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

AGENDA ITEM No. 7

DATE: **May 16, 2007**

TO: **Fresno Local Agency Formation Commission**

FROM: **Rick Ballantyne, Executive Officer**

SUBJECT: **Conducting Authority Proceedings - City of Fresno "Shields-Armstrong No. 3 Reorganization"**. A reorganization consisting of the annexation of 20.1 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located at the southwest corner of E. Shields and N. Armstrong Avenues (**LAFCo File No. RO-07-2**).

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 14, 2007 meeting, the Commission conditionally approved the "Shields-Armstrong No. 3 Reorganization" by adopting Resolution No. RO-07-2, attached to this Report as Exhibit "A", and incorporated herein by this reference. This protest hearing is required because not all landowners have signed consent forms.
- The approved reorganization consists of the annexation of 20.1 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located at the southwest corner of E. Shields and N. Armstrong 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 in 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- Should insufficient valid protests be received and not withdrawn, the Commission's determination to conditionally approve the reorganization stands.¹

¹ 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Direct staff to determine the value of valid protests received and not withdrawn and report these results to the Commission within the time prescribed by State law.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 14, 2007 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, therefore, 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 and 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.

EXHIBIT "B"

NOTICE OF PROTEST HEARING REGARDING

PLEASE BE ADVISED THAT A PROTEST HEARING will be held by the Fresno Local Agency Formation Commission (LAFCo) **on May 16, 2007, at 1:30 p.m., or as soon thereafter as possible**, in Room 301, Hall of Records, Tulare and "M" Streets, in downtown Fresno concerning the following:

City of Fresno "Shields-Armstrong No. 3 Reorganization". A Reorganization consisting of the annexation of 20.1 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located at the southwest corner of E. Shields and N. Armstrong Avenues (**LAFCo File No. RO-07-2**).

At its March 14, 2007 hearing, the Fresno Local Agency Formation Commission approved this Reorganization. Because your property is located within the affected territory, you have the right to protest this decision. For a complete description of the proposed reorganization, including its boundaries, terms and conditions, you may request a copy of LAFCo's Resolution approving the proposal at the address below.

HOW TO FILE A PROTEST: Owners of land within the boundaries of the affected territory may file written protests in opposition to the proposed reorganization. Protests may be mailed or delivered to Fresno LAFCo, 2115 Kern Street, Suite 310, Fresno, CA 93721, or presented to the LAFCo Commission before the end of the protest hearing. You need not attend the hearing to file a protest, but each protest form must state that you are a landowner and must include your name, mailing address and street address (if different) or an Assessor Parcel Number (APN) identifying the location of your property within the affected territory. Written protests must be filed and received no later than the conclusion of the hearing to be considered valid. Each protest filed will be counted separately. An **Official LAFCo Protest Form** is attached if you wish to file a protest. This form may be copied. The results of protests received will be determined within 30 days following the hearing in accordance with California Government Code Sections 57075 and 57078.

EFFECT OF PROTEST: Proceedings will be terminated if the Commission finds that valid written protests filed and not withdrawn prior to the conclusion of the Protest Hearing represent landowners owning 50 percent or more of the assessed value of the land within the affected territory. Otherwise, annexation of your property to the City of Fresno will occur.

For additional **information** please contact the Commission Office, 2115 Kern Street, Suite 310, Fresno, CA 93721. Please direct any questions or comments to Rick Ballantyne, AICP, LAFCo Executive Officer at **(559) 495-0604** or e-mail Mr. Ballantyne at rballantyne@co.fresno.ca.us.

Rick Ballantyne, AICP
Fresno LAFCo Executive Officer

OFFICIAL LAFCo PROTEST FORM
“SHIELDS-ARMSTRONG NO. 3 REORGANIZATION”

Each of the undersigned is the landowner of the property located within the proposal area described below. The undersigned hereby protests the proposed “Shields-Armstrong No. 3 Reorganization” as provided for in Section 57051 of the California Government Code.

NAME OF PROPOSAL “Shields-Armstrong No. 3 Reorganization” (RO-07-2)

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 “Shields-Armstrong No. 3 Reorganization” (RO-07-2)

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 “Shields-Armstrong No. 3 Reorganization” (RO-07-2)

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.