

# **FOWLER CEMETERY DISTRICT**

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

Report to the  
Fresno Local Agency Formation Commission

MSR-17-05 / SOI-173

David E. Fey, AICP, Executive Officer  
George W. Uc, Senior Analyst  
Juan Lara, Analyst I  
Amanda Graham, Office Assistant  
2607 Fresno Street, Suite B  
Fresno, CA 93721

June 14, 2017

# FOWLER CEMETERY DISTRICT

Burial and interment of human remains

## Contact Information

**Manager:** David J. Muro, General Manager  
**Alternate Contact** Barbara Flores General Manager  
**Address:** 8523 S. Fowler Avenue  
Fowler, CA 93625  
**Phone:** (559) 834-3464

## Management Information

**District formation:** 1933  
**Principal act:** Health and Safety code section 9000 *et seq.*, Public Cemetery District Law  
**Special district powers:** Prescribed in Health and Safety code sections 9040-9056  
**LAFCo**  
**Authorized services:**<sup>1</sup> Own, improve, and maintain cemeteries and provide interment of human remains

**Governing body:** Three trustees, appointed by Fresno County Supervisors, Districts 1 and 4  
**Board members:** Donald Pitts Appointed 6/7/2011 - Expires 1/6/2020  
Neilsen L. Donald Appointed 4/5/2016 – Expires 1/3/2018  
Joe S. Hara Appointed 4/29/1997-Expires 1/7/2019

**Board meetings:** Held on the last Monday, Wednesday, or Thursday the last week of each month at 10:00 a.m. at the District office. <sup>2</sup>

**Staffing:** Four full-time employees

## Service Information

**Population served:** 31,733, est  
**Acres served:** 23,691 acres  
**Infrastructure:** A 38-acre cemetery, building, a vehicle, and equipment

## Fiscal Information

**Budget:** \$951,118  
**Sources of funding:** Annual property taxes, endowment, burial plots, and service fees  
**Rate structure:** Fee schedule, plot fee, and endowment

## Administrative Policies

**Policies/Procedures:** No

**By-laws:** None

**SOI formed:** 1976

**SOI update:** 2017

**Other:** Member of California Association of Public Cemeteries  
Special District Risk Management Authority  
California Special District Association

---

<sup>1</sup> Pursuant to Government Code sec. 56425(i).

<sup>2</sup> District Secretary, personal communication, May 3, 2017.

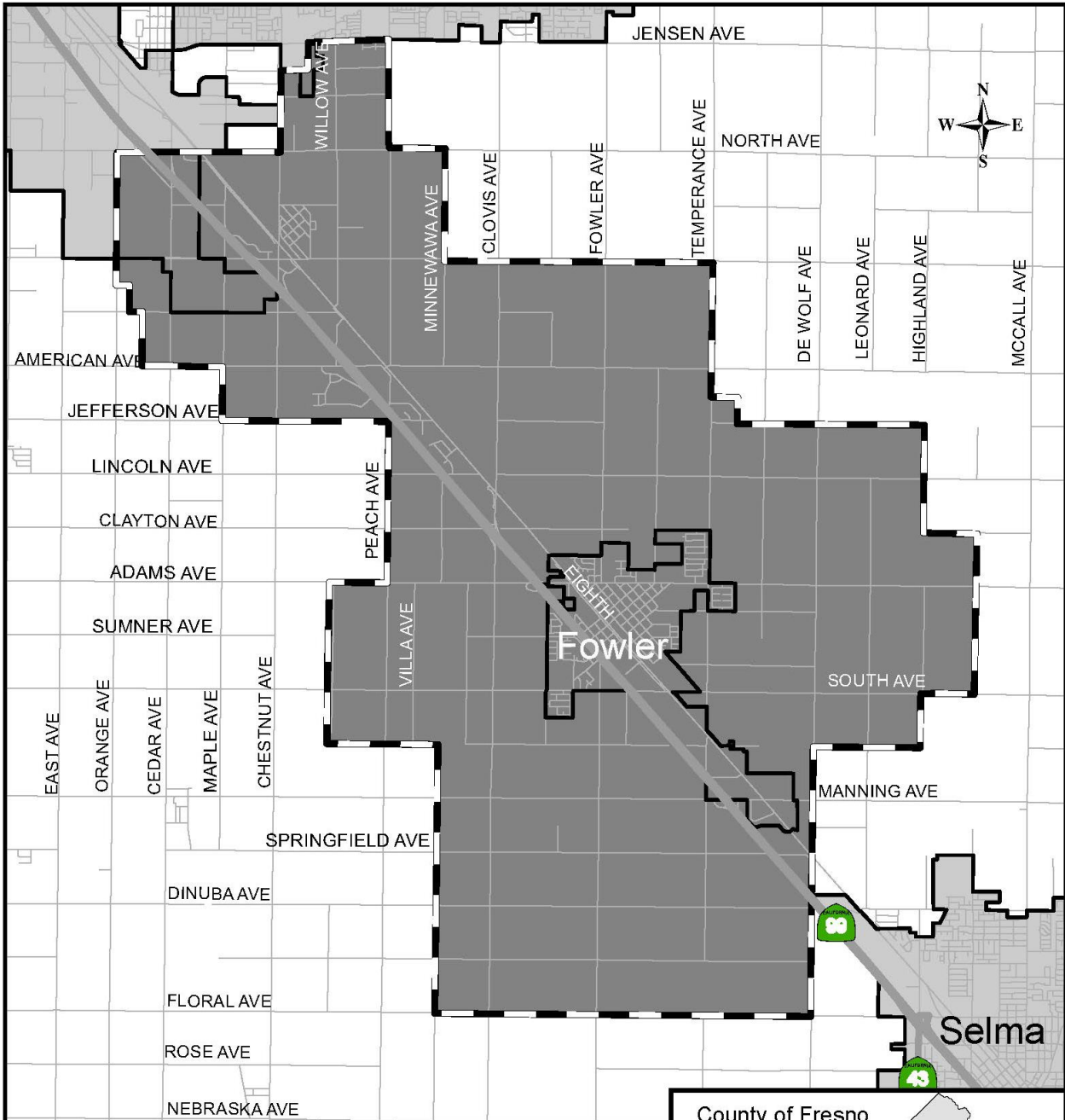
# Table of Contents

<b>1. MUNICIPAL SERVICE REVIEW .....</b>	<b>6</b>
Principal Act .....	6
District Service Area.....	6
Authorized District Services.....	6
Fresno LAFCo MSR Policy.....	7
District Growth and Population Projections .....	7
Disadvantaged Unincorporated Communities .....	10
District Infrastructure .....	11
District Finances.....	11
Public Facilities, Opportunities for shared Facilities .....	13
Government Accountability.....	13
Any Other Matters .....	16
<b>2. MSR DETERMINATIONS .....</b>	<b>18</b>
<b>3. SPHERE OF INFLUENCE UPDATE .....</b>	<b>21</b>
<b>4. RECOMMENDATIONS .....</b>	<b>23</b>
<b>5. ACKNOWLEDGEMENTS .....</b>	<b>23</b>
<i>Appendix A – outlines SJVCD template bylaws .....</i>	<i>24</i>

Figure 1 – District Map

# Fowler Cemetery District

Authorized Services: Burial & Interment of Human Remains

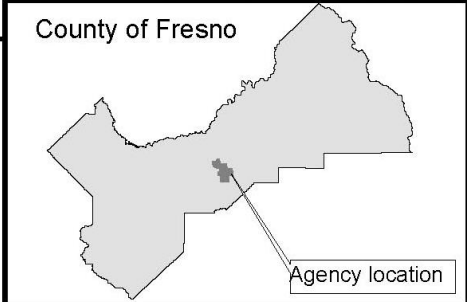


**Fresno Local Agency Formation Commission**

**Legend**

- District Sphere of Influence
- District Service Area
- City Limits
- Cities Overlapping District

Formation: 1933  
Sphere updated: 06/14/2017  
District area: 23,691 Acres  
Sphere area: 23,691 Acres  
Map prepared: 06/15/2017

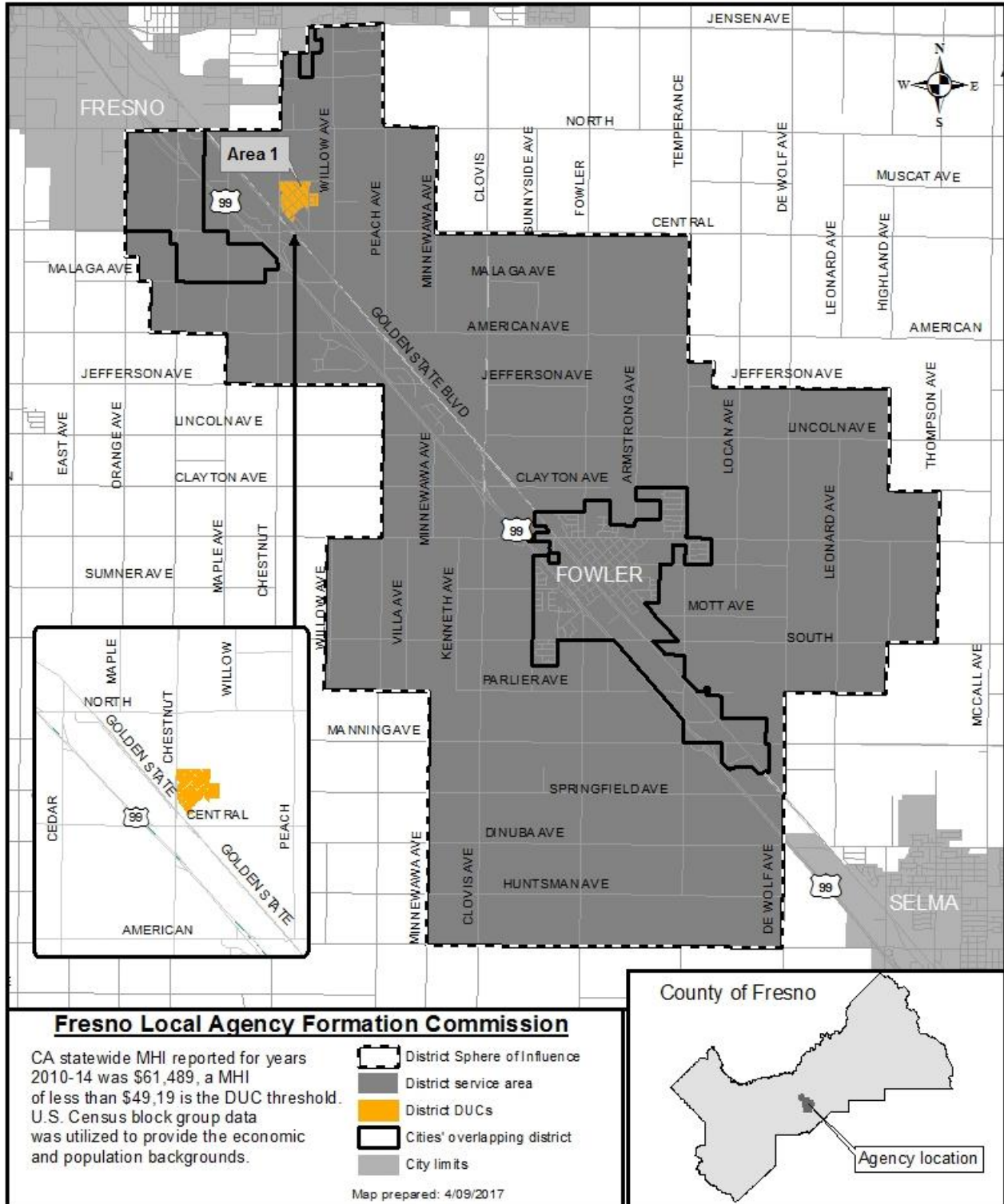


Document Path: K:\00-LAFCo Maps\Special Districts\Cemetery\Fowler Cemetery\Fowler Cemetery District\_2.mxd

Figure 2 – DUC Map

# Fowler Cemetery District

Disadvantaged Unincorporated Communities - U.S. Census ACS 5-year reports 2010-14



# 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.<sup>3</sup>

The Fowler Cemetery District (“District”) was formed in 1933 to provide burial and interment of human remains to meet the cultural, economic, religious, and social needs within the Fowler area. The District is an independent special district governed by a three-member board of trustees. The Fresno County Supervisors representing Districts one and four appoint trustees to four-year terms. Candidates eligible to serve as trustees must be a registered voter and resident within the District’s boundaries. The board of trustees is solely responsible for all aspects of the District. State legislation authorizes the board of trustees to appoint a general manager to oversee the District’s daily operations. The District’s general manager is assisted by one secretary and two grounds keepers.

## DISTRICT SERVICE AREA

The District’s boundaries are rather complex and are generally bounded by Jensen Avenue on the north, Orange Avenue on the west, Floral Avenue on the south, and Highland Avenue on the east (see Figure 1). The District’s service area and sphere of influence (SOI) are coterminous and encompass 23,691 acres.

Other public cemetery districts surround the District: Sanger-Del Rey Cemetery District to the north, Selma Cemetery District to the east and south, and Washington Colony Cemetery to the west. 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 particularly in more urbanized areas. As such, various private cemeteries can exist inside the jurisdictional boundaries of a public cemetery district.

Main roads within the District’s service area include State Route 99 (SR), which bisects the District a northwest/southeast direction. East to west classified streets within the District include arterial streets such as Jensen, North, Central, American, Lincoln, Adams, South, Manning, Dinuba and Floral Avenues. Likewise, north to south arterial streets include Orange, Chestnut, Clovis, Fowler, Temperance, DeWolf, and Highland Avenues.

## 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

---

<sup>3</sup> Health and Safety Code (HSC) section 9000.

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**

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.

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.<sup>4</sup>

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.

---

<sup>4</sup> Fresno Local Agency Commission – Policy 107 – Municipal Service Review Policy.

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 31,733 people inside the District's boundaries.<sup>5</sup> These population estimates/projections 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 the City of Fowler, the unincorporated community of Malaga, and southern portions of the City of Fresno. A substantial portion of the District's service area lies in the unincorporated areas of Fresno County.

Within the District's service area, the County of Fresno is the land use authority for unincorporated territory inside the District's service area, and the Cities of Fowler and Fresno are the land use authorities for their respective incorporated territories.

The Fresno County General Plan designates a majority of the land within the District for agricultural uses with the exception of the Cities of Fresno and Fowler, and the unincorporated community of Malaga. The City of Fowler's General Plan designates urban uses for the area inside the Fowler SOI. Likewise, the City of Fresno's general plan designates urban uses for the land in the south-central area of the City and its SOI. The Fresno SOI overlaps approximately 1,650 acres of the District service area; of this territory, approximately 770 acres are developed with heavy industrial land uses. Heavy industrial land uses are planned for the remaining 880 acres.

#### **Unincorporated Community of Malaga, Fresno County**

The unincorporated community of Malaga is a Census Designated Place by the U.S. Census Bureau. Malaga is located south of the City of Fresno, near the intersection of East Central Avenue and South Willow Avenue. According to the U.S. Census information, the community of Malaga has a population of 862 people, and a housing stock of 241 units.<sup>6</sup>

#### **City of Fowler**

The City of Fowler's incorporated boundaries include 1,603 acres, and the Fowler SOI encompasses 4,474 acres. There are 2,871 acres within the Fowler SOI suitable for future urban development. According to the U.S. Census information, the City of Fowler has an estimated population of 6,006 people, and a housing stock of 1,699 units.<sup>7</sup>

According to the City of Fowler's general plan, in the last ten years, the City's growth rate has been slower than surrounding cities and is expected to maintain a steady 2 to 3% growth rate.<sup>8</sup>

---

<sup>5</sup> Calculated population by LAFCo based on nine US census tracts, 15 block group units within the District. January 31, 2017.

<sup>6</sup> U.S. Census, American Fact Finder – American Community Survey 5 year estimates, 2011-15, Malaga CDP, California. Accessed, January 31, 2017.

<sup>7</sup> U.S. Census, American Fact Finder – American Community Survey 5 year estimates, 2011-15, Fowler CDP, California. Accessed, January 31, 2017.

<sup>8</sup> City of Fowler, 2025 General Plan, Land Use, Economic Development and Circulation Element.



The City of Fowler's growth rate is consistent with the overall Fresno County's growth rate range of 2 to 3%. As such, at a 3% growth rate the City of Fowler anticipates its population to reach 7,200 people by 2025.<sup>9</sup>

**City of Fresno, portion-overlapping District**

As previously indicated, approximately 1,650 acres of land are located within the City of Fresno's SOI which overlap with the District's service area. The City of Fresno's general plan designates nearly all the 1,650 acres for heavy industrial land uses. LAFCo anticipates that land within the Fresno SOI will be developed consistent with the City's general plan and there is a minimal likelihood that this portion of land will generate permanent residents, or generate substantial population growth that would require District services.

**District Interment Rate**

Health and Safety Code identifies those authorized to be interred in a cemetery district's facilities.<sup>10</sup> 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.

The District's has a 38-acre cemetery site of which only 18-acres are in existing use; and, the remainder of the land is on reserve for future interments. The District informed LAFCo that it annually averages 100 to 120 interments.<sup>11</sup> The District estimates that its 20-acre land reserve provides the District sufficient interment capacity for the next 20 years.<sup>12</sup>

Communication with the District indicates that it has no plans to request an SOI expansion or annex any future territory. LAFCO observes that adjacent boundaries of the Selma Cemetery District, Sanger-Del Rey Cemetery District, and Washington Colony Cemetery District also limit the District possibilities to expand its boundaries or the SOI. It is clear that each of these three cemetery districts will have on-going needs for cemetery services. LAFCo expects that District growth will occur through expansion of its existing facilities or the purchase/lease of real property within the District boundaries.

---

<sup>9</sup> Ibid.

<sup>10</sup> HSC section 9060-9069.

<sup>11</sup> LAFCO Phone communication with the District Secretary.

<sup>12</sup> District Secretary, personal communication, May 3, 2017.

## 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 deficiencies for any disadvantaged unincorporated community within or 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 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.<sup>13</sup> The statewide MHI reported for years 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.

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. Fresno LAFCo observes that services provided by the District would not present a direct benefit to a DUC.

LAFCo observes that majority of the Districts is rural agricultural land, while the City of Fowler and a small portion of the city of Fresno hold the vast majority of the District's population concentration. For the purpose of this MSR, the District's boundaries encompass an area considered by water code as Disadvantaged Communities. LAFCo identified one DUC within the District's boundaries as defined by Fresno LAFCo policy during the preparation of this report.

- Area 1 is located outside the Fresno SOI within a one mile distance from the City's SOI. The Community of Malaga is located at the southeast corner of the Muscat Avenue and

---

<sup>13</sup> US Census Bureau, [http://www.census.gov/acs/www/guidance\\_for\\_data\\_users/estimates/](http://www.census.gov/acs/www/guidance_for_data_users/estimates/).

Chestnut Avenue. The DUC is considered a Legacy Community and consists of approximately 223 properties located within US Census Tract 15.00-block group 2. The US Census ACS five-year estimate indicated that Census Tract 15.00-block group 2 had a MHI of \$27,679 between years 2010-2014. This area of concern meets two DUC indicators identified by Commission Policy 106, MHI threshold and at least 15 Dwelling Units.

## DISTRICT INFRASTRUCTURE

The District's facilities consist of a 38-acre cemetery and office building located at the southwest corner of South Fowler Avenue and East Parlier Avenue, in the City of Fowler. Additionally, the District owns machinery, interment equipment, a 2014 Silverado Pick-up truck, and various tools required to fulfill its responsibilities as a public cemetery. The District's general manager annually reviews and identified the District's infrastructure needs, repairs, and improvements expenditures and allocates funding for the upcoming year.

The District draws its irrigation and facility water sources from one unmetered 2,500-gallon private underground well located within the cemetery premises. The District also owns a second emergency reserve tank rated at a 3,000-gallon capacity.<sup>14</sup> The District informed LAFCo that both wells are rated with adequate capacity to continue serving the District's needs.<sup>15</sup>

## DISTRICT FINANCES

This section of the MSR includes financial information provided by District management. The District provided financial data to LAFCo so that it can determine if the District has sufficient revenues and financial systems to continue its provision of services to its customers. The following information and analysis is based on annual budgets and supportive documents made available by the District.

Consistent with the requirements of its principal act, the District prepares and adopts an annual budget on or before August 30<sup>th</sup> of each year.<sup>16</sup> 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.
- 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 the 1% property tax based on its pre-Proposition 13 level of taxation through the Fresno County Auditor-Controller/Treasurer-Tax Collector. Additionally, the District receives revenue from plot sales and services,

---

<sup>14</sup> District Secretary, personal communication, May 3, 2017.

<sup>15</sup> Ibid.

<sup>16</sup> HSC sec. 9070-9079 *et seq.*

intergovernmental agreements, and land interest generated by sold plots, from fees charged for services provided, operation grant funding, contributions, and capital grants.<sup>17</sup>

At the time this service review was prepared, the District's financial activity indicated that its total operating revenues are greater than its anticipated total operating expenditures. The District's outstanding debts consists of two loans that are in the process of being paid off by the District as reported in the District's Audited Financial Statement. One loan was for \$14,055, and enabled the District to purchase a Silverado Chevrolet Truck. The District anticipates it will pay off the vehicle loan by June 30, 2019. The second loan was for \$114,668, to finance the construction of the District's office building. The District anticipates it will pay off the construction loan by June 30, 2020.

According to the District's FY 2015-16 budget, the District shows \$595,923 available cash reserves. The District also anticipated it would receive \$951,118 in total estimated revenues.

The District accounts for various expenditures by budget line items. For FY 2015-16, the District's total expenses were proportional to its anticipated revenues of \$951,118. The following general categories identify the District's largest expense during FY 2015-16: salaries and employee benefits, cemetery and office supplies, financial reserves—appropriations, and repayment of two loans.

The District provided LAFCo with a current independent auditor's report, financial report, and supplementary information for the fiscal year ending June 30, 2015. The auditor's report provides LAFCo an overview representation on the District's financial practices.

According to the auditor's report, District accounts are organized on the basis of fund accounting, and it utilizes a "general fund" structure for its appropriations. Under fund accounting, different types of District operations are accounted for in different funds, each with a separate set of self-balancing accounts that comprise its assets, liabilities, fund balance, revenues and expenditures as appropriate.

The auditor's report indicates that at the time the financial audit was performed, the District's financial practices conformed with generally accepted accounting principles (GAAP). The District has an established endowment fund that could be used to maintain burial lots and the cemetery in perpetuity. The endowment fund is financed from user fees.

District assets exceed its liabilities by \$839,931. Of this amount, \$234,868 is invested in capital assets, and \$433,588 is restricted for cemetery facility maintenance. There are \$171,475 in unrestricted net position that is available for spending, used as District reserves. For the year ending on June 30, 2015, total net position decreased by \$22,782.

As of the end of June 30, 2015 FY, the District's government funds reported a combined ending fund balance of \$605,063.

---

<sup>17</sup> Fowler Cemetery District, Report on Audit of Financial Statement for Year Ended June 30, 2015.

## **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 efficiency in provision of services within the region.

Opportunities for shared facilities are limited. The District's is the only public cemetery in the Fowler area. The distance between Sanger-Del Rey Cemetery District, Selma Cemetery District, and Washington Colony Cemetery could burden district personnel, service delivery levels, and increase the agency's geographic responsibilities.

The District overlaps with the following types of special districts and cities that potentially could present opportunities for future shared facilities:

- Selma-Kingsburg-Fowler County Sanitation District
- Kings River Conservation District
- Fresno County Fire Protection District
- Consolidated Irrigation District
- Fresno County Library District
- Consolidated Mosquito Abatement District
- West Fresno County Red Scale District
- Malaga County Water District
- City of Fowler
- City of Fresno, portion

## **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 MSR program.

The California Legislature authorized the creation of public cemetery districts in 1909 through California Public Cemetery District Law. California's Public Cemetery District Law was last revised in its entirety 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 Supervisors from District 1 and 4 are responsible for appointing persons who are registrar voters and residents within the District boundaries to serve on the board.

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.<sup>18</sup> The current District board of trustees' terms are staggered and are set to expire in consecutive years as follows 2019, 2018, and 2020. 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.

---

<sup>18</sup> HSC section 9024.

The District is an independent special district governed by a three-member board of trustees, and functions independently from the County. 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. The board has one appointed District General Manager to carry out District policy, direct the agency's operations, provide daily supervision of staff and facilities, and administer the District's expenditures. The District's General Manager is assisted by one part-time secretary and two cemetery grounds men.

The general manager is responsible for the overall operation of the District, including but not limited to arranging burials, cemetery premises maintenance, and the preparation of the annual district budget. The District's secretary is responsible for financial accounts, billing books, and payroll. The two grounds men are full-time employees and help to maintain the cemetery's grounds and assist with burial events.

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 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.<sup>19</sup>

The District board of trustees receive \$50 per monthly meeting. The District is a member of the California Association of Public Cemeteries, California Special Districts Association, and Special District Risk Management Authority.

The District has an adopted mission statement that states the District's goals. Fowler Cemetery District's mission statement is, "To serve and provide interment services to individuals and families, and insure the respectful treatment of the deceased." LAFCo notes that having a mission statement is important and valuable because it determines the District's direction, and reminds District personnel and residents of the agency's direction.

During the preparation of this service review, LAFCo requested various public documents to determine whether the District has measures in place that promote government accountability. The District informed LAFCo that it has active memberships with the California Association of Public Cemeteries (CAPC) and California Special Districts Association (CSDA), additional information is provided later in the report. LAFCo notes that the District did not convey to LAFCo a copy of either agency policies, bylaws, or ordinances. LAFCo observes that HSC sec. 9044(a) requires that all public cemeteries adopt policies and procedures, including bidding regulations, governing the purchase of supplies and equipment. Nonetheless, with the participation of District staff, this service review collected the following information pertaining to the accountability as a public agency. LAFCo considers the information below as the District's longstanding practice:<sup>20</sup>

- District board meetings are open to the public. Board meetings are held on the last week of every month, on either a Monday, Wednesday, or Thursday at 10:00 a.m. at the District office on 8523 S. Fowler Avenue, Fowler, CA 93625.

---

<sup>19</sup> HSC section 9022.

<sup>20</sup> LAFCo communication with District Secretary, February 1, 2017.

- The board of trustees identifies its upcoming board meeting at the conclusion of each board meeting. The board's decisions are reflected in the meeting minutes. The District secretary provides written notice to each trustee and interested individuals regarding the identified upcoming board meeting.
- A notice of a board meeting is provided 72 hours before each board meeting. The notice includes an agenda and a copy of the previous board meeting minutes. The District secretary posts the board meeting's information at the District office in compliance with the Brown Act.
- Opportunity to address the board of trustees is provided on each meeting agenda. This provides the public an opportunity to address the legislative body on any items not on the agenda and within the jurisdiction of the District.
- Meeting notices are posted at the District office at a place accessible to the public. All meeting agendas identify items that the District board will consider during the meeting.
- The District board meetings may be called by the Chairperson, or by a majority vote of the District's board of trustees.
- The District's business hours are Monday through Friday, 8 a.m. to 5 p.m. Facilities are open to the public from sunrise to sunset.

The District informed LAFCo that board members are familiar with the Brown Act, and each trustee is provided a hard copy of the Brown Act. Each board member and District officer receives bi-annual training on the Brown Act and the Fair Political Practices Commission (FPPC). The District attends Brown Act and FPPC trainings provided by either Madera Cemetery District, California Special District Association, or California Association of Public Cemeteries.

As noted, the District is a member of the California Association of Public Cemeteries (CAPC), California Special District Association (CSDA), and a member of the Special District Risk Management Authority (SDRMA). The CAPC serves and promotes cooperation among California's public cemeteries to stimulate the healthy development of local governance by sharing emerging operation methods and procedures, share best practices information, share quarterly newsletters, and to foster education of public cemetery boards and supporting personnel.<sup>21</sup> The CSDA is the association that provides a strong voice for all independent special districts in the State by promoting legislative representation, educational resources, and support. The SDRMA provides special districts the most cost-effective risk management solutions in property and liability coverages, workers' compensation, and health benefits.

---

<sup>21</sup>California Association of Public Cemeteries, [http://www.capc.info/about\\_CAPC.html](http://www.capc.info/about_CAPC.html), May 5, 2017.

## ANY OTHER MATTERS RELATED TO EFFECTIVE OR EFFICIENT SERVICE DELIVERY

### *Agency Policy, Rules, and Procedures*

As noted, the District does not have adopted agency policies, bylaws, or ordinances as required by statute to be adopted after January 2004.<sup>22</sup> The District informed LAFCo that smaller Districts generally do not have funding ability to finance the creation of broad policy documents without passing the cost to its customers. Additionally, the District falls under the umbrella of the CAPC, and by practice, smaller member cemeteries refer or adopt the association's bylaws as their own.<sup>23</sup> After LAFCo's review of the CAPC's bylaws, LAFCo notes that the document by itself does not provide adequate District information pertaining to local governance and the agency's operation controls.

LAFCo observes that as of January 1, 2004, California statute requires that all public cemeteries adopt policies and procedures, including bidding regulations, governing the purchase of supplies and equipment.<sup>24,25</sup> As such, LAFCo encourages the District to prepare and adopt local policies in a timely manner that memorializes existing practices and identifies its governance structure. Such document should include adequate information to educate and orient the general public, existing/incoming trustees, and district personnel on the District's operation; and, as the District sets policy and conducts its business and affairs.

On May 4, 2017, LAFCo contacted the CAPC to enquire about education and legal resources available to its member agencies. CAPC's Executive Officer (EO) informed LAFCo that the association provides various resources to its member agencies; however, the association does not provide its members with legal counsel. The EO informed LAFCo that she is also the general manager of San Jacinto Valley Cemetery District (SJVCD), and was eager to share a copy of SJVCD's bylaws as an informational item to this MSR. The EO informed LAFCo that SJVCD's bylaws have been reviewed by the District's legal counsel, and recommended that any agency seeking to adopt bylaws should review and consult with their own legal counsel before proceeding forward (Appendix A – outline SJVCD template/example bylaws).

### *Sustainable Groundwater Management Act*

The District's jurisdictional boundaries overlap with the North Kings Groundwater Sustainability Agency and Central Kings Groundwater Sustainability Agency ("GSAs").<sup>26</sup> However, the District's facilities and underground wells are in solely in the Central Kings Groundwater Sustainability Agency. During the preparation of this MSR, the District informed LAFCo that it does not actively engage in groundwater recharge programs, nor has it entered into any Participation Agreements with any of the GSAs overlapping the District's boundaries. Under State statute, a GSA is responsible for developing and implementing a groundwater sustainable plan (GSP) to

---

<sup>22</sup> HSC sec. 9044 (a).

<sup>23</sup>District Secretary, personal communication, May 3, 2017.

<sup>24</sup> HSC section 9044(a).

<sup>25</sup> GC section 54201-54205.

<sup>26</sup> California Department of Water Resources, SGMA Portal, <http://sgma.water.ca.gov/portal/gsa/print/211>.



meet the sustainability goal of the basin to ensure that it is operated within its sustainable yield, without causing undesirable results.<sup>27</sup> As such, LAFCo anticipates that within the next five years the local GSAs will work with all cemeteries that rely on groundwater pumping to establish recharge programs to offset and balance groundwater usage within the groundwater table.

Small portions of the District's northern boundaries are located within the North Kings Groundwater Sustainability Agency (NKGSA). The NKGSA is comprised of the following local agencies: Fresno Irrigation District, the County of Fresno, the City of Fresno, the City of Clovis, the City of Kerman, Biola Community Services District, Garfield Water District, and International Water District. These agencies cooperate under the Agency (GSA) board of directors to undertake sustainable groundwater management measures in the portion of the Kings Sub basin underlying the GSA's boundary.<sup>28</sup>

The largest portion of the District lies in the Central Kings Groundwater Sustainability Agency (CKGSA). This GSA is comprised of Consolidated Irrigation District (CID), Fresno County, Kings County, and Tulare County. Fowler Cemetery District is represented by CID and Fresno County as it pertains to participation with future recharge programs, and interaction with the CKGSA.<sup>29</sup> Likewise, CKGSA and its member agencies together will undertake the implementation of state legislation within the portion of the Kings Sub basin underlying the GSA's boundary.<sup>30</sup>

---

<sup>27</sup> California Department of Water Resources, SGM Sustainable Groundwater Management, <http://www.water.ca.gov/groundwater/sgm/gsa.cfm>.

<sup>28</sup> California Department of Water Resources, SGMA Portal, <http://sgma.water.ca.gov/portal/gsa/all>.

<sup>29</sup> LAFCo communication with CID General Manager, May 4, 2017.

<sup>30</sup> California Department of Water Resources, SGMA Portal, <http://sgma.water.ca.gov/portal/gsa/all>.

## 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

- Population concentrations within the District occur in the City of Fowler, the unincorporated community of Malaga, and southern portions of the City of Fresno.
- The County of Fresno is the land use authority for unincorporated territory inside the District's service area, and the Cities of Fowler and Fresno are the land use authorities for their respective incorporated territories
- According to the ACS U.S. census tracts/block group units located within the District, there is an estimated total population of 31,733 people inside the District's boundaries.
- Communication with the District indicates that it has no plans to request an SOI expansion or annex any future territory. LAFCo expects that District growth will occur through expansion of its existing facilities or the purchase/lease of real property within the District boundaries.

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

- LAFCo identified one DUC 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 has a 38-acre cemetery site of which only 18-acres are in existing use; and, the remainder of the land is on reserve for future interments. The District informed LAFCo that it annually averages 100 to 120 interments. The District estimates that its 20-acre land reserve provides the District sufficient interment capacity for the next 20-years.
- The District's facilities consist of a 38-acre cemetery and office building located within the City of Fowler. Additionally, the District owns machinery, interment equipment, a 2014 Silverado Pick-up truck, and various tools required to fulfill its responsibilities as a public cemetery.

- The District’s general manager annually reviews and identified the District’s infrastructure needs, repairs, and improvements expenditures and allocates funding for the upcoming year.
- The District draws its irrigation and facility water sources from one unmetered 2,500-gallon private well located within the cemetery premises. The District also owns a second emergency reserve tank rated at a 3,000-gallon capacity. The District informed LAFCo that both wells are rated with adequate capacity to continue serving the District’s needs.

**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 30<sup>th</sup> of each year. The District’s budget projects anticipated revenues and expenditures using line items for the upcoming fiscal year.
- 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 the 1% property tax based on its pre-Proposition 13 level of taxation through the Fresno County Auditor-Controller/Treasurer–Tax Collector.
- The District receives revenue from plot sales and services, intergovernmental agreements, and land interest generated by sold plots, from fees charged for services provided, operation grant funding, contributions, and capital grants.
- The District’s financial practices conformed with generally accepted accounting principles (GAAP).
- The District outstanding debts consists of two loans that are in the process of been paid off by the District as reported in the District’s Audited Financial Statement. The District anticipates it will pay off the construction loan by June 30, 2020.
- At the time this service review was prepared, the District’s financial activity indicated that its total operating revenues are greater than its anticipated total operating expenditures.

**5. STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES**

- Opportunities for shared facilities are limited to the District’s administration and/or public facilities given that the District is the only public cemetery in the Fowler area.

**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 board of trustees receive \$50 per monthly meeting.

- The board has an appointed District General Manager tasked to carry out District policy, direct the agency's operations, provide daily supervision of staff and facilities, and administer the District's expenditures with the support of one part-time secretary, and two cemetery grounds men.
- The District has an adopted mission statement that states the District's goals.
- The District is a member of the California Association of Public Cemeteries (CAPC), California Special District Association (CSDA), and a member of the Special District Risk Management Authority (SDRMA).
- The District's government structure appears to be appropriate to ensure adequate services are managed and provided to its ratepayers, and within the Fowler area.

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

- The District does not have adopted agency policies, bylaws, or ordinances as required by statute after the January 2004.
- The District's jurisdictional boundaries overlap with the North Kings Groundwater Sustainability Agency and Central Kings Groundwater Sustainability Agency ("GSAs"). The District's facilities and underground wells are in solely in the Central Kings Groundwater Sustainability Agency.

### 3. SPHERE OF INFLUENCE UPDATE

When Fresno LAFCO updates, amends, or revises 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 Fresno County General Plan designates a majority of the land within the District for agricultural uses with the exception of the Cities of Fresno and Fowler, and the unincorporated community of Malaga.
- The County of Fresno is the land use authority for unincorporated territory, and the Cities of Fowler and Fresno are the land use authorities for their respective incorporated territories. The City of Fowler's General Plan designates urban uses for the area inside the Fowler SOI that overlaps with the District. Likewise, the City of Fresno's general plan designates urban uses for the land in the south-central area of the City and its SOI that overlaps with the District.

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

- The District's facilities consist of a 38-acre cemetery and office building located within the City of Fowler. Only 18 acres are being used, and 20-acres are in reserve and available for future use. The District annually averages 100 to 120 interments.<sup>31</sup> The District estimates that its 20-acre land reserve provides the District sufficient interment capacity for the next 20-years.
- The District draws its irrigation and facility water sources from one unmetered 2,500-gallon private well located within the cemetery premises. The District also owns a second emergency reserve tank rated at a 3,000-gallon capacity. The District informed LAFCo that both wells are rated with adequate capacity to continue serving the District's needs.
- The District's general manager annually reviews and identified the District's infrastructure needs, repairs, and improvements expenditures and allocates funding for the upcoming year.

#### 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 Fowler area.

---

<sup>31</sup> LAFCO Phone communication with the District Secretary.

**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. Affirm the existing Fowler Cemetery District SOI.
6. Recommend that the Fowler Cemetery District board of trustees adopt local policies and procedures in compliance with Health and Safety Code 9044 (a), in a timely manner.

## 5. ACKNOWLEDGEMENTS

This Municipal Service Review update was prepared by Fresno LAFCO. Supporting documentation was made available through the effective partnership between District staff and LAFCo. LAFCo extends its appreciation to the District 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.