

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

(Fresno County, California)

“MINUTES”

LAFCo MEETING – JUNE 22, 2011

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

Members Present: Commissioners Armando Lopez, Henry Perea, Robert Silva, and Alternate Commissioners Chaidez and Poochigian

Members Absent: Commissioners Anderson and Fortune

Staff Present: Jeff Witte, LAFCo Executive Officer
Doug Jensen, LAFCo Counsel
Candie Fleming, Commission Clerk
Samantha Hendricks, LAFCo Technician

- 1. Call to Order and Roll Call**
- 2. Pledge of Allegiance**
- 3. Action to Clarify Selection of Vice Chair**

Executive Officer Witte explained that when the Commission selected a new Chair and Vice Chair in May, the May agenda did not include the selection of the Vice Chair. Executive Officer Witte asked that the Commission formally nominate and install Mayor Silva for the record.

Commissioner Poochigian made a motion to select Mayor Silva as Vice Chair and Commissioner Chaidez seconded the motion. The motion was unanimously approved with Commissioner Perea being absent.

4. Minutes from the regular LAFCo Meeting of May 18, 2011

Commissioner Silva made a motion to approve the May 18, 2011 minutes as submitted and Commissioner Chaidez seconded the motion. The motion was approved with Commissioner Poochigian abstaining and Commissioner Perea being absent.

5. Potential Conflicts of Interest

There were no conflicts of interest reported.

6. Comments from the Public

There were no comments from the public.

CONSENT AGENDA

7. LAFCo Financial Statement for April, 2011

Commissioner Chaidez made a motion to approve the financial statement for May as presented by staff and was seconded by Commissioner Silva. The motion was unanimously approved.

8. Simonian Farms “Extension of Municipal Water Service”

Executive Office Witte reported that Simonian Farms was requesting an extension of water service from the City of Fresno to provide additional water flow for fire protection to their existing and proposed facilities. Executive Officer Witte said the City of Fresno indicated that they could provide the water service and staff recommended approval.

Commissioner Silva noted that one of the conditions was that the property owner was to consent to annexation of the property to the City of Fresno at such time as it is feasible. Commissioner Silva asked if there was a time frame for the condition. Executive Officer Witte responded that LAFCo did not typically put a time frame on this condition because there are a number of factors that are involved. Executive Officer Witte said that the condition is always added to hopefully ensure that the applicant would not oppose any annexation taking place in the affected area.

Commissioner Silva moved to approve the request with the recommended conditions. Commissioner Poochigian asked if the applicant had reviewed the conditions and agrees with them and Executive Officer Witte responded that he had spoken to the applicant. Commissioner Poochigian then seconded the motion.

James Gist with AMCO Construction asked for further clarification on the condition on behalf of the applicant. Mr. Gist asked if this condition forever relinquishes the property owner of any input for future annexation of his property. Executive Officer Witte responded saying LAFCo was typically looking for future leverage to avoid the creation of islands or peninsulas, which is part of LAFCo’s policy. Executive Officer Witte also said that this condition was a means of putting a property owner on notice that if the rest of the area around his property was going to be annexed, then he needs to also annex.

Commissioner Poochigian wanted to withdraw her second to the motion, not because it wasn’t a reasonable condition, but because it was not made clear to the applicant. Commissioner Poochigian asked if this condition was placed on all extension requests made within the last 18 months. Executive Officer Witte said the condition was made part of the approval but that if the Commission wished to eliminate the condition; it probably wouldn’t have any effect.

Commissioner Poochigian asked Commissioner Silva if he would consider amending his motion to eliminate that condition and Commissioner Silva said he wanted to keep his motion as is, but in the future the wording should be made clear. Commissioner Poochigian withdrew her second to the motion.

Commissioner Chaidez asked if other applicants had agreed to the condition and went through smoothly. Executive Officer Witte responded that this has been a standard condition of LAFCo's but could be reworded for clarification. Executive officer Witte said that in this particular case, annexation of this property it would be addressed in a larger annexation and is not a determining factor of the application.

Commissioner Perea asked if this application would accelerate the City's effort to annex the SEGA into the City and Executive Officer Witte said that it would have no bearing on SEGA one way or the other.

Commissioner Chaidez seconded the motion with the understanding that staff should look at clarifying the wording of the condition for future applications. The Commission voted to approve the request with Commissioner Poochigian voting no because of the condition.

9. City of Firebaugh:
A. "Sphere of Influence Revision"
B. "Reorganization 2011-01 (NF Davis No. 2)"

Executive Officer Witte reported that the 1.7-acre sphere revision and annexation was more of a housekeeping item. Executive Officer Witte reported that the territory was originally part of another annexation that was approved by the Commission in April, 2011; however, it was discovered that the 1.7-acre portion was located outside the City's sphere of influence. The City of Firebaugh opted to go forward with the larger annexation and revise their sphere to annex the remaining portion at a later date. Executive Officer Witte recommended approval.

Commissioner Perea made a motion to approve the sphere revision and annexation with Commissioner Poochigian seconding the motion. The motion was unanimously approved.

Commissioner Chaidez wanted to recognize Executive Officer Witte's efforts at creating an accounting system for LAFCo when it became an independent agency.

LAFCo Counsel, Doug Jensen, said that since Commissioner Perea was at the last meeting it would also be appropriate if he approved the minutes (Commissioner Perea wasn't present at the time the minutes were approved). Commissioner Perea said that as long as the minutes reflected that he had requested a closed session in July to discuss issues regarding conflicts of interest, he would approve the minutes. It was determined that the minutes did reflect his request, so the minutes were approved by the Commissioners who were present at the June hearing.

The meeting adjourned at 1:48 p.m.