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

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**AGENDA ITEM No. 8-A**

**DATE:** February 4, 2009

**TO:** Fresno Local Agency Formation Commission

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

**SUBJECT:** *Fresno LAFCo Work Program Update: Final Report on 2008/2009 Work Program Accomplishments*

**Background:**

On March 5, 2008, the Commission approved its *2008/2009 Annual Work Program*. The Program included numerous recommended follow-up actions that had resulted from the approved *Municipal Service Reviews (MSR)* and *Sphere of Influence (SOI)* Updates along with several other recommended administrative actions needed to improve LAFCo operations.

The *Work Program* included 46 work items that were identified and ranked as being high, medium, or low level priorities. Staff did provide Quarterly Progress Reports to the Commission highlighting the status of a number of these items during June 2008, September 2008, and December 2008 hearings.

Exhibit "A" reviews the current status of each of the 46 items included in the *2008/2009 Work Program*. As you can see, a number of tasks have been completed. Many of the tasks had recommended specific actions to be undertaken by either districts or cities. Staff has been in contact with these governmental entities to review the MSR recommended actions and discuss various strategies in implementing the recommendations. In discussions with several of the districts and cities, it has been determined that the recommended action have yet to be addressed, that the recommended action has met opposition or lacks support from the affected cities or districts, or that additional information/input is required before the recommended action(s) can move forward.

While several of these actions may involve formal applications being processed by LAFCo for organization or reorganizational changes, many of the suggested changes deal with public service efficiencies that may not result in formal LAFCo action. Staff is preparing its new *2009-2010 Work Program* to guide activities for this next fiscal year. We would expect that the Work Program will be considered during the same time in which the annual budget is considered and approved. Staff would anticipate that additional tasks, including the *Municipal Service Review*, the *Sphere of Influence Update Program*, and *State CALAFCO Conference* will be included as new items within our Work Program.

**Recommended Actions:**

Informational/Discussion Item—No required action.

## EXHIBIT 'A'

### STATUS FOR ALL 2008 WORK PROGRAM TASKS

1. **Agency:** Cities of Selma, Kingsburg, Fowler, Parlier, Clovis, Fresno, and Sanger

**Work Item:** Land Use Buffers

**Description:** Request cities to consider use of buffers in their planning processes to be given consideration at the time of SOI revision or amendment.

**Priority Level:** High

**Action Taken:** The LAFCo Executive Officer has been an active participant with the Model Farmland Conservation Program (MFCP) and Land Buffer Task Force sponsored by the Council of Fresno County Governments and facilitated by American Farmland Trust. Some months ago, the Land Buffer Task Force was effectively merged into the MFCP efforts. Among the recommendations of the MFCP is studying concrete (as opposed to abstract) ideas for establishing buffers between and around cities. LAFCo staff anticipates that if the MFCP is adopted by COG, the Stewardship Council which would be established by the MFCP would undertake pilot programs "to explore the practical options for establishing buffers", as identified in the final MFCP report.

LAFCo staff has also met with staff from the Great Valley Center and the Sequoia Riverlands Trust to discuss agricultural preservation methods which could include such things as establishing buffers.

The desire for land use buffers has been an ongoing conversation between LAFCo staff and the various cities' staffs during the past year as SOI revisions and General Plan Updates have been discussed. Letters reminding the cities of this issue have been sent to each of the respective cities (with the exception of Clovis) requesting that they consider the use of land use buffers in their planning processes. (The City of Clovis was not contacted with respect to this specific issue as it already abuts the City of Fresno on its western and southern edges and its planned growth area does not encroach on any other city.)

**Status:** Pursuit of establishing land use buffers is on hold, pending actions taken by Fresno COG, the County, and the 15 cities to adopt (or to not adopt) the recommendations contained within the final Model Farmland Conservation Program report.

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2. **Agency:** City of Fresno

**Work Item:** Island Annexation Program

**Description:** Encourage City of Fresno to proceed with its Island Annexation Program. Support efforts in appropriate ways.

**Priority Level:** High

**Action Taken:** A number of community meetings have been held by the City of Fresno in different unincorporated areas. The Commission approved the first

island annexation at its September 10, 2008 hearing. A second annexation is scheduled to be considered by the Commission at its February 4, 2009 hearing. The next neighborhood meeting, for an island located in north Fresno, is scheduled for February 11, 2009.

The City indicates that the timing of this process is slowed due to often significant fire transition fees payable to the Fresno County Fire Protection District following an annexation as well as the loss of approximately seven City planners over the past year.

**Status:** It is anticipated that the City will submit a number of additional island annexation applications in 2009. Staff will continue to meet with City staff and residents to answer questions and support the island annexation program.

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**3. Agency:** City of Fresno and Bluffs Community Service District

**Work Item:** City Annexation

**Description:** Support City annexation efforts of this County Island served by Bluff's Community Services District as part of the City of Fresno's Island Annexation Program.

**Priority Level:** High

**Action Taken:** The City of Fresno has proposed annexation of the Bluffs Community Services District (CSD) area as part of its island annexation program. This annexation effort would likely include dissolution of Bluffs CSD as the City could take over provision of services currently provided by the District. These include landscaping services to a small neighborhood park and street lighting services

LAFCo staff have met with City staff and Bluffs Community Services District (CSD) board members to discuss annexation of this area. LAFCo staff have also discussed annexation of this area with the City of Fresno on a number of additional occasions since the summer of 2008.

**Status:** Annexation of this area has been complicated by a question concerning the disposition of the Bluffs CSD assets which include a small park and an easement area at the rear of a number of homes located within the District, as well as cash assets, following annexation. District residents have expressed a desire to maintain the park at a higher level of service than may be performed by the City as well as a desire to ensure that district cash assets will be used solely for the benefit of the District area. The City of Fresno is working with the District to provide assurances that the District's concerns will be addressed to its satisfaction.

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**4. Agency:** City of San Joaquin and Westside Mosquito Abatement District

**Work Item:** Annexation

**Description:** Encourage Fresno Westside Mosquito Abatement District to pursue annexation of territory located within the City of San Joaquin. LAFCo fees associated with this annexation were waived by the Commission.

**Priority Level:** High

**Action Taken:** During 2008, staff sent written correspondence and left messages at the City requesting information as to whether the City is interested in pursuing annexation into the Fresno Westside Mosquito Abatement District, but did not receive any responses at that time. Staff has also been in contact with the District which states it desires to annex this area, but that it believes City support is necessary in order to be successful in annexing the area. Most recently (September 22, 2008) the District sent a letter to the City Manager and the City Council providing information related to the history of the District and why it believes annexing the remainder of the City would be of benefit to City residents.

**Status:** The City has informed LAFCo staff that the City Manager has received the District's correspondence from September 22, 2008, and that this issue may be included as part of an upcoming Council meeting agenda.

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5. **Agency:** Cities of Fowler, Kingsburg, Parlier, Sanger, and Selma; Consolidated Irrigation District

**Work Item:** Groundwater Preservation

**Description:** Work with local agencies and the Consolidated Irrigation District (CID) to implement feasible strategies to eliminate groundwater overdraft in the Southeast area of Fresno County.

**Priority Level:** High

**Action Taken:** Negotiations between CID and the representative for the five cities have occurred throughout 2008.

**Status:** A tentative agreement, approved by CID, has been sent to the five cities for their review and approval with a tentative execution date of April, 2009.

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6. **Agency:** Fresno County and North Central Fire Protection Districts

**Work Item:** Reorganization (Annexations and Detachments)

**Description:** Facilitate detachment of six areas from Fresno County Fire Protection District and annexation of these same areas to the North Central Fire Protection District. The areas are located in/around Fig Garden and north Fresno.

**Priority Level:** High

**Action Taken:** The Commission approved this reorganization on February 6, 2008, and the completion was recorded on August 4, 2008.

**Status:** Completed.

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7. **Agency:** Fresno County Fire Protection District

**Work Item:** Financial Stability

**Description:** Work with Fresno County Fire Protection District to continue reviewing options for the District to achieve financial stability.

**Priority Level:** High

**Action Taken:** LAFCo staff have met with Fresno County Fire Protection District staff a number of times since the adoption of the District's MSR in 2007 to discuss methods which LAFCo may facilitate and which may help to stabilize the District's long-term financial outlook. With the exception of ensuring a transition agreement between the District and the various cities is in place, however, LAFCo has little direct authority over methods in which the District may stabilize or increase revenues. The District's efforts to obtain an additional benefit assessment via an election did not receive majority approval of the voters in the fall of 2008.

**Status:** LAFCo staff understands the District is considering additional methods by which it might increase revenues, including development of a new fire transition agreement. Additionally, it has been reported in the Fresno Bee that the District is considering charging fees for certain services to out-of-district residents.

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8. **Agency:** LAFCo

**Work Item:** Sphere of Influence Update Program

**Description:** Prepare a checklist for SOI Update applications

**Priority Level:** High

**Action Taken:** LAFCo staff have been actively involved in the Valley Blueprint effort and the Model Farmland Conservation Program (MFCP) efforts undertaken by the Council of Fresno County Governments. Each of these efforts include recommendations which would slow the growth of City Spheres of Influence through an increase in average density of new residential development. If these Blueprint and Model Farmland Conservation Program recommendations are adopted by Fresno COG, and subsequently by the County and the 15 cities, LAFCo staff would anticipate bringing similar recommendations to the Commission for their adoption and inclusion in the Commission's Policies and Procedures.

**Status:** LAFCo staff will continue to process Sphere of Influence Updates under the current policies until such time as the Blueprint and MFCP are adopted, or are rejected, by the Fresno COG, County, and 15 cities. Once these agencies have either adopted or rejected the Blueprint and MFCP recommendations, staff would anticipate seeking the Commission's instructions as to how it desires to proceed with respect to adopting policies similar to the recommendations found in the Blueprint or MFCP.

9. **Agency:** LAFCo

**Work Item:** Agricultural Preservation Policies

**Description:** Work with cities and Fresno County in reviewing options for agricultural land preservation. Continue to serve on the Model Farmland Conservation Program (MFCP) Advisory Committee and Valley Blueprint Roundtable.

**Priority Level:** High

**Action Taken:** Fresno LAFCo's Executive Officer has served as a member of the MFCP Advisory Committee since 2007, attending Committee meetings and providing input and direction that has helped to address Commission concerns and to shape the draft MFCP report released to Fresno COG members on January 15, 2009, and which is currently undergoing a 45 day review.

As a member of the Valley Blueprint Roundtable, the Executive Officer has undertaken a similar role in providing input into that process with respect to Commission concerns.

**Status:** Awaiting completion of the 45 day review period for the MFCP report by the Fresno COG membership. Awaiting final review of the Valley Blueprint.

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10. **Agency:** LAFCo

**Work Item:** Agricultural Preservation Policies

**Description:** Work with other LAFCos in reviewing agricultural preservation policies for potential adoption by Fresno LAFCo. Conduct an agricultural preservation workshop to include other LAFCo Executive Officers to share information as to how their respective Commission's have approached agricultural land preservation issues.

**Priority Level:** High

**Action Taken:** Fresno LAFCo hosted an agricultural preservation workshop on May 9, 2008. Speakers included four LAFCo Executive Officers and a representative from American Farmland Trust. The workshop was attended by a number of local agencies and members of the community.

At its October 8<sup>th</sup> hearing, the Commission heard a presentation by staff which identified agricultural policies considered and adopted by three other LAFCos. The Commission directed staff to use Yolo County's policies as a model, as they were considered the most "aggressive" of the policies considered, and continued the hearing to January, 2009, in order to allow staff to consider the recommendations stemming from Fresno COG's Model Farmland Conservation Program (MFCP), which at that time was anticipated to be completed in December, 2008.

At its January, 2009, hearing the Commission heard a report on the MFCP given by Jerry Prieto, retired Fresno County Agricultural Commissioner, John Wright, retired Director of City of Clovis Planning, and Lynn Gorman, Deputy Director of Planning for Fresno County. Fresno COG is expected to consider adoption of

the MFCP after completion of the report's 45-day review period, which began in January 15, 2009.

**Status:** Awaiting completion of the MFCP report's 45-day review period and the report's consideration by the County of Fresno and the 15 cities. Staff anticipates returning to the Commission after Fresno COG, the County, and the 15 cities have completed their respective reviews to present policies to the Commission which would incorporate many of the features of the MFCP report's recommendations as well as Yolo County's agricultural preservation policies, as considered by the Commission in October, 2008.

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**11. Agency:** LAFCo

**Work Item:** LAFCo Independence

**Description:** Determine costs and actions necessary to make LAFCo fully independent from the County of Fresno.

**Priority Level:** High

**Action Taken:** At its October 8, 2008 hearing, the Commission authorized the formation of a subcommittee including Chairman Lopez and Commissioner Fortune to further explore issues related to LAFCo independence.

On October 30, 2008, the subcommittee members met with: LAFCo Staff and Counsel, John Navarette, County CAO, staff from the CAO's office, and staff from County Personnel, to discuss outstanding issues and to clarify what, if any services and benefits, the County would be willing to extend via contract to LAFCo staff. Mr. Navarette stated that a decision had been made to not extend health and other benefits to LAFCo staff once they were separated from the County. Additionally, the County had determined that it could not provide payroll, risk management, or other related services to LAFCo. The County agreed that it would continue to provide some services including access to the County's GIS database, voter registration, and assessment information.

The subcommittee members directed staff to investigate costs of providing payroll, risk management, and other necessary services such as health and other benefits through another provider(s). Staff has been in contact with an insurance broker as well as a payroll service provider which can provide a variety of services as well as insurance.

**Status:** A second sub-committee meeting will be scheduled to review the cost estimates prior to making its recommendations to the Commission. The Commission must also authorize an actuarial study (estimated cost \$5,000) to be completed, as required by the Fresno County Retirement Association, in order to determine LAFCo's contribution to the retirement system.

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**12. Agency:** LAFCo

**Work Item:** Access Database

**Description:** Staff will develop an Access database for improved records search and research capabilities.

**Priority Level:** High

**Action Taken:** Staff has entered 1,422 records into the database and developed multiple types of queries and reports, including allowing address labels to be produced, a report identifying projects that are due for extension by month, and the acreage annexed to each city by year.

**Status:** This is an on-going project with current and most recent files being input first. Staff believes this database will greatly improve efficiencies related to records searches and retrieving other historical documents.

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13. **Agency:** LAFCo

**Work Item:** LAFCo Website

**Description:** Improve LAFCo website.

**Priority Level:** High

**Action Taken:** Fresno LAFCo's website was launched in April 2007. Features of the website include maps of all cities and special districts, fillable applications and other forms, public notices, agendas, staff reports, signed resolutions, links to useful resources, and other current and historical information.

**Status:** The website is generally updated between four and five times each month with public notices, agencies, staff reports, signed resolutions, and other information.

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14. **Agency:** LAFCo

**Work Item:** Archiving

**Description:** Archive older LAFCo files.

**Priority Level:** High

**Action Taken:** Electronic archiving of older files is necessary in order to allow destruction of hard copies, thus making space available for storage of future application and other files. At its July 9, 2008 hearing, the Commission adopted Policy Section 730 "Destruction of Records" pursuant to Government Code Section 56382.

LAFCo staff is in the process of electronically archiving files, readying them for destruction. Since adoption of this policy numerous files have been purged of duplicate documents and 153 files have been scanned, checked, converted from images to text, and bookmarked for easy searching.

**Status:** This is an on-going project. It is staff's intent to archive existing hardcopy documents from 1995 through 2003 and then destroy the paper copies with some exceptions, as identified in Section 730 of Commission's Policies and Procedures. Documents dated 1994 and prior were microfilmed and hardcopies were destroyed in 1997.

**15. Agency:** LAFCo

**Work Item:** Planning 2009 CALAFCO State Conference, to be hosted by Fresno LAFCo and taking place at Tenaya Lodge, October 28-30, 2009.

**Description:** Preliminary planning for 2009 CALAFCO State Conference, including participation on the Planning Committee for the 2008 CALAFCO State Conference, which took place in Universal City, September 3-5, 2008.

**Priority Level:** High

**Action Taken:** Participated with the 2008 Conference Planning Committee including having the Executive officer plan a general session topic, arranging for speakers, and moderating the session. The purpose of this participation included becoming familiar with planning the State Conference which Fresno LAFCo will host in 2009.

Facilities and rooms at Tenaya Lodge have been reserved for the Conference. Discussions have also been held with the CALAFCO Executive Director and Executive Officers from other LAFCos concerning the 2009 Conference.

**Status:** The first formal Planning Committee meeting is to take place January 30, 2009 in Fresno. A phone hook-up will be available to allow participation by those who cannot attend in person. A number of additional planning meetings will be held in the coming months, leading up to the Conference in October, 2009.

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**16. Agency:** Navelencia and Sierra Resource Conservation Districts

**Work Item:** Consolidation

**Description:** Consolidate Navelencia and Sierra Resource Conservation Districts, as recommended in the MSR/SOI update performed for the districts.

**Priority Level:** High

**Action Taken:** The Commission adopted a single SOI for the two districts and waived fees associated with consolidation. Consolidation was approved by the Commission on May 7, 2008.

**Status:** Completion of the consolidation is pending verification submitted by the newly consolidated District that all conditions of approval have been met.

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**17. Agency:** City of Clovis, City of Fresno, Fresno Irrigation District, Fresno Metropolitan Flood Control District

**Work Item:** Groundwater Preservation

**Description:** Work with local agencies to implement feasible strategies to mitigate groundwater overdraft as required by CEQA, and to eliminate groundwater overdraft in the Fresno/Clovis Metropolitan Area

**Priority Level:** Medium

**Action Taken:** Letters have been sent to both cities and both districts recognizing the importance of groundwater preservation and informing the

agencies that LAFCo staff are available to facilitate groundwater preservation as appropriate.

**Status:** Groundwater preservation is an ongoing effort and will continue to be addressed as appropriate in proposals reviewed by LAFCo.

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**18. Agency:** LAFCo

**Work Item:** Land Use Buffers

**Description:** LAFCo staff to participate via Fresno COG in the Valley Blueprint planning efforts in creating land use buffers; Consider Blueprint recommended actions when available.

**Priority Level:** Medium

**Action Taken:** The Fresno LAFCo Executive Officer has been an active participant in Blueprint efforts as they pertain to Fresno County. Objectives identified in the latest draft of the Blueprint include: *Promote the establishment of buffers between communities to maintain a visible 'edge' and preserve community identity.*"

As indicated under Work Item No. 1, above, the LAFCo Executive Officer has also been an active participant with the Model Farmland Conservation Program (MFCP) and Land Buffer Task Force sponsored by the Council of Fresno County Governments and facilitated by American Farmland Trust, which have also addressed the desire for land use buffers.

**Status:** Pursuit of establishing land use buffer policies specific to LAFCo is on hold pending actions taken by Fresno COG and all affected agencies within Fresno County to adopt (or to not adopt) the recommendations contained within the Valley Blueprint.

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**19. Agency:** City of Fresno and Malaga County Water District (CWD)

**Work Item:** Service Transfer

**Description:** Staff to confer with the City of Fresno and Malaga CWD regarding transfer of solid waste service obligation to the City for that portion of the Malaga CWD located within the City.

**Priority Level:** Medium

**Action Taken:** Letters have been sent to the City of Fresno and Malaga CWD to determine whether they are interested in pursuing this issue. A meeting between LAFCo staff and the City has been set for February 5, 2009, to discuss the whether the City desires to pursue this issue.

**Status:** On hold pending outcome of February 5, 2009 meeting with the City of Fresno and a response from Malaga CWD.

**20. Agency:** City of Kingsburg and City of Orange Cove

**Work Item:** Sphere of Influence Review

**Description:** The City of Kingsburg's and the City of Orange Cove's respective Spheres of Influence both extend into Tulare County. LAFCo staff to confer with the two cities and Tulare LAFCo regarding removing the cities' respective SOIs from Tulare County. Additionally, LAFCo staff are to work with these other agencies to develop ways to maintain the cities' influence on development in the adjacent Tulare County area.

**Priority Level:** Medium

**Background & Action Taken:** Staff has researched LAFCo records to determine why the Spheres of Influence for these two cities have included territory in adjacent Tulare County since their SOIs were established in 1974.

With respect to Kingsburg, the Sphere of Influence report completed in 1974 addressed the question of this area being included within Kingsburg's SOI, indicating that the area appeared as though it would be urbanized within the then near future, and that the City's SOI should include this area within Tulare County as the City was the most logical service provider.

The report pointed out that this area could not be annexed due to laws which restrict a City from annexing territory outside the County within which it is located, and identified three possible alternative actions for the Commission: (1) Establish the City's SOI only within Fresno County at the County Boundary; (2) Establish the City's SOI to include area within Tulare County and attempt to change state law to allow the City to annex this area; and (3) Establish the City's SOI to include the area within Tulare County and make efforts to alter the Fresno/Tulare County Boundary to include this area within Fresno County.

The SOI report recommended approval of the third identified alternative. Though the resolution is not 100% clear on whether the second or third alternative was approved by the Commission, it is clear that the adopted SOI included that portion of Tulare County that remains within Kingsburg's SOI today. With the exception of a very minor County Boundary in this area, LAFCo staff is unaware whether any efforts were made to alter the County Boundary to include this area or to change state law with respect to cities annexing land in adjacent counties.

Staff notes that this area is included on the City of Kingsburg's General Plan Land Use Plan map. Land use designations include highway commercial, heavy industrial, low density residential, and agriculture.

With respect to the City of Orange Cove, the Sphere of Influence established in 1974 included that area within Tulare County located at the southeast of the intersection of South Avenue and Hills Valley Road. The SOI Report prepared for the City recommended this area be included within the City's SOI, even though the area is within Tulare County, because it included existing industrial development which could have had an impact on the City of Orange Cove, and because the City was planning for industrial uses within the adjacent area to the west, in Fresno County. There was no recommendation that the Fresno/Tulare County be altered, however, the report recommended that Tulare County submit

to the City of Orange Cove for comment, any proposals for development in the area.

This area within Tulare County is designated urban reserve (agriculture) and public facilities in the Orange Cove General Plan.

A letter has been sent to the City of Kingsburg requesting that the City identify whether there is any plan or proposal to alter the Fresno/Tulare County Boundary in the near future, and indicating that we are unaware of any stipulation under LAFCo law which would require Tulare County to notify the City of Kingsburg of any development proposed within its SOI.

A letter has been sent to the City of Orange Cove asking whether it believes it is still appropriate to include the Tulare County within Orange Cove's SOI, and stating another mechanism may be more appropriate to insure development within the area does not negatively impact the City of Orange Cove.

A letter has also been sent to Tulare County asking whether it has any existing or foreseen development proposals for those portions of Tulare County within the City of Kingsburg's and City of Orange Cove's respective SOIs, and whether it has a policy or other mechanism in place which requires it to notify the Kingsburg and/or Orange Cove of any development proposals within their respective Spheres of Influence.

Staff has suggested that, if there is no mechanism in place which requires Tulare County to inform the City of Kingsburg and the City of Orange Cove of development proposals within the Cities' respective Spheres of Influence, that it may be more appropriate to develop an agreement(s) which would require such notice and that it may be appropriate to revise the Cities' Spheres of Influence if there is no plan to alter the County Boundary near Kingsburg or Orange Cove.

**Status:** Staff is awaiting the City of Kingsburg, City of Orange Cove, and Tulare County's responses.

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**21. Agency:** Washington Colony Cemetery District

**Work Item:** Consider annexation and detachment

**Description:** Through the MSR and SOI Update prepared for the Washington Colony Cemetery District, it was recommended that the District consider annexing the remaining portion of the Caruthers Unified School District within its SOI, but not currently served by the Cemetery District, and a large area north of its boundaries and within its SOI. It was also suggested that the Cemetery District should consider removing a substantial area within its SOI, but not within its boundary.

**Priority Level:** Medium

**Action Taken:** On February 6, 2008, the Washington Colony Cemetery District requested the Commission waive fees associated with revising its SOI and annexing that area within the Caruthers Unified School District area. The Commission waived the SOI revision fees, but did not waive annexation fees.

On July 9, 2008, the Commission approved revision of the Cemetery District's SOI.

**Status:** Complete. The District does not anticipate or have plans to revise its boundaries at this time.

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22. **Agency:** Silver Creek Drainage District

**Work Item:** District Reactivation

**Description:** Report back to the Commission approximately one year from adoption of MSR (in December, 2007) regarding efforts of District staff to reactivate the District.

**Priority Level:** Medium

**Action Taken:** A letter has been sent and a voicemail message has been left to inquire as to the status of the District.

**Status:** Awaiting response from the District.

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23. **Agency:** Firebaugh, James, Panoche, Poso, Tranquillity, and Westside Resource Conservation Districts (RCD)

**Work Item:** Consolidation

**Description:** The Commission adopted a single SOI for all six Districts and directed staff to work with the Districts in seeking consolidation, and waived associated LAFCo fees.

**Priority Level:** Medium

**Action Taken:** LAFCo staff met with four of the Districts in April 2008, along with the California Association of RCDs and staff from the USDA Natural Resources Conservation Service to discuss consolidation. Tranquillity and Westside RCDs have indicated a desire to consolidate. At this time, neither of these two Districts' respective Boards of Directors have enough members to form a quorum and initiate consolidation. They are in the process of having additional members appointed to their respective Boards so that they can take action. The remaining four Districts have indicated they are not interested in consolidation or have been otherwise unresponsive to LAFCo staff's inquiries.

**Status:** An application from the Tranquillity and Westside RCDs is anticipated in the near future.

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24. **Agency:** LAFCo

**Work Item:** LAFCo Library

**Description:** Update LAFCo library and file MSR documents.

**Priority Level:** Medium

**Action Taken:** MSR files have been culled and duplicate/unnecessary documents have been disposed of.

**Status:** Updating the LAFCo library is an ongoing task as documents, such as general plans and other plans, are revised and updated by the various cities and special districts, and draft EIR's are received from these agencies.

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25. **Agency:** City of Clovis and Fresno County

**Work Item:** Management Options

**Description:** Encourage the County and the City of Clovis to participate in discussions investigating management options for Waterworks District No. 42 and County Service Area (CSA) No. 10, 10A, 44D, and 47, including possible management by Clovis, Fresno, and/or other appropriate agencies.

**Priority Level:** Low

**Action Taken:** Letters have been sent to the County and City of Clovis to formally inquire whether they are interested in pursuing the identified management options. In previous discussions the City of Clovis had indicated there did not appear to be a benefit to the City with respect to assisting in operation of County Service Areas.

Fresno County has indicated it is interested in this possibility and that any efforts to consolidate the numerous County Service Areas in and around the Fresno/Clovis Metropolitan Area is most desirable.

**Status:** Awaiting response from the City of Clovis. If the City is willing to meet to discuss these possibilities further, LAFCo staff will work to facilitate a meeting and provide assistance as appropriate.

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26. **Agency:** City of Clovis

**Work Item:** County Island Annexation (Tarpey Village)

**Description:** Staff to contact City of Clovis recommending annexation of Tarpey Village area by the City.

**Priority Level:** Low

**Action Taken:** The LAFCo Executive Officer sent a letter to the Clovis City Manager on October 17, 2007, requesting that the City consider annexation of the Tarpey Village area. No written response was received from the City, however, through discussions with City staff it was learned that the City had made a previous effort to discuss annexation with the Tarpey Village residents. As a result of this meeting, it was determined by the City that many Tarpey Village residents held strong objections to being annexed into the City. Consequently the City has not made additional efforts to annex the area and did not indicate that any efforts would be made in the future.

The City also indicated that fees which would be due payable to the Fresno County Fire Protection District as a result of annexation pursuant to the transition agreement between the City and the District are prohibitive in that these fees

must be paid upfront to the District. In this case these fees are especially prohibitive in that annexation would not result in any additional development, and therefore these fees could not be passed along to a developer or property owners.

**Status:** No additional actions to encourage annexation of Tarpey Village are planned at this time.

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**27. Agency:** City of Firebaugh

**Work Item:** SOI Revision

**Description:** Staff to confer with Firebaugh and Madera County regarding that portion of the Firebaugh SOI which is located within Madera County. The Commission waived applicable fees to revise the SOI if it is determined that the SOI should be revised such that it no longer extends into Madera County

**Priority Level:** Low

**Background & Action Taken:** The City of Firebaugh's SOI, as established in 1974, included the community of East Firebaugh which was made up of approximately 75 residences located in Madera County. The SOI Report prepared for the Commission indicated East Firebaugh was included within the City of Firebaugh's SOI because of *"close socio-economic ties, exiting and planned development within close proximity to the city, and existing and proposed urban service facilities. The city is also the most logical provider of needed urban services to that area."* The SOI Report also stated that a sewer line had been proposed to be extended from the City to serve the East Firebaugh community by 1975. This line was extended to East Firebaugh and the City continues to provide sewer service to this community.

The SOI report recommended that the City of Firebaugh and Madera County work together to plan that area in Madera County adjacent to Firebaugh and that Madera County refer any development proposals to the City for review and comment until such time as the Fresno/Madera County Boundary might be changed or the law would be amended to allow annexation across county boundaries.

The City of Firebaugh's General Plan includes the East Firebaugh community within its planning area, designating the area as residential.

A letter has been sent to the City asking whether it believes it is still appropriate to include this area within the City's SOI and stating there may be other mechanisms that are more appropriate to insure development within the area does not negatively impact the City of Firebaugh. It is noted, however, that any significant development would likely need the sewer services provided by the City, and that this fact likely minimizes risk of any development taking place against the City's wishes.

A letter has also been sent to Madera County asking whether it has a policy or other mechanism in place which requires it to notify the City of Firebaugh of any development proposals within the City's SOI.

**Status:** Staff is awaiting response from the City of Firebaugh and Madera County's.

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**28. Agency:** Calwa Recreation and Park District

**Work Item:** District Dissolution

**Description:** Staff to confer with the City of Fresno and Calwa Recreation and Park District regarding dissolution of this agency and transfer of its assets and service obligations to the City of Fresno.

**Priority Level:** Low

**Action Taken:** A letter has been sent to the City to determine whether it is interested in pursuing the possibility of assuming the District's assets and obligations. A meeting between LAFCo staff and the City to discuss this possibility has been set for February 5, 2009.

**Status:** On hold pending outcome of the meeting with the City. If the City is interested in pursuing this possibility, LAFCo staff will then contact the District to discuss this possibility and arrange a meeting between the two agencies, lending whatever assistance is possible and appropriate.

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**29. Agency:** City of Fresno, Pinedale Public Utility District (PUD), and Pinedale County Water District (CWD)

**Work Item:** Potential Dissolution of Pinedale PUD and Pinedale CWD

**Description:** LAFCo staff to confer with the City of Fresno, Pinedale PUD, and Pinedale CWD regarding the best mechanism for providing services to the areas currently served by the respective Districts, including consideration of dissolution of Pinedale PUD and Pinedale CWD and transfer of their assets and service obligations to the City of Fresno.

**Priority Level:** Low

**Action Taken:** The LAFCo Executive Officer has been in contact with the manager of Pinedale CWD concerning setting up a meeting between the District, the City of Fresno, and LAFCo staff. The Pinedale CWD manager states that it will not agree to meet with the City of Fresno as the City and District are currently engaged in a legal dispute. The District's manager has agreed to meet with the LAFCo Executive Officer, but has stipulated that, if LAFCo Counsel will be attending the meeting, the District requires that its attorney also be present. In response, the LAFCo Executive Officer has directed LAFCo Counsel to draft a letter to the District to request a meeting.

The LAFCo Executive Officer and staff have also met with the City of Fresno concerning potential dissolution of Pinedale PUD and Pinedale CWD. The City has indicated that it is interested in exploring whether or not the City might be better able to provide services to the areas currently served by the two Districts. Given staff limitations, the City has stated that it does not want to enter discussions simultaneously with the two Districts, but would prefer to focus its

energies on only Pinedale CWD at this time, including potentially taking over District services as well as settling the above mentioned legal dispute.

**Status:** A meeting time between Pinedale CWD and LAFCo staff is expected in the near future, following contact between LAFCo Counsel and the District's attorney. A meeting between LAFCo staff and the City to discuss Pinedale CWD has been set for February 5, 2009.

Scheduling a meeting between LAFCo staff, Pinedale PUD, and the City of Fresno is on hold per the City's request, as discussed above.

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**30. Agency:** City of Fresno and Fresno County

**Work Item:** Transfer of Services

**Description:** Encourage the City of Fresno to participate in a joint investigation to determine the best mechanism to provide services to CSA Nos. 2, 7, 14, 18, 19, and 39 – areas within the vicinity of the City of Fresno. Considerations would include management of the CSAs by the Cities of Fresno or Clovis and/or other appropriate agencies.

**Priority Level:** Low

**Action Taken:** Staff has been in contact with the County which has indicated it is interested in pursuing this possibility and that any efforts to consolidate the numerous County Service Areas in and around the Fresno/Clovis Metropolitan Area is most desirable. A meeting between LAFCo staff and the City of Fresno to discuss a possible transfer of services has been set for February 5, 2009. Staff has not yet contacted the City of Clovis or other agencies as the City of Fresno appears to be the most logical alternative management/service provider due to these CSAs being located within and nearest to the City of Fresno's SOI.

**Status:** On hold pending outcome of the meeting with the City. If the City is interested in pursuing this possibility, LAFCo staff will then contact the County and arrange a meeting between the two agencies, lending whatever assistance it is able and which is appropriate.

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**31. Agency:** Lanare Community Services District (CSD), Sierra Cedars CSD, Fresno County, Malaga County Water District (CWD), and Pinedale CWD.

**Work Item:** Groundwater Preservation

**Description:** Municipal Service Reviews encouraged the identified Districts and County Service Area Nos. 5, 10, 14, 23, 39, 43, 44, and 47 and Waterworks District Nos. 41W and 42 to mitigate groundwater overdraft as required by CEQA, eliminate overdraft as feasible, and to work to implement strategies which would result in a net increase in groundwater.

**Priority Level:** Low

**Action Taken:** Letters have been sent to each of the identified agencies encouraging them to work toward eliminating groundwater overdraft within their respective areas and to work with other agencies toward this goal.

**Status:** No additional specific actions are planned, though LAFCo staff will review future proposals with the issue of groundwater preservation in mind.

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**32. Agency:** Sierra Cedars Community Services District, Fresno County

**Work Item:** Consolidation

**Description:** Work with Sierra Cedars CSD, Waterworks District Nos. 41S and 41W, and CSA No. 31 to investigate whether consolidation into CSA No. 31 would be beneficial to the respective agencies and the residents served by these agencies. LAFCo staff is to confer with these Districts.

**Priority Level:** Low

**Action Taken:** The County has responded to LAFCo's inquiry, stating it is interested in pursuing potential consolidation of these districts. The County operates the two Waterworks Districts and CSA No. 31. A letter has been sent to Sierra Cedars CSD to determine whether it is interested in potential consolidation and to set up a joint meeting between Sierra CSD, the County, and LAFCo staff.

**Status:** Awaiting a response from Sierra Cedars Community Services District.

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**33. Agency:** City of Fresno, Malaga County Water District (CWD), and Fresno County

**Work Item:** Management Options

**Description:** Work with the City of Fresno, Malaga County Water District, and Fresno County to investigate management options for CSA No. 33, including management by Malaga CWD, the City of Fresno, and/or other appropriate agencies.

**Priority Level:** Low

**Action Taken:** Letters concerning this issue have been sent to the County of Fresno, the City of Fresno, and Malaga (CWD). The County has indicated it is interested in these possibilities. A meeting between LAFCo staff and the City of Fresno has been set for February 5, 2009. This meeting will include discussion of management options.

**Status:** On hold pending outcome of the meeting with the City of Fresno as well as a response from the Malaga CWD. Given that the CSA is located outside the City of Fresno's SOI, and within Malaga CWD's SOI and a portion of the District's boundary, Malaga CWD may be a more logical alternative service provider. This is complicated, however, by the fact that provision of street lighting (currently provided by CSA 33) is not among the enumerated powers afforded to County Water Districts.

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**34. Agency:** Fresno County and Waterworks District No. 18

**Work Item:** Consolidation

**Description:** Work with Fresno County and Waterworks District No. 18 concerning potential consolidation of WWD No. 18 with WWD No. 38 and CSA Nos. 34 and 44.

**Priority Level:** Low

**Action Taken:** LAFCo staff have contacted Waterworks District No. 18 and County staff regarding these potential consolidations and have been told by each agency that they are interested in pursuing consolidation. One complicating factor for consolidation is that, in addition to providing water and sewer services, the two CSAs also provide lighting, recreation, and road maintenance services. Lighting, recreation, and road maintenance services are not included among the general powers allowed a waterworks district under the Water Code (Section 55000).

**Status:** Further discussion with the County and Waterworks District No. 18 is necessary to determine the most appropriate type of agency to provide those services which a waterworks district cannot provide under statute. Additionally, while each agency has indicated it is interested in pursuing consolidation or other appropriate reorganization, neither agency has said it is ready or desires to actively pursue these possibilities at this time. It is also noted that significant development has been discussed for an area south of the town of Friant which would require the services of Waterworks District No. 18. It may be most appropriate to take action on potential consolidation at such time as Waterworks District No. 18 would propose expansion of the District to include the future, proposed development.

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**35. Agency:** LAFCo, Freewater County Water District (CWD), Zalda Reclamation District No. 801, Oro Loma Water District

**Work Item:** Update MSRs

**Description:** LAFCo staff to obtain updated information from the Districts so that their respective MSRs can be revised as appropriate, as only minimal information submitted by the Districts for completion of the MSRs.

**Priority Level:** Low

**Action Taken:** A request for information has been sent to Freewater CWD, Zalda Reclamation District, and Oro Loma Water District, which, if returned, will supply information necessary to revise these Districts' MSRs. The letter includes a reminder that the Districts are obligated under the law to provide LAFCo with information necessary to conduct these reviews.

**Status:** On hold pending response from the Districts.

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36. **Agency:** City of Fresno and Malaga County Water District

**Work Item:** City/District Boundaries

**Description:** LAFCo staff to confer with Malaga CWD and City of Fresno with respect to mutual areas of concern regarding City and District boundaries, including SOI boundaries

**Priority Level:** Low

**Action Taken:** Letters concerning this issue have been sent to the City of Fresno and Malaga CWD. A meeting between LAFCo staff and the City, which will include discussion of this issue has been set for February 5, 2009.

**Status:** On hold pending the outcome of the meeting with the City of Fresno as well as a response from the Malaga CWD.

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37. **Agency:** Kingsburg, Selma, and Sierra-Kings Hospital Districts

**Work Item:** Consolidation

**Description:** Assist/participate in discussions with the respective Hospital Districts related to possible consolidation or other change of organization or reorganization to better serve the region.

**Priority Level:** Low

**Action Taken:** Discussion with the Districts indicated that they are not interested in consolidating at this time. Additionally, Sierra-Kings Hospital District has expressed interest in expanding its SOI and service area, but without the participation of the other Districts.

**Status:** Completed.

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38. **Agency:** Orange Cove Irrigation District, Hills Valley Irrigation District, and Tri-Valley Water District

**Work Item:** Consolidation

**Description:** Work with Orange Cove Irrigation District, Hills Valley Irrigation District and the Tri-Valley Water District in reviewing possible consolidation.

**Priority Level:** Low

**Action Taken:** Letters concerning potentially consolidating the Districts have been sent to each District to determine whether they are interested in consolidation. These letters also note that the Commission waived LAFCo fees associated with consolidation.

**Status:** Awaiting responses from the Districts.

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39. **Agency:** Tranquillity Irrigation District and Fresno Slough Water District

**Work Item:** Annexation/detachment

**Description:** Review possible advantages of Tranquillity Irrigation District's annexation of land within Fresno Slough Water District boundaries or consolidation of the Districts.

**Priority Level:** Low

**Action Taken:** Letters concerning potential reorganization have been sent to Tranquillity Irrigation District and Fresno Slough Water District to determine if there may be potential advantages of reorganizing and whether the Districts may be interested in reorganization.

**Status:** On hold pending response by the Districts.

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40. **Agency:** City of Fresno and Pinedale Public Utility District

**Work Item:** Service Outside Boundary

**Description:** LAFCo staff to confer with Pinedale PUD and the City of Fresno regarding the status of Pinedale PUD's continuing provision of service outside its boundary.

**Priority Level:** Low

**Action Taken:** A meeting between LAFCo staff and the City has been set for February 5, 2009, which will include discussion as to whether the City wants to pursue this issue at this time, and whether the City has the capacity and necessary infrastructure to take over provision of services to the area currently served by Pinedale PUD.

**Status:** On hold pending outcome of the meeting with the City. If the City is interested in pursuing this issue at this time, LAFCo staff will then contact the District to discuss the issue and arrange a meeting between the two agencies, lending whatever assistance is possible and appropriate.

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41. **Agency:** Broadview Water District

**Work Item:** Dissolution

**Description:** LAFCo recommended dissolution of the District upon finalization of its business obligations.

**Priority Level:** Low

**Action Taken:** In 2005, Westlands Water District purchased all of Broadview Water District's lands and annexed these lands into Westlands Water District. As a result, Broadview has no territory and does not have a Sphere of Influence. At the time Broadview's MSR was completed in 2007, Westlands Water District staff reported that, while Broadview no longer had any lands and did not provide any services, Broadview as an entity was still necessary in order to finalize certain business obligations. LAFCo staff has contacted Westlands Water District, which states that these business obligations have not yet been completed, but that it

does plan for Broadview Water District to be dissolved at some point in the future. When this will occur is uncertain, however.

**Status:** On hold pending completion of any outstanding business obligations of Broadview Water District.

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**42. Agency:** Garfield Water District, Cities of Fresno and Clovis, Fresno County

**Work Item:** Water rights and usage

**Description:** Cities of Fresno and Clovis and the County of Fresno to work with the Garfield Water District to resolve water rights/water usage related issues.

**Priority Level:** Low

**Action Taken:** Letters have been sent to the County, City of Fresno, and City of Clovis concerning these issues. A meeting has been set between LAFCo staff and the City of Fresno for February 5, 2009, which will include discussion of these issues. The County has indicated it is interested in pursuing these issues.

**Status:** On hold pending outcome of staff's scheduled meeting with the City of Fresno. LAFCo staff is also awaiting a response from the City of Clovis on these issues. Once it is determined how each of these agencies desires to proceed, LAFCo staff will contact the Garfield Water District to arrange a meeting between the affected agencies and will lend whatever assistance is possible and appropriate.

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**43. Agency:** International Water District, City of Clovis, and County of Fresno

**Work Item:** Water rights and usage

**Description:** City of Clovis and County of Fresno to work with International Water District to resolve water rights/water usage related issues.

**Priority Level:** Low

**Action Taken:** Letters have been sent to the County of Fresno and the City of Clovis concerning these issues. The County has indicated it is interested in pursuing these issues.

**Status:** On hold pending a response from the City of Clovis. Once it is determined how each of these agencies desires to proceed, LAFCo staff will contact International Water District to arrange a meeting between the affected agencies and will lend whatever assistance is possible and appropriate.

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**44. Agency:** LAFCo and International Water District

**Work Item:** Research

**Description:** The Commission directed staff to conduct research to determine whether the District is necessary to provide water services to lands within the District's boundary.

**Priority Level:** Low

**Action Taken:** The District was formed in 1952. As a result, LAFCo does not have any records related to its formation. A letter has been sent to the District requesting additional information concerning its formation as well as under what type of agreement or other means the District obtains water for irrigation use.

**Status:** Awaiting the District's response to LAFCo's inquiry.

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**45. Agency:** Mercy Springs Water District and Panoche Drainage District

**Work Item:** Consolidation

**Description:** LAFCo staff to confer with Mercy Springs Water District and Panoche Drainage District concerning potential consolidation.

**Priority Level:** Low

**Action Taken:** Letters have been sent to Mercy Springs Water District and Panoche Drainage District to determine whether either District is interested in consolidation.

**Status:** Awaiting the Districts' responses to LAFCo's inquiry.

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**46. Agency:** Pleasant Valley Water District

**Work Item:** Dissolution or other change of organization.

**Description:** The Commission encouraged Pleasant Valley Water District to confer with LAFCo staff, the City of Coalinga, and/or Westlands Water District concerning the possibility of dissolution of Pleasant Valley Water District and/or consolidation, or other reorganization with the City of Coalinga and/or Westlands Water District.

**Priority Level:** Low

**Action Taken:** A letter has been written to Pleasant Valley Water District to determine whether it would be in favor of a change of organization such as those proposed. Copies were also sent to the City of Coalinga and Westlands Water District.

**Status:** Awaiting response from Pleasant Valley Water District.