

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING – April 9, 2008

Call to Order: Chairman Lopez called the meeting to order at 1:35 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
Darrel Schmidt, LAFCo Deputy Executive Officer
Kenneth J. Price, LAFCo Counsel
Candie Fleming, Clerk to the Commission
Samantha Hendricks, LAFCo Technician

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

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.

(Before the beginning of the public hearings, Commissioner Lopez moved Agenda Item # 17 to be heard first, at the request of City of Selma Counsel, Neal Costanzo.)

17. LAFCo Counsel’s Report:

Presentation: Proposed Agreement Between the City of Selma and the County of Fresno Regarding Issuance of Building Permits for Commercial Developments Before Annexation.

LAFCo Counsel, Ken Price, advised the Commission as to a potential conflict should the City of Selma and the County of Fresno enter into an agreement that would allow development authorized by the City to take place within the County prior to LAFCo consideration and approval of an annexation proposal. Mr. Costanzo provided comments in response to Mr. Price’s report.

PUBLIC HEARINGS

5. Conducting Authority Proceedings: City of Fresno “McKinley-Brawley No. 4 Reorganization” (LAFCo File No. RO-07-24).

Executive Officer Ballantyne presented staff's report. He indicated that the protest hearing was necessary since not all property owners had consented to the annexation. He reported that eight official protests from verified registered voters had been received representing 66.67% of the total number of registered voters residing within the territory. This amount was sufficient to defeat the annexation (50% required). Chairman Lopez opened the public hearing.

Mr. Dirk Poeschel, representing developer David Dyck, addressed the Commission and indicated that his client had met with area property owners to encourage them to annex to the City of Fresno but without success. He indicated his client's desire to reapply again in the future.

Steve Ottemoeller spoke in opposition to the annexation proposal indicating his preference to continue to reside within the County. No additional protest(s) were received. The public hearing was then closed. It was announced by the Chairman that the proposal had been defeated and that proceedings were, therefore, terminated.

6. Conducting Authority Proceedings: City of Fresno “Shields-Locan No. 3 Reorganization” (LAFCo File No. RO-07-26).

Executive Officer Ballantyne presented staff's report stating that not all property owners had consented in writing to the annexation. He reported that no official protests had been received. Chairman Lopez opened the public hearing.

No public testimony was offered and no additional protest(s) were received. The public hearing was then closed. A motion to reaffirm the Commission's prior approval was made, seconded, and passed unanimously.

7. Conducting Authority Proceedings: City of Fresno “Barstow-Grantland No. 3 Reorganization” (LAFCo File No. RO-07-27).

Executive Officer Ballantyne presented staff's report stating that not all property owners had consented in writing to the annexation. He reported that the property located to the north of the subject territory (Barstow-Garfield Reorganization) which had previously been an issue based upon its relationship to the subject territory, had been recorded and was, therefore, no longer an issue. Mr. Ballantyne reported that no protests had been received. Chairman Lopez opened the public hearing.

No public testimony was offered and no additional protest(s) were filed. The public hearing was then closed. A motion to reaffirm the Commission's prior approval was made, seconded and passed unanimously.

8. Conducting Authority Proceedings: City of Sanger “California-Academy Northwest Reorganization” (LAFCo File No. RO-07-21).

Executive Officer Ballantyne presented staff’s report stating that the reason for the required “Conducting Authority Proceedings” was because not all property owners had consented in writing to the annexation and that no protests had been received. Chairman Lopez opened the public hearing.

No public testimony was offered and no additional protest(s) were filed. The public hearing was then closed. A motion to reaffirm the Commission’s prior approval was made, seconded, and passed unanimously.

9. Conducting Authority Proceedings: North Central Fire Protection District “North Central No. 1 Reorganization” LAFCo File No. RO-07-25).

Deputy Executive Officer Darrel Schmidt presented staff’s report stating that “Conducting Authority Proceedings” were necessary since not all property owners and registered voters had consented to the annexation. He reported that no protests had been filed with staff. Chairman Lopez then opened the public hearing.

No public testimony was offered and no protests were submitted. The public hearing was then closed. A motion to reaffirm the Commission’s prior approval was made, seconded, and passed unanimously.

10. Consider Approval: City of Fresno “Chestnut-Copper No. 1 Reorganization” (LAFCo File No. RO-08-1).

Executive Officer Ballantyne reported that this item was being continued to May 7th at the request of the applicant. He indicated that mailed notices had been sent to property owners advising them of the continuance.

11. Consider Approval: City of Parlier “City of Parlier Reorganization No. 06-02” (LAFCo File No. RO-08-5).

Executive Officer Ballantyne recommended that the application be continued to the May 7th hearing in order to address concerns raised by the Fresno County Health Department. Mr. Ballantyne said they the Health Department was concerned with the potential impacts associated with the former landfill site located adjacent to and west of the subject territory. In addition, Executive Officer Ballantyne was concerned that the proposal had the potential to create two islands and felt that the issue also needed to be addressed. A motion to continue was made, seconded and passed unanimously.

12. Consider Approval: Sierra and Navelencia Resource Conservation Districts “Sierra and Navelencia Resource Conservation District Consolidation” (LAFCo File No. CD-08-1).

Deputy Executive Officer Schmidt presented staff’s report. He stated that the consolidation of the two districts had been recommended by the Commission during its consideration of the Municipal Service Reviews presented last July. He also indicated that the Commission had waived LAFCo processing fees. Chairman Lopez opened the public hearing.

No public testimony was offered. The hearing was closed and a motion to approve was made, seconded, and passed unanimously. The protest hearing was set for May 7, 2008.

13. Consider Approval: Request for a One-Year Extension to Complete Proceedings City of Sanger “Reorganization No. 05-05 (Church-Quality Southeast Reorganization)” (LAFCo File No. RO-06-14).

Executive Officer Ballantyne presented staff’s report. He reported that this was the second extension request for this reorganization. It was indicated that some delays had been caused by on-going negotiations between the City of Sanger and the Consolidated Irrigation District that addressed District concerns. It was, however, indicated that progress was being made in order to address potential regional groundwater and District facility impacts.

A motion to grant the one-year extension was made, seconded, and passed unanimously.

OTHER ITEMS:

14. Consider Request: Waive LAFCo Filing Fees for Easton Community Services District.

Deputy Executive Officer Schmidt reported that the Easton Community Service District had requested adding latent district powers to permit “recreation” and “park and landscape maintenance” services.

A motion to approve the fee waiver was made, seconded, and passed unanimously.

15. Consider Approval: Fresno LAFCo’s Proposed Budget for the 2008-2009 Fiscal Year.

Executive Officer Ballantyne reported that the proposed budget was modified to address Commission recommendations following its review of the Preliminary Budget. He reported that an adjustment was also recommended to increase personnel expenditures by \$3,800 to reflect the annual step increase for LAFCo’s technician. Such increase had inadvertently been left out of the Preliminary Budget. Staff as a result proposed to reduce the cash account amount without increasing City and County contributions. A motion to approve the Proposed Budget was made, seconded and passed unanimously.

16. Presentation: City of Fresno “Island Annexation” Program Update (Bruce Barnes).

Bruce Barnes, Fresno Planning Manager, presented an update of the City of Fresno’s Island Annexation Program. He shared with the Commission the priority for annexing County Islands. He indicated that City staff had been meeting with neighbors residing within County Islands to explain the benefits of living within the City of Fresno.

Commissioner Fortune noted that residents do not maintain protest rights for Island Annexations of less than 150 acres as per the Cortese-Knox-Hertzberg Act of 2000, and the City should move forward with their program and “just turn in their applications”. His comments were made in apparent response to concern about the time it was taking for the City to move forward with its pro-active program.

Mr. Barnes indicated that the City of Fresno was also considering the provision of sewer improvements at a cost of \$12 million in support of annexation.

COMMENTS FROM THE PUBLIC

No public comments were offered.

ADJOURNMENT

A motion to adjournment was made, seconded and passed unanimously.

THE NEXT LAFCO MEETING will be held on May 7, 2008, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.