

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING –APRIL 15, 2009

Call to Order: Chairman Lopez called the meeting to order at 1:30 p.m.

Members Present: Commissioners Susan Anderson, Larry Fortune, Victor Lopez, Henry Perea and Trinidad Rodriguez

Members Absent: None

Staff Present: Rick Ballantyne, LAFCo Executive Officer
Kenneth J. Price, LAFCo Counsel
Candie Fleming, Clerk to the Commission
Samantha Hendricks, LAFCo Technician II

- 1. Call to Order and Roll Call**
- 2. Pledge of Allegiance**
- 3. Minutes from the regular LAFCo Meeting of March 11, 2009.**

The minutes were unanimously approved as presented.

- 4. Potential Conflicts of Interest: Any Commission Member who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.**

There were no conflicts of interest noted.

- 5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Number of Potential Cases: 2)**

The Commission adjourned into closed session.

There was no reportable action from the closed session.

PUBLIC HEARINGS

- 6. Consider Approval: Amend Section 315 (Extension of One Year to Complete Proceedings) of LAFCo’s *Policies, Standards, and Procedures* to:
1) Allow Consideration of Economic/Market Hardships as Justification for Extensions of Time and : 2) Consider Placement of First and Second Time Extension Requests on the Commission’s Consent Agenda.**

Executive Officer, Rick Ballantyne, presented staff's report. Chairman Lopez opened the public hearing. With no public testimony offered, the public hearing was closed where a motion to approve was made, seconded, and passed unanimously.

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

A. City of Kingsburg "Kamm-Academy Northeast No. 1 Reorganization" (LAFCo File No. RO-08-4).

Executive Officer Ballantyne reported that this was the subject reorganization's first extension request. Chairman Lopez then opened the public hearing. With no public testimony offered, the public hearing was closed where a motion to approve the extension was made, seconded, and passed unanimously.

B. City of Fresno "Chestnut-Copper No. 1 Reorganization" (LAFCo File No. RO-08-1).

Executive Officer Ballantyne reported that the reorganization was nearing completion. The only condition left unmet was the payment of fire transition fees. Chairman Lopez opened the public hearing. With no public testimony offered, the public hearing was closed and a motion to approve the extension was made, seconded, and passed unanimously.

8. City of Fresno "Sphere of Influence Revision" (LAFCo File No. RSOI-152). (Continued from March 11, 2009)

LAFCo Counsel Price reported that staff had an opportunity to review the proposal as it related to the California Environmental Quality Act (CEQA) and that LAFCo had no substantive comments to offer and felt that the Commission could, therefore, proceed to take action upon the request.

Executive Officer Ballantyne presented staff's report. He pointed out that the City of Fresno had requested that its Sphere of Influence be increased by 89 acres, while the County only supported expansion of 10 acres to be restricted to the aquarium site and access road.

Tom Lang, Executive Director of the Aquarius Aquarium Institute, spoke in support of the application. He stated that the Steinhart Aquarium had recently bequeathed the Institute with twenty exhibit tanks that will utilize a recycled water system and a state of the art filtration system.

Bernard Jimenez, representing the Fresno County's Public Works and Planning Department, reported that the Fresno County Board of Supervisors had recently taken a position supporting just the 10-acre revision. Rene Ramirez, Director of Public Utilities for the City of Fresno, stated that for water intensive projects such as the aquarium, the City would require two points of connection.

With no other public testimony, the public hearing was then closed. A motion was made to approve the Sphere of Influence Revision limited to just ten acres. The motion was seconded and passed unanimously.

9. Aquarius Aquarium “Extension of Municipal Services” (LAFCo File No. OS-09-1). (Continued from March 11, 2009)

Executive Officer Ballantyne stated that since the Commission had expanded the City’s Sphere of Influence to cover just the aquarium site and access road, the Commission’s policies require that a finding be made that the extension of City services (i.e. public water and fire hydrant system) outside the City’s Sphere of Influence, was necessary to protect the public health and safety. Staff presented a letter from Chief Randy Bruegman of the Fresno Fire Department providing justification supporting the request. Executive Officer Ballantyne recommended that the extension of services request to allow installation of fire hydrants along W. Herndon Avenue be approved. Chairman Lopez then opened the public hearing.

Rene Ramirez, representing the City of Fresno, spoke in support of the request. With no other public testimony offered, the public hearing was then closed. A motion to approve the extension of services was made. The motion was then seconded and passed unanimously.

OTHER ITEMS:

10. Fresno LAFCo’s Proposed Budget for Fiscal Year 2009-2010.

Executive Officer Ballantyne presented the Proposed Budget indicating that City and County contribution levels would be maintained the same as last year’s. The public hearing was then opened.

Commissioner Fortune expressed concern related to difficult economic times and a lack of funding to support the agency. He indicated that it would be prudent to consider budget reductions. Commissioners acknowledged Commissioner Fortune’s concerns. Staff recommended that a financial review be prepared and reported in December and that any necessary adjustments be made.

With no further public or Commission testimony, a motion to approve the Proposed Budget was made, seconded and passed by a vote of four to one with Commissioner Fortune voting no.

11. Consider Request: Waive LAFCo Filing Fee for Reconsideration of the Belmont-Sunnyside No. 3 Reorganization (LAFCo File No. RO-08-14).

Executive Officer Ballantyne presented a request made by the Easterby Kings Canyon Home Owners Association for waiving LAFCo fees for reconsideration. He reported that the request stemmed from the March 11th approval of this annexation and that area residents felt that such approval violated property owner’s rights established by Proposition 218. Staff also reported that the Howard Jarvis Taxpayers Association had also submitted correspondence supporting such position. Chairman Lopez opened the public hearing.

Commissioner Perea inquired as to whether or not the issue related to requiring a Proposition 218 vote had been raised prior to the approval of the project. Dr. Terry Slaven, President of the Home Owners Association indicated that precise wording may not have been used. However, in relationship to the eight specific findings that needed to be met in order for approval of the Island Annexation by the Commission, Dr. Slaven had raised concern with the third finding.

A motion to waive the fees for reconsideration was made, seconded, and passed unanimously.

COMMENTS FROM THE PUBLIC

Any person wishing to address the Commission on a subject not listed on the agenda may do so at this time.

No public comments were offered.

ADJOURNMENT

The meeting adjourned at 2:38pm.

THE NEXT LAFCO MEETING will be held on May 13, 2009, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.