area.

AUTHORIZED DISTRICT SERVICES

GC sec. 56425(i) states, "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." Under the District's principal act, County Service Areas could provide up to 26 different types of governmental services within its boundaries.⁴

⁴ Government Code section 25213-25213.6.

The District provides fire protection and emergency medical services. Fire protection services are regulated by HS sec. 14825 *et seq.* (“Fire Companies in Unincorporated Towns”).⁵ The District currently exercises its authority to levy and collect annual special assessments, perform agreements, enter into contracts, and provide governmental services necessary to maintain adequate service provisions.

All other services, facilities, functions or powers enumerated in the District’s principal act are determined to be “latent,” meaning that they are authorized by the principal act under which the District is formed, but are not being exercised. Activation of these latent powers and services not currently provided by the District will require LAFCo’s authorization as indicated in GC sec. 25213.5.^{6,7}

FRESNO LAFCo MSR POLICY

A Municipal Service Review (“MSR”) is required in order to prepare or update a sphere of influence every five years, or as necessary. It is LAFCo’s observation that 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.

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

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

In this section of the MSR, 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.

Population concentrations within the District occur in the unincorporated communities of Auberry, New Auberry, Meadow Lakes, and Big Sandy Rancheria. There are no incorporated cities within the District’s service area.

According to the ACS U.S. Census, there is an estimated total population of 2,852 people and approximately 2,000 housing units inside the District’s boundaries. Rural housing, seasonal/vacation housing, and recreational areas, like San Joaquin River Gorge, are prevalent in

⁵ Health and Safety Code section 14825.

⁶ Government Code section 56050.5, “Latent Service or Power.”

⁷ Government Code section 25213.5 (a) “Services and Facilities.”

this portion of Fresno County. The population and housing estimates derived from census data do not exactly match the District's boundaries; however, they provide a foundation for estimating possible future demands for fire protection services in the District's service area.

The County of Fresno is the land use authority for territory inside the District's service area. The Fresno County General Plan designates majority of the unincorporated land in the District as agricultural and secondary uses include rural residential and open space land uses. The District's service area is located within the County's Sierra North Regional Plan ("SNRP") area. The County's General Plan Housing Element identifies the District's location generally in the County's Sierra Nevada Market Area.

According to the Fresno Multi-Jurisdictional Housing Element, Sierra North Regional Plan, within the next eight years there are sites for 3,033 potential new units.⁸ The County's General Plan uses a growth rate of 1.6 percent for the unincorporated areas of the County. The County does not anticipate substantial population growth or increased housing density to occur within the Sierra Nevada Market Area in the future. Land within the District can be considered as completely built-out with respect to rural residential or commercial development. As a result, the District does not expected to expand its service area.

FIRE PREVENTION PLANS

The following excerpt from the "Fresno-Kings Unit Strategic Fire Plan" describes the relationship between the District, the Fresno County Fire Protection District, and CAL FIRE.

The Fresno-Kings Unit of the California Department of Forestry and Fire Protection ("CAL FIRE") has primary responsibility for over 1,113,284 acres of Direct Protection Area ("DPA") lands. CAL FIRE DPA lands are State Responsibility Area ("SRA") and intermingled Federal lands protected by CAL FIRE. CAL FIRE protects Federal lands in state DPA under agreement with federal forest agencies through the California Cooperative Wildland Fire Management and Stafford Act Response Agreement ("CFMA"). There are over 955,167 acres of SRA lands in the Fresno-Kings Unit. SRA lands are the areas designated by the State Board of Forestry and Fire Protection on which the state assumes financial responsibility for protecting natural resources from damage by fire. The Fresno County Fire Protection District ("Fire District") has a Cooperative Fire Protection Agreement ("Contract") with the State of California. As part of the contract with CAL FIRE, Fresno-Kings Unit oversees the day-to-day operations of the Fire District and protects 1,626,782 acres of land ranging from rural to urban.

The Millerton Battalion is located on the north end of the Fresno-Kings Unit and includes the communities of Friant, Prather, and Auberry. CAL FIRE wildland fire protection resources are located at the Millerton and Hurley fire stations. CAL FIRE protects 98,020 acres of State Responsibility Area ("SRA") within the Battalion. The Fresno County Fire Protection District, via a Schedule "A" Contract with CAL FIRE, protects approximately 1,629 acres of Local Responsibility Area ("LRA"). Approximately 81,790 acres of SRA are concurrently within the Fresno County Fire Protection District. Approximately 19,314 acres of SRA are concurrently within [CSA No. 50], also known as the Auberry Volunteer Fire Department.

⁸ Fresno Multi-Jurisdictional 2015-2023 Housing Element, Appendix 2A - Fresno County.

The Battalion is moderately populated with structures on ranch/farm lands and suburban type subdivisions. The communities of Friant, Prather, and Auberry contain some light commercial and retail occupancy. The Fire Hazard Severity Zone classifications in the battalion are “Moderate” and “High.” Most fires in the area travel quickly due to the light fuels and pose an immediate threat to structures. The Millerton Lake recreational area attracts large numbers of people during the summer months and poses a high risk for ignition fires that originate in the river bottom and pose an immediate threat to the SRA.⁹

According to the plan, the San Joaquin River Drainage consists of steep terrain and heavy fuels. The mouth of the drainage is in alignment with the prevailing wind, which has the potential to create strong up canyon winds. Strong up canyon winds create potential for a fire to spread to both sides of the river and move up the canyon quickly, threatening the communities of Prather, Auberry, Meadow Lakes, and Shaver Lake. Of particular concern along the drainage is the Powerhouse Road area, which has experienced several fires in the past 25 years. A skilled nursing facility (Wish-i-ah Care Center), housing 100 patients, is a significant target hazard in this area. The community of Auberry was partially burned during the Powerhouse Fire in 1989, which started in the San Joaquin River drainage.

As of 2015, CAL FIRE is using Federal grant funds to construct a fuel break, known as the “Comstock Fuelbreak,” to help protect assets near the San Joaquin River Drainage. The 400 feet wide fuelbreak is approximately three miles long and covers approximately 160 acres. The fuel break is expected to help protect Auberry, the Wish-i-ah Care Center, Meadows Lake, and the Big Sandy Tribal Rancheria from fires originating in the San Joaquin River drainage near the Powerhouse Road and Auberry areas.

RESPONSE TIMES

All emergency calls made within the District are routed to Fresno’s Emergency Command Center, located near the Fresno Yosemite International Airport. When a request for emergency or non-emergency is received, emergency operators define the dispatching parameters for the closest available engine company to respond to the emergency. The District and CAL FIRE have a communication contract agreement that authorizes the Command Center to alert and dispatch fire engines.

The department Fire Chief informed LAFCo that the District’s emergency response times have remained consistent during the last 10 years. On an annual average, the District responds to 325 calls for emergency service. As of 2019, the District reports an average response time of three to seven minutes, measured from the time that the call is placed to the Command Center to the time that fire personnel is dispatched. Because the District’s service area varies in topography and road conditions has an effect on travel time, the District informed LAFCo that time of arrival depends on location of the reported emergency. On rare occasions, it can take up to 30 minutes to arrive to a remote emergency incident.

The District has a class rating of “Class 8/10” through the Insurance Service Office (“ISO”). The ISO is an agency that evaluates fire protection features for all fire departments to establishing rates for underwriters, such as property insurance providers. ISO uses a rating system that is

⁹ 2012 Fresno-Kings Unit Strategic Fire Plan, CAL FIRE/Fresno County Fire Protection District, pages 17-18.

based on a scale of one through 10, with one being the best fire protection rating and 10 being the worst. The ISO rating “Class 8/10” is based on ISO Public Protection Classification Program’s assessment and scoring of the District in four primary areas: 1) Emergency Communications, 2) Water Supply, 3) Community Risk Reduction, 4) Fire Department.

FIRE FLOW REQUIREMENTS

The California Code of Regulations (“CCR”), Title 19, Division 1, Appendix B, of the California Fire Code provide rural fire flow supply requirements.

The District informed LAFCo that its water tender can average a fire flow of 150 gallons per minute on a working fire. The strongest fire flows occur near the three small hydrant systems within the District. With the exception of the three hydrants, no additional hydrant locations exist within the District. On emergency occasions, the District’s water tender and CAL FIRE helicopters are equipped to draw water supplies from local ponds and waterways such as the San Joaquin River.

The District’s main water source is located at Auberry Elementary School, a school within the Sierra Unified School District. The school site has a private well and one above-ground metal water storage tank. In the event that a major fire compromises the District’s primary water supply, the District informed LAFCo that additional water supply can be accessed from various places along the San Joaquin River, as demonstrated during the 2016 Goose Fire.

DISTRICT INFRASTRUCTURE

The District’s fire station is located on 33051 Power House Road, Auberry, California 93602. The station is excess of 35 years old, and was built on land owned by the Sierra Unified School District. The station is made of metal and is equipped with four bays that house two Type 2 fire engines to fight structural and forest fires with a minimum capacity of 500 gallons per minute, one 2000-gallon water tender, one rescue squad vehicle, and miscellaneous firefighting equipment.

The District informed LAFCo that, in general, its equipment and supplies are in reliable condition, however, the District is currently in search of a second water tender for the department and is seeking to upgrade its fire engine. In the future, the District would like to purchase one type 2 engine, one type 3 engine, and a 2000-gallon water tender.¹⁰

Volunteers maintain the station and its grounds, department vehicles, equipment, utilities, tools, and supplies. Volunteers also maintain the District’s dispatch equipment and services, contracts, billing, and insurance coverage for the District’s operation.

The District’s volunteer fire personnel consists of 12 firefighters and six cadets. Each volunteer is required to attend training courses at least three times a month. Training events are offered by CAL FIRE and each course is organized to meet the State Fire Marshal’s standards. The District maintains a record of each volunteer’s completed training course work requirements.

¹⁰ National Fire Protection Association (NFPA) Standard 1901, Standard for Automotive Fire Apparatus classifies the vehicles by type and function.

The District retains a few of its volunteers and cadets through its partnership with the Fresno City College Fire Academy. The program is designed to prepare students for the field of Fire Technology by providing hands on training opportunities and work experience with local fire departments. The Fire Academy is a program that is accredited by the State of California Fire Marshal's office.

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 MSRs.

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

GC sec. 56033.5 defines a DUC as: I) all or a portion of a "disadvantaged community" as defined by Water Code sec. 79505.5 (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 Water Code 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 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 U.S. 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 the years of 2010-2014 provide more precise data and mapping information for analyzing small sample populations. California's statewide MHI reported \$61,489 for the years between 2010 and 2014.¹¹ The DUC MHI threshold is any geographic unit within the District boundaries with an income less than \$49,191.

At the time this MSR was prepared, there was no evidence or demographic data to indicate the presence of a DUC as defined by California statute and Fresno LAFCo DUC policy. No further analysis is provided for this section of the MSR.

DISTRICT FINANCES

This section of the MSR includes financial information provided by the District to determine if the District has sufficient revenue and financial systems to continue providing service to its

¹¹ Fresno County, MHI data for Fresno County Census Tract 64.05.

customers. The following information and analysis section is based on annual budgets, recent audited financial statements, and supportive documents available through the County Department of Public Work and Planning, Resource Division, Special District Administration.

Special District Administration prepares an annual budget for the District's operation, and the BOS adopts an annual budget for the District's operation on or before July 1st of each year. The District's budget identifies anticipated revenues and expenditures using detailed line items for the upcoming year. Once a budget is adopted by the BOS, it can only be amended by action of the BOS. All budget appropriations lapse at the end of the fiscal year.

The District's primary source of funding is an annual special tax assessment levied on the 1,230 parcels within the District's service area. The special tax assessment range depends on land use, for example, a typical residence's annual assessment is \$75 per year, while a commercial property's annual assessment can range anywhere from \$75 to \$150 per year, depending on acreage. Special District Administration pursues available state grant funding to enhance the department's fire protection service, assist with fire prevention and education, or to fund hazardous tree removal projects. The District's fire chief also consults with CAL FIRE and Fresno County regarding potential state grant funding opportunities. If a viable grant becomes available, Special District Administration would formulate the grant application for the BOS consideration.

In order to keep fire protection costs low for Auberry residents, the District has a contract with the Auberry Volunteer Fire Department that enables trained volunteers to manage the day-to-day operations of the department. The County of Fresno's Special District Administration manages the District's overall finances, and fulfillment of the District's annual financial reporting requirements to local and state agencies.

The BOS adopts an annual budget for the District that projects operation and maintenance costs for the upcoming year. In addition, Special District Administration via a contract with an independent Certified Public Accountant annually audits the District's finances for the previous fiscal year.

In 2016, the County of Fresno entered into a three-year agreement with the Auberry Volunteer Fire Department to provide a stable funding source for the necessary personnel, vehicles, tools and other facilities to deliver structural fire protection and first responder medical services within the District for fiscal years ("FY") 2016-17 through 2020-21. The District is reimbursed by the County for the actual cost to provide services upon submittal of itemized invoices at a reimbursement base amount of \$72,000 over the life of the agreement. Under certain conditions, the agreement entitles the County to account for a maximum reimbursement of \$79,200 based on available District reserves for that year. On a monthly basis the Special District Administration coordinates with the District and the Citizens Advisory Committee to assess the needs of the District, and mutually work together to maintain an appropriate level of financial reserves.¹² The agreement is set to expire in June 30, 2019; however, Fresno County reserved the option to extend the agreement for an additional two, one-year periods for a maximum total cost not to exceed \$396,000 (equivalent to a period of five years).

¹² Fresno County Board of Supervisors, CSA 50 Agreement No. 16-398. June 21, 2019.

For FY 2018-19, the District's proposed budget includes expenditures for maintenance equipment, maintenance of facilities, office expenditures, and professional and specialized services.

The District's adopted budget for FY 2018-19 amounted to \$140,126. The District's largest revenue source consists of a \$200,000 emergency tree mortality grant that was previously awarded to the District in FY 2017-18. The grant pays the District's cost to remove dead or dying trees within the District's service area. Each fiscal year, the District requests reimbursement for cost incurred for tree removal during the year. The District's FY 2018-19 budget identifies the following line items:

- Expenditures
 - Maintenance Equipment: \$547
 - Maintenance – Building & Grounds: \$134,200¹³
 - People Soft Financials: \$781
 - Professional & Specialized Services: \$4,598
 - Total Expenditures: \$140,126.
- Revenues
 - Special Property Assessments: \$82,520
 - Interest Earned: \$586
 - State Disaster Relief (grant): \$200,000
 - Total Revenues: \$283,106
- Increase District Reserves – \$142,980

At the time this MSR was prepared, the District indicated that it had no outstanding loans or debts.

During the development of this MSR, Special District Administration provided LAFCo a copy of its most recent audited financial statements for the fiscal year ending June 30, 2018.

According to the District's audited financial statements, the District manages its finances in one major governmental fund which accounts for the District's operating fund and accounts for all of the District's resources. As assessed by the Auditor, the District's statements of revenues, expenditures, and changes in fund balance were identified as follows for the year ending on June 30, 2018:

- Revenues
 - Property Assessments: \$82,054
 - Investment Earning: \$1,909
 - Total Revenue: \$83,963
- Expenditures
 - Public Ways and Facilities Maintenance, Building and Grounds: \$217,970
 - Office Expenses: \$212
 - Professional Services: \$5,024
 - PeopleSoft Financial Charges: \$1,071
 - Total Expenditures: \$224,281

Net change in fund balance (\$140,318)

¹³ Budgeted line item includes funds awarded to the District from the Tree Mortality Grant.

Fund balance, beginning of year: \$12,431

Fund balance, end of year (\$127,887)

Net change in Fund Balance - Governmental Fund \$(140,318)

During the preparation of the MSR, Special District Administration informed LAFCo that the significant increase in expenditures during FY 2017-18 is attributed to work performed on the Tree Mortality Project. The expenditures created a negative net change in the District's fund balance shown above. The awarded state grant money for the Tree Mortality Project was received late and during FY 2018-19. After being received, grant funding was used to bring the District's negative fund balance back to a positive figure.

The Auditor's report observed that the Special District Administration did not have adequate closing procedures for the District's finances, which created a delay in the process to adequately close the correct fund balance and general ledger for fiscal year ending on June 30, 2018. The Auditor offered four recommendations to Special District Administration that consist of: 1) implement stronger policies and timely procedures to close the general ledger, 2) that resources and adequate oversight are provided to oversee year-end closing procedures and preparation of financial statements, 3) strengthen its year-end closing procedures to ensure the accuracy and completeness of the financial statements, and 4) that it invest in training and cross-training programs for those employees with financial reporting responsibilities. Fresno County Special District Administration agreed with the Auditor's recommendations, and has invested resources to train staff members that manage the District's finances.

Based on financial information provided to LAFCo, and communication with Special District Administration it appears that the District's finances are adequately managed to support the District's ongoing operations. The District's agreement with Fresno County allows for fire personnel and volunteers to maintain fire protection costs affordable within the community of Auberry.

PUBLIC FACILITIES, OPPORTUNITIES FOR SHARED FACILITIES

The District is located in a remote rural location in Fresno County, approximately 28 miles northwest from the City of Clovis. Other than the Fire Department's building, opportunities for shared facilities with other local agencies are limited in this area of the County.

The District participates in mutual cooperative agreements with other emergency response agencies such as CAL FIRE for dispatching service, Fresno County Fire Protection District and Bald Mountain Fire Protection District for fire suppression and protection assistance, and Fresno County EMS for emergency transportation of patients to the nearest medical center.¹⁴

The County Special Districts Administration provides District administration support to 22 other CSAs in Fresno County. During the preparation of this MSR Fresno LAFCo identified no other obvious opportunities for shared facilities.

¹⁴ 2012 Fresno-Kings Unit Strategic Plan, CAL Fire/Fresno County Fire Protection District, page 5.

The District service area overlaps with the following special districts' service areas:

- West Fresno County Red Scales Protective District
- Fresno County Fire Protection District
- Clovis Cemetery District, nearest facility - Auberry Cemetery located on Auberry Road, east of Hokes Corner Lane
- County Service Area No. 35 (Road Maintenance)
 - CSA35T, Blue Heron Lane Prather;
 - CSA35CM, Blue Heron / Prather Parcel Map No. 7912;
 - CSA35BO, Knob Knoll and Doodle Bug Lanes, Tract 4761
- Sierra Resource Conservation District

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 meeting, accessible staff, and the agency's governing structure.

The District is a dependent special district that is regulated by County Service Area Law. Fresno County Special District Administration manages and administers all financial transaction of the District and department volunteers provide fire protection and emergency response services within the District.

District operation and fire services are regulated by Health and Safety Code ("HS") 14825 *et seq.* Fire Companies in Unincorporated Towns.¹⁵ District emergency medical service is provided pursuant to HS sec. 1797 *et seq.*, Division 2.5, "Emergency Medical Services."

Fresno County Public Works and Planning, Resources Division, Special District Administration is responsible for the overall operation of the District, with the BOS acting as the District's legislative governing board. The Volunteer Fire Department contracts with the CSA to provide service but does not have any control in the CSA governance.

Under GC sec. 25212.4, the BOS may appoint one or more advisory committee to provide advice to Special District Administration regarding the District's services. In March 2004, the BOS created a five-member Citizens Advisory Committee comprised of landowners within the District's service area.

Each CAC member is appointed to serve for a three-year term (no reappointment term limits). Of the five-committee seats; two terms end on the same year, the other two terms end on the following year, and one seat term ends on its own year. Eligible candidates to serve on the CAC must be a landowner of land within the District, and must be nominated by the Supervisor representing Supervisorial District 5, of Fresno County. CAC meetings are subject to the Brown Act and are held on an as needed basis at the Fire Department Headquarters.

The BOS creates District policies by adopting resolutions through duly noticed public hearings. The Special District Administration staff implements those policies specific to the District's

¹⁵ Health and Safety Code sec. 14825.

operations. The BOS meets on every scheduled Tuesday, or dates which have been approved at regularly scheduled BOS meetings with the exception of holidays and or planned recesses.

The BOS meetings are held at the Fresno County Hall of Records located at 2281 Tulare Street, Room 301, Fresno, California 93721. The BOS hosts morning sessions beginning at 9:00 a.m. and/or the afternoon sessions at 2:00 p.m. Meeting agendas are posted on the east entrance doors on the first floor in the Hall of Records building and on the Fresno County website at least 72 hours prior to the BOS meeting.

BOS meetings are open to the public and the residents are invited to attend. In addition, the BOS meetings are broadcasted live through the Fresno County's live streaming feed service through the Fresno County's official website. An opportunity to address the BOS on items not on the agenda is provided on each meeting agenda. If a public member desires to present to the BOS, the person is encouraged to contact Special District Administration or the Clerk to the Board in advance. Meetings are noticed consistent with Brown Act requirements, which include postings in public places.

The District's government structure is appropriate to ensure adequate services are provided and managed. At the time preparing this MSR, the District's government structure was adequately structured, operates, and fulfills its role as a service provider.

ANY OTHER MATTER RELATED TO EFFECTIVE OR EFFICIENT SERVICE DELIVERY

During the preparation of this MSR, the District informed LAFCo that volunteers are trained to be familiar driving fire engines through various roadways within the District. The District has identified four roads within the District that are in need of widening and upgrading. Currently, these are:

- Spearhead Lane,
- Little Sandy Road,
- Blue Heron Lane, and
- A narrow access road near Lodge Road south of the Napa Auto Parts store.

These four roads each have narrow bridges that pose a risk to effective emergency response either due to weight limitations or because they are narrow. In the event of an emergency, access to the scene of an emergency via the listed road sections may be restricted due to the fire engines exceeding the roadway width and weight capacity. A location map identifying the four roadways is shown on Figure 2 of this MSR.

The District informed LAFCo that there is an unserved location northeast of the District's service area along the backside of Jose Basin Road. A review of the parcel information revealed that most of the parcels are either vacant lots or owned by the state, federal government, or Southern California Edison Company. The District estimates that there are six residential units in this area that are outside of both the District and Bald Mountain Fire Protection District (see Figure 3). Nevertheless, the District has responded to emergencies in this area via the Jose Basin Road.

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 prepares the following written determinations.

1. GROWTH AND POPULATION PROJECTIONS FOR THE AFFECTED AREA

- The County of Fresno is the land use authority for territory within the District's service area. The Fresno County General Plan and zoning ordinance regulate land uses in the District. The District lies within the County's Sierra North Regional Plan (SNRP) area.
- The SNRP is a part of the General Plan and refines that plan's goals and policies. The County's general plan and SNRP designate areas within the District as agricultural and grazing land, while secondary uses include rural residential and open space land uses.
- The District service area and SOI are coterminous, and encompasses 31,114 acres. The District does not anticipate any additional growth to occur within or near the community of Auberry.
- Majority of the land within the District is identified as grazing land by the California Department of Conservation, Farmland Mapping and Monitoring Program. There are incidental parcels within the District identified under Ag Preserve contracts, Williamson Act; these parcels are generally located west of Powerhouse Road.

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

- At the time this MSR was prepared, there was no indication, physical evidence, or demographic data that would indicate the presence of a DUC as defined by California statute and Fresno LAFCo DUC policy.

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

- The District's fire station is older than 35 years, and is located on 33051 Power House Road, Auberry, California 93602.
- The fire station is of metal construction and is equipped with four bays that house two fire engines, one water tender, one rescue squad, and firefighting equipment. Volunteers maintain the station and its grounds, department vehicles, equipment, utilities, tools, and supplies. The District informed LAFCo that its water tender, fire equipment, and supplies are in reliable conditions.
- District is currently in search to purchase a second tender for the department. In terms of infrastructure need, the District is evaluating its option, and would like to purchase one type 2 engine, one type 3 engine, and a 2000 gallon water tender.

- Existing infrastructure appears to be sufficient in type and quality to meet the existing and foreseeable demands of District customers.

4. FINANCIAL ABILITY OF AGENCY TO PROVIDE SERVICES

- The District's primary source of funding is an annual special tax assessment levied on the 1,230 parcels within the District's service area. The annual special tax assessment is charged based on land use designation of the parcel.
- The BOS adopts an annual budget for the District which projects operational and maintenance costs on an annual basis for services.
- The County of Fresno's Special District Administration manages the District's overall finances, and fulfillment of the District's annual financial reporting requirements to local and state agencies.
- In order to keep fire protection costs low for Auberry residents, the District has a contract with the Auberry Volunteer Fire Department that enables trained volunteers to manage the day-to-day operations of the department.
- Based on financial information provided to LAFCo, and communication with Special District Administration, it appears that the District's finances are adequately managed to support the District's ongoing operations.

5. STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- The Fresno County Resource division provides administration support to 22 CSAs in Fresno County.
- During the preparation of this MSR no obvious opportunities for shared facilities were identified by Fresno LAFCo.

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

- The District was formed in 2003 pursuant to County Service Area Law GC section 25210-25217) to provide fire protection and emergency medical services near the unincorporated community of Auberry.
- The District is a dependent special district, which means that the Fresno County Board of Supervisors sits as the District's governing body. Under GC section 25212.4, the BOS has appointed a five member citizens advisory committee CAC to provide advice to the board regarding the District services. Each CAC member is appointed to serve for a three-year term (no reappointment limits).
- CAC meetings are subject to the Brown Act and are held on an as-needed basis at the Fire Department Headquarters.
- The BOS meets on every scheduled Tuesday, or on dates which have been approved at regular scheduled board meetings with the exception of holidays and or planned

recesses. Board meeting agendas are posted on the east entrance doors on first floor in the Hall of Records building and on the Fresno County website at least 72 hours prior to the Board of Supervisors meeting.

- Board meetings are open to the public and residents are invited to attend. Opportunity to address the board of supervisors on items not on the agenda is provided on each meeting agenda. Meetings are noticed consistent with Brown Act requirements, which include postings in public places.
- At the time preparing this MSR, the District's government structure appears to be adequately structured, operates, and fulfills its role as a services provider within the Fresno area.

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

- The District identified four hazardous roads that have segments that are either too narrow for fire engines to drive on, or roads that have bridges with limited weight capacity. The four road segments occur are as follows: Spearhead Lane, Little Sand Road, Blue Heron Lane, and a narrow access road near Lodge Road south of the Napa Auto Parts store.
- The District estimates that there are six residential units along Jose Basin road right outside of both the District's service area and Bald Mountain Fire Protection District. Traditionally, the District has responded to emergencies in this area because of its easy accessibility to Jose Basin Road.

3. SPHERE OF INFLUENCE UPDATE

In order to carry out the Commission’s purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies subject to its jurisdiction, the Commission shall develop and determine the sphere of influence of each city and each special district within the County and enact policies designed to promote the logical and orderly development of areas within the sphere. A sphere of influence (“SOI”) is defined as “a plan for the probable physical boundaries and service area of a local agency, as determined by the commission.”

Chapter one of this MSR provides the foundation for the Commission’s SOI determinations. As previously indicated, the District’s boundaries and sphere of influence are coterminous; the District service area and SOI encompasses 31,114 acres. The District reports its sphere and boundaries are correct at this time and no changes are requested, therefore it is recommended that the District SOI be affirmed. The County of Fresno is the land use authority for land located in the District’s service area.

In accordance with GC section 56066, Fresno is the principal county and Fresno LAFCo is responsible for preparing the following determinations for the sphere of influence include in this Municipal Service Review. When Fresno LAFCo updates a sphere of influence it must adopt specific determinations with respect to the following factors:

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

- The District resides in the foothills of the Sierra National Forrest, an area of unincorporated Fresno County. The County of Fresno is the land use authority for territory within the District’s service area and the Fresno County General Plan Land Use Element designates land within the District as grazing land, rural residential, agriculture and Open Space.
- The District service area and SOI are coterminous, and encompasses 31,114 acres. The District provides fire protection and emergency medical services near the unincorporated community of Auberry.

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

- The District is not expected to experience additional growth as it relates to expanding service area or increasing housing density. There is no growth anticipated by the District.
- The District informed LAFCo of one location outside the District’s service area that has previously requested emergency response from the District. The District estimates that there are six residential units along Jose Basin road right outside of both the District’s service area and Bald Mountain Fire Protection District that have probable service need for future fire protection services.
- The District demonstrates that it is capable of addressing and adjusting its probable service needs for public facilities.

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

- Present capacity of District facilities and services appear adequate. District provides services consistent with its principal act and as authorized by the Fresno LAFCo. The District's financial practices appear to be adequate to support District's ongoing operations.

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

- There are no relevant social or economic communities of interest relevant to the District'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 provides fire protection and emergency response within its limited boundaries. At the time this MSR/SOI revision was prepared, there was no indication, physical evidence, or demographic data that would indicate the presence of a DUC as defined by California statute and Fresno LAFCo DUC policy.

4. RECOMMENDATIONS

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

1. Accept public testimony regarding the proposed Municipal Service Review.
2. Approve the recommended Municipal Service Review determinations, together with any changes deemed appropriate.
3. Approve the recommended sphere of influence determinations and affirm the current sphere of influence.
4. Recommend that the Special District Administration develop guidelines or policies that support their ongoing effort to provide staff training for employees with financial reporting responsibilities regarding year-end closing procedures, completion of financial statements, and preparation of annual audited financial statements.
5. Inform Fresno County Public Works and Planning, Road Division, regarding the four potential road hazards identified in this MSR per Figure 2.
6. Recommend that the District assess whether demand for fire protection is of sufficient level to consider a request to expand the District's service area, per Figure 3 of the MSR.

5. ACKNOWLEDGMENTS

This Municipal Service Review update was prepared by Fresno LAFCo. Mr. Richard Schacher, Jr., CSA No. 50 Department Chief, and County of Fresno Public Works and Planning, Resources Division Special District Administration provided substantial information included in this service review. Fresno LAFCo staff extends its appreciation to Chief Schacher and the Fresno County Special District Administration staff, for their assistance in the development of this Municipal Service Review. Responsibility for any errors or omissions rests with those who provided information to support the report.

Available Documentation – documents used for the preparation of this report are available in the LAFCo office. A significant amount of effort has been invested in bringing the District's Municipal Service Review and sphere of influence update to this point. Documents 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 Draft Municipal Service Review is available on Fresno LAFCo's website, <http://www.fresnolaftco.org/default.asp>

Figure 2 – Location of existing road hazards

County Service Area No. 50 (Auberry Volunteer Fire Department)

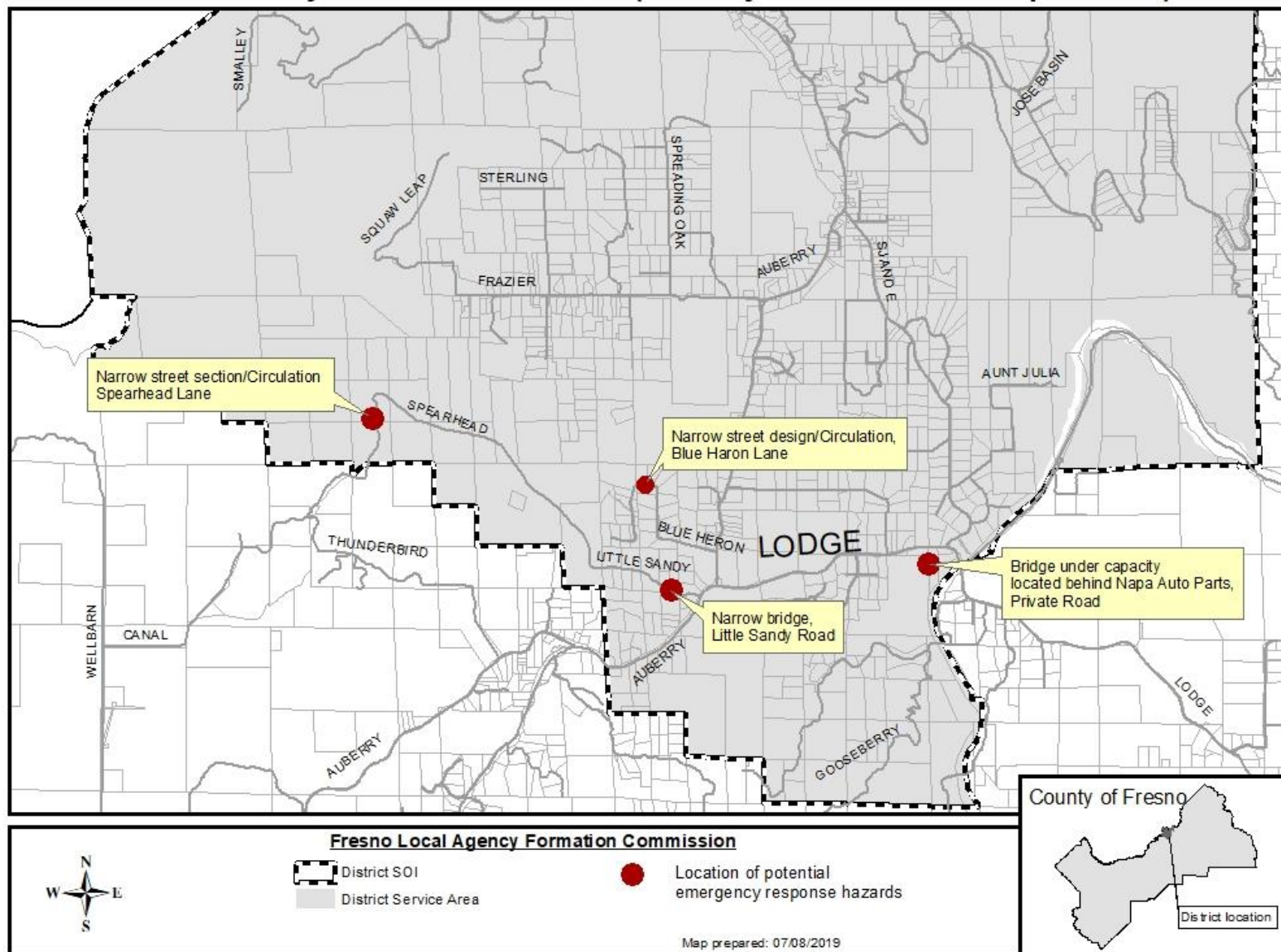


Figure 3 – Emergency response to area outside the District’s service area

