

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

“MINUTES”

REGULAR LAFCo MEETING –DECEMBER 3, 2008

- Call to Order:** Chairman Lopez called the meeting to order at 1:33 p.m.
- Members Present:** Commissioners Susan Anderson, Larry Fortune, Victor Lopez, Trinidad Rodriguez and Alternate Commissioner Phil Larson
- Members Absent:** Commissioner 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
Susan Pool, LAFCo Office Assistant II

- 1. Call to Order and Roll Call**
- 2. Pledge of Allegiance**
- 3. Minutes from the regular LAFCo Meeting of November 5, 2008.**

The minutes were unanimously approved as presented.

Chairman Lopez requested that an additional item be placed on the Agenda regarding Cost of Living Adjustments (COLAs) for LAFCo employees. LAFCo Counsel explained the circumstances necessary for the Commission to be able to hear the item. Commissioner Fortune made the motion for the item to be placed to the Agenda.

Commissioner Larson indicated that the Fresno County Board of Supervisors had not yet determined if COLA's would be given to County employees, but that such benefit may not be possible with the slowing economy. Commissioner Anderson spoke in opposition of the motion to hear the item indicating that there did not appear to be any new facts presented necessitating it to be placed on the agenda. Also, that County Personnel and the County Administrative Offices should be in attendance in order to answer questions.

A second to the earlier motion by Commissioner Fortune was made and passed by a vote of three to one with Commissioner Larson abstaining. The item was added to the Agenda as the last item (Item No.11).

4. Potential Conflicts of Interest:

Chairman Lopez stated that he would recuses himself from Agenda Item 5-B.

PUBLIC HEARINGS

5. Request for a One-Year Extension to Complete Proceedings for the following:

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

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 substantial progress is made in the coming year. Chairman Lopez then opened the public hearing.

Mr. Ryan Burnett of the City of Clovis concurred with staff’s recommendation. Mr. Gary McDonald of Gary McDonald Homes, Inc. also spoke in support of the extension. Chairman Lopez then closed the public hearing where a motion to approve the extension was made, seconded, and passed unanimously.

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

Chairman Lopez excused himself and left the meeting room. Executive Officer Ballantyne reported that the item was similar in nature to the prior item and that staff could support the extension, but further extensions should not be granted unless substantial progress was demonstrated in the next year.

Chairman Pro Tem Anderson then opened the public hearing for public testimony. No testimony was offered. The public hearing was then closed and a motion was made and seconded to approve the one year extension. The motion passed unanimously.

6. Malaga County Water District “Extension of Municipal Services” (LAFCo File No. OS-08-2).

Deputy Executive Officer Darrel Schmidt presented staff’s report stating that the Malaga County Water District desired to serve the property by extending its services without annexing the property. The District indicated that it plans to annex the property at a future date as a part of a larger annexation proposal. Mr. Schmidt also indicated that the property owner has agreed to being annexed at such future time.

Chairman Lopez then opened the public hearing. With no testimony offered, the public hearing was then closed where a motion to approve was made, seconded, and passed unanimously.

OTHER ITEMS:

7. City of Parlier Presentation: City of Parlier Update Regarding the City's Sphere of Influence Revision Proposal and Issues Related to Processing of Such Proposal.

Bruce O'Neal, representing the City of Parlier, made the City's formal presentation. He reported that the City of Parlier is currently proposing to amend its Sphere of Influence (SOI) by detaching 640 acres of land located between Zediker and Smith Avenues where the Kearney Research and USDA Agricultural Centers are located, and by adding an additional 3,200 acres to the City's Sphere of Influence resulting in a SOI total of 5,500 acres.

Commissioner Anderson commented that she supported the use of "land buffers" around the exiting Research and Agricultural Center. Mr. Fred Swanson, representing the Kearney Research Center, concurred with the portion of the proposal that would remove the Center from the City's SOI, but expressed great concern should the center ever be surrounded by urban type development. Mr. Swanson urged that Agricultural Research Center representatives be involved in any future discussions concerning changes in the City's SOI.

Parlier Mayor, Armando Lopez, assured the Commission that the City of Parlier would respect the existing Research and Agricultural Center. He stated that in addition to an eighty-foot buffer, the City proposes to add a frontage road along Manning Avenue to provide an additional set back and buffer from any urban development that would be located north of the Kearney Agricultural Center. The Commission indicated its concern related to any possible encroachment upon the existing center and any harm that would come to the center resulting from urban development.

This was an informational item. No action was taken.

8. Deputy Executive Officer's Report:

A. Fresno LAFCo Work Program Quarterly Report: Report on Annual Work Program Accomplishments.

Deputy Executive Officer Schmidt gave a brief summary of LAFCO's *2008 Work Program* accomplishments. Achievements ranged from progress made under the City of Fresno's Island Annexation Program to consolidation efforts undertaken between the Westside and Tranquility Resource Conservation Districts. Numerous accomplishments were cited.

B. Del Rey Community Services District MSR/SOI Update Revisions – Status Update

Deputy Executive Officer Schmidt reported that the Del Rey Community Services District had submitted only about one-half of the requested information necessary to revise the District's Municipal Service Review (MSR). The District's Manager stated that they were unable to locate several of the items that had been requested by staff.

LAFCo Counsel Price expressed concern noting that Community Service Districts are required by State law to maintain records (Budgets from 2002-2007) that are currently missing. Staff did, however, receive financial statements from the District.

9. Executive Officer's Report:

- A. CALAFCO State Conference Update:** Discussion of 2009 CALAFCO State Conference (Sponsored by Fresno LAFCo).

Executive Officer Ballantyne announced that Fresno LAFCo will be hosting the CALAFCo State Conference in October 2009, at The Tenaya Lodge. Commissioner Anderson volunteered to represent the Commission on the Host Committee. The first of five event planning meetings will take place on January 30th, 2009, at the Fresno Council of Governments.

- B. Annual Review:** Staff Will Provide a Review of Agency Accomplishments During this Last Year and an Outlook for 2009.

Executive Officer Ballantyne provided a brief report upon Fresno LAFCo's accomplishments during this last year. He indicated that this next year's work program will be highlighted by considering and adopting Agricultural Preservation Policies, addressing Independence of LAFCo Personnel, Environmental Justice Issues, and continued support of the City of Fresno's Island Annexation Program.

10. LAFCo Counsel's Report:

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

LAFCo Counsel Ken Price reported that Consolidated Irrigation District and the City of Kingsburg's City Manager, Don Pauley, who is representing the five cities involved, are currently in the process of redrafting their agreement. The participants requested that LAFCo not participate in the final negotiations that are underway. Progress is being made.

11. LAFCo Employee Cost of Living Adjustments: (This item was added at the beginning of the meeting).

Chairman Lopez spoke in support of all LAFCo staff receiving their annual Cost of Living Adjustment (COLA) as previously approved and adopted within LAFCo's *2008-2009 Budget*. Alternate Commissioner Larson responded that the Fresno County Board of Supervisors had not yet voted on the matter of personnel benefits and, therefore, recused himself from this item.

Commissioner Fortune agreed that these are extraordinary times, but stated that this item shouldn't be on the Agenda for a vote since it had already been approved and passed unanimously at the May 7, 2008, hearing. The Executive Officer stated that what was desired was a determination by the Commission as to whether COLAs for

LAFCo employees, as included within LAFCo's adopted budget, should be honored by the Board of Supervisors when County employee benefits will be discussed at the Board of Supervisor's next meeting.

A motion was made for the County to honor LAFCo staff's approved Cost of Living Adjustments (COLAs) as set forth within LAFCo's approved budget and that the LAFCo Chairman be authorized to send a letter to the Fresno County Board of Supervisors supporting the COLA. The motion was seconded and passed by three affirmative votes. Commission Anderson abstained from the vote and Commissioner Larson recused himself from the vote.

COMMENTS FROM THE PUBLIC:

No public comments were offered

ADJOURNMENT

The Commission adjourned the meeting at 2:05pm and announced its next meeting to be held on January 7, 2009, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.