

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING – May 16, 2007

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

Members Present: Commissioners Susan Anderson, Larry Fortune, Victor Lopez, Trinidad Rodriguez, and Alternate Phil Larson. Alternate Commissioner Joe Chaidez was also present in audience.

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
Samantha Hendricks, LAFCo Program Technician

1. **Pledge of Allegiance**
2. **A. Call to Order and Roll Call**
B. Commission Reorganization: Consideration of Election of LAFCo Chair for Remainder of 2007

Commission Victor Lopez was nominated as LAFCo Chairman and Commissioner Susan Anderson was nominated as Chair Pro Tem for the remainder of 2007. Both nominations were unanimously approved. Alternate Commissioner Phil Larson is taking the place of Commissioner Bob Waterston, with Supervisor Judy Case filling in the Alternante position.

3. **Minutes from the Regular LAFCo Meeting of April 18, 2007.**

The minutes were unanimously approved as presented.

CONSENT AGENDA

4. **Request for a One-Year Extension to Complete Proceedings**
 - A. **City of Selma “Floral-Stillman Reorganization-Annexation 2003-0023”. (LAFCo File No. RO-05-7).**
 - B. **City of Sanger “Reorganization No. 05-02 (Sierra Vista Annexation)”.**

(LAFCo File No. RO-06-16).

The consent agenda was unanimously approved.

PUBLIC HEARINGS

7. City of Selma “North of Nebraska-East of Highland Reorganization” (LAFCo File No. RO-07-10)

Executive Officer Ballantyne presented staff’s report stating that not all property owners had consented to this proposal and that it would be necessary to set a protest hearing.

Commissioner Waterston opened the hearing to the public. No public testimony was offered and the public hearing was closed. A motion for approval was made, seconded and approved unanimously. The protest hearing will be set for June 13, 2007.

8. Consider and Adopt a Municipal Service Review and Update the Spheres of Influence for the following Special Districts: Consolidated Mosquito Abatement District; Fresno Mosquito & Vector Control District; Fresno-Westside Mosquito Abatement District; and the Central Valley Pest Control District

Darrel Schmidt, Deputy Executive Officer, reported on the State requirement for preparation and review of Municipal Service Reviews (MSRs) and Sphere of Influence Updates. He pointed out a few minor corrections to staff’s report and then presented staff’s recommendations.

Bob Braitman of Braitman and Associates (Fresno LAFCo consultant), presented the MSRs for Mosquito Abatement and Pest Control Districts. Commissioner Anderson asked if there was any advantage to consolidating existing districts.

Bob Braitman responded that there may be advantages to consolidating the Coalinga-Huron Mosquito Abatement District (which was not on the agenda) with another district, solely because it operates with only one half-time staff person. Mr. Braitman said that consolidation occurs when two or three districts voluntarily agree to consolidate in which case there is no election needed. Alternatively, if consolidation is proposed without consensus, it would necessitate an election in order to successfully consolidate. Mr. Braitman said that some of the districts have considered consolidation but not to the point of putting together a proposal to bring before the Commission.

Commissioner Lopez asked what the purpose was to expand the Sphere of Influence for the Consolidated Mosquito Abatement District. Mr. Braitman responded that the Sphere expansion was necessary in order to allow the district to annex territory. Once the annexation is completed, the entire County would be covered by mosquito abatement districts, except a portion of the City of San Joaquin.

Commissioner Anderson asked when the Commission should address the issue of whether or not they should recommend consolidating districts. Mr. Braitman responded that they could either adopt a single Sphere of Influence for all the districts or enter into discussions with the districts. He said an election would have to be held if the districts did not consent and that such effort would be very costly.

Commissioner Anderson asked what the optimal size of a district would be and what should the Commission be looking for. Mr. Braitman replied that the first round of MSRs would be like taking an initial snapshot of the County to review current circumstances and operations. He suggested that given limited time to complete all the MSRs that it was recommended that staff keep a checklist of recommendations to review for the next round of studies.

Executive Officer Ballantyne commented that staff was working very closely with the districts to educate them about the MSR process. Mr. Ballantyne said that the districts may not have given much thought to consolidation but staff is creating the forum to start the dialog that may move in that direction.

Steve Mulligan, District Manager for the Consolidated Mosquito Abatement District, addressed the Commission. He stated that his district concurred with the findings of the MSR. Mr. Mulligan stated that there were representatives from two other districts present and that the Fresno-Westside Mosquito Abatement District had sent a survey to residents within the City of San Joaquin soliciting their interest in receiving abatement services. He indicated that said district did not receive enough responses to determine whether sufficient interest existed.

Mr. Mulligan also said that with a memorandum of understanding between the Consolidated Mosquito Abatement District and the Coalinga-Huron Mosquito Abatement District, that a survey was conducted within the Coalinga-Huron Mosquito Abatement District to determine if there would be enough support for a benefit assessment in the area to support expansion of mosquito control services. He said less than half of the residents would support additional services.

Steve Mulligan said that to provide services you have to have funding which is provided through benefit assessments. He said that over the years the Districts have looked at consolidation and the potential benefits of consolidation, but residents were concerned whether a district would be able to continue to provide services within local areas at the level that they were accustomed to.

Commissioner Anderson made a motion to accept the MSRs and Sphere of Influence Update findings as contained within the staff report and directed staff to contact the Fresno-Westside Mosquito Abatement District and the City of San Joaquin to investigate consolidation as a viable option.

The motion was seconded by Commissioner Lopez and approved unanimously.

9A. Consolidated Mosquito Abatement District “Sphere of Influence Update”

9B. Consolidated Mosquito Abatement District “Eastern Fresno County Annexation”

Deputy Executive Officer, Darrel Schmidt, presented staff’s report. He reported two errors in the staff report in that the actual size of the affected territory was 2,554 square miles rather than 2,430 and that services were desired in order to help prevent the possible spread of encephalitis viruses (including the West Nile Virus) rather than Avian Flu.

Kenneth Price, LAFCo Counsel, recommended that Item 9A and 9B be considered separately with two separate votes.

Chairman Waterston opened Item 9A to the public. With no public comment offered, Commissioner Fortune made a motion to approve the item per staff’s recommendation and Commissioner Lopez seconded the motion. The motion passed unanimously. Chairman Waterston then opened Item 9B to the public. With no public comment being offered, Commissioner Fortune made a motion to approve the item per staff’s recommendation. Commissioner Lopez seconded the motion and it passed unanimously.

10. City of Fresno “Dakota-Temperance No. 1 Reorganization”

Executive Officer Ballantyne presented staff’s report and recommendations.

Mr. Charles Briggs, a resident in the affected territory, stated that consent forms signed by all property owners residing within the affected territory had been submitted to the Clerk prior to public the hearing. Commissioner Anderson inquired whether the proposal would have to go to a protest hearing since all property owners had consented.

Mr. Ballantyne explained that the proposal was an “inhabited annexation” and even though all landowners had consented in writing to the annexation, the proposal would have to be scheduled for a protest hearing because the registered voters were not officially notified by mail as required by law.

Mr. Briggs responded that the rest of the registered voters in that area were all family members of those property owners. Kenneth Price, Fresno LAFCo Counsel advised that even if signatures of all registered voters could be obtained, that it wouldn't satisfy the notice requirements in the State law which is mandatory.

Commissioner Rodriguez made a motion to approve the proposal per staff's recommendations and Commissioner Lopez seconded it. The motion was unanimously approved.

11. City of Fowler "Temperance Avenue Right-of-Way Annexation"

Executive Officer Ballantyne presented staff's report and recommendations.

There were no protests or comments from the public so the Commission's resolution of approval stands.

12. Fresno Local Agency Formation Commission's Proposed Budget for the 2007-2008 Fiscal Year

Executive Officer Ballantyne reported that adjustments were made to the Preliminary Budget resulting in minor increases and that the County's and Cities' contributions were slightly increased (from \$173,971.50 to \$174,170.50).

Executive Officer Ballantyne also reported that the three-year Professional Services Contract with the County will expire June 30th and that LAFCo Counsel would soon begin the renegotiation process. Mr. Ballantyne stated that the contract should direct the County Personnel Office to prepare separate job classifications for LAFCo employees that would more accurately reflect LAFCo as an "independent agency" and that a salary study should be undertaken that would compare salaries of Fresno LAFCo personnel with other comparable sized LAFCOs containing similar numbers of cities, special districts, etc.

Commissioner Rodriguez made a motion to approve the *Proposed 2007-2008 Fresno LAFCo Budget*. Commissioner Anderson seconded the motion and the motion was passed unanimously.

13. LAFCo Counsel's Report(s)

LAFCo Counsel, Kenneth Price, reported that he and LAFCo staff attended the CALAFCO Workshop in Newport Beach and said one of the issues that was discussed was what counties are doing to preserve prime agricultural farmland. Mr. Price said the law was silent on the degree of conditions that a LAFCo could put on an annexation with respect to mitigating the effects of annexation on prime agricultural farmland. He said some LAFCOs are requiring that for every acre annexed, one would have to be placed under a conservation easement. He said other counties are considering the concept of agricultural land buffers around more urbanized annexations.

Mr. Price recommended that staff prepare some draft mitigation amendments to the LAFCo Policies and Procedures that could be discussed at a workshop and then

eventually considered by the Commission. He also recommended that once the Commission decides on which policies and procedures it recommended for adoption, legal counsel would do a quick legal analysis as to whether or not such conditions were legal.

Executive Officer Ballantyne reported that a Fresno LAFCo sponsored *Sphere of Influence Update Workshop* will be held on May 30th and that after that workshop, it would be appropriate to hold an *Agricultural Preserve Workshop* during June or July. Mr. Ballantyne said that he would like to invite some of the other LAFCo Executive Officers to share their experiences in order to see what “challenges” and “pitfalls” were being experienced statewide before drafting up policies for adoption.

Commissioner Anderson said she thought that would be a good idea and that the Commission should schedule it for the June 13th LAFCo hearing. Commissioner Anderson thought it would probably also be beneficial to have Keith Bergthold give his presentation on the “Rural Metro-Loop” concept.

Kenneth Price also reported that staff had met with the City of Fresno to discuss the process of forming a Municipal Water District. He stated that State Senator Cogdill had introduced a bill to deal with the disposition of assets from a City to a new Municipal Water District. Mr. Price suggested that the Commission should consider getting in front of the issue to evaluate the whole concept of forming a separate district and whether a Municipal Water District was the appropriate entity to accept these assets. Mr. Price said that the Commission may wish to consider hiring a consultant to help staff through this process.

14. Deputy Executive Officer’s Report: Municipal Service Review (MSR) and Sphere of Influence (SOI) Program Updates

Deputy Executive Officer Darrel Schmidt reported that staff plans to present the City of Clovis’ Municipal Service Review at their May public hearing and that during June, staff and Mr. Braitman were scheduled to present MSRs for the Fire Protection Districts. Mr. Schmidt reported that Pacific Municipal Consultants was expected to submit MSRs for 32 of the 41 districts very soon. He anticipated to also schedule a few of those for the June hearing also.

COMMENTS FROM THE PUBLIC

Brandi Orth (County Administrative Office) introduced Charlotte Tilkes to the Commission as LAFCo’s new CAO Analyst.

Commissioner Lopez reported that there was going to be a hearing on Senate Bill No. 59 authored by Senator Cogdill regarding Temperance Flats. He said the bill has received the endorsement of Senator Feinstein. He reported that a press conference was scheduled for Monday (with farm workers) and that on Tuesday testimony would be given before the Senate. Commissioner Lopez indicated that this was an historic event to have the Governor, Senator Feinstein, and other elected officials all providing support of SB 59.

The Hearing adjourned at 2:49 p.m.

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