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

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AGENDA ITEM NO. 6

**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 Clovis Cemetery District

**Recommendation:** Adopt the Municipal Service Review update prepared for Clovis Cemetery District and update the District's spheres 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 Clovis Cemetery District is Categorically Exempt from the provisions of CEQA under Section 15306, "Information Collection."
- B. Find that the Municipal Service Review prepared for Clovis 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 Clovis 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 Clovis Cemetery District ("District") was formed in 1925 to provide burial and interment of human remains to meet the cultural, economic, religious, and social needs within the Clovis area. The District is an independent special district governed by a five-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.

Clovis Cemetery District General Manager Anna M. Herrera, actively participated in the development of the MSR and was provided 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.<sup>1</sup>

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 Clovis 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.

### **Clovis Cemetery District - Discussion & Summary of Determinations**

The Clovis Cemetery District is an independent special district governed by a five-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 has an 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 a full-time secretary and 11 cemetery grounds men.

The District's service area and SOI are coterminous, and encompass 879,000 acres located in northeast Fresno County. The District service area spans east of State Route 41 (SR), generally follows the Madera-Fresno County line to the north, a portion of the District extends east toward the Fresno-Inyo County line, generally north of SR 180. Clovis Cemetery District is the largest public cemetery district in Fresno County.

Population concentrations within the District occur in the City of Clovis, City of Fresno, and the unincorporated communities of Auberry, Friant, Lakeshore, Prather, and Shaver Lake. A substantial portion of the District's service area lies in the unincorporated areas of Fresno County. Land uses outside of the two cities are primarily agricultural, rural residential and open space. 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 Clovis and Fresno are the land use authorities for their respective incorporated territories. The largest growth area anticipated to occur inside the District's service will likely be generated by the City of Clovis. According to the ACS U.S. census, there is an estimated total population of 304,740 people inside the District's boundaries.<sup>2</sup>

The District owns six cemetery facilities located within the District's boundaries:

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<sup>1</sup> Health and Safety Code (HSC) section 9000.

<sup>2</sup> Calculated Population by LAFCo using ACS five-year reports for 2011-14; 183 block group units within the District boundaries. January 31, 2017.

- **Academy Cemetery**, the site encompasses 10 acres and is located on North Mendocino Avenue near Tollhouse Road. This facility is a non-irrigated cemetery with an existing well on site.
- **Auberry Cemetery**, the site encompasses approximately three acres and is located on Auberry Road, east of Hokes Corner Lane. This site hosts an average of one burial service every four years and has adequate capacity for the next 50 years. This facility is a non-irrigated cemetery.
- **Clovis Cemetery**, this site encompasses 33 acres and is located south of Herndon Avenue and east of Villa Avenue in the City of Clovis. The District estimates that this facility has a 30-year capacity; however, this estimate is influenced by the burial to cremation ratio. The District irrigates this facility with water from an existing well.
- **Redbank Cemetery**, this site encompasses five acres located on Shaw Avenue east of Indianola Avenue, northeast of County Service Area No. 47 (Quail Lake Estates). This facility host one storage shop, district equipment, and machinery. This facility will experience a 20-acre phased expansion within the next five year. The District informed LAFCo that after the expansion is complete this facility would have a 75-year capacity.
- **Sentinel Cemetery**, this site encompasses less than one acre, and is currently not in use. This cemetery is located (APN 138-371-23) along the west side of Morgan Canyon Road (Highway 168), approximately 500 feet north of Coyote Hills Lane. The District has plans to develop this site to meet future demands but no timeline has been established to begin its use.
- **Tollhouse Cemetery**, this facility site is located on Tollhouse Road, south of Cemetery Lane near the unincorporated community of Tollhouse. The 20-acre facility hosts a storage shop and a restroom structure. This cemetery site experiences 13 to 15 cremation interments per year. The District expects cremation to continue being the prevalent trend; as such, the planned half-acre expansion will provide adequate capacity for the next 30 years. This site is a non-irrigated cemetery with an existing well.

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 of the 1% property tax through the Fresno County Auditor-Controller/Treasurer-Tax Collector based on its pre-Proposition 13 level of taxation. The District also receives revenue from plot sales, services rendered, intergovernmental agreements, and land interest generated by sold plots, operation grant funding, contributions, and capital grants. For the 2015-16 fiscal year, the District's budget totals \$1,877,702.42. At the time this MSR was prepared, the District indicated that it had no outstanding long-term loans or unpaid debts.

During the MSR process, the District indicated that it previously provided supporting staff assistance and operation mentorship to Selma Cemetery District, Sanger/Del Rey Cemetery District, Parlier Cemetery District, and Kingsburg Cemetery District. The District's mentorship program ranged from providing operation assistance, management procedural advise, training staff, and training other District's Board of Trustees. The District informed LAFCo that it plans to continue its mentorship program with agencies that requested assistance from the District.

The western, valley portion of the District lies within the North Kings Groundwater Sustainability Agency (NKGSA), which is composed of the Fresno Irrigation District (FID), 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 an GSA board of Directors to undertake sustainable groundwater management in the portion of the Kings Sub basin underlying the GSA's boundary. The GSA's board of directors have also entered into a Participation Agreement with Bakman Water Company and plans to enter in Participation Agreements with the Fresno Metropolitan Flood Control District and California State University Fresno.<sup>3</sup>

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.<sup>4</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.

The District's six facilities are noncontiguous throughout the Clovis and Sierra Nevada foothill area. Underground wells are located at Academy, Clovis, Redbank, and Tollhouse cemeteries. Only Clovis Cemetery pumps groundwater for irrigation purposes. The District designates Academy, Redbank, and Tollhouse cemeteries as non-irrigated facilities. In addition, Redbank Cemetery is located inside the FID boundaries and this property site is eligible to receive contract surface water from the FID via the Enterprise Canal. During the preparation of this MSR, the District informed LAFCo that it does not track it underground pumping. The District does not appear to be actively engaged in a groundwater recharge program, nor has it entered into a Participation Agreement with the NKGSA.

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.

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

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<sup>3</sup> Gary R. Serrato, Executive Officer/Secretary, North Kings Groundwater Sustainability Agency, "Notice of the North Kings Groundwater Sustainability Agency's Election to Become a Groundwater Sustainability Agency for a Portion of the Kings Subbasin," January 3, 2017.

<sup>4</sup> California Department of Water Resources, SGM Sustainable Groundwater Management, <http://www.water.ca.gov/groundwater/sgm/gsa.cfm>.

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. This MSR is 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. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded." 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.