




LAFCO - San Luis Obispo - Local Agency Formation Commission
SLO LAFCO - Serving the Area of San Luis Obispo County

TO: MEMBERS, FORMATION COMMISSION

FROM: DAVID CHURCH, AICP, EXECUTIVE OFFICER 

DATE: NOVEMBER 18, 2010

SUBJECT: PUBLIC CEMETERY DISTRICTS OF SAN LUIS OBISPO COUNTY, APPROVAL OF NOTICE OF EXEMPTION, SPHERE OF INFLUENCE UPDATE AND MUNICIPAL SERVICE REVIEW

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Recommendation: It is respectfully recommended that LAFCO take the following actions to update the Spheres of Influence for the Public Cemetery District's:

1. Approve and adopt the Notice of Exemption from the California Environmental Quality Act (CEQA) found in Attachment One.
2. Approve by resolution the Sphere of Influence Update and Municipal Service Review for the Public Cemetery Districts in the County proposed in Attachment Three.
3. Direct Staff to work with Adelaida and Estrella Cemetery Districts to explore possible service and governance improvement options.

Summary. A Sphere of Influence (SOI) is defined by the Cortese-Knox-Hertzberg (CKH) Act as "...a plan for the probable physical boundary and service area of a local agency or municipality...". An SOI is generally considered a 20-year growth boundary for a jurisdiction. The Act further requires that a Municipal Service Review be conducted prior to, or in conjunction with, the update of a Sphere of Influence and boundary. The Cortese-Knox-Hertzberg Act also requires LAFCO to update the Spheres of Influence for all applicable jurisdictions in the County.

The Local Agency Formation Commission (LAFCO) of San Luis Obispo County has prepared a Sphere of Influence Update and Municipal Service Review for the Public Cemetery Districts in accordance with the Cortese-Knox-Hertzberg Act. The Sphere Update proposes that the following Districts maintain their existing Sphere of Influence:

- Adelaida
- Arroyo Grande
- Atascadero
- Cambria
- Cayucos-Morro
- Estrella
- Paso Robles
- San Miguel
- Shandon
- Santa Margarita
- Templeton

Attachment 1:
Notice of Exemption

Attachment 2:
Proposed Changes

Attachment 3:
Draft Resolution

Staff has recommended that various options be researched and analyzed to determine if consolidation, or dissolution, of these districts is feasible or makes for better governance for area residents.

Municipal Service Review. The Municipal Service Review has been prepared in accordance with Section 56430 of the California Government Code as a means of evaluating public services provided by the 11 Public Cemetery Districts located in the County of San Luis Obispo. It responds to the requirement that LAFCO conduct a MSR to study the delivery of services and update Spheres of Influence.

The legislative authority for conducting Service Reviews is provided in the CKH Act. The Act states, "That in order to prepare and to update Sphere of Influences in accordance with Section 56425, LAFCOs are required to conduct a review of the municipal services provided in the County or other appropriately designated area..." A Service Review must address the following factors in order to update a Sphere of Influence:

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

Information regarding each of the above factors is provided in the Service Review. The Cemetery Districts, Boards of Trustees and the District Managers have provided information regarding each Service Review factor, completed an informational survey, and provided other needed information. The Service Review is used as an information base to update each District's SOI as recommended.

Background. Public Cemetery Districts are single purpose special districts formed and governed under the Health and Safety Code. Under the California Health and Safety Code Section 9000-9093, Cemetery Districts are legally authorized to provide standard cemetery functions, including land acquisition, cemetery maintenance, interment/disinterment services and grounds keeping. In private religious and fraternal cemeteries, the costs of these services are reflected entirely in the prices of grave spaces, burial fees, and charges against endowment funds. Public Cemetery Districts finance these services through property taxes, fees for services (the sale of burial plots, charges for openings and removals, and setting of markers). The County Board of Supervisors are responsible for appointing the Board of Trustees for each District.

There are 11 cemetery districts providing services throughout San Luis Obispo County. Residents in certain portions of the County, including San Luis Obispo, Los Osos, Nipomo, Creston, Pozo, Avila Beach, California Valley and a small area near Adelaida, do not reside within the boundaries of any public cemetery district and must pay a non-residents fee to be served, use a private cemetery or make other arrangements. Most of the County's communities are served by one of the districts.

A governing body (Board of Trustees) is established to administer the operation of a cemetery district and is composed of three or five members as specified in the petition for the formation of the District. The Board of Supervisors appoints these members with the District Supervisor making the selections. After a District has been formed, the boundaries of the District may be altered to include areas within the Sphere of Influence. Table 1 summarizes information about each of the districts:

Table 1
Public Cemetery Districts of San Luis Obispo County

Cemetery District	Service Area/ SOI Acreage	Population	Interments Per Year	Annual Budget (\$)	Endowment Fund (\$)
Adelaida	104,365 0	1,001	0-2	0	<\$10,000
Arroyo Grande	348,401 58,397	66,375	176	414,484	1,211,661
Atascadero	47,840 70,545	29,860	90	365,227	798,033
Cambria	152,677 0	7,731	40	148,469	86,927
Cayucos-Morro	112,016 0	17,850	48	279,622	320,775
Estrella	51,998 0	4,929	0-2	0	0
Paso Robles	142,884 61,367	35,880	120	568,851	1,189,700
San Miguel	113,766 0	4,553	10	85,385	32,134
Santa Margarita	141,909 43,090	4,381	25	34,763	16,013
Shandon	249,019 9,044	2,589	1-5	16,500	17,257
Templeton	63,886 0	10,671	25	397,514	76,329

The 2008-2009 Grand Jury reviewed the governance and operation of the eleven public cemetery districts in San Luis Obispo County. The Grand Jury did not find evidence of irresponsible operation of any of the cemeteries but did find that some of the smaller cemeteries operate with an informality which may jeopardize the long term continuity and integrity of the cemetery.

Sphere of Influence Update. An important tool utilized in implementing the CKH Act is the adoption of a Sphere of Influence for a jurisdiction. The Sphere Update chapter of the document, along with the Municipal Service Review chapters, provide the basis for updating the Spheres of Influence of the 11 Public Cemetery Districts. The CKH Act calls for a Municipal Service Review to be completed either prior to or concurrent with a Sphere of Influence Update. In the case of the Public Cemetery Districts, the Municipal Service Review and Sphere of Influence Update are processed concurrently to optimize resources. The Cortese-Knox-Hertzberg Act calls for SOI's to be updated every five years or as needed.

Environmental Determination. LAFCO is the Lead Agency for the proposed Sphere of Influence Update and Service Review. The purpose of the environmental review process is to provide information about the environmental effects of the actions and decisions made by LAFCO and to comply with the California Environmental Quality Act (CEQA). The MSR qualifies for a Class 6 - Regulation Section 15306. Additionally, the SOI updates qualify for a general rule exemption from environmental review based upon CEQA Regulation Section 15061(b)(3). This Notice of Exemption will be filed with the County Clerk upon approval of the SOI Update and Service Review.

Reasons for CEQA Exemption. The proposed Sphere of Influence Update and Municipal Services Review does not involve, authorize or permit the siting or construction of any facilities associated with any of the 11 public cemeteries in San Luis Obispo County. The 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." CEQA Regulation Section 15061(b)(3) states "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." There are no land use changes or environmental impacts created or recommended by the SOI update. No changes to the Spheres of Influence of the 11 other public cemeteries are recommended in the Sphere of Influence Update document.

Public Participation. The documents were released for a 30-day public review on September 15, 2010 with the Public Review period closing on October 15, 2010. A Notice of Hearing and 30-day public review period was published in a newspaper of general distribution (The Tribune) as required by the CKH Act. The document was also mailed directly to District Managers, interested parties and agencies. The documents are also available at the San Luis Obispo LAFCO website, www.slolafco.com.

Comments-Changes. Staff has analyzed all comments since the public release and has prepared the change table shown in Attachment Two addressing the issues raised. The changes do not represent a significant modification of the Sphere Update or Service Review.

is also preparing a boundary map as requested by the Paso Robles Cemetery District (see attached sample).

Conclusion. LAFCO has completed all the steps necessary to update the Public Cemetery Districts Spheres of Influence consistent with the Cortese-Knox-Hertzberg Act.

ATTACHMENT 1

NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: San Luis Obispo LAFCO
1042 Pacific Street
San Luis Obispo, CA 93401

Julie Rodewald, County Clerk
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93401

CONTACT: David Church, AICP, Executive Officer
(805) 781-5795

Project Title: San Luis Obispo County Public Cemetery Districts
Municipal Service Review and Sphere of Influence Update

Project Location and Description. LAFCO has prepared a Sphere of Influence (SOI) Update and Municipal Service Review for the 11 Public Cemetery Districts located in San Luis Obispo County. The SOI is a 20-year growth boundary that includes areas that may be served by a District in the future. This SOI update and Service Review recommends maintaining the same boundaries for all 11 Districts. Cemetery Districts are legally authorized to provide standard cemetery functions, including land acquisition, burials, cemetery maintenance, and grounds keeping. As a special district, public cemeteries are a government agency required to have an adopted and updated Sphere of Influence. The Cortese-Knox-Hertzberg Act calls for the Service Review to be completed either prior to or concurrent with, the Sphere of Influence update. The Service Review evaluates the public services provided by the Districts and provides the information base for updating the SOIs.

Public Agency Approving Project. The Local Agency Formation Commission (LAFCO) of San Luis Obispo County conducted a public hearing on this item on November 18, 2010 at 9:00 a.m. in the Board of Supervisors Chambers in San Luis Obispo at the County Government Center.

Environmental Determination. LAFCO is the Lead Agency for the proposed Sphere of Influence Update and Service Review. The purpose of the environmental review process is to provide information about the environmental effects of the actions and decisions made by LAFCO and to comply with the California Environmental Quality Act (CEQA). The MSR qualifies for a Class 6 - Regulation Section 15306. Additionally, the SOI updates qualify for a general rule exemption from environmental review based upon CEQA Regulation Section 15061(b)(3).

Reasons for Exemption. The proposed Sphere of Influence Update and Municipal Services Review does not involve, authorize or permit the siting or construction of any facilities associated with any of the 11 public cemeteries in San Luis Obispo County. The 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." CEQA Regulation Section 15061(b)(3) states "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." There are no land use changes or environmental impacts created or recommended by the SOI update. No changes to the Spheres of Influence of the 11 other public cemeteries are recommended in the Sphere of Influence Update document.

David Church, AICP, Executive Officer

Date

ATTACHMENT 2

Proposed Changes to Public Cemetery Districts SOI/MSR Update 2010

PROPOSED CHANGES			
#	Page #	Commenter	Proposed Change
1	3	Staff	Updated Table 1 for number of interments for Santa Margarita consistent with Survey Results from 24 to <u>25</u> .
2	3	Adelaida District	Updated Table 1 for endowment fund for Adelaida consistent with Survey Results from unknown to <u><\$10,000</u> .
3	7	Staff	Revised Public Cemetery District Boundary Map. Insert new map.
4	22	Adelaida District	Revised 1 st paragraph 5 th sentence. Changed location of Cemetery property from 9929 to <u>9000</u> Adelaida Road.
5	22	Adelaida District	Revised 1 st paragraph ADDED a 7 th sentence and deleted a portion of the second to last sentence. <u>The cemetery is at an estimated 30% capacity with an endowment fund of less than \$10,000.</u> "Adelaida Cemetery District does not receive property tax nor does it have an endowment fund to assist with operations. "
6	22	Staff	Revised last sentence in 1 st paragraph. The District <u>representatives indicated that they has not submitted annual audits to the County Auditor in the past three years and did not respond to LAFCO's survey request.</u>
7	27	Staff	Revised 1 st paragraph last sentence. Updated Santa Margarita statistics consistent with Survey Results from 90% capacity to <u>95%</u> .
8	27	Santa Margarita District	Revised 1 st paragraph last sentence. Updated Santa Margarita statistics consistent with Survey Results from 96% revenues from property tax to <u>98.5%</u> .
9	27	Santa Margarita District	Provided current status for Santa Margarita and negotiation to acquire more land. ADDED 7 th sentence in 1 st paragraph. <u>The Santa Margarita Cemetery District continues to negotiate with Santa Margarita Ranch to acquire land for future expansion.</u>
10	27	Shandon District	Revised last two sentences in 2 nd paragraph. "With 1-5 interments per year the three <u>one</u> part-time employees serves approximately 2,589 people. The <u>cemetery is at 85% capacity sold with an endowment fund is of \$17,257 with 87 95%</u> of the District's revenues coming from property taxes."
11	28	Staff	Provided current status for Templeton and contract service with the Templeton CSD. Updated 1 st paragraph last sentence. ADDED <u>The Templeton Community Services District is in on-going discussions with the Templeton Cemetery District to revise the contract. Currently the districts are operating under an extension of an expired contract that needs updating to better identify the roles and responsibilities.</u>
12	33	Staff	Updated individuals contacted ADDED <u>Robin Dodd</u> , Adelaida Cemetery District, and <u>Paula Cambell Taylor</u> , Estrella-Pleasant Valley Cemetery District, and replaced Jackie Laverenz with <u>Kate Twisselman</u> , Shandon Cemetery District.
13	34	Staff	Updated Survey Results for <u>Shandon, & Adelaida.</u>

IN THE LOCAL AGENCY FORMATION COMMISSION

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, November 18, 2010

PRESENT:

ABSENT:

DRAFT RESOLUTION NO. 2010-XX

RESOLUTION CERTIFYING APPROVAL AND ADOPTION OF THE NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVAL OF THE MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE PUBLIC CEMETERY DISTRICTS IN THE COUNTY OF SAN LUIS OBISPO

The following resolution is now offered and read:

WHEREAS, pursuant to Government Code Section 56425 et. Seq. and the Commission's duly adopted "General Policies and Procedures" for spheres of influence, the Commission has previously adopted a sphere of influence for the Public Cemetery Districts in the County of San Luis Obispo; and

WHEREAS, the Executive Officer has given notices required by law and forwarded copies of his report to officers, persons and public agencies prescribed by law; and

WHEREAS, the matter was set for public hearing at 9:00 a.m. on Thursday, November 18, 2010, and the public hearing was duly conducted and a decision was made on Thursday, November 18, 2010; and

WHEREAS, at said hearing this Commission heard and received all oral and written protests, objections and evidence, which were made, presented or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said Notice of Exemption from the California Environmental Quality Act, Sphere of Influence Update, and Municipal Service Review for the Public Cemetery Districts in the County of San Luis Obispo; and

WHEREAS, a Notice of Exemption from the California Environmental Quality Act has been duly prepared, noticed, and submitted for this Sphere of Influence Update, and Municipal Service Review for the Public Cemetery Districts in the County of San Luis Obispo and this Commission finds based upon the information submitted and received at the public hearing, that the Notice of Exemption

from the California Environmental Quality Act is appropriate for the Commission's determinations;
and

WHEREAS, the Commission has considered the factors required to be considered by Government Code Sections 56425 (e) and adopts as its written statements of determinations therein, the determinations set forth in the Sphere of Influence Update for the Public Cemetery Districts in the County of San Luis Obispo, and said determinations being incorporated by reference herein as though set forth in full; and

WHEREAS, the Commission duly considered the Sphere of Influence Update, and Municipal Service Review for the Public Cemetery Districts in the County of San Luis Obispo, as set forth in Exhibit A, and finds that documents presented should be approved.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Local Agency Formation Commission of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the Notice of Exemption from the California Environmental Quality Act for this project is complete and adequate, having been prepared in accordance with the provisions of the California Environmental Quality Act and is hereby determined to be sufficient for the Commission's actions and is incorporated by reference.
3. That the Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner provided by law.
4. That the Sphere of Influence Update, and Municipal Service Review for the Public Cemetery Districts in the County of San Luis Obispo is hereby approved with written determinations related to the six factors stated in the Cortese-Knox-Hertzberg Act and incorporated by reference.

Upon a motion of Commissioner _____, seconded by Commissioner _____, and on the following roll call vote:

