

AGENDA

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

October 10, 2007, - 1:30 p.m.

Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno

COMMISSION MEMBERS

Victor Lopez, Chairman
Susan Anderson, Chair Pro Tem
Larry Fortune
Phil Larson
Trinidad Rodriguez

ALTERNATE MEMBERS

Judy Case
Joe J. Chaidez, CPA
Sandra Neri

LAFCO STAFF

Rick Ballantyne, AICP, Executive Officer
Darrel Schmidt, Deputy Executive Officer
Candie Fleming, Clerk to the Commission
Samantha Hendricks, LAFCo Technician
Susan Pool, Office Assistant II
Kenneth Price/Douglas Jensen, BMJ, LAFCo Counsel

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1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Consider Approval: Minutes from the regular LAFCo Meeting of September 12, 2007.**
4. **Potential Conflicts of Interest – Any Commission Member who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.**

CONSENT AGENDA

ALL CONSENT AGENDA ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO INDIVIDUAL DISCUSSION OF THESE ITEMS UNLESS REQUESTED (PULLED) BY A MEMBER OF THE COMMISSION OR THE PUBLIC. ANY ITEM PULLED FROM THE CONSENT AGENDA FOR DISCUSSION WILL BE SET ASIDE UNTIL AFTER APPROVAL OF THE AGENDA. PRIOR TO TAKING ANY ACTION THE PUBLIC WILL BE GIVEN THE OPPORTUNITY TO COMMENT ON ANY CONSENT ITEM. THE CONSENT AGENDA WILL BE CONSIDERED ON OR ABOUT 1:30 P.M.

5. **Consider Approval: Request for a One-Year Extension to Complete Proceedings**
 - A. **City of Sanger “Reorganization No. 05-07”.** A reorganization consisting of the annexation of approximately 79.59 acres to the City of Sanger and detachment from the Fresno County Fire Protection District, the Kings River Conservation District and the Consolidated Irrigation District for territory generally located at the northwest corner of E. North and S. Indianola Avenues (**LAFCo File No. RO-06-25**).
 - B. **City of Fresno “Kings Canyon-Minnewawa No. 3 Reorganization”.** A reorganization to annex approximately 19.07 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located at the southwest corner of E. Kings Canyon Road and S. Minnewawa Avenue (**LAFCo File No. RO-06-27**).

- C. **City of Fresno “California-Temperance No. 3 Reorganization”**. A reorganization to annex approximately 82.5 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located south of E. California Avenue, east of S. Armstrong Avenue, and west of S. Temperance Avenue (**LAFCo File No. RO-06-28**).
- D. **City of Orange Cove “Jacobs-Adams Reorganization”**. A reorganization consisting of the annexation of approximately 39.66 acres to the City of Orange Cove and detachment from the Orange Cove Irrigation District for territory generally located northwest of the intersection of E. Adams and S. Jacobs Avenues (**LAFCo File No. RO-06-29**).
- E. **City of Fresno “Dakota-Polk No. 4 Reorganization”**. A reorganization to annex approximately 36.91 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory generally located both east and west of N. Polk Avenue between W. Ashlan and W. Dakota Avenues (**LAFCo File No. RO-06-30**).
- F. **City of Fresno “McKinley-Hayes No. 2F Reorganization”**. A reorganization to annex approximately 25.60 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located on the east side of N. Hayes Avenue between W. McKinley and W. Olive Avenues (**LAFCo File No. RO-06-31**).
- G. **City of Fresno “Shields-Polk No. 4E Reorganization”**. A reorganization to annex approximately 9.61 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located on the west side of N. Polk Avenue, approximately one-quarter mile south of its intersection with W. Dakota Avenue (**LAFCo File No. RO-06-32**).

Recommendation: - Approve One-Year Extensions

- 6. **Consider Approval: City of Mendota “North East Bass Avenue Annexation”**. A proposed reorganization to annex 90.65 acres to the City of Mendota and detach from the Fresno County Fire Protection District and the Silver Creek Drainage District for territory generally located on the north and south sides of Bass Avenue and east of Blanco Street (**LAFCo File No. RO-07-17**).

Recommendation: Make Findings and Approve With Conditions

- 7. **Consider Approval: City of Fresno “Olive-Polk No. 4F Reorganization”**. A proposed reorganization to annex 2.49 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located at the northeast and northwest corners of W. Olive and N. Carnegie Avenues (**LAFCo file No. RO-07-20**).

Recommendation: Make Findings and Approve With Conditions

8. **Consider and Adopt:** Municipal Service Reviews and Sphere of Influence Updates for the Hills Valley and James Irrigation Districts.

Recommendations: Find the Municipal Service Reviews and Sphere of Influence Updates to be Categorical Exempt from CEQA and are Complete and Satisfactory; Make Determinations and Adopt Municipal Service Reviews; Make Determinations and Update Spheres of Influence for the Hills Valley and James Irrigation Districts.

9. **Consider and Adopt:** Municipal Service Review and Sphere of Influence Update for the Fresno Slough Water District.

Recommendations: Find the Municipal Service Review and Sphere of Influence Update to be Categorical Exempt from CEQA and is Complete and Satisfactory; Make Determinations and Adopt Municipal Service Review; Make Determinations and Update Sphere of Influence for the Fresno Slough Water District.

10. **Consider and Adopt:** Municipal Service Review and Sphere of Influence for the County Service Area No. 51.

Recommendations: Find the Municipal Service Review and Sphere of Influence Adoption to be Categorical Exempt from CEQA and is Complete and Satisfactory; Make Determinations and Adopt Municipal Service Review; Make Determinations Adopt Sphere of Influence for the County Service Area No. 51. (Continued from September 12, 2007)

11. **Consider Approval:** County Service Area No. 51 “CSA #51 Annexation”. A proposed annexation of approximately 27 acres (two parcels) by landowner petition to County Service Area No. 51 for territory located northwest of Stetson and Marietta Avenues (LAFCo File No. AD-07-1).

Recommendation: Make Findings and Approve With Conditions

PUBLIC HEARINGS

12. **Consider and Adopt:** Consider and Adopt Municipal Service Reviews and Sphere of Influence Updates for the Coalinga, Kingsburg, Selma, and Sierra-Kings Hospital Districts.

Recommendations: Find the Municipal Service Reviews and Sphere of Influence Updates to be Categorical Exempt from CEQA and are Complete and Satisfactory; Make Determinations and Adopt Municipal Service Reviews; Make Determinations and Update Spheres of Influence for the Coalinga, Kingsburg, Selma, and Sierra-Kings Hospital Districts; and Approve Recommended Actions.

13. **Consider and Adopt:** Municipal Service Reviews and Sphere of Influence Updates for the following:

- A. City of Clovis
- B. City of Fresno
- C. City of Sanger

Recommendations: Find the Municipal Service Reviews and Sphere of Influence Updates to be Categorical Exempt from CEQA and are Complete and Satisfactory; Make Determinations and Adopt Municipal Service Reviews; Make Determinations and Update Spheres of Influence for the Cities of Clovis, Fresno, and Sanger; and Approve Recommended Actions (City of Clovis MSR and SOI Update Continued from May 16th and September 12th, 2007)

14. **Consider and Adopt:** Municipal Service Review and Sphere of Influence Update for the City of Orange Cove.

Recommendations: Find the Municipal Service Review and Sphere of Influence Update to be Categorical Exempt from CEQA and is Complete and Satisfactory; Make Determinations and Adopt Municipal Service Review; Make Determinations and Update Sphere of Influence for the City of Orange Cove; and Approve Recommended Actions.

15. **Consider and Adopt:** Municipal Service Review and Sphere of Influence Update for the Consolidated Irrigation District.

Recommendations: Find the Municipal Service Review and Sphere of Influence Update to be Categorical Exempt from CEQA and is Complete and Satisfactory; Make Determinations and Adopt Municipal Service Review; Make Determinations and Update Sphere of Influence for the Consolidated Irrigation District; and Approve Recommended Actions (Continued from July 11th and September 12th, 2007).

16. **Consider and Adopt:** Municipal Service Review and Sphere of Influence Update for County Waterworks District No. 42.

Recommendations: Find the Municipal Service Review and Sphere of Influence Update to be Categorical Exempt from CEQA and is Complete and Satisfactory; Make Determinations and Adopt Municipal Service Review; Make Determinations and Update Sphere of Influence for County Waterworks District No. 42; and Approve Recommended Actions.

17. **Consider and Adopt:** Municipal Service Reviews and Sphere of Influence Updates for the following:

- A. Malaga County Water District
- B. Pinedale County Water District

Recommendations: Find the Municipal Service Reviews and Sphere of Influence Updates to be Categorical Exempt from CEQA and are Complete and Satisfactory; Make Determinations and Adopt Municipal Service Reviews; Make Determinations and Update Spheres of Influence for the Pinedale County and Malaga County Water Districts and; and Approve Recommended Actions.

18. **Consider and Adopt:** Municipal Service Review and Sphere of Influence Update for the Pinedale Public Utility District.

Recommendations: Find the Municipal Service Review and Sphere of Influence Update to be Categorical Exempt from CEQA and is Complete and Satisfactory; Make Determinations and Adopt Municipal Service Review; Make Determinations and Update Sphere of Influence for the Pinedale Public Utility District; and Approve Recommended Actions.

19. **Conducting Authority Proceedings: City of Selma “Highland-Rose-Bratton 1 Reorganization”**. A proposed reorganization to annex 89.94 acres to the City of Selma and the Selma-Kingsburg-Fowler County Sanitation District and detach from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District for territory located at the southwest corner of Rose and Highland Avenues (**LAFCo File No. RO-07-15**).

Recommendation: Direct the Executive Officer to Determine the Value of Valid Protests Received and Not Withdrawn and Report these Results to the Commission Within the Time Prescribed by State Law.

20. **Conducting Authority Proceedings: City of Fresno “Dakota-Cornelia No. 2 Reorganization”**. A reorganization consisting of the annexation of 50.3 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for territory located on the south side of W. Dakota Avenue between N. Cornelia Avenue and the N. Milburn Avenue alignment (**LAFCo File No. RO-07-7**).

Recommendation: Direct the Executive Officer to Determine the Value of Valid Protests Received and Not Withdrawn and Report these Results to the Commission Within the Time Prescribed by State Law.

21. **Conducting Authority Proceedings: City of Kerman “Northeast Kerman Annexation”**. A proposed reorganization consisting of the annexation of 129.98 acres to the City of Kerman and detachment from the Kings River Conservation District for territory located on the west side of S. Goldenrod Avenue between W. Whitesbridge Avenue and W. Kearney Boulevard (**LAFCo File No. RO-07-16**).

Recommendation: Direct the Executive Officer to Determine the Value of Valid Protests Received and Not Withdrawn and Report these Results to the Commission Within the Time Prescribed by State Law.

22. **Consider Approval: City of Clovis “Bullard-DeWolf Southwest Reorganization”**. A proposed reorganization to annex 41.82 acres to the City of Clovis and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located at the southwest corner of E. Bullard and N. DeWolf Avenues (**LAFCo File No. RO-07-11**).

Recommendation: Make Findings and Approve With Conditions

OTHER ITEMS:

23. **Consultant Progress Report: City of Fresno Municipal Water District Formation Update.**

24. **Consider Approval: Increase Contract Fee With Bob Braitman to Finalize Consultant Services to Fresno LAFCo Regarding Evaluation of City of Fresno Municipal Water District.**

Recommendation: Direct Executive Officer to Petition City of Fresno to Request Payment of Additional Consultant Fees to Finalize Fresno Municipal Water District Formation Process.

LAFCo Counsel's Reports:

25. **Consider Approval:** Retention of Ms. Nancy Miller of Miller, Trost & Owen of Sacramento as Special Counsel to LAFCo to Facilitate a Resolution of Groundwater Mitigation Dispute and Related Issues Between Consolidated Irrigation District and the Cities of Fowler, Kingsburg, Parlier, Sanger and Selma.

Recommendation: Execute Engagement Letter with Ms. Miller.

26. **Consider Approval:** Consent to Conflict of Interest Waiver for Baker Manock & Jensen and Kahn, Soares & Conway for Kenneth Price and Michael Noland, Respectively, to Assist in the Facilitation of Resolution of Groundwater Mitigation Dispute and Related Issues Between Consolidated Irrigation District and the Cities of Fowler, Kingsburg, Parlier, Sanger and Selma.

Recommendation: Execute Conflict of Interest Waivers.

27. **Consider Approval:** Revision of all Applications to LAFCo to Include Mandatory Legal Indemnity of LAFCo.

Recommendation: Approve.

28. **Consider Approval:** Revision of all Applications to LAFCo to Include Disclosure of Gifts, Contributions, and Honoraria by Applicants to Commissioners.

Recommendation: Approve.

COMMENTS FROM THE PUBLIC

Any person wishing to address the Commission on a subject not listed on the agenda may do so at this time. (State your name and address and please keep your comments to 5 minutes.)

ADJOURNMENT

THE NEXT LAFCO MEETING will be held on November 7, 2007, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.

Please Note: **1)** If you are an applicant for, or a participant in any proceeding on the agenda for a land use entitlement and have made a **campaign contribution** of more than \$250 to or for any of the Commission members or alternate Commission members within 12 months prior to the Commission hearing, State law disqualifies such members from participating and voting in such a proceeding. State law also prohibits applicants and participants from making such campaign contributions, depending on their timing and circumstances. All of these restrictions also apply to agents of applicants or participants. Please consult with Commission staff at (559) 495-0604 as to the requirements of the **Political Reform Act** (Government Code Section 84308); **2)** In compliance with the Americans with Disabilities Act (**ADA**), if you need special assistance to participate at this meeting, please contact Ms. Candie Fleming, Clerk to the Commission at 559-495-0604. Notification 48 hours prior to the meeting will enable the Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled. **3)** Staff reports prepared for each item listed in this agenda may be viewed at the Fresno LAFCo Website: www.fresnolafco.org