

**LOCAL AGENCY FORMATION COMMISSION
OF FRESNO COUNTY (LAFCo)**

MINUTES

October 1, 2003 REGULAR MEETING

- Call to order:** Chairman Larry Fortune called the meeting to order at 1:30 p.m.
- Member Present:** Commissioners Susan Anderson, Bob Waterston Larry Fortune, Victor Lopez, and Trinidad Rodriguez.
- Members Absent:** None
- Staff Present:** Mike Waiczis, Executive Officer
Susan Coberly, LAFCo Counsel
Mike Noland, LAFCo Special Counsel
Candie Fleming, Clerk to the Commission

Approval of Minutes

The minutes for August 27, 2003 regular meeting and September 23, 2003 special meeting were approved as presented.

CONSENT AGENDA

Consider Approval – **Request for Extension of Time to Complete Proceedings** for the “Frankwood-Herbert Reorganization, Annexation 2002-1” Proposal (LAFCo File No. RO-02-11).

Consider Conditional Approval – **Proposed City of Fowler “Reorganization No. 03-01”**. A proposed reorganization consisting of the annexation of approximately 20.3 acres of unincorporated territory to the City of Fowler and the Selma-Kingsburg-Fowler County Sanitation District and detachment from the Fresno County Fire Protection District, Kings River Conservation District, and the Consolidated Irrigation District. The affected territory is located generally at the southeast corner Sumner Avenue and the Sunnyside Avenue alignment. **(LAFCo File No. RO-03-14)**.

Consider Conditional Approval – **Proposed City of Sanger “Sanger Ranch Reorganization”**. A proposed reorganization consisting of the annexation of approximately 60 acres of unincorporated territory to the City of Sanger and detachment from the Fresno County Fire Protection District, Kings River Conservation District, and the Consolidated Irrigation District. The affected territory is located generally at the northwest corner of E. North and S. Bethel Avenues.

The Commission Unanimously Approved all Items on the Consent Agenda. Commissioner Anderson was absent for the vote.

PUBLIC HEARINGS

Consider Conditional Approval – **City of Fresno “Copper-Cedar No. 2 Reorganization” Proposal**. The proposed reorganization consists of the annexation of 61.2 acres of unincorporated territory to the City of Fresno and detachment from the Fresno County Fire Protection District. The

affected territory is located generally at the southeast corner of North Cedar and East Copper Avenues (**LAFCo File No. RO-03-13**).

Executive Officer, Mike Waiczis, presented his report and recommendations, noting that the Fresno County Fire Protection District is the only agency that did not consent to the annexation because of the lack of a transition agreement between the District and the City.

Commission asked how many of the 15 cities had a transition agreement with the fire district.

Chief Sunderland, Fresno County Fire Protection District, said that 11 cities had transition agreements and they are negotiating 2 more.

Mr. Waiczis described the conditions of approval that included the requirement for a signed transition agreement.

Gary McDonald, the applicant, said that it would be easy to be cynical with government putting you off and not finding solutions for you. They still have conditions that they have no control over even though they have paid their fees and done everything appropriately.

Commissioner Fortune, said his company has worked with Leo Wilson before.

Commissioner Waterston said that this is about Fresno not having a transition agreement not whose name is on the application. Fresno cannot just write a check and walk away.

Larry Fortune stepped down due to a potential conflict in interest.

Commissioner Lopez, chairman pro tem, assumed the position of chairman.

Gary McDonald asked for an alternative. If the city doesn't have an agreement in a year does that mean the property cannot be developed until then. He asked if it's possible to just pay them up front to prevent that problem if there is no transition agreement by January 1, 2004.

Commissioner Rodriguez said that fire stations are going to be closing and that 45 days is a better time limit.

Susan Coberly suggested holding this item over until the December 10, 2003 meeting. Then the Commission can decide if the district has provided the information needed and whether the city has negotiated with the fire department on the transition agreement.

Chief Sunderland said that they were very close. It could be executed as early as October 15, 2003.

Joel Arnaz, Chief of the Fresno City Fire Department, said that it could have been heard at city counsel already but that their attorney was not available to look at the agreement. Another problem they face is that LAFCo's policies give chief Sunderland the power to accept or reject any proposals.

Commissioner Lopez asked what jurisdiction the Commission has because this has been going on for too long now.

Chief Sunderland said he would withdraw his protest if the condition in the recommendations is upheld.

Mr. McDonald appealed to the Commission to approve the annexation and to Chief Sunderland to withdraw his protest.

Executive Officer Waiczis recommended that the Commission approve the proposal with the existing conditions and that Mr. McDonald could ask for a reconsideration of the Commission's decision if circumstances changed.

Gary McDonald agreed with this suggestion.

Commission unanimously approved the proposal per staff's recommendations.

OTHER ITEMS

Consider Adoption – Calendar Year 2004 Regular LAFCo Meeting Schedule.

Commission unanimously approved the calendar.

Executive Officer's Report

Executive Officer Waiczis reported on the progress of Revenue Neutrality Negotiations for the proposed Malaga City Incorporation.

No action was required by the Commission.

Comments from the Public

There were no comments from the public and the meeting adjourned at 2:12 p.m.

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