

AGENDA

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

September 28, 2011 - 1:30 p.m.

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

COMMISSION MEMBERS

Armando Lopez, Chairman
Robert Silva, Chair Pro Tem
Larry Fortune
Henry Perea
Susan Anderson

ALTERNATE MEMBERS

Joe J. Chaidez, CPA
Debbie Poochigian
Dennis Lujan

LAFCO STAFF

Jeff Witte, Executive Officer
Candie Fleming, Clerk to the Commission
Samantha Hendricks, LAFCo Technician 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 24, 2011.**
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.**
5. **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.)

CLOSED SESSION

6. **Conference with Legal Counsel – Anticipated Litigation**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 potential case (Waterworks District No. 18: City of Fresno v. County of Fresno).

CONSENT AGENDA

7. **Consider Approval: LAFCO Financial Statement for August, 2011**
Recommendation: Accept Financial Statement
8. **Consider Approval: Update LAFCo Work Schedule Priority List**
Recommendation: Approve

9. **Consider Authorization: Authorize Chairman to Sign a Resolution Establishing a Single-Signature Bank Account with Specific Limitations.**

Recommendation: Approve

10. **Consider Approval: Request from the City of Mendota for Filing Fee Modification.**

Recommendation: Approve

11. **Consider Authorization: Authorize Executive Officer to Enter Into an Agreement on LAFCo's Behalf with ICMARC for Deferred Compensation Plans**

Recommendation: Grant Authorization

12. **Consider Approval: Request for a One-Year Extension to Complete Proceedings.**

A. **Consider Approval: 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 (Fifth Request) **(LAFCo File No. RO-06-27)**.

B. **Consider Approval: 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 (Fifth Request) **(LAFCo File No. RO-06-28)**.

C. **Consider Approval: 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 (Fifth Request) **(LAFCo File No. RO-06-32)**.

Recommendation: Approve One-Year Extensions

PUBLIC HEARING

13. **Conducting Authority Proceedings: City of Fresno "Willow-Copper No. 1 Reorganization"**. A proposed reorganization to annex approximately 287 acres to the City of Fresno and detach from the Fresno County Fire Protection District for territory located at the northwest corner of Willow and Copper Avenues **(LAFCo File No. RO-10-6)**.

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.

14. **Consider Adoption and Approval: Waterworks District #18**

Prior to considering Items A through D, LAFCo will consider the Friant Ranch Environmental Impact Report (EIR).

- A. **Consider Adoption: “Municipal Service Review”**. A request to Update the Municipal Service Review for Waterworks District No. 18. (LAFCo File No. MSR-11-6).
- B. **Consider Approval. “Sphere of Influence Revision”**. A request to revise Waterworks District No. 18’s sphere of influence by adding approximately 520 acres of territory located adjacent to the Community of Friant (LAFCo File No. RSOI-156).
- C. **Consider Approval: “Friant Ranch Annexation”**. A proposed annexation that would add approximately 520 acres of territory located adjacent to the Community of Friant (LAFCo File No. AD-11-1).
- D. **Consider Approval: “Extension of Powers”**. A request by Waterworks District No. 18 to activate their latent powers to enable them to provide sewer service to the Friant Ranch Annexation area located adjacent to the Community of Friant (LAFCo File No. EP-11-1).

Recommendation: Find the Municipal Service Reviews and Sphere of Influence Update to be Categorically Exempt from CEQA and is Complete and Satisfactory; Make Findings and Determinations and Adopt Municipal Service Review; Make Determinations and Update the Sphere of Influence for the Waterworks District #18; Make Determinations and CEQA Findings and Approve Friant Ranch Annexation with Condition(s); and Approve Extension of Powers.

15. **Consider and Adopt:** Municipal Service Reviews and Sphere of Influence Updates for the Big Creek, Bluffs, Caruthers, Easton, Laton, and Sierra Cedars Community Services Districts (LAFCo File No. MSR-11-5). (Continued from August 24, 20110)

Recommendations: Find the Municipal Service Reviews and Sphere of Influence Updates to be Categorically Exempt from CEQA and are Complete and Satisfactory; Make Determinations and Adopt Municipal Service Reviews; Make Determinations and Update Spheres of Influence for the Big Creek, Bluffs, Caruthers, Easton, Laton, and Sierra Cedars Community Services Districts.

16. **Consider and Adopt:** Municipal Service Reviews and Sphere of Influence Updates for the Biola and Lanare Community Services Districts (LAFCo File No. MSR-11-5). (Continued from August 24, 20110)

Recommendation: Continue Consideration of the Lanare Community Services District to the December 7, 2011 Hearing and Continue Consideration of the Biola Community Services District to a Date Uncertain.

17. **Consider and Adopt:** Municipal Service Review and Sphere of Influence Update for County Service Area Nos. 1, 7, 10, 14, 30, 31, 32, 33, 34, 43, 44, 47, 49, and 51 (**LAFCo File No. MSR-11-8**).

Recommendations: Find the Municipal Service Reviews and Sphere of Influence Updates to be Categoricaly Exempt from CEQA and are Complete and Satisfactory; Make Determinations and Adopt Municipal Service Reviews; Make Determinations and Update Spheres of Influence for County Service Area Nos. 1, 7, 10, 14, 30, 31, 32, 33, 34, 43, 44, 47, 49, and 51.

18. **Consider and Adopt:** Municipal Service Review and Sphere of Influence Update for the Clovis Veterans Memorial and Riverdale Memorial Districts (**LAFCo File No. MSR-11-9**).

Recommendations: Find the Municipal Service Reviews and Sphere of Influence Updates to be Categoricaly Exempt from CEQA and are Complete and Satisfactory; Make Determinations and Adopt Municipal Service Reviews; Make Determinations and Update Spheres of Influence for the Clovis Veterans Memorial and Riverdale Memorial Districts.

OTHER MATTERS

19. **Consider Approval:** Request to Waive LAFCo's Requirement for a Signed Indemnity Agreement.

Recommendation: Deny

ADJOURNMENT

THE NEXT LAFCO MEETING will be held on November 2, 2011, 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 (which are contained in the **California Political Reform Act** Government Code Section 84308 *et seq.*) please feel free to contact LAFCo staff at (559) 495-0604.

(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 provided a minimum of 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.