

**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)**

**(Fresno County, California)**

**“MINUTES”**

**LAFCo MEETING – SEPTEMBER 8, 2010**

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

**Members Present:** Commissioners Susan Anderson, Larry Fortune, Victor Lopez, Henry Perea, and Trinidad Rodriguez

**Members Absent:** None

**Staff Present:** Jeff Witte, LAFCo Executive Officer  
Kenneth J. Price, LAFCo Counsel  
Candie Fleming, Commission Clerk  
Samantha Hendricks, LAFCo Technician

- 1. Call to Order and Roll Call**
- 2. Pledge of Allegiance**
- 3. Minutes from the Regular LAFCo Meeting of August 11, 2010**

Commissioner Fortune made a motion to approve the minutes as presented and Commissioner Rodriguez seconded the motion. The minutes were unanimously approved.

- 4. Potential Conflicts of Interest**

There were no conflicts reported.

- 5. Comments from the Public**

There were no comments from the public.

**CONSENT AGENDA**

- 6. LAFCO Financial Statement**
- 7. Request for a One-Year Extension to Complete Proceedings for the City of Orange Cove “Jacobs-South Reorganization (Del Rey Villas, LLC.)”.**

Commissioner Rodriguez made a motion to approve both items on the Consent Agenda and Commissioner Fortune seconded the motion. The Consent Agenda was unanimously approved.

## **PUBLIC HEARING**

### **8. Request by the Executive Officer to cancel the October 6, 2010, LAFCo hearing to allow staff and Commissioners to attend the Annual CALAFCO Conference in Palm Springs.**

Executive Officer Witte reported that any items that would have been scheduled for the October meeting could be moved to the November meeting.

Commissioner Anderson made a motion to cancel the October hearing and Commissioner Fortune seconded the motion. The motion was unanimously approved.

### **9. Request for a One-Year Extension to Complete Proceedings for the City of Fresno "Shields-Polk No. 4E Reorganization".**

Executive Officer Witte reported that the proponent was requesting an extension due to economic conditions and that staff supported the request.

A motion was made by Commissioner Anderson and seconded by Commissioner Rodriguez. The motion was unanimously approved.

### **10. Request for a One-Year Extension to Complete Proceedings for the City of Fresno "Kings Canyon-Minnewawa No. 3 Reorganization".**

Executive Officer Witte reported that the proponent was requesting an extension due to economic conditions and that staff supported the request.

A motion was made by Commissioner Fortune and seconded by Commissioner Rodriguez. The motion was unanimously approved.

### **11. Request for a One-Year Extension to Complete Proceedings for the City of Fresno "California-Temperance No. 3 Reorganization".**

Executive Officer Witte reported that the proponent was requesting an extension due to economic conditions and that staff supported the request.

A motion was made by Commissioner Fortune and seconded by Commissioner Anderson. The motion was unanimously approved.

Commissioner Fortune said that since the Commission will probably be considering a lot of one year extension request due to economic conditions and asked if staff could look into changing the Commission's Policies to see if two years could be granted on the consent agenda.

Executive Officer Witte said that he would like to look into the matter and bring it back to the Commission.

## **12. Clovis Hills Community Church “Extension of Municipal Water Service”**

Executive Officer said the church has water issues and have been in contact with both the City of Clovis and City of Fresno. Mr. Witte said that the Church is within the City of Clovis’ sphere of influence but Clovis doesn’t have the facilities to be able to serve the church. The City of Fresno could provide water from their water treatment facility and the church has acquired water from the Garfield Water District. Mr. Witte said that all parties are in agreement and staff was recommending approval.

Commissioner Anderson asked what would happen if the City of Clovis annexed the property in the future.

David Allen, representing Clovis Hills, responded that they have a 10-year agreement with the City of Fresno and they also have an agreement with the City of Clovis that if Clovis expands to where the Church can hook into their water they would, but if Clovis does not expand to the church within the 10 years, they would continue with their agreement with the City of Fresno.

The Commission felt that this was a good solution.

Commissioner Perea made a motion to approve the extension of municipal service and Commissioner Rodriguez seconded the motion. The motion was unanimously approved.

## **13. Orange Cove Irrigation District “Reorganization No. 2009-10, Orange Cove Irrigation District”.**

Executive Officer Witte explained that the District was requesting detachment of the same territory that was approved for detachment with the “Jacobs-South Reorganization (Del Rey Villas, LLC.)” that the Commission approved for a one-year extension earlier on the agenda. Mr. Witte explained that completion of the “Jacobs- South Reorganization” was being delayed because City of Orange Cove is pursuing grants to upgrade their water and sewer system in order to complete the annexation.

Executive Officer Witte explained that it was necessary for the District to detach the parcels that are also a part of the “Jacobs-South Reorganization” so that the District could annex other parcels that are on a waiting list for annexation to the District. Mr. Witte noted that even though the parcels to be annexed to the Irrigation District are in Tulare County, Fresno County is the Principal County and therefore is processing the request.

Executive Officer Witte explained that the properties who were to be removed had also received a special notice in the form of a letter from LAFCo about the hearing and asking for comments. To date staff had received no comments.

Ken Price, LAFCo Counsel, reported that he didn’t see the two proposals as “conflicting” since the six parcels proposed for detachment in the Orange Cove Irrigation District’s reorganization request, are the same parcels proposed for detachment in the “Jacobs-South Reorganization” already approved by the Commission.

Commissioner Rodriguez made a motion to approve the reorganization and Commissioner Fortune seconded the motion. The motion was unanimously approved.

## **CLOSED SESSION**

### **14. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.**

#### **Subdivision (a) of Section 54956.9: *City of Fresno v. Fresno Local Agency Formation Commission***

LAFCo Counsel Price removed the closed session item off the agenda because he said it was unnecessary at this time. Mr. Price did say the “Belmont-Sunnyside Reorganization” would again be heard at the November hearing.

## **ADJOURNMENT**

Commissioner Anderson made a motion to adjourn and Commissioner Rodriguez seconded the motion. The meeting was adjourned at 1:43 p.m.

**THE NEXT LAFCO MEETING** will be held on November 3, 2010, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.