

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING –MAY 13, 2009

Call to Order: Chair Pro Tem Anderson called the meeting to order at 1:30 p.m.

Members Present: Commissioners Victor Lopez, Susan Anderson, Larry Fortune, 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 II

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Minutes from the regular LAFCo Meeting of April 15, 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.**

Commissioner Perea noted a conflict with item # 8. Commissioner Fortune inquired as to who “Pleasant Valley Investments, LLC” represented (item #8). It was reported that “Woodside Homes” was the builder for this investment group. Given this information, Commissioner Fortune determined that he had no conflict of interest. It was requested that in the future, underlying parties of interest (LLCs) be identified to avoid potential conflicts of interest.

CONSENT AGENDA

5. **Request for a One-Year Extension to Complete Proceedings for the City of Reedley “Reed-Floral Reorganization, Annexation No. 2004-7” (LAFCo File No. RO-08-9).**

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

CLOSED SESSION

- 6. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9.

The Commission adjourned into closed session. There was no reportable action from the closed session.

PUBLIC HEARINGS

- 7. Request for a One-Year Extension to Complete Proceedings for the City of Selma “Floral-Stillman Reorganization - Annexation 2003-0023” (LAFCo File No. RO-05-7).**

Deputy Executive Officer Darrel Schmidt reported that staff had pulled this item from the agenda because it was determined that State law tolls any action necessary in relationship to a time extension; and therefore, no action was necessary.

- 8. City of Fresno “Church-Fowler No. 2 Reorganization” (LAFCo File No.RO-07-4).**

Deputy Executive Officer Schmidt presented staff’s report. Chairman Lopez then opened the public hearing.

Chris Williams, representing Pleasant Valley Homes (Woodside Homes), spoke in support of the proposal and made himself available for questions. No other testimony was offered. The public hearing was then closed and a motion to approve was made, seconded, and passed unanimously.

- 9. Request for Reconsideration**

- A. “Belmont-Sunnyside No. 3 Reorganization” (Island Annexation) - (LAFCo File No. RO-08-14).**

Ken Price, LAFCo Counsel, presented staff’s report. He indicated that staff had received a request for reconsideration of this application from the Easterby Kings Canyon Home Owners Association. A letter supporting the reconsideration from the Howard Jarvis Tax Payers Association was also presented. The Association requested that a Prop. 218 vote to allow increased taxes and fees, be conducted prior to recordation of the proposal.

After reviewing public testimony offered at the Commission’s meeting approving the reorganization, Counsel found no discussion of procedures necessary for the City of Fresno to impose fees, taxes, or assessments. Mr. Price concluded that if the City can’t impose these fees, the question remains whether or not they can service the area. Chairman Lopez then opened the public hearing.

Bruce Rudd, Assistant City Manager, spoke in support of staff’s recommendation to reconsider the proposal. He also requested that the reconsideration hearing be continued to June 10, 2009.

Terry Slaven, President of the Easterby Kings Canyon Homeowners Association, spoke in support of requiring a Prop. 218 vote—but was not supportive of the City of Fresno’s request for a one-month continuance. Chairman Lopez then closed the public hearing.

Commissioner Perea commented that given present circumstances, perhaps the City should reconsider its position to annex County Islands. A motion to reconsider the prior approval in light of new or different facts (not previously made or known) was made, seconded, and passed unanimously.

B. City of Fresno “Belmont-Sunnyside No. 3 Reorganization” (Island Annexation). If LAFCo grants reconsideration-- a proposed reorganization to annex 94 acres to the City of Fresno and detach from the Fresno County Fire Protection District, the Kings River Conservation District, and County Service Area No. 7 for territory generally located at the southwest corner of E. Belmont and N. Sunnyside Avenues (**LAFCo File No. RO-08-14**).

Executive Officer Ballantyne briefly stated that staff would not be giving its report if it was the Commission’s desire to move this item to the June 10th hearing. Commissioner Anderson indicated her support for the City’s request to continue the item. Chairman Lopez then opened the public hearing.

Terry Slaven, representing the Easterby Kings Canyon Home Owners Association, spoke in opposition to the continuance request. He questioned the need for a continuance and prolonging the process to require a Prop. 218 vote. Bruce Rudd, Fresno Assistant City Manager, responded that the City needed additional time to review the current situation in relationship to the City’s position, especially as it may impact other Island Annexation proceedings. The public hearing was then closed.

A motion to continue the item to June 10th was made, seconded, and passed unanimously.

OTHER ITEMS:

10. Fresno LAFCo’s Final Budget for FY 2009-2010.

Executive Officer Ballantyne presented the Final Budget to the Commission. Commissioner Fortune questioned if provisions were set aside for LAFCo Independence and Executive Officer Ballantyne responded, not at this time. With no further comment from the Commission or public, a motion to approve the final budget was made, seconded, and passed by a vote of four to one with Commissioner Fortune voting no.

11. 2009 CALAFCO Workshop Report

Executive Officer Ballantyne reported that he participated on a panel regarding Intergovernmental Relationships at the CALAFCo Workshop hosted by San Luis Obispo LAFCo. LAFCo Counsel Price reported that he had spoken to other LAFCo Council members regarding Island Annexation Issues. Commissioner Perea questioned if there would be an Island Annexation Workshop at the upcoming CALAFCo Conference in October. LAFCo Counsel Price responded that there may be some openings on the program committee and that he would suggest it.

It was also reported that staff had held a recent Conference Host Committee meeting at the Tenaya Lodge in preparation for the upcoming CALAFCO Conference. Commissioner Anderson expressed that she believed it would be a good idea for City and County staff members to attend the Conference and learn more about LAFCo. Since this was an informational item, no Commission action was necessary.

COMMENTS FROM THE PUBLIC

No public comments were offered.

ADJOURNMENT

THE NEXT LAFCO MEETING will be held on June 10, 2009, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.