

**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)**

**(Fresno County, California)**

**“MINUTES”**

**REGULAR LAFCo MEETING – December 5, 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 Trinidad Rodriguez

**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  
Susan Pool, LAFCo Office Assistant II  
Samantha Hendricks LAFCo Technician

1. **Pledge of Allegiance Call to Order and Roll Call**
2. **Fresno LAFCo Service Award to Commissioner Bob Waterston**

Chairman Lopez acknowledged the many contributions that Commissioner Bob Waterston had made to Fresno LAFCo during his six years of service. He presented Mr. Waterston with a plaque in appreciation of his service. Executive Officer Ballantyne voiced his appreciation of Commissioner Waterston’s continued support of LAFCo and its staff.

3. **Consider Approval: Minutes from the regular LAFCo Meeting of November 7, 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.**

No Conflicts of Interests were indicated.

**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).**

- C. **City of Orange Cove “Jacobs-Benjamin Reorganization”**. (LAFCo File No. RO-06-39).
6. **Municipal Service Review and Sphere of Influence Update for the Farmers Water District. (Continued from November 7, 2007 Hearing)**
  7. **Municipal Service Reviews and Sphere of Influence Updates for County Service Area No’s. 5, 23, and 38 (Water Service).**
  8. **Municipal Service Reviews and Sphere of Influence Updates for County Service Area No’s. 1, 30, 32, 34, 43, and 44 (Multiple Services); Municipal Service Review for County Service Area No. 49 (Multiple Services).**
  9. **Municipal Service Review for County Service Area No 50 (Specialty Services).**
  10. **Municipal Service Review and Sphere of Influence Update for the Calwa Recreation and Park District.**
  11. **Municipal Service Reviews and Sphere of Influence Updates for the Panoche and Silver Creek Drainage Districts.**
  12. **Municipal Service Review and Sphere of Influence Update for the Zalda Reclamation District No. 801.**
  13. **Municipal Service Reviews and Sphere of Influence Updates for Firebaugh Canal, Mercy Springs, Oro Loma, and Pleasant Valley Water Districts.**
  14. **Municipal Service Review and Sphere of Influence Update for Freewater County Water District.**
  15. **Municipal Service Review and Sphere of Influence Update for Lanare Community Service District.**
  16. **Municipal Service Review and Sphere of Influence Update for Orange Cove Police Protection District.**

Without further discussion, the Consent Agenda was unanimously approved.

### **PUBLIC HEARINGS**

17. **Conducting Authority Proceedings: City of Clovis “Bullard-DeWolf Southwest Reorganization”**. (LAFCo File No. RO-07-11).

Executive Officer Ballantyne presented staff’s report and summarized the Commission’s resolution of approval. Mr. Ballantyne reported that staff had not received any official protests.

With no further discussion, the Commission unanimously voted to reaffirm their resolution of approval.

## **OTHER ITEMS:**

### **18. LAFCo Counsel's Reports:**

#### **A. 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, Reorganizations, and Protest Hearings.**

Kenneth Price, LAFCo Counsel, reported that the Governor had recently signed AB 745, to become affective January 1, 2008. Mr. Price summarized the bill and how it would affect LAFCO. He explained that anyone who spent \$1,000 or more to influence the outcome of a change of organization, reorganization, or conducting authority proceedings, had an obligation to disclose such facts to the Commission.

Mr. Price presented a “draft” policy that had been prepared by LAFCO counsels and endorsed by CALAFCO. Mr. Price said that once the Commission approved the policy he would instruct staff on how to collect and distribute the appropriate “Fair Political Practice” Commission reports and retain them in the LAFCo Office. Mr. Price said this Bill would obligate persons spending \$1,000 or more to acknowledge the expenditure. Such action, however, would not necessarily require that Commissioners recues themselves from considering and voting on LAFCo items.

The Commission unanimously approved the adoption of the policy.

#### **B. Presentation & Consider and Adopt:**

##### **(1) Update Regarding LAFCo Efforts to Facilitate a Resolution of Dispute Between Consolidated Irrigation District and Cities of Fowler, Kingsburg, Parlier, Sanger, and Selma. Consider Letter to Participants Regarding Establishing a Process to Address Interim Annexation Applications and Other Matters.**

Nancy Miller, LAFCo's Special Counsel hired to facilitate discussions and help resolve issues between the Consolidated Irrigation District (CID) and representatives of the five cities located within CID, reported upon recent progress via teleconference.

Ms. Miller reported that a recent all-day meeting had been held to address a wide range of issues. Part of that discussion included the possibility of resolving issues through amendments to the existing cooperative agreements between CID and the five cities. Major issues discussed during the facilitation process included: recharge of groundwater; future water needs; storm water discharge issues; the maintenance and operation of the infrastructure systems by CID and the cities; flooding avoidance; and future storm water discharge needs.

Ms. Miller reported that another issue was “what do we do with pending applications?” She said they each party agreed to take back the “draft policies” to their respective legislative bodies for review and approval. Ms. Miller reported that she felt that the policies reflected the combined interests of all involved. It was suggested that the LAFCo Chairman be authorized to sign a letter advising of LAFCO's support of the process (a draft letter was included in the Commissioners' packets). She said the next

facilitation meeting was set for January 29<sup>th</sup> to allow time for all parties to seek approval from their respective Boards and City Councils.

Don Pauley, Kingsburg City Manager, introduced himself as the “designated negotiator” for the five cities. He reported that the City and CID facilitation representatives had reached agreements and requested that the Commission support their efforts by sending an official letter to each of the Cities and CID. The Commission concurred and directed the letter be sent to the Cities (Don Pauley) and CID (Mark Gilkey).

Commissioner Fortune asked where he would find the “mitigation” language in the letter. Ken Price responded that staff was working on the mitigation measures and that the parties were hesitant to publically discuss anything specifically.

**(2) Amendment to LAFCo Policies, Standards, and Procedures to Require that each Local Agency Service Plan Submitted to LAFCo Pursuant to Government Code Section 56653 Contain Mitigation of Urban Impacts on Rural Infrastructure.**

Ken Price requested that this item be continued until after negotiations between the five cities and CID had been completed. The Commission unanimously voted to continue the item.

**19. “San Joaquin Valley Regional Blueprint Update” – Barbara Steck, Council of Fresno County Governments.**

Barbara Steck, of the Council of Fresno County Governments, provided the Commission with an update of the “Valley Blueprint” activities and actions. She stated that the *Blueprint Program* was an unprecedented regional planning effort that involved all eight of the San Joaquin Valley Counties. The plan area also included 62 Valley Cities. The “Blueprint” provides an opportunity for the San Joaquin Valley to plan to the year 2050.

Ms. Steck (aided by a full array of colorful graphics) reviewed the three phases of the “Blueprint”. These include: “The Values and Vision”; “Goals, Policies, and Performance Measures”; and “Scenario Planning”.

**20. Consider Requesting Merced County to Serve as Implementing Agency for a Boundary Exchange between Fresno and Merced Counties.**

Executive Officer Ballantyne reported that Fresno and Merced Counties had approved a minor boundary exchange near the City of Dos Palos. He indicated that the Counties’ actions had resulted in the need for processing a reorganization application to address the impacts to five special districts that operate within the County.

He reported that the staffs of both Counties (LAFCOs, County Counsels, Administrative Offices, Public Works and Planning Departments) had discussed the matter and agreed that a single reorganization application could be processed to address all changes in district boundaries, and address necessary tax sharing agreements. It was agreed upon by County staffs that Merced County LAFCO should take the lead in such effort since Merced County had previously taken the leadership role during the County boundary exchange and had prepared the environmental analysis that addressed the

boundary change. Mr. Ballantyne asked that the Commission agree to authorize Chairman Lopez to sign a letter to send to Merced County LAFCo requesting that they take the "lead" in the effort.

Commissioner Larson, who serves as one of the County's representatives to LAFCo, provided some background information and justification as to why the two Counties had agreed to the exchange of territory.

The Commission unanimously approved allowing Merced County LAFCO to serve the lead role in the necessary reorganization application and directed the Executive Officer to prepare a letter to be signed by the Chairman to be sent to Merced LAFCO requesting such action.

**21. Annual Review: Staff Will Provide a Review of Agency Accomplishments During this Last Year.**

LAFCo's Annual Review was made utilizing its new "website" as a visual guide. Executive Officer Rick Ballantyne stated that all of LAFCo's major accomplishments could be viewed on LAFCo's website.

He reported that under the "Public Meetings and Workshops" tab had been posted two public workshops held during last year. These included the "Municipal Service Review" and the "Sphere of Influence" Workshops that were held at the Fresno County Farm Bureau. Mr. Ballantyne indicated that staff planed to hold an "Agricultural Preservation" Workshop during the spring of 2008.

Deputy Executive Officer Schmidt reported on LAFCo's "Municipal Service Review" and "Spheres of Influence (SOI) Update" Programs. He indicated that prior to 2007 only the MSRs and SOI updates had been completed for the Cemetery Districts and the Fig Garden Police Protection District. Mr. Schmidt reported that during 2007, MSRs and SOI Updates for all 15 cities and 105 special districts were completed in order to meet State law requirements.

Mr. Schmidt reported that only three SOIs and a single MSR have yet to be completed. The three SOIs are to be presented in January and the final MSR (CSA No. 34) will be presented in February. This will complete the five-year cycle of State mandated MSRs and SOI Updates.

Executive Officer Ballantyne indicated that all of the LAFCo forms had been updated and placed on the website along with the Commission's "Policies, Standards and Procedures" and the "Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000".

Mr. Ballantyne reported that a new feature was recently added to LAFCO's web page on "Island Annexations". Such feature had been added in order to help address citizen questions that may be raised when the City of Fresno files its first island annexation application and public notices are sent out to residents. Public notices that are to be sent out will reference the "Island Annexation" tab on the web site.

Commissioner Fortune expressed his concern over requests for extensions of time. He said that the fee charged by LAFCo for a request allowed individuals to continually

extend the time on an application, which could result in the territory being tied up for years without any development taking place. Commissioner Fortune asked if the Commission could direct staff to come back with a suggestion that would either limit the number of times an extension could be granted or increase the fee every year the application wasn't completed. Executive Officer Ballantyne said staff would prepare a report to address the issue for the next hearing.

Chairman Lopez, along with Commissioner Anderson, expressed their appreciation of the LAFCo staff and the good work that had been accomplished during 2007. Each member was called out for their special contributions.

Ken Price, LAFCo Counsel, also voiced his appreciation of the staff and stated that when he first started representing Fresno LAFCo, Fresno didn't have much presence at the State-wide level—but feels that the Commission is becoming one of the most productive Commissions in the State of California on all levels.

### **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

### **ADJOURNMENT**

The meeting was adjourned at 2:56 p.m.

**THE NEXT LAFCO MEETING** will be held on January 9, 2008, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.