

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING – August 13, 2008

Call to Order: Chair Pro Tem Anderson called the meeting to order at 1:35 p.m.

Members Present: Commissioners Susan Anderson, Larry Fortune, and Trinidad Rodriguez

Members Absent: Victor Lopez and Henry Perea

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 July 9, 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.

PUBLIC HEARINGS

5. **Consider Approval: Request for a One-Year Extension to Complete Proceedings for the City of Fresno “Whitesbridge-Valentine Southwest Reorganization” (LAFCo File No. RO-06-20).**

Executive Officer Rick Ballantyne presented staff’s report indicating that this was the second request for an extension of time. He indicated that the proponents justification was based upon similar reasons cited during last years request.

Dirk Poschel, representing the proponent, concurred with a single year extension. He stated that he understood that if no significant progress is made within this next year, that this may be the last extension granted. Chair Pro Tem Anderson then closed the public hearing. A motion to approve the extension was made, seconded and passed unanimously.

6. Conducting Authority Proceedings: City of San Joaquin “Manning & Colorado Avenue Reorganization” (LAFCo File No. RO-08-7).

Deputy Executive Officer Darrel Schmidt presented staff’s report stating that not all property owners had consented in writing to the annexation. Chair Pro Tem Anderson opened the public hearing.

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

7. Consider Approval: Adopt LAFCo Policies for Pre-Application Review Procedures (Continued from July 9, 2008 Hearing).

Executive Officer Ballantyne presented staff’s report and indicated that the County had reviewed the proposed Pre-Application Review process and supported the revised policies. He indicated that LAFCo would charge a fee of \$500 to cover the costs of processing such review and that this fee could be deducted from the filing fee.

After some discussion, the Commission recommended that additional language be added to the policies stating that the \$500 fee would be deducted from the filing fee if a formal application was submitted within a one-year period following the review. With no comments from the public, a motion to approve was made, seconded and passed unanimously.

OTHER ITEMS:

8. Public Presentation:

**“Fresno County Model Farmland Conservation and Land Buffer Program”
Update by Jerry Prieto and Lynn Gorman.**

Agricultural Commissioner Jerry Prieto, along with Fresno County’s Deputy Director of Planning Lynn Gorman, provided an update of the Council of Fresno County Governments (Fresno COG) Model Farmland Conservation and Land Buffer Programs. Ms. Gorman stated that they anticipate recommendations stemming from a final report will be ready for consideration by the 15 cities by the end of 2008. Jerry Prieto identified and discussed the various factors considered during development of the Model Farmland Conservation Program’s “Strategic Farmland Map”.

LAFCo Counsel Ken Price asked the Commission whether it would like staff to develop Draft Farmland Conservation Policies, possibly building on those developed by Yolo, Ventura, and other LAFCOs for the Commission’s consideration. He also suggested that if the Commission decided it did wish to adopt such policies, it would be appropriate to conduct workshops which would include other stakeholders in the process.

The Commission then directed staff to continue its participation in the farmland conservation efforts currently underway at Fresno COG as a part of the Valley Blueprint effort, but indicated that LAFCo should have its own parallel process and develop policies independent of COG’s.

9. LAFCo Counsel's Reports:

- A. Legislative Update:** Report on Proposed Legislation Affecting Local Agency Formation Commissions (**Continued from July 9, 2008**).

LAFCo Counsel Ken Price informed the Commission that Governor Schwarzenegger had already signed into law the legislative items for which Counsel had planned to provide updates. As a result, the scheduled report was not necessary.

- B. Bi-Annual Conflict of Interest:** Adopt LAFCo Bi-Annual Conflict of Interest Code.

After reviewing all changes to the Conflict of Interest law, LAFCo Counsel Price determined that no substantive amendments to LAFCo's Conflict of Interest Code were necessary. He recommended that the Commission adopt the Conflict Code amendments as presented. With no public comment offered, a motion to adopt the revised Conflict of Interest Code was made, seconded, and passed unanimously.

- C. Grand Jury Report Regarding Del Rey CSD:** Draft Response to Fresno County Grand Jury Report #9 Concerning the Del Rey Community Services District.

LAFCo Counsel Price informed the Commission that since the August hearing, Alternate Commissioner Joe Chaidez and LAFCo staff had met with Juan Leija, Chairman of the Del Rey Community Service District to discuss the District's problems.

LAFCo Counsel Price presented LAFCo's proposed response to the Grand Jury Report, noting that while the Municipal Service Review (MSR) prepared for the District was legally adequate, staff did agree that it in some areas of the report were lacking and that staff would amend the MSR to address the deficiencies noted by the Grand Jury.

It was stated that Pacific Municipal Consultants, (PMC) who prepared the report had agreed to work with LAFCo to amend the financial information and related determinations contained within the MSR to more accurately reflect the auditor's report, at no cost to LAFCo. PMC was unwilling, however, to provide a complete analysis of the potential options of merger, consolidation, or dissolution of the District without compensation because PMC believes this is beyond the scope of what is customary in preparing a MSR.

LAFCo Counsel Price indicated staff would be able to handle the remainder of the revisions to the MSR "in-house". Counsel noted, however, that while the law requires the Commission to consider potential governmental structures and management efficiencies, and staff can evaluate the District's services and financial condition to the best of our ability and provide some limited recommendations through the MSR, a deeper review would require an auditor.

With no public comments offered, a motion was made, seconded, and passed to unanimously direct staff to amend the MSR as recommended and authorize its Chairman to sign the official Fresno LAFCo response to the Fresno Grand Jury as had been recommended by staff.

COMMENTS FROM THE PUBLIC

Expressing dissatisfaction with services currently provided by the Pinedale County Water District (PCWD) and lack of District action towards water conservation efforts, Don Adams urgently requested that the PCWD be annexed into the City of Fresno.

ADJOURNMENT

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

THE NEXT LAFCO MEETING will be held on September 10, 2008, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.