

AGENDA

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

APRIL 15, 2009 - 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
Henry Perea
Trinidad Rodriguez

ALTERNATE MEMBERS

Joe J. Chaidez, CPA
Phil Larson
Dennis Lujan

LAFCO STAFF

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

LAFCo Office: 2115 Kern Street, Suite 310, Fresno, CA – 93721 - (559) 495-0604 - FAX (559) 495-0655

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Consider Approval: Minutes from the regular LAFCo Meeting of March 11, 2009.
4. Potential Conflicts of Interest: Any Commission Member who has a potential conflict of interest may now identify the item and recues themselves from discussing and voting on the matter.
5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
(Number of Potential Cases: 2)

PUBLIC HEARINGS

6. Consider Approval: Amend Section 315 (Extension of One Year to Complete Proceedings) of *LAFCo's Policies, Standards, and Procedures* to: 1) Allow Consideration of Economic/Market Hardships as Justification for Extensions of Time and; 2) Consider Placement of First and Second Time Extension Requests on the Commission's Consent Agenda.

Recommendation: Approve
7. Consider Approval: Request for a One-Year Extension to Complete Proceedings for the following:
 - A. City of Kingsburg "Kamm-Academy Northeast No. 1 Reorganization". A proposed reorganization consisting of the annexation of 19.37 acres to the City of Kingsburg and the Selma-Kingsburg-Fowler County Sanitation District and detachment from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District for territory located at the northeast corner of E. Kamm Avenue and S. Academy Avenue (**LAFCo File No. RO-08-4**).

- B. **City of Fresno “Chestnut-Copper No. 1 Reorganization”**. A proposed reorganization submitted by Landowner Petition to annex 180 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located north of E. Copper Avenue and west of N. Chestnut Avenue (LAFCo File No. RO-08-1).

Recommendation: Approve One-Year Extensions

8. **Consider Approval: City of Fresno “Sphere of Influence Revision”**. A request by the City of Fresno to revise its Sphere of Influence to add approximately 89 acres of territory located north of W. Herndon Avenue, southwest of State Route 99, and east of the San Joaquin River. This proposal has been submitted by resolution of the Fresno City Council. It should be noted that this Revision must be approved prior to the Commission considering the Extension of Services application below (LAFCo File No. RSOI-152). (Continued from March 11, 2009)

Recommendation: Approve

9. **Consider Approval: Aquarius Aquarium “Extension of Municipal Services”**. A request by the Aquarius Aquarium Institute to extend municipal water, sewer, and fire (fire hydrants only) services from the City of Fresno to the Aquarius Aquarium project site located approximately 1,500 feet north of W. Herndon Avenue, adjacent to and southwest of State Route 99, and approximately 900 feet east of the San Joaquin River (LAFCo File No. OS-09-1). (Continued from March 11, 2009)

Recommendation: Approve

OTHER ITEMS:

10. **Consider Approval: Fresno LAFCo’s Proposed Budget for Fiscal Year 2009-2010.**

Recommendation: Approve

11. **Consider Request: Waive LAFCo Filing Fee for Reconsideration of the Belmont-Sunnyside No. 3 Reorganization (LAFCo File No. RO-08-14).** A request by the Easterby Kings Canyon Home Owners Association to waive LAFCo’s fee for filing a request for reconsideration of the Belmont-Sunnyside No. 3 Reorganization (Island Reorganization)”.

Recommendation: Approve Fee Waiver

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 May 13, 2009, 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 **campaign contributions** totaling more than \$250.00 to any member or alternative member of the Commission **within twelve (12) months prior to the Commission considering your application**, please immediately inform the Commission of your contribution. State law **disqualifies** each Commissioner and Alternative Commissioner from participating in and voting on land use entitlement decisions (which include changes of organization and reorganizations) if the Commissioner or Alternative Commissioner has received campaign contributions from (i) an applicant for a land use entitlement, (ii) someone who lobbies the Commission or LAFCo staff regarding an application for land use entitlement, (iii) someone who testifies in person before the Commission regarding an application for land use entitlement, or (iv) someone who otherwise acts to influence the outcome of an application for land use entitlement.

State law also prohibits applicants and participants from making campaign contributions to a Commissioner or Alternate Commissioner within three (3) months **after** the Commission's action. If you have any questions regarding these requirements, please consult with Commission staff at (559) 495-0604, which is contained in the **California Political Reform Act** (Government Code Section 84308 *et seq.*).

(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 (including correspondence, environmental documents, and location maps) prepared for each item listed in this agenda may be viewed at the Fresno LAFCo Website at: www.fresnolafco.org.