

AGENDA

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

September 10, 2008, - 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
Sandra Neri

LAFCO STAFF

Rick Ballantyne, Executive Officer
Darrel Schmidt, Deputy Executive Officer
Candie Fleming, Clerk to the Commission
Samantha Hendricks, LAFCo Technician
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 August 13, 2008.**
4. **Potential Conflicts of Interest: Any Commissioner who has a potential conflict of interest may now identify the item and recues themselves from discussing and voting on the matter.**

PUBLIC HEARINGS

5. **Consider Approval: Request for a One-Year Extension of Time to Complete Proceedings for the 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**).

Recommendation: Approve One-Year Extension

6. **Validation Action:**
 - A. **City of Fresno “McKinley-Hayes No. 3 Reorganization”.** Consider and determine whether the July 9, 2008 conditional approval of the City of Fresno “McKinley-Hayes No. 3 Reorganization” is valid, due to lack of proper notice. If the Commission determines its July 9, 2008 conditional approval of the City of Fresno “McKinley-Hayes No. 3 Reorganization” is not valid, the Commission must hold a new public hearing (Agenda Item No. 6-B) to consider approval of the Reorganization. If the Commission determines that its previous approval at the public hearing held on July 9, 2008 for the Reorganization was properly noticed in accordance with State law and that its conditional approval of the Reorganization is therefore valid, the Commission will conduct the protest hearing (Agenda Item No. 6-C) for the Reorganization, written notice of which was previously published, setting the protest hearing for September 10, 2008 (**LAFCo File No. RO-08-10**).

Recommendation: Determine that the July 9, 2008 hearing conducted for the City of Fresno “McKinley-Hayes No. 3 Reorganization” is not valid, due to lack of proper notice.

- B. **Consider Approval:** City of Fresno “McKinley-Hayes No. 3 Reorganization”. A proposed reorganization to annex 318 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory generally bounded by N. Grantland Avenue on the west; N. Polk Avenue on the east; W. Olive Avenue on the south; and W. McKinley Avenue on the north. This proposal also includes territory located at the northwest corner of W. McKinley and N. Polk Avenues (LAFCo File No. RO-08-10).

Recommendation: Deny

- C. **Conducting Authority Proceedings:** City of Fresno “McKinley-Hayes No. 3 Reorganization”. A proposed reorganization to annex 318 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory generally bounded by N. Grantland Avenue on the west; N. Polk Avenue on the east; W. Olive Avenue on the south; and W. McKinley Avenue on the north. This proposal also includes territory located at the northwest corner of W. McKinley and N. Polk Avenues (LAFCo File No. RO-08-10).

Recommendation: If the Commission has determined that the July 9, 2008 hearing conducted for the City of Fresno “McKinley-Hayes No. 3 Reorganization” was properly noticed in accordance with State law, and that its conditional approval of the Reorganization is therefore valid, then the Commission should 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.

7. **Consider Approval:**

- A. **Request to Waive One Year Time Requirement.** A request to allow consideration of the “McKinley-Brawley No. 5 Reorganization” proposal by determining that the mandatory one year waiting period for filing a new proposal from the date of termination of the “McKinley-Brawley No. 4 Reorganization” (terminated by protest on April 9, 2008) would be detrimental to the public interest, and waive this one year waiting period.

Recommendation: Find that Adherence to the One Year Waiting Period Would be Detrimental to the Public Interest and Waive the One Year Waiting Period Requirement

- B. **City of Fresno “McKinley-Brawley No. 5 Reorganization”.** A proposed reorganization submitted by Landowner Petition to annex 41.89 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located near the northwest corner of McKinley and Brawley Avenues (LAFCo File No. RO-08-11).

Recommendation: Approve

- C. **Consider Request: To Waive Filing Fee for “McKinley-Brawley No. 5 Reorganization”**. A request to waive LAFCo filing fee for McKinley-Brawley No. 5 Reorganization as per LAFCo adopted Policies, Standards, and Procedures Section 350-08.

Recommendation: Deny

8. **Consider Approval: City of Fresno “Dakota-Maple No. 2 Reorganization (Island Annexation)”**. A proposed reorganization to annex 82 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory generally located east of State Route 168, west of N. Chestnut Avenue, south of E. Pontiac Avenue Alignment , and north of E. Fountain Way (**LAFCo File No. RO-08-13**).

Recommendation: Approve

9. **Consider Approval: City of Kingsburg “Extension of Municipal Services”**. A request to extend water service from the City of Kingsburg approximately 3,800 feet north along Golden State Boulevard to a 26-acre parcel located at the northeast corner of the intersection of Amber Avenue and State Route 99 (**LAFCo File No. OS-08-1**).

Recommendation: Deny

OTHER ITEMS:

10. **Deputy Executive Officer’s Report:**

Fresno LAFCo Work Program Quarterly Report: Report on Annual Work Program Accomplishments.

Recommendation: Informational Item – No Action Necessary

11. **Executive Officer’s Report:**

CALAFCO State Conference Report: Discussion of Recent CALAFCO State Conference held in Universal City and sponsored by Los Angeles LAFCO.

Recommendation: Informational Item – No Action Necessary

12. **LAFCo Counsel’s Report:**

Presentation: Update Regarding LAFCo Efforts to Facilitate a Resolution of Dispute Between Consolidated Irrigation District and Cities of Fowler, Kingsburg, Parlier, Sanger, and Selma.

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 October 8, 2008, 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 prepared for each item listed in this agenda may be viewed at the Fresno LAFCo Website: www.fresnolafco.org.