

ORANGE COVE FIRE PROTECTION DISTRICT

MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE

Report to the
Fresno Local Agency Formation Commission

MSR-17-01 / SOI-171

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ORANGE COVE FIRE PROTECTION DISTRICT

Fire prevention, suppression, investigation, search and rescue, hazardous materials, and first responder services

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Management Information

District formed: 1941
Principal act: Fire Protection District Law of 1987 (Health and Safety Code Sec. 13800)
District powers: Prescribed in Health and Safety Code Sec. 13861-13879

Governing body: Three-member board of directors, elected at large
Board members: Lee Chase Bailey, President Elected 2011 - Expires 2020
James C. McKinney Appointed 2013 - Expires 2018
Manuel J. Ferreira Appointed 2013 - Expires 2018

Board meetings: Held second Monday of each month beginning at 7:00 p.m. at District Office
Staffing: 1 full-time, 3 part-time, 31 volunteer paid-call firefighters

Service Information

Population served: 12,000 estimate
Acres served: 27,200 acres (14,434 acres in Fresno County and 12,766 acres in Tulare Counties)
SOI Area: 27,200 acres
Infrastructure: Fire station is leased from City of Orange Cove, one water tender, three fire engines, four truck/vehicles

Fiscal Information

Budget: \$421,539
Sources of funding: Property taxes, state and federal grants, and Measure O Special Tax

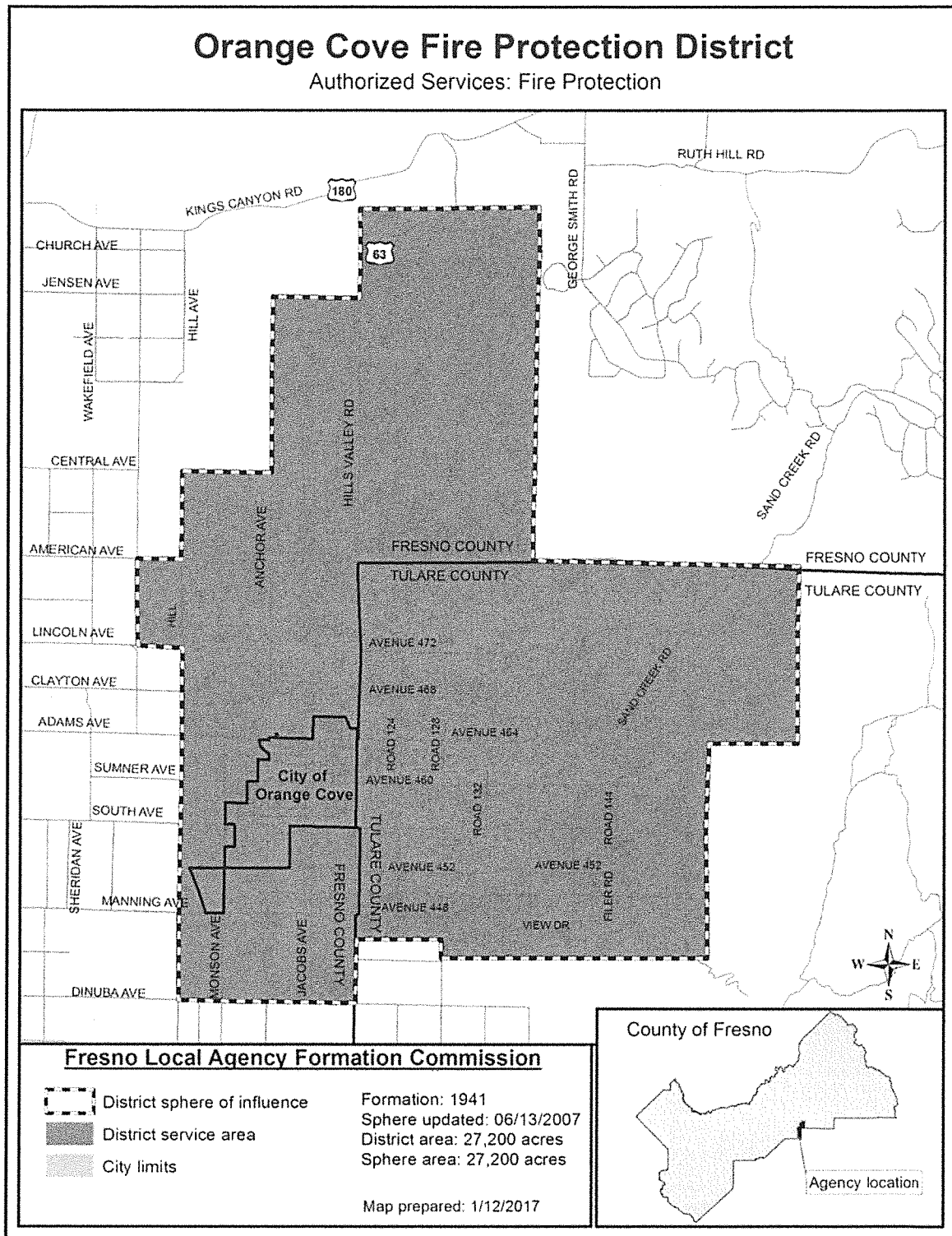
Administrative Policies

Policies/Procedures: Yes **By-laws:** Yes **District Formed:** 1941 **SOI Updated:** 2017

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Figure 1 – District Map



MSR and SOI update

Orange Cove Fire Protection District

1. MUNICIPAL SERVICE REVIEW

PRINCIPAL ACT

The Orange Cove Fire Protection District (District) was formed in 1941 to provide fire protection services for the City of Orange Cove and the unincorporated rural lands near the Orange Cove area. The District operates under the Fire Protection District Law of 1987.¹ The District's service area and sphere of influence (SOI) are conterminous and encompass 27,200 acres located within Fresno and Tulare Counties. Fresno County contains 14,434 acres which includes City of Orange Cove, while County of Tulare contains 12,766 acres of mostly agricultural land. Fresno County is the principal county as defined by California Government Code (GC).²

The District provides structural fire suppression, wildland fire suppression, emergency medical response, basic life support, hazmat operational and technical Level, rescue and extrication operational and technical level, year-around fire prevention program. The District contracts with Fresno County Fire Protection District for specific services such as arson investigation, enforcement of fire codes, and emergency 911 dispatch. The District responds to emergency 911 calls and other calls related to medical emergencies. The District also provides fire information reporting required under the California Fire Incident Reporting system.

The District is an independent special district governed by three-member elected board of directors. The District is not governed by another legislative body (either a city council or a county board of supervisors). Candidates eligible to serve on the board of directors must be a register voter and a resident within the District boundaries. The District's daily operations are managed by the fire chief and supported by volunteer department staff.

DISTRICT SERVICE AREA

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

The District is located south of State Route 180 (Kings Canyon Road), east of Cove Avenue, north of Dinuba Avenue, and west of Road 136 (in Tulare County). The City of Orange Cove is the only incorporated city inside the District. The City of Reedley is located approximately four miles west of the District, City of Dinuba is approximately two miles southwest, and the unincorporated community of Orosi is two miles south of the District.

¹ California Health and Safety Code Section 13800 et seq.

² California Government Code Section 56066 – "Principal county" means the county having the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property if reorganization is proposed.

Primary roads into the District service area include California State Route (SR) 180/ E. Kings Canyon Road, SR 63/ S. Hills Valley Road, E. Manning Avenue, and E. Adams Avenue. California SR 99 is located approximately 18 miles west of the District, SR 41 is approximately 24 miles further west of the District, and SR 198 (Visalia/Sequoia National Park) is located 20 miles south of the District.

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

DISTRICT MAPPING INFORMATION

The 2007 OCFPD MSR stated that the District encompassed 14,434 acres in Fresno County and noted that a portion of the District extended into Tulare County but did not specify acreage. In the development of the current MSR, Fresno LAFCo staff worked closely with Tulare LAFCo to identify accurate acreage for the Tulare County portion of the District's service area.³

Additional research into the Commission's record did not reveal any applications with regard to reorganizations, annexations, SOI Revisions, or detachments that would have modified the District boundaries. Therefore, LAFCo observes that the District has not experienced any boundary modifications since the Commission determined the District's SOI in 1975.

For this reason, LAFCo estimates the District's actual boundaries encompass a total of 27,200 acres, approximately 14,434 acres in Fresno County, and 12,766 acres in Tulare County.

AUTHORIZED DISTRICT SERVICES

LAFCo observes that under GC section 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 Fire Protection District Law, a fire protection district may exercise all rights and powers, expressed or implied under HSC section 13860-13879.

According to District records the agency provides wide range of services associated with the protection of lives and property through fire prevention, suppression, and medical response. Additional services authorized by statute include, but are not limited to:

- Structural fire suppression,
- Wildland fire suppression,
- Emergency medical response and basic life support,
- Hazardous material and operational and technical level,
- Rescue and extrication operational and technical level,

³ Orange Cove Fire Protection District - May 1975 Sphere of Influence Reports, Special Districts.

The District informed LAFCo that it contracts with Fresno County Fire Protection District for additional services such as emergency fire dispatch. The District participates has various signed mutual aid agreements for emergency response with neighboring agencies including: Fresno County Fire Protection District, Tulare County Fire Protection District, County of Fresno, County of Tulare, and the State of California Fire.

DISTRICT GROWTH AND POPULATION PROJECTIONS

The Counties of Fresno and Tulare are the land use authorities for territory in the District's service area. The Fresno County General Plan designates majority the land within the District for agricultural uses. The Tulare County General Plan likewise designates its portion of the District service area for agricultural use. Most of the land within the rural portions of the District is occupied by large-scale farming operations with permanent row crops. Also, a majority of the agricultural land within the District's service area is under Williamson Act Contract.⁴

According to U.S. census tract data, the District's estimated population (Fresno and Tulare County combined) is 23,400; with approximately 14,051 people in the unincorporated part of the District,⁵ and approximately 9,349 people residing in the City of Orange Cove.⁶ Future population growth relative to the eastern portion of Fresno County is most likely to occur inside the City of Orange Cove, City of Reedley, and neighboring cities, a growth pattern consistent with Fresno County policy to direct growth to the cities due to a wider range of municipal services they offer.⁷ In Tulare County, the City of Dinuba, and the unincorporated communities of Orosi and Cutler are the nearest communities outside the District's service area in Tulare County that would potentially host future growth. It is noted, however, that the Tulare County General Plan cites the Tulare County Association of Governments (TCAG) projection that the percentage of Tulare County's population living in unincorporated areas will decrease by 2030.⁸

The District coordinates with the City of Orange Cove, Fresno County, and Tulare County on development proposals that potentially could affect land uses and District service levels. Population growth in the Orange Cove area is conservative and balanced extensively by protected agricultural land. The majority of agricultural land within the District contains permanent row-crops and it is anticipated that land uses will remain the same over time. The District coordinates with local agencies through the City and Counties application review process so that development is adequately served by the District.

The District does not anticipate significant growth to occur for the next five to ten years, however, the District projects an increase needs for public safety services in and around the City

⁴ California Department of Conservation, Data and Maps, <http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx>.

⁵ United States Census Bureau, American Community Survey Information, 2009-2013- Fresno County. Tract 65.01 and 65.02 population estimates and Tulare County Tract 2.02.

⁶ United States Census Bureau, American Community Survey Information, 2009-2013-City of Orange Cove Population. Comments by District staff estimate the District's total population in both counties as approximately 12,000, though no source of this data was provided.

⁷ County of Fresno, Housing Element, pg. 7-58 – East Valley Market Area.

⁸ County of Tulare, General Plan Background Report February 2010, page 2-31.

of Orange Cove. Using the commission's 20 to 25-year planning horizon for SOIs, the District boundaries are relatively fixed and are not anticipated to be revised.

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.

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.⁹ 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.

The District's service area lies within various census geographic units in Fresno and Tulare Counties. Based on the census datasets obtained during the preparation of this report, the District's service area is located in various census geographic units that meet the MHI threshold consistent with the standard definition established for Disadvantaged Communities.¹⁰

The District provides public safety, protects lives, and protects property within its limited boundaries, which includes the City of Orange Cove. The District has automatic aid agreements with neighboring agencies, such as, Fresno County Fire Protection District and Tulare County Fire Protection District to provide fire protection and emergency response to location near Orange

⁹ US Census Bureau, http://www.census.gov/acs/www/guidance_for_data_users/estimates/.

¹⁰ Department of Water Resources- Disadvantaged Communities WC sec. 79505.5.

Cove. LAFCo observes that majority of the land in the District is rural agricultural land, while the City of Orange Cove holds the vast majority of the District's population. For the purpose of this MSR, the District serves an area considered by water code as Disadvantaged Communities; however, no DUC as defined by Fresno LAFCo DUC Policy were identified during the preparation of this report.

DISTRICT INFRASTRUCTURE

The District offers a number of services to its community residents including but not limited to fire suppression, rescue services, fire prevention, and emergency medical services. The District benefits from a share facilities contract with the City of Orange Cove which provides the District the fire station headquarters located at 550 Center Street, in the City of Orange Cove. The District entered into a 10-year lease agreement with the City of Orange Cove on September 12, 2012, for a portion of the facilities for a term of 20 years with no annual payments. The City of Orange Cove leases the other portion of the station to Orange Cove Police Department.

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

The District's Fire station is leased from City of Orange Cove, which also houses the Orange Cove Police Department. The District owns one water tender, three fire engines, four truck/vehicles which are listed below. The District owns and houses the following apparatuses at the fire station:

- 2016 Chevrolet Silverado 1500
- 2014 Ford F-550
- 2013 Chevy Silverado
- 2005 Sterling - 1T9500
- 2003 Ford F550
- 2001 Freightliner Pumper
- 1985 Ford FMC Van Pelt Pumper
- 1980 International S1824
- 1942 Ford Fire Truck (Parade vehicle only)

The District contracts with Fresno County Fire Protection District and City of Orange Cove for additional services.

The District operates and drives to and from incidents using emergency response vehicles. The District informed LAFCo that approximately 79% of its emergency response calls are within the Orange Cove city limits, and fewer emergency calls are in the rural areas of the District.

The District informed LAFCo various station improvements have been completed; specifically, shower facilities have been installed at the station for paid-firefighters to use during extended work shift periods and the station's sleeping quadrants have been increased to add more space for paid-firefighters working overnight hours.

The District draws its water resources for its fire engine/water tenders from various hydrant locations throughout the City of Orange Cove. In the more rural areas, during an emergency the District engines are capable of drawing water from canals or natural waterways.

The District serves an area approximately 27,200 acres in size, and has a class rating of "Class 5/5Y" through the Insurance Service Office (ISO).¹¹ The ISO is an agency that evaluates fire protection features for all fire departments for the purpose of establishing rates for underwriters, such as property insurance providers. ISO uses a rating system that is 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 5/5Y" is based on ISO Public Protection Classification Program's assessment and scoring of the District in four primary areas: 1) Emergency communications, Water supply, 3) Community risk reduction, 4) Fire department. The "Class 5" rating is assigned for the urban area in the District, while the "Class 5Y" rating corresponds to the rural areas in the District.

The District's general response time within the City of Orange Cove is three to five minutes. Response times in the rural areas of the District fall within 10 minutes once notified of the event to arrival at the scene of the incident.

During the preparation of this MSR, the District informed LAFCo it does not have plans to purchase new equipment or firefighting apparatuses due to annual limited funding available to the District. However, the District seeks opportunities to secure state and federal grants or enter into shared buying power agreements with CAL Fire to purchase large equipment and machinery on an as needed basis. The District informed LAFCo that it works with the City of Orange Cove and various agencies to keep the adequate service level deliveries.

The District has a capital improvement plan that assists the District to monitor its facility maintenance expenses, and identify funding to be set aside each year so that equipment and facilities are continuously maintained and operating efficiently. The District has a system in place that allow for funds to be used to support and enhance the levels of service and operations of the District.

DISTRICT FINANCES

This section of the MSR includes financial information provided by the District's Management on behalf of the District. 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 section is based on annual budgets, and supportive documents available through the District's participation with the Commission's MSR Program.

¹¹Insurance Service Office- Public Protection Classification Survey Results-Letter to OCFPD dated March 28, 2016.

The District prepares and adopts an annual budget on or before October 1st of each year consistent with the District's By-laws and Government Code.¹² The District's budget projects anticipated revenues and expenditures using detailed line items for the upcoming year.

The District's primary source of revenue is annual property taxes charged to all parcels within the District. The District receives those funds through the Fresno County Auditor-Controller/Treasurer-Tax Collector from both Fresno and Tulare Counties. At the time this service review was prepared, the District showed its total operating revenues greater than its anticipated total operating expenditures. The District reported to LAFCo that it has debt, which will be described later in this section.

The District informs LAFCo that though annual property taxes make up majority of the District's budget these revenues are minimal and generate minimal revenue to finance the District's operation. The District also pursues state and federal funding when opportunities arise agreeable to the District, primarily for capital projects and firefighting equipment. According to the District, it does not have an active fee program in place for services provided by the District.

According to the District's FY 2016-17 Budget, the District received \$421,539 in revenue for the fiscal year. District revenues are obtained through various means including the following general categories:

- Property tax secured and unsecured (both Counties) \$112,288, homeowners appropriations \$2,875, interest distributions \$2,244, Measure O \$47,700, Federal Housing \$30, Fish and Game \$30, Taxes \$11, Teeter \$118,475 Redevelopment funds \$33,153, and miscellaneous income \$ 30 totaling to \$316,811;
- Grant income, Homeland Security, miscellaneous grants (\$37,320); and
- Other (\$67,408).

The District accounts for various expenditures line items in its budget. For FY 2016-17, the District's total expenses amounted to \$366,476. The following general categories identify the District's largest expense during FY 2016-17.

- Capital Overlay/Grant Expenses, Volume Fire Assistance, Computers, Fuel, Others (\$69,869);
- Insurance, Payroll, Facility Repairs and Maintenance, Supplies and Equipment - Station and Office, and Training (\$296,607).

The District's budget shows \$55,063 as anticipated net income for FY 2016-17. \$12,000 of the district's anticipated budget is planned to be allocated toward monthly payments to CalPERS. The District's FY 2016-17 budget estimates a net income of \$43,063.

LAFCo staff was provided a copy of the District's most current independent auditor's report, financial report, and supplementary information for fiscal years ending June 30, 2014. Although the auditor's report accounts for a different time period than the District's FY 2016-17 budget, it provides LAFCo an overview representation on the District's financial practices. According to the Audit, the 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

¹² GC sec. 7900-7914.

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 District invests the majority of its cash with the Fresno County Treasurer which is part of the Fresno County Investment Pool and the rest of the amount in an account held with Union Bank. As of June 30, 2014, the Fresno County Investment Pool showed a District balance of \$337,371 and Union Bank showed a balance of \$64,289. All pooled funds are regulated by the California Government Code.

The auditor's report indicates that at the time the financial audit was preformed, the District's financial practices conformed with generally accepted accounting principles (GAAP). Additionally, the auditor's report notes that the District at that time was analyzing its accounting practices to determine potential impacts on establishing accounting and financial reporting standards related to government combinations and disposals of government operations.¹³

The auditor's report notes that on February 7, 2013, the District terminated its membership with CalPERS as the District's retirement program provider. As noted earlier in this report, a substantial portion of the District's debt is due with CalPERS. The auditor's report notes, that as of June 30, 2014, the District owed \$425,280 to CalPERS for a deficiency of assets, unfunded retirement benefits, and early termination liabilities. The District informed LAFCo that its Board is working with CalPERS to negotiate a repayment plan to avoid the District's debt altogether. Thus far, the District informed LAFCo that it has made a one-time cash settlement offer in the amount of \$85,000 to CalPERS. The District is still in negotiations with CalPERS and working toward reducing its CalPERS debt. The District's FY 2016-17 budget reports a monthly \$1,000 payment to CalPERS. The District anticipates an annual net income loss of \$12,063 in order to pay its debt to CalPERS. The fund balance is primarily the result of insufficient assets to fund the CalPERS liability that the District owes. CalPERS liability as of 12/31/16 was \$213,683.

A review of the Fresno County Auditor Controller/Treasurer-Tax Collector's schedule of levies for FY 2015-16, states that the District received a Net Levy amount of \$151,259, from properties in the District and in Fresno County.¹⁴ Likewise, Tulare County Auditor Controller/Treasurer-Tax Collector's Property Tax Review Estimate report for FY2015-16 shows that the District received a net revenue of \$95,300 from properties in the District and in Tulare County.¹⁵

On November 4, 2014, the City of Orange Cove proposed "Measure O" to the voters of the City, Orange Cove Department, and the District to authorize the City to impose a special property tax that would increase funding for police and fire protection services. Measure O resulted in a

¹³ Government Account Standard Board Statement No. 69, OCFPD Notes to the basic financial Statements June 30, 2014 page 15.

¹⁴ County of Fresno Schedule of Levies 2015-16, Orange Cove FPD, <http://www.co.fresno.ca.us/ViewDocument.aspx?id=67521>.

¹⁵ County of Tulare, Property Tax Revenue Estimates for FY 2015-16, <http://tularecounty.ca.gov/treasurertaxcollector/index.cfm/property-tax-accounting/reports/property-tax-revenue-estimates/2015-16-revenue-estimate/>.

majority two-thirds supermajority vote in support of the expenditures.¹⁶ The special tax was designed to be imposed annually with the an annual rate of: \$95 per single-family residential unit, \$65 per unit in a multi-family residential building, \$95 per agricultural parcel, \$495 per commercial parcel, and \$750 per parcel for areas zoned for industrial or manufacturing uses.¹⁷

LAFCo observes that that although the District expressed that it could benefit from additional revenues, there appear to be sufficient annual revenue that allows it to for its service levels to continue operating. Based on available financial information, the District's total revenues appear to exceed its liabilities at the time this MSR was prepared. It appears that the District is able to meet its financial obligations, and is available to meet the District's ongoing commitments to residents and creditors.

PUBLIC FACILITIES, OPPORTUNITIES FOR SHARED FACILITIES

The District is an independent special district governed by a three-member board of directors. The District already benefits from various mutual and shared facilities agreement with the City of Orange Cove. Additionally, the District has mutual aid agreements for dispatch and emergency response with Fresno County Fire Protection District, Tulare County Fire Protection District, Fresno County, Tulare County, and the state of California.

Other Districts that overlay the District include:

- The Fresno County Library - District provides library services;
- Consolidated Mosquito Abatement District;
- Alta Cemetery District;
- Orange Cove Irrigation District;
- Orange Cove Police Protection District; and
- Hills Valley Irrigation District.

Districts near OCFPD boundaries that provide municipal services and/ or fire protection:

- Fresno County Fire Protection 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 meetings, accessible staff, election processes, and the agency's governing structure. Additionally, this considers the agency's level of participation with the Commission MSR program.

Health and Safety Code, Section 13800 *et seq.*, (Fire Protection District Law of 1987) enables the formation of fire protection districts. The District has adopted bylaws, agency policies, and rules of conduct that govern the District's operation, and assist the District implement the fire

¹⁶ Fresno County, California November 4, 2014 Statewide General Election Official Report by County Clerk/Registrar of Voters, published December 2, 2014, <http://www.co.fresno.ca.us/DepartmentPage.aspx?id=59440>.

¹⁷ City of Orange Cove, Ordinance No. 368, Resolution No. 2014-37, <http://www2.co.fresno.ca.us/2850/post/2014NovMeasureOFullText.pdf>.

ordinance consistent with the California Fire Code and the International Fire Code. Citizen participation in the election process is an essential component of local government accountability. Any register voter residing within the District boundaries is eligible to be a candidate to serve on the District board, as known as the Commission of the District. For the purpose of this report, the District's Commission and Commissioner will be referred to as board of directors and board member.

The District is an independent special district with its separate board of directors, not governed by other legislative bodies (either a city council or a county board of supervisors). A body of three elected officials serve as the governing body of the District. The three members of the board are elected by voters within the District boundaries to four-year terms or until their successor qualifies and takes office.¹⁸ The three District board seats are filled, two are set to expire late 2018, and one term set to expire in 2020. The District board members are volunteers, and serve on the Board without compensation.

The board of directors creates District policy by adopting resolutions and ordinances through duly-noticed public meetings. The District board meets on the second Monday of each month at 7:00 p.m., at the District office conference room. All District board meetings take place at 550 Center Street, Orange Cove, California 93646. From time to time, the Board has the authority to change the Board meeting location and time with proper notice. Meetings are noticed consistent with Brown Act requirements, which include postings notice of hearing in public places. The District's Board agendas and meeting notice are posted 72 hours prior to the regular meetings at the District's office, Orange Cove U.S. Post Office, and at the Orange Cove - County of Fresno Library. Public notices are displayed in a clear visible and accessible site at the District's principal office.

The District board meetings are open to the public and residents are invited to attend the monthly board meetings. Opportunity to address the District board on items not on the agenda is provided on each meeting agenda. If a public member desires to present to the board, the person is encouraged to contact the District Office Manager or the Fire Chief in advance to place the item/concern on the next month's agenda. Board meetings are conducted using the current edition of Robert's Rules of Order. Each Board member is required to receive board member training which includes conflict of interest and ethics training.

The District's mission statement is, "The Orange Cove Fire Protection District protects life, property and the environment through emergency response, prevention and community awareness." The Board's adopted vision statement is, "The Orange Cove Fire Protection District embraces public service and will be recognized as a leader who responds effectively with well-trained and compassionate professionals."

The District is managed the District's Fire Chief, and daily office operations are overseen with the assistance of the Office Manager and assisting staff. The District informed LAFCo that it has one part-time fire chief, one full-time battalion chief, one part-time employee, and

¹⁸ Health & Safety Code sec. 13843 (a) The term of office of each member of a district board is four years or until his or her successor qualifies and takes office, except as provided in subdivision (b).

approximately 31 volunteer – paid-call firefighters. The District heavily relies on its volunteers; however, the District actively seeks/applies for grants to help fund additional staff & fire prevention programs within the community. The District's Battalion Chief identified the number of paid-call firefighters on as needed basis and availability of each volunteer to schedule reporting firefighters during an emergency incident. The District is an active member in the South Valley Training Officers Association, and the District requires each volunteer to attend training consistent with the District's personnel/officer policies.

The District was subject to a 2009 Fresno County Grand Jury (GJ) Report that noted various concerns associated with local governance.¹⁹ The GJ undertook the investigation to determine whether or not proper management practices, procedures, and policies had been established by the District, and whether or not they were being followed. The GJ report concluded with five recommendations for the District, summarized as follows:

- Written "Policies and Procedures" need updating to comply with current regulations changes. A "Volunteer's Reference Manual" Should be developed.
- The District should ask City of Orange Cove for inclusion on their website. District should disclose public records on the website, meeting agenda, job openings, policy documents, in pdf formats.
- Board and Fire Chief should approach the City of Orange Cove for annual finance support, assistance for the District's endeavor to impose its ISO classification.
- Amend District Bylaws to prevent former fire chiefs from serving on the District board, eliminate the Assistant Fire Chief and identify a replacement to cover the Fire Chief's responsibilities.
- GJ Recommendation "R905" addressed various local governance options for the District to consider ranging from increasing the Board membership, digitizing agency record, ethics and sexual harassment training, and updating District policy on a three to four-year frequency.

After reviewing the District's 2009 Grand Jury report, the 2009 CalPERS audit²⁰, and conducting a November 29, 2016, telephone conversation with District Office Manager Heather Alvarez, LAFCo staff concludes that the District has made a good-faith effort to resolve the issues raised in the Grand Jury's report.

¹⁹Fresno County 2009-2010 Grand Jury Report #9, Orange Cove Fire Protection District, <http://www.fresno.courts.ca.gov/pdfs/Grand%20Jury%20Reports/Grand%20Jury%20Final%20Report%202009-2010.pdf>.

²⁰Office of Audit Services, Public Agency Review OCFPD, Feb. 2013, <https://www.calpers.ca.gov/docs/forms-publications/compliance-orange-cove-fire.pdf>.

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 sec. §56425 and Fresno LAFCo policy. Pursuant to GC sec. §56430, the Commission has prepared the following written determinations.

1. GROWTH AND POPULATION PROJECTIONS FOR THE AFFECTED AREA

- The District's service area and sphere of influence (SOI) are conterminous and encompass 27,200 acres located within Fresno and Tulare Counties. Fresno County contains 14,434 acres which includes City of Orange Cove, while County of Tulare contains 12,766 acres of mostly agricultural land.
- The District SOI and service area encompass portions of both the County of Fresno and the County of Tulare. These counties are the respective land use authority for the unincorporated territory within the District and their respective General Plan Land Use Elements designate the majority of the District's territory for agricultural uses.
- The City of Orange Cove overlaps 1,150 acres within the District boundaries. Territory in the City is urbanized with various land uses including but not limited to commercial, open space/recreational, multi-family, and single family-residential uses.
- The District's estimated population (Fresno and Tulare County combined) is 23,400; with approximately 14,051 people in the unincorporated part of the District, and approximately 9,349 people residing in the City of Orange Cove. Future population growth relative to the eastern portion of Fresno County is most likely to occur inside the City of Orange Cove, City of Reedley, and neighboring cities, a growth pattern consistent with Fresno County policy to direct growth to the cities due to a wider range of municipal services they offer. In Tulare County, the City of Dinuba, and the unincorporated communities of Orosi and Cutler are the nearest communities outside the District's service area in Tulare County that would potentially host future growth. It is noted, however, that the Tulare County General Plan cites the Tulare County Association of Governments (TCAG) projection that the percentage of Tulare County's population living in unincorporated areas will decrease by 2030.
- The majority of agricultural land within the District contains permanent row-crops. Based on the Fresno and Tulare County General Plans it is anticipated that these land uses will remain the same over time.
- The District does not anticipate significant growth to occur for the next five to ten years, however, the District projects an increase demand for public safety services in and around the City of Orange Cove.

- Using the Commission's 20 to 25-year planning horizon for SOIs, the District boundaries are relatively fixed and are not anticipated to be revised.

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

- The District's service area lies within various census geographic units in Fresno and Tulare Counties. Based on the census datasets obtained during the preparation of this report, the District's service area is located in various census geographic units that meet the MHI threshold consistent with the standard definition established for Disadvantaged Communities.
1. For the purpose of this MSR, the District serves an area considered by water code as Disadvantaged Communities; however, no Disadvantaged Unincorporated Communities as defined by Fresno LAFCo DUC Policy were identified during the preparation of this report.
 2. The District provides public safety, protects lives, and protects property within its limited boundaries, which includes the City of Orange Cove. The District has automatic aid agreements with neighboring agencies, such as, Fresno County Fire Protection District and Tulare County Fire Protection District to provide fire protection and emergency response to location near Orange Cove. LAFCo observes that majority of the land in the District is rural agricultural land, while the City of Orange Cove holds the vast majority of the District's population.

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

- The District offers a number of services to its community residents including but not limited to fire suppression, rescue services, fire prevention, and emergency medical services.
- The District entered into a 10-year lease agreement with the City of Orange Cove on September 12, 2012, for a portion of the facilities for a term of 20 years with no annual payments. The City of Orange Cove leases the other portion of the station to Orange Cove Police Department.
- The District has identified needed station improvements and has completed improvements to its station to accommodate its paid-firefighters working overnight hours.
- The District is managed by the District Fire Chief, and daily operations are overseen with the assistance of the District's Office Manager/Bookkeeper. The District employs one part-time fire chief, one full-time battalion chief, one part-time employee, and approximately 31 volunteer – paid-call firefighters.

- The District owns one water tender, three fire engines, four truck/vehicles which are listed below. The District owns and houses the following other apparatuses at the fire station.
- The District informed LAFCo that approximately 79% of its emergency response calls are within the Orange Cove city limits, and fewer emergency calls are in the rural areas of the District.
- The District draws its water resources for its fire engine/water tenders from various hydrant locations throughout the City of Orange Cove. In the more rural areas, during an emergency the District engines are capable of drawing water from canals or natural waterways.
- The District has a class rating of “Class 5/5Y” through the Insurance Service Office (ISO).
- The District’s general response time within the City of Orange Cove is three to five minutes. Response times in the rural areas of the District fall within 10 minutes from notification of the incident to arrival at the scene.
- The District seeks opportunities to secure state and federal grants or enter into shared buying power agreements with CAL Fire to purchase large equipment and machinery on an as needed basis. The District informed LAFCo that it works with the City of Orange Cove and various agencies to keep the adequate service level deliveries.

4. FINANCIAL ABILITY OF AGENCY TO PROVIDE SERVICES

- The District has a capital improvement plan that assists the District to monitor its facility maintenance expenses, and identify funding to be set aside each year so that equipment and facilities are continuously maintained and operating efficiently. The District has a system in place that allow for funds to be used to support and enhance the levels of service and operations of the District.
- The District prepares and adopts an annual budget on or before October 1st of each year consistent with the District’s By-laws and Government Code.
- The District’s primary source of revenue is annual property taxes charged to all parcels within the District. The District receives those fund through the Fresno County Auditor-Controller/Treasurer–Tax Collector from both Fresno and Tulare Counties.
- The District’s FY 2016-17 Budget projects revenue of \$421,539 and expenses of \$366,476. \$12,000 of the District’s anticipated budget is allocated toward monthly payments to CalPERS. The District’s FY 2016-17 budget estimates a net income of \$43,063.

- The District pursues state and federal funding when opportunities arise agreeable to the District, primarily for capital projects and firefighting equipment.
- The District does not have an active fee program in place for administrative services it provides.
- The District's most current independent auditor's report, financial report, and supplementary information for was for the fiscal year ending June 30, 2014. The auditor's report indicated that at the time the financial audit was performed, the District's financial practices conformed with generally accepted accounting principles (GAAP). The auditor's report notes that the District was analyzing its accounting practices to determine potential impacts on establishing accounting and financial reporting standards related to government combinations and disposals of government operations.
- The auditor's report notes that the District terminated its membership with CalPERS as the District's retirement program provider. A substantial portion of the District's debt is due with CalPERS; The District is in negotiations with CalPERS and working toward reducing its CalPERS debt.
- The respective County Auditor Controller/Treasurer-Tax Collector's schedule of levies for FY 2015-16, identifies a District net revenue of \$151,259 from properties in Fresno County and revenue of \$95,300 from properties in Tulare County.
- On November 4, 2014, the City of Orange Cove proposed "Measure O" to the voters of the City, Orange Cove Department, and the District to authorize the City to impose a special property tax that would increase funding for police and fire protection services.
- The District receives sufficient annual revenue to support its current service levels, meet its financial obligations.

5. STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- The District benefits from a share facilities contract with the City of Orange Cove which provides the District the fire station headquarters located at 550 Center Street, in the City of Orange Cove.
- The District contracts with Fresno County Fire Protection District and City of Orange Cove for additional services.

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

- The District's government structure appears to be appropriate to ensure services are adequately provided and managed. At the time preparing this MSR, the District and City of Orange Cove's interaction demonstrate effective collaboration to ensure public safety is maintained and continue operating at reliable service levels in the Orange Cove area.
- The District's adopted core values emphasize, accountability, dedication, service, and trust with the Orange Cove community. At the time LAFCo prepared this MSR, the District's government structure appeared to be adequately structured, operates, and fulfills its role as a services provider within the Fresno County area.
- The District is an independent special district with its separate board of directors, not governed by other legislative bodies (either a city council or a county board of supervisors). A body of three elected officials serves as the governing body of the District. The three members of the board are elected by voters within the District boundaries to four-year terms or until their successor qualifies and takes office.
- The District board meets on the second Monday of each month beginning at 7:00 p.m. at the District Office at 550 Center Street, Orange Cove, CA 93646.
- Meetings are noticed consistent with Brown Act requirements, which include postings in public places, such as the District headquarters. Public notices are displayed outside of the District office ten days before each meeting.
- Opportunity to address the District board on items not on the agenda is provided on each meeting agenda.
- The District's government structure appears to be appropriate to ensure services are adequately provided and managed.

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

- This MSR identifies the complete service area and SOI of the District, including portions in Tulare County.
- Fresno County is the principal county as defined by California Government Code Section 56066 (GC).
- The District was subject to a 2009 Fresno County Grand Jury (GJ) Report that noted various concerns associated with local governance. Since that time, the District has made a good-faith effort to resolve the issues raised in the Grand Jury's report.

3. SPHERE OF INFLUENCE DETERMINATIONS

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 is defined as "a plan for the probable physical boundaries and service area of a local agency, as determined by the commission."

In determining a sphere of influence, the Commission may assess the feasibility of governmental reorganization of particular agencies and recommend reorganization of those agencies when reorganization is found to be feasible and if reorganization will further the goals of orderly development and efficient and affordable service delivery. The Commission shall make all reasonable efforts to ensure wide public dissemination of the recommendations.

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. The Commission may require existing districts to file written statements with the Commission specifying the functions or classes of services provided by those districts.

Section 1 of this MSR provides the foundation for the SOI determinations. In determining the sphere of influence of each local agency, the Fresno LAFCo shall consider and prepare a written statement of its determinations with respect to each of the following:

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

- The District provides public safety, protects lives and property within its limited boundaries.
- The District's service area and SOI are coterminous and encompass 27,200 acres in Fresno and Tulare Counties. Land within the District varies from agriculture, residential, and commercial facilities. The City of Orange Cove is the only incorporated are in the District.
- The Counties of Fresno and Tulare are the land use authority for the unincorporated land within the District; their respective General Plan Land Use Elements designate majority of the District's territory for agricultural use with the exception of the incorporated City of Orange Cove. The City is the land use authority for territory within its corporate limits.

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

- The District informed LAFCo that while its growth projections are relatively minimal, it anticipates an increased need for public safety services within and around the City of Orange Cove.
- The District has a capital improvement plan that assists the District to monitor its facility maintenance expenses, and identify funding to be set aside each year so that equipment and facilities are continuously maintained and operating efficiently. The District has a system in place that allow for funds to be used to support and enhance the levels of service and operations of the District.
- The District serves an area approximately 27,200 acres in size, and has a class rating of "Class 5/5Y" through the Insurance Service Office (ISO).
- The District's general response time within the City of Orange Cove is three to five minutes. Response times in the rural areas of the District fall within 10 minutes once notified of the event to arrival at the scene of the incident.
- The District contracts with Fresno County Fire Protection District for specific services such as arson investigation, enforcement of fire codes, and emergency 911 dispatch. The District responds to emergency 911 calls and other calls related to medical emergencies. The District also provides fire information reporting required under the California Fire Incident Reporting system.

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

- The District facilities are adequate to support its public safety mission.

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

- No community, exclusive of the Disadvantaged Community, exists.

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 public safety, protects lives, and protects property within its boundaries, which includes the City of Orange Cove.

- The District serves an area considered by water code as Disadvantaged Communities; however, no DUC as defined by Fresno LAFCo DUC Policy were identified during the preparation of this report.

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 Orange Cove FPD SOI.

5. ACKNOWLEDGMENTS

This Municipal Service Review update was prepared by Fresno LAFCO. Orange Cove Fire Protection District administration provided substantial information included in this service review. Supporting documentation was made available through the effective partnership between the District and Fresno LAFCo. Fresno LAFCo staff extends its appreciation to the District Board, Tom Greenwood, District Fire Chief, and Heather D. Alvarez, Business Manager of the District for their assistance and active participation 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.fresnolaftco.org/default.asp>

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