

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

AGENDA ITEM No. 10

DATE: April 14, 2021

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: George Uc, Senior LAFCo Analyst

SUBJECT: **Consider Adoption:** Municipal Service Review and Sphere of Influence Update for the Fresno Mosquito and Vector Control District (File No. USOI-200).

Attachment A – Fresno MVCD SOI Update Map

Attachment B – Draft Fresno MVCD MSR and SOI Update for USOI-200

Attachment C – Notice of Determination, Fresno MVCD SOI Update

Attachment D – Exclusive Jurisdiction, Madera LAFCo Resolution

Attachment E – Fresno MVCD SOI Determinations

Recommendation: Adopt the Municipal Service Review update prepared for Fresno Mosquito and Vector Control District (“Fresno MVCD” or “District”) and update the sphere of influence by taking the following actions:

Action 1: Municipal Service Review

- A. Acting as Lead Agency pursuant to California Environmental Quality Act (“CEQA”) Guidelines find that the MSR prepared for the District is Categorically Exempt from the provisions of CEQA under section 15306, “Information Collection.”

Action 2: Fresno Mosquito and Vector Control District SOI Update

- B. Find that LAFCo, as a Responsible Agency pursuant to the CEQA Guidelines considered the Notice of Exemption prepared by Fresno MVCD, Lead Agency, for its review and update of the Fresno MVCD SOI.
- C. Find that as a Responsible Agency, LAFCo, it can be seen with certainty that the District SOI update does not have the potential to result in a significant effect on the environment, and that the SOI update is not subject to CEQA pursuant to CEQA Guidelines section 15061 (b)(3).

Action 3: Written Determinations and Recommendations

- D. Receive this report and any public testimony regarding the proposed Municipal Service Review and proposed sphere of influence update.
- E. Approve the recommended Municipal Service Review determinations, together with any changes deemed appropriate.
- F. Approve the recommended sphere of influence update determinations, together with any changes deemed appropriate.
- G. Using the Exclusive Authority granted by Madera LAFCo, reduce the Madera MVCD SOI by 365 acres and plan for the detachment of the affected territory from that District, as depicted on Attachment A.
- H. Revise the Fresno MVCD SOI to include the 365 acres and plan for the annexation of the affected territory to the Fresno MVCD, as depicted on Attachment A.

Proponent

Ryan McNeil, District Manager, Fresno Mosquito and Vector Control District

Executive Summary

This MSR has been prepared in response to the Fresno Mosquito and Vector Control District's ("District") sphere of influence ("SOI") update application (File No. USOI-200) and reorganization application (File No. RO-20-12) filed with LAFCo on August 10, 2020.

The affected territory consists of two unincorporated parcels¹ that are generally bounded by Avenue 7½ on the north, Road 39 ½ to the west, the San Joaquin River to the south and Road 40½ to the east, in Madera County (Attachment A).

In a joint effort, the District and the Madera Mosquito and Vector Control District ("Madera MVCD") request LAFCo to simultaneously update their SOIs in anticipation of a boundary reorganization that would memorialize their respective service areas. The Madera MVCD's board of trustees adopted a resolution in support of Fresno MVCD SOI update and reorganization application to Fresno LAFCo. Further background, analysis, determinations, and recommendations are presented in the draft MSR (Attachment B).

Mosquito and Vector Control District Law

The District was formed in 1942 under California's 1939 Mosquito Abatement Act. In 2002, the Legislature comprehensively updated the Mosquito Abatement Act of

¹ Madera County Assessor Parcel Numbers: 049101018 and 049102003.

California of 1939 through the adoption of Senate Bill 1588 (Committee on Local Government).

Currently, Mosquito and Vector Control Districts operate under the authority granted by California's Mosquito Abatement and Vector Control District Law (Health and Safety Code section 2000 et seq.)

State law authorizes Mosquito and Vector Control Districts to take all necessary or proper actions to prevent the occurrence of vectors and vector borne diseases. A vector is defined by the Health and Safety Code, as "any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and rodents and other vertebrates."²

State law also prohibits any territory from being within two of the same type of mosquito abatement and vector control districts.³

MSR Summary

The District's service area and SOI are coterminous and encompass a total of 179,578 acres in Fresno County. The District is situated in the north central portion of Fresno County and bounded by the Fresno-Madera County line to the north, the City of Kerman's Lassen Avenue to the west, Clovis Avenue and First Street on the east, and South Avenue on the south.

The District is an independent special district governed by a five-member board of trustees. The five members of the board are appointed by representatives of the City of Fresno, City of Kerman, and the Fresno County Board of Supervisors to four-year terms, or until their successor qualifies and takes office.

According to U.S. Census Bureau data, there is an estimated total population of 397,852 people inside the District. Majority of land in the District is unincorporated, while the City of Kerman and only portions of west City of Fresno are inside the District.

The District owns the land and buildings at its headquarters which is located at 2338 E. McKinley Avenue Fresno, California. The District employs 10 full time staff members – a District Manager, Assistant Manager, Office Manager, Office Secretary, Biologist, one Area Supervisor, and four Certified Technicians.

The District does not have land use authority nor provides services that would directly affect the rate of population growth or induce population growth. Land uses in the District are regulated by the following land use authorities: County of Fresno, City of Kerman, and the City of Fresno for the portions of the City that are inside the District.

² Health and Safety Code section 2002.

³ Health and Safety Code Section 2007.

The District offers several services to its community residents including but not limited to:

- Mosquito trapping and identification
- Mosquito disease testing
- Mosquito larvae treatment (larvicide)
- Ultra-Low-Volume and thermal fogging for adult mosquitoes (adulticide)
- Pest identification
- Rodent inspections
- Dead bird retrieval and disease testing
- Mosquito fish delivery and application to pools, ponds, etc.

The District's primary source of revenue is the annual property tax charged to all parcels within the District. For Fiscal Year ("FY") 2019-20, the District reported an adopted budget of \$2,068,662. For the same year, annual property tax revenues made up approximately 62% of the District's operating budget, at approximately \$1,304,779.

Other sources of revenue (approximately \$763,883) are generated from annual accumulated interest from its funds account with Fresno County and an annual benefit assessment voted on and passed by the District's residents in 2015. The District also pursues state funding and industry grants when opportunities arise agreeable to the District's board. Major District expenditures include District wages and benefits, Fresno County Employees Retirement Association ("FCERA") pension obligation bonds, FCERA settlement financing, and pesticides.

The MSR notes that District annually receives a steady stream of revenue that allows for its service levels to continue operating efficiently.

Municipal Service Reviews and Public Review Availability

MSRs are used by the LAFCo to collect information and evaluate service provisions and service providers from a broad perspective. The MSR Program provides the Commission the ability to retain the necessary information and data to ensure that the LAFCo has access to all the necessary information in a timely manner to make sound determinations with respect to services, capacities, or when requested to update an SOI for a local agency.

The draft District MSR update was circulated March 24, 2021 through April 14, 2021. Pursuant to Government Code sec. 56427, 23 mailed notices of the hearing were sent to the affected local agencies and owners of land within the affected territory. Additionally, a 21-day notice of Commission hearing was published on March 24, 2021, in *The Business Journal*.

As of the date of publishing this staff report, LAFCo has not received any comments or written opposition to the information presented in the draft MSR or proposed update to the District SOI.

District SOI Update

The affected territory encompasses 365 acres within the Madera MVCD's service area and SOI. The land is bounded by Avenue 7½ on the north, Road 39½ to the west, the San Joaquin River to the south and Road 40 ½ to the east, in Madera County (Attachment A).

The affected territory is a known vector breeding place that annually produces a substantial number of mosquitoes and vectors that create a public nuisance, and a significant health risk to the residents of the San Joaquin River Bluffs, Madera County, and Fresno County.

The purpose of the District's SOI update and reorganization is to memorialize and accurately depict where District revenues are being spent to fund abatement and vector control services. The District Managers have considered entering into a Joint Powers Agreement for the maintenance of the affected territory as an alternative for the planned reorganization; however, it has not been determined to be a feasible option by either agency.

In this joint effort, the District, and the Madera MVCD request LAFCo to simultaneously update their SOIs in anticipation of a boundary reorganization that would memorialize their respective service areas. The District's requested SOI expansion will have a simultaneous 365-acre reduction of the Madera MVCD SOI and planned detachment.

The proposal has the potential to create a new multiple-county special district and increase the District's boundaries from the existing 179,578 acres to 179,943 acres.

Madera MVCD has expressed its acknowledgment and support to the District SOI update application submitted to Fresno LAFCo. On June 18, 2019, Madera MVCD's board of trustees adopted a resolution in support of Fresno MVCD SOI update and reorganization application to Fresno LAFCo.

The affected territory is owned by the State of California under a trust with the San Joaquin River Conservancy. Both parcels in the affected territory are tax exempt properties. The Madera County General Plan Land Use Element designates both parcels for Agricultural Use, and both parcels are identified in Madera County's Exclusive Agriculture Zone District (ARE-20). The proposed District SOI update and reorganization will not change the existing land uses nor change the land use designations depicted by the Madera County's General Plan Land Use Elements. The affected territory is identified in the following districts: Madera Cemetery District, Madera Chowchilla Resource Conservation District, and the Madera MVCD.

LAFCo staff reviewed the proposed District SOI update in light of the data collected during the MSR process, as well as from conversations with the District Manager in order to provide the Commission a sound SOI update recommendation for its

consideration. Additional information is provided in Attachment B - Draft Fresno MVCD MSR and SOI Update for USOI-200.

Exclusive Jurisdiction

Madera MVCD's service area and SOI are solely within Madera County. The County of Madera is the Principal County for the District, and Madera County LAFCo has exclusive jurisdiction for any boundary changes involving Madera MVCD.

Section 56388 of CKH permits jurisdiction of a proposal to be vested in a Commission of a County other than the Principal County in which territory of the district is located or is proposed to be located if all of the following occur:

- (a) The commission of the principal county agrees to having the exclusive jurisdiction vested in the commission of another county.
- (b) The commission of the principal county designates the commission of another county which shall assume exclusive jurisdiction.
- (c) The commission of the county so designated agrees to assume exclusive jurisdiction.

Since the District's SOI update application would trigger a simultaneous reduction in Madera MVCD's SOI as a precursor to detach the affected territory from Madera MVCD, Fresno LAFCo and Madera LAFCo have agreed to establish exclusive jurisdiction to Fresno LAFCo for the processing of Fresno MVCD's applications.

On November 18, 2020, Fresno LAFCo authorized the Executive Officer to submit a request to Madera LAFCo to establish exclusive jurisdiction to process application numbers: USOI-200 and RO 20-12. On December 9, 2020, Madera LAFCo granted approval to Fresno LAFCo to process the applications. Madera LAFCo's resolution vesting Fresno LAFCo with exclusive jurisdiction for LAFCo applications USOI-200 and RO-20-12 is provided in Attachment D.

Summary / Background

Cortese-Knox-Hertzberg Act requires LAFcos to review and update, as necessary, local agencies' SOIs every five years. Prior to, or in conjunction with a local agency's SOI update, LAFCo is required to conduct an MSR. State law requires that the LAFCo adopt written MSR determinations for each of the following seven items:

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 five 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.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence

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

Environmental Determination

A MSR collects and analyzes data in support of future LAFCo actions and therefore is exempt from environmental review, pursuant to section 15306, "Information Collection" of the California Environmental Quality Act ("CEQA") Guidelines.

However, this MSR update also evaluates the District's request to LAFCo for a SOI update that is essential to facilitate a successive 365-acre reorganization application for an area that consists of marshland and ponds along the San Joaquin River in Madera County.

In conducting environmental review for the District SOI update, the Fresno Mosquito and Vector Control District ("District") assumed the role of Lead Agency. The District determined that the SOI update will not change the existing land uses nor change the land use designations depicted by either Fresno County or Madera County's General Plan Land Use Elements. Since it can be seen with certainty that the proposal does not have the potential to result in a significant effect on the environment, it is not subject to CEQA pursuant to CEQA Guidelines section 15061 (b)(3). The District determined that the proposal is exempt from environmental review and filed a Notice of Exemption ("NOE") with the Madera County Clerk (#2020038) on July 22, 2020; and on July 30, 2020 the District filed with the Fresno County Clerk (E202010000267).

As a "Responsible Agency" pursuant to CEQA Guidelines, Fresno LAFCo independently reviewed and considered the environmental effects of the SOI update and reorganization as presented in the NOE prepared by the District as Lead Agency, prior to reaching a decision on the proposal. Since it can be seen with certainty that the SOI update does not have the potential to result in a significant effect on the environment it is not subject to CEQA pursuant to CEQA Guidelines section 15061 (b)(3).

Pursuant to CEQA Guidelines, if the Commission determines that these documents are adequate, a draft Notice of Determination has been prepared (Attachment C) to be filed with the County of Fresno Clerk's office in compliance with section 21152 of the Public Resources Code.

Individuals and Agencies Receiving this Report

- Ryan McNeil, District Manager, Fresno MVCD
- Teresa Hamilton, District Manager, Madera MVCD
- Ken Price, LAFCo Counsel
- Bernard Jimenez, Assistant Director, Fresno County Department of Public Works and Planning
- David Braun, Executive Officer, Madera County LAFCo