

A G E N D A

LOCAL AGENCY FORMATION COMMISSION OF FRESNO COUNTY (LAFCo)

July 30, 2003 - 1:30 p.m.
Board of Supervisors' Chamber - Hall of Records, Room 301

COMMISSION MEMBERS

Larry Fortune, Chairman
Victor Lopez, Chairman Pro Tem
Susan Anderson
Trinidad Rodriguez
Bob Waterston

ALTERNATE MEMBERS

Joe J. Chaidez, CPA
Phil Larson
Sandra Neri

LAFCo STAFF

Mike Waiczis, AICP, Executive Officer
Candie Fleming, Clerk to the Commission
Susan Coberly, LAFCo Counsel

LAFCo Office: 2100 Tulare Street, Suite 502, Fresno, CA – 93721 - (559) 495-0604 - FAX (559) 495-0655

1. **Call to Order and Roll Call**
2. **Consider Approval - Minutes from the regular LAFCo meetings of June 18, 2003.**

CONSENT AGENDA

3. **Consider Approval – City of Kerman “Berkeley Annexation” Reorganization.** A proposed reorganization consisting of the annexation of 10.09 +/- acres of territory to the City of Kerman and detachment from the Kings River Conservation District. The affected territory is located southwest of Kearney Avenue and Goldenrod Avenue, generally between Kearney Avenue and “E” Street west of Sixteenth Street in Fresno County. **(LAFCo File No. RO-03-9).**

Recommendation: Conditional Approval

4. **Consider Approval – City of Parlier “Reorganization No. 03-0”, Parlier Junior High Annexation.** A proposed reorganization consisting of the annexation of 3.68-acres of territory to the City of Parlier and detachment from the Kings River Conservation District, the Fresno County Fire Protection District, and the Consolidated Irrigation District. The affected territory is located inside the Parlier Avenue right-of-way extending from Avila Street on the east to 586.5 feet west of the Madsen Avenue intersection. **(LAFCo File No.RO-03-10).**

Recommendation: Approval

PUBLIC HEARINGS

5. **Conducting Authority Proceedings - Protest Hearing for the Central Unified School District, “Polk and Clinton Annexation #1”.** A proposed reorganization consisting of annexation of 19.79-acres of territory to the City of Fresno and detachment from the North Central Fire Protection District and Kings River Conservation Dist. **(LAFCo File No.RO-03-8).**

Recommendation: Direct the Executive Officer to determine the value of valid protests received and not withdrawn and report these results to the Commission at this hearing.

6. **Conducting Authority Proceedings - Protest Hearing for the “Sierra Cedars Community Services District No. 3 Annexation”**. A proposed annexation consists of 52.30-acres of territory located approximately 3 miles south of the town of Shaver Lake in eastern Fresno County. (LAFCo File No. AD-03-2).

Recommendations: A or B (below)

- A. Direct your staff to determine the value of valid protests received and not withdrawn at this hearing if feasible; or
- B. Should substantial valid protests be received and not withdrawn, take the following actions:
1. Delegate authority to the Executive Officer to, in the Commission’s name, both (a) issue the Commission’s findings regarding the value of protests, and (b) take the legally allowed action under Government Code section 57075(a), within 30 days of conclusion of this hearing.
 2. Direct staff to issue written results to the Commission within 30 days of conclusion of this hearing.

7. **Receive Public Comments** – Public comments on the Draft Environmental Impact Report for the proposed city Incorporation, “Malaga Reorganization”, LAFCo Agency Number: RO-99-4.

Recommendation - Receive public comments on the information presented in the Draft Environmental Impact Report (DEIR) for the proposed Malaga City Incorporation. No action by the Commission is required at this hearing.

8. **Public Hearing** – Receive Public Testimony on the “2001/2002 Updated Proposed Malaga City Incorporation Comprehensive Fiscal Analysis (CFA) for the proposed City Incorporation, “Malaga Reorganization”, LAFCo Agency Number: RO-99-4.

Consider – Following all public testimony at this hearing continue the public hearing to the LAFCo meeting on August 27, 2003. Approve revisions to the adopted proceedings “Schedule (June, July and August 2003) for the Proposed Malaga City Incorporation Application”.

Recommendations - Actions 1 and 2 below

1. Conduct a public hearing and receive public testimony on the information presented in the “2001/2002 Updated Proposed Malaga City Incorporation Comprehensive Fiscal Analysis (CFA)”.
2. After all public testimony is completed, that the public hearing be continued until the August 27, 2003 meeting. This continuance is at the request of the proponents to allow additional opportunity to present public testimony. At the August 27, 2003 LAFCo meeting the Commission may consider “acceptance” of the CFA it determines that the analysis has satisfied the requirements of state law.

9. **Consider Alternative Actions** - Non-Payment of Funds Required for the Continued Processing of the Proposed City Incorporation, "Malaga Reorganization", LAFCo Agency Number: RO-99-4.

Recommendation: Consider Alternative Actions A and B (*Staff's preferred alternative is "A"*).

- A. Suspend the processing of the application.** Direct the Executive Officer to forward a demand for processing funds to the Proponents requesting deposit of appropriate funding within 7 days of receiving the request in accordance with Gov. Code section 56383(c). If the funds are not deposited, processing of the application will be suspended.
- B. Defer payment of the funds.** Consider deferring payment of processing fees until the time the new city receives its first revenue or if the application is denied/terminated, until 30 days after receipt of the resolution of termination or disapproval. This is consistent with Fresno LAFCo adopted policies (LAFCo Fee Schedule, Section 350-09 - Deferment of Fees). Determine that payment of additional fees will create a hardship to the community for which change is proposed, that no single landowner or developer project will benefit from the proposal and that the deferment is in the public interest.
10. **Consider Adoption** – List of Consultants to Assist Staff with Municipal Service Reviews, Sphere of Influence Updates, and CEQA documentation.

Recommendation: Adopt List of Consultants as Presented

OTHER ITEMS

11. **Provide Direction – Minor Amendments to LAFCo Adopted "Fee Schedule"**.
Recommendation - Direct staff to recommend minor amendments to the LAFCo's adopted "fee schedule".
12. **Executive Officer's Report** - Report on the progress of Revenue Neutrality Negotiations for the proposed Malaga City Incorporation.

No Action by the Commission is Required

COMMENTS FROM THE PUBLIC

Any person wishing to address the Commission on a subject not on the agenda may do so by making a written request to the Clerk of the Commission.

THE NEXT REGULAR LAFCo MEETING will be held on August 27, 2003. The meeting will begin at 1:30 p.m. in Room 301, Fresno County Hall of Records Annex.

Please Note: 1) Note: 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.