

LOCAL AGENCY FORMATION COMMISSION (LAFCo)

(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING – MARCH 8, 2006

- Call to order:** Chairman Bob Waterston called the meeting to order at 1:30 p.m.
- Members Present:** Commissioners Susan Anderson, Larry Fortune, Victor Lopez, Trinidad Rodriguez, Bob Waterston, and Alternate Commissioner Joe Chaidez
- Members Absent:** None
- Staff Present:** Jeff Tweedie, Interim Executive Officer
Rick Ballantyne, Deputy Executive Officer
Ken Price, LAFCo Counsel
Candie Fleming, Clerk to the Commission
Samantha Hendricks, Secretary

2. Minutes from the regular LAFCo meeting of February 8, 2006.

The minutes were unanimously approved as presented.

CONSENT AGENDA

- 3. Request for One-Year Extension to Complete Proceedings**
- A. City of Reedley “Frankwood-Olson Reorganization, Annexation No. 2004-2”**
 - B. City of Reedley “South Avenue Reorganization, Annexation No. 2004-3”**
- 4. City of Sanger “Indianola-Ninth No. 1 Reorganization”**
- 5. City of Fresno “Heaton-Burgan No. 1B Reorganization”**
- 6. City of Fresno “Belmont-Fowler No. 2 Reorganization”**
- 7. City of Fresno “Belmont-Marks No. 2B Reorganization”**

All items on the consent agenda were unanimously approved in one motion.

9. “City of Clovis “Ashlan-DeWolf Southeast Reorganization”

Dave Fey, City of Clovis, requested a 30-day continuance for the “Ashlan-DeWolf Southeast Reorganization”.

The Commission unanimously approved a 30-day continuance.

8. Reconsider Prior Action Approving Formation of CSA #51

Jeff Tweedie, Interim Executive Officer, presented staff's report. Mr. Tweedie reported that at the February 8th hearing to consider the matter it was determined that the Commission's prior action on December 7th approving the project may have included information that was potentially erroneous this hearing was set to consider whether the Commission's December 7th action should be rescinded.

Mr. Tweedie reported that because of considerable prior testimony from individuals not wishing to be included in the proposal, property owners were sent a new notice along with a map asking them to indicate whether or not they wished to be included in the district and where their property was located. Staff then met with the proponent and County staff to consider possible boundary revisions that could be used to efficiently serve the area.

Commissioner Lopez asked what happens to the people who are opposed if the Commission approves the boundary?

Mr. Tweedie explained the protest hearing process. Mr. Tweedie said if the protest failed, the proposal would then go to the Board of Supervisors who would hold a hearing to form the district. He said the people who were affected would be given another opportunity to ask to be excluded from the district. Mr. Tweedie said the Board could then exclude people located on the exterior boundaries that they felt were unnecessarily included.

Mr. Crowder said the proponents support the original boundaries because they were well thought out, and gave people the opportunity to be included later. He said there was a lot of misinformation being passed around by neighbors that are protesting and confusing people.

Todd Norgaard, spoke in favor of the proposal.

Huey Hodges, spoke in opposition of the proposal. He said he is a contractor and that it would be between \$3,000 and \$5,000 a year per property owner to bring in the pipelines and if he wasn't let out he would start an effort to stop it.

Luis Escobedo and Dave Camenson said they wanted to be out of the district also but were concerned that the voting power of those located in the middle of the district would be diminished if the people on the outer edges were removed.

Ron Ferguson, Terry Smith, Ben Stites, and Rick Fendon spoke in opposition to the proposal because of the cost.

Christopher Mendez, Robert Farmer, and Nu Jon Vang, said they wanted to support their neighbors that needed water but wished to be excluded because they have water.

Jackie Proachie spoke against the proposal and said a flyer had been distributed confusing people and contained misinformation in it.

David Varney was concerned that the water system would become completely incompatible with the planning needs of the area within 10 years.

Rod Kellogg wanted to know if he would be allowed to put in a new well if he was included in the CSA.

Alan Weaver, Director of Public Works and Planning, responded to his questions that to his knowledge residents would not be prohibited from drilling new wells and that the creation of the CSA would not impose any new requirements on the residents and that the engineering study was based on assumptions that were given to the engineer to develop a backbone water main system and identified the likely construction costs.

Mr. Weaver said that if the protest failed at LAFCo's protest hearing, a service area would be created and then the County Public Works Department would have to get approval of the voters to form two assessment districts before any work would begin. One assessment district would be a preliminary to do the engineering study; the second would cover the cost of the actual construction. He said the assessment districts would have to be approved by a vote before any installation or costs could be assessed to the property.

Janet Daily, Public Works and Planning, said she believed the information provided by Mr. Weaver was correct and that the successful formation by LAFCo would then go to the Board of Supervisors to complete the formation of the CSA.

Commissioner Rodriguez made a motion to rescind Resolution FD-05-1 and approve the Formation of CSA No. 51 keeping the original boundary and Commissioner Lopez seconded the motion.

Interim Executive Officer Tweedie asked to read into the record the findings that the Commission would be making with the motion.

Commissioners Rodriguez, Lopez, and Waterston voted for the motion and Commissioner Anderson and Fortune voted against the motion.

10. City of Firebaugh "Behymer-Clyde Fannon Southwest Reorganization" (El Sendero Ranch)

Interim Executive Officer Tweedie corrected Condition No. 3 of staff's report.

There was no testimony from the public and the proposal was unanimously approved as recommended by staff.

**11. A. Fig Garden Police Protection District "Sphere of Influence Revision"
B. Fig Garden Police Protection District "Fig Garden Police Protection District Annexation"**

Commissioner Fortune said he is a resident within the current district boundaries of the Fig Garden Police Protection District and had received County Counsel's opinion that this would not be a conflict and would be allowed to vote.

Kenneth Price, LAFCo Counsel concurred with the opinion.

No further staff report was presented.

Russell VanRoseboom, the Chief Petitioner and a Commissioner with the Fig Garden Police Protection District said both he and Commissioner Bill Greenwood were present to support staff's recommendation. Mr. VanRoseboom said once LAFCo held their protest hearing a 218 vote would also be required for the assessment.

Deputy Executive Officer Rick Ballantyne said that staff had made the 218 vote a condition but recently asked LAFCo Counsel if it was necessary. Mr. Ballantyne said LAFCo Counsel has had experience with Prop 218 and didn't feel it was necessary.

Don Lindsey spoke in opposition to the annexation and felt the cost to the residents was too high for one deputy.

Jeff Hollis from the Sheriff's Office explained that the Sheriff's Office provided a deputy ten hours per day, seven days a week and an additional deputy ten hours a day, four days a week. Therefore, on four days a week there is a deputy 18 to 20 hours a day and three days a week it was only ten hours a day. He said if the annexation is approved and additional funds were available, that would allow the district to afford more coverage.

Louisa _____, 924 E. Gettysburg, spoke in favor of the annexation and asked that the Commission allow the residents to have the vote.

Brad Clark, opposed the annexation because he didn't want to pay an additional tax and didn't think crime was a problem in the area.

Dan Stobie spoke in support of the annexation and staff's recommendations.

A resident spoke in opposition to the annexation. He said he had not personally seen an increase or decrease in crime nor has he seen a sheriff's patrol car on Circle Drive in the last two years and said it would be a struggle for him to pay the assessment.

Phoebe Wall Howard, President, Fig Garden Homeowners Association, addressed some of the previous speakers' questions. She said the dollar amount of \$225 went up to \$299 to accommodate the reduction in parties involved. Ms. Howard read a statement from Mike Cavallero who is a retired police officer. He said a proactive police presence has advantages to a reactive police presence and said a proactive presence provides the Sheriff time to spend in the District and prevent crime and supported the expansion of the District.

Jeff Rustigan, thought it was a good idea however was against it because the cost might be a burden on some residents.

Commissioner Anderson moved to approve the proposal that would include a 218 vote. The motion was seconded and unanimously approved. Commissioner Rodriguez was not present for the vote.

12. LAFCo Preliminary Budget for 2006-2007.

Interim Executive Officer Jeff Tweedie said staff was proposing a restructuring of the staff and the proposal was for budgeting purposes only so the new Executive Officer would be able to work within the budget.

Commissioner Fortune was concerned about transferring \$175,000 out of LAFCo's reserve.

The Preliminary Budget was unanimously approved.

13. Executive Officer Recruitment Strategy and Proposed Changes to the Current Services Agreement with the County.

Interim Executive Officer Tweedie said staff did not present any additional material but included an additional \$20,000 for the salary for the future executive officer.

Commissioner Anderson wanted the Interim Executive Officer to work with Ralph Jimenez, Personnel Director, to do a recruitment but have the applications go directly to him to set up a committee to review the applications or do it in closed session as a whole group to interview and hire someone.

The Commission decided to recruit a new executive officer at a salary range of between \$90,000 and \$110,000 and would be hired by the Commission and not be a County employee.

Kenneth Price said the MOU technically says that the Executive Officer is employed by the County and provided to the Commission and recommended that the Commission at some point put forth a resolution amending the MOU with the County of Fresno to accomplish that.

Commissioner Anderson said staff should bring back a resolution for the change in the County contract before a new Executive Officer is hired.

There was a consensus of the Commission for the directions above given to staff.

14. Comments from the Public.

There were no comments from the public.

Submitted by:

Jeff Tweedie
Interim Executive Officer