

# LOCAL AGENCY FORMATION COMMISSION OF FRESNO COUNTY (LAFCo)

## MINUTES

### **JANUARY 29, 2003 REGULAR MEETING**

Call to Order: Chairman Larry Fortune called the meeting to order at 1:30 p.m.

Members Present: Commissioners Susan Anderson, Larry Fortune, Trinidad Rodriguez, Bob Waterston, and Alternate Commissioner Sandra Neri

Members Absent: Commissioner Victor Lopez

Staff Present: Mike Waiczis, Executive Officer  
Bruce Barnes, Assistant Executive Officer  
Brian Melikian, LAFCo Counsel  
Candie Fleming, Clerk to the Commission

### **Approval of Minutes**

The minutes for the December 18, 2002 regular meeting were approved.

### **CONSENT AGENDA**

"McKinley-Barcus No. 2A Reorganization"

"Anchor-Adams No. 1 Reorganization"

"West Hills Community College Farm Annexation"

"Bullard-Temperance Northeast Reorganization"

"Lungren Reorganization"

The Bullard-Temperance Northeast Reorganization was pulled from the Consent Agenda and the other items were approved as recommended by staff.

Chairman Fortune removed himself from the chambers during the public hearing portion for the "Bullard-Temperance Northeast Reorganization" and Susan Anderson was unanimously appointed Acting Chairman since the Chairman and Chairman Pro-Tem were both absent.

No further reports were given on the "Bullard-Temperance Northeast Reorganization" and the reorganization was approved with conditions.

Larry Fortune resumed is duty as Chairman

## **PUBLIC HEARING AGENDA**

### **“Sphere of Influence Amendment: “Clarkson-Kamm Annexation”**

Executive Officer Waiczis gave the staff report.

David Michel, General Manager of the Selma-Kingsburg-Fowler County Sanitation District corrected the staff report by saying there were 11 parcels instead of 8 parcels but the acreage was the same as stated.

The proposal including the additional three parcels was unanimously approved.

Commissioner Waterston complimented the District for getting an award last year for being the number one sanitation district for its size in the United States.

### **“Clinton-Brawley No. 3B Reorganization”**

Assistant Executive Officer Bruce Barnes, gave the staff report. He said that initially the North Central Fire Protection District protested the annexation due to a lack of a transition agreement but withdrew their protest. Mr. Barnes said that the developer and the District made an agreement that meets the intent of the Commission’s transition agreement policy.

Chief Daugherty, North Central Fire Protection District explained that he and Goldie Lewis representing the developer worked out their own agreement. The District agreed that they would accept from the developer the amount of money they would have received from the City in lieu of a transition agreement

Goldie Lewis, representing the developer said they used the City of Clovis’ agreement as a model for developing their agreement with the District.

Commissioner Waterston complimented the developer for working with the Fire District to resolve the transition agreement issue.

The Commission unanimously approved the proposal with conditions as outlined by staff.

## **EXECUTIVE OFFICER’S REPORT**

### **Report on Revenue Neutrality Negotiations of the Malaga Incorporation Proceedings.**

Executive Officer Waiczis reported that a meeting was set for January 22<sup>nd</sup> but was rescheduled at the request of the County to February 13, 2003. Mr. Waiczis said the Revised Draft of the Comprehensive Fiscal Analysis would be distributed and hopefully he would be able to report back that there have been one or two more revenue neutrality meetings and the progress of those meetings. Mr. Waiczis said staff has

made arrangements for Nancy Miller and Richard Berkson to be at the February 13<sup>th</sup> Revenue Neutrality meeting. Nancy Miller will talk about the process and what the options are and Richard Berkson will discuss his conclusions to the CFA.

**COMMENTS FROM THE PUBLIC**

Steve Sunderland, Chief, Fresno County Fire Protection District updated the Commission on the negotiations of their transition agreements with cities.

**CLOSED SESSION ITEM**

Brian Melikian reported that the Commission, by a unanimous vote authorized its legal counsel to prepare and its Chairman to sign a claim for damages against a public entity under the government claims presentation statutes.

The Commission also, by the foregoing vote, authorized its staff to request the County Auditor to appropriate unpaid funds of the public entity in question, pursuant to Government Code section 56381. The identity of the public entity and the substance of the matter will be disclosed to anyone making the request following the Commission's presentation of the foregoing claim to the foregoing public entity.

The meeting was adjourned at 2:20 p.m.

A tape recording of the hearing is available at the Commission office, 2100 Tulare Street, Suite 502, Fresno.

REVIEWED AND SUBMITTED BY:

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Michael R. Waiczis, AICP  
Executive Officer