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**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)  
EXECUTIVE OFFICER'S REPORT**

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AGENDA ITEM No. 9

**DATE:** April 9, 2008

**TO:** Fresno Local Agency Formation Commission

**FROM:** Rick Ballantyne, Executive Officer  
Darrel Schmidt, Deputy Executive Officer

**SUBJECT:** **Conducting Authority Proceedings – North Central Fire Protection District “North Central No. 1 Reorganization”**. A proposed fire district reorganization to detach six District islands totaling approximately 273 acres from the Fresno County Fire Protection District and annex the same to the North Central Fire Protection District as recommended by the Commission at its June 13, 2007 and August 15, 2007 hearings (LAFCo File No. RO-07-25).

**Background and Summary**

- This protest hearing is being conducted pursuant to the California Government Code commencing with Section 57000 which requires LAFCo to carry out Conducting Authority Proceedings.
- At its February 6, 2008 meeting, the Commission approved the “North Central No. 1 Reorganization” by adopting Resolution No. RO-07-25, attached to this Report as Exhibit “A”. This protest hearing is required by State law since not all landowners and registered voters residing within the affected territory have consented to the reorganization.
- The approved reorganization consists of the annexation of approximately 273 acres to the North Central Fire Protection District and detachment from the Fresno County Fire Protection District for territory within six non-contiguous areas located both within and north of the Fig Garden Neighborhood. The most northerly of these islands is the Bluffs area located between N. Palm and N. West Avenue alignments.
- At today’s hearing, prior to consideration of protests, the Commission’s resolution making determinations will be summarized. The Commission will then hear and receive any oral or written protests, objections, or evidence made, presented, or filed.
- At any time prior to the conclusion of this hearing any landowner or registered voter residing within the affected territory may file a written protest against the annexation.
- Should insufficient valid protests be received and not withdrawn, the Commission’s determination to conditionally approve the reorganization stands.<sup>1</sup> At this writing, staff has not received any official written protests.

**Recommendation**

Direct staff to determine the value of valid protests received and not withdrawn and report these results to the Commission within the time prescribed by State law. If feasible, report these results at this hearing.

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<sup>1</sup> Not longer than 30 days following this hearing in accordance with Government Code Sections 56100, 57075, and 57078.

## **Conducting Authority Proceedings**

### **Executive Officer's Summary**

The following is a summary of the Commission's Resolution making determinations, which must be presented at the hearing prior to the Commission's consideration of protests.

- At its February 6, 2008 meeting, having considered all relevant factors and heard all interested parties wishing to speak regarding the proposal, the Commission determined that the environmental effects of the project as shown in the CEQA documents submitted by the Lead Agency were legally adequate pursuant to the CEQA Guidelines and that the proposed reorganization was consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and LAFCo Policies, Standards and Procedures.
- The Commission approved the proposed Reorganization subject to conditions as contained within the adopted Fresno LAFCo Commission Resolution (see Exhibit "A").
- Having determined that the affected territory is inhabited and that not all landowners or registered voters residing within the territory consented to the annexation in writing, the Commission directed staff to set a protest hearing pursuant to the requirements of California Government Code Section 57000.

### **Public Testimony**

Prior to making its determination for this proposal the Commission must hear and receive any oral or written protests, objections, or evidence made, presented, or filed. The Chairman may call for any final protests to be filed or withdrawn prior to closing the public hearing. The annexation will be terminated if written protests filed with the Executive Officer (and not withdrawn) are sufficient to overturn the Commission's action. Protest procedures for inhabited annexations are outlined below:

### **Commission Action**

In the case of an inhabited proposal for a District where a change of organization consists of an annexation and detachment, the Commission is required to make a finding regarding the value of written protests filed and not withdrawn, and take one of the following actions not more than 30 days after the conclusion of the hearing:

- (1) Terminate proceedings if a majority protest exists. A majority protest is deemed to exist and the proposed reorganization shall be abandoned if the Commission finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent 50 percent or more of the registered voters residing in the affected territory (Government Code Section 57078(b)).
- (2) Order the reorganization subject to confirmation by the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following:
  - (A) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.
  - (B) At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.
- (3) Order the reorganization without an election if written protests have been filed and not withdrawn by less than 25 percent of the registered voters or less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the affected territory.

### **Reorganization Ordered**

The reorganization (annexations and detachments) will be ordered if the number of protests filed with the LAFCo Executive Officer (and not withdrawn) falls below the threshold numbers stated above, subject to the previously mentioned condition.

### **Calculating the Value of Protests Received**

At the close of the public hearing, staff may be directed to determine the value of valid protests received and not withdrawn. Should substantial valid protests be received and not withdrawn, staff may be directed to determine the value of all protests and issue written results to the Commission within 30 days. The reorganization will stand as approved if the number of protests filed with LAFCo (and not withdrawn) falls below the thresholds described above.

**Exhibit "A"**

**RESOLUTION NO. RO-07-25**

**FRESNO LOCAL AGENCY FORMATION COMMISSION  
FRESNO COUNTY, CALIFORNIA**

**In the Matter of:**

**LAFCo Determination**

**A REQUEST BY THE NORTH CENTRAL ) APPROVED WITH CONDITIONS  
FIRE PROTECTION DISTRICT FOR )  
APPROVAL OF THE "NORTH CENTRAL NO. 1 )  
REORGANIZATION" )**

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**WHEREAS**, on June 13, 2007, the Commission adopted Municipal Service Reviews and Sphere of Influence Updates for the North Central Fire Protection District and the Fresno County Fire Protection District and directed staff to work with the Districts in carrying out all recommended actions; and

**WHEREAS**, on said date the Commission also waived Fresno Local Agency Formation Commission processing fees associated with such recommended actions; and

**WHEREAS**, reorganization proceedings were initiated by the North Central Fire Protection District to detach six District islands totaling approximately 273 acres from the Fresno County Fire Protection District and annex the same to the North Central Fire Protection District, said territory being described within Exhibit "A", attached hereto and by this reference incorporated herein; and

**WHEREAS**, the North Central Fire Protection District initiated this proposal with the adoption of Resolution No's. 07-04, 07-06, and 07-08 and the Fresno County Fire Protection District adopted Resolution No. 2007-11, on December 19, 2007, in support of the Sphere of Influence Revisions and Reorganization proposed by the North Central Fire Protection District;

**WHEREAS**, the proposed reorganization was accepted for filing by the Executive Officer and set for public hearing on the 6<sup>th</sup> day of February, 2008, at the hour of 1:30 p.m.; and

**WHEREAS**, notice of said hearing was given as required by State Law; and

**WHEREAS**, the Executive Officer reviewed the application and prepared a report to this Commission, including a recommendation for approval, said report having been mailed at least five days before the public hearing; and

**WHEREAS**, said report was duly considered by this Commission pursuant to State Law; and

**WHEREAS**, the North Central Fire Protection District determined that the proposed Reorganization is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15320, "Changes in Organization of Local Agencies"; and

**WHEREAS**, this Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on said application.

**NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:**

**Section #1.** Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, this Commission finds that prior to approving the proposed reorganization the project is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15320, "Changes in Organization of Local Agencies".

**Section #2.** This Commission finds that the proposed "North Central No. 1 Reorganization" is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and Fresno LAFCo adopted Policies, Standards and Procedures, and that this action carries out LAFCo's purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.

**Section #3.** This Commission assigns the distinctive short form designation "North Central No.1 Reorganization", and approves the Reorganization (annexations and detachments).

**Section #4.** This Commission finds and determines pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that:

1. The territory is inhabited.
2. Not all landowners have consented to the annexation.

**Section #5.** This Commission directs staff to set a protest hearing pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 57000 et seq.).

**Section #6.** This Commission's actions approving this proposal shall expire one year from the date of this Resolution unless all proceedings are complete, including compliance with all conditions of approval, terms and conditions, and the issuance of a Certificate of Completion by the Executive Officer.

**Section #7.** The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by State law.

\* \* \* \* \*

**ADOPTED THIS 6<sup>TH</sup> DAY OF FEBRUARY, 2008, BY THE FOLLOWING VOTE:**

**AYES: Commissioners Anderson, Rodriguez, Fortune, Lopez**

**NOES Commissioner Perea**

**ABSENT: None**

STATE OF CALIFORNIA)  
COUNTY OF FRESNO )

CERTIFICATION

I, Victor Lopez, Chairman of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 6<sup>th</sup> day of February, 2008.



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Victor Lopez, Chairman  
Fresno Local Agency Formation Commission



## Exhibit "B"

### **NOTICE OF PROTEST HEARING** **FRESNO LOCAL AGENCY FORMATION COMMISSION**

**PLEASE BE ADVISED THAT A PROTEST HEARING** will be held by the Fresno Local Agency Formation Commission (LAFCo) concerning the following proposal:

**North Central Fire Protection District "North Central No. 1 Reorganization"**. A proposal filed by resolutions of both the North Central Fire Protection District and the Fresno County Fire Protection District for a reorganization to detach six islands totaling approximately 273 acres from the Fresno County Fire Protection District and annex the same area to the North Central Fire Protection District. This reorganization was filed at the recommendation of the Commission after consideration of Municipal Service Reviews and Sphere of Influence updates prepared for both Districts (**LAFCo File No. RO-07-25**).

**If you are a registered voter or property owner within the area described above you have protest rights and may file a written protest in opposition to the annexation of your property to the North Central Fire Protection District. Official LAFCo Protest Forms may be obtained from the Fresno LAFCo office. Official Protests may be returned to the LAFCo office prior to the protest hearing or presented to the LAFCo Commission before the end of such hearing. Please contact the LAFCo Office to obtain information about how to protest and to request an Official LAFCo Protest Form. An Official LAFCo Protest Form must be utilized to submit a valid protest. Forms will also be available at the hearing.**

**THE PROTEST HEARING WILL BE HELD** at 1:30 p.m., or as soon thereafter as possible, on Wednesday **April 9, 2007**, in Room 301, Hall of Records, Tulare and "M" Streets, Fresno. For information contact the Fresno LAFCo Office at 2115 Kern Street, Suite 310, Fresno, CA 93721. Please direct questions to Darrel Schmidt, LAFCo Deputy Executive Officer at (559) 495-0604 or e-mail Mr. Schmidt at [dschmidt@co.fresno.ca.us](mailto:dschmidt@co.fresno.ca.us). **The staff report for the above proposal will be available to view on our website at: [www.fresnolafco.org](http://www.fresnolafco.org) after April 2, 2008.**

**Dated:            March 17, 2008**  
**File:                RO-07-25**

**OFFICIAL LAFCo PROTEST FORM**

**NORTH CENTRAL FIRE PROTECTION DISTRICT "NORTH CENTRAL NO. 1 REORGANIZATION"**

Each of the undersigned is the landowner of the property located within the proposal area described below. The undersigned hereby protests the proposed "North Central No. 1 Reorganization" as provided for in Section 57051 of the California Government Code.

**NAME OF PROPOSAL "NORTH CENTRAL NO. 1 REORGANIZATION", RO-07-25**

Land Owner     Registered Voter (may indicate both landowner and registered voter if applicable)

**Date** \_\_\_\_\_ **Name** \_\_\_\_\_  
(Please type or print)

**Full Legal Signature** \_\_\_\_\_

**Address** \_\_\_\_\_  
Number Street City or town

**Description of affected property if not at above address** \_\_\_\_\_  
Assessor's Parcel Number if known

Address or other description

**NAME OF PROPOSAL "NORTH CENTRAL NO. 1 REORGANIZATION", RO-07-25**

Land Owner     Registered Voter (may indicate both landowner and registered voter if applicable)

**Date** \_\_\_\_\_ **Name** \_\_\_\_\_  
(Please type or print)

**Full Legal Signature** \_\_\_\_\_

**Address** \_\_\_\_\_  
Number Street City or town

**Description of affected property if not at above address** \_\_\_\_\_  
Assessor's Parcel Number if known

Address or other description

**NAME OF PROPOSAL "NORTH CENTRAL NO. 1 REORGANIZATION", RO-07-25**

Land Owner     Registered Voter (may indicate both landowner and registered voter if applicable)

**Date** \_\_\_\_\_ **Name** \_\_\_\_\_  
(Please type or print)

**Full Legal Signature** \_\_\_\_\_

**Address** \_\_\_\_\_  
Number Street City or town

**Description of affected property if not at above address** \_\_\_\_\_  
Assessor's Parcel Number if known

Address or other description

**PLEASE NOTE** - This official protest form must be utilized to submit a valid protest. The use of any other form will invalidate your protest. It is understood that for landowner protests involving a parcel with more than one owner listed on the County's Assessment Roll, only the signer's proportionate share of the value of the property will be credited in the protest.