

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

“MINUTES”

REGULAR LAFCo MEETING – November 7, 2007

Call to Order: Chairman Lopez called the meeting to order at 1:35 p.m.

Members Present: Commissioners Susan Anderson, Larry Fortune, Victor Lopez, Phil Larson, and Alternate Commissioner Sandra Neri

Members Absent: Commissioner Trinidad Rodriguez

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

1. **Pledge of Allegiance**
2. **Call to Order and Roll Call**
3. **Consider Approval: Minutes from the regular LAFCo Meeting of October 10, 2007.**

The minutes were unanimously approved as presented.

4. **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.**

LAFCo Counsel, Kenneth Price, stated that he would be excusing himself from Agenda Items 11 and 12 citing his firm, Baker, Manock and Jensen, represents the Consolidated Irrigation District.

CONSENT AGENDA

5. **Request for a One-Year Extension to Complete Proceedings.**
 - A. **Caruthers Community Services District “North of Clemenceau-East of Marks Annexation” (LAFCo File No. AD-06-2).**
 - B. **City of Kingsburg “Kamm-Academy Southwest Reorganization” (LAFCo File No. RO-06-33).**

6. **Municipal Service Review and Sphere of Influence Update for County Service Area No. 39 (Water Service).**
7. **Municipal Service Reviews and Sphere of Influence Updates for County Service Area No's. 18 and 19 (Street Lighting Service).**
8. **Municipal Service Reviews and Sphere of Influence Updates for County Service Area No's. 7, 10, 14, 33, and 47 (Multiple Services Provided).**
9. **Municipal Service Review and Sphere of Influence Update for County Service Area No. 2 (Park Maintenance Service).**
10. **Municipal Service Review and Sphere of Influence Update for the Farmers Water District.**

Deputy Executive Officer Darrel Schmidt requested that Consent Item No.10 (Farmers Water District) be pulled from the Consent Agenda. A motion to approve the Consent Agenda with the exception of Item No.10 was made, seconded, and approved by an affirmative vote of 4-0 with Alternate Commissioner Neri being absent for this first item.

10. **Municipal Service Review and Sphere of Influence Update for the Farmers Water District.**

Deputy Executive Officer Schmidt requested that important additional information had been received after the reports had been prepared and sent out that necessitated that the item be continued and the report revised. He explained it was learned through the review process that the District's boundaries may be incorrect and requested the Municipal Service Review be continued to the December 5, 2007 to correct the maps. A motion to continue this item was made, seconded, and passed unanimously.

PUBLIC HEARINGS

11. **City of Sanger "Annexation 06-03 – Greenwood Estates" (LAFCo File No. RO-07-22).**

It was noted that LAFCo Special Counsel, Mike Noland, would serve as Counsel for Items 11 & 12.

Executive Officer Rick Ballantyne presented staff's report and recommended that the item be continued to January 9, 2008 for two specific reasons. First, the Initial Study did not appear to address groundwater impacts. Second, on-going facilitation discussions recently approved by the Commission to address important issues existing between the Consolidated Irrigation District and the Cities of Sanger, Parlier, Selma, Fowler, and Kingsburg (Cities located within the Consolidated Irrigation District) should take place prior to consideration of this item.

Chairman Lopez then opened the public hearing. Bruce O'Neal, representing the City of Sanger, spoke against a continuance of the item. He stated that the City's review indicated that development imposed significant mitigation to groundwater in that the City requires water metering of new development and that the City provides recharge

through the processing of approximately one million gallons of sewage effluent at the City's Waste Water Treatment facility.

Vince DiMaggio, the developer and Chairman of Monterey LAFCo, spoke against a continuance stating that groundwater depletion was not an issue eighteen months ago and urged the Commission to approve the reorganization. He indicated his frustration with the time that it had taken to process his application and questioned why LAFCo had not stated its specific concern of potential impacts to the District at the early stages of the Environmental Review process.

Executive Officer Ballantyne responded that new information had been provided to LAFCo concerning impacts to the District after the City's Initial Study had been prepared and that this new information could and should be considered by the Commission in its role as the "responsible" agency.

Scott Browne, attorney for Consolidated Irrigation District, spoke in favor of a 60-day continuance stating that the District is not trying to stop development, just looking to mitigate impacts. Mr. Browne commented that each new project provided additional impacts to the groundwater that needed to be addressed on a "cumulative" basis.

Tim Chapa, Director of Development Services for the City of Sanger, spoke against a continuance. Mr. Chapa compared this project to one that was previously approved by the Commission for the City of Selma saying that the two are similar. Executive Officer Ballantyne reminded the Commission that the two applications that Mr. Chapa referred to were not alike and that the Selma project had to be reviewed in light of totally different circumstances that he outlined.

After further review and discussion, a motion to approve the reorganization was made seconded and passed by a vote of three to two.

12. City of Sanger "California-Academy Northwest Reorganization" (LAFCo File No. RO-07-21).

Executive Officer Ballantyne reported that it had been brought to the attention of LAFCo by representatives of the Consolidated Irrigation District that a flaw in the notification procedures may have taken place.

After review of the circumstances involved with the required notification procedures as set forth in State law, it was determined that LAFCo's notice of this hearing was not timely and a motion to continue this item to the January 9, 2008, hearing to allow further notification was made, seconded, and passed unanimously.

13. Municipal Service Review and Sphere of Influence Update for County Service Area No. 31 (Multiple Services Provided).

Bob Braitman of Braitman & Associates (LAFCo's consultant) presented the Municipal Service Review. The public hearing was then opened with no public testimony offered. The public hearing was then closed and a motion to approve was made, seconded, and passed unanimously.

14. Municipal Service Review and Sphere of Influence Update for the Sierra Cedars Community Service District.

Daniel Hamilton (Pacific Municipal Consultants) presented the Municipal Service Review. The public hearing was then opened and no public testimony was offered. The public hearing was then closed and a motion to approve was made, seconded, and passed unanimously.

15. Municipal Service Reviews and Sphere of Influence Updates for County Waterworks District No's. 41S and 41W.

Daniel Hamilton presented his second Municipal Service Review. The public hearing was then opened and no public testimony was offered. The public hearing was then closed and a motion to approve was made, seconded, and passed unanimously.

16. Consider Adoption – Calendar Year 2008 LAFCo Hearing Schedule.

A motion to adopt the 2008 Hearing Schedule was made, seconded and passed unanimously.

OTHER ITEMS:

17. Public Presentation:

Fresno Island Annexation Program Progress Report – Bruce Barnes, Fresno City Planning & Development Department.

Bruce Barnes, Project Manager for the City of Fresno, provided an update of the City's Island Annexation Program. He indicated the progress that had taken place and that City staff had held its first neighborhood meeting. He reported upon the positive response that took place at this meeting between residents and staffs representing the City of Fresno, the County, and LAFCo.

18. LAFCo Counsel's Reports:

A. Presentation: LAFCo's Legal Authority to Adopt Agricultural and Open Space Mitigation Policies.

Mr. Price reviewed several options that LAFCOs throughout the State have taken in preserving agricultural and open space lands. He also discussed the possibility of LAFCo hosting an Agricultural Land Preservation Workshop to discuss various approaches to preservation and mitigation efforts.

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

Mr. Price reported that Kingsburg's City Manager Don Pauley (elected to represent the Cities of Fowler, Kingsburg, Parlier, Sanger and Selma); along with Mark Gilkey of the Consolidated Irrigation District; Nancy Miller, LAFCO's facilitator consultant; and LAFCo

staff are scheduled to have their first facilitation meeting at the end of November.

C. Consider Adoption: A.B. 745 Policy Requiring the Disclosure of Contributions and Expenditures Made for the Purposes of Affecting or Influencing Petitions for Changes of Organization and Protest Hearings.

This item was continued at the request of LAFCo Counsel to the December 5, 2007 meeting.

19. Deputy Executive Officer's Report: *Municipal Service Review (MSR) and Sphere of Influence (SOI) Update Program Report.*

Deputy Executive Officer Schmidt informed the Commission that the last 29 MSRs will be heard at December's hearing in order to meet the State Law mandated deadline.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

ADJOURNMENT

The meeting was adjourned at 4:30 p.m.

THE NEXT LAFCO MEETING will be held on December 5, 2007, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California