

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING –OCTOBER 7, 2009

Call to Order: Chairman Victor Lopez called the meeting to order at 1:32 p.m.

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

Members Absent: None

Staff Present: Rick Ballantyne, LAFCo Executive Officer
Darrel Schmidt, LAFCo Deputy Executive Officer
Kenneth J. Price, LAFCo Counsel
Candie Fleming, Clerk to the Commission
Samantha Hendricks, LAFCo Technician II

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Minutes from the Regular LAFCo Meeting of September 16, 2009.**

The minutes were approved as presented.

4. **Potential Conflicts of Interest: Any Commission Member who has a potential conflict of interest may now identify the item and recues themselves from discussing and voting on the matter.**

There were no conflicts of interest reported

Commissioner Fortune made a motion to combine all the one-year extension requests and forego individual presentations since all extension justifications were based upon economic hardships. Commissioner Rodriguez seconded the motion which was unanimously approved.

PUBLIC HEARINGS

The following one-year extension requests were approved with a motion made by Commissioner Fortune and second by Commissioner Rodriguez. The motion was unanimously approved. Commissioner Perea was absent.

5. **City of Sanger “Annexation 06-03 – Greenwood Estates” Reorganization.**
6. **City of Fresno “Kings Canyon-Minnewawa No. 3 Reorganization”.**
7. **City of Fresno “Shields-Polk No. 4E Reorganization”.**
8. **City of Fresno “Dakota-Polk No. 4 Reorganization”.**
9. **City of Fresno “California-Temperance No. 3 Reorganization”.**
10. **Orange Cove “Jacobs-Adams Reorganization”.**

11. Proposal to Create CALAFCO Regions.

Executive Officer Ballantyne reported that the CALAFCO Board of Directors desired to discuss the concept of “regional representation”. He reported that CALAFCO had requested that Commissioners discuss CALAFCO’s proposal at their individual meetings and be prepared to discuss the proposal at the State Conference.

Mr. Ballantyne stated that staff supported the regional concept and that it would be appropriate to form a region that included the eight-county San Joaquin Valley area. He stated that Fresno LAFCo does maintain good working relationships with all Valley LAFCOs.

Commissioner Anderson asked if an eight-county San Joaquin Valley Region was proposed, whether the eight counties among themselves could select their own representative. Executive Officer Ballantyne responded that the details of any regional arrangement have yet to be discussed and a decision made—only that the Commission was being asked for its suggestions at this time.

Ken Price stated that he believed that the issue was simply whether or not the election would continue the status quo—or if there will be a delegate selected from each region.

Commissioner Fortune said that “regionalism” would allow for equal representation throughout the State. The Commission agreed that if there were only four regions, Fresno’s region would have to be bigger than just the eight counties and that the Commission should push to have the region nominate their own representatives for the Board—not the Executive Committee.

12. Retirement Options for Future LAFCo Employees.

Deputy Executive Officer Schmidt reported that during September, the Commission approved a resolution initiating LAFCo’s membership within the Fresno County Employees Retirement Association (FCERA). The resolution specified that current LAFCo staff would maintain their Tier 1 retirement benefits, but the Commission indicated its desire to lower new LAFCO employee retirement benefits in order to reduce LAFCo’s costs. Mr. Schmidt presented several retirement options that that the Commission could choose.

Mr. Schmidt reported that staff believed that a “defined benefit” plan would have advantages in attracting and retaining experienced/desirable employees, but since reducing retirement costs appeared to be a major consideration, the Commission might be more inclined to establish 401(A) Plan and a 457(B) Plan Retirement benefit options.

Ken Price reported that it was still unresolved as to whether LAFCo would be able to allow current members FCERA membership and offer a different retirement plan for its new employees. He indicated that FCERA would soon render a decision as to whether such option existed.

Mr. Price reported that Roberto Pena, Director of FCERA, thought that such arrangement was permissible—but was seeking a legal opinion from his counsel. Mr. Price recommended that the Commission provide direction to staff but not to take action until FCERA provided a response to this question.

The Commission continued this item to its November 4th meeting and directed staff to report back on FCERA’s position.

13. Report on Special Counsel Search.

Executive Officer Ballantyne reported that on September 16th, the Commission appointed a subcommittee to select special counsel to serve the Commission in instances where a possible conflict existed with LAFCO's counsel (Ken Price) as well as its Special Counsel (Michael Noland). Commissioner Anderson and Chairman Lopez were appointed to serve on the Special Counsel Selection Committee.

Mr. Ballantyne reported that the subcommittee had met and reviewed three applications. He reported that it was the unanimous choice of the subcommittee that Ruben Castillo be selected to serve Fresno LAFCo as its Special Counsel. It was reported that Mr. Castillo had previously served Fresno and Merced County Counsel Offices as well as Fresno and Merced LAFCO's.

Commissioner Fortune made a motion to approve the selection of Ruben Castillo and Commissioner Rodriguez seconded the motion. The motion was unanimously approved.

CLOSED SESSION

14. A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Subdivision (a) of Section 54956.9: *City of Fresno v. Fresno Local Agency Formation Commission*

B. PUBLIC EMPLOYMENT Title: Executive Officer

Executive Officer Ballantyne reported that Deputy Executive Officer Schmidt had accepted a transfer to the Fresno County Public Works Department to serve in their Special District's unit. Mr. Ballantyne stated that Mr. Schmidt had served Fresno LAFCo for three years and would be greatly missed.

Chairman Lopez thanked Mr. Schmidt on behalf of the Commission and asked if the Commission could present something to Mr. Schmidt that would recognize his excellent service. Executive Officer Ballantyne responded that Mr. Schmidt would be properly honored at an upcoming event.

LAFCo Counsel Price reported that the Commission had agreed to extend the recruitment date for the Executive Officer to November 2, 2009.

PUBLIC COMMENTS

There were no comments from the public.

ADJOURNMENT

The meeting was adjourned at 2:15 p.m.

THE NEXT LAFCO MEETING will be held on November 4, 2009, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.