

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING – December 13, 2006

1. **Call to order:** Vice Chairman Lopez called the meeting to order at 1:33 p.m.
- Members Present:** Commissioners Susan Anderson, Larry Fortune, Victor Lopez, Trinidad Rodriguez, and Bob Waterston
- 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, Office Assistant

2. **Minutes from the regular LAFCo meeting of November 15, 2006.**

The minutes were unanimously approved as presented.

CONSENT AGENDA

3. **City of Clovis “Nees-Sunnyside Southeast Reorganization” (LAFCo File No. RO-06-38).**

The Consent Agenda was unanimously approved by the Commission. Commissioner Waterston was not present for the vote.

PUBLIC HEARINGS

4. **City of Orange Cove “Jacobs-Benjamin Reorganization” (LAFCo File No. RO-06-39).**

Commissioner Lopez abstained from consideration and voting on this item due to a potential conflict of interest since he served as Orange Cove’s Mayor. Commissioner Lopez was not present during the hearing of this item.

Executive Officer Ballantyne presented staff’s report and reported that the State Department of Conservation had responded to the Commission’s notification of the annexation and City’s intent not to succeed to Agricultural Contract No. 3252. The Department indicated that they had determined that the City’s protest of the Contract that took place in 1971 was not valid given the fact that a legal description of the property was not included as a part of the City’s resolution. However, LAFCo Counsel had determined that the protest of the contract was valid given the fact that the resolution referenced the Agricultural Land Conservation Contract Number.

Executive Officer Ballantyne recommended approval of the proposal with conditions including Counsel’s recommended condition that the City of Orange Cove shall execute an indemnification agreement holding the Commission harmless for their action. With no comment from the public, the application was unanimously approved with conditions.

Closed Session:

Conference With Special Legal Counsel—Anticipated Litigation Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9 (One Potential Case).

Commissioner Waterston reported there was no reportable action

5. Conducting Authority Proceedings - City of Fresno “Dakota-Polk No. 4 Reorganization” (LAFCo File No. RO-06-30).

Executive Officer Ballantyne presented staff’s report. He reported that two protests had been received but had been withdrawn prior to the hearing. Commissioner Waterston then opened the public hearing to consider any additional protests.

Dave Braun, representing the City of Fresno, testified that area residents’ concerns related to retaining their animals was being addressed by creation of an Overlay Zone District.

Tim Jones, representing the proponents, thanked LAFCo, the City of Fresno and the neighbors of the affected territory for their support. The public hearing was then closed.

The Commission unanimously voted to confirm their previous resolution of approval.

6. Conducting Authority Proceedings - City of Fresno “McKinley-Hayes No. 2F Reorganization” (LAFCo File No. RO-06-31).

Executive Officer Ballantyne presented staff’s report and Commissioner Waterston opened the public hearing. With no public testimony, the public hearing was then closed.

A motion to confirm the Commission’s prior conditional approval was passed unanimously.

7. Conducting Authority Proceedings - City of Fresno “Kings Canyon-Minnewawa No. 3 Reorganization” (LAFCo File No. RO-06-27).

Executive Officer Ballantyne presented staff’s report and stated that one landowner had submitted a protest form. Also, that Paul Atmajian had submitted a copy of a recorded covenant signed by the protesting landowner stating that they would not protest any future annexation to the City of Fresno.

LAFCo Counsel, Kenneth Price, recommended that Executive Officer Ballantyne should wait to determine the value of protests until after Counsel had reviewed the validity of the covenant.

Commissioner Waterston then opened the public hearing. Mr. Paul Atmajian spoke in favor of the proposal. Commissioner Waterston then closed the public hearing and a motion confirming the Commission’s previous resolution of approval was passed unanimously subject to verification by Counsel.

8. City of Fowler “Temperance Avenue Right-of-Way Annexation” (LAFCo File No. RO-06-35).

Executive Officer Ballantyne informed the Commission that this application contained three separate Agricultural Preserve Contracts on the affected thirty-foot wide strip of Temperance Ave. He reported that as required by State Law, the City of Fowler must notify the Department of Conservation and the County of Fresno of the pending annexation of agricultural preserve lands existing on road rights-of-way. It was noted by Executive Officer Ballantyne that such referral had not yet occurred and that a

thirty-day continuance was recommended. LAFCo Counsel, Kenneth Price, concurred with staff's recommendation.

Commissioner Waterston then opened the public hearing. With no public testimony, the public hearing was closed and a motion for a 30-day continuance was made, seconded and passed unanimously.

9. City of Sanger "Indianola-Ninth No. 1 Reorganization" (LAFCo File No. RO-06-36). (Continued Item from November 15, 2006)

Executive Officer Ballantyne referred the item to Special Counsel Mike Noland [as well as item # 10 (Reorganization No. 05-05" (Church-Quality Southeast)]. Mr. Noland recommended that the item be removed from the Agenda as per Government Code 57003 and that the Commission take no action until the previous proposal had been completed or had expired.

10. City of Sanger "Reorganization No. 05-05" (Church-Quality Southeast (LAFCo File No. RO-06-37). (Continued Item from November 15, 2006)

Special Counsel Mike Noland also recommended that the Commission remove this item from the Agenda per Government Code 57003 and take no action until the previous proposal had been completed or had expired.

OTHER ITEMS:

11. LAFCo Counsel's Report(s)

LAFCo Counsel Kenneth Price had nothing to report

12. Executive Officer's Report - Selection of Consultant for Municipal Service Review Contract(s)

Deputy Executive Officer Darrel Schmidt reported to the Commission that the Municipal Service Review Sub-Committee had met to review proposals. He reported that the Sub-Committee had reviewed four proposals and had selected two consultants for preparing Municipal Service Reviews and Sphere of Influence recommended actions. Mr. Schmidt reported that Braitman & Associates would be preparing MSR's for all the cities and the majority of the special districts and that Pacific Municipal Consultants would be preparing Service Reviews for the remainder of the districts—excepting Police Protection Districts that would be prepared by staff.

Executive Officer Ballantyne announced that Fresno LAFCo will host an MSR Informational Seminar at the Fresno County Farm Bureau on January 31, 2007. Executive Officer Ballantyne reported that city representatives and special district representatives will be invited to discuss the State's requirements for Municipal Service Reviews, Sphere of Influence updates, and answer questions related to the program.

COMMENTS FROM THE PUBLIC

Mr. Harley Turner spoke against the Commission's prior action in approving the City of Fresno's Southeast Growth Area Sphere of Influence Amendment.

ADJOURNMENT

The meeting was adjourned at 2:45 p.m.