

RESOLUTION NO. 48

**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
FRESNO COUNTY, CALIFORNIA**

In the Matter of:

LAFCo Determination:

PROPOSED AMENDMENT TO LAFCo POLICIES, STANDARDS, AND PROCE- DURES BY AMENDING SECTION 315 (EXTENSION OF ONE YEAR TO COMPLETE PROCEEDINGS)))))	APPROVED AMENDMENT TO LAFCo'S POLICIES, STANDARDS AND PROCEDURES BY AMENDING SECTION 315
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WHEREAS, pursuant to Government Code section 56375, this Commission has the authority to adopt its own Policies, Standards, and Procedures; and

WHEREAS, on April 3, 1986, this Commission did formally adopt Fresno LAFCo Policies, Standards, and Procedures; and

WHEREAS, this Commission periodically reviews and amends its Policies, Standards, and Procedures; and

WHEREAS, Fresno LAFCo's Policies, Standards, and Procedures reflect and implement State law requirements and must be periodically updated to reflect changes to State law; and

WHEREAS, on March 11, 2009, the Commission considered its policies regarding one-year extensions to complete proceedings and initiated an amendment to its Policies, Standards, and Procedures and directed staff to schedule a public hearing to consider such amendment; and

WHEREAS, on April 15, 2009, this Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on said amendment; and

WHEREAS, this Commission determined it appropriate to amend its policies to allow consideration of economic hardships for justification for approving extensions of time and that first and second time extension requests should be placed on the Commission's Consent Agenda; and.

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

Section #1. This Commission hereby approves the recommended amendments to LAFCo's Policies, Standards and Procedures, Section 315 – "Extension of One Year to Complete Proceedings, as shown in Exhibit "A", attached hereto and by this reference incorporated herein.

Section #2. This Commission hereby directs the Executive Officer to forward a copy of the staff report and the approved amendments to the County of Fresno and its fifteen cities to provide information and notification concerning said Extension of One Year to Complete Proceedings and to implement the requirements contained therein.

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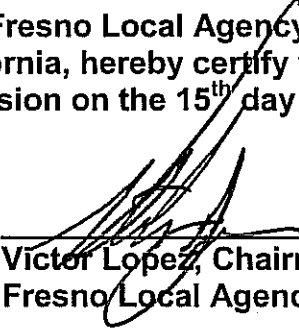
ADOPTED THIS 15th DAY OF APRIL, 2009, BY THE FOLLOWING VOTE:

- AYES: Commissioners Rodriguez, Fortune, Anderson, Perea, Lopez**
- NOES: None**
- 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 15th day of April, 2009.



Victor Lopez, Chairman
Fresno Local Agency Formation Commission

EXHIBIT "A"

315 EXTENSION OF ONE YEAR TO COMPLETE PROCEEDINGS

- 01 Following approval by the Commission, all proposals for changes of organization will be scheduled by the Commission office for follow-up of the conducting authority action after 95 days, in accordance with provision of Section 57005. A notice of necessary conducting authority action will be sent to the conducting authority if resolutions acting on the proposals are not received in the 95 day period.
- 02 Follow-up of completion of proceedings will occur 300 days from final Commission action on a proposal. A notice of the one year expiration of the Commission resolution will be sent to the conducting authority and proponent after the 300 days, with the option to request a one year extension of time (57001). Any proposal requested by a public agency for public agency purposes may be extended for a five year period. However, the public agency shall annually give to the Commission office a letter of intent as to the continued purpose of the annexation being for public purpose.

A copy of the Commission agenda and the Executive Officer report on the request for one year extension shall be mailed at least 5 days prior to the hearing to the following: the Commission, the persons named in the application, the conducting authority, each subject agency, and any person or landowner requesting notice of hearing for the application.

No less than 40 days prior to the expiration of the application, the extension request will be placed on the agenda for Commission action as a Consent Agenda item, provided the extension is the first or second extension request for the proposal. If the item is taken off of the Consent Agenda, the Commission shall continue the item until the next regularly scheduled Commission hearing to consider the extension request. Notwithstanding this, the extension request may be placed on the Commission's agenda as a "Public Hearing" item should circumstances warrant such as determined by the Executive Officer.

Should the proposal require more than two extensions, the item will be placed on the Commission's Agenda as a "Public Hearing" item rather than as a Consent Agenda item and a staff report will be prepared. If no request is received by the time the agenda is posted, no action will be taken and the proposal will expire. If a request for extension is received, the reasons will be considered, and if approved, an additional one year granted. A second request for extension will be noticed as described above. Following the second notice and request, no additional notices shall be sent.

- 03 Extensions of time shall only be granted when it can be shown that the imminent need for the proposal still exists, the project is still viable, and progress is being made toward completion. The Commission may consider economic hardships beyond the control of the proponents as appropriate justification supporting the extension request.

To enable the Commission to make these determinations, the proponent shall be requested to provide the following information, which shall be addressed in the Executive Officer's report:

- Any circumstances that have changed in the vicinity of the project since the proposal was approved that could affect its suitability for annexation.
- Actions that have been taken by the proponent to ensure that the conducting authority proceedings can be completed within the requested extension period.
- If the proponent has been unable to satisfy a condition subsequent to the Commission's approval due to adversarial market and/or economic conditions, such condition(s) shall be identified and supporting documentation provided. In addition, the applicant as a part of the extension request shall submit to LAFCo written confirmation from the city or district representative to which annexation is proposed supporting the extension request and validating the presence of the adversarial market or economic conditions justifying the extension. If the proposal is to annex to a district located within the unincorporated area, written correspondence in support of the extension request shall also be provided from the County of Fresno.

The Executive Officer's report shall also indicate when the application was initially approved, how many previous extensions have been granted, and discuss any other factors that bear on the viability of the proposal.

Adopted: June 16, 1993
Revised: April 5, 1995
Revised: June 23, 1999
Revised: January 9, 2008
Revised: April 15, 2009