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

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AGENDA ITEM No. 6

**DATE:**       **May 7, 2008**

**TO:**           **Fresno Local Agency Formation Commission**

**FROM:**       **Rick Ballantyne, Executive Officer**

**SUBJECT:**   **Conducting Authority Proceedings - City of Fresno "McKinley-Blythe No. 1 Reorganization"**. A proposed reorganization consisting of the annexation of 40.89 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for territory located at the northeast corner of W. McKinley and N. Blythe Avenues (**LAFCo File No. RO-08-2**).

**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 March 5, 2008 meeting, the Commission conditionally approved the "McKinley-Blythe No. 1 Reorganization" by adopting Resolution No. RO-08-2, attached to this Report as Exhibit "A". This protest hearing is required because not all landowners had signed consent forms prior to the Commission's action.
- The approved reorganization consists of the annexation of 40.89 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for territory located at the northeast corner of W. McKinley and N. Blythe Avenues.
- 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.
- All property owners residing within the affected territory were sent written notice of this hearing, instructions on how to protest, and an official protest form (see Exhibit "B"). At this writing, staff has not received any official written protests.
- At any time prior to the conclusion of this hearing any landowner 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- Should insufficient valid protests be received and not withdrawn, the Commission's determination to conditionally approve the reorganization stands.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>

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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.

## **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.

## **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 March 5, 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 uninhabited but that not all landowners in 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 uninhabited annexations are outlined below:

### **Commission Action**

In the case of an uninhabited proposal for a City 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 landowners owning 50 percent or more of the assessed value of the land within the territory (Government Code Section 57078a).
- (2) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

### **Annexation Ordered**

The change of organization (annexation) 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.











**OFFICIAL LAFCo PROTEST FORM  
CITY OF FRESNO "McKINLEY-BLYTHE 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 "McKinley-Blythe No. 1 Reorganization" as provided for in Section 57051 of the California Government Code.

**NAME OF PROPOSAL** "McKINLEY-BLYTHE NO. 1 REORGANIZATION", RO-08-2

Land  
Owner

**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** "McKINLEY-BLYTHE NO. 1 REORGANIZATION", RO-08-2

Land  
Owner

**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** "McKINLEY-BLYTHE NO. 1 REORGANIZATION", RO-08-2

Land  
Owner

**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.