

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

**(Fresno County, California)**

**“MINUTES”**

**REGULAR LAFCo MEETING – February 7, 2007**

- 1. Call to order:** Vice-Chairman Lopez called the meeting to order at 1:34 p.m.
- Members Present:** Commissioners Susan Anderson, Larry Fortune, Victor Lopez, Trinidad Rodriguez, and Bob Waterston (absent for Item No's. 1-4)
- 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

**2. Pledge of Allegiance**

**3. Minutes from the regular LAFCo meeting of January 10, 2007**

The minutes were unanimously approved as presented (Commissioner Waterston was absent for this item).

**CONSENT AGENDA**

- 4. One-Year Extensions to Complete Proceedings**
- A. Fig Garden Police Protection District “Annexation to the Fig Garden Police Protection District” (LAFCo File No. AD-06-1).**
- B. City of Firebaugh “Behymer-Clyde Fannon Southwest (El Sendero) Reorganization” (LAFCo File No. RO-06-1).**

Agenda Items 4A and 4B were unanimously approved (Commissioner Waterston was absent for this item).

**PUBLIC HEARINGS**

- 5. Request for a One-Year Extension to Complete Proceedings and Waive Extension Filing Fee. Landowner Petition “Formation of County Service Area No. 51” (LAFCo File No. FD-05-1).**

Executive Officer Ballantyne presented staff's report. He indicated that the applicant had provided evidence in support of the requested one-year extension and fee waiver. Mr. Ballantyne recommended that the extension filing fee be waived because of several unexpected delays that were encountered that were not the fault of the proponents.

Commissioner Anderson inquired if the fee waiver was consistent with Commission policies and previous Commission action.

Executive Officer Ballantyne reported that the project was delayed more than six months at no fault of the proponents and that granting the extension and fee waiver would be consistent with adopted policies and previous actions.

Kenneth Price, LAFCO Counsel, reminded the Commission that this project was subject to the validation action that LAFCo filed with Fresno County Superior Court and such action took three and one-half months in order to uphold and validate LAFCo's actions causing the delays and the need for the extension.

Commissioner Anderson questioned whether the request met the standards for waiving fees. Counsel Price responded that it would be a judgment call at the Commission's discretion.

Paul Nyberg, representing the Dry Creek Rural Water Association, requested that the fee be waived. He stated that the unusual delays were not the Association's fault and that in order to pay the extension fee they would have to find someone who would be willing to write a \$500 check or seek donations.

Commissioner Anderson stated that the Commission usually doesn't waive fees, but that she made the motion to approve the waiver due to the delays caused by the validation action. The Commission unanimously approved the one-year extension and waiver of the extension filing fee.

**6. Request for a One-Year Extension to Complete Proceedings, City of Orange Cove "Anchor-Adams No. 1 Reorganization (LAFCo File No. RO-96-8).**

Executive Officer Ballantyne reported that this was the 11<sup>th</sup> request for an extension of time for the Reorganization. Mr. Ballantyne reported that the proposal originally contemplated a privately owned and operated re-entry facility containing 550 beds for inmates of the California Department of Corrections with less than 18 months of sentence and of a non-violent nature and was conditioned upon approval of the facility by the State of California. Mr. Ballantyne reported that the City of Orange Cove is continuing to work with development entities to comply with the terms of the City's initial request and that the development continues to evolve and that the northerly portion of the property will play a major role in the City's Master Drainage Plan.

Executive Officer Ballantyne recommended approval of one last extension of time and if the project changed substantially, the City would need to file a new application along with new environmental documents.

The Commission concurred with the staff recommendation and unanimously approved a final one-year extension.

**7. Request for Waiver of Filing Fee.**

Executive Officer Ballantyne reported that the Sierra Resource Conservation District had petitioned LAFCo to allow consolidation of the Sierra Resource Conservation District with the Navelencia Resource Conservation District and requested the Commission to waive the filing fee.

Mr. Ballantyne indicated that the reasons given by the Districts in justifying the fee waiver were that the Board of Directors of each District were volunteers, the Districts have no taxing authority, nor regular income or employees, and rely upon small grants to operate. Staff explained the functions of a Resource Conservation District. Mr. Ballantyne reported that the services that the Districts provided were similar in nature and consolidation would allow for economies of scale and improved services.

Terry Sandridge, President of the Sierra Resource Conservation District, stated that the Districts had very limited budgets and if required to pay LAFCo's \$5,000 consolidation fee, that they probably would elect to disband the Navelencia District resulting in unserved territories.

Commissioner Anderson asked what the public benefit would be if they waived the fee. Mr. Sandridge replied that the territory would be able to provide continued public services to Eastern Fresno County. He stated that representatives of the Navelencia Resource Conservation District had expressed a desire to disband their District due to funding restraints. Mr. Sandridge, at the Commission's request, provided a description of the typical services provided by a Resource Conservation District.

A motion was unanimously approved to defer action upon the fee waiver request until after the Municipal Service Review studies have been completed in order to provide additional information related to the Districts.

**8. City of Fowler "Temperance Avenue Right-of-Way Annexation" (LAFCo File No. RO-06-35) (Continued from December 13, 2006 and January 10, 2007).**

Executive Officer Ballantyne gave his report and stated that this annexation would be consistent with the Commission's previous condition to annex the full right-of-way of a street. Mr. Ballantyne informed the Commission that the affected territory (easterly thirty-foot wide strip of Temperance Avenue) was subject to three separate Agricultural Preserve Contracts. He reported that the Department of Conservation recommended that the City succeed to the Contracts and that the City of Fowler has agreed to do so.

No public testimony was offered and the Commission unanimously approved the reorganization.

**9. A. Consolidated Mosquito Abatement District "Sphere of Influence Revision".**

**B. Consolidated Mosquito Abatement District "Eastern Fresno County Annexation".**

Executive Officer Ballantyne presented staff's report. He described the services provided by the Consolidated Mosquito Abatement District and explained the reason for the request. Mr. Ballantyne reported that the District currently provided only limited mosquito control services to the affected territory through a contract with the County of Fresno and that State funding would soon expire and that abatement services would not be available after that date.

Executive Officer Ballantyne said the purpose of the annexation would be to provide services in the territory on a regular and permanent basis and that approval would be contingent upon a successful approval of a Proposition 218 Benefit Assessment. Executive Officer Ballantyne reported that an approval of a Municipal Services Review

(MSR) and adoption of required findings and determinations is first necessary to amend the District's Sphere of Influence which will be completed as part of the Municipal Service Review Program. Mr. Ballantyne reported that Bob Braitman had been contracted to perform the review and would be notified of the urgency to have the District's MSR completed timely.

Steve Mulligan, the District Manager, said he had been in contact with staff regarding the issue and has been assured that the MSR would be completed in order to have the hearings and balloting before the end of the fiscal year.

A motion was unanimously approved to continue both the Sphere of Influence revision and Annexation Proposals to the April 18, 2007 hearing to allow time for the MSR to be completed and considered prior to formal action.

**OTHER ITEMS:**

**10. Executive Officer's Report: CALAFCO Staff Workshop – April 11<sup>th</sup> thru 13<sup>th</sup>, Newport Beach, CA.**

Executive Officer Ballantyne reported that several staff and Counsel would be attending the CALAFCO Staff Workshop during April 11<sup>th</sup> thru 13<sup>th</sup> in Newport Beach. He also reported that Fresno LAFCo will be hosting the CALAFCO State Conference in September of 2009.

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

Deputy Executive Officer Darrel Schmidt reported that the LAFCo's MSR Workshop was attended by 74 individuals representing 14 cities and 30 special districts. Mr. Schmidt reported that the MSR Program was on schedule and that the MSRs would be presented to the Commission no later than August.

**12. Public Presentation: "Current Revenue Challenges Facing the Fresno County Fire Protection District", Chief Becky Robertson, Fresno County Fire Protection District.**

Chief Becky Robertson of the Fresno County Fire Protection District made a formal presentation and reported upon current issues facing the District. She stated that her District provided fire protection and medical first responder services to nearly half of Fresno County. Her PowerPoint presentation showed where the District's fire stations are located.

Chief Robertson presented a slide that depicted three tax study zones. One zone accounted for about \$8 million of the approximately \$13 million in taxes the District collects each year. She indicated that studies have found that the zone generating the \$8 million, was within the Sphere of Influence of the Cities of Fresno and Clovis and that when County lands are absorbed by the cities, the District will lose significant revenues resulting in the reduction from 13 permanently staffed fire stations to four or five.

Chief Robertson said that before the District had access to GIS data, they believed that as areas were annexed to cities, growth and development on other unincorporated lands within the County would generate sufficient revenues to compensate and fill voids. However, based upon current information, she does not believe that this is the current situation. Chief Robertson stated that the County's policy to concentrate growth within incorporated areas adds to the rural fire protection problem. Chief Robertson requested the Municipal Service Review (MSR) be expedited so they could consider its recommendations for future funding actions.

Executive Officer Ballantyne said that staff could direct the consultant to make the Fire Protection District MSR a priority if the Commission desired.

### **COMMENTS FROM THE PUBLIC**

Mr. Don Jay Adams, an owner of a duplex located within the Pinedale County Water District reported to the Commission that he pays the District for water and disposal services. He also pays the City of Fresno for solid waste disposal service. He reported that he recently contacted the City of Fresno to ascertain the City's current water and sewer charges and determined that if he were to receive all services from the City of Fresno, he would pay about \$400 less per year. He wondered why the Pinedale County Water District's rates were so much more than the City of Fresno's and why the Pinedale County Water District was even necessary given the fact that the territory was within the City of Fresno's boundary and they could serve the territory.

Commissioner Anderson said she agreed with Mr. Adams, and that the Commission would be addressing these issues when the MSR is complete and brought before the Commission.

### **ADJOURNMENT**

The meeting was adjourned at 2:34 p.m.