

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

AGENDA ITEM NO. 7

DATE: June 14, 2017

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

BY: George Uc, Senior LAFCo Analyst

SUBJECT: **Consider Adoption:** Municipal Service Review and Sphere of Influence Update for Fowler Cemetery District

Recommendation: Adopt the Municipal Service Review update prepared for Fowler Cemetery District and update the District's sphere of influence by taking the following actions:

- A. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines find that the MSR prepared for Fowler Cemetery District is Categorically Exempt from the provisions of CEQA under Section 15306, "Information Collection."
- B. Find that the Municipal Service Review prepared for Fowler Cemetery District is complete and satisfactory.
- C. Find that the written determinations and recommendations included within the Municipal Service Review and Sphere of Influence update for Fowler Cemetery District satisfy State Law.
- D. Pursuant to Government Code Sections 56425 and 56430 make the required determinations and recommendations for the Municipal Service Review and Sphere of Influence update, and adopt the Municipal Service Review prepared for the District, and update the Sphere of Influence for the said District by reaffirming the existing boundaries.

Executive Summary

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. Staff recommends that the Commission affirm the current sphere of influence (SOI). The attached Municipal Service Review (MSR, Attachment B) provides supportive evidence and recommends the affirmation of the District's current SOI.

Fowler Cemetery District General Manager David J. Muro actively participated in the development of the MSR and has received a copy of this report.

Cemetery Districts

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.¹

There are 12 cemetery districts in County of Fresno: Clovis, Coalinga-Huron, Dunlap, Fowler, Kingsburg, Oak Grove, Parlier, Reedley, Sanger/Del Rey, Selma, Squaw Valley, and Washington Colony.

In accordance with Government Code section 56066, Fresno County is the principal county for Fowler Cemetery District and LAFCo is responsible for updating the SOI for the District consistent with section 56425(g). In order to update the agency's SOI, Fresno LAFCo has prepared the attached service review in accordance with section 56430.

Fowler Cemetery District - Discussion & Summary of Determinations

The Fowler Cemetery 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 are to set policy, define goals and objectives, and adopt rules and regulations as the custodians of the District's property. The board appoints a 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 General Manager is assisted by a part-time secretary and two cemetery grounds men.

The District's service area and SOI are coterminous, and encompass 23,691 acres located in central Fresno County. The District is generally bounded by Jensen Avenue on the north, Orange Avenue on the west, Floral Avenue on the south, and Highland Avenue on the east (Exhibit A).

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. The District has a 38-acre cemetery site of which only 18 acres are in existing use; the remainder of the land is reserved for future interments. The District annually averages 100 to 120 interments and estimates that its 20-acre land reserve provides sufficient interment capacity for the next 20 years.

The District's primary source of revenue is the annual property tax charged to all parcels within its service area. Additionally, 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.² For the 2015-16 fiscal year, the District's budget totals \$951,118.

¹ Health and Safety Code (HSC) section 9000.

² Fowler Cemetery District, Report on Audit of Financial Statement for Year Ended June 30, 2015.

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's service area overlaps with the North Kings Groundwater Sustainability Agency and Central Kings Groundwater Sustainability Agency ("GSAs"). The Central Kings Groundwater Sustainability Agency (CKGSA) is comprised of Consolidated Irrigation District (CID), Fresno County, Kings County, and Tulare County. 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. 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.

Fowler Cemetery District is represented by CID and Fresno County as it pertains to participation with future recharge programs, and interaction with the CKGSA.³ 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.⁴

Under State statute, a GSA is responsible for developing and implementing a groundwater sustainable plan (GSP) to meet the sustainability goal of the basin to ensure that it is operated within its sustainable yield, without causing undesirable results. 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.

LAFCo staff observed that the District did not have adopted agency policies, bylaws, or ordinances as required by the District's principal act after January 2004.⁵ The District informed LAFCo that it generally does not have the funding to finance the creation of broad policy documents without passing the cost to its customers. Nonetheless, such having such local policies and procedures is necessary to comply with Health and Safety Code. 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.

Staff researched the matter of cemetery district bylaws and provided an example to the District for its consideration.

Using the Commission's 20 to 25-year planning horizon for SOIs, District management does not expect any boundary growth or activities to occur.

Summary/Background

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

³ LAFCo communication with CID General Manager, May 4, 2017.

⁴ California Department of Water Resources, SGMA Portal, <http://sgma.water.ca.gov/portal/gsa/all>.

⁵ HSC sec. 9044.

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

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

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

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

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

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

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

Environmental Determination

The California Environmental Quality Act ("CEQA") requires that the Commission undertake and review an environmental analysis before granting approval of a project, as defined by CEQA. MSRs are categorically exempt from the preparation of environmental documentation under a classification related to information gathering (Class 6 - Regulation section 15306), which states: "Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource." Indeed, MSRs collect data for the purpose of evaluating municipal services provided by the agencies. There are no land use changes or environmental impacts created by such studies.

There is no possibility that this MSR and SOI update may have a significant effect on the environment because there are no proposed changes to the environment.

G:\LAFCO WORKING FILES\000 HEARINGS\2017\JUNE 14, 2017\Staff Report - Fowler Cemetery District MSR_GU_DF.doc