

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING – OCTOBER 8, 2008

- Call to Order:** Chairman Lopez called the meeting to order at 1:35 p.m.
- Members Present:** Commissioners Susan Anderson, Larry Fortune, Victor Lopez, and Alternate Commissioner Sandra Neri
- Members Absent:** Commissioners Trinidad Rodriguez and Henry Perea
- 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 10, 2008.**

The minutes were unanimously approved as presented.

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.**

There were no conflicts of interest noted.

PUBLIC HEARINGS

5. **Consider Approval: Request for a One-Year Extension to Complete Proceedings**
 - A. **City of Fresno “Kings Canyon-Minnewawa No. 3 Reorganization” (LAFCo File No. RO-06-27).**

Executive Officer Rick Ballantyne presented staff’s report and indicated that while staff could support the time extension, further extensions should not be granted unless additional justification is offered. Chairman Lopez then opened the public hearing. With no testimony offered, the public hearing was then closed where a motion to approve the extension was made, seconded, and passed unanimously.

B. City of Fresno “Shields-Polk No. 4E Reorganization” (LAFCo File No. RO-06-32).

Executive Officer Ballantyne reported that sufficient progress had been demonstrated by the applicant in support of the request. The public hearing was then opened.

Eric Zweig, Project Manager for Edenbridge Homes, spoke in support of staff’s report and request for a one-year time extension. With no other testimony offered, the public hearing was then closed where a motion to approve the extension was made, seconded, and passed unanimously.

C. City of Orange Cove “Jacobs-Adams Reorganization” (LAFCo File No. RO-06-29).

Staff reported that the extension request was being made in order to allow completion of the final map requirement. Again, staff cautioned that while it could support an additional extension, further extensions should not be granted unless more specific justification is provided. Chairman Lopez then opened the public hearing. With no testimony offered, the public hearing was then closed where a motion to approve the extension was made, seconded, and passed unanimously.

D. City of Mendota “North East Bass Avenue Annexation” (LAFCo File No. RO-07-17).

Executive Officer Ballantyne presented staff’s report stating that this was the proponent’s first extension request. It was reported that a delay had been caused in that the engineering firm had not begun necessary work on plans and specifications. However, it was indicated that engineering would begin timely assuming the Commission granted the extension. Chairman Lopez then opened the public hearing. Mr. Jeff O’Neal, the applicant’s engineer, made himself available for any questions. The public hearing was then closed where a motion to approve the extension was made, seconded, and passed unanimously.

E. City of Fresno “California-Temperance No. 3 Reorganization” (LAFCo File No. RO-06-28).

Executive Officer Ballantyne presented staff’s report. He again indicated that an additional one-year extension was being recommended, but cautioned that additional extensions may not be granted unless more specific justification was offered. Chairman Lopez then opened the public hearing. Jeff O’Neal, the project engineer, made himself available for questions. The public hearing was then closed where a motion to approve the extension of time was made, seconded, and passed unanimously.

OTHER ITEMS:

- 6. Consider Request: To Waive LAFCo Filing Fees for a City of Fresno Sphere of Influence Revision and Request for Commission Review of Service Extension Outside City Boundary as Requested By Aquarius Aquarium.**

Deputy Executive Officer Darrel Schmidt presented staff's report. He stated that approval of the request would waive fees totaling between \$3,500 and \$9,500, depending on whether the acreage of the SOI revision request would include just the 10-acre aquarium site or the entire 89 acres that is the subject of the City of Fresno's General Plan Amendment.

Chairman Lopez opened the public hearing and expressed his support for the fee waiver. Tom Lang, representing the Aquarius Aquarium, requested that the fees for the entire 89 acres be waived. Bruce Barnes, representing the City of Fresno, indicated that the City would be submitting a Sphere of Influence Revision application for the entire 89 acres. He reported that the Aquarium would be designated on the City's General Plan as a Public Facility site and the remainder would be designated for Urban Reserve.

The public hearing was then closed. A motion to approve the waiver of fees for the extension of services and the Sphere of Influence Revision was made and seconded, but was limited to just the 10-acre aquarium site. LAFCo Counsel Price advised the Commission that the Aquarius Aquarium application should be submitted separately, or the City of Fresno would be responsible for all fees related to the 89 acres, if submitted as one application. This motion failed due to lack of an affirmative 4/5 vote. Commissioners Anderson, Neri, and Lopez voted for the motion and Commissioner Fortune against.

7. LAFCo Agricultural Preservation Policies: Update Regarding Agricultural and Open Space Mitigation Policies.

It was reported that at the Commission's request, staff and LAFCo Counsel had drafted Agricultural Land Preservation Policies. Staff presented its report and compared three models including Yolo, Sacramento, and Ventura County policies. The Commissioners reviewed the three policies and provided their thoughts related to each.

Executive Officer Ballantyne reported that he was contacted by Holly King of the Great Valley Center who indicated a desire to present the Center's Conservation Easements Program to Fresno LAFCo. Executive Officer Ballantyne informed the Commission that a meeting had been scheduled for Wednesday, October 29, 2008, at 10:30 a.m., in the LAFCo Conference Room, and invited the Commissioners to attend. Mr. Ballantyne recommended that this item be continued until January, in order to allow the Council of Fresno County Government's "Model Farmland Conservation Program" to conclude its efforts and report back its recommended actions to the Commission.

Chairman Lopez opened the public hearing. Jeff Roberts inquired if he could attend the October 29, 2008 meeting, on behalf of the BIA.

Commissioner Anderson made a motion to use Yolo County's policy as a model because it was the most aggressive policy. It was the consensus of the Commission to continue this item to January, which would be after the presentation by the Great Valley Center and would allow the Council of Fresno County Government's "Model Farmland Conservation" Program to be completed.

8. LAFCo Counsel's Reports:

- A. LAFCo Independence:** Update Regarding Present Agreement with Fresno County.

LAFCo Counsel Price noted that this item was placed on the agenda at the request of Commissioner Lopez. He indicated that while LAFCo is an independent agency, LAFCo staff are still Fresno County employees. He further reported that former County Administrative Officer, Bart Bohn and County Counsel, Dennis Marshall, had previously determined that LAFCo's staff could transition to becoming LAFCo employees and contract with the County for employee benefits. Also, the Cortese-Knox-Hertzberg Reorganization Act of 2000 provides that Fresno LAFCo employees can be provided retirement benefits through the Fresno County Employees Retirement Association.

LAFCo Counsel Ken Price also indicated that an actuarial study must be completed so that costs associated with joining the County Retirement Association could be estimated. A motion to form a subcommittee consisting of Commissioners Fortune and Lopez was made, seconded, and passed unanimously.

- B. LAFCo Facilitation:** Update Regarding Efforts to Facilitate a Resolution of Dispute Between Consolidated Irrigation District and the Cities of Fowler, Kingsburg, Parlier, Sanger, and Selma.

LAFCo Counsel Price reported that at the September 17th facilitation meeting, a draft agreement was reviewed. The agreement focused on two issues; the first being a fee for acquiring additional water to be used for groundwater recharge, and the second being an enhanced fee for use of Consolidated Irrigation District (CID) facilities to accommodate storm water discharge. It was noted that CID and the five cities will meet again. The parties have met twice since the September meeting.

COMMENTS FROM THE PUBLIC:

No public comments were offered.

ADJOURNMENT

The Commission adjourned the meeting and announced its next meeting to be held on November 5, 2008, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.