

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING – January 9, 2008

Call to Order: Chairman Lopez called the meeting to order at 1:28 p.m.

Members Present: Commissioners Susan Anderson, Larry Fortune, Victor Lopez, Henry Perea, and Trinidad Rodriguez

Members Absent: None

Staff Present: Rick Ballantyne, LAFCo Executive Officer
Darrel Schmidt, LAFCo Deputy Executive Officer
Kenneth J. Price, LAFCo Counsel
Mike Noland, LAFCo Special Counsel
Candie Fleming, Clerk to the Commission
Susan Pool, LAFCo Office Assistant II
Samantha Hendricks LAFCo Technician

- 1. Call to Order and Roll Call**
- 2. Pledge of Allegiance**
- 3. Commission Reorganization: Elect Chairman and Vice Chairman for 2008 and 2009.**

A motion to re-elect Victor Lopez as Chairman and Susan Anderson as Chair Pro Tem was made, seconded and passed unanimously.

Chairman Lopez thanked the Commissioners for their support and congratulated Commissioner Anderson for her selection as Chair Pro Tem.

- 4. Consider Approval: Minutes from the regular LAFCo Meeting of December 5, 2007.**

The minutes were unanimously approved as presented.

- 5. Potential Conflicts of Interest – Commission members were asked to identify any known “conflicts of interest” and recuse themselves from discussing and voting on any agenda items where conflicts existed.**

Commissioner Perea stated he would be recusing himself from Agenda Item No. 12.

CONSENT AGENDA

- 6. Request for a One-Year Extension to Complete Proceedings for City of Parlier “Annexation No. 05-02” Reorganization (LAFCo File No. RO-05-36).**
- 7. Determine the Sphere of Influence for the Camp 13 Drainage District (LAFCo File No. SOI-208).**
- 8. Determine the Sphere of Influence for CSA No. 49 (O’Neill Community) (LAFCo File No. SOI-209).**
- 9. Determine the Sphere of Influence for CSA No. 50 (Auberry Fire Department) (LAFCo File No. SOI-210).**

The Consent Agenda was unanimously approved.

Executive Officer Ballantyne informed the Commission that new information had come to his attention after the posting of the Commission’s Agenda that required a closed session agenda item. LAFCo Counsel, Ken Price reported that with a two-thirds vote the Commission could enter into closed session.

A motion to adjourn into closed session was made, seconded and passed unanimously. The Commissioners were joined by Special Counsel Mike Noland.

The Commission reconvened and indicated that there was nothing to report. Chairman Lopez then opened the regular public hearing.

PUBLIC HEARINGS

- 10. City of Sanger “California-Academy Northwest Reorganization” (LAFCo File No. RO-07-21). (Continued from November 7, 2007)**

Staff recommended that the item be continued to allow the City to meet with the Consolidated Irrigation District to address District concerns. Tim Chapa, representing the City of Sanger, indicated the City’s support of the continuance.

A motion to continue this item to the February 6, 2008 meeting was made, seconded and passed unanimously.

- 11. City of Reedley “Request for Extension of Municipal Services Outside the City of Reedley’s Boundary but within their Sphere of Influence” (LAFCo File No. OS-07-2).**

Deputy Executive Officer Schmidt presented staff’s report. Chairman Lopez then opened the public hearing.

Mr. Ron Hudson, Deputy Superintendent of Kings Canyon Unified School District spoke in favor of Staff’s recommendation stating that extension of City services was vital to the community as well as the School District.

Commissioner Perea expressed his concern related to the impacts that the School location would have upon agricultural land use and preservation efforts and that such location would create a future demand for converting agricultural resources for properties located east of the community. After a brief discussion, the public hearing was closed. A motion to approve the "Outside Service" request was made, seconded and passed unanimously.

12. City of Fresno "Barstow-Garfield No. 1 Reorganization" (LAFCo File No. RO-07-23).

Commissioners Anderson and Perea recused themselves and left the meeting room. Executive Officer Ballantyne then presented Staff's report. Chairman Lopez opened the public hearing.

Jeff Roberts concurred with Staff's report but requested that Condition No. C-2 (verification that the City had accepted a final tract map prior to recordation of the annexation) be waived. He indicated that with the slowdown in the real estate market, that more flexibility was necessary and desirable. By allowing the annexation to be recorded timely, a development loan could be more easily obtained allowing for necessary funding to prepare the final map and pay for required up front improvement costs.

Dave Braun representing the City of Fresno spoke in favor of the proposal. He reported that the City had met with neighbors residing within the affected territory to answer their questions.

The public hearing was then closed. A motion to approve the annexation and waive Condition No. C-2 was made, seconded and passed unanimously.

13. City of Fresno "McKinley-Brawley No. 4 Reorganization (LAFCo File No. RO-07-24)

Executive Officer Ballantyne presented Staff's report. Chairman Lopez then opened the public hearing.

Mr. Dirk Poeschel representing the proponents concurred with Staff's report with the exception of Condition No. C-4 that required that the adjacent territory to the west be annexed and recorded prior to the subject proposal. Mr. Poeschel stated that the applicants were ready to proceed with development and that such condition would restrict them from moving forward with timely development. He also requested that the condition related to the requirement of filing a final map prior to recordation (Condition C-2) be waived similar to the Barstow-Garfield Reorganization.

LAFCo Counsel, Ken Price, noted that allowing McKinley-Brawley to record before the McKinley-Blythe No. 1 Reorganization would create an island and that if the Commission desired to approve such request, that certain findings as required by State law would be necessary.

Mr. Carl Davis, a resident of the affected territory, spoke against the reorganization stating that he wasn't sure how the City's land use rules and regulations would affect the future use of his property.

Another resident, Mr. Willis Mucelroy, also spoke against the annexation.

Commissioner Perea voiced concern in that residents should have definitive answers to their questions and concerns. Mr. Dave Braun representing the City of Fresno Planning and Development Department explained that the Fresno City Council would be considering an "ANX" Overlay Zone District that would allow protection of rural lifestyles and allow animals. Such District would remain in place until residents decided to develop their properties as per the City's underlying Zone District. Mr. Braun also reported that the City would not require residents to hook up to City water or sewer.

Commissioners Anderson and Fortune explained to the audience that the residents had "protest rights" and could protest the reorganization at a Protest Hearing to be held on March 5th.

LAFCo Counsel Price reviewed the findings that would be necessary if the Commission desired to approve that application in light of the fact that an "island" would be created as a result of the approval. Justification for such finding was then presented by Mr. Poeschel. He indicated that the location of existing water and sewer lines was such that his development would allow for direct extension from the north and across W. McKinley Avenue in such a manner as to allow future utility extensions to property to the west. Based upon this situation, he indicated that the Commission could make all necessary findings and approve the request.

Chairman Lopez then closed the public hearing. A motion to approve without condition C-4 was made, seconded and passed by a vote of 4 to 1 with Commissioner Perea opposing. The protest hearing was set for March 5, 2008.

14. Amend Sections 315 (Extension of One Year to Complete Proceedings) and 350 (LAFCo Fee Schedule) of Fresno LAFCo's Adopted Policies, Standards, and Procedures to Consider Increasing Fees for One-Year Time Extensions

Executive Officer Ballantyne presented Staff's report. He indicated that he had requested information and responses from all California LAFCo's as to the numbers of extension requests that they received in 2007, and the fees charged for such extensions. He reported that the experience related to extension requests throughout the State of California indicated that very few extensions were required and that fees were not any more that what Fresno LAFCo charged.

Mr. Ballantyne recommended that in order to reduce the numbers of extension requests, such requests should be calendared as "Public Hearing" items rather than "Consent Agenda" items. Proponents requesting extensions would then have the opportunity of explaining to the Commission why an extension was needed and the basis for such request. Chairman Lopez then opened the public hearing.

Mr. Bruce O'Neal of Land Use Associates stated that very few Valley LAFCOs require a final map prior to recordation and that he believed this was the reason behind most of the extension requests.

The public hearing was then closed. A motion to approve a change in LAFCo Policies, Procedures, and Standards was made to require that extension requests be held as

“Public Hearing” items was made, seconded and passed unanimously.

Commissioner Anderson requested that Staff investigate if other LAFCOs in California require acceptance of a final map before recordation and report back to the Commission.

OTHER ITEMS:

15. Waive LAFCo Filing Fees for Washington Colony Cemetery District.

This item was continued to the February 6, 2008 meeting.

16. LAFCo Counsel’s Report

Consider Amendment to AB 745 Policy Requiring the Disclosure of Contributions and Expenditures Made for the Purpose of Affecting or Influencing Petitions for Changes of Organization, Reorganization, and Protest Hearings.

LAFCo Counsel Ken Price reported that after Fresno LAFCo’s December meeting, he received a notice from the CALAFCO General Counsel recommending a minor change to the above policy based upon an understanding that this policy not only apply to applications by “petition”, but by “City Resolution” as well. The Commission concurred with the minor correction and directed staff to make the adjustment to their adopted Policies.

A motion to approve was made, seconded and passed unanimously.

COMMENTS FROM THE PUBLIC

There were no comments from the public. Chairman Lopez extended a welcome to Commissioner Henry Perea, LAFCo’s newest Commissioner.

ADJOURNMENT

The meeting was adjourned at 2:56 p.m.

THE NEXT LAFCO MEETING will be held on February 6, 2008, at 1:30 p.m. in the Board of Supervisors’ Chamber - Hall of Records, Room 301, Fresno, California.