

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

**“MINUTES”**

**REGULAR LAFCo MEETING – September 12, 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, Phil Larson, 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  
Susan Pool, LAFCo Office Assistant II

1. **Pledge of Allegiance**
2. **Call to Order and Roll Call**
3. **Minutes from the LAFCo Meeting of August 22, 2007.**

The minutes were unanimously approved as presented.

4. **Potential Conflicts of Interest – Commission members were asked to identify any known “conflicts of interest” and recuse themselves from discussing and voting on any agenda items where conflicts existed.**

Commissioner Larson stated he would excuse himself from Agenda Item No. 16 while LAFCo Counsel, Kenneth Price stated that he would be excusing himself from Agenda Item No. 13.

**CONSENT AGENDA**

5. **Request for a One-Year Extension to Complete Proceedings for the City of Fresno “Kings Canyon-Minnewawa No. 3B Reorganization” (LAFCo File No. RO-06-24).**
6. **Municipal Service Review and Sphere of Influence Update for the Coalinga-Huron Unified School District – Library District; and Municipal Service Review and Recommended Sphere of Influence for the Fresno County Library District.**
7. **Municipal Service Review and Sphere of Influence Update for the Coalinga-Huron Recreation and Park District.**

8. **Municipal Service Reviews and Sphere of Influence Updates for the Firebaugh, James, Panoche, Poso, Tranquillity, and Westside Resource Conservation Districts.**
9. **Municipal Service Review and Sphere of Influence Update for the City of Clovis (Continued from May 16, 2007).**
10. **Municipal Service Review and Sphere of Influence Update for the Consolidated Irrigation District (Continued from July 11, 2007).**
11. **Amend Consultant Contracts for Preparation of Municipal Service Reviews and Sphere of Influence Updates.**

The consent agenda was unanimously approved in one motion.

### **PUBLIC HEARINGS**

12. **Municipal Service Reviews and Sphere of Influence Updates for the Cities of Coalinga and Huron.**

Mr. Bob Braitman of Braitman & Associates (LAFCo's consultant) presented the Municipal Service Reviews. The public hearing was then opened with no public testimony offered. The public hearing was then closed and a motion to approve was made, seconded, and passed unanimously.

13. **City of Selma "Highland-Rose-Bratton 1 Reorganization" (LAFCo File No. RO-07-15).**

LAFCo Counsel, Ken Price, elected not to serve as LAFCo Counsel for this item since a potential conflict of interest did exist in that his law firm represented the Consolidated Irrigation District (CID) and the District had requested that this application be reconsidered. Mike Noland served as Special LAFCo Counsel during the hearing.

Executive Officer Rick Ballantyne reported that the Consolidated Irrigation District had requested reconsideration of this reorganization due to potential groundwater impacts that the development could result in. He also said that the District had previously indicated its concern related to regional groundwater conditions, as well as impacts to the District's facilities, that were occurring as a result of urban development.

Mr. Ballantyne indicated that Staff would support consideration of Nancy Miller being retained as a "facilitator" to work with the District and the Cities of Fowler, Kingsburg, Selma, Sanger, and Parlier (five cities located within the District) to address the major issues that had been identified by the District and facilitate agreements to address these on-going issues.

Mr. Scott Browne, Special Counsel for CID, spoke in favor of the reconsideration and presented information addressing the District's concerns. He also supported LAFCo staff's recommendation of retaining Nancy Miller to facilitate discussions between the District and the five cities.

Mr. Neal Costanza, Selma's City Attorney, testified in opposition to the reconsideration action. He stated that reconsideration was not the right approach for addressing the

District's issues and that he believed that such action was too late given the City's previous approvals of the environmental review and discretionary land use permits, at which time the District had opportunities of providing information and testimony. Mr. Tim Jones, representing the project proponents, also testified in opposition to reconsideration.

Mr. Mark Gilkey, General Manager of Consolidated Irrigation District, offered testimony in support of the reconsideration.

Mr. Charles Maxwell of Bratton Investments, indicated that he did not oppose mitigation measures. However, he did have an issue with the amount of fees proposed without an appropriate nexus.

Commissioner Lopez then closed the public hearing. A motion to disapprove the request for reconsideration and reaffirm the Commission's prior approval was made seconded and passed with Commissioner Larson voting no.

**14. City of Reedley "Sphere of Influence Revision" (LAFCo File No. RSOI- 147) and City of Reedley "East Dinuba Avenue Reorganization, Annexation No. 2004-5 (Reedley Sports Park)" (LAFCo File No. RO-07-18).**

Executive Officer Ballantyne presented staff's report. He recommended the City agree to indemnify the Commission given the fact that the Department of Conservation had taken issue with the findings of the City in relationship to their "protest" of the agricultural preserve contact. Commissioner Lopez then opened the public hearing.

Ms. Dianne Guzman, representing the City of Reedley, spoke in favor of staff's recommendations and indicated that she was available to answer questions.

Mr. Ron Hudson, Deputy Superintendent of the Kings Canyon Unified School District, spoke in favor of the proposal.

The public hearing was closed and a motion to approve was made, seconded and passed unanimously.

**15. City of Fresno "Shields-Armstrong No. 3" (LAFCo File No. RO-07-2).**

Executive Officer Ballantyne indicated that staff was seeking direction from the Commission regarding a condition that was applied to the approval of the "Shields-Armstrong No. 3" Reorganization. The subject condition required verification that the final parcel map be completed before recording the annexation.

Mr. Ballantyne recommended that the Commission interpret the meaning of the condition to be that the final parcel map for the subject territory along, with the adjacent 142-acre development (Clinton Fowler No. 1 Reorganization), be substantially completed before staff records the certification of completion for the annexation of the subject territory. Commissioner Lopez opened the public hearing.

Mr. Jeff Roberts supported this interpretation, and that both annexations should be required to be completed at the same time. Mr. Dave Braun representing the City of Fresno supported this interpretation and recommended action.

Commissioner Lopez then closed the public hearing. A motion was made that the condition requiring submittal of the final parcel map be waived if the “Shields-Armstrong No. 3” Reorganization is recorded at same time as the “Clinton-Fowler No 1” Reorganization. The motion was seconded and passed unanimously.

**16. Determine and Adopt Sphere of Influence for County Service Area No. 51 (CSA #51).**

Executive Officer Ballantyne stated that a Municipal Service Review must be completed in accordance with State Law, before the Commission can rule on this item. It was recommended that this item be continued to the October 10, 2007 hearing to enable preparation of the required study.

A motion to continue this item was made, seconded and passed unanimously.

**OTHER ITEMS:**

**17. 2007 CALAFCO Conference - General Discussion by Participants of Conference.**

A discussion ensued between staff, LAFCo Counsel, and Commissioner Anderson who attended the recent 2007 CALAFCO Conference held in Sacramento. Commissioner Anderson commented upon a “keynote” speaker at the conference—Mr. Bill Fulton, indicating that it would be great to bring him to Fresno. Executive Officer Ballantyne reminded the Commission that Fresno LAFCo would be hosting the 2009 CALAFCO Conference in Yosemite and that a great deal of planning and effort would be required to host such an event and invite speakers like Mr. Fulton.

**18. LAFCo Counsel’s Report: *Professional Services Agreement***

Kenneth Price reported that Staff and County representatives were recommending that the “Amended Professional Services Agreement” entered into between LAFCo and Fresno County be modified to reflect minor changes—the most important being that while the contract constitutes a three year extension, that the Commission could terminate the agreement with just three months notice to the County. Given the Commission’s direction to continue to seek “independence” for LAFCo Personnel, and given the fact that the present contract would be terminated upon full independence, it was determined that the recommended contract amendment was appropriate.

A motion to approve and enter into the Amended Professional Services Agreement was made, seconded and passed unanimously.

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

Deputy Executive Officer Schmidt reported that the Commission had reviewed and approved MSRs and SOI updates for eleven cities and seventy-three special districts. Staff would be presenting the remaining MSRs and SOI Updates for the remaining four cities and sixty special districts within the next three months—prior to the State deadline.

**20. Closed Session:**

The Commission held a Closed Session pursuant to Section 54957 of the California Government Code (the Ralph M. Brown Act) to consider the following:

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

**Title: Executive Officer**

After returning from Closed Session, Chairman Lopez reported that there was no reportable action taken.

**ADJOURNMENT**

A motion for adjournment was made, seconded and passed.

**THE NEXT LAFCO MEETING** will be held on October 10, 2007, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California