

RESOLUTION NO. 50
FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

IN THE MATTER OF

LAFCO DETERMINATION

**AMENDMENT OF PROFESSIONAL
SERVICES AGREEMENT WITH THE
COUNTY OF FRESNO**

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**AMEND PROFESSIONAL SERVICES
AGREEMENT WITH THE COUNTY OF
FRESNO BY ELIMINATING COUNTY
PERSONNEL AND AUDITOR/
CONTROLLER/TREASURER/TAX
COLLECTOR SERVICES**

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, this Commission delegated two of its members to serve on a Fresno LAFCo Independence Subcommittee with the goal of investigating the present costs and benefits associated with current services being provided by Fresno County to Fresno LAFCo and to compare said costs and benefits with comparable services and benefits that could be provided by independent vendors or LAFCo staff; and

WHEREAS, the Subcommittee on June 5, 2009, did meet to review the findings of these cost studies and analysis; and

WHEREAS, the Executive Officer on June 10, 2009, did present the Subcommittee's findings and recommendations to the Commission; and

WHEREAS, said report and recommendations were duly considered by the Commission and it was determined by a majority vote of the Commission that the intent of State law to seek independence could best be achieved by amending the Professional Services Agreement with the County of Fresno by terminating the provisions related to personnel and accounting/payroll-related services and benefits and, therefore, seek independent vendors to provide such services to LAFCo.

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 to terminate services and benefits currently provided by the Fresno County Personnel Department and the Auditor/Controller/Treasurer/Tax Collectors Office and hire its own staff subject to the following recommendations:

- A. The Commission approves the transitioning of those County staff assigned to Fresno LAFCo from County to LAFCo employment, which shall take effect on January 10, 2010 (end of payroll period) or as soon as LAFCo employees are eligible to receive benefits from the Fresno County Employees' Retirement Association.

- B. LAFCo Counsel shall notify the County of Fresno of the Commission's intent to transition such employees from County employment that shall take effect on January 10, 2010, or as soon as LAFCo employees are eligible to receive benefits from the Fresno County Employees' Retirement Association.
- C. The Executive Officer and LAFCo Counsel shall work with the Fresno County Employees' Retirement Association in applying for continued retirement benefits for LAFCo's employees. Staff is directed to negotiate/authorize payment of an actuarial study required by the Association as a pre-condition for LAFCo membership as permitted by State law.

Section #2. This Commission directs LAFCo Counsel to work with County officials to amend the Fresno LAFCo/County of Fresno Agreement for Services to delete provisions for employees and employee benefits as well as payroll and accounting services, including financial statements and general accounting services.

Section #3. This Commission directs that the Agreement is to be executed by both the County and LAFCo prior to January 10, 2010, or as soon as LAFCo employees are eligible to receive benefits from the Fresno County Employees' Retirement Association.

Section #4. This Commission determines that all other County related services as set forth within the current agreement shall be maintained in full force.

Section #5. This Commission directs its staff to prepare a Budget Amendment that sets forth anticipated additional expenses resulting from the transfer of County employees to LAFCo.

ADOPTED THIS 10th DAY OF JUNE, 2009, BY THE FOLLOWING VOTE:

AYES: Commissioners Lopez, Lujan, Fortune

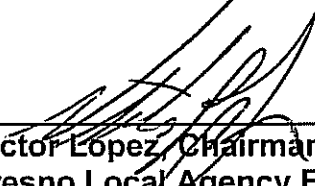
NOES: Commission Anderson, Perea

ABSENT: Commissioner Rodriguez

**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 10th day of June, 2009.



**Victor Lopez, Chairman
Fresno Local Agency Formation Commission**