

RESOLUTION NO. 58
FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

IN THE MATTER OF

LAFCO DETERMINATION

REQUST CONSIDERATION OF LAFCO)
INDEPENDENCE OPTIONS)
)
)
)

DETERMINED TO RENEW THE PROFESSIONAL
SERVICES AGREEMENT WITH THE COUNTY
OF FRESNO TO COVER THE TWO EMPLOYEES
CONTRACTED BY LAFCO

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 contains provisions providing for Local Agency Formation Commissions to seek independence when possible and practical; and

WHEREAS, on June 15, 2004, the Local Agency Formation Commission entered into a Professional Services Agreement with the County, whereby the Commission agreed to pay the County for providing personnel to work on Commission matters and to perform other services; and

WHEREAS, this Commission delegated two of its members to serve on a "Independence Subcommittee" with the goal of investigating the present costs and benefits associated with the Commission employing its own staff and contracting for various services outside the County; and

WHEREAS, the Subcommittee on June 5, 2009, met to review cost studies and analysis; and

WHEREAS, the Executive Officer on June 10, 2009, presented the Subcommittee's findings and recommendations to the Commission and the Commission took action to provide notice to the County of its intention to terminate certain services and benefits currently provided by the Fresno County Personnel Department and the Auditor/Controller/Treasurer/Tax Collectors Office and hire its own staff; and

WHEREAS, on November 4, 2009, the Commission considered authorizing the Chair and Executive Officer to enter into the Third Amended and Restated Professional Services Agreement, and delegated staff the authority to make immaterial revisions to the Third Amendment as requested by the County and to extend the effective date of January 11, 2010 as necessary to effectuate the purposes of the Third Amendment; and

WHEREAS, during its January 13, 2010 meeting, the Commission was presented with options with respect to the transition of the current County employees who are contracted to LAFCo; and

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

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

Section #1. This Commission determined that the best option for LAFCo with respect to the County employees that are contracted to provide services to LAFCo would be that those employees remain County employees contracted to LAFCo.

Section #2. This Commission determined that any new staff, including the Executive Officer, would be hired by the Commission as LAFCo employees.

Section #3. This Commission determined that the County employees, contracted to LAFCo, would be supervised on a day-to-day basis by the LAFCo Executive Officer, but that the County would have ultimate authority to terminate or modify their employment relationship with the County.

Section #4. The Commission determined that it would make certain other revisions in its agreement with the County facilitating the hiring of its own staff.

Section #5. This Commission took action to authorize its Chair to enter into a new Third Amendment to Professional Services Agreement, which included the determinations made in this resolution.

ADOPTED THIS 13th DAY OF JANUARY, 2010, BY THE FOLLOWING VOTE:

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

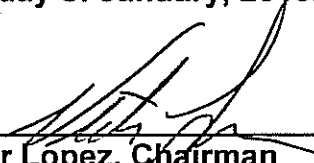
NOES: None

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 13th day of January, 2010.



Victor Lopez, Chairman
Fresno Local Agency Formation Commission