

# LOCAL AGENCY FORMATION COMMISSION OF FRESNO COUNTY (LAFCo)

## MINUTES

### May 21, 2003 REGULAR MEETING:

- Call to order:** Chairman Larry Fortune called the meeting to order at 1:30 p.m.
- Member Present:** Commissioners Bob Waterston, Susan Anderson, Larry Fortune, and Sandra Neri.
- Members Absent:** Commissioners Victor Lopez, Trinidad Rodriguez
- Staff Present:** Mike Waiczis, Executive Officer  
Brian Melikian, LAFCo Counsel  
Jacqueline Vaielua, Office Assistant II  
Samantha Brookhart, Acting Clerk

### Approval of Minutes

The minutes for the March 26, 2003 and the April 30, 2003 regular meetings were unanimously approved.

### CONSENT AGENDA

- “City of Parlier “Reorganization No. 02-01”  
“Central Unified School District “Polk and Clinton Annexation # 1”

Both items on the consent agenda were moved to the Public Hearing agenda.

### PUBLIC HEARING AGENDA

- “City of Parlier “Reorganization No. 02-01”

Steve Sunderland, Chief, Fresno County Fire Protection District reported that the district and city do not have a transition agreement in affect, but the district provides fire protection under a separate independent agreement. The district feels the need for another transition agreement in case that the City of Parlier decides to provide its own fire protection in the future. Chief Sunderland said the district supports the annexation and wished to withdraw the protest filed by the District.

The Commission unanimously approved the proposal as recommended by staff.

## **Central Unified School District “Polk and Clinton Annexation #1”**

Executive Officer Mike Waiczis reported this item was pulled from the consent calendar because staff received a protest letter from the Chief of the North Central Fire Protection District, for lack of a fire transition agreement with the City of Fresno. Executive Officer Waiczis then gave the staff report and recommendation to change Item D to find that not all affected agencies have approved the reorganization and direct staff to set a protest hearing pursuant to the requirements of the Cortese-Knox-Hertzberg Reorganization Act of 2000. Executive Officer Waiczis said the site is owned by the District and is tax exempt. He said the North Central Fire Protection District would not lose any taxes because the loss in taxes occurred when the school district brought the property a number of years ago.

Lee Daugherty, Chief, North Central Fire Protection District, said the fire district board directed that until the district had a transition agreement with the City of Fresno, they would protest all annexations to the City of Fresno. Chief Daugherty said they presented a transition agreement to the City of Fresno a few months ago but the City said they had a problem with the way the calculations would be done for developed property. He said the City has not contacted them with a counter proposal.

Alternate Commissioner Neri said that every time she has sat in for one of the Commissioners she has heard of problems between the City of Fresno and the fire districts and asked if anyone from the City of Fresno was available to answer some questions.

Dave Braun from the Fresno City Development Department said that he wasn't involved with the fire agreement negotiations but knew it was true that when an annexation involved inhabited territory a huge amount of money could change hands.

Alternate Commissioner Neri said the potential of a large loss in tax revenue existed in all the cities.

Mr. Braun said that because there are several large County islands within the City's boundaries there is a potential for revenue loss to the city during annexation that may not exist in some of the smaller cities.

Commissioner Waterston said that if the Commission stood their ground on this annexation it would force the City of Fresno to come to an agreement with the fire districts.

Chief Daugherty said it was not the District's intent to stop the annexation but only to protest all annexations in order to get the City to come to the table and negotiate a transition agreement.

Dave Deel, Central Unified School District, said he was confused over the whole transition agreement business but said the District would like the annexation to go through as quickly as possible since they plan to start building in August and the new school will take a year to complete.

The Commission unanimously approved the proposal with the addition of the following condition of approval: “The District is required to bring in the full existing right-of-way down to McKinley Avenue”. The Commission directed staff to set a protest hearing pursuant to the requirements of the Cortese-Knox-Hertzberg Reorganization Act of 2000”.

### **“Sierra-Cedars Community Service District No. 3”**

Executive Officer Mike Waiczis reported that the annexation was being proposed to provide urban services to the existing Community Service District. There are services that are needed in the Sierra-Cedar Community Service District now that were not necessary when the district was formed. A lot of the property was slowly developed and as that property developed they had been provided services. There is a small amount of property that has not been developed specifically the middle of the district, which was left vacant for use as a freeway right of way. Now that it is no longer needed for that purpose, there is interest in developing it. There are also other parcels scattered around that would now be brought into the district. The proposed annexation would result in all areas not serviced being brought into the district.

James May, Public Works-Planning Department, reported on the road maintenance item discussed in the proposal. Only those roads that are not county maintained will be serviced by the District.

Commissioner Waterston said that the Sierra Cedars area was becoming over built and he wondered how much longer services would be able to be provided before they ran out. Commissioner Waterston expressed concern about the future growth of the area and the ability of the district to provide urban services as more homes are constructed. He also expressed concern about an increase in density over what is currently allowed.

The Commission unanimously approved the proposal as recommend by staff. The Commission directed staff to set a protest hearing pursuant to the requirements of the Cortese-Knox-Hertzberg Reorganization Act of 2000”.

### **“Adoption of the Final Fiscal Year 2003-2004 LAFCo Budget”**

Executive Officer Mike Waiczis presented the Final Fiscal Year 2003-2004 LAFCo Budget, and recommended approval as presented in staff’s report.

The Commission Unanimously Approved the Final Budget

**Amendments to LAFCo Policies, Standards, and Procedures concerning city/special district reorganizations; (1) LAFCo Policy, sections 102-04, 102-041, 102-041A, 102-041B, concerning transition of services from special districts (e.g. fire protection districts) to cities and “transition agreements” between fire protection districts and cities; (2) LAFCo Standards, section 210-09, concerning whether a proposal mitigates any significant adverse effects to subject or affected agencies through “transition agreements” or other means. (This Item was continued from the November 6, 2002, February 26, 2003, March 26, 2003, and April 30, 2003 hearings).**

Executive Officer Waiczis presented staff’s report, stating that consideration of this item was continued to this hearing to allow staff time to prepare optional language to recommended amendments to LAFCo policies concerning transition agreements between fire protection districts and cities annexation territory. Mr. Waiczis said that staff prepared two options for the Commission to consider. “Option #1” reflecting the original recommended amendments and “Option #2” reflecting modified language.

Chief Sunderland asked the Commission to consider the wording in “Option 2”.

The Commission unanimously approved the wording in “Option 2”.

## **OTHER ITEMS**

### **“The Pinedale Public Utilities District”**

Brian Melikian presented staff's report, stating that staff had investigated the Commission's request to examine the Pinedale Public Utilities District.

The Commission directed staff to carry out a Municipal Service Review on the Pinedale Public Utilities District.

### **“Professional Planning Consultant Services with Quad Knopf”**

This item was tabled until appropriate an contract is prepared.

### **“Executive Officer's Report”**

- A. Executive Officer Waiczis reported on the progress of the Malaga City Incorporation and the Revenue Neutrality Negotiations.
- B. Executive Officer Waiczis reported on the progress of staff's research into the “prezoning” issue.