

**RESOLUTION NO. 40**

**FRESNO LOCAL AGENCY FORMATION COMMISSION  
FRESNO COUNTY, CALIFORNIA**

<b>A REQUEST BY THE AQUARIUS )</b>	<b>DENIED REQUEST DUE TO LACK OF</b>
<b>AQUARIUM INSTITUTE TO WAIVE )</b>	<b>A 4/5 AFFIRMATIVE VOTE</b>
<b>THE FILING FEE FOR A CITY OF )</b>	
<b>FRESNO "SPHERE OF INFLUENCE )</b>	
<b>REVISION" AND "EXTENSION OF )</b>	
<b>MUNICIPAL SERVICES OUTSIDE )</b>	
<b>THE FRESNO CITY LIMITS" )</b>	

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**WHEREAS**, this Commission received a written request from the Aquarius Aquarium Institute to waive the LAFCo filing fees associated with revising the City of Fresno's Sphere of Influence to include an area west of State Route 99 and north of Herndon Avenue (see attached maps), and to allow extension of water and sewer services from the City to serve an approximate 10-acre parcel; and

**WHEREAS**, Section 350.08 of Fresno LAFCo's adopted Policies, Standards, and Procedures (Fee Schedule-Exceptions to Required Fees), states that the Commission may waive any processing fee by a four-fifths affirmative vote if the imposition of such fee would be detrimental to the public interest, as determined by the Commission; and

**WHEREAS**, the Executive Officer reviewed said request and prepared a report, including a recommendation, said report having been mailed to and considered by the Commission; and

**WHEREAS**, staff presented its report to the Commission and the Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on said request.

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

**Section #1.** Section 350.08 of Fresno LAFCo's adopted Policies, Standards, and Procedures (Fee Schedule-Exceptions to Required Fees), states that the Commission may waive any processing fee by a four-fifths affirmative vote if the imposition of such fee would be detrimental to the public interest, as determined by the Commission.

**Section #2.** The request for a fee waiver is hereby denied due to lack of an affirmative four-fifths vote.

**Section #3.** This Commission hereby directs the Executive Officer to forward a copy of this resolution to the Aquarius Aquarium Institute.

**ADOPTED THIS 8<sup>th</sup> DAY OF OCTOBER, 2008, BY THE FOLLOWING VOTE:**

**AYES: Commissioners Anderson, Neri, Lopez**

**NOES: Commissioner Fortune**

**ABSENT: Commissioners Perea, 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 8<sup>th</sup> day of October, 2008.**

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